TOTALITARIANISM _ POLITICAL TRIALS

1988

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# ANC trialists admit to guerilla attacks

331

Cape Times 1/9/88

By RONNIE MORRIS
Supreme Court Reporter

IN a dramatic turnabout yesterday, terrorism accused Ashley Forbes and five others admitted that as members of the ANC they were responsible for Peninsula limpet mine and handgrenade attacks.

Seven other accused admitted they rendered assistance to people they suspected were guerillas and one confessed to furthering the aims of the ANC.

Yasmina Pandy was acquitted.

At the start of proceedings Mr W C Viljoen, for the State, said an agreement had been reached and would be read out.

Mr Michael Donen, for the accused, said the agreement would "bring us right up to judgment without the accused surrendering their refusal to plead".

In a statement, Ashley Forbes, 24,

To page 3

From page 1

## ANC trial

Cape Times 1/9/88 331

admitted joining the ANC and becoming a member of a support cell linked to Umkhonto we Sizwe.

He admitted that:

- On November 17, 1985 with Nazeem Lowe and two others he attacked the Manenberg police station with handgrenades;
- During the first half of 1986 at Wynberg he received handgrenades and limpet mines from now jailed ANC guerilla Cecil Esau and arranged for Lowe to keep them for a while;
- About June 1986 he left South Africa for training by the ANC in Angola;
- In Zambia he was sent to sabotage electricity supplies in the Western Cape. He placed a limpet mine against a pylon near the Cape showgrounds on February 12 last year; and
- He took command of cells in coloured areas and as commander, via Nicklo Pedro, recruited and trained potential members.

As commander, via Pedro, he initiated a "symbolic" limpet mine explosion at a bus shelter in Rondebosch near the entrance of the home of President PW Botha.

He also arranged three simultaneous attacks on the homes of policemen on April 23 last year and a limpet mine attack on a railway line near Heideveld on May 5 last year.

Peter Anthony Jacobs admitted he left South Africa in June 1986 and received training by the ANC at a camp in Angola known as Pango. He was instructed to sabotage power supplies in the Peninsula and helped Forbes in the Goodwood attack. He was the commissar, responsible for the political training and propaganda.

He, Forbes and Pedro took part in a handgrenade attack on the house of a man in Mitchells Plain believed to be a policeman on April 23 last year.

Nicklo Louis Pedro said he was recruited by the ANC in May 1986 and recruited Dramat and Baadjies. He instructed them to plant a limpet mine at the Rondebosch bus shelter.

During last year Forbes trained him in the use of 9mm and .22 Star pistols and gave him theoretical instruction in the handling of an AK-47 rifle and a Makarov pistol, handgrenades and limpet mines.

In May last year he supplied deceased ANC guerilla Ashley Kriel with a handgrenade and a pistol.

He acted as contact between Forbes and the detachments and on August 15 last year he unsuccessfully tried to cross the border into Lesotho.

Nazeem Lowe said he became commander of a cell and also became a contact person with a cell in Grassy Park.

Anwa Dramat admitted he was recruited by Pedro on July 16, 1986 and that in September that year he painted pro-ANC slogans on the walls of a business in Epping.

He placed and activated the Rondebosch limpet mine. He later joined an ANC cell.

He admitted throwing a handgrenade through a window of a Bonteheuwel constable and that he carried out the Heideveld railway line limpet mine attack on May 3 last year.

Clement Baadjes admitted painting slogans in Epping in September 1986, petrol bombing the home of a policeman in Bonteheuwel in October, storing four handgrenades and a limpet mine at his Bonteheuwel home and being party to the Rondebosch limpet mine explosion.

David Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Malgas, Colin Cairncross, Ashraf Kariem, Colin Clave Martin, Colin Clave Martin Petersen admitted they were recruited by the ANC.

It was not their intention to take part in military activities but they agreed to help those who did.

Leon Scott admitted that he furthered the aims of the ANC when as a member of a cell he and Jacobs co-ordinated the production and distribution of a pamphlet entitled "The Call to Form Mass Revolutionary Bases".

The hearing continues on Friday when judgment will be given.

Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

# BURIAL OF UNIONIST

331 Sowetan 1/9/88.

THE former Northern Transvaal United Democratic Front official and trade unionist, Mr Alfred Makaleng, is to be buried next Saturday, September 10, his family's lawyer announced on Tuesday.

Mr Makaleng died of brain damage in the Johannesburg General Hospital on Friday while still detained under the state of emergency regulations. He had been held since June 1986.

Family attorney Mr Thabo Molewa said the funeral would be at Byldrift, south east of Lebowakgomo, near Pietersburg. Those interested in going should contact the Makaleng Burial Committee and telephone (011) 29-1496/7 Matthew Olifant or the nearest Cosatu offices.

Mr Molewa also confirmed that a post mortem would be conducted in Pretoria this morning.

The family will be represented by Dr Les Anstey. The chief State pathologist, Professor Johan Loubser, will represent the State.

# Treason trial: 14 admissions

(531) STAR Own Correspondent 11/9/88

CAPE TOWN — There was a surprise in the Cape Town Supreme Court yesterday when 14 accused in the Ashley Forbes treason trial handed in written admissions.

The State then closed its case.

Mr Forbes, commander of ANC cells in "coloured areas" during 1987, admitted initiating three grenade attacks on policemen, a limpet mine blast in a bus shelter near the State President's residence, and blowing up a railway line near Heideveld.

He also admitted participating in a grenade attack on Manenberg police station in 1985, and blowing up an electricty pylon in Goodwood in February 1987.

Accused number 15, Miss Yasmina Pandy, made no admissions. The State asked for prosecution against her stopped. She was acquitted.

Mr Forbes said he left South Africa in 1986 and received political and military training from the ANC in Angola. Later, he was briefed by the ANC in Zambia, and given a mission to sabotage electricity supplies in the Western Cape.

In February 1987 he exploded a limpet mine on an electrical pyylon near the Goodwood Showgrounds.

Shortly thereafter he was instructed by the ANC to take command of existing cells in "coloured areas", and saw to the recruitment and training of potential members.

After the admission was read out, Mr Justice Williamson asked Mr Forbes to confirm it. He did. He then turned to the gallery and gave a raised fist salute.

The State asked the court to find the following guilty of terrorism as defined by the Internal Secuirty Act: Mr Ashley Forbes (22), Mr Peter Jacobs (23), Mr Nicklo Pedro (20), Mr Nazeen Lowe (24), Mr Anwa Dramat (19), and Mr Clement Baadjies (19).

## JUDGMENT DAY

The prosecutor also asked the court to find the following guilty under section 54 of the Internal Security Act, for rendering assistance or failing to report a suspected terrorist: Mr David Fortuin (22), Mr Jeremy Alan Veary (22), Mr Walter Rhoode (23), Mr Wayne Ingemar Malgas (22), Mr Collin Cairncross (22), Mr Ashraf Karriem (20), and Mr Colin Clave Martin Petersen (23). The State wants Mr Leon Scott (29) to be found guilty of furthering the aims of the ANC.

Judgment is expected tomorrow.

# Accused used Mrs Mandela's car

JOHANNESBURG. — Two accused admitted in the Rand Supreme Court yesterday that the car used during incidents in which two men were shot dead belonged to Mrs Winnie Mandela and that an AK-47 was obtained from her Orlando West home.

In other evidence yesterday, ballistic reports stated that two cartridge cases and two bullet heads found at the scene where the men were shot came from the AK-47 and a Skorpion pistol.

Mrs Mandela, wife of jailed ANC leader Mr Nelson Mandela, was subpoenaed to give evidence yesterday, but was released from this obligation after the two accused made their admissions, making her evidence unecessary.

After Mr Setimbiso Buthelezi, 25, and Mr Charles Bongwani Zwane, 18, made the admissions the state closed its case.

The other accused are Mr Oupa Alex Seheri, 33, Ms Priscilla Lindiwe Mkhonza, 29, and Mr Ben Jabulani Dlamini, 27. They have all pleaded not guilty to two counts of murder, two counts of attempted murder and the possession of two firearms and ammunition.

SOWETAN, Friday, September 2, 1988

# AFRIKANER PLANS SOS FOR SIX

**AN Afrikaner motor mechanic from Pretoria, has launched a campaign to petition the State President, Mr P W Botha, to commute the death sentence imposed on the Sharpeville Six.**

**By MONK NKOMO**

Mr Tommy Viljoen, of Pretoria West, told the *Sowetan* yesterday that the petition was based on humanitarian grounds and was not connected to any political party.

Mr Viljoen, who is a qualified motor mechanic and working at a garage in Pretoria West, said he had already collected 7 000 signatures and hoped to compile at least 50 000 before he personally presents the petition to President Botha.

"Half of the people who signed the petition are whites," said Mr Viljoen. He hoped to collect more signatures from areas outside Pretoria "but I have a financial problem as I would like to get signatures throughout the country and from people of all races, especially whites," Mr Viljoen added.

The objective of the campaign, the motor mechanic said, "is that a plea of mercy should be extended by the State President towards the Sharpeville Six."

Mr Viljoen said his aim was to plead with President Botha to commute the death sentences and replace them with imprisonment.

Mr Viljoen urged black and white people to join him in the campaign and warned that the Six's execution could well be the start of retaliation moves by radical elements which could result in bloodshed and increased violence."

The Sharpeville Six — five men and a woman — have been on death row since December 1985 after being convicted for the murder of Lekoa deputy mayor, Mr Jacob Khuzwayo Dlamini.

A petition to have their case re-opened will be heard in the Appeal Court, Bloemfontein, next Wednesday, September 7. The defence team will be led by Mr Sidney Kentridge QC, and Mr Ishmael Mohammed SC.

"The upliftment of the black man's standard of living is long overdue," said Mr Viljoen.

"I have been in the motor trade for 34 years during which time I have helped 25 black men to become qualified motor mechanics," Mr Viljoen said.

2-8/9/88

# Forbes admits he was ANC commander

33

By GAYE DAVIS,
Cape Town

TWENTY-ONE-year-old Yasmina Pandy was acquitted of terrorism in the Cape Supreme Court this week after her 14 fellow-accused made written admissions and the state closed its case.

But Pandy will spend the next two months in Pollsmoor Prison, completing a six-month contempt of court sentence imposed on all 15 by Mr Justice DM Williamson in April.

The turnabout followed weeks of negotiations between state and defence counsel and means the trial, originally expected to last for months, could reach a rapid conclusion.

Ashley Forbes, 24, the first accused, admitted joining the African National Congress in 1985 and helping plan and execute a handgrenade attack on Manenberg police station in November that year.

During 1986 he had four months' political and military training from the ANC in Angola and in Zambia was briefed to sabotage electricity supplies in the Western Cape.

He planted a limpet mine, blowing up a pylon in February last year while co-accused Peter Jacobs kept watch.

He then took charge of ANC cells in "coloured" areas and set up new cells, safe houses and arms caches.

He initiated a "symbolic" limpet mine blast in a bus shelter near the official residence of State President PW Botha and three simultaneous petrol bomb attacks on the homes of policemen in Mitchell's Plain, Uitsig and Bonteheuwel, as well as a limpet mine attack on a railway line near Heideveld.

Five other accused — Jacobs, 22; Nicklo Louis Pedro, 21; Nazeem Lowe, 25; Anwa Dramat, 20 and Clement Baatjes, 20 — admitted taking part in the same incidents.

The state prosecutor asked the court to find all six guilty of terrorism as defined by the Internal Security Act.

He asked that seven of the accused — David Fortuin, 23; Jeremy Alan Veary, 25; Walter Rhoode, 25; Wayne Ingemar Malgas, 22; Collin Cairncross, 23; Ashraf Kariem, 22 and Colin Clave Martin Petersen, 24 — be found guilty of rendering assistance to, or failing to report, suspected "terrorists".

Leon Scott, 29, admitted coordinating the production and distribution of a pamphlet, *The Call to Form Mass Revolutionary Bases*.

The state prosecutor asked that he be found guilty of furthering the aims of the ANC.

Pandy made no admissions.

Judgement is expected today.

CAPE TIMES 3/9/88 (331)

# Forbes and 5 others guilty of terrorism

Supreme Court Reporter

ASHLEY FORBES and five fellow members of the banned ANC were yesterday convicted in the Supreme Court of terrorism after admitting responsibility for Peninsula limpet mine, handgrenade and petrol-bomb attacks.

In a turnabout on Wednesday, Forbes, 22, Peter Jacobs, 23, Nicklo Pedro, 20, Nazeen Lowe, 24, Anwa Dramat, 19 and Clement Baadjies admitted — "without surrendering their refusal to plead" — to having been ANC members and taking part in the actions.

Similarly, after making admissions, David Fortuin, 22, Jeremy Veary, 22, Walter Rhoode, 23, Wayne Malgas, 22, Collin Cairncross, Ashraf Karriem, 20, and Colin Petersen were convicted of contravening Section 54 (4) of the Internal Security Act, and acquitted of terrorism.

Leon Scott was convicted of furthering the aims of a banned organization — the ANC — and Yasmina Pandy was acquitted on all charges.

Delivering judgment, Mr Justice D M Williamson said the thrust of the state's case was that the accused became members of the ANC which had as one of its objects to bring about constitutional change by means of an armed struggle.

During the trial, which started on March 22, a mass of evidence was heard, about acts of violence involving limpet mines and handgrenades.

## Accused refused to plead

"Evidence was led on the circumstances surrounding the arrest of the accused. This led to the further finding of limpet mines and handgrenades.

"Although the accused refused to plead because they said they did not recognize the jurisdiction of the court, a plea of not guilty was entered on their behalf," Mr Justice Williamson said.

They were prepared to make certain factual admissions which were made after protracted negotiations between the state and counsel for the defence.

It was clear that all the accused had the object of furthering the aims of the ANC, he said.

"Ashley Forbes participated in handgrenade and limpet mine attacks.

"Peter Jacobs threw a handgrenade into the home of a policemen.

"Nicklo Pedro participated in a handgrenade attack.

"Anwa Dramat participated in a limpet mine attack and Clement Baadjies participated in bomb and a handgrenade attack." Which clearly proved they were guilty as charged, Mr Justice Williamson said.

It was common cause that because of their admissions Fortuin, Veary, Rhoode, Malga, Cairncross, Karriem, Petersen and Scott were guilty of contravening Section 54 of the Internal Security Act for harbouring suspected terrorists and failing to report their presence to the police.

The hearing was adjourned to September 20 for evidence in mitigation.

Mr C H van Gend and Mr L P Francis were the assessors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

# PAC terror trial will close soon

**CP Correspondent**

THE East London terrorism trial of two alleged PAC members is drawing to a close.

The defence claimed the State failed to prove that one of the accused had intended to overthrow the State.

Thozamile Tiyo, 24, of Fort Beaufort and Mgcineni Mgqatsho, 23, of Qumbu in Transkei, are accused of leaving the country in 1983 to join the PAC in Lesotho.

Judgment was reserved until September 22.

# News in brief

## Editor 'was blindfolded'

6/9/88 331

THE editor of Skotaville Publishers, Mr Jackie Seroke, on trial for terrorism at the Kliptown Regional Court yesterday, testified that he was blindfolded, assaulted and kept naked without food and water after his arrest on September 9, last year.

Mr Seroke (28), is appearing with Mr Mandla Cele (24) and Mr Thembinkosi Khonongwe (24), on charges of terrorism, membership of the banned Pan Africanist Congress and possession of banned literature, arms and ammunition. They pleaded not guilty before Mr H Hoffman on all counts.

Mr Seroke told the court that he was kept in solitary confinement, interrogated by the police daily and for long hours on each occasion and was not allowed to see a lawyer or his family.

He told the court that he was arrested at a roadblock near Koster at midnight on September 9, last year.

He said he was then taken to Protea Police Station in Soweto for interrogation and later he was kept at Jeppe Police Station in Johannesburg as an internal security act detainee under Section 29.

# Cosatu terror accused in bail bid

CAPE TIMES 6/9/88

Own Correspondent

MARITZBURG. — A second bail application was lodged in the Regional Court here yesterday on behalf of the regional chairman of Cosatu and national first vice-president of the Transport and General Workers Union, Mr Alfred Muntu Ndlovu, who is facing charges of terrorism and attempted murder.

The charges against Mr Ndlovu include allegations that he actively helped a trained ANC guerilla on a mission in South Africa, the attempted murder of 14 pupils at an Inkatha youth meeting at Emzamweni School last year, and the attempted murder of a Mr Phillip Thabethe.

It is alleged that Mr Ndlovu instructed others to kill Mr Thabethe because he broke away from the Transport and General Workers Union to join the rival United Workers Union of SA.

The court was told yesterday that the trial, which had been set down to start yesterday, had been adjourned until November 7 after the defence encountered difficulties in obtaining suitable counsel to defend Mr Ndlovu.

An application for bail on Mr Ndlovu's behalf was first lodged in July this year, but was turned down by the regional court magistrate, Mr A J Voogt, who said there were indications that the proper administration of justice might be defeated or frustrated if Mr Ndlovu were released.

# Guguletu siege: Five in court

Cape Times 6/9/88

331

**Court Reporter**

IN A sequel to the fatal shooting of a suspected guerilla in Guguletu in July, four women and a man appeared briefly in Cape Town Regional Court yesterday in connection with harbouring members of the ANC.

Ms Ethel Thenjiwe Loza, 44, Ms Maureen Mandisa Loza, 19, both of Guguletu, Ms Sindiswa Beauty Dhawu, 27, of KwaZakewe, Port Elizabeth, Mr Xolile Mini, 30, and Ms Khungeka Gloria Mali, 30, both of Khayelitsha, were not asked to plead.

Bail of R1 000 each was extended.

Their appearance follows the police shooting of a suspected guerilla after a four-hour siege in Guguletu on July 5.

The hearing was adjourned to September 30.

Mr J P Vermaak was the magistrate. Mr D J Brand prosecuted. Mr B T Ngcuka appeared for the accused

# Legal opinion differs on a case of life and death

The international spotlight will focus on South Africa again today when the Appeal Court in Bloemfontein will hear what may be the final legal argument in the Sharpeville Six case. If the Appeal Court decides that the Supreme Court's refusal to reopen the case was correct, only the intervention of the State President will save the Six from the gallows. What do South African legal experts feel about the case?

If you rob a bank with a friend and your friend shoots someone dead during the robbery, the court may decide that you are guilty of murder even though you did not actually pull the trigger.

In similar fashion, the Sharpeville Six were found guilty of murder in terms of the doctrine of "common purpose".

They were found guilty even though there was no evidence that any one of the accused had lit the petrol which burned to death the deputy mayor of the Lekoa town council, Mr Kuzwayo Dlamini. They were sentenced to death.

When the Appeal Court upheld this decision there was an international outcry, but despite this, legal experts have said recently that the court correctly applied the doctrine in the case.

## Severe criticism

Criticism of the case was especially severe in many of the international press reports.

Under the headline "Judges who support a bad system" the London-based *Guardian* reported: "The reason for the genuine international concern over this case among so many is simple. The condemned did not commit the murder of which they were found guilty.

"Those who did have never been caught; hundreds who were part of the crowd and therefore just as 'guilty' were not arrested," the report said.

But, legal experts here have now refuted the *Guardian* categorically: You can't be convicted of murder in South Africa simply because you are part of a murderous crowd. None of the Six accused were simply part of the crowd — they were all found to have associated themselves with the murderous acts of the perpetrators.

The trial court found that all of the accused had in some way "actively associated" themselves with the conduct of the mob of about 100 people, responsible for the gruesome murder. Some of the accused had, for example, either thrown stones at the deceased or they had made fire bombs and burned his car and house.

The Appeal Court agreed and found, on the facts outlined by the trial court, that "the individual acts of each of the six accused convicted of murder manifested an active association with the acts of the mob which caused the death of the deceased".

Mr Justice Botha, delivering the unanimous judgment of the full Bench, said: "These accused shared a common purpose with the crowd to kill the deceased and each of them had the requisite intention in respect of his death."

In an article in the latest edition of the *South African Journal of Criminal Justice*, University of the Witwatersrand senior lecturer Mr Nick Matzukis lists three requirements for a conviction on the basis of

**BY TIM COHEN**

This week, in the full glare of international attention, the fate of the "Sharpeville Six" will come before appeal judges for what could be the last time. If the judges refuse to allow the reopening of the case, the lives of the accused will depend solely on the final arbiter, the State President.

# Sharpeville 6 judgment scrutinised by experts

common purpose: Active association, foresight of the possibility that the other party will commit an act bringing about the deceased's death and a desire on the part of the accused to associate himself with the murderous acts of the other party.

Based on this, the case of the Sharpeville Six was correctly decided on the issue of criminal liability.

"In what is, with respect, a carefully reasoned and sound judgment, Botha JA considered all the authorities and, not suprisingly, concluded that a party to a common purpose can be convicted of murder in the absence of proof of a causal connection between his conduct and the death of the deceased."

Amplifying his article, Mr Matzukis told The Star the common purpose doctrine was not a new one in South African law.

The principle had existed for a number of years and could not be said to be a stranger to other legal systems either, he said.

"It is a perfectly acceptable principle to be found in most civilised non-political systems of criminal justice."

## EVIDENCE

So legal experts say that if the Sharpeville Six did what the court found them to have done, then the doctrine of common purpose was correctly applied. But did they in fact do what the court said they did?

This question is especially relevant as regards accused number three, Oupa Moses Diniso, because there was no direct evidence that he was even on the scene at the time of the murder.

## The case of Oupa Diniso

The Appeal Court found that he was one of the small group of men who caught hold of the deceased as he was running in the direction of his neighbour's house, and who wrestled with him for the possession of his Star pistol. The court accepted that this finding rested on an inference.

How did the court come to this conclusion?

Diniso admitted to a police officer that he had the pistol in his possession 67 days after the murder took place and he handed the weapon over. He was pointed out as the person who had the pistol by one of the other accused.

The trial court regarded this evidence as damning. The judge said: "The fact that the firearm was found in accused three's possession links him directly with the events which took place.

"The only inference is that number three was one of the persons who seized the deceased, near the fence of his house while he was fleeing that morning, with the intention to disarm him so that the deceased was thereby rendered harmless, and paved the way for the other rioters present there to pelt him with stones with the intention of killing him," the trial court judge said.

## A lying witness

Diniso said he had taken the firearm from three youths on his way home from playing golf. But the court found he was a lying witness and did not accept this evidence. He denied that the weapon found in his possession was that displayed later before the court, but even the defence counsel conceded that the pistol belonged to the deceased.

Writing in the *South African Journal of Criminal Justice*, Mr Edwin Cameron argues that Diniso's conviction represents an "unjustified and disquieting departure from the South African courts' own proclaimed standards of logic and justice".

The court, he writes, failed to take account in favour of the accused "the aura of the accused's co-operation" when the policeman asked him for the firearm.

Secondly Mr Cameron asks: "Surely the long lapse of time between the murder and the weapon's location gives rise to the gravest questions as to what could have happened in the interim?"

Thirdly, he could have told the lies for any number of reasons incompatible with guilt.

"To move from the suspicious circumstance that accused three was without explanation and to the knowledge of one of the victim's active assailants, in possession of the dead man's gun, to the conclusion that he participated in the murder represents not one, but a number, of frightening leaps in logic.

"There is a real and frightening possibility that Oupa Moses Diniso, now on death row, is innocent."

## EXTENUATION

Should the court have found that extenuating circumstances existed in the Sharpeville Six case and that the accused therefore did not warrant the death penalty?

The accused did not testify on the question but evidence was given by a "highly qualified and experienced psychologist" on their behalf.

The psychologist said it was "highly probable" that an individual in a mob situation would experience "de-individuation", which would lead to diminished responsibility similar to that experienced by someone who was drunk.

The Appeal Court said this could not be specifically related to any individual accused because no evidence regarding the actual motivation and state of mind of the accused was placed before the trial court.

Professor "Sas" Strauss of Unisa, said the Appeal Court correctly referred to the views of the psychologist as "of a wholly generalised nature and unrelated to the individual accused".

However, other legal experts are highly critical of the court's findings.

In an article in the *South African Journal of Criminal Justice*, the University of Natal's Professor James Lund argues that the moral blameworthiness of the accused was reduced because:

- There was evidence that individuals in a mob manifest behaviour which "observers would agree is emotional and impulsive".
- There was evidence of broad-ranging political and social grievances.
- The fact that the convictions were based on common purpose, and therefore the extent of the participation of each of the accused was limited.

Professor Lund said that during argument on extenuation, counsel for the accused urged the trial court to take into account the limited extent of the participation of the accused.

## No mention of misdirection

He noted that the trial court judge Mr Justice A J Human did not refer to this anywhere in his judgment.

This, he wrote, should have constituted a misdirection, but inexplicably received no mention in the Appellate Division judgment.

Mr Nick Matzukis, of Wits University, said the court's failure to find extenuating circumstances was especially wrong in "common purpose" cases, because the accuseds' liability was based on something less than conduct which causally contributed to the victims' death.

Mr Cameron says the Appeal Court's judgment on extenuation was "disquieting".

The second accused in the Maureen Smith murder trail, the chauffeur, escaped the death penalty because his participation was limited, even though he had helped procure the hired assassin, and had lured the victim into the house by tripping the main electricity switch, Mr Cameron writes.

CAPE TIMES
7/9/88
331

# Sharpeville 'six' in bid to appeal

**BLOEMFONTEIN. — A team of five counsel will present argument to the Appeal Court here today on the petition by the "Sharpeville Six" for leave to appeal against the dismissal of an application to reopen their trial, and against the refusal of an application to amend their notice of motion.**

**The "Six" are Majalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi.**

**They were sentenced to death for the murder of the Deputy Mayor of Lekoa, Mr Kuzwayo Jacob Dlamini. He was disarmed, stoned and burned after his house and car were set alight at Sharpeville on September 4, 1984.**

**The "Six" lost appeals in December last year against the death sentences imposed.**

**A stay of execution was granted by the trial judge on March 17, 1988. — Sapa**

331 Star 1/9/88

# Accused's aim better housing

By Cathy Stagg

When treason trialist Mr Moses Mayekiso arrived in Johannesburg in the early 1970s, the contrast between black and white living conditions was one of the first things that struck him.

This evidence was placed before Mr Justice P J van der Walt in the Rand Supreme Court yesterday.

Mr Mayekiso (39) and four other Alexandra men have pleaded not guilty to treason, alternatively subversion or sedition.

After losing his job he became a full-time organiser for the Metal and Allied Workers' Union (Mawu).

In the mid-1970s Mr Mayekiso became interested in the housing issue as most Mawu members lived in hostels. When their wives arrived and they put up shacks, town councils demolished them.

Approaches were made to councils but this did not stop the demolitions. Mr Mayekiso said it was in the factories that the workers had power and influence, so the housing issue was taken to management.

Management's attitude was that squatting was illegal and they would not try to have the demolition stopped, but they did agree to help workers buy their own houses.

He traced the history of the trade union movement, telling the judge about the Federation of SA Trade Unions' formation in 1979 and why some union groupings refused to join.

The other accused are Mr Paul Tshabala (39), Mr Richard Mdakane (30), Mr Obed Bapela (29) and Mr Mzanele Mayekiso (23).

The State alleges they and Mr Mayekiso were responsible for organising street committees, the "comrades", a "people's court" and the launching of a campaign against the authorities.

The hearing continues.

7/9/88 (331) Star

# Defence races to wrap up case for 19 Vaal accused

By Claire Robertson,
Pretoria Bureau

Defence counsel in the Vaal Triangle treason trial has been given an hour to wrap up argument today after a trial lasting nearly three years.

After days of closing argument, one of the country's longest-running treason trials sped towards its close in Pretoria yesterday as the defence team raced to meet a deadline for close of argument.

## Argument in writing

Mr George Bizos, SC, began yesterday to tackle the case against each of the 19 accused and Mr Justice van Dijkhorst allowed the court to sit for more than an hour longer than usual to hear argument.

The defence failed to meet the deadline for completing argument yesterday and the cases of four remaining accused have still to be heard. Mr Justice van Dijkhorst set aside an hour for this purpose today.

All 19 accused have pleaded not guilty to charges of high treason, alternate charges of terrorism, furthering the aims of the banned African National Congress, subversion and murder charges arising from the deaths of five Vaal councillors in 1984.

Part of the defence argument will be submitted in writing to the court.

Most of the State's allegations against each of the accused deal with their alleged presence and conduct at various planning meetings, mass meetings and marches, alleged by the State to be part of a conspiracy involving the United Democratic Front and aimed at the violent overthrow of the State.

None of the 15 accused dealt with yesterday has been shown to have been aware of or to have participated in the alleged conspiracy, Mr Bizos told the court.

The court eventually adjourned for the day when the three accused who have been refused bail — UDF general secretary Mr Popo Molefe, UDF publicity secretary Mr "Terror" Lekota and former UDF Transvaal secretary Mr Moses Chikane — had to return to prison for the night.

# Appeal for 'Six' to be heard today

BLOEMFONTEIN — A five-member defence team will present argument to the Appeal Court in Bloemfontein today on the petition by the "Sharpeville Six" for leave to appeal against the dismissal of an application to reopen their trial and against the refusal of an application to amend their notice of motion.

The "Six" lost appeals in December last year against the death sentences imposed by Mr Acting Justice W J Human for the murder of the deputy mayor of Lekoa in 1984.

A stay of execution was granted on March 17 with the proviso that they bring their application to reopen the trial by April 18. The application was launched on April 15 for the trial to be reopened for further cross-examination of witnesses.

● The President, Mr P W Botha, said yesterday on Britain's Channel Four television he would consider granting clemency to the "Six" after their trial is over.

"I cannot interfere with the judicial system in South Africa unless it is completed and only when it is completed, will I, as a Christian and a human being, deal with this matter on merit," said Mr Botha. — Sapa-Reuter.

● See Page 14.

7/9/88 (331) Star

# Defence races to wrap up case for 19 Vaal accused

**By Claire Robertson,**
**Pretoria Bureau**

Defence counsel in the Vaal Triangle treason trial has been given an hour to wrap up argument today after a trial lasting nearly three years.

After days of closing argument, one of the country's longest-running treason trials sped towards its close in Pretoria yesterday as the defence team raced to meet a deadline for close of argument.

## Argument in writing

Mr George Bizos, SC, began yesterday to tackle the case against each of the 19 accused and Mr Justice van Dijkhorst allowed the court to sit for more than an hour longer than usual to hear argument.

The defence failed to meet the deadline for completing argument yesterday and the cases of four remaining accused have still to be heard. Mr Justice van Dijkhorst set aside an hour for this purpose today.

All 19 accused have pleaded not guilty to charges of high treason, alternate charges of terrorism, furthering the aims of the banned African National Congress, subversion and murder charges arising from the deaths of five Vaal councillors in 1984.

Part of the defence argument will be submitted in writing to the court.

Most of the State's allegations against each of the accused deal with their alleged presence and conduct at various planning meetings, mass meetings and marches, alleged by the State to be part of a conspiracy involving the United Democratic Front and aimed at the violent overthrow of the State.

None of the 15 accused dealt with yesterday has been shown to have been aware of or to have participated in the alleged conspiracy, Mr Bizos told the court.

The court eventually adjourned for the day when the three accused who have been refused bail — UDF general secretary Mr Popo Molefe, UDF publicity secretary Mr "Terror" Lekota and former UDF Transvaal secretary Mr Moses Chikane — had to return to prison for the night.

# ANC members testify

By Sue Leeman, The Star Bureau

LONDON — Two senior ANC members yesterday denied before a London commission hearing evidence in the Ebrahim treason trial that the accused had attended meetings where landmine attacks were planned for the Transvaal.

Their evidence is being recorded and will form part of the record at the Pretoria Supreme Court, where Mr Ebrahim Ismail Ebrahim is standing trial for treason and terrorism along with Mr Acton Mandla Maseku and Mr Simon Dladla.

The State is basing its case on the alleged meetings and on documents it claims were obtained by a South African spy whom it is alleged had infiltrated the ANC's Lusaka headquarters.

The commission is chaired by Mr Peter John Haroldt, a South African attorney practising in London.

Ms Totzi Memela, a member of the ANC who operated from Swaziland in 1986, denied being present at meetings the State alleges were held at her home in 1985 and 1986 and attended by Mr Ebrahim and others. The State has said landmine warfare was discussed during at least one of the 1986 meetings.

However, Ms Memela said she had been busy as a student and there had been no such meetings.

The second witness, Mr Vusi Khumalo, a former instructor in politics and weaponry at the Nova Katanga camp in Angola, denied being present at planning and report back meetings with Mr Ebrahim and a secret witness described as "X1".

"It was not our practice to discuss our missions with our comrades because if one of us was arrested and subjected to torture by the Boers we would be forced to reveal the information."

Appearing for the defence are Mr Len Gering and Mr Kessie Naidu, instructed by Mrs Priscilla Jana and Mr Chris Waters. Counsel for the State are Mr Harry Prinsloo and Mrs Louisa van der Walt.

The hearing continues today.

# 'I trained in Pongo'

THE acquittal of UWC student Yasmina Pandy in the Supreme Court, Cape Town, this week on terrorism charges contains an ironic twist.

It will mean freedom in two months time after she has served a six-month sentence for contempt of court and more than a year in security detention and as an awaiting trial prisoner.

Freedom will also mean separation from her fiancee and fellow accused Ashley Forbes. Pandy had indicated to the court they planned to get married.

Pandy's acquittal and the dramatic turn in the trial this week when some of the accused admitted to involvement in guerilla acvtivities, followed a month-long series of negotiations between the defence and the state.

Following the admissions, the State asked the court to convict six of the accused of involvement in guerilla activities, seven for rendering assistance to people the believed might have been involved in guerilla activities and one for furthering the aims of a banned organisation.

The other accused are: Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwar Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Colin Cairncross, Ashraf Carriem, Colin Petersen and Leon Scott.

## ANC command

In his admission, Forbes said he, Lowe and two others had attacked the Manenberg police station with handgrenades on 17 November 1985.

In 1986 he received grenades and limpet mines from Cecil Esau. He gave it to Lowe to store. In June 1986 he left South Africa for training in Angola.

He was told to sabotage electricity supplies in the Western Cape on his return. He placed a limpet mine against an electricity pylon near Goodwood Showgrounds on February 12, 1987.

He also took command of ANC cells in coloured areas and recruited and trained members for the ANC.

He said he had initiated a symbolic limpet mine explosion at a bus shelter in Rondebosch near the entrance to the official residence of the state president on February 5, 1987.

He had also arranged three attacks on policemen's homes in April 1987 and a limpet mine attack on a railway line near Heideveld on May 5 last year.

Jacobs admitted that he had left South Africa in June 1986 to receive military training in the ANC's Pongo Camp in Angola. He was briefed by the ANC in Zambia and told to sabotage electricity supplies in the Peninsula.

He assisted Forbes in a limpet mine attack on a pylon near the Goodwood Showgrounds. He was also instructed by the ANC to serve as commissar of ANC cells in coloured areas of the Peninsula.

Jacobs admitted he threw a handgrenade at the home of a policeman at Rangerslot in Mitchells Plain in April last year.

Pedro admitted that he had joined the ANC cell structure in the Peninsula and was trained by Forbes in the use of handgrenades and limpet mines.

He and Forbes planned a "symbolic" limpet mine explosion at a bus shelter near the state president's residence at Rondebosch and instructed Baadjies and Dramat to execute the attack.

Pedro also assisted in the handgrenade attacks on policemen's homes in Mitchells Plain, Bonteheuwel, Uitsig and a limpet mine attack on a railway line near Heideveld.

He admitted that had trained Baadjies and Dramat in the use of pistols, handgrenades and limpet mines and had supplied Ashley Kriel with a handgrenade and limpet mine.

In August 1987 he attempted to cross the border illegally into Lesotho to receive military training from the ANC.

Lowe admitted that during 1985 he became a member of an ANC cell and during 1986 became the commander of the "C Detachment".

In November 1985 he participated in a handgrenade attack on the Manenberg police station.

Anwar Dramat admitted he had been recruited into an ANC cell by Pedro in July 1986.

He participated in the painting of ANC slogans on walls and activated and placed the limpet mine in the bus shelter near the state president's home in February 1987.

Baadjies admitted he had carried out a petrol bomb attack on a policeman's house in Bonteheuwel and had assisted with the Rondebosch bus shelter explosion.

Fortuin admitted he had joined the ANC in 1985 and was the commander of a cell in 1987.

## Painted slogans

Veary was the commissar of a detachment and stored ammunition on the instruction of Pedro.

Rhoode joined an ANC cell in 1985 which disseminated propaganda advocating the achievement of the objectives of the ANC.

He agreed to reproduce a pamphlet entitled "The Call to Form Mass Revolutionary Bases" in January last year.

Malgas joined the ANC in 1985 and assisted with propaganda and the storage of ammunition.

Cairncross became a member of an ANC cell in 1986 and assisted with painting ANC slogans in Epping.

Carriem joined an ANC cell in March 1987 and had stored a handgrenade given to him by Pedro and which was still in his possession when he was arrested.

Petersen joined the ANC in 1986. Scott became a member and eventually a commander of a propaganda cell in 1984. He co-ordinated the production of pamphlets advocating the objectives of the ANC.

South

331 1-7/9/88

# Probe into 'top ANC man'

Cape Times 7/9/88 (331)

**Own Correspondent**

LONDON. — A commission here began hearing evidence yesterday in the case of Mr Ebraihim Ismail Ebraihim, alleged to be the most highly-placed ANC member to go on trial in South Africa since Mr Nelson Mandela.

Mr Ebraihim, kidnapped at gunpoint from Swaziland, is charged with treason, along with Mr Acton Mandla Maseko and Mr Simon Dladla.

Commissioner Mr John Peter Herholdt, a former Durban attorney, heard evidence from two ANC members, Mr Totsi Memela and Mr Vusi Khumalo.

In all, six ANC officials will give evidence, which is intended to refute testimony given by four secret state witnesses.

# Accused tells court of 'hard migrant background'

Cape Times 7/9/88 331

JOHANNESBURG. — Senior trade unionist Mr Moses Mayekiso told the Rand Supreme Court yesterday of his background in trade unionism and experiences of hardship as a migrant worker when he took the witness stand to give evidence in his own defence.

Mr Mayekiso and his four co-accused, Mr Paul Tshabalala, Mr Richard Mdakane, Mr Obed Bapela and Mr Mzwanele Mayekiso, have pleaded not guilty to treason, alternatively, subversion and sedition.

The charges against them arise out of their alleged involvement in the establishment of the Alexandra Action Committee, "organs of people's power" and "people's courts", in 1985 and 1986.

Mr Mayekiso gave evidence yesterday of his experiences as a migrant worker in Johannesburg before becoming a union organizer for the Metal and Allied Workers' Union (Mawu).

He said he was one of the people who volunteered to organize for Mawu at Toyota, where he worked.

He told the court there were many strikes at Toyota during 1978-79.

The reasons for the strikes, he said, was that workers wanted the elected union and shop stewards to be recognized by management.

Mr Mayekiso said all the workers were fired after one strike.

Everyone but the shop stewards was rehired.

# Pandy acquitted

South 331

THE trial of Ashley Forbes and 14 others for alleged ANC activities took a dramatic turn in the Supreme Court, Cape Town, this week when one of the accused was acquitted and the others made several adsmissions.

The acquittal of Yasmina Pandy, in detention and custody as a awaiting-trial prisoner for more than a year, contains an ironic twist.

Her freedom will also mean separation from her fiancee, Ashley Forbes.

• Full report page 11

1-7/1980

# POLICE BRIBED WITH SEX

Sowetan 7/9/88 (331)

## Mayekiso tells treason trial judge

**SOWETAN Reporter**

**THE peri-urban police were bribed with sex by women who sought to stay out of jail, one of the five treason trialists from Alexandra told a packed Rand Supreme Court yesterday.**

This was said by Mr Moses Mayekiso, general secretary of the National Union of Metal Workers of South Africa (Numsa), when he gave evidence in his defence.

Led by defence counsel, advocate David Soggot, SC, Mr Mayekiso said the peri-urban police were corrupt. They accepted bribes of R10 or R30 from men who avoided getting arrested or being kept in jail for offences like house permits or being in the area without permission. He said the women bribed these police with sex.

Mr Mayekiso (33), is appearing with four other civic leaders, Mr Paul Tshabalala (38), Mr Mzwanele Mayekiso (22), Mr Richard Mdakane (29) and Mr Obed Bapela (28), all of Alexandra township.

They are appearing before Mr Justice P J van der Walt and have pleaded not guilty to charges of treason, alternatively sedition or subversion.

The State alleges they attempted to usurp its authority by trying to seize control of Alexandra township in 1985/86 by establishing the Alexandra Action Committee and "organs of people's power."

The State further alleges they launched a consumer boycott of shops in and around Alexandra and also started a rent boycott and campaigned against the councillors and police in the area.

In his first day in the witness box, Mr Mayekiso said he and some men would leave their shacks before dawn and stay for some time in the nearby open veld. He said this was one way of escaping the dawn raids by police who went from house to house in search of people without permits or "illegals."

Mr Mayekiso said by then crime was rife in the area. This was due to overcrowding and the squalid conditions in an area with streets with no lights. He said the migrant labourers who stayed in hostels were targets of the criminals. He said this was so because the tsotsis took advantage of these men who came from the country and often kept money with them.

He said the emigrant labourers started moving out in groups to protect themselves. He said at some stage they could attack any youth in the streets in retaliation. Mr Mayekiso said this would take such fights into the yards and remind the residents of the era of the Msomi-Spoilers rival gangs.

Mr Mayekiso said he was once employed in the mines, but left the job when he realised it was not safe. He also hated the way the mine officials treated the employees who had no mouthpiece. He said he got another job in the Commercial and Industrial field. He realised, he said, that the workers had grievances over working conditions and low wages. These workers, he said, also had no mouthpiece.

At the beginning of 1977, a colleague told them about the Metal and Allied Workers' Union and they joined it.

(Proceeding)

## Power struggle in Alex

**A POWER struggle is in the offing between two prominent Alexandra township leaders, with both claiming to be chairmen of the local civic association.**

**On the left is Mr Mack Lekota and on the right is Mr Michael Beea, both esteemed leaders in the township.**

**Mr Lekota has accused Mr Beea of being an opportunist, while the latter has requested Mr Lekota to join the pensioners "as this political field is not of his size".**

**Matters came to a head last Friday after a Johannesburg weekly newspaper published an article by Mr Beea that he was assigned by the executive members of the civic association to find and create a structure which will serve the entire community of Alexandra.**

**The report was misconstrued as meaning the association will stand for the October municipal elections.**

**Mr Lekota released a statement to the *Sowetan* on Sunday disassociating the civic association from the report.**

# Unionist describes hardships

SUSAN RUSSELL

SENIOR trade unionist Moses Mayekiso yesterday told the Rand Supreme Court of his background and hardships during his treason trial.

He and four co-accused, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso, have pleaded not guilty to treason and alternative charges of subversion and sedition.

The charges arise out of their alleged involvement in establishing the Alexandra Action Committee.

Mayekiso described experiences as a migrant worker before becoming a Metal and Allied Workers' Union organiser at Toyota.

He said management introduced another union, known to workers as a sweetheart union, because it was favoured by management and organised by whites for blacks.

Mayekiso said there were many strikes at Toyota during 1978-79 and all workers were dismissed after one strike. Every one was rehired except shop stewards.

"Thats how my job at Toyota ended," Mayekiso said.

He was then asked by the union to be an organiser at R160 a month.

The hearing continues.

# FIGHT FOR SIX STARTS

## Team of 5 will argue case

331
Gauteng
3/9/88

**A TEAM of five counsel will present argument to the Appeal Court in Bloemfontein today on the petition by the "Sharpeville Six" for leave to appeal against the dismissal of an application to re-open their trial and against the refusal of an application to amend their notice of motion.**

**SA Press Association**

The "Six" are Majalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi.

They were sentenced to death for the murder of the deputy mayor of Lekoa, Mr Kuzwayo Jacob Dlamini. He was disarmed, stoned and burned after his house and car were set alight at Sharpeville on September 4, 1984.

The "Six" lost appeals in December last year against the death sentences they received from Mr Acting Justice W J Human for the murder.

A stay of execution was granted by the trial judge on March 17, 1988, with the proviso that they bring their application to re-open the trial no later than April 18, 1988.

The application was launched on April 15 for the trial to be re-opened for the further cross-examination of witness Joseph Motsumi Manete, for the further cross-examination of any other state or defence witnesses arising from, and in the light of, the further cross-examination of Mr Manete; for the hearing of any further evidence that the court, in the exercise of its discretion, might require to be called; in the light of the above to reappraise the convictions and sentences of all six.


"At a formal ball, I'm not sure how often I should offer to dance with my partner. But I do know exactly what cigarettes to offer when sitting out."

# Plea to withdraw evidence

**COUNSEL for defence in the terrorism trial at the Kliptown Regional Court yesterday applied that the confession made by one of the accused should not be admitted as evidence in court.** (331) 7/9/88

The statement was made by Mr Jaki Seroke (28), the editor of Skotaville Publishers, to a magistrate on September 25 last year. He is appearing with Mr Mandla Cele (24), and Thembinkosi Khonongwe (24), on charges of terrorism, possession of arms and ammunition and banned literature before Mr H Hoffman. They pleaded not guilty to all the charges.

Mr Seroke testified that he made the statement on September 25 because he had been interrogated daily for long periods on each occasion and was not allowed to see a lawyer or members of his family. He said as a Section 29 detainee he was kept in isolation and the only people he saw and spoke to were the police.

He told the court that he had continuously complained about his detention and isolation.

no reported cases among blacks. Now there were 17.

Slabber said prevalence of the HIV virus in the population was low but found in both sexes and all ethnic groups.

He added that the problem of con-

He said economic slumps had made it difficult to maintain health programmes and services and the challenge now was to use resources more effectively.

He foresaw a need for co-ordination of private and public sectors in

at more than 1-million a year.

He added, on the problems of an ageing population, that the white population over 60 would have risen by 22% by the year 2000, coloureds by 44% and blacks by 64%.

331 B'laan 8/9/88

## Query on nature of application for appeal

# Sharpeville Six case takes a surprise turn

BLOEMFONTEIN — Judgment has been reserved in the application by the "Sharpeville Six" for leave to appeal against the dismissal of an application to re-open the case and to bring a special entry on record.

The re-opening of the trial was also sought for cross-examination of a witness, Joseph Manete.

The case took a surprise turn at the end of the argument for the Attorney-General of the Transvaal — J L van der Merwe, SC, was asked by Mr Justice Corbett whether yesterday's proceedings should be regarded not only as an application for leave to appeal, but an appeal.

Initially Van Der Merwe and Sydney Kentridge, SC, for the applicants, appeared to agree that there could be nothing further to add to the argument.

However, after Kentridge had delivered his replying argument to that of Van Der Merwe, Van Der Merwe rose to clarify his stance.

"I must not be taken as agreeing that this procedure can be converted into an appeal. I have no instructions to that effect."

The Acting Chief Justice Mr Justice Rabie, Mr Justice Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice van Heerden reserved judgment.

Embassy representatives from Belgium, Austria, Greece, France, Canada, the US, The Netherlands, Australia, West Germany and Italy, the Japanese Consulate and the Swedish Legation have been attending the proceedings.

The "Six" are Theresa Ramashamola, Majalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Duma Joshua Khumalo and Francis Don Mokgesi. — Sapa.

# Accused did not 'hide anything'

THE three United Democratic Front leaders, who with 16 others are charged with treason, were yesterday described as "witnesses of unusual calibre" who dealt with complex issues "openly and directly without hiding anything."

This was said by Mr Arthur Chaskalson SC, defence counsel, at the end of his argument. He told Mr Justice van Dijkhorst and an assessor that the three volunteered information even though it was unnecessary for them to do so at the time when they gave evidence.

He submitted that there was no basis for the court to find the evidence of 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, not to be

**By ALINAH DUBE**

true.

Mr Chaskalson said: "It becomes striking that in its argument, the State did not refer to the evidence of the three accused contained in 3 267 pages and that it asked the court to find them not to have been good witnesses.

"The common allegation made in the State's argument is that both Mr Molefe and Mr Lekota participated in the planning and the co-ordination of the UDF."

**(Proceeding)**

ADVERTISEMENT

# THE SIX

The execution of the Sharpeville Six has been postponed. We however remain disturbed and concerned that the death sentences were not lifted.

After the application for a reopening of the case was rejected on June 13 the court will hear again on September 7 an appeal by the defence of the accused against this decision. We sincerely hope that this appeal case will not again lead to a delay.

The Six have been found guilty purely on the basis of "common purpose". This stands in sharp contrast to our understanding of international legal standards.

This specific case — as well as numerous other recent events in South Africa — remind us, citizens of the Federal Republic of Germany, of our own calamitous past.

We cannot remain silent to similar events that violate international standards and fundamental principles of human rights, wherever they may occur.

**Südafrikagruppen der Evangelischen Frauenarbeit**
**(South Africa groups of Protestant Women)**
**Bundesschlußgruppen innerhalb der Nordelbischen Kirche**
**(Covenant Project Groups in the Nordelbien Evalig. — Lutheran Church).**

# Jesse becomes human again

*Black leaders muted their criticism of Jackson while he ran for president. But now the critics are in the open again, reports*
**WJ WEATHERBY**

MOST blacks voted for Jesse Jackson in the primaries, whatever they thought of him, to acknowledge the symbolic importance of what he was doing. Now that the race is over, though, Jackson is human again.

In reporting Jackson's public attempts to manoeuvre his way into the vice-presidential nomination, the American media sometimes confused the symbol with the man. Calling Jesse Jackson the black candidate is like describing Democratic Party candidate Michael Dukakis as the white candidate. There are as many different points of view among blacks as among whites.

As far back as 1980, the start of the Reagan years, black politicians realised there were enough registered black voters to risk a black presidential candidate. Several black politicians, including Andrew Young and Julian Bond, were considering running when Jesse Jackson plunged in ahead of them.

It wasn't a popular move in black political circles. Jackson was considered too brash, too young and inexperienced and even his status as a religious minister was considered a handicap.

The arguments used by the Dukakis team against Jackson — that he had no top administrative or executive experience — couldn't be used, for example, against Andrew Young, who, as mayor of Atlanta, had shown he could run a leading city and, as Jimmy Carter's United Nations ambassador, had gained wide though controversial foreign policy experience and, moreover, did not have most Jewish leaders against him as Jackson had.

But as soon as Jackson began running successfully in the primaries, the opposition of other black leaders was silenced. During the Democratic convention, reporters tried to get Andrew Young to criticise Jackson but he remained silent.

But now the symbolic race is over, and Jackson is human once more. His critics in the ghettoes are in the open again. Attempts have already begun to replace him for the next presidential election in 1992, though he may be too well established.

Jackson's great strength has been with the street people he addressed directly at the convention. But with the settled black population who feel they have a place in society, his standing is much more controversial.

Jackson's strength so far is that he has been the only one running. Against Andrew Young, for example, his success would be much more questionable. Dukakis, too, would have found it much harder to turn down a candidate like Young.

Quite apart from the main black organisations which are seldom in agreement, there is now a national framework of black officials on whom a candidate like Young could probably count more than Jackson. In 1965, the census bureau found 103 black federal and state legislators. By 1987, there were 6 681 black elected officials from Congress to school-boards.

In symbolic matters, the black politicians, officials and voters are likely to stand together; but when there is realistic competition, all the conflicts come out.

Dividing and conquering has always been a strategy against black politicians, but the widespread reaction against Jackson can only come as good news to Dukakis.

The problem, as always, will be to persuade voters who generally don't identify with a white candidate to support Dukakis. Only the black politicians can do that and they will fail and perhaps lose Dukakis the election if they spend the next three months fighting among themselves. — The Guardian, London.

# Behind the tough talk, a softer new line from the IRA

*A bus bombing in Ireland kills eight more British soldiers. Sinn Fein president Gerry Adams holds a tough-talking conference. But behind the hard words, are hints of a willingness to compromise.*
**DAVID HEARST** *reports*

WITHIN 48 hours of a bus bombing which killed eight soldiers last month, Gerry Adams, president of Sinn Fein, held a press conference.

His message was not aimed at Northern Ireland. It was geared almost exclusively to the audience which really counts for Adams — the British public.

Adams kept it simple. He said the British public had been fed on a diet of lies over the last 20 years that the Irish Republican Army was on its last legs.

"Soldiers are paying the price of a policy sustained by lies which suggests that the British government can defeat the IRA. At the end of the day these problems will be resolved by representatives of the Irish people sitting down with the government and assisting it to leave the country."

It is tempting to dismiss this as cant. All the more so after the recent upsurge of violence and in the knowledge of the years of bloodshed that will surely follow.

But are the issues as clear as such an instinctive dismissal would imply? Can the support for the IRA be put down to a shrinking band of desperadoes, commanding little political support, whose power lies only in the amount of Colonel Muammar Khadaffi's Czech-made Semtex high explosive they can get their hands on?

Certainly the objective of the current IRA campaign is to force a conclusion to the 20-year war to drive out the British and reunite Ireland.

One Sinn Fein scenario is to force the British government to introduce sweeping and unilateral security measures, above all internment without trial, which would bring in wider circles of Nationalist and Catholic supporters, as well as inflaming the American Irish. The IRA would then unleash everything it had and the will of an already bewildered and demoralised British public who have long since lost interest in Ireland, would crack, making a negotiated withdrawal with Dublin a political imperative.

Adams denied the Republicans would welcome internment and was trying to provoke it.

But he did not deny the possibility of a negotiated withdrawal on terms which Sinn Fein would not choose but would have to accept.

"The British could come to an accommodation with the conservative elements in Ireland which would remove all the visible signs of British interference but leave a neo-colonial arrangement."

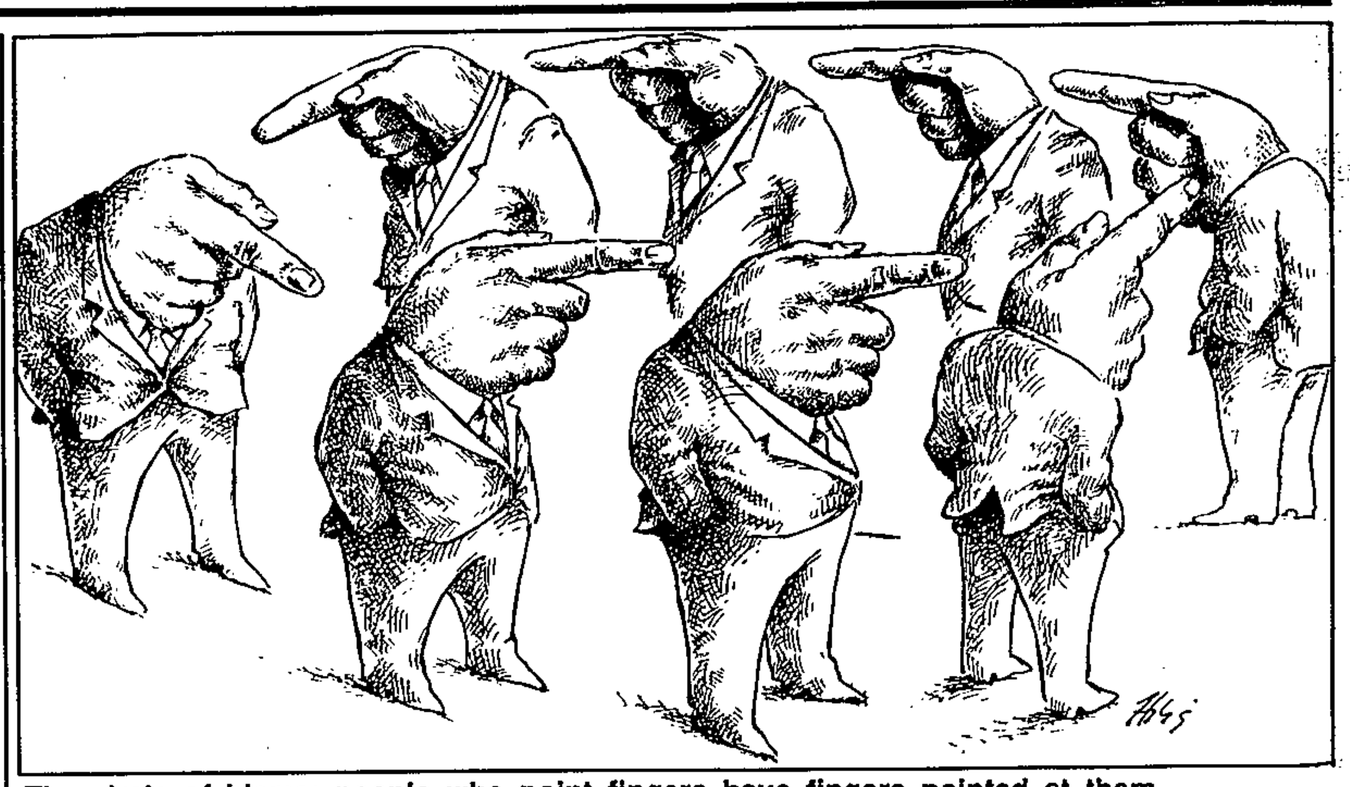
Decoded this means if Britain came to deal with Irish Prime Minister Charles Haughey and John Hume, leader of the SDLP, about a handover of the north into a new status, which included the removal of British troops and a new form of sovereignty, then everything would be changed. The Republican movement, and the IRA, would have to accept it, even though the further realignment of politics, which supposedly would give power to the working class base on which Sinn Fein depends, would then never take place.

This is one of a number of signals emanating from the Republican leadership that imply they are changing their ideas about how the IRA campaign will end.

Sinn Fein is sensitive about observations which relate the shrunken size of this year's rally to commemorate the 17th anniversary of the introduction of internment to the size of their actual support. Even though he is the first to criticise the Republican failure to build a political base in the south, Adams claims: "There is a big constituency out there (in the Republic) which either will not vote for anyone, or will continue to vote for the traditional parties but will at the same time maintain that resentment caused to national pride by British rule, the Stalker Affair, the Birmingham Six and the Gibraltar shootings."

Republicans say their vote is a thinking one, their campaign a moral one, and one which goes back to the earliest efforts at national self-determination. That logic emphasises the importance of the new killing and bombing campaign and of the descant of political talks which accompany it. It is here perhaps that Adams is two steps ahead of the rest of his band in thinking of political ways to end the bloodshed.

It is not a message that the relatives of the young dead soldiers would want to hear. But the talks Adams is having with Hume still represent the only chink of light in the dark grey clouds of Ulster's summer. — The Guardian, London



The circle of blame: people who point fingers have fingers pointed at them

# Highly moral? You have to be crazy

*Psychiatrist Don Soeken, puzzled at the number of perfectly sane civil servants in his wards, hit upon the reason: politics. These people had been locked away to silence them.*
**JAMES ERLICHMAN** *reports from Washington*

DON SOEKEN didn't just fly over the cuckoo's nest. He threw a public-spirited grenade straight into it.

"There I was," he says, "working in a psychiatric assessment unit, unable to understand why so many of the people alleged to be crazy were perfectly sane."

At first the penny would not drop. When it did, Soeken, a psychologist, was horrified. "These perfectly sane people were whistleblowers. Their bosses were trying to get rid of them by having them certified as insane."

These whistleblowers were American civil servants who had uncovered fraud, corruption and iniquity. Their bosses were senior officials with secrets to hide, in the state department, the defence department, and other parts of the federal government.

Soeken decided to become a whistleblower himself. He started by exposing Washington's own gulag to a committee of congress.

He was lucky. Most whistleblowers suffer recriminations and persecution. But the committee gave him cover and credibility. Today he is a counsellor and father confessor to more than 100 whistleblowers, people trying to rebuild their lives after paying the price for honesty.

Research which he has conducted with his wife Karen, a statistician, on the lives of 233 whistleblowers reveals that 90 percent of them lost their jobs or were demoted; 27 percent faced lawsuits; 26 percent faced psychiatric and medical referral; 25 percent admitted to alcohol abuse; 17 percent lost their homes; 15 percent divorced during the aftermath; 10 percent attempted suicide; and 8 percent went bankrupt.

The overwhelming majority, Soeken says, speak about unbearable stress and depression. Nearly two thirds have failed, after five years, to be vindicated. Yet most whistleblowers say they would do it all again, even if they warn others against it.

"Most whistleblowers are highly moral people," says Soeken. "They don't realise at the beginning what they are getting into. They see something that bothers their conscience and they just have to tell somebody. Their organisation's first response, when covering up, is to dismiss them as loose cannons or dead beats."

But the Soekens' study shows that most whistleblowers appear to be good, solid citizens. Usually, according to the figures, they are between the age of 37 and 43 and have been at their post for about seven years.

American civil servants are barred from taking their grievances through the courts. They must appeal to internal agencies like the merit system protection board, set up to channel their complaints.

The Pentagon even has a special hotline. But Soeken says this appeal procedure stifles and then destroys would-be whistleblowers behind closed doors. "It is a cruel hoax. They are pummelled to death before they are quietly got rid of."

The contingency fee system, which allows lawyers to fund cases in return for a cut of the winnings, has enabled some whistleblowers to enjoy rich justice. Two senior executives of Ashland Oil, who were advised by Soeken, were awarded $69 million (R140-m) by a federal jury in Kentucky last month after they were sacked for exposing bribes the company offered to officials in Oman.

Soeken has not got rich out of counselling whistleblowers. His Whistleblower Assistance Fund has received only $9 000 in charitable grants — just enough to run a 24-hour hotline and send out mail shots for future funding. — The Guardian.

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CAPE Times 8/9/88

331

# Deadline ends defence case in treason trial

PRETORIA. — The defence in the Vaal Triangle treason trial closed its case yesterday after racing to meet a deadline imposed by the judge for close of argument.

In a situation thought to be unprecedented in major court cases, the defence team was told last week that it had to finish argument by Tuesday afternoon, and was then given two extensions of an hour apiece to complete oral argument yesterday.

Mr George Bizos, SC, said the defence would abide by the ruling although it was "aggrieved" by the deadline's being imposed.

Final argument in the case began more than a month ago. After a week of submissions from the state, defence began its argument on August 8.

All 19 accused have pleaded not guilty to charges of high treason, alternative charges of terrorism, furthering the aims of the banned African National Congress, subversion, and murder charges arising from the deaths of five Vaal councillors in 1984. — Sapa

# 'Sactu opposed'

A TRIP abroad by the general secretary of the Metal and Allied Workers Union, Mr Moses Mayekiso in 1984, led to the realisation that there was a split in support overseas for the Federation of South African Trade Unions and the South Council of Trade Unions, the Rand Supreme Court heard yesterday.

Mr Mayekiso (38), and his four co-accused, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28), his brother, Mr Mzwanele Mayekiso (22), all from Alexandra, have all pleaded not guilty to treason and alternative charges of sedition and subversion.

Mr Mayekiso told the court that during the 1984 trip aimed at forging direct links between overseas and South Africa trade unions, he and two other Mawu officials, Mr Jeff Schreiner and Mr Maxwell Xulu, met with representatives of the South African Labour Education Programme (Salep).

Mr Mayekiso said Sactu was "very involved in politics and had a strong alliance with the ANC".

"Salep was very against the line of Fosatu and wanted Mawu to affiliate with the United Democratic Front.

"We were opposed to having any ties with Sactu and operating through them. We wanted direct links between Fosatu and overseas trade unions with a view to gaining financial support and solidarity."

Mr Mayekiso told he court of ruptions within Mawu during 1985 when a top official, Mr Thami Mali, released a Press atement expressing the wish to make the townships ungovernable and stating he was a revolutionary.

The hearing is proceeding.

Cape Times



331

# Qibla hearing adjourned

PRETORIA. — The "Qibla-PAC" hearing in Pretoria has been adjourned to September 26 for judgment.

Arguing for two of the seven accused in the Regional Court here, defence counsel Mr D Delahunt said there was nothing illegal about talking to the ANC or the PAC unless something sinister was being planned.

He said Dr Van Zyl Slabbert and many other South Africans had made contact with banned organizations without being prosecuted.

Defending Mr Achmied Cassiem, 41, and Mr Yusuf Patel, 27, alleged members of the Muslim Qibla movement who have been charged under the Internal Security Act of conspiring with the PAC, Mr Delahunt said the state had failed to prove conspiracy. The other five accused are Mr Mabutu Zulu, 52, Mr Siyabulela Gcanga, 26, Mr Vincent Mathunjwa, 29, Mr Sestiba Moholo, 29, alleged members of the PAC, and the Rev Daniel Nkopodi, 27. — Sapa

CAA Times 8/9/88 331

# 'Six' hearing: Surprise turn

BLOEMFONTEIN — There was a surprise turn in the hearing of the argument on the petition by the "Sharpeville Six" for leave to appeal against the dismissal of their application to the Transvaal Supreme Court for leave to reopen their trial.

At the conclusion of argument by the counsel for the Attorney General of the Transvaal, Mr J L van der Merwe, SC, Mr Justice Corbett — one of the five judges hearing the application — asked whether the state would have any objection if the Appeal Court regarded the application as the appeal in the matter.

Initially Mr Van der Merwe said he could not see that there would be other argument on an appeal than there had been on the application.

Mr S Kentridge, SC, who delivered the argument for the applicants, also told the court that there was nothing further that they would wish to add in argument.

However, after Mr Kentridge had delivered his replying argument to that of Mr Van der Merwe, Mr Van der Merwe again rose to say: "I must not be taken as agreeing that this procedure can be converted into an appeal. I have no instructions to that effect."

The Acting Chief Justice Mr Justice Rabie, Mr Justice Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice Van Heerden reserved judgment.

Yesterday Mr Kentridge argued that the fact that an appeal on the merits had already been disposed of was no bar to a special entry.

He said there would only be a bar where the matter complained of in the special entry was substantially the same as the matters raised in the appeal. The irregularity complained of in this case was not before the court in the appeal against the death sentences.

Mr Kentridge submitted that prima facie there was evidence that the SAP fraudulently procured the adducing of false evidence by Mr Joseph Manete and Mr Johannes Mongaule in regard to four of the six.

A deliberate and fraudulent interference of justice which imperilled the basic right to a fair trial was an irregularity on which a special entry might be made, he said.

Mr Kentridge said that where there was an element of improper or fraudulent conduct and where justice required a case to be reopened, none of the authorities seemed to close the door finally.

It was only in the rarest possible case that the court would exercise "this extraordinary jurisdiction" and this was such a case. — Sapa

**BLOEMFONTEIN. — Several family members and representatives of several embassies are among the about one hundred spectators at the Appeal Court here for the application by the Sharpeville Six for leave to appeal against the dismissal of their application to reopen their trial.**

**The six are Majalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi.**

**There are representatives of the Belgian, Austrian, Greek, French, Canadian, United States, Netherlands, Australian, German and Italian embassies, the Japanese Consulate and the Swedish Legation. — Sapa**

# 'Six' lawyer calls for oral evidence

# LET HIM SPEAK

331

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8/9/88

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**JUDGMENT has been reserved in the application by the "Sharpeville Six" for leave to appeal against the dismissal of an application to reopen their case and bring a special entry onto the record.**

## Bid to re-open trial goes on

The case took a surprise turn at the end of the argument for the Attorney .General of Transvaal, when Mr J L van der Merwe, SC, was asked by Mr Justice Corbett whether yesterday's proceedings should not be regarded as not only the application for leave to appeal but also the appeal.

Initially, both Mr van der Merwe and Mr S Kentridge, SC, for the applicants, appeared to agree that there could be nothing further to add to the argument.

However, at the conclusion of Mr Kentridge's reply to Mr van der Merwe, the latter told the court that he must not be taken as agreeing that the procedure could be converted into an appeal. He had no instructions to that effect.

Earlier Mr Sydney Kentridge, SC, told the Appeal Court in Bloemfontein in the application for leave to appeal against the refusal of the trial judge to re-open the trial of the "Sharpeville Six", that the strange features in the conduct of the State witness, Mr Joseph Manete, could only be clarified by oral evidence.

The petition has been lodged by Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokhesi.

They were sentenced to death by Mr Acting Justice W J Human in the Transvaal Supreme Court for the murder of the deputy mayor of Lekoa, Mr Kuzwayo Jacob Dlamini, who was disarmed, stoned and burnt after he fled from his burning house at Sharpeville on September 4, 1984. His car was also set alight.

Argument on the petition is being presented to the Acting Chief Justice Mr Justice Rabie, Mr Justice

• To page 2

**INSIDE TODAY**

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***I've been***

## 'Six' trial

• From page 1

Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice van Heerden.

8/9/88. Smuts

The six petitioners are represented by Mr S Kentridge SC, Mr J Unterhalter SC, Mr I Mahomed SC, Mr E Cameron and Mr S Naidoo. The State is represented by Mr J L van der Merwe SC and Mr E Jordaan.

P.T.O

# Court hears of split support for unions

JOHANNESBURG. — A trip abroad by the general secretary of the Metal and Allied Workers' Union (Mawu), Mr Moses Mayekiso in 1984, led to the realization that there was a split in support overseas for the Federation of SA Trade Unions (Fosatu) and the SA Council of Trade Unions (Sactu), the Rand Supreme Court heard yesterday.

Mr Mayekiso, 38, and his four co-accused, his brother, Mr Mzawanele Mayekiso, 22, Mr Paul Tshabalala, 38, Mr Richard Mdakane, 29, and Mr Obed Bapela, 28, all of Alexandra, have pleaded not guilty to treason and alternative charges of sedition and subversion.

They stand accused of being involved in a conspiracy to render Alexandra ungovernable. They are also alleged to have been involved in the formation of "people's courts", the Alexandra Action Committee and "organs of people's power" in 1985 and 1986.

Mr Mayekiso told the court that during the 1984 trip aimed at forging direct links between overseas and South African trade unions, he and two other Mawu officials, Mr Jeff Schreiner and Mr Maxwell Xulu, met representatives of the SA Labour Education Programme (Salep).

Mr Mayekiso said Sactu was "very involved in politics and had a strong alliance with the ANC".

"Salep was very against the line of Fosatu. We were opposed to having any ties with Sactu and operating through them.

"We wanted direct links between Fosatu and overseas trade unions with a view to gaining financial support and solidarity."

Mr Mayekiso told the court of eruptions within Mawu during 1985 when a top official, Mr Thami Mali, released a press statement expressing the wish to make the townships ungovernable and stating he was a revolutionary.

"He was speaking as an individual and not as a representative of Fosatu," Mr Mayekiso said.

He added that the idea of ungovernability was "very prevalent" during 1985 when Mr Oliver Tambo, leader of the ANC, spoke about it.

The hearing continues. — Sapa

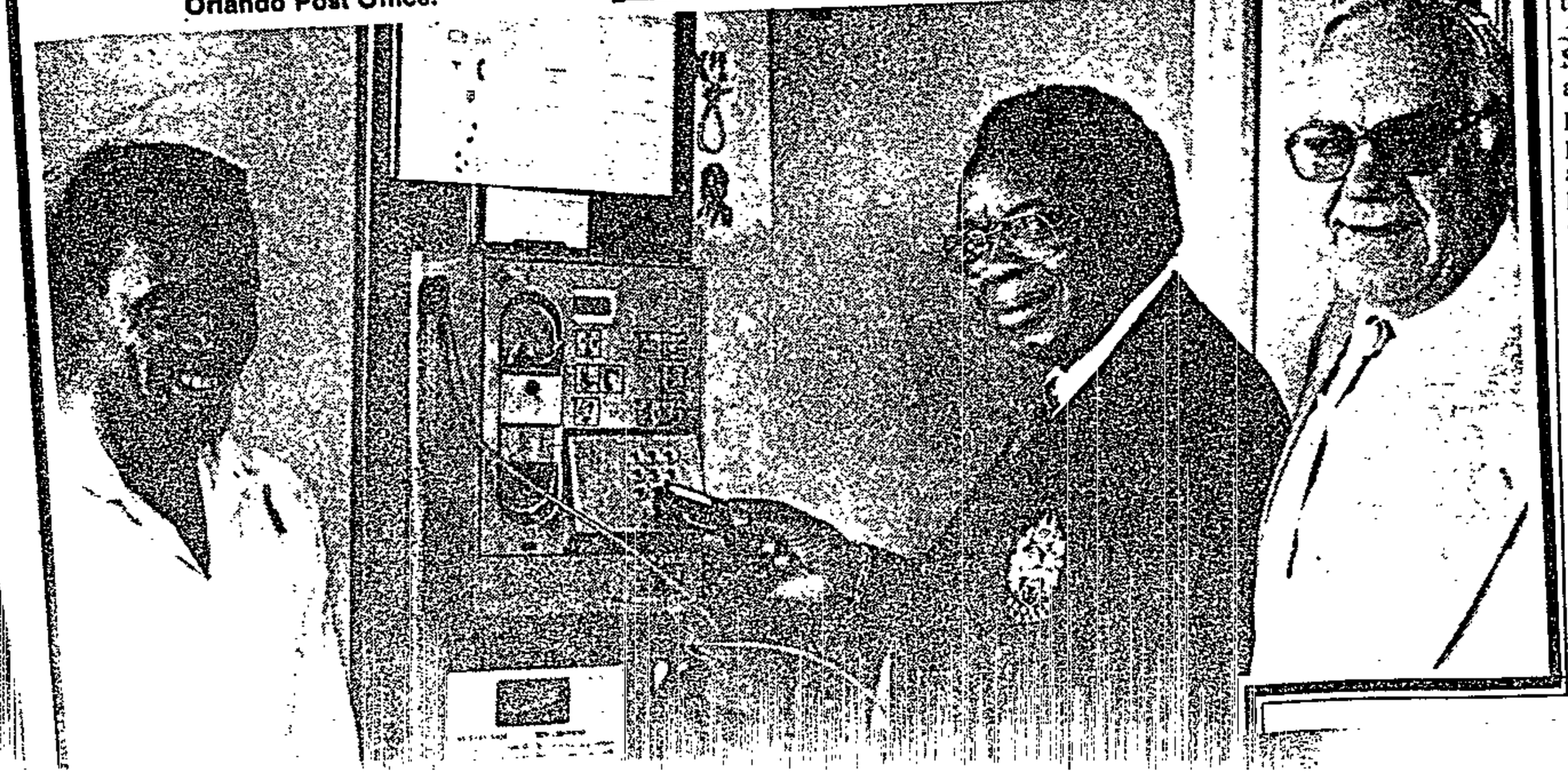
331

SOWETAN, Friday, September 9, 1988

# WITNESS 'PULLED BY HIS PRIVATES'

## Bringing in a new system

**TECHNOLOGY is daily getting sophisticated, the use of coins at public telephones will soon be outdated. In the picture Mr Sam Moeketsi (left), a technician, is watching Dr Joe Jivhuho testing a new card system, which if successful, will phase out the coins. On the scene is Mr Merin Ellis, post office area manager for the Wet Rand. The testing was done at the Orlando Post Office.**



By SONTI MASEKO

A STATE witness claimed in the Pan Africanist Congress case at the Kliptown Regional Court that he was pulled by his private parts and forced to sign a statement in which he admitted things he did not know.

Mr Maropodi Mapalakanye, an actor and poet who is employed as an organiser by the Media Workers' Association of South Africa, said this before Mr H Hoffman. Shortly after he had made these allegations the State and defence closed their cases and Mapalakanye and another witness, Mr Vincent Mfundisi, were told they would be released.

"I do not know anything about the statement. I was tortured," Mr Maropodi Mapalakanye (34), told Mr Hoffman.

Mr Mapalakanye spoke in a quivering voice as he told the court how he was tortured at the Protea Police Station in Soweto last October. He was called as a State witness in the trial of alleged Pan Africanist Congress (PAC) members: Mr Jaki Seroke (28), the editor of Skotaville Publishers, Mr Mandla Cele (24) and Mr Thembinkosi Khonongwe (24). The accused have pleaded not guilty to charges under terrorism.

Mr Mapalakanye said Sergeant Venter and another policeman pulled him by his private parts and forced him to agree that he gave people handgrenades when he was arrested on October 2, last year.

"They asked me if I knew Mandla and Vusi (both accused in the trial).

Asked by the magistrate if he told anyone about the torture while in detention, Mr Mapalakanye said he could not trust anybody because the police threatened to lock him up for five years "if I tried to get smart," he said.

# WITNESS 'PULLED BY HIS PRIVATES'

## Bringing in a new system

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**HIGH POINTS IN TWO MAJOR COURT CASES THIS WEEK ....**

# My life, by Mayekiso

331 w/made 9-15/9/88

*Unionist Moses Mayekiso, first accused in a treason case, tells the court the story of his life: unschooled migrant labourer in a single-sex hostel, dodging pass laws, tsotsis and faction fights. It is both the story of one individual, and the story of every black South African worker ...*

**THANDEKA GQUBULE reports**

IN the late 1960s Moses "Moss" Mayekiso was an uneducated migrant worker living in Alexandra township. This week he stood in the dock of the Rand Supreme Court as a leading trade unionist, charged with high treason.

With four others, he is accused of establishing "alternative structures" of community organisation such as street committees and "people's courts". The state alleges these structures were designed to undermine the government.

In his evidence Mayekiso gave the court a gripping account of his life and spoke of the intricacies of workers' struggles in South Africa and abroad. His life story provides an individual chronicle of the history of the labour movement in this country.

Like thousands of workers who leave the rural areas in search of employment in the towns, Mayekiso started out as a mine labourer, joining Western Holdings gold mine.

His wife was forced to stay behind in the Transkei, and Mayekiso found accommodation in a single-sex hostel in Alexandra.

He lived the life of an "illegal", constantly dodging the clutches of the enforcers of influx control regulations. "I was hounded like an animal," he told the court.

"It was difficult to live in Alexandra if your documents were not in order. We would have to wake up at midnight and go to sleep in the veld so the police who raided two or three times a week would not arrest us."

Mayekiso told the court he often had to pay his "last R10" to avoid arrest. "The police were corrupt and would demand sex from women. They liked to be bribed," he said.

"Life in Alexandra was tough in those days ... there were no lights and the yards were overcrowded."

Mayekiso later worked for a construction firm in Wynberg, and told the court he would compare the houses he built to the shacks of Alexandra.

The police were not the only problem facing the migrants — the township *tsotsis* were another source of terror. Mayekiso had vivid memories of the reign of the "Msomi gang",

To ward off attacks by tsotsis, the *amagoduka* ("those who go home," a term for migrant workers) would walk around the township in large bands carrying sticks. Mayekiso said tension grew between the *amagoduka* and the rest of the community

The court heard of tribal fights in the single-sex hostels; of "oppressive landlords"; and of how the strain of township life affected people's performance at work.

"No-one tried to have living conditions improved," said Mayekiso.

He told of eventually securing a factory job at Toyota Marketing in Wendywood, Johannesburg, in January 1976. He carried parts from one part of the factory to another, and earned R15 per week.

"There was no relationship between workers and management in those days," he said.

His career as a trade unionist began with a casual remark from a fellow-worker in 1977: "One day a worker said he knew a place in Wynberg where workers could meet." At this meeting place Mayekiso was introduced to the principles of unionism.

He quickly became committed to organising workers on the East Rand, he said, and his single-mindedness cost him his marriage to Elizabeth Mayekiso, mother of his four daughters.

Mayekiso told the court the major complaints from workers related to low wages and conditions of employment.

When the employers began to realise the workers were organising, he said, they introduced a liaison committee. This was not satisfactory, workers argued, because the committees did not have the status to enter wage negotiations.

"But as we were not yet organised, we put shop stewards into the liaison committees," Mayekiso recalled. The shop stewards were outnumbered by employer-representatives.

Thus, when Mayekiso met organisers from the Metal and Allied Workers' Union (Mawu) who explained how to form and organise union branches, he listened eagerly.

He told the court of the difficulty of organising workers in South Africa when employers were hostile to unions.

Because of this, the union would try and win over 50 percent of the labour force in a factory before emerging into the open.

The development caused great displeasure among the managers, who began to use informers to report on the union's activities, said Mayekiso.

His employment at the factory was terminated after he had taken part in a wage strike as a shop steward. Thereafter, he became a full-time Mawu organiser.

Mayekiso would travel from factory to factory addressing workers during their lunch hour.

From groups of about 10 workers per plant, workers were able to elec shop stewards who formed shop ste ward's councils.

Mayekiso's evidence, before M Justice PJ van der Walt, is expecte to continue next week.

## Court told of plan for 'worker party'

PLANS to establish a mass-based workers' party were revealed for the first time in the Rand Supreme Court this week.

The Federation of South African Trade Unions (Fosatu) mooted the idea to form the mass workers' party in 1983, according to Moses Mayekiso,

He said the mass workers' party was to "concentrate on the problems of the working class and to leading the struggle against apartheid".

He told the court at seminars held by the educational division of Fosatu prepared papers would be read. Photostat copies of readings from books would be prepared to educate workers about issues affecting them.

He said these seminars were addressed by university professors like Eddie Webster and Duncan Innes of the University of the Witwatersrand's sociology department and Phillip Bonner of the university's history department.

Asked about the origins of the mass workers' party, Mayekiso said: "It came from these seminars when we went back into the history of political organisations in the country."

The idea later caused much debate and tension in the trade union movement when Fosatu, in November 1985, merged with other unions to become the Congress of South African Trade Unions.

The idea of the workers' party was later abandoned according to Mayekiso, because "when the discussion arose there was criticism of the African National Congress, the South African Communist Party and the South African Congress of Trade Unions.

"Some of the members of Fosatu sympathised with the ANC."

Mayekiso added: "The problem with pushing the idea would be to alienate the membership."

# The tale of a man who knocked on the judge's door, brings new hope for the Six

**DAVID BERESFORD reports on the Sharpeville Six appeal in Bloemfontein**

A FATHER's frantic efforts nine years ago to save his son from the gallows has brought a new glimmer of hope for the Sharpeville Six.

The story of how a stubborn father persuaded South Africa's chief justice to bend the rules in 1979 this week provided defence lawyers for the Six with a desperately needed precedent to have new evidence submitted in their case.

The precedent was discovered by lawyers just hours before they went to the Appeal Court in a last ditch battle to save the lives of the Six — who have now been on death row for more than 1 000 days.

Bloemfontein's central courtroom was packed for the hearing by relatives of the Six, foreign media and representatives of most foreign embassies in South Africa, including the German ambassador Immo Stabreit.

The Germans, among others, are expected to withdraw their ambassadors from South Africa if the six hang.

The defence team went to Bloemfontein to try to persuade the court to admit new evidence from a state witness who claimed he had been intimidated by police into perjuring himself at the original trial.

The hearing itself was unprecedented. It is believed to be the first time a full bench of the Appellate Division has sat to hear such a petitition.

Acting Chief Justice Rabie — seemingly stung by international criticism of the South African judiciary over the Sharpeville case — directed that both he and his most senior judges would preside.

As a result the hearing provided something of a show case of South African legal talent. The bench itself was, by coincidence, evenly divided betwen judges considered in academic circles to be "liberals" and "conservatives".

Anxiously waiting ... Francis Mokhesi's sister, Joyce, and lawyer Prakash Diar

Picture: AFP

The liberals were Justice Corbett and Justice Hoexter, the conservatives Acting Chief Justice Rabie and Justice Joubert, while Justice Van Heerden is considered "middle of the road".

Justice Van Heerden is the sixth most senior judge at the Appellate Division, but was brought in to replace Botha — who was responsible for the rejection of the original appeal by the Six against their death sentences.

The Six were represented by what is probably the most brilliant legal team South Africa can produce: five advocates led by the country's most famous lawyer, Sidney Kentridge SC and QC — best known for his part in the Biko inquest — and supported by the outstanding advocate, Ismail Mahomed.

Kentridge delivered three and a half hours of argument trying to persuade the court to admit the confession of state witness Joseph Manete who said he lied at the original Sharpeville trial after being assaulted and intimidated by police.

His argument was two-pronged, asking that the evidence be admitted either by a "special entry" into the original trial record or by simply re-opening the case.

"Special entry," is a device allowing evidence to be introduced if there has been a "procedural irregularity" in a trial — but it cannot be used simply on the grounds of perjury.

Kentridge argued, however, that Manete's new evidence suggested there had been a "deliberate and fraudulent interference in the course of justice" by police which amounted to such an irregularity.

Kentridge conceded there was no provision in South Africa for the re-opening of a trial: there is a general principle at law that there has to be "finality of judgement".

But he argued there had to be "inherent jurisdiction" of the court to take such a step "whenever justice cries out for it to do so".

And he told the five judges his team had, at the last minute, discovered a precedent for such a step — the extraordinary case of *Lesley Sikweyiya versus the State* in 1979.

Kentridge briefly sketched the case: Sikweyiya had been sentenced to death and had been refused an appeal. His subsequent petition to the chief justice — then Justice Rumpff — for leave to appeal had also been refused.

But 11 days after the refusal had been handed down the petition was suddenly granted; an appeal hearing had been held and the condemned man was declared innocent.

There was no judgement explaining the reversal, said Kentridge.

But the initial refusal of the petition had all the finality of a court judgement and it could only have been reversed by an exercise of "inherent juristiction".

Although Kentridge avoided going into detail, the story behind the case is well known at the South African Bar and on the Bench:

The condemned man's father had gone to Justice Rumpff's home in Bloemfontein to make a personal appeal for his son's life. The chief justice had been so impressed by his story he had had the refusal of the petition withdrawn and leave to appeal granted.

"One must regard it (Justice Rumpff's action) as a deliberate illegality or a case of inherent jursidiction," said Kentridge.

Judgement was reserved.

● The Six are Theresa Ramashamola, Majalefa Sefatsa, Malebo Mokoena, Oupa Diniso, Duma Khumalo and Francis Mokhesi.

# Air ace not guilty after long secret trial

ARGUS 9/9/88

331

By VERNON BRENT
Staff Reporter

KOREAN war air ace and arms dealer Brigadier Johann "Jannie" Blaauw was today acquitted of fraud, extortion, corruption and contravening the Nuclear Energy Act.

The acquittal ended a year-long secret trial in the Supreme Court, Cape Town, from which the Press and public were barred.

Mr Justice Friedman ruled that only the charges and verdict be made public.

"The charges are so inter-related that it is not possible to deal with any one of them without revealing the identity of the complainant in the attempted extortion, or contravening a ministerial notice in terms of the Nuclear Energy Act which ordered the trial be held in camera," he said.

"Much of the evidence dealt with State security matters, which it would not be in the public interest to disclose."

The judge said Brigadier Blaauw was accused of four offences.

The first was attempted extortion, relating to an alleged attempt by Brigadier Blaauw to obtain certain rights for himself by bringing unlawful pressure to bear on a person in public office.

In the second count it was alleged he fraudulently obtained possession of a document dealing with nuclear affairs.

It was alleged that he contravened the Nuclear Energy Act, alternatively the Atomic Energy Act, by possessing the document.

He was also alleged to have given money to a civil servant as a reward for obtaining certain benefits. He was charged with corruption.

# Judgment in November for Vaal treason trial

331 SMK 9/1/88

By Claire Robertson, Pretoria Bureau

The Vaal Triangle treason trial in the Pretoria Supreme Court was adjourned yesterday at the close of argument to a provisional judgment date in mid-November.

At the close of yesterday's hearing — almost three years since the trial of United Democratic Front leaders and other Vaal activists first began in Delmas — Mr Justice Van Dijkhorst said he and assessor Mr W F Kruegel would try to reach a judgment by November 15.

State and defence counsel still have to submit written argument, the defence having dealt orally with only 40 percent of the State's argument, according to Mr George Bizos, SC, after the judge imposed a deadline for close of argument.

Mr Bizos told the court: "We do not accept that we should be asked to forgo our right of oral argument."

The defence had, however, complied with the judge's request.

Twenty-two men pleaded not guilty in January 1986 to charges of high treason and alternate charges of murder, subversion and furthering the aims of the African National Congress. Three of the accused were discharged, and of the remaining 19, 16 were granted bail.

### BAIL REFUSED FIVE TIMES

UDF general secretary Mr Popo Molefe, UDF publicity secretary Mr Patrick Lekota and former Transvaal co-secretary Mr Moses Chikane have been in prison since 1985, having been refused bail five times.

During the hearing, the prosecution held that the accused were party to the UDF's alleged "grand conspiracy to overthrow the State by violence and to make the country ungovernable".

The defence maintained that no conspiracy had been shown to exist, and said the men had consistently advocated peaceful resistance to apartheid.

At the close of yesterday's hearing, several accused said they were looking forward to "a recess where we do not have to work on the case".

WEEKLY MAIL, September 9 to September 15, 1988

9331

# Reckoning near for Delmas 19

By VUSI GUNENE

THE day of reckoning draws near for "Delmas" treason trialists — and organisations like the United Democratic Front whose future may depend on the trial's outcome.

Defence argument in South Africa's longest-running trial was wrapped up this week. Three officials of the now-restricted UDF and 16 others face charges of high treason.

If they are convicted it is believed even tighter restrictions will be placed on extra-parliamentary organisations.

In addition, the several hundred people named in the indictment as co-conspirators would be likely to find themselves liable for prosecution.

The state has argued that the accused sought to conspire to overthrow the government by violent means and to create an atmosphere of "ungovernability" in the country.

The very fact that the UDF and its affiliates identified the state as the "enemy" — as did the outlawed African National Congress (ANC) and the South African Communist Party — constituted a conspiracy, it was argued.

The state also argued the UDF's role in the "freedom struggle" was to "organise, plan, promote, and co-ordinate". Rent protests, stayaways, political funerals, school boycotts and campaigns against local authorities were cited as examples of these activities.

Defence lawyers argued the state had not provided sufficient evidence to prove conspiracy — saying the state's case was "full of speculation and uncertainty".

They argued if, as the state alleged, some individuals within the UDF wanted to promote violence they could easily have left the country to join exiled organisations.

The defence submitted it was difficult to understand how a front consisting of some 600 affiliate organisations could embark on and commit itself to policies contrary to those contained in its official documents and in speeches made by its officials.

The state has failed to show the UDF had engaged in conspiracy and intimidation, it was argued.

All the officials of the UDF had "repeatedly, in their public speeches, spoken out against violence — and sought to act lawfully and avoid intimidation".

The state had to produce evidence to show the UDF had done anything to promote the aims of the ANC, the defence submitted.

Lawyers said violence was a part of the ANC's programme, but not of legal, organisations such as the UDF. Therefore copies of *Sechaba* (the ANC's official publication) should be dismissed as evidence, defence counsel argued.

In the indictment the state argued UDF officials had addressed meetings where calls were made to boycott the Black Local Authorities, the tricameral parliament and schools — speeches allegedly encouraging violence and "ungovernability".

But the defence argued there was no proof officials such as publicity secretary Patrick "Terror" Lekota did anything to promote a revolutionary climate.

In fact at all the meetings they addressed they had "spoken against violence and intimidation".

The defence argued another accused UDF official, Moss Chikane, who is alleged to have encouraged school boycotts in Atteridgeville in fact sought to defuse the boycott by encouraging pupils to return to class.

It was also submitted the evidence of the accused UDF officials was extremely probable and had been delivered in a manner that strongly suggested good faith.

Judgement is expected before the end of November.

# Defence hit by treason trial 'deadline' blow

SDM 10/9/88

PATRICK LAURENCE

NINETEEN men started a long wait yesterday for the verdict in South Africa's longest treason trial, having already witnessed a three-year duel between State and defence lawyers from the dock.

The trial has been adjourned until November 15, when, Mr Justice Kees Van Dijkhorst told the court, he would try to have his judgment completed. He has more than 25 000 pages of typed evidence to consider.

The trial was adjourned amid intense controversy, with defence counsel protesting strongly at a deadline imposed by the judge on the presentation of oral argument on behalf of the 19 accused.

The outcome is of vital importance to the future of the restricted United Democratic Front as well as the 19 men. The essence of the indictment is that the UDF, its affiliates and allies, conspired with the outlawed ANC to overthrow the State by violence.

"We are aggrieved," Mr George Bizos, SC, for the defence, said after the judge gave the defence a week to complete its oral argument.

The judge had told defence lawyers that they could supplement their oral argument by written submissions. But they were dissatisfied with that proposal.

"We do not believe we can do justice to our clients' case by reducing parts of our argument to writing," Mr Bizos added.

Noting that the defence had been given a total 15½ days to present its final oral argument for the 19 accused — the judge's deadline was imposed after the defence had argued its case for just over a week — Mr Bizos asked: "Is not each one of these accused entitled to a day after two and half years of evidence and 10 000 pages of evidence?"

The judge at that stage insisted on his deadline being met. When it expired on Tuesday, he had to extend it for a few hours the next day.

Time ran out on Tuesday because three of the accused — Mr Popo Molefe, national secretary of the UDF, Mr "Terror" Lekota, publicity secretary of the UDF, and Mr Moss Chikane, a former Transvaal UDF executive member — were obliged to meet another deadline. They had to return to prison for the night.

The prosecution had earlier been told by the judge that it was not necessary to read their final arguments into the record. It had summarised its arguments against the main accused — Mr Molefe, Mr Lekota and Mr Chikane — in barely over three handwritten pages.

The controversy over the deadlines was the second during the trial. The first concerned the dismissal by the judge of one of his assessors, Professor W A Joubert.

Professor Joubert was dismissed after the judge learned that he had been a signatory to the UDF's million-signature campaign in support of its aims in 1984. The judge held that Professor Joubert's support of the UDF campaign meant that he could not fulfil his role impartially.

Defence counsel protested against Professor Joubert's dismissal, arguing that it was inconsistent to dismiss him while retaining the second assessor, Mr W F Krugel, a member of the secret Afrikaner Broederbond.

In the presentation of its final argument, the State, led by Mr P B Jacobs, SC, contended that the UDF "encouraged the masses to confrontation" with government institutions and authority.

Accusing defence witnesses of showing a "propensity to lie," the State declared that, during the upsurge of violence in black townships from 1983 to 1985, attacks were "consciously aimed" at township councillors, policemen and government property.

The 19 are charged with five counts of murder, the allegation being that their propaganda incited the mobs which attacked and killed four town councillors and one of their assistants in the Vaal Triangle in September 1984. One of the murdered councillors, Mr Jacob Dlamini, was the victim in the Sharpeville Six case.

In reply for the defence, Mr Arthur Chaskalson, SC, identified two linchpins in the State case: that the UDF was formed at the behest of the ANC, following a call for a "front for national liberation" by ANC president, Mr Oliver Tambo, on January 8, 1983; and that the UDF, acting on instructions from the ANC, tried to foment a revolutionary climate for the overthrow of Government.

On the first issue, Mr Chaskalson referred to evidence led by the defence that the idea of a united front long pre-dated Mr Tambo's call — Mr Molefe himself mooted the idea in 1981 — and that, unlike Mr Tambo's call, the earlier calls had received extensive publicity in South Africa itself.

On the second point Mr Chaskalson drew the court's attention to evidence that the UDF had repeatedly committed itself to non-violence, both in speeches made at mass meetings and in its publications and media statements.

CAPE TOWN — If blacks did not co-

the rule nisi being sought.

Cape Times 10/9/85 331

# Third bail attempt fails

MARITZBURG. — A third attempt for bail by Mr Alfred Ndlovu, a high-ranking official of Cosatu and the Transport and General Workers' Union facing charges of terrorism and attempted murder, failed in the Supreme Court here yesterday.

# U.S. mum's

## No holds barred as U.S. poll hits home straight

By PATRICIA CHENEY
Washington

IN what is beginning to resemble more a street fight than an election campaign, Republican nominee George Bush and his Democratic challenger, Michael Dukakis, took hefty opening swipes at each other in the first week of the "official" race for the White House.

Mr Bush was crowing that Mr Dukakis thought a naval exercise was "something you find in Jane Fonda's workout book".

But the Dukakis camp was gleefully pointing out that top Bush aides had been on the payroll of Panama leader and drug czar Manuel Noriega.

And with only 60 more days until the election and the candidates running neck-and-neck, analysts predict the race will get meaner.

The latest polls show Mr Bush with a slim 51 percent to 43 percent lead over Mr Dukakis.

### Aggressive

They also indicate that the Vice-President is overcoming his "gender gap" problem, with women evenly divided between him and Mr Dukakis.

With his aggressive campaign and strong showing at the Republican convention, Mr Bush is clearly on a roll that Mr Dukakis is finding difficult to stop.

In a move that clearly shows his concern, Mr Dukakis last week rehired his old campaign manager, John Sasso, who was fired earlier in the campaign.

Mr Dukakis is hoping Mr Sasso, described as a "no-prisoners-taken" operative, will rejuvenate his campaign, which seems to have got stuck in the doldrums.

By JEREMY BROOKS: London

**AN American flew into London this week to rally public support for her lover — an alleged top ANC member on high treason charges 10 000 km away in a Pretoria prison.**

**As Julie Wells gave interviews in a hot, tiny room in London's legal district, lawyers — only metres away at a secret venue — debated the guilt or innocence of the father of her five-year-old daughter.**

**If convicted, Ebrahim Ismail Ebrahim faces the death sentence.**

## Bitter Julie's out campaigning for treason accused

Dr Wells, a 38-year-old graduate in African history whose home is in Washington, is bitter that Mr Ebrahim's trial has not caused wider publicity abroad — and with it, international pressure on SA.

The creation of an almost entirely South African mini-court in London hardly drew a mention in the overseas Press.

But history was being made as a former Durban lawyer, who has been appointed commissioner, officiated while three key men at the ANC core gave evidence.

### Expense

For the first time since Nelson Mandela's trial, SA lawyers were listening to ANC policy described by the men who actually made it.

Executive committee members John Nkadimeng, Jacob Zuma and Ronnie Kasrils, with junior colleagues Totsi Memela and Vusi Khumalo, had been flown from exile in Africa to London. Their presence in SA would have meant immediate arrest.

The operation — expected to last between two and three weeks — is a huge exercise.

Much of the expense will be borne by the defence who, besides their own travelling costs, must pay for those of the ANC as well.

The defence has sent a team of four from South Africa — advocates Leonard Gering and Kessie Naidoo, with attorneys Priscilla Jana and Chris Waters.

### Smuggled

The State has sent advocates Harry Prinsloo and Louisa van der Walt and two security policemen who are sitting in on the evidence.

The commissioner, John Herholdt, a solicitor now living in London, presides over the proceedings in a room within the maze of narrow alleys of historic Lincoln Inn Fields.

The proceedings are not open to the Press.

Dr Wells — tired, worried, wearing no make-up and her only jewellery an ostrich-shell necklace — spoke of her bizarre relationship with the man abducted at gunpoint from Swaziland and smuggled into SA two years ago.

She first met Ebrahim on a visit to SA in 1980 while researching a doctoral thesis on women's activism and resistance to pass laws.

"The country fascinated me. The situations were gripping and compelling. There were so many extremes.

"At an inter-racial camp of students we made friends with people of all colours.

"When it came to an end, and we hugged each other goodbye, my black friends told me to ignore them if I saw them in the street. I was shocked."

### Confused

Bewildered and confused by her lover's situation, she spoke of her dedication to the ANC cause — "the only truly elected leaders in South Africa".

Her relationship with Ebrahim continued by letter and brief meetings over eight years.

She only heard of his abduction by sheer chance — a friend stopped her in a New York street and told her.

"Since then I've been talking to the lawyers and his friends," she said.

She and her daughter, Cassia, travelled to SA to see Ebrahim in prison last year.

Cassia was taken to court and told that this was "your daddy's office". The prison, where they also visited Ebrahim, was his other "office".

"I have personally had to make a decision. Either I confront the situation now, with courage, or I back off.

"I've discovered there is a tremendous amount to be learnt by not dodging the issues, by not yielding the moral ground.

"I believe what I have to say will have some bearing on a lot of other middle-class people around the world, to tell them that there is a tremendous amount to be learnt about South Africa. That the issues cannot be dodged."

Jet for Julie

# Treason defence winds up its case

By SOL MORATHI

THE 19 Vaal treason triallists are not guilty and must be freed unconditionally, defence lawyer, Arthur Chaskalson SC, said in the Supreme Court in Pretoria this week.

Chaskalson said the State had failed to submit any substantial facts and proof against the accused.

Most of the State's submissions were based on blatant untruth and pure speculation.

"There has never been any evidence that warrants the continued denial of freedom for all the accused," he said.

"The State has also woefully failed to prove their guilt, and they must be freed forthwith."

The 19 men – who include prominent leaders of the UDF and Azanian Peoples Organisation – are charged with treason, terrorism, subversion and murder.

The accused have pleaded not guilty to the charges, which arise from uprisings in the Vaal in September, 1984.

Most of the allegations against the accused deal with their alleged presence and conduct at various planning meetings, mass meetings and marches alleged to be part of the conspiracy involoving the UDF and aimed at the violent overthrow of the government.

The defence counsel failed to meet the deadline for completing argument on Tuesday and Judge van Dijkhorst allowed the court to sit for more than an hour longer.

331 Sowetan 12/9/88

# 'Workers of the world unite'

**TRADE unions believed that the workers should be in the forefront of the struggle for change in the country, treason trialist, Mr Moses Mayekiso said in the Rand Supreme Court on Friday.**

He said the workers have a language of their own, and words like challenge, force and enemy have a specific meaning in trade union context.

If workers were told to "challenge the employers," that would not be incitement, he said.

Mr Mayekiso, general secretary of the National Union of Metal Workers of South Africa (Numsa), was giving evidence in his defence.

He was testifying on documents exhibited in court. Some of the documents were found in his possession when he was arrested by the police.

Led by his counsel for defence, Advocate David Soggot, SC, Mr Mayekiso said he gave an interview to the *Socialist Review* on a new party that was to be formed and called the Workers' Party.

He said he told them that the party was to be formed because the workers had to be politically involved in their fight against apartheid.

Mr Mayekiso said apartheid was like a tree, one had to destroy the roots in order to kill it. He said he told the *Review* that the Freedom Charter was confusing and that he could not say if the document was of a socialist, nationalist or capitalist standpoint.

He told the *Review* that what was needed was a Workers' Charter that would state clearly; who controlled the farms presently owned by the capitalists, and who would control the factories and mines.

Mr Mayekiso (38), is appearing before Mr Justice P J van der Walt with four other civic leaders on charges of treason, alternatively sedition and subversion.

The other four are: Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Mzwanele Mayekiso (22) and Mr Obed Bapela (28), all from Alexandra Township.

The State alleges they attempted to usurp its authority by trying to seize control of Alexandra Township in 1985/86 by establishing the Alexandra Action Committee and "organs of people's power."

The State further alleges that they launched a consumer boycott of shops in and around Alexandra and campaigned against the councillors and police in the area. They have pleaded not guilty and are held in custody.

**The trial continues today.**

PW likely to act on Six

# Clemency 'package' is mooted

By David Braun, Political Correspondent

**A political contingency plan — to grant clemency simultaneously to the Sharpeville Six and to several policemen on death row — is being mooted at the highest level of the Government if the death sentences remain unchanged by the courts.**

According to several Government sources, the State President, Mr P W Botha, is likely to use his special constitutional powers of clemency to commute the death sentences of the Six as well as those of at least two policemen (and possibly four) to solve a number of urgent political problems in one blow.

This does not mean any of the people involved will go unpunished. Instead of being executed, they willl serve lengthy jail sentences.

No announcement can be made until the judicial procedures involving the Sharpeville Six have been exhausted and the matter of their reprieve is placed formally before the President again.

The Appellate Division of the Supreme Court last week reserved judgment on the Sharpeville Six's application for leave to appeal against the dismissal of an application to reopen their trial.

The five men and one woman, who have spent more than 1 000 days on death row, are Mpjalefa Sefatsa, Reid Mokoena, Oupa Diniso, Theresa Ramashamola, Duma Khumalo and Francis Mokgesi.

They have appealed to reopen their trial on the basis that some of the evidence at their trial was procured falsely by the police.

They were found guilty of having had common cause with a crowd who murdered the deputy mayor of Lekoa, Mr Jacob Khuzwayo Dlamini, on September 3 1984.

Mr Botha has previously said that he could not interfere with the course of justice involving the Six. His earlier decision not to grant them clemency would stand unless new factors were introduced.

If leave to appeal to reopen their trial is turned down, Mr Botha will have a new opportunity to decide on clemency.

The two policemen likely to be granted clemency are Jack la Grange, a former commander of the East Rand Murder and Robbery Squad and former detective Robert van der Merwe.

## Pressure

Both men were sentenced to death for the murder last year of two drug dealers and the attempted murder of a Soweto businessman, Mr Ernest Molokoane.

The Appeal Court has refused the men leave to appeal against their convictions and death sentences.

The Government has come under enormous domestic pressure to grant the men clemency.

A petition with close on 100 000 signatures appealing for clemency was handed to the office of the State President last week.

If clemency was granted to the men, the Government would reap substantial political benefits, particularly from the conservative elements of the community.

Pressure on the Government to grant clemency to La Grange and Van der Merwe is a little squeeze compared with the pressure to commute the sentences of the Sharpeville Six.

The European Community particularly has taken a very strong stand on the issue and the 12 countries of Western Europe have made it clear that severe repercussions would follow if the Six were hanged.

# Waiting game

**Special Correspondent**

NINETEEN men started a long wait on Friday for the verdict in South Africa's longest treason trial, having already witnessed a three-year duel between State and defence lawyers from the dock.

The trial has been adjourned until November 15, when Mr Justice Kees van Dijkhorst told the court, he would try to have his judgment completed. He has more than 25 000 pages of typed evidence to consider.

The trial was adjourned amid intense controversy, with defence counsel protesting strongly at a deadline imposed by the judge on the presentation of oral argument on behalf of the 19 accused.

The outcome is of vital importance to the future of the restricted United Democratic Front as well as the 19 men. The essence of the indictment is that the UDF, its affiliates and allies, conspired with the outlawed ANC to overthrow the State by violence.

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The judge had told defence lawyers that they could supplement their oral argument by written submissions. But they were dissatisfied with that proposal.

"We do not believe we can do justice to our clients' case by reducing parts of our argument to writing," Mr Bizos added.

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## Prison

The judge at that stage insisted on his deadline being met. When it expired on Tuesday, he had to extend it for a few hours the next day.

Time ran out on Tuesday because three of the accused — Mr Popo Molefe, National Secretary of the UDF, Mr "Terror" Lekota, publicity secretary of the UDF, and Mr Moss Chikane, a former Transvaal UDF executive member — were obliged to meet another deadline. They had to return to prison for the night.

The prosecution had earlier been told by the judge that it was not necessary to read their final arguments into the record. It had summarised its arguments against the main accused — Mr Molefe, Mr Lekota and Mr Chikane — in barely over three handwritten pages.

The controversy over the deadlines was the second during the trial. The first concerned the dismissal by the judge of one of his assessors, Professor W A Joubert.

Professor Joubert was dismissed after the judge learned that he had been a signatory to the UDF's million-signature campaign in support of its aims in 1984. The judge held that Professor Joubert's support of the UDF campaign meant that he could not fulfil his role impartially.

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## Final

In the presentation of its final argument, the State, led by Mr P B Jacobs, SC, contended that the UDF "encouraged the masses to confrontation" with Government institutions and authority.

Accusing defence witnesses of showing a "propensity to lie," the State declared that, during the upsurge of violence in black townships from 1983 to 1985, attacks were "consciously aimed" at township councillors, policemen and government property.

The 19 are charged with five counts of murder, the allegation being that their propaganda incited the mobs which attacked and killed four town councillors and one of their assistants in the Vaal Triangle in September 1984. One of the murdered councillors, Mr Jacob Dlamini, was the victim in the Sharpeville Six case.

In reply for the defence, Mr Arthur Chaskalson, SC, identified two linchpins in the State case: That the UDF was formed at the behest of the ANC, following a call for a "front for national liberation" by ANC president, Mr Oliver Tambo, on January 8, 1983, and that the UDF, acting on instructions from the ANC, tried to foment a revolutionary climate for the overthrow of the Government.

On the first issue, Mr Chaskalson referred to evidence led by the defence that the idea of a united front long predated Mr Tambo's call — Mr Molefe himself mooted the idea in 1981 — and that, unlike Mr Tambo's call, the earlier calls had received extensive publicity in South Africa itself.

On the second point, Mr Chaskalson drew the court's attention to evidence that the UDF had repeatedly committed itself to non-violence, both in speeches made at mass meetings and in its publications and media statements.

# CLEMENCY MOVE

## Reprieve for Sharpeville Six and cops?

**A POLITICAL contingency plan — to grant clemency simultaneously to the Sharpeville Six, as well as several policemen on death row — is being mooted at the highest level of the Government if the death sentences remain unchanged by the courts.**

According to several government sources, the State President Mr P W Botha, is likely to use his special constitutional powers of clemency to commute the death sentences of the Six as well as those of at least two policemen (and possibly four) to solve a number of urgent political problems in one blow.

This does not mean any one of the people involved would go unpunished. Instead of being executed, they will serve lengthy jail sentences.

No announcement of this nature can be made until the judicial procedures involving the Sharpeville Six have been exhausted, and the matter of their reprieve is placed formally before the President again.

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They were found guilty of having had common cause with a crowd who murdered the deputy mayor of Lekoa, Mr Jacob Khuzwayo Dlamini, on September .

President Botha has previously made it known that he could not interfer with the course of justice involving the Six. His earlier decision not to grant them clemency would stand unless new factors were introduced.

If leave to appeal to reopen their trial is turned down, Mr Botha will have a new opportunity to decide on clemency.

The two policemen likely to be granted clemency are Jack la Grange, a former commander of the East Rand Murder and Robbery Squad, and former detective Robert van der Merwe.

### Death

Both men were sentenced to death for the murder last year of two drug dealers and the attempted murder of a Soweto businessman, Mr Ernest Molokoane.

The Appeal Court has refused the men leave to appeal against their convictions and death sentences.

The Government has come under enormous domestic pressure to grant the men clemency.

A petition with close on 100 000 signatures appealing for clemency was handed to the office of the State President last week.

If clemency was granted to the men, the Government would reap substantial political benefits from the white and particularly the conservative elements of the community.

### Pressure

Pressure on the Government to grant clemency to La Grange and Van der Merwe is a little squeeze compared with the pressure to commute the sentence on the Six.

The European Community particularly has taken a very strong stand on the issue and the 12 countries of Western Europe have made it clear that severe repercussions would follow if the Six were hanged.

Threats made have included the withdrawal of European ambassadors to South Africa and the cancellation of SA Airways landing rights in Europe.

If the Six do hang, there are also likely to be serious repercussions in the US where the pro-sanctions lobby is in need of new ammunition for its cause.

13/9/88 (331)

12 Cape Times, Tue

# No retrial for killers — judge

BLOEMFONTEIN. — The Appeal Court here has reserved its judgment in the appeal by four Oudtshoorn men against their convictions for the murder of a Bongulethu community councillor.

Mr Patrick Marenene was killed in 1985.

Yesterday Mr Justice Joubert dismissed an application by Patrick Manginda, Dickson Madikane, Desmond Majola and Ronnie Nyuka for leave to reopen their trial. — Sapa

# Student gets off terror charges

Cape Times 14/9/88

ZWELITSHA. — A University of Fort Hare BA student was acquitted on a charge of terrorism, and other related charges, when he appeared in Zwelitsha Magistrate's Court, Ciskei, yesterday.

Mr Sicelo Hela, 23, of Alice had pleaded not guilty to the charges.

The court ruled at the end of a trial within a trial that the statement made by Mr Hela to a Middledrift magistrate was inadmissible as evidence against him.

Mr Hela had claimed that he made a confession after he was arrested on April 25 last year.

He said he had been assaulted by 10 policemen at Alice police station after being arrested by the police on the Fort Hare campus.

Mr Hela said the assault lasted for about an hour. He said he had been taken on a "helicopter ride" and was threatened he would be "thrown from the sky" by a black police brigadier, a white man and two Ciskei soldiers.

He said he made the statement under duress.

An alleged accomplice, Mr Lungekhaya Carrie, who is being held in terms of the Ciskei National Security Act, said he knew Mr Hela.

On April 17 last year he was at home but did not remember seeing Mr Hela.

He had been arrested in Port Elizabeth after surrendering to the police on April 27.

He had not witnessed a shooting at Gqumashe in April last year. — Sapa

# World focus on appeal of Sharpeville Six

From MONO BADELA

JOHANNESBURG. — World attention once again focused on the Sharpeville Six this week as one of South Africa's top legal counsellors argued in the Appeal Court, Bloemfontein, for the case to be reopened.

Representatives of at least 12 foreign governments and a large corps of international newsmen listened to Mr Sydney Kentridge, SC, presenting argument on the petition by the Sharpeville Six for leave to appeal against the dismissal of an application to re-open their trial.

They are also petitioning against the refusal of an application to amend their notice of motion.

The six were found guilty of having common cause in the murder of the deputy mayor of Lekoa, Mr Jacob Khuzwayo Dlamini, on September 3 1984.

## Special entry in records

The five men and a woman — who this week spent almost 1 000 days on death row — are also appealing against the refusal to enter a special entry on the court records that some of the evidence at their trial was procured falsely by the SAP.

The six are Majalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokhesi.

A stay of execution was granted by the trial judge on the on March 17 1988, with the proviso that they bring their application to re-open the trial not later than April 18.

The application was launched on April 15 for the trial to be re-opened for the cross-examination of witness Joseph Manete and for the further cross-examination of any other state or defence witnesses arising from the further cross-examination of Mr Manete.

# I met ANC twice, treason trialist tells court

EDYTH BULBRING

TREASON trialist Moses Mayekiso told the Rand Supreme Court yesterday he had met ANC representatives overseas on two separate occasions.

He had been approached by an ANC represenative while he was in Britain on business for the Metal and Allied Workers Union (Mawu), for which he was an organiser.

Mayekiso, 38, Obed Bapela, 28, Richard Mdakane, 29, Paul Tshababala, 38, and Mzwanele Mayekiso, 22, have pleaded not guilty to charges of treason, alternatively subversion and sedition.

He did not know he would meet the ANC when he left for Britain in April 1986 and had not solicited the meeting, Mayekiso said.

The ANC representative in London, Solly Smith, had wanted to know what was happening on the labour front in SA and what was the stand of Mawu.

He had also met SA Congress of Trade Unions (Sactu) representatives in Britain. Mayekiso said he did not think he was doing anything wrong.

While meeting metal workers in Sweden in June 1986, he had been contacted by a person staffing the ANC office, who had requested a meeting. He had met the ANC represenative and had discussed the labour movement.

On his return to SA on June 28, he had been arrested at the airport.

(331) (B/day 16/9/88.

# A never-ending story

**Not all tourists** arriving in SA are looking for elephants and Zulu mine dancers. There are others — the political tourists — whose sights are set on a trip into a township, a night in a shebeen — or maybe a secret meeting with a black activist on the run.

Another favourite landmark on the alternative itinerary is Court C of Pretoria's Palace of Justice where the Delmas Treason Trial, now in its fourth year, is being heard. It is easy to understand the fascination the trial has for overseas visitors. For, at least superficially, it presents a microcosm of the broader conflict in the country. The 19 accused are black; the court is overwhelmingly white.

Court C is itself steeped in political history. It was the court where Nelson Mandela and the other seven ANC leaders were jailed for life. It was the venue of the 1975-1976 black consciousness trial.

Of all the trials that have arisen from the events of those turbulent days in the Vaal during September 1984 the most controversial, so far, concerns the Sharpeville Six who remain on death row for the murder of former councillor Jacob Dlamini.

But the death of Dlamini also features in the indictment against the Delmas trialists who face a main charge of treason and alternative charges of subversion, furthering the aims of the ANC and five counts of murder arising from the deaths in the Vaal region.

As the trial draws to an end — the defence concluded its final argument last week — the conspiracy charge has become prominent and the judgment will be significant in its conclusion on whether the United Democratic Front (UDF) committed high treason by conspiring to overthrow the State by violent means.

The trialists are accused of inciting the black masses. It is claimed that as part of a planned scheme the UDF campaigned against black local authorities and in the course of that campaign succeeded in directing the masses to violence in the Vaal and in 31 other areas in SA.

Most of the accused are members of Vaal community organisations. But there are others connected to black consciousness groups. The State has argued that Azanian People's Organisation (Azapo) executives fall within the scope of the conspiracy because they agreed to co-operate with UDF organisations in the Vaal to oppose the black local authorities.

In his argument, Advocate Arthur Chaskalson SC offered one explanation for the length of the trial: "Part of the problem of this case comes from this attempt to roll up into one conspiracy, people who really did not belong together and to be able to join them together the State has rolled them up into this one single ongoing conspiracy saying everything is admissible against all of you, every act done by every person is evidence against all of you and, to try to catch everybody in the net, it puts them down together in this way."

Chaskalson has argued that this case, like the Fifties treason trial when 156 leaders were in the dock, should collapse because the State has failed to prove a conspiracy to overthrow it by violence.

Of the original 22 accused, three — Simon Vilakazi, Amos Malindi and Lazarus More — have been acquitted. Except for "The UDF Three" — Moss Chikane (former UDF Transvaal secretary) Terror Lekota (UDF publicity secretary) and Popo Molefe (UDF general secretary) — all the others are on bail and, except for Thomas Manthata, who comes from Soweto, all of them are now living in central Johannesburg and Hillbrow where they have to report to the local police station twice a day.

Bail conditions forbid the accused from entering the Vaal region. In theory, the others could also have looked for accommodation in Soweto but, apart from the shortage, says Oupa Hlomuka (Azapo Vaal branch chairperson), "We wanted to play it safe and avoid any chance of being caught up in a stayaway." Failure to appear in court would immediately lead to bail being cancelled. And they appear daily — no accused has tried to skip bail. The only time all the accused were late in court was the day after the Khotso House bombing, when the combi they used every day was blown up in the explosion.

On most days, though, the public gallery is almost vacant.

Finely-tuned arguments, such as a debate on the semantics of "illegal" versus "illegitimate" government, were played out to a courtroom virtually empty. But the trial records will provide original source material for anyone wanting to write a history of the unrest that swept the country in this decade.

On a private level, the stress of having a breadwinner out of circulation for so many years in probably unquantifiable. To survive, trialists are living on grants from various organisations both here and also from abroad where individuals have been adopted as political *causes célèbres*.

One trialist, Simon Nkoli, says a "perk" for having had his personal life suspended for four years is that, should he be acquitted, he is planning a lengthy overseas trip courtesy of an address book bulging with well-wishers. Judgment begins in mid November. But even if it means he must return to prison, Nkoli probably expresses the general mood of the trialists when he says that he can't wait for the trial to end. Coming to terms with a prison sentence is better than living in limbo. It has all just gone on for too long.

Meanwhile, another day ends. Outside the court traffic along Pretoria's Vermeulen Street comes to a standstill to make way for the police van exiting from the bowels of the Palace of Justice. Police escort sirens begin to shriek and within minutes the cavalcade transporting Lekota, Molefe and Chikane back to the security section of Pretoria's Central Prison has disappeared from sight. A passerby waiting for a last glimpse of the prisoners comments to a friend that the next time the three will be receiving royal treatment like this will be when they are government officials. ■

**The original 22 Delmas trialists . . . their lives suspended for 4 years**

Cape Times 16/9/88 331

# ANC terror pair convicted

PRETORIA. — Two ANC members have been convicted in the Regional Court on four counts of terrorism. Sonwabo Balizulu, 41, a petrol-pump attendant from Cape Town, and Jekwa Kweza, 33, a SATS employee in East London, pleaded guilty to the charges.

The magistrate, Mr W J van den Bergh, adjourned the hearing yesterday for sentencing.

The two were arrested on November 13 last year by Bophuthatswana police while attempting to enter Botswana on false travel documents, and were handed to South African police.

Although they underwent military training, they did not commit any acts of violence, said their defence counsel, Mr T Beckerling. — Sapa

Own Correspondent

# Mayekiso tells of ANC meeting

JOHANNESBURG. — Treason trialist Mr Moses Mayekiso told the Rand Supreme Court yesterday that he had met ANC representatives overseas on two occasions.

He had been approached by an ANC representative, while he was in Britain on business for the Metal and Allied Workers' Union, for which he was an organizer.

Mr Mayekiso, 38, Mr Obed Bapela, 28, Mr Richard Mdakane, 29, Mr Paul Tshababala, 38, and Mr Mzwanele Mayekiso, 22, have pleaded not guilty to charges of treason.

He did not know he was going to be meeting with the ANC when he left for Britain in April 1986 and had not solicited the meeting, Mr Mayekiso said.

# Apartheid blamed

Sunday Times 19/9/88

By MANDLA NDLAZI

BUCKET toilets with night soil spilling over and children dying in dongas along the unlit gravel streets of the townships were some of the problems caused by apartheid, a Rand Supreme Court judge was told on Friday.

Trade unionist, Mr Moses Mayekiso, said such problems were found in Alexandra Township. He said the night soil spilled over the bucket system toilets that were not emptied regularly and the "rotten" houses were overcrowded with families.

He said some of the children fell into the dongas along the unlit gravel streets and died there.

Mr Mayekiso said these problems were discussed at informal meetings and the residents blamed apartheid. He said it was suggested that a residents' organisation be formed to tackle these problems.

Mr Mayekiso (38) said this from the witness stand when he gave evidence in his defence at the trial where he appears with four other civic leaders on charges of treason, alternatively sedition or subversion.

The other four are Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Mzwanele Mayekiso (22) and Mr Obed Bapela (28), all from Alexandra.

# JUDGMENT DAY

Guardian 11/9/87 (3)

JUDGMENT in the treason trial of eight young men from Alexandra township will be given in the Rand Supreme Court today.

They are, Mr Ashwell Mxolisa Zwane (20), Mr Vusi Andries Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (20), Mr Arthur Selby Vilakazi (24), Mr Albert Ali Sebola (26), Mr Piet Mogano (28) and Mr Philemon Chicks Phalongwane (19). They were arrested on July 7 in 1986 and have been held in custody since.

They have pleaded not guilty to a charge of treason, alternatively sedition or subversion.

# PAC member sentenced to 10 years' in prison

A 32-year-old member of the banned Pan Africanist Congress was sentenced in the Johannesburg Magistrate's Court yesterday to a total of 10 years' imprisonment after he was found guilty of concealing weapons in South Africa and recruiting people for the PAC.

Mr L Vertue sentenced Themba Phikwane to seven years on a charge of terrorism and three years on a charge of being a member of a banned organisation. The second sentence is to be served concurrently with the first.

It was found that Phikwane joined the military wing of the PAC in May 1983 and underwent training in Botswana and Libya.

In December 1986 he infiltrated South Africa and concealed weapons in Hartswater.

# 'I was mandated'

331

20/9/88. Sunday Times

**A DAY after the Alexandra Action Committee was formed trade unionist Mr Moses Mayekiso was arrested, a packed Rand Supreme Court was told yesterday.**

The AAC was formed at a meeting held on February 17, 1986 and Mr Mayekiso was arrested the next day. This was said by Mr Mayekiso on his third week in the witness box when giving evidence in his own defence.

Led by defence lawyer advocate Mr David Soggot, SC, Mr Mayekiso was testifying on some dooument exhibited in court. Some of the documents were found in his possession when he was arrested.

Mr Mayekiso said he was arrested under emergency regulations and released on March 7 of that year. After he was released, he said, he was briefed about what had been happening in the area.

He said he then sought help from the South African Council of Churches to help with the situation in the area. Mr Mayekiso said he was mandated to draft the constitution for the AAC. He later circulated the draft at a meeting. He said he had discussed the draft with his attorney.

Answering another question Mr Mayekiso said he had no objections to T-shirts with the slogan "the struggle must continue". This was a popular slogan, he said.

Mr Mayekiso said he had approved of a decision to produce T-shirts for the AAC and the adoption of a red flag as the colour of the AAC. He said before he went abroad his wife accompanied him to see a Father Cairns about the situation in Alexandra. He said he wanted to get advise and help on how the situation in the area could be handled.

Mr Mayekiso said he had heard that police no longer attended to complaints from the residents. This is why, he said, he had gone to see Father Cairns. Mr Mayekiso said he did not approve of the "peoples' court" held at number 31-7th Avenue in Alexandra. He said he had heard of other such courts at the third, ninth and 15th avenues in the area.

He said he was against such courts because of corporal punishment meted out by the youths who ran these courts.

News in Brief

# 7 years' jail for PAC man

JOHANNESBURG. — A Pan Africanist Congress member was sentenced in the Johannesburg Magistrate's Court yesterday to an effective seven years' imprisonment on charges of terrorism and membership of a banned organization. The court heard that Themba Jack Pikwane, 32, had left South Africa for military training in Angola, joined the PAC and returned to the country armed. He had recruited a number of others.

# Elections on, court told

**Boycott on entrenched white domination**

By REHANA ROSSOUW
Supreme Court Reporter

ALL freedom loving people should boycott the October elections as they firmly entrenched white domination, African National Congress member Ashley Forbes told the Supreme Court.

Forbes, 24, standing trial with 13 others, has been convicted of terrorism and was giving evidence yesterday in mitigation of sentence.

He was asked by his advocate, Mr M Donen, whether he would try to redress his grievances about the apartheid system by participating in the municipal elections if he were freed before October.

He replied that a brief glimpse at the elections would give people the impression that everyone in South Africa, including Africans, were allowed to participate fully.

"If you examine it closely, you will see that it is a two-tier system with primary local authorities and regional services councils. Voting in these structures is determined according (to the value of) services purchased from the RSCs."

This automatically gave white people more voting rights, Forbes said.

"It is in no way doing away with white domination, which is firmly entrenched in this system. It is not a democratic system."

## Apartheid

He said the government was using the elections to try to camouflage the ugly face of apartheid.

The elections were designed to destroy people's organisations because South Africa was still under a state of emergency and organisations were unable to express the grievances of the people.

"People convicted of terrorism and sabotage are not able to participate in the elections which affects our leaders immediately," Forbes said.

Ashley Forbes

"I wonder whether Nelson Mandela will be able to participate."

Forbes said another problem which he had with the elections was that people's organisations were still banned and people were still in exile, which excluded them from participation.

He said the ANC had called for a blanket boycott of the elections.

"I align myself with that position," he said. "If I was released I would call on all freedom loving people to show their rejection of the elections by boycotting them.

"One thing the state is still unable to do is to force people to vote.

"People still have one legal avenue open to them — they can refuse to participate in the October elections."

Forbes said that if he were released he would once again align himself with the ANC.

Mr Justice D M Williamson asked Forbes whether his attitude was that unless he was given complete democracy he would continue his activities in the ANC.

"The idea of negotiation is welcomed by the ANC," Forbes replied.

"It does not matter how slow the process is, as long as the government moves in the right direction.

"I am not asking that when I wake up tommorrow I should have utopia."

## Clampdown

Forbes said he joined the ANC in November 1985 after events in Cape Town that year.

"In 1985 the State started a clampdown on the United Democratic Front and we witnessed the brutal killing of ANC members," he said.

"Matthew Goniwe and others were killed in Cradock and the massacre at Langa, Uitenhage, took place that year.

Forbes said a partial state of emergency was imposed in July, which curbed the work of organisations and closed legal avenues for people to express their grievances.

Forbes said that after the killing of young people in Athlone during the Trojan Horse incident, ordinary people became engaged in "people's war", setting up barricades and hurling stones and petrol bombs at the police.

"People were asking 'Where is the ANC, why isn't the ANC here to defend us?'" Forbes said.

"It was then that I joined the ANC."

The other accused are Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

The trial was postponed until tomorrow.

# Forbes: Why I joined ANC

CAPE TIMES 21/9/88

331

**Supreme Court Reporter**

ASHLEY FORBES, convicted of terrorism, yesterday told the Supreme Court the break-up by police in 1985 of the march to Pollsmoor Prison was a "watershed" event in his decision to join the African National Congress.

The police action, during the attempt to deliver a petition calling for the unconditional release of Mr Nelson Mandela, caused Athlone to become a "war zone" where "open attacks" were launched on the police, Forbes said in his evidence in mitigation of sentence.

About 4 000 people met at the Hewat Training College and marched to Kromboom Road where police stopped the march. When people decided to sit down the police immediately fired teargas.

"I saw a nun being assaulted by police. After the march people went absolutely crazy and Athlone became a war zone. There were open attacks on the police.

"People were asking where is the ANC, why are they not here to defend us? This made me understand why people were fighting.

## 'No choice'

"Nelson Mandela said a time will come when a nation must decide whether it will submit or fight. To me there was no choice, I decided to fight."

People started to talk more about the ANC and the Freedom Charter and at mass meetings the ANC flag was hoisted, and people wore ANC colours.

The Vaal Triangle uprising in 1984 spilt over into the Western Cape in 1985 when the government started to clamp down on the UDF. That year also saw the death of community leaders Matthew Goniwe and three others and the "massacre" at Langa, Uitenhage.

"I saw the oppressive arm of the police in action when in 1985 a partial state of emergency was declared. Slowly all legal avenues started to close when it became illegal for more than 10 people to meet. We could not call a meeting in the name of an organization.

Police responded to protest marches and demonstrations by using teargas and rubber bullets and later with live ammunition, including buckshot. The army moved into the townships and an increasing use was made of military tactics which led to the "Trojan Horse" incident, he said.

"Initially one felt helpless, but because of my involvement and the Pollsmoor march we saw the need for counter-measures. Barricades became important to close off areas to the police and traffic. In other areas people strung barbed wire across the road."

When it became extremely difficult for organizations to express grievances legally, people resorted to a "people's war" because the "only option was to take up the fight."

He became a member of the ANC in November 1985 because the ANC stood for a united, non-racial and democratic South Africa — ideals which he supported.

"I had no choice, no other way of expressing myself other than becoming a member of the ANC.

"By 1985 the tricameral system had been rejected by the people of South Africa. It did not address the

To page 3

From page 1

# Ashley Forbes

CAPE TIMES 21/9/88

331

grievances of the people and I could not see it as an option for myself."

Asked by Mr Mike Donen, defence counsel, what he would do if he were allowed to go free and have a choice in participating in the October elections, Forbes said that the elections could not be regarded as democratic.

"With these elections, we have a hand-in-glove situation. We have the government trying to camouflage the ugly face of apartheid while on the other hand the election is designed to destroy people's organizations.

"We still have a state of emergency, people in these organizations are not allowed to express their grievances, the ANC is still banned, people in exile have not been allowed to return and not one of the demands of the Freedom Charter has been agreed to.

"As far as the ANC is concerned there should be a blanket boycott of the elections. I align myself with that call. I would call on the people of South Africa, all freedom-loving people of SA, to show their rejection of the October elections by refusing to take part.

"The mere fact that you are unable to call for such a boycott shows how undemocratic the elections are."

Asked what he would do if he could choose between voting in the elections and thereby seek a redress of his grievances or join the military wing of the ANC, Forbes said: "The state imposed the tricameral system which is no avenue for myself. The election does not pose an alternative and I align myself with the ANC."

Earlier yesterday Forbes said that as a high school pupil he became politically aware through his membership in SRCs, the Committee of 81, the Inter-Schools Congress, the Cape Youth Congres (Cayco), the Clothing Workers' Union (Clowu), the Wynberg Youth Movement, the Azanian Students' Organization (Azaso) and later the United Democratic Front (UDF).

"Involvement in community organizations gave people access and gave them a deeper understanding of true democracy and taught me the process of democracy. I started to see the importance of organizations as a mechanism for people to express themselves."

The hearing continues tomorrow.

● Forbes, Peter Anthony Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat and Clement Baadjies were convicted of terrorism. David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf karriem and Colin Clave Martin were convicted of contravening Section 54 of the Internal Security Act. Leon Scott was convicted of furthering the aims of the ANC.

Mr Justice D M Williamson was on the Bench, Mr C H van Gend and Mr L P Francis were the assessors. Mr Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused. Mr W C Viljoen assisted by Mr Mike Stowe, appeared for the state.

# Court hears call for municipal election boycott

Star
21/9/88
331

**Own Correspondent**

CAPE TOWN — The October elections firmly entrench white domination and should be boycotted by all freedom-loving people, the Supreme Court was told yesterday.

African National Congress member Ashley Forbes (24) said this in mitigation after being convicted of terrorism.

Forbes was asked by his counsel, Mr M Donen, whether he would try to redress his grievances with the apartheid system by participating in the municipal elections if he was freed.

He replied that a brief glimpse at the elections would give people the impression that everyone in South Africa, including Africans, were allowed to participate fully.

"If you examine it closely, you will see that it is a two-tier system with primary local authorities and regional services councils," Forbes said.

"It is in no way doing away with white domination, which is firmly entrenched in this system," he said. "It is not a democratic system."

He said the Government was using the October elections to try to camouflage the ugly face of apartheid.

"I wonder whether Nelson Mandela will be able to participate," he said.

Mr Justice D M Williamson asked Forbes whether his attitude was that unless he was given complete democracy he would continue with his activities in the ANC.

"The idea of negotiation is welcomed by the ANC," Forbes replied.

"It does not matter how slow the process is, as long as the Government moves in the right direction."

Earlier, Forbes said he joined the ANC in November 1985 after the events in Cape Town that year.

"In 1985 the State started a clampdown on the UDF and we witnessed the brutal killing of ANC members," he said.

Forbes said that after the killing of young people in Athlone during the Trojan Horse incident, ordinary people became engaged in a "people's war".

"It was then that I joined the ANC."

The hearing was postponed until today.

# Forbes' election call from dock

South 22-28/9/88

By AYESHA ISMAIL

CONVICTED ANC guerilla Ashley Forbes called for a boycott of the October municipal elections in the Supreme Court, Cape Town this week.

Forbes, 24, said the people's leaders, including jailed African National Congress (ANC) leader Nelson Mandela, would not be able to participate in the elections because of their convictions.

He said whites would have more voting powers because of the structure of the elections.

"We have a hand-in-glove situation where the government is trying to camouflage the ugly face of apartheid by allowing everyone to participate," Forbes said.

The fundamental problems however were not being addressed.

Forbes said the elections were also aimed at destroying "peoples organisations".

"People are not allowed to call for the boycott of the elections which shows that people would be forced to vote," Forbes said.

Mr Michael Donen, for Forbes, asked him: "If you had the same choice which you had in November 1985 — to participate in the October elections or to join the military wing of the ANC — which one would you choose?"

Forbes replied that there was no option for him but to join the ANC as the demands of the people were not being addressed.

If he was to be released he would align himself again with the ANC.

The ANC stood for a nonracial and democratic South Africa and that negotiation would be welcomed by the ANC no matter how slow.

Forbes said he grew up in Wynberg, and was a member of the Wynberg Youth Congress. He also organised clothing workers, he said.

He became politically aware, during the 1980 school boycotts.

Forbes was active in the Committee of 81, which was the co-ordinating body of high schools in 1980 and became active in the activities of the United Democratic Front (UDF) in 1983.

The 1980 boycotts were over a lack of facilities at "coloured" schools as well as the employment of unqualified teachers.

The killing of Bernard Fortuin and 16 people in Elsies River in 1980 had a great effect on the people in the Western Cape.

The funeral of Mathew Goniwe and three others were attended and felt by people all over the country.

Forbes, Peter Anthony Jacobs, 23, Nicklo Louis Pedro, 20, Nazeem Lowe, 24, Anwa Dramat, 19, and Clement Baadjies, 19, have been convicted of terrorism.

David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhoode 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, and Colin Clave Martin Petersen, 23, have been convicted under Section 54 of the Internal Security Act, and Leon Scott, 29 has been convicted of furthering the aims of the ANC.

## Mrs Andrina Forbes outside the court on Tuesday

The events in 1984 at the University of the Western Cape had a great effect on Forbes, the court heard.

The students could no longer take the actions of the police. They countered by throwing stones and petrol bombs at them.

During 1985 the presence of the ANC was being felt by the people.

The Freedom Charter was discussed and the ANC became dominant.

"People started wearing the colours of the ANC and the ANC flag was hoisted."

The declaration of the State of Emergency meant war by the State.

It became difficult for people to express themselves and people started defending themselves.

"I became a member of the ANC in 1985. The ANC stood for the same things I stood for. A united nonracial democratic South Africa."

He saw a nun being assaulted in 1985 during the Pollsmoor march.

"I can't explain how I felt seeing a member of the clergy being assaulted."

331

# Dangerous acts 'treason'

A PACKED Rand Supreme Court was yesterday told that unlawful acts, dangerous to the State, may be treasonable.

This was said by Mr Justice F H Grosskopf at the beginning of his judgement in the trial of eight young men from Alexandra township. He said the court was to establish the acts and conduct of each one of them in the case before him.

The eight young men were neatly dressed, some in suits and ties. The crowds of people entering the public gallery were searched by the police.

The eight are Mr Ashwell Mxolisa Zwane (20), Mr Vusi Andries Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (20), Mr Arthur Selby Vilakazi (24), Mr Albert Ali Sebola (26), Mr Piet Mogano (28), and Mr Philemon Chicks Phalongwane (19). They have pleaded not guilty to charges of treason, alternatively sedition or subversion. They are held in custody.

The judge said the State contends that the eight young men committed the offences. He said there was evidence that they were members of the Alexandra Youth Congress and that they associated themselves with the ideas of the organisation.

The judge said it was the State's case that they acted in concert to make Alexandra ungovernable. They did this, said the judge, by driving the municipal police, the South African Police and the councillors out of Alexandra.

They formed "organs of peoples power" and "peoples court" and encouraged yards, block and street committees, said the judge.

Mr Justice Grosskopf said the accused conducted anti-crime campaigns and searched people for dangerous weapons in the streets and raided shebeens.

# Attacks on police force legitimate — ANC man

**Staff Reporter**

ATTACKS on police were legitimate because the police were the cause of oppression and brutality in the community, convicted African Nationalist Congress commander Ashley Forbes told the Supreme Court.

He was explaining why he took part in a grenade attack on Manenberg police station in November 1985.

Forbes, who is standing trial with 13 others, has been convicted of terrorism as defined by the Internal Security Act.

His evidence in mitigation yesterday was postponed until today because he was feeling ill.

Forbes said the emergency amounted to a declaration of war by the Defence Force and the police, who had occupied the townships.

## "Nerve centre"

Manenberg police station was being used as the "nerve centre" for troops and police operating in the black townships.

The attack, planned by him and co-accused Nazeem Lowe, was aimed specifically at the communications centre.

"The attack was a message to police and other coercive forces that we were in disagreement with their behaviour and that we wanted the troops out of the townships."

Forbes said the attack took three weeks to plan.

He and Lowe observed the layout, the position of communications equipment and the movement of troops and guards.

## Support group

At the time of the attack he was a member of a support group, but afterwards "formally" became an ANC member. In June 1986 he left the country for military training in Angola.

"In a sense I had no option as I was permanently underground. The police were looking for me and I could not go to university or stay at home. It was better to leave."

He had a four-month crash course at Pango, being given "formal political instruction in the policy and objectives of the ANC".

"We were taught that everything we did had to be done and understood within the context of the South African situation . . . so we would not act out of the bounds of the ANC."

On the military side he was trained in firearms, engineering, tactics and MCW (military and combat work).

He was taught to handle weapons, including the AK47, the Makarov pistol and the RPG (rocket grenade launcher).

Cape Times 23/9/88

331

# Court reduces jail sentence

BLOEMFONTEIN. — The Appeal Court here yesterday reduced the sentence on Blackie Quandu, imprisoned on September 18, 1985 for seven years (two conditionally suspended) for public violence after two policemen were stoned at Paterson on June 15, 1985.

Mr Justice Hoexter said justice would be done if Quandu served effective imprisonment of three years on the violence charge.

The court set aside the sentences of two youths convicted with Quandu. Their cases have been referred back to a trial court for new evidence.

# Arrest warrant in UDF case

Cape Times 23/9/88 Court Reporter 331

A WARRANT of arrest was authorized and held over for a woman who faces charges of furthering the aims of the UDF — one of the 18 organizations restricted in February — after she failed to appear in Cape Town Magistrate's Court yesterday.

Ms Fébé Potgieter, 21, of Hyacinth Road, Belhar, is a member of the Western Cape regional executive of the United Democratic Front.

The charge sheet indicates that she may be charged with furthering the aims of a restricted organization.

Her attorney, Miss C Burger, yesterday confirmed that Ms Potgieter was ill and the warrant for her arrest was held over to October 6.

'Mr M J C Tolken was the magistrate. Mr J M McEwan prosecuted.

23/9/88

331

Cape Times, Friday, Sep

# Forbes: ANC 'in interest of SA'

By RONNIE MORRIS
Supreme Court Reporter

EVERYTHING he did as a member of the African National Congress was in the interest of the people of South Africa, Ashley Forbes, convicted of terrorism, told the Supreme Court yesterday.

Forbes said this during his continued evidence in mitigation of sentence.

The ANC, which stood for a united, democratic non-racial South Africa, was banned in 1960 and had to use clandestine methods to popularize its objectives. Had it had been a legal organization, its political work would have been different and it would not have been engaged in a people's war, Forbes said.

Asked by Mr Michael Donen, his counsel, what he understood by the operation of the armed struggle, Forbes said it was an extension of politics.

The ANC first engaged in sabotage to disrupt the economy and at the same time effect "armed propaganda".

"It was in 1985 and only after the Uitenhage and Soweto massacres that there was an outcry from ANC cadres because of the increasing brutality and repression."

After 1985, legitimate targets were "the death squads", the SADF and the police. Also regarded as targets were Members of Parliament although not all — PFP MPs would, for example, not be attacked.

"The same applied to community councillors because even among them we find people who have particular reasons why they became councillors."

Councillors who participate in the coming municipal elections will be regarded as legitimate targets, he said.

"The motivation for belonging to the ANC was because you stand almost in defence of the public. Everything done by the ANC is in the interest of the people and I cannot agree that at any stage the ANC would resort to indiscriminate attacks."

The acts he had been involved in were directed at the state and also to make people aware that the police were "the enemy" and that they were legitimate targets, Forbes said.

Asked by Mr Donen why he had planned, participated and executed the handgrenade attack on the Manenberg police station on 17 November 1985, Forbes replied: "During 1985 when the attack was executed we witnessed elements of the people's war. We also witnessed a declaration of war by the government, a declaration of a state of emergency and the occupation of the townships by the SADF and the police."

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 Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused. Mr W C Viljoen, assisted by Mr Mike Stowe, appeared for the state.

# Terror accused's mother held in cell

331

w/t Argus 24/9/86

Mrs Forbes

by REHANA ROSSOUW
Supreme Court Reporter

MRS Andrina Forbes, mother of African National Congress member Ashley Forbes who is on trial in Cape Town for terrorism, was detained for almost an hour in the Supreme Court cells yesterday afternoon.

Mr Justice D M Williamson ordered the detention after her "contemptuous" outburst during her son's cross-examination.

Forbes was being questioned by Mr M Stowe, for the State, about his brother-in-law's death at the hands of a soldier.

Forbes said the soldier had been sentenced to two years' imprisonment because his brother-in-law was coloured and the soldier was white.

Mr Stowe said he wanted to place on record that the soldier was hitchhiking when Forbes's brother-in-law gave him a lift.

"Your brother-in-law showed him pornographic material and wanted to commit indecent acts with him," said Mr Stowe.

"The soldier stabbed him to get away."

Mrs Forbes stood up in the public gallery and shouted: "You're wrong. You're wrong."

Mr Justice Williamson asked that she be brought downstairs and Mrs Forbes was led before the Bench by two court orderlies.

The judge asked Mr Viljoen, for the State, until what time the cell officers remained on duty.

Mr Viljoen replied that they sometimes remained until after 4pm.

Mr Justice Williamson: What is your relationship with the accused?

Mrs Forbes: I'm his mother, your worship.

Mr Justice Williamson: I consider your behaviour in court contemptuous. There have already been contempt-of-court proceedings in this court for noises and interruptions. You know what happened to your son — he is serving six months for contempt of court.

Mrs Forbes: I'm sorry, your worship. I was overcome by the lies of that gentleman.

Mr Justice Williamson: I am going to give you an opportunity to think about what you have done. You can sit downstairs in the cell until the normal court rising time. You will be detained until 4pm.

Earlier Mr Stowe questioned Forbes about his relationship with Yasmina Pandy and whether they had "sex before marriage".

The other accused are Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

The trial was postponed to Tuesday.

# People's court men guilty of sedition

Own Correspondent

JOHANNESBURG. — Seven Alexandra men who took part in anti-crime campaigns and people's courts conducted by the comrades in the township during the first half of 1986 were found guilty of sedition in the Rand Supreme Court yesterday — but acquitted on charges of high treason and subversion.

Ashwell Zwane, Vusi Ngwenya, Andrew Mafutha, Arthur Vilakazi, Albert Sebola, Piet Mogano and Phillemon Phalongwane were all arrested at their Alexandra Youth Congress (AYCO) branch headquarters at 64 15th Avenue, from where people's courts were conducted.

Mr Justice Grosskopf found the state had not proved the necessary hostile intent which was required for high treason.

The court found that while the anti-crime campaigns and people's court were part of the ANC's grand design to overthrow or coerce the state, it had not been proved there was conspiracy between the seven and that organization.

"I have given much thought to this aspect," the judge said, "but I am not convinced that the accused contemplated the subversion of the state or that it was their object to compel the government to obey their behests."

The judge said the anti-crime campaigns and people's courts were seditious and the seven and their other co-conspirators in AYCO had intended to defy the authority of the state.

## 'Summarily tried'

He said the anti-crime campaigns were seditious gatherings for an unlawful purpose, specially viewed against the background of the riotious situation that prevailed in Alexandra at the time. "It may be argued the accused did not intend to act as magistrates or prosecutors, but they acted as if they were a police force," he said.

Describing how the people's court functioned, the judge said comrades would record the particulars of the parties involved in a dispute and follow this up by calling those involved to appear before them at 64 15th Avenue.

The parties would be interrogated by the comrades and alleged offenders were summarily tried.

Those found guilty by the comrades were summarily punished or ordered to pay a fine, he said.

He said the assault by some of the seven on a resident who appeared at the people's court on the day of their arrest was a vicious and unjust attack.

"Their actions demonstrated the violent manner in which the comrades investigated matters and conducted their people's court," the judge said.

The trial was adjourned until Monday for evidence in mitigation.

# Forbes's mother ordered to cells

Cape Times 24/9/1988 (334)

By RONNIE MORRIS
Supreme Court Reporter

THE judge in the Ashley Forbes terrorism trial yesterday ordered Forbes's mother to be detained in the cells until the normal rising of the court after she had shouted an interjection.

Mrs Andrina Forbes, who has been in the public gallery since the trial started in April, was ordered before the court. Forbes, who was standing in the witness box, clutched the hand of his mother as she gave reasons for her actions.

Mrs Andrina Forbes (left) outside court yesterday. Picture: RICHARD BELL

The incident occurred during the cross-examination of Forbes when Mr Mike Stowe, for the state, asked him about his reasons for joining the African National Congress.

Forbes had said earlier that his brother-in-law had picked up a hitchhiking soldier while driving to Pretoria and was killed. The soldier received a light prison sentence.

Yesterday Forbes said the soldier was jailed for between two and six years and "that said a lot to me".

His brother-in-law, who was coloured, was murdered and the soldier got two years because he was white.

Mr Stowe then said he wished to place before the court that the dead man had shown the soldier pornographic material and attempted to commit an indecent act with him. The

To page 3

From page 1

soldier had then stabbed him to keep him away.

At this stage, Mrs Andrina Forbes, who was in the gallery, interjected and shouted "lies" followed by "you're wrong, you're wrong".

Mr Justice D M Williamson then ordered that she brought down and said: "What you have done is outrageous and contemptuous . . . to make a noise like that in court."

**Mrs Forbes:** I apologize.

**Judge:** He is merely reading the court record.

**Mrs Forbes:** The court record is wrong.

**Judge:** I consider your behaviour contemptuous. There have already been contempt of court proceedings in this court for noises and interjections. You know what happened to your son, he was sentenced to six months.

**Mrs Forbes:** I was overcome by the lies.

**Judge:** It is outrageous, you have no business to interfere with court proceedings. I'm going to give you time to think quietly about what you have done. You can sit downstairs in the cells and think about what you have done.

"What you can do is see the prosecutor afterwards or defence counsel. You know that you can't just stand up and interject. There are many other options.

"You will be detained then till the normal rising of the court at 4pm."

The hearing continues.

● Afterwards when she was released, Mrs Forbes said: "I walked the path my child has taken when he went down to the cells. It was my first time in a cell.

"It was the first time I had been so close to him during the trial, it was the also the first time I had held his hand since his arrest. Normally during visits to him in prison we were separated by glass."

She said she had shouted the interjections because she had been upset by the personal questions Mr Stowe, for the state, had asked her son.

# Bombs not intended to kill — Forbes

Cape Times 24/9/1988 (331)

Supreme Court Reporter

ASHLEY FORBES yesterday told the court that a mini limpet mine attack on a bus shelter in Rondebosch was "symbolic" in order to take the war into white areas and show that the ANC could attack any place at any time.

This was said by Forbes, convicted of terrorism, during his cross-examination by Mr Mike Stowe, for the state.

The limpet mine attack — the bus shelter was near Groote Schuur, the official residence of the State President — took place after the opening of Parliament and before the "all-white elections".

It was not the intention to kill or injure people and the time chosen for the explosion was about 4am when no people would be around and no passing buses. The limpet mine was placed on top of a bus shelter to prevent injuries, he said.

He had shown Nicklo Pedro how to use the mine and Pedro had in turn recruited a "mobile unit" — not formal ANC members — to carry of the attack.

## Police violence

After he had taken command of ANC cells he had decided to execute hand grenade attacks on the houses of policemen. Pedro had then instructed mobile units to keep observation at the homes of policemen.

The attacks on their homes were consistent with ANC policy. It was also written into the policy that we must try and win over policemen and councillors.

A particular policemen had to be selected. Each mobile unit had to choose a policemen responsible for violence in their area and who identifies with the apartheid regime."

Asked about an attack on a Mitchells Plain house, Forbes said the mobile unit which was going to launch the attack withdrew two days before the target date and he and Peter Jacobs and Pedro had to do it.

He regretted that a child had been injured during the attack because "the ANC does not wage war against children".

The hearing continues on Tuesday.

Mr Justice D M Williamson was on the Bench. Mr Michael Donen and Mr Johnnmy de Lange, instructed by Essa Moosa and Associates and Abercrombie and Sonn, appeared for the accused. Mr W C Viljoen, assisted by Mr Stowe, appeared for the state.

# PAC man given 10 years

By MARTIN NTSOELENGOE

A CITIZEN of Bophuthatswana and member of the PAC was this week sentenced to 10 years imprisonment after he was found guilty on a treason charge in the Johannesburg Magistrates Court.

Jerry Themba Phikwane 32, of Taung, was arrested by Bop security police who handed him over to SA security forces.

Magistrate L Vertue, sentenced Phikwane to seven years on a charge of terrorism, and three years for being a member of a banned organisation.

The three years will run concurrently with the seven years.

It was found that Phikwane received military training in Botswana and Libya and concealed weapons in South Africa.

It was also found that he joined the military wing of PAC, the Azanian People's Liberation Army.

In December 1986 he entered Taung and had weapons which he hid near his Taung home Hartswater.

# CHIEF KENNEDY DEPOSED

**THE Venda Supreme Court has dismissed with costs an application by Chief Kennedy Tshivhase to stop the permanent installation of an acting chief in his place.**

The judgment, given last week by the homeland's chief justice, Mr D J H le Roux, effectively means that Chief Kennedy has been deposed from his chieftancy of the Tshivhase clan.

## Paved

It also paved the way for the formal enthronement of Mr John Shavhani Tshivhase, who was appointed acting chief for Chief Kennedy in 1970 when the latter was still a minor.

The 27-page judgment was the climax of the marathon case which started in July 1986 when Mr John Tshivhase was to be enthroned as permanent chief by the late Chief Patrick Mphephu.

Chief Kennedy brought an urgent application and argued that the installation of Mr Tshivhase would be illegal as he, Chief Kennedy, had already been appointed and

**By MATHATHA TSEDU**

installed as chief of the clan.

The interdict was granted, but in later hearings, Mr John Tshivhase, admitting that he was only appointed as acting in Chief Kennedy's place, argued that although Chief Kennedy has been properly enthroned as chief, it has since come to light that certain customary formalities had not been properly dispensed with when his mother was married.

These, Mr Tshivhase argued, meant that Chief Kennedy was not the rightful heir to the Tshivhase throne.

Chief Kennedy is the son of the late Chief Prince Thoho ya Ndou Tshivhase who died in a tragic car accident in 1966. His grandfather, Chief Rasimphi Tshivhase, was a veteran anti-colonial campaigner who died in banishment at Hammanskraal where he had been exiled by the Government in the 50s.

Chief Kennedy was enthroned in a glittering ceremony in 1970 while still a minor. Mr John Tshivhase was appointed acting chief until Chief Kennedy attained majority.

It was when Chief Kennedy requested Mr Tshivhase to vacate the throne that the Government decided to enthrone Mr Tshivhase as permanent chief.

## Matter

Last year, when the matter was to be decided in the Supreme Court, Chief Mphephu asked the court to refer the matter to a chief counsel — of which he was chairman — which met in November last year and recommended that Mr John Tshivhase should be appointed permanent chief.

# 8 guilty of sedition

EIGHT Alexandra township men were found guilty of sedition in the Rand Supreme Court on Friday. They were acquitted on the main count of treason and subversion.

They are Mr Ashwell Mxolisa Zwane (21), Mr Vusi Andries Ngwenya (21), Mr Andrew Mafutha (23), Mr David Mafutha (20), Mr Arthur Selby Vilakazi (25), Mr Albert Ali Sebola (22), Mr Piet Mogano (22), and Mr Phillemon Chicks Phalongwane (18).

Passing judgment, Mr Justice F H Grosskopf said the roles they played in the "people's court" and in the anti-crime campaigns they conducted were seditious. He said the whole process was a defiance of authority.

Acquitting them on the count of treason and subversion, the judge said the State had failed to prove that they were engaged in what Brigadier H Stadler, head of the intelligence section of the security police had referred to as the "grand design" to overthrow the State.

The judge said the manner in which the accused conducted these proceedings showed they took the functions of the police and the State on themselves. He said this should be viewed against the unrest situation that existed in Alexandra at that time.

He said there could be no doubt that the anti-crime campaigns constituted seditious gatherings for unlawful purposes. The accused, he said, knew that the municipal police and the SAP were severely restricted in Alexandra during the unrest.

While it could be argued that the eight did not intend to act as magistrates and prosecutors, they acted as if they were a police force, he said.

The accused were arrested on July 7, 1986, and have been held in custody since then.

331
Everitus
26/9/88

COME AND SEE EVERITE'S BRIGHTER LIVING IDEAS IN SOWETO

• SATURDAY 24
SUNDAY 25 SEPTEMBER

331

27/9/88 SMR

# 3 BBB men on Security Act charges

Three members of the Blanke Bevrydingsbeweging (BBB) appeared briefly in the Johannesburg Magistrate's Court yesterday in connection with allegations of contravening the Internal Security Act.

Mr Anton Terblanche (39) of Roodepoort, Mr Pierre Roussouw (30) of Boksburg, and Mr Leon Strydom (19) of Johannesburg, were not asked to plead.

The three allegedly attended a public meeting in Mayfair in October last year during the period when public meetings were banned.

They are accused of unlawfully attending and "encouraging" the meeting, which was opposed to the interests of public security and incited racial discrimination.

The hearing continues.

# 'Right-wingers' appear in court

JOHANNESBURG. — Three alleged members of the extreme right-wing Blanke Bevrydingsbeweging appeared briefly in the Magistrate's Court here yesterday to face charges of contravening the Internal Security Act.

Mr Anton Terblanche, 39, of Helderkruin, Roodepoort, Mr Pierre Rossouw, 30, of Boksburg, and Mr Leon Strydom, 19, of Richmond, Johannesburg, were not asked to plead.

They are alleged to have contravened a ban on public meetings. — Sapa

# Forbes: ANC 'regrets' the civilian deaths

CM4 Trials 28/9/88 331

**Supreme Court Reporter**

AFRICAN NATIONAL CONGRESS commander Ashley Forbes yesterday told the Supreme Court he regretted the death of civilians in "the war" but accepted that in the armed struggle citizens could be caught in the crossfire.

This was said by Forbes — convicted of terrorism — during his cross-examination by Mr Mike Stowe, for the state.

Asked what he understood by "people's war", Forbes said an important element was that "ordinary people were now prepared to go a step further".

"They are coming to the realization that apartheid will not be done away with, we will have to fight it. Resistance has been crushed by the state and people have been brutalized.

"It is in the hearts of each ANC member that we want to prevent the loss of life. If there are other methods, the ANC is prepared to sit down and negotiate."

If conditions are created where negotiations could take place, the ANC is prepared to stop the armed struggle, Forbes said.

"One regrets that civilians get killed. We have come to realize that we are at war and that civilians will be caught in the crossfire."

Asked by Mr Stowe if he had, while undergoing military training, given thought that he could become involved in acts of violence on his return, Forbes replied that he did.

However as a member of the ANC he could choose to further his education, go to university or be assigned, as a soldier, to protect ANC leaders abroad.

Asked who the armed struggle was directed against, Forbes said everything was directed against the apartheid regime and every act could not be seen in isolation.

In reply to a question if he was proud of the acts of Umkhonto we Sizwe in South Africa, Forbes said: "One is never happy in engaging in war. Everything one does is for the establishment of peace. The ANC accepted, made it clear, apologized and regretted the fact that innocent civilians are killed."

Members of Parliament — to the exclusion to PFP MP's and Mr Jan van Eck — were seen to be the enemy and as the people upholding apartheid. Mr Van Eck was one of the people exerting pressure on the government and could not be seen as the enemy, Forbes said.

## 'Make a point'

The purpose in attacking MP was to show that the SADF and the SAP are unable to protect them in spite of their power. It was also a message to the white community that "we are engaged in a war."

Referring to the march to Pollsmoor which Forbes cited as one of the reasons why he decided to leave country, Mr Stowe asked him if he was aware that the march had been illegal and against the laws of the land.

Forbes replied: "Apartheid is illegal and as far as people were concerned we were trying to make a point by going on that march. As long as apartheid exist we will come into conflict with the laws of the land. Apartheid is a crime against humanity," he said.

The march had been well organized and disciplined and trouble started when the police intervened. Even if he had known there would be a confrontation with the police he would still have taken part in the march, he said.

Asked what his main motivation was to leave for military training, Forbes said he had been sought by police after Cecil Esau — who recruited him as a member of a support cell — was arrested.

The duties of a support cell were to become clear about the aims and objectives of the ANC, provide safe storage for arms and documents, take care of the logistics of ANC cadres entering South Africa and provide accommodation.

Asked if he still intended remaining a member of the ANC, Forbes said it was difficult to say. He still, however, aligned himself with the aims and objectives of the ANC.

● Forbes, Peter Anthony Jacobs, Nicklo Pedro, Nazeem Lowqe, Anwa Dramat and Clement Baadjies were convicted of terrorism. David Johannes Fortuin, Jeremy Alan Veray, Walter Rhoode, Wayne Ingemar Malgas, Colin Cairncross, Ashraf Karriem and Colin Clave Martin were convicted of contravening Section 54 of the Internal Security Act. Leon Scott was convicted of furthering the aims of the ANC.

The trial 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 Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the trialist. Mr Stowe and Mr W C Viljoen appeared for the state.

# 101 sentenced to hang for unrest incidents

Cape Times 28/9/88 331

**Political Staff**

A TOTAL of 101 people have been sentenced to death since 1985 for unrest-related offences, the Minister of Justice, Mr Kobie Coetsee told the MP for Johannesburg North, Mr Peter Soal yesterday.

Seventeen of those sentenced to death have been executed, one has had his sentenced commuted, while the cases of the other 83 are still pending.

In a written reply to a question from Mr Soal, the minister said that the information related to people sentenced to death for murder by necklace, burning, stab wounds, stoning and terrorism incidents.

Information for the past four years was:

- 1985 — eight people sentenced to death with six cases pending
- 1986 — 13 sentenced to death, five executed with six cases pending
- 1987 — 48 sentenced to death, four executed with 39 cases pending
- 1988 to September 14 — 32 sentenced to death, eight executed, one sentence commuted with 32 cases pending.

# PROSECUTOR SINGS THE BLUES, BROWNS, GREENS

GRAHAMSTOWN. — One of the accused in a terrorism trial has alleged that the prosecutor sang "eleven brown bottles hanging on a line" before the court proceedings began.

Apparently, this song is a version of "Ten Green Bottles".

In the prosecutor's rendition, four bottles had sunk, an alleged reference to the accused who have already given evidence in court, with seven bottles still remaining on the line.

The allegation against senior prosecutor Mr H van der Walt was made during evidence by Mr Solomzi "Sox" Liwende, one of the 11 people facing charges of terrorism in the Regional Court sitting at Kenton-on-Sea before Mr C Fouche.

"I, as a black man, am being compared with brown bottles. I want him to apologise here in court, or he must leave this song because it bothers me."

**Cosatu man**

12-28/9/88 Sowetan (33)

# 17 hanged for unrest incidents

MORE than 100 people were sentenced to death for unrest-related incidents in the last four years, the Minister of Justice, Mr Kobie Coetsee, said.

He was replying in writing to a question in Parliament by Mr Peter Soal (PFP Johannesburg North) about how many people, charged with murder resulting from the so-called necklacing method, had been found guilty, sentenced to death and executed in the years 1984, 1985, 1986 and 1987.

Mr Coetsee gave the following figures: Altogether 101 people were sentenced to death from 1984 to September 1988 — eight in 1985, 13 in 1986, 48 in 1987 and 32 this year.

### SENTENCE PENDING

The number of people executed totalled 17 — five in 1986, four in 1987 and eight in 1988. One person's sentence was commuted this year.

The death sentence was pending in the case of 83 people — six in 1985, six in 1986, 39 in 1987 and 32 in 1988.

Mr Coetsee said the information furnished was in respect of persons sentenced to death for unrest-related offences.

"Unrest-related offences in this regard includes murder by the so-called necklacing method, burning, stabbing, stoning and terrorism incidents. — Sapa.

EMERGENCY UPDATE

# Man knifed to death, woman hurt in unrest

PRETORIA. — A man was stabbed to death and a woman was injured in unrest-related incidents, the police public relations division reports.

The man was attacked and stabbed to death yesterday by a group in Sweetwaters, Natal, and the woman was injured when a group stoned buses in Klaarwater, Pinetown.

Arsonists set fire to a house in Inanda, Durban, and in Katlehong on the East Rand a man was arrested after he tried to set fire to a house. — Sapa.

## Flats block collapses

MONTEREY (Mexico). — A

CAN Fnfs 29/9/88 331

# Forbes: Govt launched attacks

By RONNIE MORRIS
Supreme Court Reporter

ATTACKS on Wimpy bars and rugby stadiums were launched by the government to discredit the ANC whose policy it was not to attack civilian targets, ANC commander Ashley Forbes told the Supreme Court yesterday.

He was being cross-examined on the fifth day of his evidence in mitigation of sentence for his conviction on terrorism.

Asked by Mr Justice D M Williamson how he could reconcile the explosion of bombs at Wimpy bars and rugby stadiums (such as the one at Ellis Park) with his evidence (that it was not ANC policy to attack civilians), Forbes replied: "In other countries where people are at war, the state moves to discredit the liberationary movement. This has happened in Nicaragua.

"The ANC said there is detailed information that these attacks are launched by the regime ... like the attacks on Khotso House and Cosatu House. It is not ANC policy to attack civilian targets."

He did not have details about these blasts, Forbes said, adding that the organization condemmed attacks launched against solely civilian targets.

Asked by Mr Justice Williamson if he meant that the ANC was responsible for attacks on High Point, Johannesburg, and Ellis Park because there had not been any ANC disclaimer, Forbes said the ANC had said it did not attack civilian targets.

"I personally will not go and attack civilian targets like rugby fields. The ANC had detailed information that many of these things are done by perpetrators of the Pretoria regime."

Asked by Mr Mike Stowe, for the state, if the bus shelter in Rondebosch — a limpet mine exploded there on February 4 last year — was a soft or hard target, Forbes reiterated that the attack was symbolic.

The objective was to draw the troops out of the townships, take the war into white areas and threaten the State President's security. After he had been given an order to launch the attack, he had obtained a limpet mine from Nicklo Pedro, who had been in charge of armaments.

When he had explained to Pedro how the mine worked, the attack was carried out by Anwa Dramat and Clement Baadjes. The mine exploded just before midday and not 4am as planned.

Although people could have been killed or injured, it had not been the intention, Forbes said.

The hearing was adjourned to October 18 because the Supreme Court goes into recess tomorrow.

● Forbes, Peter Anthony Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat and Clement Baadjies were convicted of terrorism. David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Colin Cairncross, Ashraf Karriem and Colin Clave Martin were convicted of contravening Section 54 of the Internal Security Act. Leon Scott was convicted of furthering the aims of the ANC.

# Seroke trial witnesses want to be seen

By ADRIAN HADLAND

A STATE witness' refusal to take the oath in the treason trial of Skotaville Publishers' editor-in-chief, Jaki "Stone" Seroke, threw the Kliptown Magistrate's Court into confusion recently.

The drama began when Vincent Mfundisi — one of five people detained with Seroke and one of three subsequently named as state witnesses — was called to the witness stand but refused to take the oath.

After a brief recess, Mfundisi and fellow detainee Marobodi Matalakange decided to give state evidence — but on condition that their right to anonymity be waived and the court be left open to the public and press.

Matalakange was then called to the stand. He took the oath and proceded to deny all the charges and all knowledge of the matter. Mfundisi was not called back to the stand.

Having fulfilled the conditions of Section 31 prisoners (to give evidence as state witnesses), Mfundisi and Matalakange were then released.

Seroke and his co-accused — Mandla Cele and Thembinkosi Khonongwe — have pleaded not guilty to charges of terrorism, membership of the banned Pan Africanist Congress and charges of possessing five scorpion machine pistols, ammunition, 12 handgrenades and PAC literature.

They were among six alleged PAC members detained under Section 29 of the Internal Security Act on September 9.

Three of the detainees — Matalakange, Mfundisi and a "Mr X" — all agreed to become state witnesses at the outset of the trial. "Mr X" has given state evidence.

Seroke, who claims he was assaulted and threatened on several occasions while in detention, is a former co-editor of Ravan Press books, a founder member of Ravan's Staffrider series and an unpublished poet.

The trial resumes in the Springs Regional Court on October 13 when the defence will present its case.

# 'Mole in police HQ'

LONDON. — Six leading members of the ANC's National Executive Committee left here this week to return to Lusaka after giving evidence before a commission for the trial of Ebrahim Ismail Ebrahim.

331

The commission was set up after Ebrahim's defence argued in the Pretoria Supreme Court that only active members of the ANC could refute the State's case.

Ebrahim, Acton Mandla Maseko and Simon Dladla have pleaded not guilty to several charges of treason and terrorism arising out of landmine attacks in the Eastern Transvaal in 1986.

## Biggest since Rivonia trial

South

Described by police as the most senior ANC man to be tried since the Rivonia trial, Ebrahim was kidnapped in Swaziland in December 1986 by two unknown men, and driven to South Africa where he was detained.

The ANC members are believed to have rejected SA claims that it had a spy in Lusaka. They are said to have claimed to the commission that the ANC, in fact, had a mole in Pretoria police headquarters. — *MOIRA LEVY*

29/9—5/10/88

COURTS

# State linked to blasts, says Forbes

ARGUS 29/9/88 331

**Supreme Court Reporter**

THE African National Congress had detailed information linking bomb blasts on civilian targets to the State, the Supreme Court has been told.

This was said by ANC member Ashley Forbes, who has been convicted of terrorism.

Forbes was being cross-examined yesterday by Mr M Stowe, for the State, while giving evidence in mitigation.

Mr Stowe referred Forbes to a pamphlet which called on people to attack the enemy in Epping, Goodwood and Newlands and asked who the enemy was in those areas.

Forbes replied that the enemy was the police, police stations, army personnel and military installations.

He said it was not the ANC's policy to take the war into the white areas but the intention was to thin out the enemy by luring them into those areas.

## Discredited

Mr Justice Williamson asked Forbes about his attitude towards blasts in Wimpy Bars and the one at the Ellis Park stadium.

"In other countries where people are moving toward war, the State discredits the liberation movement, as happened in Nicaragua," Forbes replied.

"Look at the attacks on Khotso House and Community House. It is not ANC policy to attack civilian targets."

Forbes said the ANC had not decided to use terror campaigns and condemned attacks launched on solely-civilian places.

"I don't know all the details about these blasts, but I personally won't go out and attack a civilian target like a rugby field," Forbes said.

"The ANC has detailed information that such acts are perpetrated by the regime."

He said he was not up to date with the ANC policy on hard and soft targets and could not comment on it.

## Bus shelter

Asked by Mr Stowe whether the bus shelter outside the State President's home which Forbes directed should be attacked was a hard or soft target, Forbes said he did not know.

"The blast at the bus shelter was just after the opening of Parliament and before the white elections," Forbes said.

"It was a message to the whites who were going to vote."

Evidence earlier in court was that the limpet mine exploded in the bus shelter shortly before noon on February 5 last year.

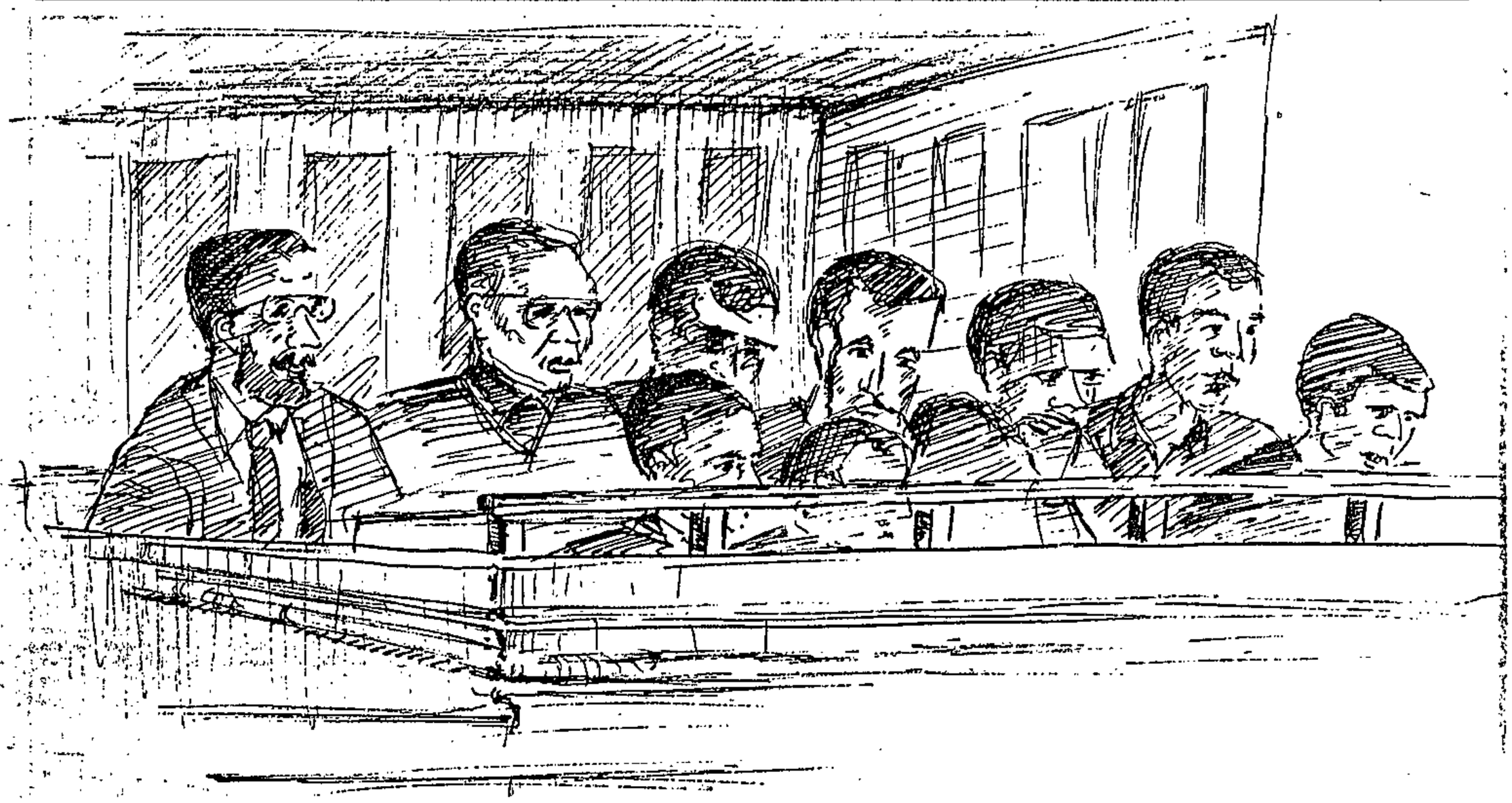
Forbes told the court he had given instructions that the mine should be set to explode between 2am and 4am.

He said possible reasons for the delay in the explosion were a faulty mechanism or the wrong lead plate was used in the timer.

The limpet mine blast on the railway line near Heideveld on May 5 was in support of the striking South African Transport Services workers, Forbes said.

He admitted that the blast could have torn off a piece of the line and led to the derailment of a train.

The trial was postponed to October 18.



# The Forbes story

SEVERAL factors prompted Ashley Forbes to join the African National Congress, the Supreme Court, Cape Town has heard.

Giving evidence in mitigation, Forbes said the forced removal of his grand-parents from District Six, his political "awakening", the killing of his brother-in-law by a South African Defence Force soldier, repression by the State, the suffering and hardships of lowly-paid workers, the killing of people's leaders like Mathew Goniwe and the Government clampdown on progressive organisations such as the UDF were all factors which contributed to his decision to join the ANC.

Forbes and 14 others were convicted in the Supreme Court, Cape Town recently on ANC-related charges.

Born in Wynberg in 1964, the youngest of five children, Forbes was raised by his mother after his parents were divorced when he was barely a year old.

From an early age he was conscious of apartheid's effects on people's lives. From the way his family reacted when the then prime minister, John Vorster, appeared on television he sensed apartheid was wrong.

"I could not fully understand those things at the time, but I was conscious that I had problems with apartheid."

He was in Std 5 during the uprisings of 1976 and, although at that stage he did not fully understand the "dynamics" of the protest, he clearly remembers the school closing early, and his teacher warning him to stay off the streets.

As a pupil at the Wittebome Senior Secondary he tried to find deeper meaning in religion, which later led him to evaluate other aspects of life such as chauvinism, sex before marriage, divorce — and apartheid.

"We started to question that we were coloured and had to stay in a coloured area. We questioned apartheid, but our conclusions were mainly motivated from a moral basis.

"At that time we were not able to fully connect apartheid to the whole system. We were not able to understand that being coloured, and living in Wynberg was related to people earning low wages and the Government structure being run in a particular way.

Forbes

"I remember during my childhood that I had often visited my grandparents, almost on a weekly basis.

"I started to get to know District Six and I made many friends in the area.

"You were able to go into any household, the whole community appeared to be part of one big happy family, something almost unique to District Six.

His grandmother was forced to leave District Six when it was declared a white Group Area.

"She came to live with us in Wynberg and somehow I could understand the pain she felt after leaving the area.

"And also, I think what had started to awaken with me was other things. I started to become aware of areas like Mitchells Plain and Bonteheuwel, and started to understand how people felt about being forced out of areas they live in."

His District Six experience opened his mind to other issues in the community.

"I started to criticise apartheid more and started to pose particular suggestions about what could be done about it.

"Eventually it developed into a situation where my mother started to become irritated with me. She could not understand the need I felt to actually do something about apartheid. It was only as the political climate in the country changed, that my mother started to understand my role, and the responsibility I felt."

He became a member of his school's SRC, participated in the discussions of the Committee of 81, and later become involved with the Congress of South African Students and the Cape Youth Congress.

He enrolled for a teacher's diploma at the University of the Western Cape in 1983.

Through his involvement with other student, community organisations and unions he developed a "deeper understanding of the concept of democracy".

In 1985 the State increased its clampdown on the United Democratic Front and its activities, ANC members were killed, the Uitenhage massacres took place, a partial state of emergency was declared and slowly the legal avenues which were normally open started to close.

"You couldn't organise or call a meeting in the name of the organisation, pamphleteering became very difficult, and in a sense we felt almost cut off. It was during this period that he started to think about joining the ANC.

The trial is continuing.

# Court told of the on-going conflict of apartheid

ANC COMMANDER Ashley Forbes said in the Supreme Court, Cape Town this week that apartheid was illegal and as long as apartheid existed people would always come into conflict with the laws of the land.

State counsel Mr Mike Stowe told Forbes he and other people who participated in the Pollsmoor march knew the march was illegal — and they knew there would be confrontation with the police.

Forbes said the march was conducted in an orderly and disciplined fashion. The trouble started when the police arrived.

"Confrontation with the police is a price we have to pay for our freedom."

He said he left the country because he was sought by the police after Cecil Esau, who had recruited him, was arrested.

As a member of the ANC he could further his studies or become a political soldier.

The policy of the ANC was not to attack civilians and they regretted it when innocent people got hurt or killed in the process.

"I regret it when civilians get killed, but realise that we are at war and civilians will get caught in the crossfire."

The war in South Africa was not against whites, but the struggle was being taken into the white areas so they could feel the effect of war.

"The people in the townships are constantly at war with the troops who are always there."

Resistance had been crushed by the State and ordinary people were engaged in "people's war". The declaration of the State of Emergency was an attack on civilians, Forbes said.

Stowe said he thought it was rather restoring law and order.

"There is no law and order in this country. It is a declaration of war forcing people into submission and into accepting the laws of the country," Forbes added.

"The State of Emergency does not deal with the problems and grievances of the people and therefore does not bring about law and order."

The ANC was prepared to sit down to negotiate an end to the armed struggle.

Stowe: If the ANC was to be unbanned today, and the present government did not meet any of the demands of the ANC, would the people's war stop?

Forbes: The ANC will always be committed to freedom. If moves by the government are towards a democracy and freedom, we are prepared to work towards an agreement.

The other accused are: Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement, Baadjies, Davis Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

The case was postponed to October 18.

# Four appear in court after Guguletu shootout

AK43 30/9/88 (331)

Court Reporter

A GUGULETU woman, her daughter and two others appeared briefly in the Cape Town Regional Court today in connection with an allegation that they harboured a terrorist.

Mrs Ethel Thenfiwe Loza, 44, and Miss Maureen Mandisa Loza, 19, of Nokwanda Street, Miss Sindiswa Beauty Dlawu, 27, of Kwazakele, Port Elizabeth, and Mr Yolile Mini, 27, of G 251, Khayelitsha, were not formally charged and were not asked to plead.

Mr Frank Silbert, for the State, told the court the State had withdrawn charges against Ms Khungeka Gloria Mali of Khayelitsha.

He said the Attorney-General had decided to prosecute under section 54 of the Internal Security Act.

Their appearance follows an incident in July in which police surrounded a house in Guguletu in which a suspected guerrilla was staying.

A man known as "Solly" was killed in a shootout.

Defence counsel Mr A Albertus asked the court for a postponement on the grounds that the charge sheet had been provided by the State only two days ago, leaving inadequate time to prepare a defence.

The magistrate, Mr P M A Louw, adjourned the hearing to January 16 for trial and told Miss Loza that next time she was not to bring her baby to court.

Bail of R1 000 was extended.

ber 30 to October 6, 1988

98

# Alexandra youths 'acted as if they were police' — Rand judge says

331

By MUSA ZONDI

EIGHT Alexandra activists convicted of sedition by the Rand Supreme Court last week had "arrogated to themselves certain functions of the police and the judicial authority of the state", the judge said.

Ashwell Zwane, 21, Vusi Ngwenya, 21, Andrew Mafutha, 23, and his brother David, 21, Arthur Vilakazi, 25, Albert Sebola, 22, Piet Mogano, 29, and Philemon Phalongwane, 18, were all members of the Alexandra Youth Congress (Ayco).

They had been charged with treason for trying to usurp the authority of the state by creating "alternative structures" for "people's power".

The eight were convicted of sedition last Friday, but acquitted on charges of treason and subversion.

Justice H Grosskopf found they had run "people's courts" at 64 15th Avenue — from a shack which was also used as Ayco's headquarters.

He also found they had participated in an anti-crime campaign, started by Ayco, and had stripped people of weapons, especially in shebeens.

However, the judge found the state had not proved the eight had hostile intent to subvert the authority of the state.

Justice Grosskopf said the state had failed to prove the trialists had conspired with the African National Congress, the United Democratic Front and the Congress of South African Trade Unions. He said Security Police chief Brigadier H Stadler, who gave evidence as a state witness, had failed to prove this conspiracy.

Though the eight might have participated in naming Alexandra streets after ANC leaders, the judge said, this could mean they were merely sympathisers, not co-conspirators.

Justice Grosskopf said the vigilante attacks in Alexandra on the night of April 22 1986 ought to be considered in order to understand why the accused and residents hated the police. Witnesses had testified that the attackers were wearing sky-blue shirts and grey trousers.

There was strong suspicion that members of the police force took part in these attacks though there was no conclusive evidence, the judge said.

He said the accused had never participated in attacks on the police.

The state had claimed Ayco acted in concert with the Alexandra Action Committee by creating streets, yard and block committees. But the judge ruled there was no evidence to suggest a conspiracy between Ayco and the AAC.

Justice Grosskopf said by conducting anti-crime campaigns without the assistance of the police, the accused were arrogating the powers of the police — acting as if they were a police force.

By conducting people's courts, the accused acted in defiance of the judicial authorites, the court ruled.

The trial, which started at the end of April 1987, highlighted major problems plaguing Alexandra.

In his evidence township administrator Steve Burger described the community's determination to stand up for their rights as unique. He said this was seen in the successful bus boycotts in the 1950's.

Burger said in 1912 the township was proclaimed a freehold area for blacks and coloureds. Since it fell outside the Johannesburg City Council's jurisdiction, it was not provided with proper infrastructure. By 1984 there was still no electricity or sewerage facilities

Grand schemes to develop Alexandra into the "Switzerland of South Africa" were either slow or insufficient. The judge said the residents had legitimate grievances.

With the upsurge of unrest all over the country in 1984, Alexandra was not left unscathed.

Community structures sprung up. In early 1986, vigilantes killed many people, and many residents formed the opinion police were responsible for some of the attacks.

Sentence is expected to be delivered today.

# Alexandra men not the cause of 1986 unrest, argues defence

30/9/88.
331 B1009

SUSAN RUSSELL

THE eight Alexandra men convicted of sedition for their involvement in conducting people's courts and anti-crime campaigns in the township during 1986 were a product of the unrest situation at the time and not the cause.

This was argued by their counsel, N Kades, in mitigation of sentence before Mr Justice Grosskopf in the Rand Supreme Court yesterday.

Ashwell Zwane, Vusi Ngwenya, Andrew Mafutha, Arthur Vilakazi, Albert Sebola, Piet Mogano and Phillemon Phalongwane were found not guilty of treason and an alternative charge of subversion.

They were all arrested at their Alexandra Youth Congress branch in July 1986 from where a people's court was conducted.

# Jail, not death, for Sebokeng pair

BLOEMFONTEIN. — The Appeal Court here substituted imprisonment of 12 years for the death sentences imposed on Josiah Tsawane and Daniel Maleka, of Sebokeng, for the murder of a security policeman on August 31, 1985.

The court ordered that a sentence of 10 years for robbery of the policeman should run concurrently. — Sapa

National Union of Mineworkers president Mr James Mahlatsi greets Mr Solomon Nongwati (right). With them is Mr Paulos Tshelane. He and Mr Nongwati are free after spending 19 months on death row.

# Two surprised at death row reprieve

Star 3/10/88

(331)

By Sally Sealey

Two members of the National Union of Mineworkers (NUM) were released from Pretoria Central Prison on Saturday after spending 19 months on death row.

Mr Solomon Mangaliso Nongwati from Matatiele, Transkei, and Mr Paulos Tsietsi Tshehlane of Lesotho said they realised their appeal against the death sentence had been successful only when they were released.

Mr Nongwati's appeal was successful on four of the five murder and attempted murder charges of which he had been convicted. The fifth conviction relating to one of the murder charges carried a 30-day prison sentence which the court found he had already served, a spokesman for the Justice Department said.

Convictions on all five murder and attempted murder charges against Mr Tshehlane were overturned.

Both men arrived on Saturday evening at the city hall in Johannesburg where a meeting was being held to commemorate the 177 miners killed in the Kinross mine accident in September 1986.

The men were warmly greeted by the NUM general secretary, Mr Cyril Ramaphosa.

In a speech filled with biblical quotes, Mr Tshehlane said: "It was the will of God that we were finally released."

The crowd was told that Mr Tshehlane's speech had been based on the Bible because that was his only comfort in prison.

Mr Tshehlane said he still could not believe he was out of prison. He told the crowd it was only their response to him on stage that made him realise he really was free.

Both men said they had given themselves up for dead.

The men were sentenced to death after being involved in the killing of a team leader at Vaal Reefs Mine.

# 11th-hour stay of execution

Star 4/10/85

331

Staff Reporters

A 26-year-old man was executed at Pretoria Central Prison today after the last-minute rejection of his application for a stay of execution.

Another condemned man, whose application last night also failed, was granted a stay of execution by the Minister of Justice, Mr Kobie Coetsee, during the night.

The man executed today, Michael Mnisi, received the death sentence in March for the murder of a Warmbaths farmer, Mr Pieter Hendrik Pretorius (58).

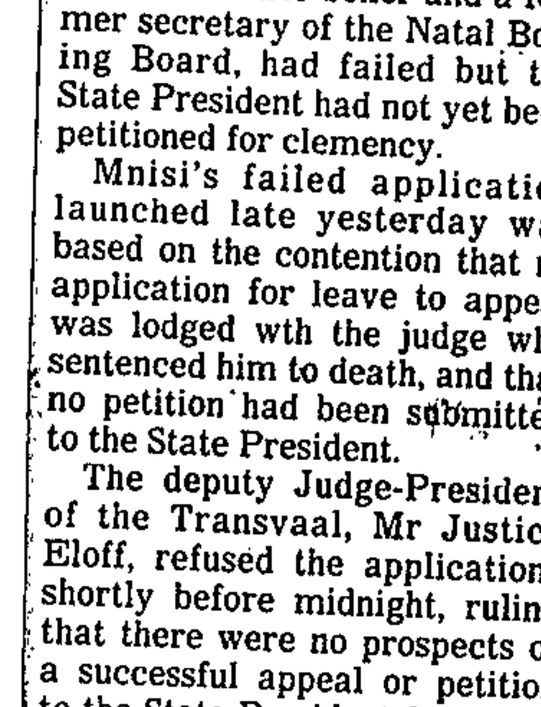
Raymond Jabulani Chozi, who was due to hang today, was informed in the early hours that the Minister had granted the indefinite stay to "allow him to make use of all remedies".

An appeal by Chozi, who was sentenced to death for the murder of a former boxer and a former secretary of the Natal Boxing Board, had failed but the State President had not yet been petitioned for clemency.

Mnisi's failed application launched late yesterday was based on the contention that no application for leave to appeal was lodged wth the judge who sentenced him to death, and that no petition had been submitted to the State President.

The deputy Judge-President of the Transvaal, Mr Justice Eloff, refused the applications shortly before midnight, ruling that there were no prospects of a successful appeal or petition to the State President for either of the men.

● See Page 3.



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# FREEDOM CRY AS MEN GET JAIL

(331) Sowetan 4/9/88

**"FREEDOM in our life time", shouted eight Alexandra township young men yesterday soon after a Rand Supreme Court judge had sentenced them to a total of 25 years imprisonment for sedition.**

By MANDLA NDLAZI

One of them, Philemon Phalongwane (18) who is the youngest of them all, had all his four years jail term suspended for five years. Effectively he is out of prison.

Ashwell Zwane (22), Vusi Ngwenya (22), David Mafutha (21) and Piet Mogano (25) were each sentenced to eight years of which four were conditionally suspended for five years.

Andrew Mafutha (24), Arthur Vilakazi (22) and Albert Sebola (24) were each sentenced to six years of which three were also conditionally suspended for five years.

The conditions were that they should not, during this period, be convicted for high treason, sedition, public violence and in terms of Section 54 of the Internal Security Act.

Mr Justice Grosskopf took as a mitigating factor that they were all first offenders and the period they had spent in jail since their arrest on July 27, 1986.

The judge said he would consider their ages and that they had expressed a desire for change. He said he noted that the defence counsel, Mr Norman Kades, had pleaded that it would be in the best interest of the State if the young men were restored to their families, but the court could not ignore the seriousness of the offence.

He said the crime of sedition was committed mainly against the judicial authority of the State and the South African Police force, and this impaired peace and public order.

The residents of Alexandra, said the judge, were intimidated and some were attacked as the evidence showed. The abnormal situation in the township facilitated their actions and their unlawful conduct aggravated the situation, said the judge.

He said he had been told that the accused were studying and he was of the opinion that they should be assisted and he would request the prison authorities to help in this respect.

Before going down to the cells, they shouted "Amandla", and members of the public gallery responded, "Awethu". The young men shouted again "Freedom in our lifetime, Viva Ayco".

People at a vigil organised by the Save the Patriots Campaign yesterday light candles in solidarity with those on death row. Police used teargas and confiscated film at the vigil at the Central Methodist Church in Johannesburg. About 200 people attended.

# Police act at vigil for condemned four

(331) Star 4/10/88

Police used teargas and confiscated film at a vigil in Johannesurg yesterday for four men on death row who were granted a stay of execution at the weekend.

The "Addo Four" — Similo Wonci, Mziwoxolo Makeleni, Ndumiso Siphenuka and Makhwzana Menze — were sentenced to death in January 1987 and were due to be executed today.

They were moved from death row at the weekend following a successful stay of execution granted to Wonci, a spokesman for the Department of Justice said today.

The men have been given a month to seek further remedy.

The vigil took place at the Central Methodist Church in Johannesburg and was called by the Save the Patriots Campaign. A police video crew was present throughout the service, which was also addressed by the general secretary of the National Union of Mineworkers, Mr Cyril Ramaphosa.

After the service, people with candles who wanted to stage a peaceful protest outside the Su preme Court were warned by police to disperse.

Later a young Wits student was briefly detained — as he was walking away from the scene — and questioned before being released. Teargas was sprayed in the face of one photographer, and the car of others was stopped and searched.

Wonci (23), Makeleni (24), Siphenuka (27) and Menze (43), all members of the Addo Youth Congress, were sentenced to death for the murder of a Kirkwood farmer and his wife in June 1985.

Legal sources in Pretoria said it was unusual that all four of the Addo men had been removed from death row by the Prisons Department when a stay of execution for only one of the men had been sought and granted.

This is believed to be the result of growing South African opposition to capital punishment.

Recent developments include:

● The Black Sash has publicly called for the establishment of a commission of inquiry into capital punishment — last investigated more than 50 years ago.

● Mr J P J Coetzer, SC, of the Pretoria Bar, concluded a recent article in the legal journal *Consultus* by noting: "The time has come for (an) investigation to be instituted (into capital punishment)."

## 2 free after months on death row

By Claire Robertson, Pretoria Bureau

Six men convicted of killing five alleged informers during unrest at a Vaal mine in 1986 have had their sentences reduced and in some cases set aside by the Appeal Court in Bloemfontein.

Two of the men were released from Pretoria Central Prison on Saturday after spending 16 months on death row.

They are National Union of Mineworkers members Mr Solomon Mangaliso and Mr Paulos Tshehlane, whose murder convictions and death sentences were respectively reduced to 30 days' imprisonment and overturned completely.

Tyelovuyo Mgedezi's appeal was successful on two charges, but his appeal against two other death sentences failed.

Siphiwe Mbalombaka's appeal on two 10-year sentences failed.

Frans Makhanya's appeal was also successful. His murder charges were substituted for public violence. He still has to serve three months'.

Mr Edward Masike's sentences were set aside.

# Imperilled peace and order — judge

Star 4/10/88

331

By Cathy Stagg

The judge who sentenced eight Alexandra men yesterday said the squalid living conditions in the township at the time the crimes of sedition were committed were unfortunate, but the court could not place too much weight on this fact.

Mr Justice F H Grosskopf said in the Rand Supreme Court that he had been urged to return the accused to their families, but the court could not ignore the seriousness of what they had done or the interests of the community.

Every subject, high or low, was amenable to the law, he said, and none could be punished except by a properly constituted legal tribunal. The "people's court" run by the accused at 64 15th Avenue was not legal. The accused had committed crimes against the judicial authority of the State and also in defiance of the South African Police.

"They certainly were imperilling public peace and order. I regard holding a people's court in a serious light. It could never be tolerated in any civilised country. They ran it according to their own unjust rules," the judge said, referring to the fact that a witness was beaten with a sjambok because he had not answered questions to the satisfaction of some of the accused.

It was submitted that their conduct had to be viewed against the abnormal circumstances in Alexandra at the time, but this was a double-edged argument. The abnormal situation in the township facilitated their actions, the judge said.

The court heard that the SAP and municipal police were driven out of the township and the residents were told to report crimes to the "comrades". Residents who were found carrying weapons were assaulted during the anti-crime campaigns run by the accused.

The judge said the deeds of the accused spoke for themselves.

Five of the accused had admitted assaulting a suspect, which the judge took into account in their favour, but he did not agree that they had shown remorse.

There was no evidence the accused were influenced by older people, the judge said, but nevertheless the court found them to be the "soldiers, not the generals".

## Basic human rights were ignored

# Alex youths jailed over 'people's court'

331

Star 4/10/88

By Cathy Stagg

The minutes of a "people's court" in Alexandra showed it had started out helping Alexandra residents but had degenerated into a system filled with violence and injustice, Mr Justice F H Grosskopf said in the Rand Supreme Court yesterday.

Ashwell Zwane and his seven co-accused, Vusi Ngwenya, Andrew Mafutha, David Mafutha, Arthur Vilakazi, Albert Sebola, Piet Mogano and Phillemon Phalongwane, were each sentenced to an effective four years' imprisonment for sedition.

They took part in unlawful anti-crime campaigns and the running of a "people's court" in Alexandra during 1986.

After sentence, Zwane led a chorus of shouts of "Amandla!" and said: "In the name of the Alexandra Youth Congress we believe freedom will come in our lifetime."

"The accused showed themselves to be ignorant in this field (the law) and prejudiced. The basic human rights of citizens were disregarded," Mr Justice Grosskopf said.

The eight men were arrested on July 7 1986 and the judge said he took into account that they had been imprisoned for more than two years.

He also took into account their relative youth and the fact that they were "the soldiers, not the generals".

Zwane, Ngwenya, David Mafutha and Mogano were each sentenced to eight years' imprisonment, with four years' conditionally suspended for five years.

Ngwenya, Andrew Mafutha and Sebola, who did not play a leading role, were each sentenced to six years' jail, with three years conditionally suspended for five years.

Phalongwane was placed in a special category on his own because he was 16 at the time of his arrest and was the only accused under the age of 20 and also the only scholar. The whole of his four-year sentence was suspended.

The judge said the accused used violence during the anti-crime campaigns and in the running of the "people's court".

A man suspected of causing someone's death was assaulted because he did not answer questions to the satisfaction of some of the accused. Then he had petrol poured over his face.

"This shows the inherent dangers of such a process," the judge said, noting that petrol had a special significance for Alexandra residents at that time.

The "court" also tried two cases in which people had died from stab wounds.

All the accused have been studying while in prison and the judge asked that a representative from the Attorney-General's department pass on his request to the Prisons Department that they should be assisted in continuing their studies if possible.

Mr E du Toit, assisted by Mr Z van Zyl, appeared for the State. Mr N Kades, assisted by Mr F Rautenbach and instructed by Pricilla Jana, appeared for the accused.

# Bid to save two from death row

CHG Tuyts 4/10/88 331

**Own Correspondent**

JOHANNESBURG. — An 11th-hour application to save the lives of two black activists due to be executed today was expected to be heard in the Supreme Court, Pretoria, last night.

The application was brought by lawyers representing the families of Michael Mnisi of Kwaggafontein in KwaNdebele and Raymond Shezi of Natal.

They were due to be hanged in Pretoria today, after being convicted on charges of murder, along with the so-called "Addo Four", who received a stay of execution in the Rand Supreme Court on Friday.

Members of the Save the Patriots Campaign committee, a pressure group which campaigns for the abolition of the death penalty, at a prayer meeting yesterday criticized the practice of not routinely making details of death row prisoners public.

Seven people were executed at Pretoria Central Prison on Friday, bringing to 96 the number of people executed in SA this year.

A Department of Justice spokesman confirmed yesterday that the Addo Four — Similo Wonic, 22, Christopher Makeleni, 22, Ndumiso Siphenuka, 25, and Raymond Shezi, 42, had been granted until October 30 a stay of execution to petition the State President for clemency.

They were sentenced to death in January last year for the murder of an elederly white couple in Kirkwood in the Eastern Cape.

Meanwhile, two members of the National Union of Mineworkers (NUM) were released from Pretoria Central Prison on Saturday after spending 19 months on death row, after a successful appeal against three murder charges and one attempted murder charge.

A third man, sentenced to death for his involvement in the murder of a team leader at the Vaal Reefs mine, had his death sentence commuted to 10 years.

331

# Jail for 8 in 'people's court' trial

JOHANNESBURG. — Eight Alexandra men who took part in the running of a "people's court" were jailed yesterday by a Rand Supreme Court judge.

Ashwell Zwane, sentenced to an effective four years for sedition, led a chorus of shouts of "Amandla" after he and his co-accused were sentenced. He added: "In the name of the Alexandra Youth Congress we believe freedom will come in our lifetime."

Zwane and Vusi Ngwenya, Andrew Mafutha, David Mafutha, Arthur Vilakazi, Albert Sebola, Piet Mogano and Phillemon Phalongwane took part in unlawful anti-crime campaigns and the running of a people's court in Alexandra during 1986, the court found.

Mr Justice F H Grosskopf, who presided over the trial, took into account that they had been imprisoned since their arrest on July 7 1986.

He also took into account their relative youth and that they were "the soldiers, not the generals".

Zwane, Ngwenya, David Mafutha and Mogano were each sentenced to eight years' imprisonment, with four years conditionally suspended for five years.

Viulakazi, Andrew Mafutha and Sebola, who did not play a leading role, were each sentenced to six years, with three years conditionally suspended for five years.

Phalongwane, who was 16 at the time of his arrest and the only school pupil in the group, had his four-year sentence suspended.

The accused used violence during the anti-crime campaigns and in the running of the people's court.

The judge said the minutes of their meetings showed that the "court" was started to assist Alexandra residents with their problems but degenerated into a system filled with violence and injustice.

"The accused showed themselves to be ignorant in this field (the law), and prejudiced. The basic human rights of citizens were disregarded."

During the anti-crime campaigns, people found carrying weapons and youths found in shebeens were assaulted.

The judge noted that some of the accused themselves used shebeens and one was in possession of a long knife when he was arrested. — Sapa

Cape Times 4/10/88

# Treason trial order issued

331

**BETHAL. The Supreme Court, Pretoria, ordered that a Robben Island prisoner, Wusimusi Sindane, must testify in the Bethal treason trial.**

**The trial, in which three alleged members of the ANC, Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla, are appearing on charges of treason and terrorism, was resumed in Pretoria yesterday after a commission had heard the evidence of six ANC members in London.**

**The application calls for Sindane to testify on behalf of Mr Maseko. Defence advocate Mr L Gearing told the court that Mr Maseko had declined to testify. — Sapa**

## Trial to hear of alleged landmine strategy

# Robben Island man will give evidence

331

Stay 4/10/88

By Jo-Anne Collinge

A Robben Island prisoner, sentenced in May last year for African National Congress activities, is to give evidence in a Pretoria treason trial.

An order for "essential witness" Vusi Sindane to be brought before the court to testify as soon as possible was made yesterday by Mr Justice Daniels in the Pretoria Supreme Court.

The order was a response to an application by the defence in the trial of Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim.

The trial is something of a legal landmark in that hundreds of pages of verbal evidence from top level members of the ANC have been admitted as evidence. The ANC testimony, taken in London last month, was handed into the court as a series of exhibits yesterday.

Among the six ANC members who testified were three members of the organisation's national executive committee, Mr John Nkadimeng, Mr Jacob Zuma and Mr Ronnie Kasrils.

Much of the evidence taken on commission relates to Mr Ebrahim, whom the State alleges was on the executive of various Swazi-based ANC structures responsible for military and underground political activities in Natal and the Transvaal.

Mr Ebrahim was kidnapped in Swaziland in 1986 and then detained by security police in Pretoria.

The judge granted the defence's application to take evidence of commission on the grounds that ANC members would be in a position to dispute specific evidence about Mr Ebrahim led by State witnesses whose identities have been closely guarded.

### CHARGES OF TERRORISM

Mr Sindane, the prisoner who is likely to give evidence later this week, was sentenced in an Ermelo court on counts of terrorism, possession of arms and ammunition and carrying out ANC activities.

According to evidence, he was returning from Swaziland in the company of several others when he was intercepted by the police. Those who had set out with him were killed by the forces, but Mr Sindane survived and stood trial.

It is argued by the defence that he will be able to testify on a certain meeting at which the ANC's landmine strategy was allegedly discussed. The evidence will relate especially to Mr Maseko.

All three accused face alternative charges of attempted murder arising from landmine explosions in the south-eastern Transvaal in mid-1986.

# Photographer loses claim for R37 000

331

By Cathy Stagg

Internationally renowned photographer Mr Peter Magubane, who was shot during unrest following a funeral in Katlehong, lost his civil claim for damages of more than R37 000 from the Minister of Law and Order in the Rand Supreme Court yesterday.

Peter Magubane . . . shot during unrest.

Mr Magubane was shot in the feet, leg and buttocks on July 13 1985.

Mr Justice D A Melamet rejected Mr Magubane's version of what led up to the shooting.

Mr Magubane, who was commissioned by *Time* magazine to take photographs of incidents of unrest, said he went to Mrs Pearl Nyembe's funeral because experience had taught him that rioting was likely after a funeral.

His version of events was that a group of people was singing in the street when a police Casspir arrived and, for no reason whatsoever, began shooting at the feet of the crowd.

The police said that the group, which had just stoned a liquor outlet, began throwing stones at the Casspir. The crowd did not disperse and teargas was ineffective because of the wind direction.

An order was given to fire birdshot at the feet of the crowd, but to stop the shooting once the crowd had dispersed.

It was common cause there was unrest in the township at the time, the judge said, which was why Mr Magubane had gone there to take the photographs for the magazine.

The judge said it was highly improbable the crowd gathered in the street was peacefully singing and dancing and that none of them had participated in the recent stoning of the liquor store.

Mr Magubane might well have been unaware of the earlier stoning, the judge said, but according to the evidence it had continued while he was present.

The position of the wounds in Mr Magubane's feet also cast doubt on his version of events, the judge added.

The policeman in charge of the Casspir, Warrant Officer Steyn, was described by the judge as a simple person and not over intelligent. But, the judge said, he did not try to embroider, or play down, his part in the events.

Mr Justice Melamet ruled it was justifiable and lawful for Warrant Officer Steyn to have given the order to open fire.

Mr Magubane's claim was for medical expenses amounting to R1 738, R20 661 for loss of earnings and for general damages for pain and suffering amounting to R15 000.

Mr C Loxton, instructed by Mr R Tucker, appeared for Mr Magubane. Mr E C D Bruwer, instructed by the State Attorney, appeared for the Minister.

# Dramatic reprieve for killer

Cape Times 5/10/85

331

PRETORIA. — After a Durban man's 11th-hour application to stay his scheduled execution was dismissed late on Monday night, he was granted a dramatic reprieve hours before he was to meet the hangman's noose yesterday.

However, the application of a second man, Michael Vusi Mnisi, for a stay of execution was dismissed by Mr Justice C F Eloff, the Acting Judge President. He was hanged yesterday morning.

Mnisi, of KwaNdebele, was convicted on a charge of murder along with the "Addo Four" (Addo Youth Congress).

The four received a stay of execution of one month in the Rand Supreme Court on Friday. They were convicted in January last year of the murder of an elderly Kirkwood, Eastern Cape, couple.

Mnisi was sentenced to death in the Warmbaths Circuit Court in March. He beat a Warmbaths farmer, a Mr Pretorius, to death with a 14-pound hammer.

The execution of the Durban man, Raymond Jabulani Chozi, was postponed by the court "indefinitely" for a decision by the Minister of Justice, Mr Kobie Coetsee, according to a Department of Justice spokesman.

Chozi brought an application on Monday night for a stay of his execution. He was given a double death sentence last year for the murder of two men.

Mr Justice Eloff said it was idle to suppose that a new or better petition to the State President would be necessary as all condemned peoples' trial records were considered by several people, including the Minister of Justice, before the condemned man was executed. He dismissed the appeal.

However, hours later the Minister of Justice, Mr Kobie Coetsee, granted Chozi a stay of execution.

# Trial of 3 on terror charges postponed

6/10/1988

331

By ALINAH DUBE

**THE trial of the three men facing numerous charges of terrorism and treason was yesterday postponed to October 17 for argument in the Pretoria Supreme Court.**

Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismael are appearing before Mr Justice Daniels and two assessors. They have pleaded not guilty to all charges.

The defence closed its case after the evidence of a Robben Island prisoner, Vusimuzi Sindane, who is serving a 17-year jail sentence.

Sindane told the court that allegations that he was one of the people who attended a series of meetings where landmine warfare was discussed in Swaziland during 1986, were untrue. These suggestions were made earlier in court by a State witness.

Part of the evidence in the trial was led before a commission in London.

This was the evidence of six African National Congress members, Mr Johannes Mkhwanazi, Mr John Nkadimeng, Mr Ronnie Kasrils, Mr Jacob Zuma, Mr Vusi Khumalo and Ms Todzi Mamela.

(531) South 6-12/10/88.

# Island prisoner to testify at ANC hearing

From MONO BADELA

JOHANNESBURG. — A convicted Umkonto WeSizwe guerilla, now serving a prison sentence on Robben Island for ANC activities, is to give evidence in a Pretoria treason trial.

An order for "essential witness" Vusi Sindane to be brought before the court to testify as soon as possible was made this week by Mr Justice Daniels in the Palace of Justice, Pretoria.

Sindane was sentenced in Ermelo Circuit Court on counts of terrorism, possession of arms and ammunition and furthering the aims of the banned ANC.

The order was a response to an application by the defence in the trial of Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim.

Sindane's evidence relates specifically to Maseko.

The trial is regarded by legal experts as something of a legal landmark in that the hundreds of pages of verbal evidence from top-level members of the ANC have been admitted as evidence.

## ANC evidence

Only recently six leading ANC members returned to Lusaka after giving evidence in London before a commission for the same trial.

Among the six who testified were three members of the ANC's national executive committee, Mr John Nkadimeng, Mr Jacob Zuma and Mr Ronnie Kasrils.

Much of the evidence taken on commission relates to Ebrahim, who the State alleges was on the executive of various Swazi-based ANC structures responsible for military and underground political activities in Natal and Transvaal.

In the indictment Ebrahim is described by the police as the "biggest fish" to be tried since the Rivonia trial in 1964. Ebrahim was kidnapped in Swaziland in December 1986 by two unknown men, and driven to South Africa where he was detained.

# Over 1 000 acts of terror since '76

GEORGE — Police have confiscated 872 limpet and land mines and over 1 500 hand grenades in anti-terrorism operations, Law and Order Minister Adriaan Vlok said yesterday.

He was responding to floor dicussions on security matters at the National Party's Cape congress.

From 1976 to 1984 there were 265 acts of terrorism reported and since 1984 to the end of September this year 786 such acts had been reported — a total of 1051 since 1976.

In these attacks 269 hand grenades, 219 limpet mines, 49 land mines and 93 AK-47 assault rifles were used.

From 1976 to 1984 83 people died in terrorist attacks.

Since 1984 to September this year 144 people died, a total of 207.

In 1986 345 people were injured, in 1987 327, and so far in 1988 374.

Between 1976 and 1984 65 terrorists were killed and 209 arrested.

Since 1985 to the end of September this year 123 terrorists were killed and 229 arrested.

Weapons confiscated included 13 RPG-7 rocket launchers and 52 rockets.

Vlok also announced the SAP would pay a R5 000 reward for any information leading to the arrest of a terrorist.

He said the reward would be in effect until the municipal elections on October 26. — Sapa.

# Fined for being at gathering

Star 6/10/88

331

By Celeste Louw

A teacher at a Johannesburg college was fined R100 (or 50 days' imprisonment) by a Johannesburg magistrate yesterday for attending a prohibited gathering at the Chamber of Mines offices.

Firoza Adams (27) pleaded guilty to attending a Federation of Transvaal Women (Fedtraw) gathering to protest against bannings of and restrictions on certain organisations and individuals on March 8 this year.

In a statement handed to the court, Adams said Fedtraw was closely associated with some of the restricted organisations and the federation was an affiliate of the United Democratic Front. The Minister of Law and Order had also restricted one of Fedtraw's members, Mrs Albertina Sisulu, who was "a symbol of the struggle for justice", she said.

"Understandably, Fedtraw was distressed and angered by such high-handed administrative action.

A delegation of women went to the offices of the Chamber of Mines "because it occupies a symbolic position in our economy whose wealth is built upon mining capital".

The women, she said, attempted to present to managerial officials of the Chamber a memorandum which protested against the bannings and restrictions, criticised the silence of the business sector on the bannings and challenged the Chamber and business community to take a stand against "such repressive action".

Adams said she had known it was unlawful to attend the gathering.

# ANC aids defence in treason trial

Star 7/10/88

331

The treason trial of Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla has been in progress for more than a year. Evidence has ended and argument will begin next month. The trial has been extraordinary because the bulk of defence evidence was given by members of the African National Congress. Transcripts of this evidence were handed into court. **JO-ANNE COLLINGE** reports.

Defence counsel Mr Kessie Naidu flanked by witnesses Mr Ronnie Kasrils (left) and Mr Jacob Zuma, both of the African National Congress National Executive Committee.

Star 7/10/88

They are avowed enemies — leaders of the African National Congress and members of the South African Security Police — but they gathered together voluntarily, day after day last month in a room above London's old Chancery Lane.

They were not alone. With them were several lawyers, there to gather evidence for a treason trial in Pretoria. Evidence which could not, by any stretch of the imagination, be given in South Africa.

Solicitor Mr John Peter Herholdt sat as the commissioner for this trial in which both the SAP and the ANC have a keen interest — that of alleged ANC members Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla.

The six witnesses were all members of the ANC. Three of them, Mr John Nkadimeng, Mr Jacob Zuma and Mr Ronnie Kasrils, serve on its top policy-making structure, the National Executive Committee (NEC).

The record suggests this historic participation of the ANC in a trial of its members was heavy going. Frequently cross-examination by the State simply ran dead, blocked by a flat refusal of witnesses to answer.

## 'We are at war'

"I have told you, we are at war, and I will not comment on anything relating to members of our organisation — their identification documents, or movements or structures they belong to," said Mr Kasrils, in a typical instance of this. He and others insisted that secrecy and the employment of the rules of conspiracy were essential to the survival of the ANC.

The member about whom they were prepared to talk extensively was accused number three — Mr Ebrahim. They were also prepared to discuss ANC operations in Swaziland in as far as these affected Mr Ebrahim and Mr Maseko.

And they elaborated on ANC policy in areas which might influence the court's conclusion as to whether certain acts constituted treason or terrorism.

Mr Zuma, a member of the NEC since 1977 and of the Political Military Committee (PMC) — a structure just below the NEC which interprets and implements policy, testified as Mr Ebrahim's superior in the political structures.

He said that since 1982 Mr Ebrahim had been "in charge of the political machinery in Swaziland."

In 1982 he had also been a member of the political committee, a sub-committee of a regional structure known as the senior organ, based in Maputo. Contrary to State evidence, Mr Zuma insisted that Mr Ebrahim was never a member of the senior organ itself.

Although there was restructuring of the ANC at levels above Mr Ebrahim's rank in 1985, with the senior organs being abolished and the PMC replacing the Revolutionary Council, the accused continued in the same work, said Mr Zuma.

Mr Ebrahim was never a member of the political committee of the PMC, Mr Zuma said. When Regional Political Military Committees (RPMCs) were set up in 1985, Mr Ebrahim never served on any.

Even if he had, in the Swaziland context this would not have meant that he had military functions, Mr Zuma said. He agreed with the State that if the decision to set up RPMCs in 1985 had been followed according to the "classic kind of decision" they would have combined the efforts of the political and military.

"But I must add that in relation to the RPMC in Swaziland, the situation was different. We wanted more separation in Swaziland.

"If our people were arrested, the South African security police were involved and therefore they would get information immediately — by interrogating our comrades jointly. So we would not have dared to allow information of that nature to be centralised."

Mr Ebrahim had been kept off the RPMC so that he would not be exposed "to those kind of cadres who could be arrested".

Mr Zuma insisted that it was impossible that Mr Ebrahim could, as alleged, have conveyed orders from military headquarters to cadres in the military structures operating in South Africa concerning landmine warfare.

"It is unthinkable that he would give such an instruction ... This kind of instruction would be related to military work. Mr Ebrahim was not involved in any military work. He was involved in political work. I myself, who am part of the political machinery, being a member of the PMC, have never given such an instruction to military cadres."

Mr Zuma commented on evidence suggesting that the landmine strategy was to be part of a campaign of hitting soft targets — and that soft targets meant white people. "The ANC has never declared any policy on soft targets," he said.

He insisted that the ANC was non-racial. "We are fighting a war of liberation against the apartheid regime and against colonialism of a very special type. We have continuously restrained the oppressed people from allowing themselves to be put into a position where they will find themselves fighting a racial war."

## White areas' war

Asked what the phrase "taking the war into the white areas meant", he answered: "This has been misinterpreted generally by people who presented themselves as specialists on our organisation and have called it a terrorist kind of approach.

"It means that the ANC has to be taken as an organisation to the white areas. In other words whites must be organised into the structures of the ANC in the white areas ... after all, the manner in which South African society is organised, the concentration of the defences of the regime are in the white areas. That is where the big commanders are, both in the police force and the army."

Mr Ronnie Kasrils, of the NEC and a member of the military command, also testified that a centralised RPMC had never been set up in Swaziland. "I came there (in 1985). I had a series of consultations and every one of the comrades whom I spoke to felt that it would be a tremendous danger if we created a command or central structure of that nature"

The end result was that four separate machineries — two military and two political, serving the Transvaal and Natal areas — were retained, he said.

Although an RPMC existed its functions were curtailed. Its membership would not be announced to cadres generally, Mr Kasrils said.

Mr Ebrahim had never been part of the RPMC. Contrary to State evidence, it had not replaced the military high command and the political committee of the PMC.

## Strange events lead to treason trial

He was brought to trial by an extraordinary sequence of events — abduction at gunpoint from his Swazi home and a forced march across the border, followed by a car journey in leg-irons to Pretoria where he was transferred to the South African Security Police and began months of incommunicado detention.

He is, by contrast, a man of conventional appearance as he stands in the dock. A compact figure, grey-haired, 50 years old.

This is Mr Ebrahim Ismail Ebrahim, the man who is alleged by the State to have served on ANC structures which directed military and political resistance inside South Africa, and who is alleged to have been chairman of one such committee.

If this allegation is true, Mr Ebrahim would apparently be the highest ranking ANC member to stand in the dock since the Rivonia Trial, which brought life sentences to Nelson Mandela and his associates.

But is it true?

In an unprecedented development, senior members of the ANC gave evidence for the defence in South African court proceedings in order to put forward their account of the role of their comrade.

According to their evidence, taken on commission in London last month, Mr Ebrahim served exclusively on the political side of the ANC during the period covered by the indictment.

### HIGH TREASON

Mr Ebrahim is only one of three trialists appearing in the Pretoria Supreme Court before Mr Justice Daniels. The others are Mr Acton Mandla Maseko and Mr Simon Dladla.

They all face a main charge of high treason arising from their alleged conspiracy with the ANC to further its objects and commit certain acts on its behalf.

Alternative charges are terrorism and eight counts of attempted murder which stem from injuries incurred in four landmine explosions near Breyten and Volksrust in the south-eastern Transvaal in April and June 1986.

Mr Maseko and Mr Dladla are alleged to have been directly involved in the laying of these landmines. Mr Ebrahim is alleged to have held a position of authority over military cadres inside South Africa, and to have instructed or encouraged the commencement of landmine warfare at a meeting of such cadres in Swaziland in 1986.

Both the State and the defence have concluded their evidence in the trial, which has extended over a year.

The allegations against Mr Maseko and Mr Ebrahim have mainly been substantiated by the evidence of former ANC members who have become State witnesses, whose identities have been closely guarded in all cases.

Chief among these was a witness who may be identified only as Mr X1, now a constable in the South African Police. Mr X1 told the court he had been part of the command structure of the ANC military machinery operating in certain parts. His description of this role has not been contradicted by ANC witnesses.

What is at issue is the substance of his evidence about Mr Ebrahim.

# Mellors wanted to 'question secretary'

Star 7/10/85

By Celeste Louw

Mr Denzil Mellors (19) wanted to ask a secretary at the South African Council of Churches (SACC) a question about "communism and churches", but took out his gun because "people there knew that I had been a police informer", a Johannesburg magistrate heard yesterday.

Mr Mellors, of Hewitt Road in Brakpan, has pleaded not guilty to charges of kidnapping Miss Beverley Fasser at Khotso House on April 11 this year. He has also pleaded not guilty to making a false bomb threat and stealing a firearm which he allegedly pointed at another person.

Mr Mellors has pleaded guilty to illegally possessing a firearm and ammunition.

He told the court that he wanted to obtain information from the SACC on the Methodist Church's viewpoint on conscription.

While going through literature of the SACC he saw that some church groups were sympathetic towards the ANC's Freedom Charter.

"I was very confused when I realised that some church groups shared values with communism. I wanted an answer and when Miss Fasser entered the library, I wanted to ask her about churches and communism," Mr Mellors said.

"I couldn't just walk up to a person and ask questions about communism, so I took out my gun."

Mr Mellors told the court that he took his brother's pistol before going to Khotso House, because he thought his life could be in danger.

"People from the Detainees' Parents Support Committee knew that I had been a police informer," he said.

The trial was postponed to November 14.

# Alex seven jailed

7-13/10 (331) 86 WMAIL

IN the climax to a 14-month treason trial, seven Alexandra activists who "arrogated to themselves certain functions of the police and the judicial authority of the state" were jailed by a Rand Supreme Court judge this week.

The eight accused — Ashwell Zwane, 21, Vusi Ngwenya, 21, Andrew Mafutha, 23, his brother David Mafutha, 21, Arthur Vilakazi, 25, Albert Sebola, 22, Piet Mogano, 29, and 18-year-old Philemon Phalongwane — were all members of the Alexandra Youth Congress.

The court found that they had conducted a "people's court" and waged an anti-crime campaign against the will of some residents.

Before passing sentence, Mr Justice H Grosskopf said the court had been run according to the accuseds' "unjust rules".

Zwane, Ngwenya, David Mafutha and Mogano were each sentenced to eight years' imprisonment, with four years suspended for five years.

Vilakazi, Andrew Mafutha and Sebola were each sentenced to six years, with three years suspended for three years.

Phalongwane, who was 16 at the time of his arrest, received a suspended sentence.

**A MINI 'SOUTH AFRICAN COURT' IS CONVENED IN LONDON TO HEAR TREASON TRIAL EVIDENCE ...**

# Island man gives evidence in irons

**A key witness at the Ebrahim treason trial is a former ANC chief of staff, who is now a long-term prisoner on Robben Island. By VUSI GUNENE**

A ROBBEN Island prisoner in the "Bethal" treason trial this week gave evidence in leg-irons after the judge had ruled that he "could not be treated as a free man".

The trial, of three alleged African National Congress members on treason charges, resumed this week in the Pretoria Supreme Court.

The defence closed its case this week, calling as its last witness Robben Island prisoner Vusimusi Sindane, who entered the courtroom in leg-irons.

A request by defence counsel L Gering that the irons be removed was refused by Mr Justice H Daniels, who said Sindane was serving a long prison sentence for what seemed to be a serious offence and that he could not be treated as a free man.

He added that he was not prepared to interfere with the discretion of the prison officers in charge of Sindane, who had recommended that he be kept shackled.

Reacting to the ruling by the judge, Advocate K Naidu, for the defence said he was "aggrieved" at having to appear in a trial where a witness had to give evidence "bound in this fashion, having regard to the stringent security measures that are available in court".

Sindane told the court that he and one of the accused, Acton Maseko, were members of the ANC, serving in Swaziland.

He told the court that he had arrived in Swaziland in February 1986 and that Maseko was known to him as "Scotch".

He denied knowing accused number two, Simon Dladla, and knew the third accused, Ebrahim Ismail Ebrahim, only as Ahmed.

He denied allegations that he had attended a meeting at which Ebrahim and Maseko had been present.

He also disputed allegations by a state witness that he had attended a series of meetings at which "landmine warfare" in South Africa and the infiltration of an ANC member into the country had been discussed in the presence of Ebrahim and Maseko.

Sindane told the court that he had joined the ANC in 1976 and received military training in the Soviet Union.

He told the court that he had also been an Umkhonto we Sizwe commander and chief of staff in Angola between 1977 and 1981.

He told the court that he had worked in Botswana and had lived in Lusaka before leaving for Swaziland, where he had become leader of the Elias Motsoaledi Command (EMC).

Sindane said under cross-examination by HJ Prinsloo that he had received instructions from Ukhonto we Sizwe chief Chris Hani to go to Swaziland, although Hani had not prescribed to him about what work he was to do.

He told the court that in Swaziland he had met Paul Dikeledi, who had told him what his job was.

"I waited days before Paul told me what the tasks were. He told me that I would work with communications and that I had to know all the routes and communicate with the people inside the country (South Africa).

"I was the leader of the EMC and worked with September, Paul Dikeledi, Vusi Khumalo and 'Scotch'.

"'Scotch' was a personnel handler and worked directly with Paul, who was the commander."

He told the court that he had later become involved in the transportation of weapons across the border. He was subsequently arrested, convicted and sentenced to 17 years' imprisonment on Robben Island.

The state will begin its argument when the trial resumes on October 17.

# A remarkable trial hears ANC leaders on violence

**At a remarkable series of court sittings in London, ANC leaders are questioned on their policy regarding violence. VUSI GUNENE reports**

SOUTH African agents had been detailed to carry out sabotage attacks within South Africa to sow confusion and discredit the African National Congress, a senior ANC member claimed in evidence handed in to the "Bethal" treason trial this week.

In evidence which was heard on commission in London last month, ANC national executive member Ronnie Kasrils said it was against ANC policy to strike at civilians.

Kasrils also said that cadres of the ANC's armed wing, Umkhonto we Sizwe, had carried out such attacks because they were enraged by the "sadistic and monstrous attacks that the South African regime has carried out against our people".

Kasrils' evidence was this week handed in to the Pretoria Supreme Court at the trial of three alleged ANC members facing charges of high treason, terrorism , attempted murder and a charge of malicious damage to property

Ebrahim Ismail Ebrahim, an alleged senior member of the African National Congress, is appearing with two alleged ANC guerrillas, Acton Mandla Maseko and Simon Dladla.

Mr Justice H Daniels, assisted by two assessors, received the record of evidence led on commission by Kasrils; two other ANC national executive members, Jacob Zuma and John Nkadimeng; and three ordinary members of the organisation, Joe Mkwanazi, Vusi Khumalo and Todzi Memela.

Evidence drawn from the ANC's policy documents was also handed in.

Mr Justice Daniels granted an order in August this year for evidence to be heard on commission after the six witnesses had made affidavits saying they feared arrest on re-entering South Africa.

They indicated that they would deny allegations made about them and the accused if given the opportunity to testify.

Their evidence was heard before JP Herholdt, the London-based partner of the South African firm of attorneys, Shepstone and Wylie.

Members of the defence team, L Gering and K Naidu, as well as H Prinsloo and H van der Walt, for the state, took part in the hearing.

Asked to outline the policy of the ANC on violence, Kasrils read from an ANC statement of August 17 this year. He was then examined by Gering.

**Gering:** As you were party to the decision, can you perhaps enlighten us as to the motivation or the reasoning of the issue of this statement ?

**Kasrils:** As the statement indicates, the leadership of the ANC was becoming concerned at the spate of attacks on civilian targets inside South Africa: in Wimpy Bars, amusement arcades, cinemas and the like, supermarkets.

As the statement indicates, in some circumstances we know that some of our combatants have carried out such actions against policy, because of the anger and rage in the wake of the sadistic and monstrous attacks that the South African regime carried out against our people inside South Africa — the massacres, the murders; the assassinations and the like, the same terror campaign that the South African government has been carrying out against the neighbouring states, and indeed in Europe itself; the murder of Dulcie September in Paris; the attempted assassination of Albie Sachs in Maputo; the bombings and the killings.

Such actions obviously create tremendous anger among those who are waging a war. We are well aware of that. We attempt to control it because our policy is not that civilians should be the targets as a result of such rage.

That was one aspect, but the other is something extremely sinister. We refer in our statement that it has come to our notice that agents of Pretoria have been detailed to carry out bomb attacks to sow confusion and discredit the ANC.

We felt it extremely necessary to bring to the notice of the international community and to our people in South Africa that the Pretoria regime, an evil, monstrous regime that has been condemned by the international community as such, is now stooping to any depths in order to maintain white power and privilege.

That ... means that the Pretoria regime and its agents will carry out and is carrying out, deliberately, bombings within South Africa against the people of South Africa.

**Gering:** There is a reference to the armed struggle in the first paragraph you read out. Can you by reference to any authoritative statement by the president of the ANC throw some light as to how it came about ... that the armed struggle was embarked upon?

**Kasrils:** I would like to refer to the speech of Oliver Tambo, president of the ANC, delivered on the occasion of the 25th anniversary of the formation of Umkhonto we Sizwe ... in December 1986.

"Umkhonto we Sizwe was born out of a sense of the heavy responsibility that history had thrust upon our people. We had sought, by every non-violent means at our disposal, to realise the liberation of our people.

"In pursuit of this goal, the decade of the Fifties demonstrated the overwhelming commitment of the masses of our oppressed peoples to freedom. Under the leadership of the Congress Alliance, headed by the African National Congress, all classes and strata, as well as the diverse population groups of our country, steadfastly pursued this objective .

"Our people mobilised as never before to challenge white minority rule . The decade of the Fifties was a decade of truly great achievements.

"But true to the traditions of the colonialist rule and the ideology of race superiority, the rulers of our country paid no heed to the demands of our people. They drowned our efforts in blood and brutality. The Sharpeville massacre of March 1960 epitomised this reality.

"The formation of Umkhonto we Sizwe was our people's answer to this historic challenge from the racist rulers of South Africa ..."

On the question of land mines in white farming areas, Kasrils said this did not constitute a change in policy.

"These areas along the borders of our country have long been proclaimed and treated by the Pretoria regime as military zones. There are laws on the South African statute books which oblige the white farmers in these areas to be part of South Africa's so-called security system.

"When the apartheid regime instituted these measures, we were among the few people to warn against its dangers. It puzzles us that we are today being criticised for carrying out armed action in these areas that have been turned into military zones ..."

On the question of the planting of bombs in restaurants, Kasrils said: "If I had been approached by an ANC unit and asked whether they should go and plant a bomb at a supermarket, I would have said: 'Of course not.'

"But when our units are faced with what is happening all around them, it is understandable that some of them should say: 'Well, I may have to face being disciplined, but I am going to do this ... After all, President Botha has complained that Africans are killing themselves over there. He has complained that it is all Africans killing Africans. President Reagan has also complained.'

"And I can understand the circumstances in which this kind of thing can happen."

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He dismissed as "press fabrica-
tions" allegations of divisions with-

"Hani has never advocated attacks on white civilians, as such," he emphasised.

● AFRICAN National Congress executive members Ronnie Kasrils (left) and Jacob Zuma (right)

**The extraordinary case aroused interest in Britain as well. This picture in the communist daily, the Morning Star, showed ANC leader Ronnie Kasrils, left, and defence lawyers Leonard Gering, Chris Watters and Kessie Naidu with, at right, Jacob Zuma**

## A state grilling on 'soft targets'

**ANC leader Ronnie Kasrils was closely cross-examined by the state prosecutor, Prinsloo, about the ANC policies and practice of violence.**

**Prinsloo: "Inasfar as Wimpy Bar attacks are concerned in general, bombs or limpet mines or explosive devices of that kind were used, are you saying that the ANC disclaims responsibility for any of those; all of those at least?**

**Kasrils: Well in terms of the issuing of orders, it had been made clear that this is not our policy. We accept that some of our combatants have carried out some actions against civilian targets. We have instructed them that this is against policy and that they are not to carry out such actions.**

**Prinsloo: When you say some of your combantants, are you saying that some of your combatants have acted upon a frolic of their own?**

**Kasrils: They are not a frolic, but of anger; out of revulsion. Out of very deep thought and emotion. I would not call that a frolic. As much as we oppose the particular action, they have not acted under instruction. They are having to operate in extremely difficult conditions, very far from the high organs of command and control. In that situation, when they find themselves witness to the kind of degradation and attacks on the people that are taking place almost daily in South Africa, when they hear about massacres and murders perpetrated by the South African state, its police, military and special branch forces, on the people, whether inside or outside Africa, it is clear that this has provoked them to carry out such an act.**

**Later, Prinsloo asked Kasrils if the ANC would know what acts were perpetrated by its combatants.**

**Kasrils: These will be reported. Sometimes lines of communication might break down.**

**Prinsloo: The ANC claims to be a well-organised body, a responsible body; is that correct?**

**Kasrils: We do claim that. We are striving to be more organised and efficient all the time. We are like any other organisation.**

**Prinsloo: Then would there be report back with regard to incidents that have occurred?**

**Kasrils: Well, we can't say that would happen in every single case, We are having to operate under very difficult conditions over many, many kilometres.**

**CTPA, DETU, EDASA, PENATA, TASA, WECTU**

Call all teachers to a meeting to discuss:
1) The suspension of Detu teachers
2) The threatened retrenchment of 2 500 teachers
3) The controls over teachers
4) The closure of schools and colleges
5) Teachers and pupils in detention

**Wednesday 12 October**
**3.30pm to 5.00pm**
**Hanover Park Civic Centre**

# Mass firings, lockouts and a killing rocks hotel industry

**Simmering conflict in the hotel industry boiled over this week writes EDDIE KOCH and GAYE DAVIS**

THE fatal shooting of a striker in the foyer of Johannesburg's prestige Southern Sun hotel this week highlighted a national build-up of labour conflict in the catering industry.

Lunchtime demonstrations by union members; mass sackings in the Karos group where 700 workers at seven hotels are on strike; a lockout of 3 000 workers at 12 Southern Suns hotels in Johannesburg; two supreme court cases and an industrial court hearing in one week; and union plans to ballot workers in hotels across the country for a national strike are just some of the signs of turbulence in the sector.

Union member John Mkhize was gunned down by a police constable on Tuesday morning in the foyer of the Johannesburg Sun hotel as the group locked out 3 000 workers at 12 of its hotels in the city who were planning industrial action over management's refusal to grant May Day and June 16 as workers' holidays.

The workers have been given until noon today to accept the company's position on the issue or be dismissed. In a bid to preempt the move, the Hotel and Restaurant Workers' Union (Harwu) is going to the industrial court this morning in an attempt to have the lockout declared illegal.

**MUSA ZONDI** reports that some 400 Southern Suns workers yesterday staged a lunch-time demonstration outside the Johannesburg Sun to protest at the lockout of their colleagues and the shooting of Mkhize.

Placard-carrying demonstrators attempted to march through the city but were dispersed. Security force action cannot be reported in terms of emergency regulations

On Monday next week Harwu will begin balloting some 10 000 members at 54 Southern Suns hotels in preparation for a national strike to protest at the group's refusal to allow workers to take the days off. Management says it is prepared to pay workers at holiday rates for working on these days but refuses to allow them time off.

Southern Suns representative Karl Ludick told reporters that management's version of the holiday arrangement was agreed to by Harwu in a meeting on January 8.

Meanwhile 150 delegates to a business seminar held at the hotel at the time of the shooting have signed a petition protesting at the killing. The businessmen, echoing allegations made by the union, say excessive force was used against the worker.

Mkhize was gunned down by a constable after he chased people in the foyer with a screwdriver and threatened to stab them. Witnesses say Mkhize was aggressive but not a threat to life. Police headquarters in Pretoria say the policeman acted in self-defence.

Four hotels which form part of the Karos group have been hit by two weeks of legal strike action by some 700 union members who are demanding wage increases and are protesting over the mass dismissal of workers who took part in the stayaway on June 6,7 and 8.

The Karos workers want 125 workers reinstated. They are also demanding a minimum wage of R475 a month with increases backdated to the beginning of September and a five-day week. Management has offered to increase average wages of R250 a month to R475 over a two-year period and refuses to reduce the six-day shift.

On Wednesday Karos was granted an interim interdict in the Rand Supreme Court which bars strikers at the Johannesburger Hotel from picketing or entering the hotel premises. A similar application was due to be heard by the Cape Town Supreme Court yesterday.

In Cape Town, 61 workers at the Arthur's Seat Hotel in Sea Point went on strike last Thursday, said Mark Ramsden of the Liquor and Catering Trade Union which represents Karos workers in the Western Cape.

On Sunday, 43 workers were arrested in the canteen and held overnight at the Sea Point police station.

Ramsden alleged the hotel called in police in breach of an agreement reached with the union.

On Tuesday afternoon Karos served papers on the union in an application for an urgent interdict restraining workers from interfering with customers/guests and disrupting the hotel's operations.

Tension has been building up in the industry since the stayaway in June which was supported by large numbers of hotel and catering workers, says Harwu representative Allan Horwitz. Since then hotel managements have conducted a concerted campaign to contain the growing strength of the union, which first began organising black catering workers in 1986.

Horwitz said the hotel employer's association, Fedhasa, is co-ordinating a campaign among its members to "show the union who is the boss". At the federation's annual meeting in Durban two months ago a fund was set up to assist all member companies in litigation against the union.

Southern Suns, by far the biggest hotel chain, has also given notice that it wants to scrap the recognition agreements it has signed jointly with Harwu, the Cape Liquor and Catering Employees' Union and the Natal Liquor and Catering Employees Union. Harwu is planning industrial court action to prevent this.

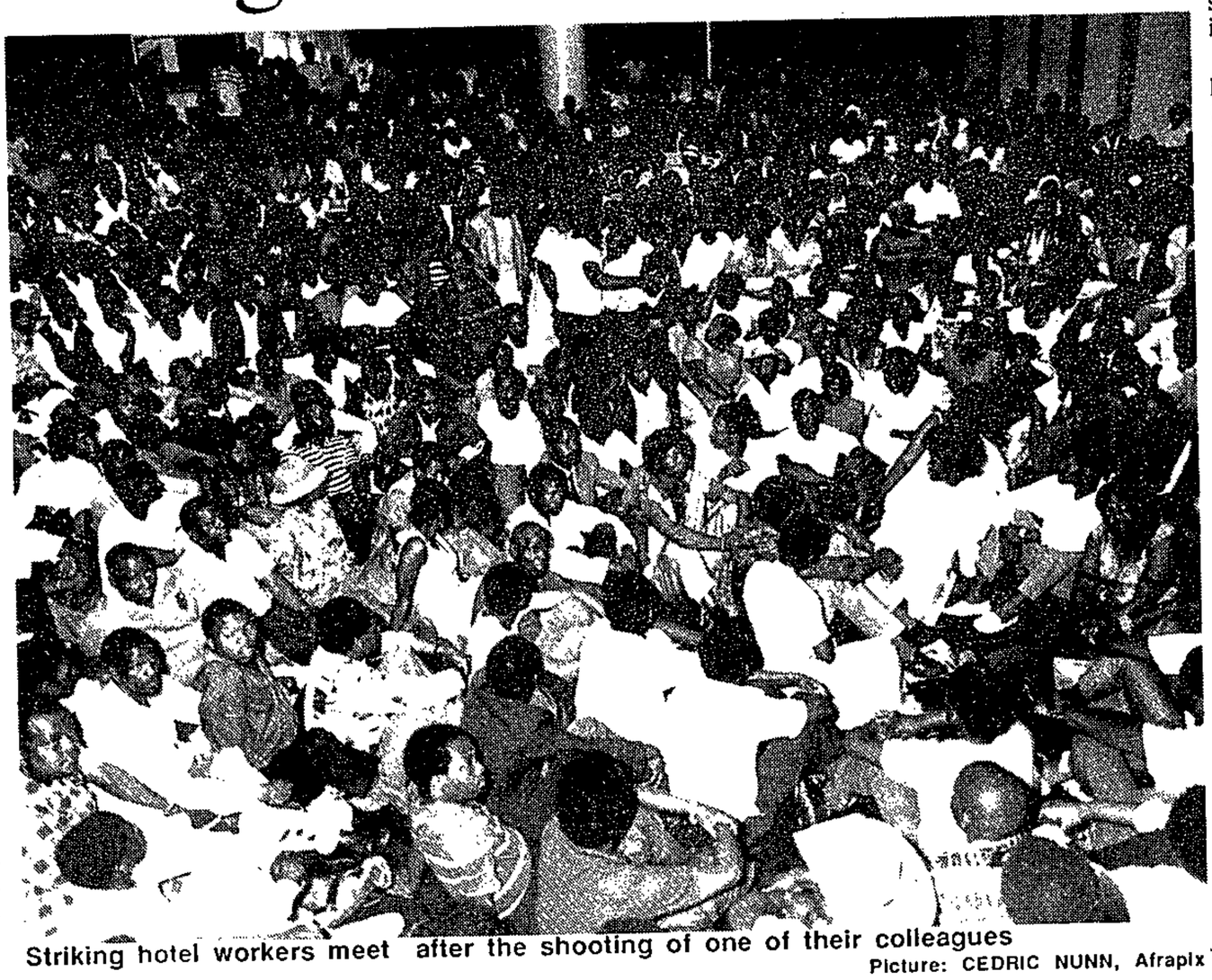
Other reasons for worker militancy, said Horwitz, were the harsh conditions of employment experienced by hotel workers and the conservative attitudes of managers at rural hotels.

"Historically catering work was treated as an extension of domestic work and wages and conditions of service reflect this," he said. "In the Johannesburg area the industrial council has laid down a minimum wage of R350 a month in return for a six-day, 50-hour week. In the rural areas the minimum wage is R180 a month for a 56-hour week."

Fedhasa executive director Fred Thermann denied his body was coordinating a campaign to hamstring unions and stressed the federation was a national body which did not intervene in individual disputes.

He denied that Fedhasa had set up a fund to facilitate litigation against unions but acknowledged this might have been done by the local employers' association in Durban.

Harwu and its sister union in the Cape form part of the Commercial Catering and Allied Workers' Union (Ccawusa), an affiliate of the Congress of South African Trade Unions. Together they have some 20 000 members around the country. Ccawusa split last year when attempts were made to merge all the catering unions in the country and Harwu belongs to the Kganare faction which is officially recognised by Cosatu. The Natal union involved in the Southern Suns clash is an affiliate of the National Council of Trade Unions (Nactu).



Striking hotel workers meet after the shooting of one of their colleagues

Picture: CEDRIC NUNN, Afrapix

# 'Escaped' detainee still missing. Vlok to meet father

By GAYE DAVIS
Cape Town

MINISTER of Law and Order Adriaan Vlok has agreed to meet the father of missing Mamelodi activist Stanza Bopape whom police claim escaped from custody two days after he was detained.

Vlok will meet Matome Bopape in Pretoria on Tuesday amid mounting concern over Bopape, who has not been seen nor heard from since his alleged escape. He was detained by police on June 10 and held incommunicado under Section 29 of the Internal Security Act, which provides for indefinite detention for interrogation purposes.

The meeting was requested by independent MP Jan van Eck on "humanitarian grounds" to clarify "disquieting facts" which "raised a number of questions":

- Bopape, general secretary of the Mamelodi Civic employed by the Community Resource and Information Centre (Cric), had neither been seen nor heard of since his "escape";
- Police, who have said they were investigating his "escape", had yet to visit Bopape's home to question his family;
- Police told the family's lawyers of Bopape's "escape" on July 4. They said Bopape, who was detained on June 10, had escaped on June 12. However, between June 12 and July 4 police communicated with the family's lawyers on three occasions over visiting rights and never mentioned that Bopape had escaped;
- Police refused to answer a question put by the family's lawyers inquiring whether Bopape was wearing leg-irons and handcuffed at the time of his "escape", which police said occurred when their vehicle had a flat tyre near De Deur.

Concern is also mounting for a colleague of Bopape's, Bheki Nkosi. He was detained at the same time and held with the missing activist. He was released and then re-detained on September 7.

"We believe he could have vital information about what happened to Bopape," Van Eck said. "There are reasons to fear for his safety in detention."

Van Eck sent a telegramme to Vlok on September 9 expressing concern and asking that Nkosi be seen by a private psychiatrist — he underwent treatment for post-traumatic stress after his initial release. Van Eck sent a follow-up letter. The letter and the telegramme were acknowledged by Vlok but there had been "nothing further", Van Eck said.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ANNOUNCES
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ALEXANDRA TREASON TRIAL

# The court rules

**The Rand** Supreme Court's finding of eight Alexandra activists guilty of sedition for running a "people's court," raises the question whether this judgment will encourage further prosecutions along similar lines.

This was the first time an activity of this nature had been brought to court and interpreted as a threat to the judiciary of the country. The trial was seen in legal circles as something of a test case.

The State's case, however, was only partially successful. The main charge of treason which involved an alleged conspiracy between the accused, the ANC, the United Democratic Front and Cosatu, was quashed.

Justice F H Grosskopf found that the accused "arrogated to themselves certain functions of the police and the judicial authority of the State." He ruled that by conducting people's courts the accused had undermined the authority of the judiciary, and that by participating in an "anti-crime campaign" launched by the Alexandra Youth Congress (Ayco) they had assumed the role of the police.

The accused visited shebeens and private homes where they interrogated and searched people for dangerous weapons as part of this campaign.

In an attempt to undermine the function of the police the accused had discouraged residents from reporting offences to the police. At a mass meeting in early 1986 at the Alexandra stadium residents were told to take their complaints to the people's court, rather than to the police.

Cases that came before the people's court at 64 Fifteenth Ave, dealt not only with minor issues like domestic disputes and maintenance, but also serious crimes of assault, theft and murder. Sentences dealt out ranged from orders for compensation, warnings, threats and corporal punishment to an instance were petrol was poured over someone's face.

On the count of treason, Justice Grosskopf found that the State had not proved that the accused had the necessary intent to overthrow the State. Regarding the conspiracy charge, he ruled that though the eight might have been involved in the renaming of Alex streets and schools after ANC leaders, this did not necessarily mean they were co-conspirators, but could merely indicate that they were sympathisers. During unrest in 1986, Alexandra streets were renamed with names like "Grenade" and "AK 47." Schools were named after ANC President Oliver Tambo and Solomon Mahlangu, the ANC insurgent who was executed for his part in the 1977 Goch Street shootings.

All the accused were members of Ayco. Ashwell Zwane, Vusi Ngwenya, David Mafutha and Piet Mogano were each sentenced to an effective four years imprisonment. Andrew Mafutha, Arthur Vilakazi and Albert Sebola received an effective three years. Philemon Phalongwane, who was 16 years old at the time of his arrest, received a suspended sentence.

In his sentencing Justice Grosskopf took into account the youth of the accused and the fact that he regarded them as "soldiers" and not "generals."

A second treason trail involving Alexandra activists is still proceeding. The accused in this trial include trade unionist Moses Mayekiso and four others alleged to have been office-bearers of the Alexandra Action Committee — and, therefore, possibly "generals." The five also face charges of treason and are alleged to have conspired with the ANC to seize control of Alexandra and render the township ungovernable. They stand accused of launching a campaign against the Alexandra Town Council, the police and the SA Defence Force.

The trial is in recess. It resumes on October 17 when the cross-examination of Moses Mayekiso is due to begin. ■

SHARPEVILLE SIX SWING SPOTLIGHT ON SA

# Executions awkward issue for PW

w/L 7866's 8/10/88 331

By FRANS ESTERHUYSE
Political Staff

**SOUTH Africa's execution figures, said to be among the highest in the world, could become an awkward side-issue for President Botha if he is to extend his Africa initiative to Europe and elsewhere in the world.**

The world spotlight has been focused on this issue by the hitherto uncertain fate of the Sharpeville Six who have been on death row for more than 1 000 days.

In Europe, where most countries have abolished the death penalty, all the member states of the European Community (EC), except Britain, have threatened tough new sanctions if the six are hanged.

Meanwhile, mounting international pressure has been put on President Botha to grant clemency to the condemned six, with appeals in recent months from all the major Western leaders, the United Nations and church and trade union groupings world-wide.

## Raised by Mobutu

The issue of the Sharpeville Six was one of the matters raised by Zaire's President Mobutu Sese Seko during President Botha's talks with him last weekend.

President Botha indicated that this question would be examined after judicial processes which had not been resolved had come to an end, according to an official communique issued after the talks.

The Appellate Division of the Supreme Court recently reserved judgment on the Sharpeville Six's application for leave to appeal against the dismissal of an application to reopen their trial.

The six, five men and one woman, were found guilty of having had common cause with a crowd that murdered the deputy mayor of Lekoa, Mr Jacob Khuzwayo Dlamini, on September 3, 1984.

## "Passionate plea"

The wider issue of South Africa's high execution figures was raised by Lawyers for Human Rights last week in a "passionate plea" to President Botha for a moratorium on all executions and for the appointment of a commission of inquiry into capital punishment.

The organisation's national director, Mr Brian Currin, said this week that no response had so far been received to the plea, made in a letter to President Botha.

The letter said that since 1983 about 700 people had been executed in South Africa. If all those now on death row were executed before the end of this year, the total number of executions over a period of six years would be close to 1 000.

South Africa had one of the highest murder rates in the world, more than three times that of the United States which had a population of 240-million people.

South Africa's execution figures were also among the highest in the world. Last year South Africa executed more people than China which had a population of 2-billion.

President Botha was told that according to the Centre for Applied Legal Studies there have been no executions in Western Europe since 1985.

Although the death penalty remained in force in most countries of the world, there was an international trend towards abolition.

Most West European countries had abolished the death penalty for all offences or for all but certain extraordinary offences such as war-time crimes.

## Long tradition

Latin America had a long tradition of abolition. Nicaragua, Brazil, Argentina and El Salvador had all abolished the death penalty since 1979.

Three years ago Australia became the 28th country to abolish the death penalty for all offences.

"We are deeply concerned about the fact that South Africa appears to be moving against the international trend," the letter said.

# Protests: SASJ members acquitted

**Court Reporter**

FOUR Cape Town journalists were yesterday acquitted of demonstrating outside Newspaper House against press curbs, when a Cape Town magistrate found that the "demonstration as such should be seen as an official function".

Cape Times reporters Ms Chris Steyn, 28, of Vredehoek, and Mr Peter Dennehy, 30, of Crawford, Cape Times graphic artist Ms Tina Coombes, 27, of Constantia, and Argus reporter Mr Robert Houwing, 24, of Claremont, were all acquitted of demonstrating outside Newspaper House on June 21.

The magistrate, Mr M J C Tolken, took into account that all four were members of the Southern African Society of Journalists (SASJ).

The four said the objects of the SASJ are "to deal with questions affecting the professional conduct of members, the maintenance of journalistic standards and the protection of press freedom and to take the necessary steps in connection with proposals that may affect journalists in the discharge of their professional duties or press freedom".

On June 10 new regulations affecting the media were proclaimed in terms of the Public Safety Act which they considered "to be a drastic curtailment of the freedom of the press".

After a meeting on the June 20, an official decision was taken to hold "an official SASJ function, from noon to 2pm, on the pavement outside Newspaper House in St George's Street". It was decided that people would stand in pairs, holding placards bearing slogans decided on at the meeting.

They admitted that they were demonstrating but said it was an official function which was an exception to the Gatherings and Demonstrations Act.

Mr Tolken said: "The court must ask itself whether the demonstration was an official function. The problem is that the Act does not define the words "official function".

After Mr Tolken read out definitions of the words from various dictionaries he concluded: "For all purposes it can be accepted that the meeting on June 20 was an official meeting at which the accused took an official decision. The demonstration as such should be seen as an official function."

Mr E S Grobbelaar prosecuted. Mr John Whitehead, instructed by Ms Andy Durbach of Bernardt, Vukic and Potash, appeared for the journalists.

## Acquittals welcomed

**JOHANNESBURG. — The Southern African Society of Journalists (SASJ) has welcomed the acquittal of four Cape Town journalists charged for participating in a placard protest against the introduction of a government register for freelance journalists.**

**The proposed registration, which the four accused had seen as a "drastic curtailment of freedom of the press", has since been abandoned by the government.**

**The SASJ said in a statement that it welcomed the fact that the magistrate took "into account that the four accused were members of the (union) and that they were acting in accordance with the objects of the union as defined in its constitution". — Sapa**

331

# Four journalists acquitted after Press freedom picket

**Court Reporter**

FOUR Cape Town members of the Southern African Society of Journalists who were arrested during a Press freedom picket in front of Newspaper House in June have been acquitted on charges under the Gatherings and Demonstrations Act.

Argus journalist Mr Robert Houwing and Miss Chris Steyn, Mr Peter Dennehy and Miss Tina Coombes of the Cape Times pleaded not guilty to demonstrating in the open air within the precincts of Parliament, alternatively holding an illegal gathering.

**OFFICIAL BODY**

Acquitting the four, Cape Town magistrate Mr M J C Tolken said it was common cause that by holding placards with slogans the four were demonstrating in the open air but, although there were people watching from the opposite pavement, the accused were clearly not holding an illegal gathering.

Mr Tolken said it was also an undisputed fact that they did not have written permission from the chief magistrate of Cape Town to do so.

He accepted the defence's argument that because the SASJ was an officially constituted body, and the decision to picket was taken at an official joint meeting of The Argus and Cape Times editorial chapels, the picket was therefore an "official function" of the SASJ as referred to in the Act in its list of exceptions.

"The problem is that 'official function' is not defined in the Act and one of the basic rules of law is that if a word is not defined it should be given its ordinary meaning."

Quoting from several English dictionaries, Mr Tolken said "function" was "public ceremony or (formal) gathering" and "official" pertained to "an office or post or having the sanction of persons in office".

Earlier evidence was that Mr Houwing was regional vice-president of the SASJ and Mr Dennehy was joint Cape Times chapel father.

The decision to picket was taken after new regulations under the Public Safety Act were published in the Government Gazette on June 10.

Mr Houwing testified that he considered these regulations to be a "drastic curtailment of the freedom of the Press, and these, with numerous other statutory enactments have fundamentally inhibited and restricted me in carrying out my professional journalistic duties".

Slogans on the placards read: No News is Bad News, Emergency: Your Right to Know, Save the Press and Stop Stoffel's Gags.

All four testified that they had known they could be arrested. They said they felt strongly that the public should be informed of what was happening to Press freedom in South Africa.

# Dramatic turn in trial of 'SA agents'

331

star 13/10/88

By Ken Vernon,
The Star's Africa News Service

FRANCISTOWN — The trial of three South Africans facing charges in connection with a commando raid on Botswana in June took a dramatic turn yesterday when the court quashed the case against one of the accused.

Following an application by defence lawyer Mr R Camp, Mr Justice I R Aboagye ruled that there was no case against Mr Barry Jean Vivier as laid out in the charge sheet and ordered that he be discharged.

Mr Vivier was appearing with two other South Africans, Mr Theodore Hermensen and Mr Johannes Smit, alias Basson.

The case is a sequel to an abortive South African commando raid on Gaborone in June. A Botswana police patrol stumbled upon the commandos, who opened fire on the policemen, wounding three before stealing their vehicle and returning to SA.

Mr Hermensen and Mr Smit were later arrested at a road block outside Gaborone, apparently unaware that their alleged comrades had aborted the raid after being discovered.

The pair face charges of attempted murder, alternatively of acting in such a manner as to cause the death of the policemen or alternatively of causing them grievous bodily harm.

The pair also face charges under the National Security Act of committing acts "prejudicial to the safety or interests of Botswana" as well as a charge of unauthorised use of a government vehicle. The charges carry a possible life sentence.

Mr Hermensen faces a charge under the Act of making, or conniving to make, a false statement after allegedly entering Botswana using a false name.

After the dismissal of the charges against him yesterday afternoon, Mr Vivier however continued to be detained as he had previously been convicted by a Lobatse court of different charges arising from the same incident.

He was sentenced to 18 months jail after that trial but an urgent appeal and bail application is expected to be lodged soon against the decision.

Acting for Mr Vivier yesterday, Mr Camp suggested to the court that the form of the charge against Mr Vivier, as written on the charge sheet, disclosed no crime in terms of the National Security Act's wording. He had been charged with permitting Hermensen to "meet" at his residence, but Mr Camp pointed out that no one whom Mr Hermensen could have met was included on the charge sheet.

As it was impossible for Mr Hermensen to "meet" himself, then, in terms of the relevant Act, the charge against Mr Vivier — of "permitting a person to meet" — did not make sense in either form or logic and should be quashed.

The prosecutor, Attorney-General Mr S Afful, argued that the wording of the relevant law and charge sheet had to be given a "liberal" interpretation to include that it had been meant to say that Mr Vivier had met Mr Hermensen.

The trial continues.

# Church stand led to siege

Star 4/10/86 (331)

By Celeste Louw

Mr Denzil Bruce Mellors (19) kidnapped an employee of the South African Council of Churches at Khotso House this year because he was upset when the Methodist Church called on white men not to be conscripted, a magistrate heard yesterday.

Miss Beverley Fasser gave evidence before Mr P du Plessis in the trial of Mr Mellors of Hewitt Road, Brakpan.

Mr Mellors, a former Prison Services warder, has pleaded not guilty to kidnapping Miss Fasser in Khotso House on April 11.

He has also pleaded not guilty to stealing a firearm, pointing a firearm at another person and threatening to blow up Khotso House.

Mr Mellors has pleaded guilty to a count of unlawfully possessing a firearm and ammunition.

Miss Fasser, a secretary, told the court that Mr Mellors asked to see publications of the SACC.

"He pointed a firearm at me and packed books against the door of the library, which he had closed. I phoned our general secretary, Reverend Frank Chikane, and Mellors told him that he wanted a person by the name of Gerhard to come to Khotso House before he would let me go."

The hearing continues.

# Absence of automatic appeal against death sentence 'disturbing'

PAT DEVEREAUX

It was disturbing that our legal system did not give an automatic right of appeal to those sent to the gallows, the Witwatersrand chairman of Lawyers for Human Rights, Mr Peter Leon, said yesterday.

His comments followed the recent release of two miners, Mr Solomon Nongwati and Mr Paulos Tshelane, on the same day they were due to hang.

## Resigned

The two men, who were sentenced to death for murder, spent 16 months on Death Row.

More than 100 of their fellow prisoners went to the gallows, and they had resigned themselves to the same fate.

They were released after a successful appeal against their sentences.

Referring to their case, Mr Leon said: "It is worrying that the Appellate Division was moved to quash their sentences. It is clear they were unsustainable."

He added: "It is disturbing that there is no automatic right of appeal from a trial court.

"Under the present system, if the right of appeal is not given, the Chief Justice has to be petitioned. If this is turned down, the only avenue is to petition the State President.

"I believe that there should be an automatic right of appeal, if not to the Appellate Division, then at least to a full Bench of the relevant provincial division."

Mr Nongwati, from Matatiele in the Transkei, and Mr Tshelane, from Lesotho, were members of a group of six men convicted of killing five alleged "informers" during unrest at a Reef mine in 1986.

When Mr Nongwati's death sentence was set aside, he had already served a 30-day sentence for public violence.

Mr Tshelane had his conviction and death sentence completely overturned.

The two men have returned home to their families, according to NUM legal department official Mr Kenny Mofime.

Other members of the group also had their sentences overturned or reduced by the Appeal Court.

Siphiwe Mbalombaka's appeal against his convictions and two 10-year sentences for murder failed.

He is to serve the sentences concurrently with two four-year terms.

His other murder charges were reduced to attempted murder, and he was given a reduced six-year sentence on the original attempted murder charge.

Tyelovuyo Mgedezi's appeal was successful in the case of two charges.

## Failed

However, his appeal against two other death sentences failed, and he is still on Death Row.

Frans Makhanya, who was originally sentenced to 15 years on all five charges, won his appeal against sentence and conviction.

A charge of public violence was substituted for the murder charges, and he was sentenced to 18 months in jail, of which he has already served 15.

Although Mr Edward Masike's conviction and sentences were also set aside, he is being kept in custody prior to deportation.

# ACQUITTAL PLEA

(33) Sowetan 17/10/88

DEFENCE counsel for three alleged Pan Africanist Congress of Azania members, including the editor of Skotaville Publishers, Mr Jaki Seroke, pleaded that a Springs Regional Court magistrate should acquit the men.

Mr L Skweyiya argued before Mr H Hoffman that there was no evidence proving that Mr Seroke performed any act or had the intention to endanger the maintenance of law and order in South Africa.

Mr Seroke (28) appeared with Mr Mandla Cele (24) and Mr Tembinkosi Khonongwe (24). They are charged with terrorism, membership of a banned organisation, the possession of explosives and having literature of a banned organisation.

Mr Skweyiya argued further that Mr Seroke had nothing to do with the weapons and banned publications that were found in his car when it was searched by police at a roadblock. The items belonged to a passenger who also testified to that effect and also Mr Seroke was not militarily trained to use the items found in the car.

The only evidence on which Mr Cele and Mr Khonongwe could be convicted of terrorism were their confessions that they underwent military training, Mr Skweyiya said.

The case was postponed to November 28 for judgment.

# Five to appear on terror charges

**Own Correspondent**

MARITZBURG. — Five men are due to appear in the College Road Supreme Court here today on charges of terrorism and related counts.

The charges include the bombing of the Empangeni post office in which four people were injured on October 14 last year.

The accused are: Mr Derrick Zakhele Muthwa, 27, of Empangeni, Mr Mafi Percival Mgobhozi, 21, of Durban, Mr Ntela Richard Skhosana, 23, of Estcourt, Mr Vivani Isidore Vincent Made, 40, of Amanzimtoti and Mr Livingstone Nhlanhla Mathaba, 26, of Mntunzini.

# TALK TO ANC FOR PEACE - MAYEKISO

**THERE would be no peace in the country if the African National Congress was excluded from the parties negotiating a settlement, a Rand Supreme Court judge was told yesterday.**

By MANDLA NDLAZI

This was said by Mr Moses Mayekiso, secretary-general of the National Union of Metalworkers of South Africa, on his first day under cross-examination by the State prosecutor, Mr Chris Human, SC.

Mr Mayekiso said a special solution reached without the ANC would not last. He said it was such an intricate matter that parties like the Afrikanerweerstands Beweging and other organisations may have to be included in the negotiations.

Mr Mayekiso said that he stood for a non-racial democratic society with a one-man-one-vote system. He said he was of the opinion that an armed struggle would not succeed because of the might of the army and the police force.

He said that he would still not associate himself with an armed struggle even if it succeeded because he believed in a peaceful settlement.

Mr Mayekiso said that he did not believe that workers would achieve anything through the armed struggle. He sympathised with those who sacrificed their lives in the struggle and that there were reasons why they did this, he said.

He said that he believed that liberation would come in stages and not in just one or two stages.

Mr Mayekiso said that he agreed with the author who stated in a document reflecting study notes by South African Labour Education Project that the ANC was a popular movement in the country.

Mr Mayekiso, who will be celebrating his 39th birthday on Friday, is appearing with four other civic leaders before Mr Justice P J van der Walt on charges of treason, alternatively sedition or subversion.

(Proceeding)

## Sport move slammed

SPORTSMEN and sports administrators in Africa will not be duped by the talks between the white South African Rugby Board and the African National Congress, the Black Consciousness Movement said.

Publicity and information secretary, Mr Vuyisa Qunta, said the BCMA reaffirmed its call for total military, economic, cultural and sporting sanctions against South Africa.

Speaking from Harare where the talks took place, Mr Qunta said: "Too often the boycott has been targetted at black athletes such as soccer player, Jomo Sono and black musicians, Ray Phiri and Amampondo, while white SA tennis players and musicians such as PJ Powers and Johnny Clegg perform unhindered."

**EYE-CATCHER, seen at a social do in Jo'burg is Miss Patricia Phillis of Riverlea.**

## Boycott 'p

ROMAN Catholic Bishop Zithulele Mvem- hops' Conf (SACBC) whic distributed to m

# 14 for city treason trial in February

ARGUS 18/10/88 331

**Court Reporter**

TONY Yengeni, Jennifer Schreiner and 12 other alleged ANC members or supporters will be tried in the Supreme Court, Cape Town, on February 6, charged with treason, alternatively terrorism.

The date was fixed when the 14 detainees appeared in Wynberg Regional Court today.

All wore tracksuits in yellow, green and black, the ANC colours.

They were Mr Yengeni, 39, Miss Schreiner, 31, Miss Lumka Elizabeth Nyamaza, 25 (married to Mr Yengeni), Mr Michael Mzimkhulu Lumbambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongamele Nkwandla, 31, Mr Mtheteleli Titana, 26, Mr Gary Kruser, 27, Mr Christopher Giffard, 27, Mr Sitlabocha Charles Mohale, 37, Mr Alpheus Nkwana Ndude, 45, Miss Gertrude Fester, 37, Miss Zurayah Abass, 35, and Miss Colleen Lombard, 37.

Bail of R3 000 for Miss Lombard and Miss Abass was extended on condition they report daily to the Guguletu and Woodstock police stations, respectively, between 5pm and 9pm.

Mr P Mostert, for the State, said the Attorney-General had authorised a certificate for the detention of all the others.

A previous order banning relatives from the court was upheld on the grounds that the 12 accused who are in custody were singing hymns in the cells and disrupting hearings in other courts.

The detainees chanted and sang as they entered and left the court.

When the magistrate, Mr M S McCarthy, asked their legal representative if there was anything they wished to bring to the court's attention, all three attorneys replied: "No, your worship."

Today, as on previous occasions, roads leading to the court were blocked until proceedings had finished. Everyone entering the building was searched.

The detainees were represented by Mr E Mohammed, Mr V Saldanha and Mr R Vassen.

Commuters see man

## 'Evidence of plot to overthrow State'

# Call for conviction of 3 in treason trial

Star 18/10/88 (331)

**Pretoria Correspondent**

Counsel for the State in the Bethal treason trial yesterday presented final argument to the Pretoria Supreme Court.

The three accused, Mr Ebrahim Ismail Ebrahim, Mr Acton Maseko and Mr Simon Dladla have pleaded not guilty to several charges of treason and terrorism.

Mr H J Prinsloo, for the State, told Mr Justice Daniels and two assessors that the State had proved beyond reasonable doubt that the three were guilty of treason.

Arguing the admissibility of documents, Mr Prinsloo said it was impossible to present the original ones to the court.

Mr Prinsloo said the documents were handed to a Warrant Officer Deetlefs, who had received them from "an informer source in Lusaka who supplies him with information".

"The documents were obtained and received in a clandestine manner."

Mr Prinsloo said the three men joined the ANC knowing its unlawful aims and their actions identified them with those unlawful aims.

Mr Dladla and Mr Maseko were arrested in a Swazi registered vehicle at a roadblock near Edenvale on July 21 1986.

Mr Maseko was found in possession of a Makarov pistol and a grenade of Russian origin.

Mr Ebrahim was arrested on December 16 1986 in terms of the Internal Security Act. He was released on May 14 1987 and arrested on a charge of treason.

Mr Prinsloo said Mr Dladla and Mr Maseko were responsible for four landmine explosions in the Breyten and Volksrust districts and Mr Ebrahim expressed his "satisfaction" after the first landmine explosion at a meeting.

The evidence of a key State witness, "X1", placed Mr Ebrahim as a member of the ANC's senior organ in 1982 and he was therefore criminally responsible for those terror attacks.

Mr Prinsloo said the State had placed before the court evidence of a conspiracy to overthrow the Government which was confirmed by defence witnesses, Mr Jacob Zuma and Mr Ronnie Kasrils.

Mr Ebrahim's American fiancee, Ms Julie Wells, and their five-year-old daughter Cassia, yesterday visited Mr Ebrahim at court.

The State is expected to conclude its argument today.

# Detained youth: judge asks why

DURBAN — Mr Justice Didcott has demanded a full report into the detention of four young teenagers who have been held in protective custody for nearly six months and are to appear as State witnesses in the trial of 11 people in the Supreme Court here on murder charges.

When he appeared in court yesterday, the first youth, who is 13 years old, said he had been detained in a cell in Pinetown with three other youths of about the same age as himself who have not yet appeared.

He did not know why he was in court and did not know any of the 11 accused who have all pleaded not guilty to charges of murdering Mr Jabulani Philip Zaca and his father, Mr Ephraim Zaca, or, alternatively contravening the Riotous Assemblies Act, and arson.

### 'FOR OWN PROTECTION'

"Who formed the idea that a child of this age needs to be locked up for six months for his own protection?" the judge asked.

The prosecutor, Mr D F Malan, said he and the police thought the children should be detained for their own protection as they were allegedly members of the United Democratic Front. He said it was believed their lives may have been in danger if it was known they had been approached by the police to give evidence.

Mr Justice Didcott said there was no factual basis of any actual threats against the youths.

"I order now that he is to be released immediately into the custody of his parents (who were present in court)," he said, adding that he would not hear any evidence from the other youths if their parents were not present.

He has demanded a full report on the matter containing all the information Mr Malan and the police had for putting the child in custody, and any information which may support the idea that his life was in danger.

The State alleges that in the late afternoon on April 18, a group known as Amaqabane (comrades) armed with sticks, iron rods, knives, shields and knobkerries, surrounded the Zacas' kraal and began stoning the houses in it.

When Mr Jabulani Zaca emerged from his hut he was stabbed and beaten to death in the yard. His father Ephraim was attacked inside his house and also stabbed and beaten to death. His family managed to escape through a window and his home, badly damaged by stones, was then set alight. — Sapa.

# Child detainees 'assaulted'

CAPE TIMES 19/10/88 331

## Judge calls for witness protection

DURBAN. — The courts would have to consider imposing conditions for the protective detention of witnesses, especially children, a judge said here yesterday.

Mr Justice Didcott made these remarks after a 13-year-old schoolboy said he and three companions had been held in a cell at the Pinetown police station since being detained as witnesses in April this year. The boy told the court that he and his friends were assaulted by police and told to make statements.

The boy was to give evidence at the trial of 11 men who have pleaded not guilty to murdering a tribal councillor, Mr Ephraim Zaca, and his son, Jabulani, at their Pinetown home on April 18 this year.

The 11 are alleged to have been part of a group which decided to kill Mr Zaca and his son on the afternoon of that day. That night they went to Mr Zaca's kraal. Mr Zaca and his son were stabbed and beaten to death and his house was set on fire.

The men are Mr Paul Mhlongo, 25, Mr Sithembiso Magubane, 18, Mr Dan Msomi, 23, Mr Mandle Mvubu, 19, Mr Christopher Zuma, 18, Mr Musawenkosi Mahlinza, 18, Mr Mbongeni Meyiwa, 18, Mr Bongani Thembe, 18, two youths aged 17 and one of 15.

The 13-year-old youth, when called to give evidence, said he had been detained in April this year. He knew nothing of the incident at Mr Zaca's kraal. He knew none of the men before court and was not at the kraal that night.

He had heard of the incident from the police after being detained. After he and his companions were detained, they were assaulted by the police and told to make statements.

Unless they made statements they would be assaulted again, the court heard.

Questioned by the prosecutor, Mr D F Malan, he admitted his statement to the police was different to the evidence he had given in court yesterday.

He said he and three other boys had been detained in the polce cells since April. None of them had been given any school books. They had had few visits from their families. He had heard that when their families came to visit them they were sent away by policemen.

Mr Justice Didcott said that if the witness's evidence was true the courts would have to consider making conditions when ordering the detention of witnesses for their own protection. The conditions would have to take into account visits by the family of a detainee and the detainee being provided with facilities for schooling.

Earlier, the judge had called for a full report on the detention of the boys.

The hearing continues. — Sapa

Opt Trips
19/10/88
331

# 14 on treason charge: Trial postponed

Staff Reporter

A WYNBERG regional court yesterday postponed the trial of 14 alleged ANC members until February next year when the case will be heard in the Supreme Court.

The 14, who face charges of treason, alternatively terrorism, are to appear in the Supreme Court on February 6.

The group, who sang and shouted slogans on their way into and out of the court, appeared dressed in black, green and yellow track suits.

The 14 are Mr Tony Sithembiso 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; Ms Gertrude Fester, 35; Mrs Colleen Lombard, 38, and Ms Zuraya Abass, 35.

The prosecutor, Mr P Mostert, said that 12 of the 14 were in custody and that the Attorney-General had issued certificates authorising their further detention in Pollsmoor Prison.

However, Mrs Lombard and Ms Abass, who were on bail of R3 000 each, had asked if the conditions of their bail could be changed so that their daily visits to police stations could take place between 5pm and 9pm instead of 6pm and 8pm.

The magistrate, Mr A S McCarthy, granted this request.

When asked by Mr McCarthy if they had anything to bring to the attention of the court, defence attorneys Mr R Vassen, Mr V Saldahna and Mr E Mohamed said they had not.

●There was a large police presence in and around the court and roads surrounding the court building were sealed off for the duration of the hearing.

# Forbes says sorry about hurt child

Cape Times 19/10/88

331

**Supreme Court Reporter**

ANC commander Ashley Forbes told the Supreme Court yesterday that he was proud to be a member of the organisation and that his only regret was that a child had been injured in a Mitchells Plain handgrenade attack.

Forbes said this during the resumption of his cross-examination by Mr Mike Stowe, for the state.

Referring to Forbes's evidence in chief, where he said he "was almost killed in detention", Mr Stowe said Forbes alleged he was tortured and assaulted.

Forbes said he was arrested on May 16 last year and had laid a charge of assault after receiving abrasions on the knees, thighs and wrists.

Mr Stowe told Forbes he could have reported the assaults to a police officer who had visited him at the Sea Point police cells but had instead signed a statement saying that he had been treated well, that he had no complaints and did not wish to lay charges.

Forbes replied that that response had come after he had been assaulted on three occasions.

The assaults had taken place immediately after his arrest when he was taken to the Brackenfell and then the Sea Point police station.

He had attempted suicide while in detention on July 14.

"I refused to go through these assaults again. I refused to be forced to say certain things," he said.

Asked why he had not told a visiting magistrate about the alleged assaults, Forbes said that after the first assault he had been warned that he would be attacked again if he told anyone.

When questioned whether he recalled seeing his mother while being treated at Groote Schuur Hospital for the suicide attempt, Forbes replied that the curtain round his bed was drawn, but he was aware of her presence.

Forbes said he learnt only later that his mother had brought an application in the Supreme Court to see him.

He had made a statement to a magistrate and said: "I was not assaulted at any stage ..." The only way he could make a point and not be prejudiced in court was not to complete the final part of the statement.

Asked if he did not want his mother's application to succeed, Forbes said he was "living in fear". In order to survive had to co-operate.

"There was no one to help you, I learnt that from the first day. I was permanently in a state of fear.

"The magistrate was in no way sympathetic. Even if he had made a report I would not have stood by it. I knew what would happen if I confided in him."

Asked to explain what the objectives of a "People's War" were, Forbes said everything was geared towards liberation and the destruction of apartheid.

Asked by Mr Stowe if it was correct that when the war was taken into the white areas innocent civilians could be killed or hurt, Forbes replied that the chances were remote but that it was possible.

He was proud to be a member of the ANC and had no regrets about leaving South Africa for Angola where he received military training.

## Regret at injured child

He did, however, regret a child being injured in a handgrenade attack on the Mitchells Plain home of a man suspected of being a policeman.

"It is not ANC policy to wage war on children."

He did not have any regrets about the limpet mine explosion on an electrical pylon in Goodwood, the attack on a bus shelter in Rondebosch or the attack on the railway line near Heideveld.

The hearing continues today.

The fellow trialists are: Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Maiges, Collin Calmcross, Ashraf Karriem, Colin Clave Martin Peterson and Leon Scott.

Mr Justice D M Williamson was on the Bench. Mr Stowe and Mr W C Viljoen appeared for the state. Mr Mike Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gilmale and Abercrombie Inc, appeared for the trialists.

yesterday.

TERMS OF ACQUISITION

Picture: ROBERT BOTHA

# Bethal treason trial postponed

PRETORIA — The Bethal treason trial in the Pretoria Supreme Court has been postponed to October 24 for final defence argument.

Ebrahim Ismail Ebrahim, Acton Maseko and Simon Dladla have pleaded not guilty to several charges of treason and terrorism.

Prosecutor H J Prinsloo said in his final argument, the State had proved beyond reasonable doubt that the three accused ANC members had conspired to overthrow the government by violent means.

Evidence of a conspiracy had been confirmed by ANC executive members Jacob Zuma and Ronnie Kasrils, he said. — Sapa.

(331) B/day 30/12/88

See Page 5

# SABC under fire from Methodists

B/day 20/12/88

QUEENSTOWN — The SABC came under heavy fire at the Methodist Church's annual conference here yesterday.

In a resolution attacking the corporation for its handling of the "peace church" documentary on TV earlier this year, it said the presentation was "a gross misrepresentation of our position in regard to peace".

The resolution urged Methodists to "be aware of the partisan nature of selective SABC reporting especially in its repeated attacks on those churches which are openly committed to opposing apartheid and have declared it a heresy".

The content of this resolution is to be conveyed to the director-general and board of the SABC.

The corporation was also criticised for the way it had "sought to censor the proclamation of the Gospel by refusing Methodist ministers freedom of expression in services that are broadcast, and in news coverage".

In a related proposal, the conference condemned alleged selective reporting in the media — including the "alternative Press" — of all political persuasions, which it said generally ignored statements and actions by the church and its leaders. — Sapa.

## 10 MINUTE X-

ACROSS
5 Wrench (5)
8 Speeches (8)
9 Moving (5)
10 Happened (8)
11 Vagrant (5)
14 Uneven (3)
16 Succeed (6)
17 Confront (6)
18 Seize (3)
20 Titan (5)
24 Resolute (8)
25 Claw (5)
26 Correct (8)
27 Eerie (5)

SOLUTION TO CROSSWO
— Across: 1 Humid, 4 Defie
11 Toss, 12 Seaside, 13 Vie, 14
20 Pretext, 21 Scar, 24 Ridge
27 Rules. Down: 1 Health, 2 I
tor, 6 Itemise, 7 Dither, 8 D
Dresden, 17 Sports, 18 Atlas,
Acer.

## 30 MINUTE X-W

ACRO
1 The price of nursery fur (4)
3 Those at the front provid transport? (8)
8 A knotty point is swellin
9 Revel and festive song g (8)
11 After the shots, they've
13 Spring vegetable (6)
14 Distant meteor undergo

R250 000 security

# Army, police catalyst to SA violence — expert

Cape Times 20/10/88

331

**Supreme Court Reporter**

THE show of force by the police and the army in 1961 — when the ANC called a three-day stayaway to protest against the formation of a republic — was a "turning point" in the decision of the organisation to resort to violence, the Supreme Court heard yesterday.

This was said by Professor Colin Bundy in mitigation of sentence in the trial of Ashley Forbes and 13 fellow-trialists convicted of terrorism, contravening Section 54 of the Internal Security Act and of furthering the aims of the ANC.

On December 16, 1961 explosions marked the formation of the military wing of the ANC — Umkhonto we Sizwe — and "this heralded the last echo of half-a-century of non-violent politics".

Today the ANC had more offices overseas than the South African government.

"The ANC rents 30 000 acres of land, has hundreds of buildings and a fleet of 200 vehicles.

"They own farms in Africa where they are economically self-sufficient, have educational structures and have a membership in exile of between 13 000 and 15 00 people."

## Policy of non-violence

Professor Bundy sketched the history of the ANC, its policy of non-violence and its passive-resistance campaigns which included the anti-pass laws campaign in 1960 and the subsequent killing of 69 people at Sharpeville.

"At no point did the ANC have a policy of violence before that," he said.

The ANC had to an unusual degree managed to be cohesive, to seek and win international support and to seek increased membership.

While there were individual members in the coloured community who had belonged to the ANC, it had never had a rooted ANC presence.

By the time of the referendum for the tricameral system, membership of the ANC was well entrenched, Prof Bundy said.

Forbes's evidence of events in Cape Town between 1980 and 1985 was "highly representative" of a particular time, place and generation.

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 Michael Donen and Mr J de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala Abercrombie Inc, appeared for the trialists.

# ANC's the key — trialist

From MONO BADELA (331) South Oct 20-26/1988.

JOHANNESBURG. — Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa (NUMSA), told the Rand Supreme Court this week that the banned African National Congress held the key for lasting peace in this country.

Mayekiso, charged with treason, was cross-examined by Mr Chris Human, SC, for the state.

He is on trial with four other Alexandra township community leaders, his brother Mzwanele, 22; Paul Tshabala, 38; Richard Mdakane, 30; and Obed Bapela, 28.

The five have all pleaded not guilty before Mr Justice P J van der Walt to charges of treason and subversion, alternatively sedition.

They are alleged to have created alternative structures opposed to those of the government, like "people's courts" in which people were tried and punished.

They are also accused of establishing street, block and area committees and of organising a boycott of white-owned shops in Alexandra.

Mayekiso said he stood for a non-racial, democratic society with a one-man, one vote system.

He believed that an armed struggle would not succeed in South Africa because of the might of the army and police force.

He would not associate himself with an armed struggle even if it succeeded because he believed in a peaceful settlement.

He also did not believe that workers would achieve anything through the armed struggle. He believed liberation would come in stages, but not just in one or two stages.

# Mayekiso quizzed over court salute

**By MANDLA NDLAZI**

**TREASON trialist, Mr Moses Mayekiso, was questioned about the salute he gave spectators in the public gallery when he entered the dock in the Rand Supreme Court yesterday morning.**

It was the beginning of his third day under cross-examination by the State prosecutor, Mr Chris Human, SC. The first question put to him by Mr Human, was about the salute he gave spectators.

This was after some spectators in the gallery had raised their fists and stretched their hands to greet Mr Mayekiso, who was the first to enter the dock, followed by his four co-accused who also exchanged greetings and laughter with spectators.

Answering Mr Human's questions, Mr Mayekiso said he was not aware that he made an ANC salute. He said he would not say whether the thumbs up salute was an ANC salute. He said he had seen in pictures, Mr Oliver Tambo, president of the ANC showing the clenched fist salute.

The following question was about documents found in his possession by the police who arrested him. Referring to a paragraph in one of the documents, Mr Mayekiso said the Congress of South African Trade Union and the National Union and Metal Workers' Union of South Africa were independent from various political organisations.

The paragraph dealt with a revolution as seen by some political organisations Mr Mayekiso said he did not agree with the author of the document. He said he also disagreed with the author on the issue of a workers' party. He said in his opinion such a party would divide the workers.

## Document

Mr Mayekiso agreed that there were some political organisations that did not favour the struggle by workers. He said some organisations wished to see the "colour" of the Government changed and not the economics.

Mr Mayekiso said he could have stated what was attributed to him in the paragraph of some documents. The paragraph stated: "Fight all kinds of exploitation by our strength. Workers as a class should fight their own problems as the enemy is only one — capitalism — and all other things like influx control are merely appendages."

Appearing with him before Justice P J Van der Walt on charges of treason, alternatively sedition or subversion, are Mr Paul Tshabalala (28), Mr Obed Bapela (28), Mr Mzwanele Mayekiso (22) and Mr Richard Mdakane (29). They have pleaded not guilty and are held in custody.

(331)

20/10/88.

# Treason trial is postponed

**THE Bethal treason trial in the Pretoria Supreme Court has been postponed to October 24 for the defence counsel's final argument.**

Counsel for the State, Mr H J Prinsloo, said in his final argument that the State had proved beyond reasonable doubt that the three accused were guilty of treason.

Mr Ebrahim Ismail Ebrahim, Mr Acton Maseko and Mr Simon Dladla have pleased not guilty to several charges of treason and terrorism.

Mr Prinsloo said the three joined the African National Congress and their actions identified them with the banned organisation's unlawful aims.

They had conspired to overthrow the Government by violent means.

Evidence of a conspiracy, confirmed by defence witnesses Mr Jacob Zuma and Mr Ronnie Kasrils, had been placed before the court, Mr Prinsloo said.

Mr Maseko was found in possession of a Makarov pistol and hand-grenade of Russian origin at the time of his arrest.

Mr Dladla and Mr Maseko were responsible for four landmine explosions in the Breyten and Volksrust districts, he said.

According to the State, the evidence of a key State witness, X1, placed Mr Ebrahim as a senior ANC member in 1982, and he was therefore criminally responsible for those terror attacks. — Sapa.

# Soweto events 'generated enormous level of anger'

ARGUS 20/10/88

331

**Supreme Court Reporter**

THE reputation of the South African government suffered after the events in Soweto in 1976, while the stature of the African National Congress grew both internationally and locally, the Supreme Court has been told.

Cape Town historian Professor Colin Bundy was giving evidence yesterday in mitigation of sentence in the trial of Ashley Forbes and 13 others convicted on terrorism and related charges.

He said events in Soweto in 1976 broke the mould of South African politics that had been cast after the Sharpeville shootings.

The Black Consciousness Movement had instilled an assertiveness and confidence in student organisations.

Professor Bundy said there was no evidence whatsoever to suggest there was ANC agitation preceding the events of June 16 in Soweto.

"The Soweto uprising generated an enormous level of political anger and personal anguish," he said.

"There was grief and anger at the conflict between armed police and youthful unarmed combatants.

"This led to questioning of the morality and legitimacy of a State which could generate such a brutal image."

He said the most important implication of these events for the ANC was undoubtedly the flight into exile of young people after 1976 who then joined the organisation.

The events of 1976 and 1977 also heightened international awareness of the ANC, Professor Bundy said.

"The reputation and standing of the South African government suffered and (in correlation) the stature of the ANC as the major exile opposition to Vorster's government grew.

## Majority joined ANC

"The ANC was provided with the most precious resource an exile movement can receive — recent links with organisations and young people inside the country."

Professor Bundy said estimated figures indicated that between 6 000 and 8 000 young people left the country in 1976 and 1977 — and the majority joined the ANC.

"The banning of black consciousness organisations in October 1977 had the effect of forcing black political anger on to a new level," he said.

"Black politics relocated in a very distinctive form — localised, decentralised and radicalised community politics."

Professor Bundy said the ANC's capacity was increased and was translated in the early 1980s into a very visible resumption of a sabotage campaign.

"By the early 1980s awareness of, and identification with the ANC by local groupings took on a force of its own," he said.

"At the 1981 Republic Day celebrations the South African flag was burnt and the ANC flag was raised in a demonstration of allegiance."

Professor Bundy said the moral authority of the government to continue governing in the old way was severely cut back by these events.

"The death of Steve Biko in 1977 might have left the Minister of Police cold but it certainly chilled and appalled a number of people elsewhere.

"The shootings at Langa, Uitenhage and other incidents in the blood-stained history of 1985 confirmed, intensified and deepened the shift in popular political perceptions."

Professor Bundy said he found Ashley Forbes's portrayal of events in Cape Town between 1980 and 1985 highly representative of a particular time, place and generation.

"In reading his evidence I found first-hand impressions of a process I grappled to understand as an academic," he said.

The hearing continues today.

# Jail for terrorism, membership of ANC

By Celeste Louw

Two members of the African National Congress were jailed by a Johannesburg magistrate yesterday for terrorism and membership of a banned organisation.

Mr S Visagie sentenced Sibusiso Mdolose (36) to an effective 10 years and Thebego Ohboshiana (29) to nine years' imprisonment after they pleaded guilty to two counts of terrorism and two counts of being a members of the banned ANC.

Mr Visagie said the men thought they could help improve the situation in the country by joining the ANC, but they had been aware that they acted unlawfully.

"One must remember that you were already adults when you joined the ANC," Mr Visagie said.

It was found they had undergone training in the ANC to endanger law and order in South Africa.

Mr Visagie took into account that there was no evidence that the men had committed any violence in South Africa before their arrest on June 11 last year.

# ANC a 'state in exile'

THE African National Congress owns farms in Africa where they are economically self-sufficient, have educational structures and has a membership of about 15 000 people in exile.

Professor Colin James Bundy, of the History departments of both Western Cape and Cape Town universities, said this during evidence in the trial of ANC guerilla, Ashley Forbes and 14 others.

Professor Bundy said the ANC rented 30 000 acres of land, has hundreds of buildings and a fleet of 200 vehicles.

The ANC, he said, could be described as a "state in exile" as it had more offices overseas than the South African government.

Professor Bundy said major changes in the ANC was caused by the Youth League in the 1940s, which grew impatient with what they considered to be the "over-cautious" policy of the ANC's leadership.

The youth league had "radicalised the ANC's image and aims" at its conference in 1947.

A programme of action was drawn up by prominent members like Walter Sisulu and Nelson Mandela.

In 1955 the Congress Alliance was formed between the ANC, the Coloured Peoples Organisation, the Indian Congress and the South African Congress of Trade Unions.

THe ANC also started campaigns whith groups, like the anti-pass campaign with the South African Communist Party.

In 1955 the alliance organised the Congress of the people at Kliptown, where the Freedom Charter was drafted by over 3 000 people of all races.

This Charter was adopted by the ANC at its annual conference in 1956.

"The show of force by the police in 1961, when the ANC called for a three-day stayaway in protest against the formation of the republic, was a turning point in the decision to start a campaign of violence."

Explosions marked the formation of Umkhonto weSizwe - the military wing of the ANC.

"This heralded the last echo of a half-century of non-violent politics," Bundy said.

The other accused are: Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

Colin Bundy

331

# Long wait for trialists

TONY Yengeni and 10 other alleged ANC members or supporters will have spent about 18 months in detention by the time they stand trial in the Supreme Court, Cape Town on February 16 next year.

The trialists, facing several charges of treason, alternatively terrorism, have appeared in court four times.

They are Yengeni, 33; Jennifer Ann Schreiner; 31, Lumka Elizabeth Nyamza, 25; Michael Mzimkhulu Lumbambo, 26; Mbutu Richmond Nduku, 26; Wellington Mongameli Nkwandla, 31; Mtheteleli Titana, 26; Gary Kruser, 27; Christopher Charles Giffard, 27; Sitlabocha Charles Mahlale, 37; Alpheus Nkwana Ndude, 45 and Gertrude Magdaleen Nethania Fester, 35.

Zurayah Abass, 35, and Lombard, 37, are out on R3 000 bail each. They were told to report to Woodstock and Guguletu Police Station respectively between 5pm and 9pm daily.

The first two appearances of the trialists were marked by singing and shouting of slogans extolling the ANC.

At one stage, the proceedings were disrupted as the families and the trialists ignored police warnings to keep quiet.

On the third occasion, the magistrate Mr A S MacCarthy, ruled that the parents of the trialists be barred from court.

In August, the trialists were joined by Fester, a Hewat Training College lecturer, whose bail application was rejected.

This week, like previous occassions, the trialists were dressed in green, gold and black tracksuits. They sang freedom songs and appeared to be in high spirits.

Once again the magistrate upheld the decision to bar the parents from attending future proceedings.

# Jail will not change my mind — teacher

MG45 21/10/88
331

**Staff Reporters**

A GRASSY Park teacher convicted of furthering the aims of the African National Congress told the Supreme Court he did not believe anything he has done was morally wrong.

Leon Scott, 29, was giving evidence yesterday in mitigation of his sentence in the trial where he appears with 13 others convicted on similar offences.

He admitted earlier in the trial that he commanded an ANC propaganda cell. He did not believe he had done anything morally wrong in committing the offences between 1984 and 1987.

## Firmer commitment

"I doubt that if I should go to prison it would change my mind," he said.

"There are people like Terror Lekota who have been sentenced in the past and after their release displayed a firmer commitment to the national liberation struggle."

Scott said his parents instilled in him the moral principles that all people were equal, that he should help people and believe in God.

Everything he learnt from the teachings of Jesus Christ was in opposition to what he was experiencing as a member of an oppressed, poverty-stricken community in Bontheuwel.

He said that from his formative years of reading newspapers and books he progressed to discussing political thought, mainly with his father, and realised things were very wrong with society as a whole.

And from travelling by public transport to Cape Town to meet his parents at their work places, he noticed that whites lived in proper houses, their areas had good community facilities and the schools had proper sportsfields.

Besides this the grievances of his community which were not met in the years 1973 to 1975 left a deep impression on him.

At his school, Modderdam High, teachers explained the "struggle" and the concept of black consciousness to them, he said.

This philosophy made pupils realise "we are also people and we are proud".

The 1976 schools uprising, which started in Soweto and spread throughout the country, was a result of the new awareness brought about by black consciousness.

At his school pupils with grievances about inadequate educational facilities were chased away by the principal in an authoritarian manner.

During a placard demonstration police gave pupils five minutes to disperse but "not two minutes later" fired teargas and stopped classes at gunpoint.

The next day pupils demonstrated again and were teargassed. Police stormed the school and assaulted pupils in "the most brutal manner".

The other accused are: Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem and Colin Petersen.

The hearing continues today.

# Botha wanted to make apartheid 'more beautiful'

Cape Times 21/10/88 331

**Staff Reporter**

PRESIDENT P W Botha wanted to make apartheid look more beautiful, not do away with it, the Supreme Court heard yesterday.

This was said by Leon Scott, convicted of furthering the aims of the ANC, in mitigation of sentence.

Scott explained occurrences through the years which enhanced his resentment of the government.

"In 1978 there was the information scandal. P W Botha became prime minister and was portrayed as someone who was going to change South Africa. He adopted the 'total onslaught' policy."

To make apartheid "look beautiful", Mr Botha brought about "cosmetic reforms".

"Then there was the murder of Steve Biko, and the bannings of 17 organisations in 1979. To us Steve Biko was a leader. His death made us realise that the government will stop at very little to destroy opposition."

Scott, who grew up in Bonteheuwel, said his neighbours were bitter about having been forced to move there.

He had a religious upbringing and attended Sunday school and church.

He attended Modderdam Senior Secondary school where "three things affected my political thinking — they were the infill scheme, the policy of the Unity Movement, and Black Consciousness which we got from the teachers".

The city council "infill scheme" involved building maisonettes on the sub-divided properties of existing houses. The community opposed this, but the council ignored them.

The Black Consciousness movement "made us proud of who we were and made us realise we were also people. Before, we felt almost apologetic because we were not white", he said.

In 1976 Scott was in Std 9. By this time he had realised that his educational facilities were inadequate, and there was a "serious lack of textbooks".

After the uprising Soweto in 1976, at a placard demonstration at Modderdam Senior Secondary, police assaulted children "in a most brutal manner — the next day the SAP shot people with live ammunition".

Earlier Professor Colin Bundy, professor of history at UCT and UWC, said there were a number of indications that in 1985 there was greater awareness by white people of the ANC and its political importance.

The hearing continues today.

Other trialist are: Ashley Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Colin Cairncross, Ashraf Karriem, Colin Clave, Martin Petersen.

Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assesors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala, Abercrombie Inc, appeared for the trialists. Mr W C Viljoen and Mr Mike Stowe appeared for the state.

Death of detainee in prison

# Magistrate is ordered to hear medical evidence

Star 21/10/88

331

By Jo-Anne Collinge

A Rand Supreme Court judge yesterday ordered a Boksburg inquest magistrate to hear evidence from a district surgeon who allegedly treated Mr Simon Marule some time before his death in detention in 1986.

Mr Marule died of a rare kidney disease after six months in detention at Modder B prison near Springs.

It has been argued by counsel for the Marule family that the task of the inquest court is to establish whether any act or omission by any person hastened Mr Marule's death.

In March magistrate Mr Marthinus Gerhardus van Wyk, sitting in Boksburg, declined to call a Dr Steyn. Counsel for the Marule family indicated they would approach the Supreme Court to overturn the decision.

**SUPERFICIAL**

Evidence from a former detainee to the inquest was that Dr Steyn treated Mr Marule during his first days in detention at Dunottar police cells, before he was transferred to Modder B.

The aim of hearing Dr Steyn's evidence was to establish:

- Whether a medical examination was conducted at the time of the detainee's transfer (as the regulations provide). Evidence was that Dr Steyn had examined Mr Marule superficially for injuries sustained during an assault at the time of his detention.
- Whether Dr Steyn did blood and urine tests. According to testimony given by nephrologist Dr Bernard Goldberg at the inquest, such tests were likely to indicate the presence of the fatal disease.

Dr Steyn's evidence, the court was told, would help establish whether he, other doctors or any other officials had acted in a way that contributed to the detainee's death.

Dr Goldberg told the court that, had the disease been detected even two weeks before his death, the fatality could have been forestalled.

Evidence from doctors who subsequently saw Mr Marule was that none of them had done blood or urine tests at any stage.

331 (5) Cpress 23/10/88.

# Accused appear in ANC colours

**CP Correspondent**

FOURTEEN alleged members of the ANC appeared in the Wynberg, Cape, Regional Court this week wearing black, green and gold tracksuits.

They will be tried in the Cape Town Supreme Court on February 6 next year for treason, alternatively terrorism.

The date was fixed when they appeared briefly this week.

The accused are: Tony Yengini, 39, Jennifer Schreiner, 31, Lumka Elizabeth Nyamaza, 25 (married to Yengini), Michael Mzimkhulu Lumbambo, 35, Mbutu Richmond Nduku, 26, Wellinton Mongamele Nkwandla, 31, Mtheteleli Titana, 26, Gary Kruser, 27, Sitlabocha Charles Mohale, 37, Alpheus Nkwana Ndude, 45, Gertrude Fester, 37, Zurayah Abass, 35 and Colleen Lombard, 37.

Bail of R3 000 for Lombard and Abass was extended on condition they report daily to the Guguletu and Woodstock police stations between 5-9pm.

State prosecutor P Mostert told the court that the Attorney-General had authorised a certificate for the dentention of the others.

This week a previous order banning relatives from the court was upheld on the grounds that the 12 accused who are in custody were singing hymns in the cells and thus disrupting proceedings in other courts.

The detainees also chanted and sang as they entered and left the court to face charges before Magistrate MS McCarthy.

Roads leading to the court building were blocked until court proceedings had been completed and everyone entering the building was searched.

# Six 'ANC' men up for treason in Venda

331

Chen 23/10/88

## Angola-trained cadres infiltrate arms and ammo into bantustan

SIX alleged ANC members pleaded not guilty to charges of terrorism and charges under the Internal Security Act at the Thohoyandou Supreme Court in Venda this week.

They are: Peter Nthuseni Ravhambelani, 29, Mashueu Masindi, 27, Temdamuzimu Robert Ratshitanga, 48, Tshililo Christopher Luvhani, 27, Charles Tshitangano, 31, and Frederick Dau, 31.

The State alleges that Ravhambelani and Masindi were members of the banned ANC who were in possession of arms, ammunition and literature.

Also alleged was that Ravhambelani left South Africa in February 1984 for Botswana where he joined the ANC.

It is alleged he received military training during October 1984 in Angola, where he was trained in topography, military engineering, communications, firearms, politics, tactics, artillery and first aid.

It was further alleged that he received survival training in Angola in 1986, where he underwent special training in using anti-aircraft missiles and machineguns.

He then proceeded to Harare in March 1987, with three other ANC members who later tried to infiltrate Venda. They were unsuccessful and returned to Harare in April of the same year.

The State alleges that Masindi left Venda on June 21, 1983, for Zimbabwe where he joined the ANC's military wing, Umkhonto we Sizwe. He received a crash course in how to use hand weapons and grenades.

Masindi and three other ANC members then returned to South Africa with arms and ammunitions, the State alleges.

They came into contact with South African security force members and Masindi managed to return to Harare.

He later received military training in Angola.

In June 1984, Masindi received military training in East Germany.

In March 1986, the State alleges that Masindi was in Caculama training camp in Angola, employed as a platoon commander.

He arrived in Harare in August 1986. He and three other ANC members intended to infiltrate South Africa via Mozambique but were arrested by Mozambican police and were sent back to Harare.

In January, 1987, Masindi and other ANC members infiltrated Venda via South Africa.

A temporary base was established near Thohoyandou where food and publications were hidden.

In May 1987, Masindi, Ravhambulani, an ANC member known as "Teddy" Nkutla, and another unknown ANC member, infiltrated Venda.

They were in possession of arms, ammunition, explosives, grenades and unlawful publications which they stored under a bridge at Tshaulu in Venda.

The State alleges that from May to June last year, Tshitangana and Luvhani harboured, assisted, transported and concealed Masindi and other ANC members.

# Bomb-plot man tired of 'sitting around talking'

ARGUS 25/10/88 331

Court Reporter

JOZUA "Ismail" Joubert, who has been convicted of terrorism, and four associates found guilty of possessing explosives before last year's general election will be sentenced today in the Cape Town Regional Court.

Joubert of Ravenscraig Road, Walmer Estate, who was also convicted of possessing a firearm and ammunition without a licence, pleaded guilty.

Anwaar Mentoor, 27, Fadiel Adams, 27, Yunus Adams, 30, and Nazeem Adams, 25, all of Trafalgar Road, Mitchell's Plain, were acquitted of terrorism but were convicted of possessing a firearm and ammunition without a licence and an alternative to the terrorism charge of illegally possessing explosives.

Evidence was that police stopped the men in Paarden Eiland on May 3 last year and among articles found in their car was a petrol bomb.

In a statement Joubert said he planned to petrol bomb an empty office in Paarden Eiland to express his "extreme frustration" at the injustices of apartheid. He said that before carrying out the plan he changed his mind.

In mitigation Joubert, a war veteran, said that after voting for the National Party in 1948 he became increasingly disillusioned with apartheid policies, particularly after the forced removals from District Six where, having applied for reclassification, he lived as a "Malay".

Joubert told the court that last year before the white election, while others were "doing something" by throwing stones and bombs, he felt he should take action instead of "sitting around talking".

He persuaded the others to join him, but when the time came his background and upbringing (in non-violence) prevailed.

## "Hard-working"

Joubert said he had worked as an accounts clerk for the same firm for 25 years and spent about R1 000 of his R1 300 salary each month supporting two black creches.

Mr J de Lange, for the defence, handed in a letter from Joubert's employers to the effect that he was hard-working, reliable, honest and respected.

Mr de Lange also handed in a letter from the principal of Spine Road Senior Secondary School, where Nazeem Adams and Mentoor are teachers, praising their abilities and diligence.

Mr de Lange told the court that Yunus Adams was a psychiatric nurse and Fadiel Adams was self-employed as a motor mechanic.

Mr de Lange told the court that none of the accused was involved in political activities.

CAT + Times 25/10/88

# Editor in court over Sharpeville Six report

PRETORIA. — The editor of the Pretoria News, Mr Mostert van Schoor, yesterday pleaded not guilty in the Magistrate's Court to a charge of contempt of court.

The charge arose from an article headlined "The Six: Deep worry about legal principle" which appeared on March 17 this year, concerning the Sharpeville Six who were sentenced to death for the murder of a Lekoa town councillor.

An alternative charge of criminal defamation was withdrawn against the Pretoria News and its editor.

According to the charge sheet, the proceedings were sub judice when the article was published.

The report contained "allegations, accusations, views and/or remarks" which injured the dignity and authority of a legal official.

Mr Van Schoor said the case of the Sharpeville Six was "one of public importance which had attracted considerable attention both inside SA and overseas". The article was published because it was highly topical at the time, and offered the view of a distinguished English barrister. There was no intention to bring the judiciary into contempt. — Sapa

Star Times 6000
25/10/88 331

# Laaiplek resident's homicide conviction set aside

**Supreme Court Reporter**

THE conviction for culpable homicide and eight-year prison service of a Laaiplek resident who allegedly killed a policeman by throwing a brick at his head, was yesterday set aside on appeal to the Supreme Court.

Ralph Carolus, was convicted on February 8 in the Vredenburg Regional Court following the death of Constable Pieter van der Merwe in January last year.

On January 3 last year a man was shot dead by a cafe owner and the impression in the community was that police had been tardy in investigating the shooting, according to Mr Justice Rose-Innes's judgment.

Const Van der Merwe was struck behind the ear by a stone or brick at an ensuing demonstration near the police station.

Two state witnesses, Mr Ivan Mentoor and Mr Richard van Hooy gave evidence, but the trial magistrate found Mr Mentoor to be an unsatisfactory witness.

Mr Van Hooy claimed that he had seen Carolus throw a brick at Const Van der Merwe but Carolus denied this.

Mr Justice Rose-Innes, found that the magistrate had erred when he had used Mr Mentoor's evidence to corroborate that of Mr van Hooy.

The court doubted whether Mr Van Hooy was present or if Carolus had in fact thrown the brick.

Mr Michael Donen, instructed by Mr Enver Daniels, of E Daniles and Co, appeared for Carolus. Mr G Visser, appeared for the Attorney-General.

331

# Man, 67, 'froze' during bomb plot

**Court Reporter**

A 67-YEAR-OLD man convicted of terrorism was inspired by his political beliefs to plan the bombing of a building, but he and his four co-accused had "just froze and turned back", the Cape Town Regional Court heard yesterday.

Jozua Joubert, of Ravenscraig Road, Woodstock, was giving evidence in mitigation of sentence.

He was previously convicted of terrorism in that he conspired to commit an act of violence by possessing a petrol bomb.

Joubert was also convicted of possessing a pistol and ammunition.

His four co-accused, Spine Road Senior Secondary School teachers, Anwar Mentoor, 27, and Nazeem Adams, 25, self-employed motor mechanic, Fadiel Adams, 27, and psychiatric nurse, Yunus Adams, 30, all of Mitchells Plain, were convicted on an alternative charge of illegally possessing a petrol bomb.

The were also convicted of illegally possessing the firearm and ammunition.

Joubert admitted that he had influenced four friends to help him bomb a "soft target", an office in Paarden Eiland, on May 3 last year.

However, they had "just frozen and turned back" before they could carry out the plan because "we were basically not those kinds of people — unfortunately the police stopped our vehicle on the way back".

"At that time, the country was in a state of unrest, there was an election, and we felt guilty about merely talking about our grievances and not doing anything," Joubert said.

His political beliefs had inspired him to commit the offences.

"When I came back from the army I hated Smuts. I thought because the Afrikaners had been oppressed by the British, if they came to power, they would show compassion and not oppress others. But they betrayed my trust."

When a friend committed suicide after a racial incident, Joubert was shaken "and I realised that this racial business was evil — the apartheid beast had started devouring this city.

"I changed completely from supporting the National Party. I reclassified and became Malay in 1964 and lived in District Six.

"I can never forgive (President Botha) for declaring District Six white. My spiritual haven was taken away from me. I saw my friends being uprooted. This strengthened my stand.

"The continual state of emergency brought my frustration to a head and I thought about committing violence."

Joubert said that according to the law, his actions were punishable, but "how could I have committed terrorism? I don't know. I did nothing. According to Muslim law, I'm not supposed to be punished if I don't carry out my plan."

Mr J de Lange for the five said that none of them participated in any political activities.

The hearing continues today for sentence.

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.

## Editor on trial for critical Sharpeville Six article

# Pages 'open to all legal views'

Star 25/10/88

By Claire Robertson

It was essential for the South African press to publish all reasoned legal opinion, the editor of the *Pretoria News*, Mr Mostert van Schoor, told a Pretoria court where he is on trial for publishing an article critical of the Sharpeville Six case.

The *Pretoria News* and Mr Van Schoor face a charge of contempt of court arising from the publication in March of an article by a British barrister, Mr Louis Blom-Cooper, QC, expressing concern at the conviction and sentencing to death of the five men and a woman on a murder charge.

"In our view, a central part of a press, particularly in South Africa, where there is a desperate need for communication between people, is to throw (editorial page) columns open to any opinion we regard as reasoned and legal," Mr Van Schoor told the Regional Court magistrate, Mr W A J van Zyl, yesterday.

The State, represented by Mr D van Wyk, alleges that the article made statements affecting the dignity, prestige and authority of five appeal court judges, Mr Justices Botha, Hefer, Smalberg, Boshoff, and Steyn, and Mr Acting Justice Human, presiding judge in the Sharpeville Six case, in their official judiciary capacity.

The statements in the article "The Six: deep worry about legal principle" also affected the dignity and authority of the Supreme Court, interfered in a sub judice case and/or diminished the good name of persons, the State alleges.

Mr Van Schoor, editor of the *Pretoria News* since February 1987, said his newspaper did not publish only that with which it agreed, but put before its readers a variety of opinions, trusting that they would "make up their own minds".

The article, which had already appeared in the London paper, *The Independent*, was altered before being published.

References to the death sentence which were cut from the article by the *Pretoria News* included the words "dubious", "solemn farce" and a reference to the "martyrdom" and the "emotional content" of references to the family of those convicted.

The University of the Orange Free State's Professor A S de Beer agreed under cross-examination by Mr Arthur Chaskalson, SC, for the defence that these references had been deleted by the *Pretoria News*.

## 'Red warning lights'

Professor De Beer agreed with Mr Chaskalson's statement that: "As the article appeared, it dealt with legal principles and the criticism of the case."

Having said South African newspaper editors were faced with hundreds of laws relating to the press, Professor De Beer of the Communications Department of the university said: "Red lights should have flashed for any responsible senior editor reading the Blom-Cooper article.

"He should have referred it to his legal advisors," said Professor De Beer.

The court heard earlier that the *Pretoria News* published an apology to Mr Acting Justice Human for any offence caused by the article three months after the article appeared. It was usual for a newspaper to publish an apology at the earliest opportunity, said Professor De Beer.

Mr Chaskalson asked the professor whether he knew Mr Acting Justice Human's lawyers had written to the *Pretoria News* almost two months after the article appeard complaining about and asking for R100 000 in a damages claim.

The newspaper's lawyers wrote to the judge's lawyers, noting that the paper intended to publish an apology, which it included in the letter for the judge's comments.

The judge's lawyers had never replied to this letter but "notwithstanding this attitude the *Pretoria News* published an apology on June 3".

Professor De Beer said that the newspaper could have "spontaneously" published an apology without a letter from the judge's lawyers. It had already received a lengthy letter from a reader taking issue with Mr Blom-Cooper's article, he said.

Professor De Beer conceded that the *Pretoria News* published the reader's letter very prominently on the editorial page.

The court also heard that on the day the article was published, the Minister of Information, Dr Stoffel van der Merwe, and then leader of the Progressive Federal Party, Mr Colin Eglin, held a press conference to discuss the Sharpeville Six case.

Professor De Beer did not know if this sort of attention to the trial was without precedent, he said.

The State closed its case with Professor De Beer's evidence.

Proceeding.

# Forbes, Pandy wed in jail, but kept apart

AKCWS 25/10/88

By BRONWYN DAVIDS
Staff Reporter

ASHLEY Forbes, 24, convicted of terrorism, and Yasmina Pandy, 21, his former co-accused, have been married in a traditional Muslim ceremony in the maximum-security section of Pollsmoor Prison.

Miss Pandy's mother, Mrs Begum Pandy said: "They looked beautiful. The marriage was very moving but the sad part is that they can't be together."

Attended by relatives and friends, the ceremony, yesterday, was conducted by Sheik Nazeem Mohamed in a carpeted lounge.

Mrs Pandy said traditional wedding fare of chicken, salads, sweets, cakes and soft drinks was prepared by the Prisons Service.

"It was quite nice. Yasmina told them what she wanted and they ordered everything, which we paid for."

She said her daughter wore a white wedding gown with the traditional medourah headdress and she carried a bouquet of white orchids.

Forbes wore a blue suit, white shirt, a silk scarf, a fez and an orchid in his buttonhole.

Mrs Pandy said her daughter would be released on Thursday after serving a six-month sentence for contempt of court.

Forbes, a second-year physical education student at the University of the Western Cape, is one of 14 on trial in the Supreme Court, Cape Town.

Pandy was acquitted of terrorism.

# Final argument in Bethal treason trial

Star 25/10/88 (331)

By Deborah Smith
Pretoria Bureau

Counsel for the defence in the Bethal treason trial yesterday presented their final argument before a crowded Pretoria Supreme Court.

The three accused, Mr Ebrahim Ismail Ebrahim, Mr Acton Maseko and Simon Dladla, have pleaded not guilty to charges of treason and terrorism.

Counsel for the defence said it was common cause that Mr Ebrahim was in charge of ANC political activities in Swaziland.

He said the State's evidence relied on his membership of the senior organ of the ANC, his presence at meetings in 1986, when he allegedly instructed the launch of landmine warfare, and the infiltration of people into South Africa.

Evidence handed to the court by the defence included numerous volumes of testimony delivered by several senior ANC officials in London.

The hearing is proceeding.

# Sarwhu trial is postponed

By Adele Baleta

The trial of 16 South African Railway and Harbour Workers Union (Sarwhu) members was yesterday postponed in the Rand Supreme Court to October 27 when the defence will continue evidence in mitigation.

The postponement was to allow time for overseas expert witnesses to prepare evidence.

The experts are leading psychologists, American Dr Scott Fraser from the University of Southern California, and Dr Andrew Coleman from Britain.

The trial arises from the SA Transport Services strike last year.

Eight men have already been convicted of murdering non-strikers.

# Four are jailed for planning bombing

Cape Times 26/10/88

331

**Court Reporter**

A 67-YEAR-OLD man and his four co-accused, who planned to bomb a building but could not carry out the deed, were yesterday sentenced to effective jail terms totalling six years by a Cape Town magistrate.

Jozua Joubert, of Ravenscraig Road, Woodstock, was sentenced to four years' imprisonment, of which two years were suspended for five years for terrorism.

He pleaded guilty to and was convicted of terrorism.

His four co-accused, Spine Road Senior Secondary school teachers Anwar Mentoor, 27, and Nazeem Adams, 25, self-employed motor mechanic Fadiel Adams, 27, and psychiatric nurse Yunus Adams, 30, all of Mitchells Plain, were each sentenced to three years' imprisonment, of which two years were suspended for five years, on an alternative charge of illegally possessing a petrol bomb.

All had bail extended pending an appeal.

Mr D J Brand prosecuted. Mr J de Lange, instructed by E Moosa and Associates, appeared for the five.

# Judiciary robust enough to stand criticism — editor

Argus 26/10/88

331

**The Argus Correspondent**

PRETORIA. — The South Africa judicial system was sufficiently endowed with respect for its role to be able to weather even robust criticism, the editor of the Pretoria News, Mr Mostert van Schoor, told a Pretoria court.

Mr van Schoor appeared yesterday in a regional court on a charge of contempt of court arising from the publication by the Pretoria News in March this year of an article by British barrister Mr Louis Blom-Cooper QC expressing concern about the verdict and sentence in the Sharpeville Six case.

The State alleges that the article made statements affecting the dignity, prestige and authority of five appeal court judges and the presiding judge in the Sharpeville Six case in their official judiciary capacity, that it affected the dignity of the Supreme Court and that it interfered in the processes of a sub-judice case.

## COMMON CAUSE

The article was vetted, subedited and placed by an assistant editor of the Pretoria News, but Mr van Schoor said he would have published it "although that does not mean I associate myself with (the views contained in) it".

Asked to say why he thought the piece was used on the day of the hearing of an application for a stay of execution for the five men and a woman sentenced to death for common cause with the killers of a Lekoa town concillor, Mr van Schoor said:

"I believe that in this case we were dealing with extraordinary circumstances.

"Claims were being made abroad about the judgment ... which had been the subject of intense political, diplomatic pressures on South Africa, threatened sanctions against South Africa, threatened severing of diplomatic relations with South Africa, things that would have a drastic affect on the lives of South Africans.

"At the root of this was the controversial judgment.

"The role of the free Press in keeping the public informed on these things is fundamentally important."

## MOTIVES

Cross-examining Mr van Schoor, prosecution advocate Mr Dion van Wyk said: "You know that you are allowed to criticise judgments but you are not allowed to impute biased motives to a presiding judge".

"When imputing improper motives on the part of a presiding officer, you are going on to very dangerous terrain."

Mr van Schoor said: "This argument (about the death sentence for a finding of common cause in a killing) had been going on if not for years, then certainly for months in the Press, from public platforms. This was the centre of the debate. The debate was common and current knowlege."

(Proceeding).

# Judgment was controversial - editor

Cape Times 26/10/88 337

PRETORIA.— The editor of The Pretoria News yesterday agreed there were certain "awkward areas" in an article published in the newspaper, criticising the judgment in the so-called Sharpeville Six trial by an acting judge of the Supreme Court here.

While under cross-examination in a Pretoria Magistrate's Court, Mr Mostert van Schoor who, with the newspaper, is facing a charge of contempt of court, was asked whether the article should not have started alarm bells ringing, especially as, at one point, the judicial system was labelled a "charade".

"Yes, I think it needed careful looking (at)," Mr Van Schoor said.

Mr Van Schoor was asked whether he knew that the press was allowed to criticise a judgment, but it was not allowed to impute certain motives to the presiding officer.

He said sanctions were threatened against the country as well as the breaking off of diplomatic relations, should the Six be hanged, and this could have had a "very, very drastic" effect on the lives of South Africans.

"At the root of this was a controversial judgment."

He added that he believed the judicial system was a "robust" one.

The case continues. — Sapa

SOWETAN, Wednesday, October 26, 1988

331

# Workers all the same — Mayekiso

By MANDLA NDLAZI

WORKERS are workers, be they black or white, said Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa in the Rand Supreme Court yesterday.

Mr Mayekiso said this when cross-examined by the prosecutor, Mr Chris Human SC. It was his sixth day in the witness box, and being questioned about a number of documents that were found in his possession when he was arrested by the police.

Mr Mayekiso said he did not agree with the author who stated in one of the documents that "we stand uncompromised to class consciousness".

Mr Mayekiso said the author emphasised on black workers and he was against this.

"Workers are workers, whether they are black or white," said Mr Mayekiso.

He said he agreed with the author that capitalism and racism were twins. He said the author was, however, not involved with the issues but was writing from his armchair.

Questioned on the document *Work In Progress*, Mr Mayekiso agreed that it was found in this house by the police. He said he took it from the offices of his union.

He said the ticks, circles or question marks in some paragraphs were made by him. This was to analyse the contents or mark for discussion at a seminar. He underlined some of the paragraphs for the same purpose.

One of the paragraphs he underlined stated: "The development and extension of the ANC underground machinery inside the country and its overall generalship; the legal mess mobilisation of people politically and economically inside the country; the development of armed struggle; and the international isolation of the apartheid government."

Cross-examination by Mr Human started last Monday, after Mr Mayekiso had completed evidence in his defence. He is appearing before Mr Justice P J van der Walt with four other civic leaders on charges of treason, alternatively sedition or subversion.

The other four leaders are Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (38) and Mr Mzwanele Mayekiso (22). They have pleaded not guilty and are being held in custody.

(Proceeding).

Star 26/10/83

# Treason decision later

331

**Pretoria Correspondent**

The Bethal treason trial was yesterday adjourned in the Pretoria Supreme Court until November 21 for judgment.

The three accused — Mr Ebrahim Ismail Ebrahim, Mr Simon Dladla and Mr Acton Mandla Maseko — have pleaded not guilty to charges of treason and terrorism.

Following the defence's final argument on Monday, the State yesterday delivered their reply to Mr Justice Daniels.

The State disputed a submission by Mr L Gering, counsel for Mr Maseko, that the State had not proved that his client was guilty of treason.

State counsel said Mr Maseko not only pointed out where the landmines were, but also made certain confessions.

He said the accused were South African citizens and not Swazi citizens.

# Three more due to hang this week

331 By Jo-Anne Collinge Stay 26/10/88

Three people have been informed that they are to be executed on Friday, according to the organisation Lawyers for Human Rights.

The three men, all on death row in Pretoria Central Prison, are David Themba Kekana, Jacobus Konz, and Johannes van Zyl.

Kekana and Konzi were sentenced for the murder of a prominent Cape Town Rotarian. Their appeals failed and their pleas for clemency have been refused.

But their families have consulted Lawyers for Human Rights director Mr Brian Currin who says there is hope of a stay of execution in the case of Kekana.

Mr Currin said yesterday he was in contact with the Department of Justice about Kekana's case and felt that an irregularity which had not been mentioned in court might provide grounds for a stay of execution.

He said little was known about Van Zyl. Lawyers for Human Rights had been unable to trace his relatives or the lawyers who defended him.

# Govts appeal to PW to spare bomber's life

**Own Correspondent**

DURBAN — Foreign governments have written to President P W Botha asking him to spare the life of condemned bomber Robert McBride.

McBride was sentenced to death after being found guilty for the Magoos car-bomb blast on Durban beachfront in June, 1986.

Mrs Doris McBride arrived back in Durban yesterday after a three-week trip abroad to solicit support to save her son from the gallows.

She said she had seen several government officials in West Germany, Holland, Wales and London.

"All of them have pledged their support and promised to do everything possible to save Robert from the gallows. Some of them have already written to the State President, appealing to him to grant clemency," she said.

# Four members of PAC convicted of terrorism

**Pretoria Correspondent**

Four of the accused in the marathon Pan Africanist Congress/Qibla trial were yesterday convicted of four charges of terrorism. Star 26/12/86

Pretoria magistrate Mr J H Bekker convicted Enoch Zulu (52), Siyabulela Ndoda Gcanga (26), Vincent Alson Mathunjwa (29) and Setsiba Paul Moholo (29) of four charges under Section 54 (1) of the Internal Security Act.

The magistrate found the four guilty of belonging to a banned organisation, the PAC.

Zulu, Gcanga and Moholo were found guilty on charges of having undergone military training outside the country, while Mathunjwa was acquitted of the charge because the State failed to prove its case.

The four are appearing with the Reverend Daniel Saul Nkopodi (27), Mr Amcham Cassiem (41) and Mr Yusuf Patel (27).

The trial began on December 1 1986.

Cape Times 331

October 27, 1988 7

# 4 PAC men convicted of terror

PRETORIA. — Four of the accused in the marathon Pan Africanist Congress-Qibla trial have been convicted by a magistrate here on four charges of terrorism.

Mr J H Bekker convicted Enoch Zulu, 52, Siyabulela Ndoda Gcanga, 26, Vincent Mathunjwa, 29, and Setsiba Moholo, 29, on four charges under Section 54 (1) of the Internal Security Act.

He found the four guilty of belonging to a banned organisation, the PAC.

Zulu, Gcanga and Moholo were also found guilty of having undergone military training outside the country, while Mathunjwa was acquitted of the charge because the state had failed to prove its case.

Zulu, described as a member of the PAC high command, was also found guilty of training people in the use of arms at Ingwavuma and of smuggling weapons.

The four appeared with the Rev Daniel Nkopodi, 27, Mr Amcham Cassiem, 41, and Mr Yusuf Patel, 27, on 24 charges under the act. — Sapa

# Pretoria News denies charge

Cape Times 27/10/88

PRETORIA. — The assistant editor of The Pretoria News took the word "charade" to mean "a process", rather than a "bluff", the Magistrate's Court here heard yesterday in the trial of the newspaper and its editor, Mr Mostert van Schoor.

Both The Pretoria News and the editor have pleaded not guilty to a charge of contempt of court which arose from an article, published in the newspaper on March 17 this year, in which the conviction and sentence of the so-called Sharpeville Six was criticised by a British barrister.

Assistant editor Mr Andre Meyerowitz, who approved the publication of the article under the heading "The Six: Deep worry about legal principle", was cross-examined by state prosecutor Mr D Van Wyk on the meaning of the report's last paragraph.

One particular sentence in the article, which was highlighted during questioning, read: "The (judge's) failure to find extenuating circumstances lends credence to the claim that the judgment on the Sharpeville six is a charade, designed to serve the purposes of the state through intimidation."

Commenting on the meaning of this sentence, Mr Meyerowitz said he understood "in this context" that the purpose of the state was to keep the peace and to maintain law and order.

He believed the death sentence was intended to deter people from committing violent acts.

Earlier Mr Meyerowitz denied that the article had been published recklessly. — Sapa

# PAC AND QIBLA 7 GUILTY OF TERRORISM

## AME pastor transported arms

**SEVEN members of the Pan Africanist Congress and Qibla, a Muslim organisation, were found guilty on 19 counts of terrorism and subversion in a Pretoria Regional Court yesterday. One of them is a minister of religion.**

Daniel Nkopodi, an AME pastor from Ngobi in Bophuthatswana, was convicted on five counts of terrorism and one of subversion. The magistrate, Mr J H Bekker acquitted him on a charge of having bought a car with PAC funds. Nkopodi was convicted for being a courier for the PAC and having transported their members and arms and ammunition from Botswana.

Mabatu Enoch Zulu, a member of the PAC high command was found guilty on five charges of terrorism and acquitted on five other similar counts.

Ndoda Gcanga was convicted on three counts of terrorism. He was acquitted on three similar charges. Vincent Mathunjwa and Paul Mohohlo were found guilty of a total of five counts of terrorism. Mathunjwa was acquitted on three charges including that of receiving military training outside South Africa.

### Qibla

Achmad Cassiem, leader of Qibla and Yusuf Patel, an executive committee member of the organisation were found guilty on two counts each of terrorism and conspiracy. They were acquitted on three counts including that of defeating the ends of justice.

The seven political activists had pleaded not guilty to 24 counts of terrorism some of which were yesterday consolidated by the magistrate.

In his judgment, Mr Bekker said he was convinced that Qibla was a revolutionary and subversive movement whose aim was to overthrow the Government by violent means. The movement, was also not prepared to negotiate with the Government, he added.

Documents submitted as evidence before court also revealed that Cassiem was described by Qibla as "a symbol of Islamic revolution", the magistrate said.

**(Proceeding)**

# Trial of editor: what does the word 'charade' mean?

**Pretoria Correspondent**

An assistant editor of the *Pretoria News* took the word "charade" to mean "a process", rather than a "bluff".

This was the evidence given yesterday in the trial of the newspaper and its editor, Mr Mostert van Schoor.

Both newspaper and editor have pleaded not guilty to a charge of contempt of court which arose from an article, published on March 17, in which the conviction and sentence of the so-called Sharpeville Six, was criticised by a British barrister.

Assistant editor Mr Andre Meyerowitz, who approved the publication of the article under the heading "The Six: deep worry about legal principle", was cross-examined by State prosecutor Mr D van Wyk, on the meaning of the report's last paragraph.

One particular sentence in the article, which was highlighted during questioning, read: "The (judge's) failure to find extenuating circumstances lends credence to the claim that the judgment on the Sharpeville Six is a charade, designed to serve the purposes of the State through intimidation."

Mr Meyerowitz said he understood "in this context", that the purpose of the State was to keep the peace and to maintain law and order. The death sentence was intended to deter people from committing violent acts.

Referring to the use of the word "charade", Mr Meyerowitz said a judgment was a form, or process, that had to be gone through before the imposing of sentences.

He added that "warning bells" had rung when he read the last paragraph.

But after looking carefully at it, "I found in it mention of a claim, and it wasn't a claim the author makes, it was a claim which was held in some quarters so that I felt our readers should be informed about it ...

"I didn't see anything in it that I thought might offend a court or might be disrespectful ..." and I approved that paragraph for publication."

Earlier, while giving his evidence-in-chief, Mr Meyerowitz denied that the article had been published recklessly, and was shocked it could be suggested the article had been published to bring the judiciary into disrepute.

He added that he believed it was "extremely important" for South African readers to be able to see the article, as there had been suggestions that should the Six be executed, there would be further harsh sanctions and the breaking of diplomatic ties.

"I think this affects South Africans very, very much."

When asked why he thought it necessary to publish in South Africa claims made abroad, Mr Meyerowitz said: "Here was an article ... which gave South African readers a clear view of what was being said overseas about us and our courts ... and I, for one, felt our people should know about it.

"They should have the opportunity to know ..."

The hearing continues.

# PAC/Qibla trial: all found guilty

Pretoria Correspondent

All seven accused in the PAC/Qibla trial have been found guilty on 19 charges, including terrorism, by a Pretoria magistrate.

Four of the men, Mabutu Enoch Zulu (52), Siyabulela Ndoda Gcanga (26), Vincent Alson Mathunjwa (29) and Setsiba Paul Moholo (29), were found guilty by Mr J H Bekker on Tuesday of belonging to a banned organisation, and having undergone military training.

Yesterday, the other three: Daniel Saul Nkopodi (27), a church minister, and two Muslim Qibla members, Achmad Cassiem (41) and Yusuf Patel, were also found guilty.

Nkopodi was found to have transported the Pan Africanist Congress (PAC) members at various times between Botswana, Bophuthatswana and South Africa. He was also found to have been an arms transporter and to have given the men money.

Cassiem and Patel were found guilty of terrorism. The magistrate said the Qibla movement aimed to overthrow the Government by violent means.

The trial continues.

WMAC Oct 28-3 Nov 1988.

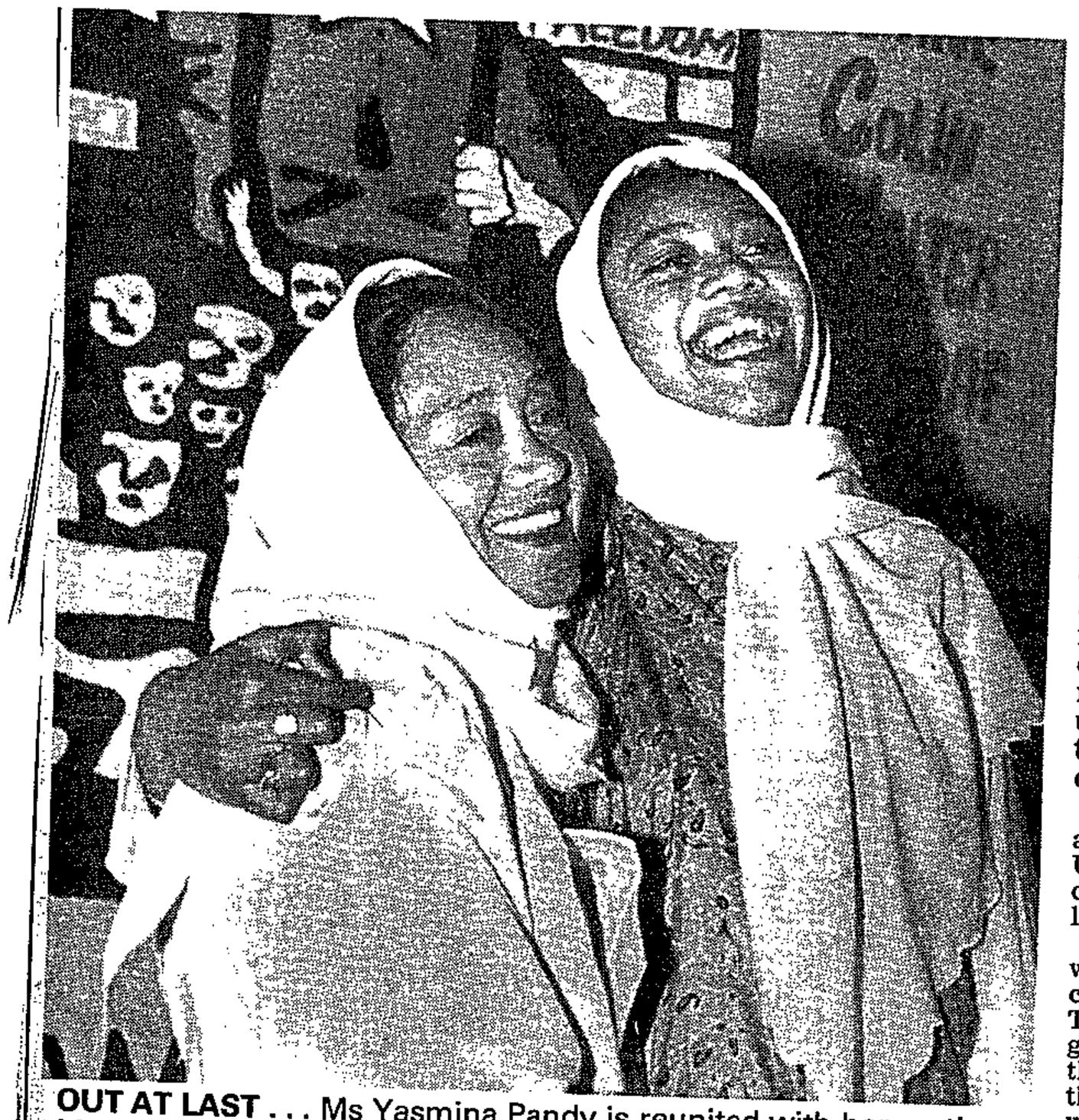
# APARTHEID BAROMETER

331

## GUERRILLA ATTACKS

Law and Order Minister Adriaan Vlok said that by October 20 there had been a total of 262 "terror incidents" in South Africa (excluding the "independent homelands") since the beginning of the year. He said 30 of these attacks had taken place during October. Earlier this month Brigadier Herman Stadler, chief of Security Police intelligence, said in the Pietermaritzburg Supreme Court there were 31 "acts of terror" in July, 19 in August and 46 in September. This contrasted with an average of 13 incidents a month for the first six months of the year. Stadler said since 1974 there had been 1 006 "acts of terror", including 137 in 1985, 230 in 1986 and 235 last year.

CAPE TIMES 28/10/88 (338) 351



**OUT AT LAST** . . . Ms Yasmina Pandy is reunited with her mother, Mrs Begum Pandy, at their Wynberg home yesterday after her release from Pollsmoor Prison, where she had been detained since last year. Ms Pandy, 21, was an accused in a terrorism trial along with Ashley (Ashraf) Forbes — whom she married on Monday this week — and 13 others. Picture: ERIC MILLER

# Prof tells trial of 'brutality'

**Supreme Court Reporter**

HISTORIAN Professor Colin Bundy told the Supreme Court yesterday that police actions at funerals, the mysterious disappearance and death of four Cradock community leaders and the break-up of the August, 1986, march to Pollsmoor, heightened perceptions of police brutality.

This was said under cross-examination of Professor Bundy, of UCT, in mitigation of sentence of convicted ANC commander Ashley Forbes and 13 fellow trialists.

The "trigger of the violence" was caused in 1984 by the increase in rents by the Lekoa Town Council in the Vaal Triangle. Research had established that the spontaneous trigger of that violence was when funerals were broken up by police, he said.

The shootings in Uitenhage and the deaths of the "Cradock Four" added sharply to a widely-held perception of police brutality. The people who killed them had never been arrested.

The Cradock funeral "bore eloquent testimony" to the grief and anger of people.

Asked by Mr W C Viljoen, for the state, why there had been a police presence in the townships, Professor Bundy said the levels of anger and dissatisfaction had been very high. In August and September 1984 people had been involved in a high level of direct confrontation with the police.

## 'Popular antipathy'

"The public attitude to the police crossed a new threshold in August 1984. Police were no longer carrying out organised policing functions but they were also pressed into service on the political plane.

"The police presence had been used in 1984 to bring an end to various forms of non-violent political action and that enforced popular antipathy towards the police."

The claim that police were there to protect the schools would have been disputed by high percentages of people in the townships.

With reference to the march to Pollsmoor, Mr Viljoen asked if most people who took part knew it was illegal. Professor Bundy said he was sure people knew the march was illegal but it seemed to them an opportunity to register some form of protest.

Asked if the 391 necklace murders and the 200 fatal burnings did not justify the declaration of a state of emergency in 1985, Professor Bundy replied that there were still fewer deaths than in 1976 and 1977, when the number of deaths was not perceived as a reason to call a state of emergency.

Forbes's fellow trialist are: Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Kariem, Colin Clave Martin Petersen and Leon Scott.

Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie Inc, appeared for the trialists.

# Defence hits at State in terror case

THE escalation of acts of terrorism in South Africa were due to the enslavement of a proud nation whose aspirations were not satisfied by the Government, Defence Advocate Dikgang Moseneke said in a Pretoria Regional Court yesterday.

Brigadier Jakobus Hendrik Buchner, an expert on ANC and PAC activities, conceded uinder cross-examination by Mr Moseneke that people who made laws in this country were the only people who could change them. Brigadier Buchner also admitted that "one man's terrorist is another man's freedom fighter".

## Subversion

The policeman was testifying in the trial of seven members of the PAC and Qibla who were this week convicted by Mr J H Bekker on 19 counts of terrorism and subversion. The seven are Mabatu Enoch Zulu, Ndoda Gcanga, Vincent Mathunjwa, Paul Mohohlo, Daniel Nkopodi, Achmad Cassiem and Yusuf Patel. They had pleaded not guilty.

## Dramatic

Earlier the trial took a dramatic turn when the prosecutor Mr J Pretorius and Mr Moseneke argued over the submission of Zuly and Gcanga's previous convictions in Swaziland and Lesotho. After the magistrate had ruled that the two could be asked if they acknowledged the convictions, Zulu replied: "I do not have previous convictions. The State must prove that". Gcanga said: "I do not admit".

# Terror justified if war declared — brigadier

Star 28/10/1988

331

**Pretoria Correspondent**

The "guerilla warfare" staged by the "Boer generals during the Anglo-Boer War" was justified as the government of the day had declared war, but the same cannot be said about the situation today, a Pretoria Magistrate was told yesterday.

"The government has now declared certain actions unlawful and people violently opposed to the government are liable for punishment," said Brigadier Hendrik Bugner while giving evidence in aggravation of sentence for seven convicted PAC/Qibla movement members.

The seven: Enoch Zulu (52), Ndoda Gcange (26), Vincent Mathunjwa (29), Paul Moholo (29), Daniel Nkopodi (27), Acham Cassiem (41), and Yusuf Patel (27) were this week found guilty on 19 charges, including terrorism, by Mr J H Bekker.

Questioned by Mr Dikgang Moseneke, who appears for some of the convicted men, Brigadier Bugner, an "expert" on PAC affairs, said that since 1980 more than 70 members of the banned PAC had infiltrated the country and were caught by the security forces.

Brigadier Bugner said it was not only the ANC and the PAC that could be described as terrorist organisations — AWB members had been found guilty of terrorism and thus the body could be described as such.

Brigadier Bugner said he agreed with the statement: "One man's terrorist is another man's freedom fighter" but "this depends upon which side you are on".

He said he had "problems" with people who wanted to bring about changes outside the parameters of the country's law. "In as far as those who are not represented in parliament goes, the situation is changing."

Sentence will be passed today.

CAPE Times 29/10/88 331

# ANC: 'No regrets'

## Court told of the 'enemy in Goodwood'

**Supreme Court Reporter**

LEON SCOTT, on trial with Ashley Forbes and 12 others, yesterday told the Supreme Court he had no regrets about belonging to an ANC support cell and did not see anything wrong in fighting apartheid in that manner.

Scott, who had been convicted of furthering the aims of the ANC, said this in response to questions during cross-examination by Mr Mike Stowe, for the state.

In admissions made on September 2, Scott admitted that he became a member of a cell in November 1984 and co-ordinated the production and distribution of a pamphlet entitled "The call to form mass revolutionary bases". The pamphlet advocated, advised, defended and encouraged the achievement of the objects of the ANC.

Asked by Mr Stowe if he agreed that the pamphlet was directed at people who were politically active and who would take it seriously, Scott replied he did.

He also agreed that reference in the pamphlet to the "enemy in Goodwood" meant the homes of security police.

Asked how people who read it could know it was the homes of the police, Scott said people generally perceived the police as the enemy. He agreed that if the homes of policemen were attacked innocent friends and family could be hurt or killed.

However Umkhonto we Sizwe was a disciplined army which would not indiscriminately attack innocent people, Scott said.

Mr Stowe told Scott that from the nature of his evidence, and from his conduct earlier in the trial — he and his fellow trialist chanted slogans — it appeared that he did not show any regret.

Scott replied that if as a result of the pamphlet people were indiscriminate killed, he would be the first person to regret that. His conduct also came about because of his detention in terms of Section 29 of the Internal Security Act.

He had no regrets about disseminating the pamphlet because he did not believe he had done anything wrong in fighting apartheid that way.

Asked by Mr Justice D M Williamson if he believed it was wrong to further the armed struggle, Scott replied: "Yes and no."

So many legal avenues had been closed and he believed in a united, non-racial democratic South Africa and the principles of the Freedom Charter which was also the objective of the ANC.

Asked if he supported the use of violence to obtain that objective, Scott said he was not ready for that commitment.

Scott's fellow trialists are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem and Colin Clave Martin Petersen.

The hearing continues next Tuesday.

Mr C H van Gend and Mr L P Francis were the assesors. Mr Michael Donen and Mr Johnny de Lange, and instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie Inc, appeared for the trialists. Mr Stowe, with Mr W C Viljoen appeared for the State.

# Soweto man found guilty of terrorism

Star 11/11/88

A 21-year-old man was yesterday found guilty on a charge of terrorism for being involved in two handgrenade attacks on the houses of Soweto City Councillors in October last year.

Solomon Modisella of Soweto pleaded guilty to the charge of terrorism before Mr A Auret.

Modisella said in his plea he had taken part in the grenade attacks "with the intent to put fear into or demoralise the general public". (331

He said that he had gone to the houses of two councillors, Mr S Thabalala and Mr L Radebe, in October last year after a certain Thabo had shown him how to use the grenades.

"Thabo explained that it was necessary to win the hearts and minds of the inhabitants of Soweto to convince them that they should not support the Government or their representatives in the township."

The court heard that Modisella had only "watched out" while Thabo and a certain Tswako threw grenades at the houses.

The trial continues on Friday.

# 'Powerful influences' led to murders of non-strikers

By Adele Baleta

The "brutal" and "cold-blooded" murder of four non-strikers during the railways strike last year could have been committed by any normal person subjected to the psychological pressures on the accused at the time of the killings, the Rand Supreme Court heard yesterday.

This was the view of Dr Andrew Coleman, a British social psychologist at Leceister University, who was giving evidence in mitigation of eight South African Transport Services' (Sats) employees convicted of murdering four non-strikers on April 28 last year.

A further eight accused were convicted of a variety of crimes after their pleas were accepted by Mr Justice T T Spoelstra, who is presiding over the trial with two assessors.

The combined influences on the men which led to the stabbing and burning of the non-strikers was so powerful at Cosatu House on the day of the killings, that "it would have taken unusual personal qualities to have resisted them altogether".

Summing up his evidence and that of Dr Scott Fraser, a social psychologist from the University of Southern California, Dr Coleman said both of them believed a number of situational factors were operating in the lead-up to the killings.

These were firmly established psychological processes, corroborated by numerous careful research studies.

Deindividuation arising from the "peculiar atmosphere" in Cosatu House had influenced all of the accused. Earlier Dr Fraser said the crowd, the noise, the heat and the anonymity in the hall (where strikers gathered daily) meant that the accused did not engage in self-reflective behaviour.

Relative deprivation was a factor in that all the eight convicted men believed the quality of their lives was inferior to that of other groups.

Group polarisation arose from the collective decision-making process at Cosatu House. It was decided that non-strikers would be murdered for not supporting the strike.

Other forces which probably influenced some of the accused more than others included: frustration-aggression, obedience, bystander apathy and learned helplessness.

Dr Coleman appealed to the court, in judging the behaviour of the accused, not to underestimate the potential power of external situational forces.

The case was postponed to Thursday.

# New turn in Pretoria trial

THE terrorism trial of five alleged members of the African National Congress took a dramatic turn in the Pretoria Regional Court yesterday when the presiding magistrate recused himself from the trial because he had already read confessions on two of the accused.

Mr F J Poolman withdrew from the case following a successful application by defence lawyers, Mr Michael Traub and Mr Nano Matlala, who appeared for Mr Conrad Lekhumbi (28), Mr Motshele Edwin Makwela (35) and Mr Sello Khota (34), all of Mamelodi, Pretoria.

Mr Poolman recused himself after ruling that he did see the statements following a mistake by someone in the Attorney-General's office who attached the confessions to the further particulars which were requested by the defence.

The three accused, together with Mr Samuel Makhubela (29), of Soshanguve and Mr Thekiso Mogoerane (31), of Vosloorus appeared on charges of terrorism and attempted murder. They have not yet been asked to plead.

The State alleges that on or about February 2, 1986 and July 19 last year the accused attacked the houses of Detective Sergeant Khazamula Johannes Hlongwane and Warrant Officer Mokgopa Stephen Setole with AK47 rifles in an attempt to murder them and their families in Mamelodi. They also attempted to kill Constable Kotse Caswell Ntsoane, the State alleges.

The five accused also face 18 alternative counts of attempted murder and damage to property. Mr Makhubela is further charged with the theft of a firearm and possession of an unlicenced firearm and ammunition.

(Proceeding).

## More houses

THE managing director of the South African Housing Trust, Mr Joe Taylor, said in Cape Town the trust had in its sights the construction of affordable high quality houses for the lower income group.

331 Sowetan 1/11/88

# Injuring child 'hurt me' — ANC trialist

**Supreme Court Reporter**

PETER JACOBS, fellow trialist of Ashley Forbes and 13 others, yesterday told the Supreme Court that an incident in which a child was injured when he flung a handgrenade into a Mitchells Plain home "hurt" and "cannot be morally justified".

Jacobs has already been convicted of terrorism and was testifying in mitigation of sentence.

A second-year student at the University of the Western Cape when he joined the ANC in 1986, he admitted yesterday that he had thrown a handgrenade into the house of Mr Christo Nissen on April 24 last year.

Jacobs said he had thrown the handgrenade into what he had thought was the home of a policeman. After the attack had read in newspapers that it was the home of a security guard.

"This disturbed me because now I must go against my very grain, I was attacking a civilian. It was particularly disturbing to me as commissar for attacking a person for no reason."

He and Forbes had conducted an investigation and had concluded that Mr Nissen was a policeman — and he still believed that to this day, Jacobs said.

"It was a ploy by the state to portray our targets as civilians to take away the credibility of the movement. We have a firm position that to attack civilians is against our moral and political beliefs. It serves no purpose."

Jacobs said as far back as 1985 Mr Nissen was "involved in uprisings in our area" and the people who investigated the attack believed beyond all reasonable doubt that he was a policeman.

Asked by presiding Mr Justice D M Williamson why he had not produced the people who had launched the investigation to court, Jacobs replied: "I am still committed to the revolution. I will never have our people working for us uprooted and brought to court for obvious reasons.

"The fact that I injured the child hurt me. When we become involved we are moved by our love for our people. Injuring a child cannot be morally justified."

Lessons from that operation could be learnt for the future to ensure it did not happen again, he said.

Jacobs said he was arrested on April 16 last year and held in terms of section 29 of the Internal Security Act.

Asked how he was treated in detention, Jacobs said it would be "mild" to say he was nearly killed. "For the first few hours I was taken to the verge of death many times," he said.

Jacobs' fellow trialists are: Forbes, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen and Leon Scott.

The hearing continues today.

Mr C H van Gend and Mr L P Francis were the assessors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Willcinson, Joshua, Gihwala and Abercrombie Inc, appeared for the trialists. Mr W C Viljoen, with Mr Mike Stowe, appeared for the state.

 331

# ANC man has 'moral code against attacking civilians'

Supreme Court Reporter

AFRICAN NATIONAL CONGRESS political commissar Peter Jacobs, convicted of terrorism, told the Supreme Court he had a firm moral code against attacking civilians and was "hurt" when a child was injured when he threw a hand-grenade.

Jacobs, who is on trial with 13 others, was giving evidence in mitigation of sentence.

He said he was prompted to join the ANC after he believed the State was responsible for the murder of Matthew Goniwe and four other community leaders in Cradock in 1984.

"The State further responded by declaring a state of emergency in areas where people had built alternative structures of people's power through street and area committees," Jacobs said.

Jacobs said legal avenues of protest began to close in 1986 with the State beating, detaining and killing people who were involved in extra-parliamentary structures.

"In June 1986, I was approached by Cecil Esau (sentenced last year to 12 years' imprisonment for terrorism) to join an ANC cell," Jacobs said.

**ON THE RUN**

"I agreed because I saw a need to further the activities of the ANC.

Jacobs said that in April 1986 Esau was arrested and the police came looking for him at his house.

He managed to avoid them, and went "on the run" for more than a month.

"I had no other option but to leave the country."

"While I was on the run I worked out what my role would be in liberating my country and decided that my role was to join the armed wing."

Jacobs said he went to Angola where he had military and political training from the ANC at Pango.

On his return to Cape Town, he took part in a limpet-mine attack on an electric pylon in Goodwood by standing guard with another accused, Ashley Forbes.

Jacobs said that he threw a hand-grenade into a home of a suspected policeman in Rangerslot, Mitchell's Plain.

He said after the attack he read in the newspapers that the home belonged to a security guard and not a policeman.

**"PLOY BY THE STATE"**

He and Forbes investigated the incident and concluded, from reports from other people working closely with them, that the target was a policeman.

"I believe to this day that he was a policeman," Jacobs said.

"It is a ploy used by the State to portray our targets as civilians to take away the credibility of the movement.

"We have a firm position that to attack civilians is against our moral and political beliefs — it serves no purpose."

Asked by his counsel, Mr Mike Donen, how he felt about the fact that a child had been injured in the attack, Jacobs replied that it "hurt".

"When I became involved I was moved by the love for my people," he said.

"Injuring a child cannot be morally justified."

The trial continues today.

The legal representative of Themba Khumalo, Miss Kathy Satshwell (left) with his sister Miss Dali Mpofu and his mother Mrs Lenina Khumalo (right)

Star 2/11/87

# Journalist jailed for harbouring ANC men

By Celeste Louw

A freelance journalist was yesterday sentenced to eight years imprisonment by a Johannesburg magistrate for harbouring two trained African National Congress members and failing to report them to the police.

Mr L Vertue sentenced Jerry Themba Khumalo of Diepkloof in Soweto to four years jail on each of two counts of harbouring and failing to report the ANC members. The sentences are to run concurrently.

Khumalo, a former reporter for The Star, pleaded guilty to the charges.

In a statement handed to the court he said that Mrs Winnie Mandela had asked him in November 1986 to help her find accommodation for youths who had fled from the unrest in Maritzburg.

"I found accommodation for Oupa Seheri because I assumed that he was one of the youths. I went to visit him and saw him with a rifle and then I suspected that he was a trained ANC member," Khumalo said.

The court heard that he never went to visit Seheri again.

In another incident a certain Vuyisile Tsabalala paid Khumalo to take him around.

"At one stage he was wounded and got very angry with me for suggesting that he should go to hospital.

"He told me that he was an ANC member and that the security police would arrest him in hospital."

The court was told that Khumalo helped him to get medical attention.

In the statement Khumalo said that he had been detained without trial in June 1977 for 18 months.

He was afraid to report the two men to the police for fear of being detained again.

"They also became my friends and I feared to be labelled as an informer."

Mr Vertue said that he could understand that Khumalo didn't want to report his friends.

He added: "It's true that the ANC enjoys great support in this country, but it must also be remembered that a large section of society does not support them."

# Newsman who hid guerillas gets 8 years

JOHANNESBURG. — A freelance journalist was yesterday sentenced to eight years' imprisonment by a Johannesburg magistrate for harbouring two trained ANC members and failing to report them to the police.

Mr L Vertue sentenced Jerry Themba Khumalo of Diepkloof, Soweto, to four years' jail each on two counts of harbouring and failing to report the ANC members. The sentences are to run concurrently.

Khumalo, a former reporter on the Star, pleaded guilty to both charges. — Sapa

Star 3/11/88

# Grenade hit roof — witness

331

Pretoria Correspondent

The wife of a Mamelodi policeman yesterday told a Pretoria Regional Court how a grenade had been hurled into her house while she was relaxing with her husband.

Mrs Androsina Hlongwane, wife of Warrant-Officer Johannes Hlongwane of the Mamelodi police, said she was sitting in the diningroom with her husband, five minutes after his arrival home, when they heard a loud explosion on the roof.

Mrs Hlongwane was giving evidence at the trial of five men charged with terrorism and attempted murder.

They are Mr Samuel Makhubela (29) of Soshanguve, Mr Thekiso Mogoerane (31) of Vosloorus, Mr Conrad Lekhumbi (28) of Mamelodi, Mr Edwin Makwela (35) of Mamelodi and Mr Sello Khota (34) also of Mamelodi.

They have pleaded not guilty to all charges.

Mrs Hlongwane said she was hurled to the ground when the explosion went off.

"I must have lost consciousness because when I came round I realised that my clothes were covered in blood and my husband was bleeding as well."

Mrs Hlongwane said she had hand and head injuries as a result.

She crawled to the telephone to call the police who arrived on the scene soon afterwards.

The trial continues.

331



# Student turned to Bible after police action on campus

**Supreme Court Reporter**

AFRICAN National Congress member Nicklo Pedro has told the Supreme Court he turned to the Bible to find out if he was right to defend himself against police on the University of the Western Cape campus in 1985.

Pedro, 21, was convicted of terrorism after admitting his involvement in five ANC attacks in Cape Town in 1987.

He is on trial in Cape Town with 13 others facing similar charges.

Pedro, son of a farm school principal and a nursing sister, said he grew up in Mossel Bay and moved to Cape Town when he enrolled at UWC in 1985.

At that stage he had strong political beliefs, but regarded the ANC as a terrorist organisation.

His religious convictions would not allow him to oppose apartheid through violent means.

**ARMED STRUGGLE**

In 1985, during the student boycott at UWC, he changed his mind and accepted a necessity for an armed struggle.

Pedro said he was influenced by close friends in Bonteheuwel, including ANC guerrilla Ashley Kriel.

Pedro said his mother took him home to Mossel Bay at the height of the 1985 uprising because she was afraid he would be detained.

When he returned to Bonteheuwel, Ashley Kriel was on the run from the police.

"It was strange for me to see that people couldn't live at home. I was there one day when the security police came looking for Ashley. They said that if they found him they would kill him."

At times he was involved in setting up barricades and throwing stones at the police.

"I didn't have an intellectual debate about whether I must pick up a stone. I just threw it at the police.

"My Christian beliefs said I should be non-violent, but there wasn't enough to support me in my conviction.

"I went to the Bible to find out if I was right in defending myself. I don't think there's anything wrong in defending yourself and trying to destroy evil.

"When I went into the process of armed struggle it was traumatic," he said.

The hearing continues.

# Unionist quizzed on documents

Sowetan 4/11/88 (331)

**THE struggle for liberation must represent and reflect the workers' interest, said trade unionist, Mr Moses Mayekiso in the Rand Supreme Court yesterday, writes MANDLA NDLAZI.**

It was his second week in the witness stand. He was cross-examined by the prosecutor, Mr Chris Human, SC, on a number of documents found in his possession by police who arrested him.

Answering a question by Mr Human, Mr Mayekiso, general secretary of the National Union of Metal Workers of South Africa (Numsa), said he agreed with Mr J Naidoo who told a gathering of the World Council of Churches that:

## Interests

"It is therefore clear that the struggle for liberation against apartheid and economic exploitation must represent and reflect primarily the interests of the workers."

Answering another question, Mr Mayekiso said he disagreed with Mr Naidoo who said the State had failed to control the townships. In a copy of his speech to the WCC, Mr Naidoo said: "In the last year we have seen South African townships aflame with fires of resistance. Botha's frantic response has been to declare a state of emergency and to occupy our townships with troops.

"Hundreds have been killed, maimed, arrested and just disappeared. But the resistance continues with school boycotts, strikes, mass stayaways, mass funerals and the State has failed to control the townships."

A copy of Mr Naidoo's speech was one of several documents exhibited in court and one of the many documents Mr Mayekiso was questioned about.

Mr Mayekiso (40), is appearing with four other civic leaders before Mr Justice P J van der Walt. The other four are Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapala (38) and Mr Mzwandile Mayekiso (22).

They have pleaded not guilty to charges of treason, alternatively sedition or subversion. They are being held in custody.

The State alleges they attempted to usurp its authority by trying to seize control of Alexandra in 1985/86 by establishing the Alexandra Action Committee and "organs or people's power."

It is further alleged that they launched a consumer boycott in and around Alexandra and campaigned against councillors and police in the area.

# Cops' acts 'changed' accused's views

CAPT TIMES 4/11/88 331

**Supreme Court Reporter**

NICKLO PEDRO, co-accused in the Forbes terrorism trial and close friend of slain ANC guerilla Ashley Kriel, told the Supreme Court yesterday that he had initially believed in non-violence but changed his opinion because of events at the University of the Western Cape, Bonteheuwel and Mitchells Plain.

He could not understand why police beat people and broke up meetings instead of addressing the grievances of people.

He said he remembered an occasion when security police came looking for Kriel saying they would shoot him like they would a rabbit. ("As ons hom kry sal ons hom doodskiet soos 'n vlakhaas").

Pedro, 21, was giving evidence in mitigation of sentence after his conviction for terrorism. The son of a farm school principal and a community nurse, Pedro said he was brought up in Mossel Bay and came from a middle-class family.

In 1984, when in matric, he learnt of the Freedom Charter which "captured" him and he saw it was a solution for South Africa's problems.

"The idea I had of the ANC was that they were terrorists. I did not know what they stood for. I saw them as a bunch of evil people, violent people."

He had a religious upbringing and was taught that people should respect the law and that politics and the church were separate issues.

He enrolled at UWC in 1985 and at the first student mass meeting saw that students were serious about addressing problems.

He met Ashley Kriel in Bonteheuwel and was impressed with the unity of the community. He had also met former co-accused Yasmina Pandy who taught him much.

"When I came back (from Mossel Bay) Ashley Kriel was not at home, he could not stay there because the security police were looking for him. His mother was my mother here in Cape Town."

Asked by his defence counsel, Mr Michael Donen, what made him change his mind about the ANC, Pedro said most people he saw agreed with, supported and understood the ANC.

His use of violence was influenced by the history of the ANC and what it stood for. "It was a process . . . through 1985 on numerous occasions the ANC flag was raised at public meetings. People responded by shouting Viva ANC."

He referred to peaceful placard demonstrations on the campus which were broken up when police fired teargas.

It was in that context that he first threw stones at the police.

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 assesors. Mr Michael Donen and Mr Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Ghwala and Abercrombie Inc, appeared for the accused. Mr W C Viljoen and Mr Mike Stowe appeared for the state.

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331 4/11/88 B/day

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'They said my wife could disappear if I didn't talk'

# Bombing trial: court told of police threats

HARARE — Michael Anthony Smith, 34, one of three former members of the Rhodesian security forces accused of bombing an ANC house in Bulawayo, yesterday claimed he was told his wife could "disappear" if he refused to co-operate with the police.

Smith, a workshop manager of Balweary Estates, Chakari (formerly Hartley), described how members of the police, the Central Intelligence Organisation and para-military units descended on the farm on January 19, seven days after a driver was killed by a remote control car bomb at an ANC house in Trenance, Bulawayo.

Smith, who looked strained and prematurely old, said his employer, Louis Heyns, his bride of nine months, Eileen, and himself were bundled into a police land cruiser and taken to

MICHAEL HARTNACK

Bulawayo without explanation.

At Bulawayo CID headquarters, he was put in leg irons and separated from his wife, of whom he had no news for three days.

## Abortive

Smith told the court: "They said: 'Do you know it is possible for your wife to disappear and never be seen again?' They said it was possible for my wife to disappear and I would never see her again. They said did I know they had ways of making me talk."

'Eileen Smith was later released and was claimed by Zimbabwean government spokesmen to have played a key role in organising the abortive June 30 attempt to free Smith and his two co-accused, Kevin John Woods, 35, and Philip Conjwayo, 54, from Chikurubi maximum security prison outside Harare.

Eileen Smith was alleged to have recruited the help of a Zimbabwe Air Force pilot, Air Lieutenant Gary Kane, who stole a helicopter from New Sarum Air Force Base.

Earlier yesterday — the 16th day of the marathon trial — Conjwayo caused laughter when he clashed with Zimbabwe's acting attorney-general, Andrew Chigovera, over allegations he had received burns to his private parts under torture.

"If you don't believe me, I will show you the injuries I received now," Conjwayo retorted angrily during cross examination.

"There is no need to be unnecessarily nasty," Chigovera replied.

A doctor will be called today to give evidence.

# 'Intention not to kill' in grenade attacks

331

Cart Time 5/11/88

Staff Reporters

NICKLO PEDRO, co-accused in a terrorism trial with 13 others, told the Supreme Court yesterday that there was "never the intention to kill" in any of the hand-grenade attacks on the homes of three policemen.

Pedro, 21, was giving evidence in mitigation of sentence after his conviction for terrorism.

The son of a farm school principal and a community nurse, Pedro said he was the contact person between ANC cells and the command cell of which Ashley Forbes, his co-accused, was the leader.

He was also the contact person for support cells whose members did not belong to the ANC.

In response to questions by Mr Mike Stowe, for the state, he said he was given instructions by Forbes to attack the house of a policeman in Uitsig. Policemen were regarded by the ANC as "legitimate targets anyway", Pedro said.

He said the attacks were "symbolic and there was never the intention to kill".

The hearing continues on Monday.

# Judgment day nears in the Delmas treason trial

## 19 accused face death sentence in historic marathon court case

**By SOL MORATHI**

THE day of reckoning is drawing closer for the 19 Delmas treason trialists.

The 19 men, who started waiting early in September for the verdict in South Africa's longest treason trial, will know their fate within two weeks.

The accused include prominent leaders of the restricted United Democratic Front, Azanian People's Organisation and the Vaal Civic Association.

Their trial was adjourned in September until November 15, when Judge Van Dijkhorst will try to have his judgment completed.

He has more than 25 000 pages of typed evidence to consider before passing judgment.

When the trial was adjourned there was intense controversy, with the defence counsel protesting strongly at a deadline imposed by the judge on the presentation of oral argument on behalf of the accused.

The outcome of this trial is of vital importance to the future of the restricted UDF, as well as the 19 men.

The State said in its argument that the UDF, its affiliates and allies, conspired with the ANC to overthrow the South African goverment by violent means.

The State argued that the fact that the UDF and its affiliates identified the State as the "enemy" – in the same way as the ANC and the South african Communist Party – constituted a conspiracy.

It said the UDF's role was to organise, plan, promote and coordinate rent protests, stayaways, political funerals, school boycotts and campaigns against local authorities.

The defence lawyers argued that the State had failed to prove the UDF was a violent organisation and had conspired with the ANC.

They said most of the State argument was based on speculation.

Law and Order Minister Adriaan Vlok in February slapped an indefinite ban on anti-government organisations, including the UDF, for their alleged plot to overthrow the government by force.

Whether or not that is the case depends on the outcome of the marathon trial.

After the judge had told the defence team they could supplement their oral argument by written submissions, George Bizos, SC, said they did not believe they could do justice to their clients' case by reducing parts of their argument to writing.

The judge's deadline was imposed after the defence had argued its case for just over a week.

"Is not each one of these accused entitled to a day after two and a half years of evidence and 10 000 pages of defence evidence?" Bizos asked the court.

At that stage, the judge insisted that his deadline ought to be met.

The prosecution had earlier been told it was not necessary for them to read their final arguments into the record. It had summarised its argument against the main accused – Popo Molefe, national secretary of the UDF, Patrick Terror Lekota, publicity secretary of the UDF, and Moss Chikane, a former Transvaal UDF executive member – in just over three handwritten pages.

It is almost four years since the first of the trialists were taken into custody after the Vaal Triangle rent protests, which brought violence and loss of life.

It is more than three years since the original 22 trialists first appeared in court.

Three accused – Amos Malindi, Lazarus More and Simon Vilakazi – were discharged.

And for longer than three years, Lekota, Molefe and Chikane have remained in jail.

The main charge is high treason. It carries the death penalty.

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 involve committing acts of violence with the objective of overthrowing or endangering the State, achieving constitutional, political, social and economic change, including attempting to get the government to change its standpoint, and demoralising the public or specific groups of people.
- Two charges of subversion, involving causation of general disorder and the hampering of people maintaining law and order to achieve the same objectives as those listed above.

There are five counts of murder alternative to the terrorism and subversion charges.

The murder charges arise from the deaths of four councillors and one other man killed during the Vaal rent uprising of September 1983.

Although terrorism is a statutory crime, it carries the same penalty as treason, while subversion carries a maximum penalty of 20 years' imprisonment.

And whether or not the 19 men will escape this sentence depends on the judgment and subsequent sentence of Judge Van Dijkhorst.

# TERROR ACCUSED YOUTHS CLEARED

TWO Soweto youths, alleged to have received military training at an ANC camp in Angola, were acquitted of terrorism and membership of the banned organisation at a Johannesburg Regional Court on Friday.

A court official pleaded with relatives of the two youths, Mr Mavela Lot Dlamini (24) and Mr Humphrey Thulani Mabaso (20), both of Soweto, to control their emotions while the presiding magistrate, Mr I J J Luther, delivered his judgment.

Both the men were charged with leaving the country to become members of the banned ANC and receiving military and political training under the

**By SONTI MASEKO**

auspices of the organisation during March last year.

According to the State, the men unlawfully re-entered South Africa to further their aims or those of the ANC.

Their defence advocate, Mr Dikgang Moseneke, argued that the court should not convict his clients on the strength of the evidence by two police informers, who testified earlier in secrecy.

Moseneke warned that their evidence should be treated with suspicion as both the witnesses were former ANC members who had committed the same offences under the Internal Security Act and were not prosecuted.

# Press, public barred from terrorism trial

Sowetan 7/11/88

331

**THE Press and members of the public were barred from attending proceedings in a terrorism trial last Friday, after the magistrate ruled that certain State witnesses testify behind closed doors.**

The magistrate, Mr W J Fourie, gave the ruling in the Pretoria Regional Court following an application by Mr J Oberholzer, for the State, who sought an order that evidence be heard in camera.

Five alleged members of the banned African National Congress have pleaded not guilty to charges of terrorism, attempted murder, possession of arms and ammunitions and theft.

The accused are Mr Samuel Mokubela (29) of Soshanguve, Mr Thekiso Mogoerane (31) of Vosloorus, Mr Conrad Lekhumbi (28), Mr Edwin Makwela (35) and Mr Sello Khota (34) all of Mamelodi, Pretoria.

The accused also face 18 alternative counts of attempted murder and damage to property. Mr Mokubela is further charged with the theft of a firearm and possession of an unlicensed firearm and ammunition.

The State alleges that on or about February 2, 1986 and July 19 last year, the accused attacked the houses of Detective Sergeant Johannes Hlongwane and Warrant Officer Mokgopa Stephen Setole with AK47 rifles and handgrenades in an attempt to murder them and their families in Mamelodi. They also attempted to kill Constable Kotze Caswell Ntsoane, the State alleges.

(proceeding)

# Treason trialist to be grilled again

7/11/88

33.1

By MANDLA NDLAZI

TREASON trialist, Mr Moses Mayekiso, will be re-examined by defence counsel, Mr David Soggot, SC, in the Rand Supreme Court today.

This follows the end, on Friday, of the two weeks he has spent in the witness-box, cross-examined by the prosecutor, Mr Chris Human, SC. This was after he had spent some days in the box, giving evidence in his defence.

Mr Mayekiso (40), general-secretary of the National Union of Metalworkers of South Africa (Numsa), is appearing with four other civic leaders before Mr Justice P J van der Walt on charges of treason, alternatively sedition or subversion.

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

The State alleges they attempted to usurp its authority by trying to seize control of Alexandra township in 1985/86 by establishing the Alexandra Action Committee and "organs of people's power."

It is further alleged that they launched a consumer boycott of shops in and around Alexandra and camty by trying to seize control of Alexandra township in 1985/86 by establishing the Alexandra Action Committee and "organs of people's power."

It is further alleged that they launched a consumer boycott of shops in and around Alexandra and campaigned against councillors and police in the area.

Questioned by Mr Human on Friday, Mr Mayekiso said he was not in favour of the "people's court" conducted by the youths in the area.

He said the youth was not trained to handle cases and did not have knowledge for the proper administration of such a place.

He said he was also against the lashing of people in such a court.

Mr Mayekiso said he did not believe that Ms Mapule Morare, who was treasurer of the Alexandra Action Committee (AAC) and his co-accused, Mr Tshabalala took part in the running of such a court.

He said they knew "the stand of the AAC" and that the organisation was against the lashing of people in such courts.

# Handgrenade attacks: man jailed for 8 years

331 Star 8/11/88

Staff Reporter

A Soweto man, Solomon Modisella (21), was yesterday jailed for eight years by a Johannesburg magistrate for being involved in handgrenade attacks on the houses of two Soweto councillors last year.

Magistrate Mr A Auret also sentenced him to two years' imprisonment suspended for five years after he had pleaded guilty to a charge of terrorism.

Modisella admitted he had taken part in two handgrenade attacks on the houses of Mr E T Tshabalala and Mr L Radebe in October last year. Only minor damage was caused.

# Petrol-bomb attack: Cayco man gets 8 years

9/4 Times 8/11/87

331

Supreme Court Reporter

CAPE Youth Congress (Cayco) member Whitey Solani was sentenced in the Supreme Court to eight years' imprisonment on charges of arson and attempted murder after a petrol-bomb attack on the home of a community councillor.

Solani, 20, of New Crossroads, was jailed for five years for arson and three for attempted murder.

Four youths from Nyanga and Guguletu between the ages of 14 and 16 were also found guilty of arson and committed to a reformatory for two years.

Mr Simon Seneli and Mr Vusumzi Futshane, both 20 and of Guguletu, were acquitted of all charges at the end of a lengthy trial. Mr Wandile Qamata and a 17-year-old youth had been discharged earlier in the trial because of insufficient evidence.

The charges followed a petrol-bomb attack on the home of community councillor Mr Jackson Sogiba on the night of July 4 last year.

Mr Sogiba's body was found about 150 metres from his home. He had been stabbed, beaten and burned.

# Trial held in camera

8/11/88 331

**By MONK NKOMO**

THE trial of five members of the African National Congress who allegedly attempted to murder four Mamelodi policemen and their families with AK47 rifles and handgrenades, continued to be held in camera in the Pretoria Regional Court yesterday.

Prosecutor-advocate Mr John Oberholzer indicated to the *Sowetan* before proceedings yesterday morning that two more State witnesses were going to testify behind close doors and that the court will probably be opened to the Press and public from this morning (Tuesday).

Mr Samuel Mokubela (29) of Soshanguve, Mr Thekiso Mogoerane (31) of Vosloorus, Mr Conrad Lekhumbi (28) Mr Edwin Makwela (35) and Mr Sello Khota (34) all of Mamelodi, Pretoria have pleaded not guilty before Mr W J Fourie to charges of terrorism, attempted murder, possession of arms and ammunition and theft.

# JUDGE RAPS MAGISTRATE

**A MAGISTRATE who sentenced an 18-year-old scholar to five years for arson had gone completely wrong and had misdirected himself, the Venda Chief Justice, Mr Justice D J H le Roux, found on Monday.**

By MATHATHA TSEDU

Delivering judgment in an appeal by Mr Piet Manamela, of Vleifontein township near Louis Trichardt, Mr le Roux also criticised the magistrate, Mr Piet Nthabalala, for overlooking important aspects of the evidence.

Mr Manamela, a former Std 9 pupil at Tshiawelo High School, was found guilty by Mr Nthabalala of arson and possession of petrol bombs.

He was sentenced to two years for arson and three years for possession of bombs. Mr Nthabalala had also ruled that the sentences should not run concurrently. Mr le Roux, sitting with Mr Justice J J van der Walt, declared Mr Manamela not guilty.

Mr le Roux expressed concern that vital parts of evidence had been initially withheld from the Supreme Court until he had ordered that a report be compiled from the magistrate's notes.

"A crucial part of a witness' cross-examination was missing. This court insisted that a record should be compiled from the magistrate's notes and later a record which is extremely legible was produced. I cannot see why it was not originally included as it completely destroyed the witness' credibility, Mr le Roux said.

He continued: "His whole evidence became nonsense after cross-examination but, strangely, the magistrate did not pay any attention to this aspect. This is a plain misdirection of fact. I fail utterly to see how a conviction can be secured on this evidence. The magistrate has taken no note of the inherent improbabilities of some of the evidence", Mr le Roux said.

# Scholarship award

MISS Sarah Nuttall (24), an MA student at the University of Natal, in Maritzburg, and daughter of Mr Jolyon Nuttall, general manager of *The Star;* has been awarded the 1989 Natal Rhodes scholarship to Oxford University.

It is one of a maximum of nine coveted scholarships awarded in South Africa annually and the only scholarship awarded specifically by the Natal Rhodes Scholarship committee.

Miss Nuttall has just completed a term of office as president of the Students Representative Council in Maritzburg.

Her mother is Mrs

allowance and a return airfare to England.

According to the will of Cecil John Rhodes, the benefactor, the criteria for selection of students is:

"Literary and scholastic attainment, fondness of sport, qualities of truth, courage, devotion to duty, sympathy for and protection of the weak, kindliness, unselfishness, fellowship and the exhibition of moral force of character and instincts to lead."

The other eight possible awards — four for the "South Africa at large scholarship" and four from public schools in the Cape Province — will be announced later this month.

# 'Muslims duty to fight oppression

**Supreme Court Reporter**

UNIVERSITY of the Western Cape B Comm student Ashraf Karriem told the Supreme Court he was motivated to assist in African National Congress activities by the teachings of his religion.

Karriem, convicted of promoting the aims of a banned organisation, was giving evidence in mitigation of his sentence.

He admitted earlier in the trial that he stored a hand grenade for co-accused Nicklo Pedro, who has been convicted of terrorism.

Karriem said his ideas on present-day South Africa were based on his Islamic studies and the events of 1980 and 1985.

## Committed

In 1980, 17 people died as a result of police action in Elsies River, including a student Bernard Fortuin, Karriem said.

"This made me more committed to participate actively in the struggle for justice and peace," he said.

He said Islam had taught him that Muslims had a duty to fight oppression — they were not given a choice.

"Islam says that all human beings are equal, irrespective of race, sex, colour or creed, and should be treated as equals," Karriem said.

"We believe that whatever we do should be for the benefit of the people.

"Islam sees South Africa as oppressive and exploitative and believes in the oneness of God and the oneness of mankind."

He said according to the Quran, oppressed people had the right to take up arms against the oppressor.

He believed the use of force against the South African regime was legitimate.

"In 1985 there was one event which had a great effect on the Muslim community," Karriem said.

"A meeting was held in the St Athans Road mosque in support of the three people who were killed in the Trojan Horse incident.

"The police shot teargas into the mosque and then, with their boots on, moved into the mosque to beat people.

"While people were fleeing from the police they shot Abdul Friddie."

Karriem said after the incident he came to the conclusion that the people's right to use violence was justified.

## Support ANC

"I came to realise that the armed struggle was an important part in resisting the State."

He said his preparedness to support the aims and objectives of the ANC was not in contradiction with his religion.

Karriem quoted to the court: "Fight them on until there is no more oppression and justice will prevail."

He admitted that he stored a hand grenade at his home, but said that he did not believe he was capable of throwing it.

Under cross-examination, Mr Mike Stowe, for the State, put to Karriem that the 17 people killed by the police in Elsies River were part of stone-throwing mobs and unrest.

Karriem replied: "Does anyone have the right to shoot someone with a stone in his hand. Is a gun and a stone the same thing?"

Karriem suggested that the police could have used another method to stop stone-throwers.

Mr Stowe put to Karriem that he was being unfair to the police by suggesting that they killed people indiscriminately. He said the police were maintaining law and order.

Karriem: There is no law and order in South Africa.

Mr Stowe: Thanks to whom?

Karriem: The South African regime.

(Proceeding)

# RROR TRIAL DRAMA

Sowetan 9/11/88

By MANDLA NDLAZI (331)

**TREASON trialist, Mr Moses Mayekiso, stepped out of the witness box in the Rand Supreme Court yesterday after denying having underlined paragraphs of some documents dealing with the ANC, armed struggle, violence and revolution.**

Questioned by defence counsel, Mr David Soggot, SC, Mr Mayekiso said it was possible that he underlined paragraphs of some documents dealing with matters that were of interest and important to him.

Mr Mayekiso said some of the articles in documents exhibited in court had a Marxist approach. He said he got these from seminars and lectures he attended overseas. He said most of the seminars and lectures were conducted by academicss who were inclined towards Marxism.

He said he brought home some of the books, magazines and documents when he returned from abroad.

Answering another question, Mr Mayekiso said he did not know what caused the dispute at the Metal Box factory, but thought it was over the dismissal of some workers.

He said he did not know how this spread to Alexandra township, but thought it was due to a call by community and political organisations that residents should show solidarity and support the dismissed workers.

After stepping out of the witness box, his co-accused, Mr Paul Tshabalala, entered to give evidence in his defence.

Mr Mayekiso (40), Mr Tshabalala (38), and Mr Richard Mdakane (29), Mr Obed Bapela (39) and Mr Mzwanele Mayekiso (22), have pleaded not guilty to charges of treason, alternatively sedition or subversion. They are appearing before Mr T J van der Walt.

The State alleges they attempted to usurp its authority by trying to seize control of Alexandra in 1985/86 by establishing the AAC and "organs of peoples power".

It is further alleged that they launched a consumer boycott of shops in and around Alexandra and campaigned against the counciliors and police in the area.

# Accused's 'duty as a Muslim' to resist

Cape Times 9/11/88

331

Supreme Court Reporter

ASHRAF KARIEM, 22, former UWC student and co-accused in the Forbes terrorism trial, yesterday told the Supreme Court that according to the Koran — the Islamic holy book — Muslims had a duty to fight oppression and exploitation.

Kariem, a final-year B Comm student at the time of his arrest, said this in mitigation of sentence.

On September 3 he was convicted of contravening Section 54 (4) of the Internal Security Act when he admitted he had received a handgrenade — without a detonator — from Nicklo Pedro which he had stored for him.

He said he was born in District Six into a religious family and moved to Elsie's River at four.

He was involved in the 1980 schools boycott, later actively opposed the tricameral system and became involved in the Muslim Students' Movement and the Azanian Students' Movement.

He registered at UWC in 1985 and experienced police action against students holding peaceful placard demonstrations.

Kariem said events in the Peninsula in 1985 affected the Muslim community which concluded that people were justified in using violence when resisting apartheid.

He cited events in October 1985 at the St Athens Road mosque where Muslims had gathered after the Trojan Horse incident. Police fired teargas into the mosque and entered it while wearing boots to "beat up people", he said.

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 assesors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie Inc, appeared for the accused. Mr W C Viljoen and Mr Mike Stowe appeared for the state.

# PEOPLE'S COURT THE 'IN THING' IN ALEXANDRA

Sowetan 10/11/88

331

## Terror accused tells Judge

By MANDLA NDLAZI

**THE "people's court" became a popular phrase among the residents of Alexandra township during the unrest period, the Rand Supreme Court judge was told yesterday.**

A group of people found talking on a street corner or in a yard would say, if asked, they were holding a "people's court." Even children in groups would talk about a "people's court."

This was said by Mr Paul Tshabalala, one of the five treason trialists appearing before Mr Justice P J van der Walt. It was his second day in the witness box.

### Subversion

The others are, Mr Moses Mayekiso (40), Mr Richard Mdakane (29), Mr Obed Bapela (39) and Mr Mzwanele Mayekiso (22). They have pleaded not guilty to charges of treason, alternatively sedition or subversion.

Led by Defence Counsel, Mr David Soggot, SC, Mr Tshabalala was giving evidence in his defence. He said the "people's court" became the "in thing" with the residents of Alexandra, especially among the women and the phrase became popular.

Mr Tshabalala said he was not in favour of the people's court and did not take part in its proceedings. He said he was not in favour of it because of what he saw and heard about it.

Mr Tshabalala said he heard that offenders were sjambokked in such a court that was held in a shack, and he was against sjambokking. He said he saw a group of youths outside and inside the shack. When he asked one of them what they were doing, he was told it was the people's court in session and the case being dealt with was of a person accused of having stolen clothing.

He said he was not in favour of the proceedings.

# Muslims backed in 'armed struggle'

331

AP645 10/11/88

**Supreme Court Reporter**

MUSLIMS are encouraged and supported by their religion to take up whatever means are available to fight oppression, the Supreme Court has been told.

Moulana Faried Essack, who said he was regarded by the Muslim community as an expert on Islam, was giving evidence in mitigation of sentence in the Ashley Forbes trial yesterday.

Four of the 14 accused, Forbes, Nazeem Lowe, Anwa Dramat and Ashraf Karriem, are Muslims.

Moulana Essack said Islam literally meant "peace" and a struggle for justice was a prerequisite for the establishment of peace.

**APARTHEID**

"Islam lays down a specific response to injustice. It links resistance with injustice," Moulana Essack said.

"Apartheid itself is a travesty of whatever justice means."

Moulana Essack said the Muslim Judicial Council, which represents the majority of Muslims in the Western Cape, had declared apartheid a heresy and forbidden participation in apartheid structures.

He said the Koran encouraged and supported Muslims to take up whatever means were available to fight oppression.

"This has been used as a justification for people to be involved in the armed struggle," Moulana Essack said.

"The Koran condones and at times encourages the armed struggle."

**VIOLATIONS**

Moulana Essack said two incidents in particular enraged Muslims in the Western Cape in 1985 when there was an intense revival of Islam as a model of resistance to unjust rule.

This was the violation of the sanctity of the St Athans Road and Park Road mosques where police fired teargas inside and went in with their boots on.

Moulana Essack said the African National Congress and the Freedom Charter had particular appeal for Muslims because of the "open and warm" acceptance of groups and minorities in South Africa.

Because Muslims comprised only 1,32 percent of the South African population their particular concern was the survival of their religion and culture.

"As the Freedom Charter became more easily available, people began to look at what kind of guarantees there were for Muslims," Moulana Essack said.

"The Freedom Charter allows for the right and necessity of groups and minorities to exist in South Africa."

(Proceeding)

# Muslims 'have duty to fight apartheid'

CAPE TOWN — Leading Muslim theologian Mr Moulana Faried Essack told the Supreme Court yesterday that the Koran, Islam's holy book, condoned and at times encouraged participation in armed struggle.

Mr Essack was giving evidence in mitigation in the trial of Ashley Forbes and 13 co-accused convicted of terrorism, contravening Section 54 (4) of the Internal Security Act and furthering the aims of the ANC.

Star 10/11/87 pg

331

**DUTY IMPOSED**

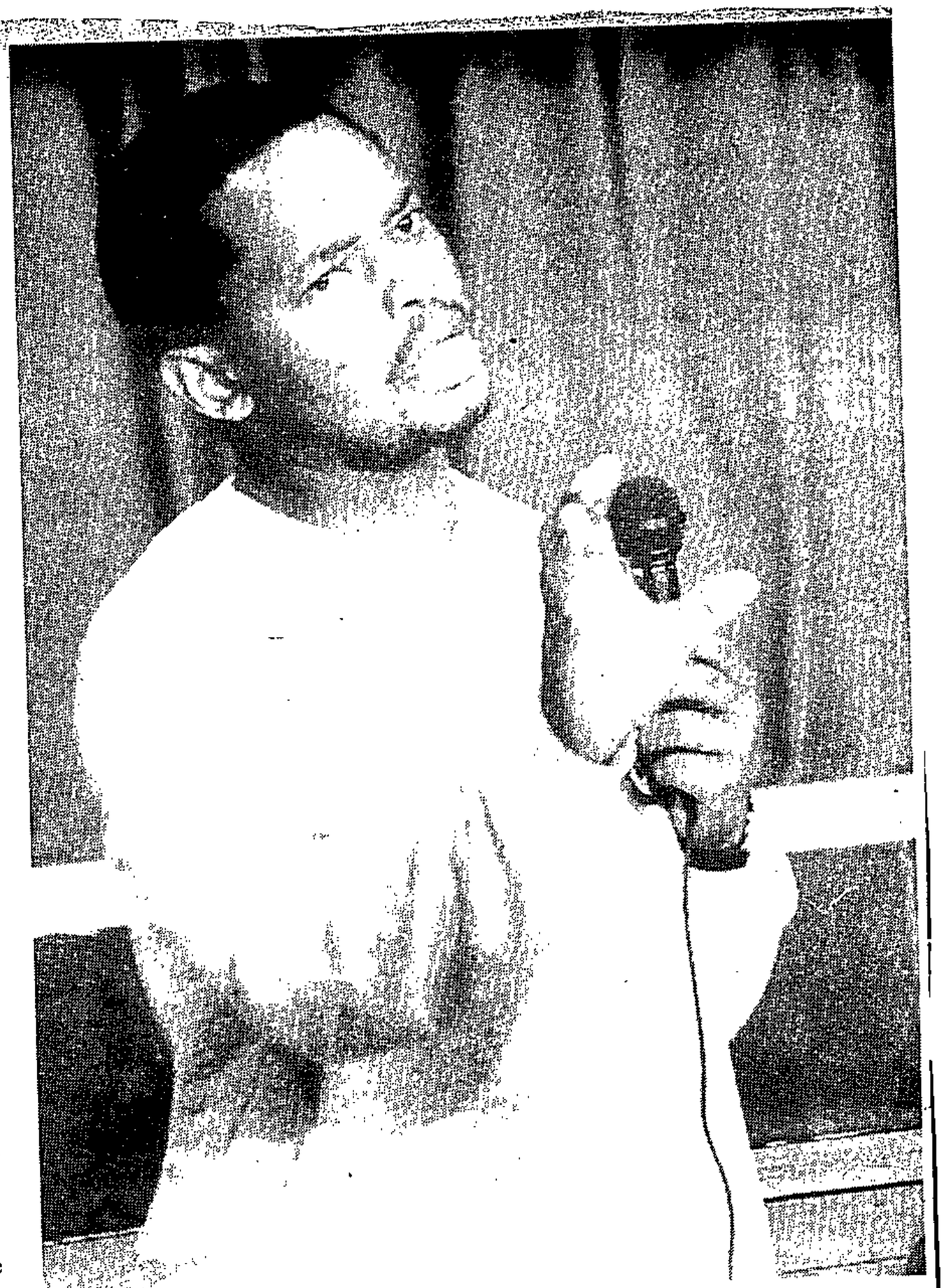
Mr Essack, who completed his theological studies in Pakistan, is a member of the Muslim Judicial Council (MJC) and author of four books.

He said the MJC had declared apartheid a heresy and participation in apartheid structures "haraam" (forbidden).

The Koran was explicit in opposing apartheid and imposed a duty on Muslims to oppose injustice, of which the Prophet Muhammad had said: "Whomever of you see injustice being done should expose it with your hands. If you cannot expose it with your hands, you must expose it with your tongue, if you cannot expose it with your tongue, expose it with your heart."

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

# End in sight for Delmas



Patrick Lekota

JOHANNESBURG. — Patrick "Terror" Lekota, 39, has been a prisoner for the last four years of his life.

Next Tuesday the national publicity secretary of the United Democratic Front will be told why.

He and Popo Simon Molefe, 36, national general secretary of the UDF, Moses "Moss" Mabokela Chikane, 39, and 16 other Transvaal activists will go down in history as the accused in the longest and most extensive political trial.

Lekota has been denied bail throughout the duration of what has been dubbed the Delmas Treason Trial.

Also denied bail with him are Popo Molefe and Moss Chikane.

The accused have suffered the anguish of loneliness, isolation and uncertainty; so too have their families, who have had only snatched moments with their loved ones during breaks in the court proceedings.

## Bail applications

A total of five bail applications were made to secure the liberty of the three during the remainder of the trial without success.

Lekota's family lives near Pinetown in Natal. He has three children. two of school-going age. The youngest was born while its father was in detention.

His wife, Cynthia, is a mathematics teacher. They are able to see him during school holidays only.

Molefe has a three-year-old daughter, Albertina, named after Albertina Sisulu, the co-president of the UDF. She was born in March 1985, exactly one month before Molefe was arrested. Human rights lawyer Priscilla Jana is caring for the child.

## Detained for several months

Molefe's wife, Pinda, was detained for several months in terms of Section 29 of the Internal Security Act during the course of the trial.

She is now living in Alexandra township, north of Johannesburg.

Moss Chikane's family lives in Mamelodi, a black township east of Pretoria. When Chikane was arrested in August 1985, his wife, Martha, was seven months' pregnant. And on the day Chikane and his fellow 21 accused made their second appearance at the Delmas Circuit Court, Martha was giving birth to baby Frank. For the next 12 months she made daily trips from Mamelodi when the court was in session.

## Out on bail

The other 16 are all out on bail of R15 000 each, coupled with severe restrictions. They are not allowed to go home. Most of them live by themselves in Johannesburg. Most days they travel to the Palace of Justice in Pretoria — and when they do not have to go to court, they must report to a police station twice a day.

On Tuesday, November 15, Mr Justice van Dijkhorst will start giving a summary of his judgment.

The trial was adjourned in September after Mr Justice van Dijkhorst undertook to try to have his judgment completed by November 15.

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

The charges against the 19 men arise from the unrest in the Vaal Triangle that began on September 4, 1984.

There are five counts of murder as alternatives to the terrorism and subversion charges.

# Public barred

331
Sowetan
10/11/88

THE Press and members of the public were again barred from attending proceedings in the Pretoria terrorism trial yesterday following a ruling by the magistrate that a State witness give evidence behind closed doors.

Mr Samuel Mokubela (29) of Soshanguve, Mr Thekiso Mogoerane (31) of Vosloorus, Mr Conrad Lekhumbi (28), Mr Edwin Makwela (35) and Mr Sello Khota (34), all of Mamelodi, have pleaded not guilty before Mr W J Fourie to charges of terrorism, attempted murder, possession of arms and ammunition and theft.

# Accused claimed he was sold out

Sowetan
11/11/86
331

MR Mokubela, one of the five suspected members of the African National Congress facing charges of terrorism handed notes written on toilet paper to a policeman to deliver to a friend in which he informed him that a co-accused had "sold him out," it was alleged in a Pretoria Regional Court yesterday.

Captain Johannes Prinsloo, the investigating officer, said Mr Mokubela wrote the notes on a cigarette foil and toilet paper, put them inside a matchbox and handed them to a Sergeant Ledwaba while he was in custody at the Sunnyside police station on October 8 last year.

The notes, according to Captain Prinsloo were supposed to be delivered to Mr Jone Mothokoa of 10280 Mamelodi East. Reading the notes that were allegedly written by Mr Mokubela, Captain Prinsloo said the accused agreed that he was involved in "the operation on Hlongwane."

## Rifle

The accused also allegedly stated that he had quarrelled with Bennie over the usage of an AK47 rifle.

Mr Mokubela (29) of Soshanguve, Mr Thekiso Mogoerane (31) of Vosloours, Mr Conrad Lekhumbi (28), Mr Edwin Makwela (45) and Mr Sello Khota (34) all of Mamelodi have pleaded not guilty before Mr W J Fourie to charges of terrorism, attempted murder, possession of arms and ammunition and theft.

In the alleged written notes, Mr Mokubela said he was worried that Nelson, alias Mr Mogoerane, had sold him out. Mr Mokubela also allegedly requested Mr Mothokoa to tell Bridge, alias Mr Makwela, that he was wanted and that he had taken the police to a wrong house when they were looking for him.

(Proceeding)

ROSEBANK GALTRUCCO
WESTGATE
616-5284
783-7611

# Accused denies takeover

**THE Alexandra Action Committee (AAC) did not plan to take over control of Alexandra township, Mr Paul Tshabalala, vice-chairman of the committee, told a Rand Supreme Court judge yesterday.**

He said he was elected vice-president at a meeting of the township's block representatives on May 25, 1986. He remained vice-chairman until he was arrested, he said.

Mr Tshabalala said the meeting was organised by the AAC and chaired by his co-accused, Mr Moses Mayekiso. Many issues were discussed and the elections involved people from grassroots level in a democratic fashion.

Mr Tshabalala said this on his third day in the witness stand when he continued with his evidence in his defence. He was led by Mr David Soggot SC council for the defence.

The AAC had organised the meeting for the residents to discuss their common daily problems, he said. Among the issues discussed, he said, were the activities of the youths in the townships. He said the lashing of the people by the youths was criticised.

Mr Tshabalala said the "people's courts" were discussed at the meeting and it was decided that such courts should be stopped.

Answering other questions, Mr Tshabalala said the AAC did not plan to make Alexandra ungovernable. He said the AAC played an important role in discussions with Mr Steve Burger, who was administrator of the area. He said Mr Burger was told of the poor living conditions of the residents in the area.

Mr Tshabalala said the main concern of the AAC was to get the residents together to discuss their daily common problems. There were no plans, he said, to make the area ungovernable.

Answering another question, he said he recalled attending the night vigil of a schoolboy who was shot. He said the night vigil was on April 4, and it was attended by a huge crowd of mourners, and there were many police.

Mr Tshabalala said he spoke at the vigil and told the crowds not to carry stones and sticks as this could aggravate matters with the police.

**(Proceeding)**

THE FAMILY FUN COMPETITION

# Vehicles burnt for 'whites to suffer'

Court Reporter

BONTEHEUWEL "comrades" burnt commercial vehicles of white people so they could "also suffer like the oppressed coloureds", the Cape Town Regional Court heard yesterday.

Mr Stanley Williams was giving evidence in the trial of Mr John de Vos, 18, of Privaat Street, Bonteheuwel, who pleaded not guilty to two counts of public violence, alternatively arson and malicious damage to property.

The state alleges that on August 18 last year he set fire to an Allied Publishing truck in Bluegum Road, Bonteheuwel. It is further alleged that he set fire to the house of Constable Henry Saayman on August 28 last year.

Mr Williams told the court he was a member of the "Bonteheuwel Military Wing" also known as the "Bonteheuwel Comrades". He said they burnt buses and trucks "because the coloured people are oppressed and we burn the lorries of the white people so they can also suffer".

Mr Gerald Koopman said he was delivering newspapers in an Allied Publishers truck. He had parked the truck outside a cafe when he saw a group of youths approaching. One youth pushed him away and he saw another carrying a plastic bottle. The vehicle and its contents were destroyed.

Mr Saayman told the court that R15 000 damage was caused to his house in the fire.

Mr J D Huggett was the magistrate. Mr D J Brand prosecuted. Mr D Potgieter, instructed by Mr E Mohammed, appeared for Mr De Vos.

# Accused has no regrets

Supreme Court Reporter

ANWA DRAMAT, co-accused in the Forbes terrorism trial, yesterday told the Supreme Court he had no regrets about joining Umkhonto we Sizwe, the military wing of the ANC.

Dramat, 22, was giving evidence in mitigation of sentence. He was convicted of terrorism on September 4.

He described how he became politically active at school and how he was influenced in his thinking by his father and older brother.

He was also a close friend of dead ANC guerilla Ashley Kriel, who stayed with Dramat while on the run.

After the state of emergency was declared police came to his home "at all hours" looking for his brother and he "used to wake up looking into the barrel of a gun".

After the Pollsmoor march and other events in 1985, Bonteheuwel residents set up burning barricades and opened their doors to fugitives from police. He decided to join the ANC after he saw community support for the organisation.

He became friends with co-accused Nicklo Pedro and with Clement Baadjies agreed to form a mobile unit when asked to do so by Pedro.

They agreed to plant the limpet mine at the Rondebosch bus stop opposite the home of the State President to cause a "symbolic" explosion. It was not their intention to hurt anyone.

He also selected as a target the home of a policeman in Bonteheuwel and threw a hand-grenade through the window into the lounge.

He also planted a limpet mine near Heideveld station on May 3 last year. He did not have a

The hearing continues on Tuesday.

# Tutu, clergy pray for ANC accused

Cape Times 11/11/88 (334)

Supreme Court Reporter

**ARCHBISHOP Desmond Tutu, accompanied by the Dean of Cape Town and other clergy, yesterday during the tea adjournment, prayed for Ashley Forbes and his co-accused in the Supreme Court.**

**The Archbishop was accompanied by Bishop Charles Albertyn, Bishop Geoff Quinlan, Bishop Edward MacKenzie and Reverend Chris Ahrends. The churchmen were given the front seats in the public gallery.**

**Forbes, speaking from the dock, where his co-accused had turned around to face the Archbishop and his party, welcomed the clergy on behalf of the accused and said they were honoured to have "the people's leaders" with them.**

**Archbishop Tutu then prayed for "justice to be done" and for the family and friends of the accused.**

**"I ask that God give the holy spirit to the judge and his assessors so that would be able to do justice."**

# Delmas verdict queried

Staff Reporter

BROTHER Jude Pieterse, secretary-general of the SA Catholic Bishops' Conference, said yesterday that he and the entire conference could not understand how the Delmas trial verdict had been reached.

The bishops found it specially difficult to understand the judgment as no "specific acts of a treasonous nature" had been named, he said.

The bishops said the three UDF men and the SA Council of Churches worker who were convicted of treason last week were "committed to their country and their people" and wanted to remove injustices and inequalities inherent in the apartheid system.

In Pretoria, meanwhile, the Department of Foreign Affairs said the statement by the US State Department criticising the outcome of the trial was "completely unacceptable".

The US government on Monday denounced the verdict.

The department said yesterday that the government found it "improper" that the US should interefere in the matter. — Staff Reporter, Sapa

# Terrorism charges

THE president of the South African Youth Congress, Mr Peter Mokaba, made a brief appearance in the Pietersburg Regional Court this week, facing five counts of terrorism.

He was not asked to plead and the case was postponed to February 20 next year. His mother, who was detained immediately after him, is still being held.

# Cop denies torturing man

Cape Times 12/11/88

Court Reporter

331

A POLICEMAN yesterday denied torturing an alleged member of the "Bonteheuwel Comrades" who claimed he was handcuffed, suspended and electrically shocked while blindfolded, Cape Town Regional Court heard yesterday.

Sergeant Ilmar Pikker was testifying in the trial of Mr John de Vos, 18, of Privaat Street, Bonteheuwel, who pleaded not guilty to charges of public violence alternatively arson and damage to property.

The state alleges that on August 18 last year in Bluegum Road, Bonteheuwel, he set fire to an Allied Publishing truck. It is further alleged that he set fire to the house of Constable H Saayman.

Mr J D Huggett was the magistrate. Mr D J Brand prosecuted. Mr D Potgieter, for Mr De Vos, was instructed by Mr E Mohammed.

Day of reckoning for the UDF

# Mammoth treason trial draws to an end

331

Star 14/11/88.

By Jo-Anne Collinge

The day of reckoning is at hand in the marathon "Delmas" treason trial — the trial that might more appropriately have been called the "United Democratic Front" trial.

When Mr Justice K van Dijkhorst delivers his judgment in Pretoria's Palace of Justice tomorrow he will not only be handing down a verdict on the guilt or innocence of 19 men on various political charges.

He will be making a finding on whether the largest overt extra-parliamentary opposition to the Government in the post-Sharpeville era — the UDF — plotted the State's violent overthrow.

It is the central contention in the charge of treason that the UDF, its affiliates and its supporters — either on their own or in conjunction with the ANC — planned such a violent seizure of power. It is alleged that this was to be achieved by means of inciting and activating the masses to actions designed to make the country ungovernable.

Prominent UDF figures — national secretary Mr Popo Molefe (36), publicity secretary Mr Terror Lekota (40) and former Transvaal secretary Mr Moss Chikane (40) — are among the accused.

For many — and especially for the defence lawyers — the trial calls to mind the mammoth treason trial of 1956 to 1961. All the accused were ultimately acquitted for activities linked to the Defiance Campaign. The defence has argued that, as in that trial, the onus is on the prosecution to prove that the accused were involved in attempts to overthrow the State specifically by violence — and by no alternative means.

A non-violent form of treason had never been suggested in the prosecution's case, argued defence counsel Mr Arthur Chaskalson, SC. He contended that the

Mr Terror Lekota ... one of the UDF members on trial.

State had failed to produce witnesses to acts of violence on the part of the accused, whereas the defence had put forward a considerable body of evidence on the UDF's policy of non-violence.

Much centres on whether the notion of a freedom struggle can be construed separately from the notion of political violence.

Defence witnesses had presented the freedom struggle as "essentially a struggle for access to power by those who are powerless," Mr Chaskalson said.

## 'War of conquest'

Its aim was "the abandonment of apartheid; the ending of white privilege and the extending of the vote to all" so that the government "would be responsible to the needs of all and not just the white elite".

The question of a national convention had featured prominently in the evidence of several key accused in the UDF, Mr Chaskalson observed. The State had portrayed the UDF as an organisation "on a war of conquest" bent on the seizure of power. Witnesses had "persistently rejected" the State's submissions that the UDF's freedom struggle meant the overthrow of the State by violent revolutionary warfare, he said.

The State argued that the very type of resistance to the State and to government institutions that materialised countrywide in the early 1980s confirmed "without a doubt that the freedom struggle is a violent struggle", the prosecution argued.

It submitted that the UDF and its affiliates had identified a common enemy — the State, the Government, and government institutions and officials.

"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 prosecution submitted hundreds of documents and called witnesses from more than 30 areas affected by political strife after the UDF was launched in 1983 and up to the arrest of the last accused in April 1985.

The bulk of evidence centred on events in the Vaal Triangle around the time of the rent march of September 1984. Most of the accused are residents of the Vaal and were linked to the UDF-affiliated Vaal Residents Association or Azanian People's Organisation.

Although the UDF and Azapo are ideologically at odds with each other, Azapo is, in the prosecution's eyes, part of the conspiracy because of an alleged co-operation agreement with the UDF.

There are two alternative charges to treason: subversion and terrorism. Alternative to these are five counts of murder, arising from the deaths of four councillors and one other man during the Vaal rent uprising.

Mr van Dijkhorst is assisted by one assessor, Mr W F Krugel. The other assessor, Dr W A Joubert, was dismissed in a storm of controversy in March 1987. Defence counsel are Mr Chaskalson, Mr George Bizos, SC, Mr K Tip, Mr Z Yacoob and Mr Gilbert Marcus. Prosecuting are Mr P B Jacobs, SC, Mr P Fick and Mr H Smith.

For more information phone:

Policema
DURBAN —

November 14 1988

331 B/Sens 14/11/88

# Judgment tomorrow in Delmas treason trial

JUDGMENT in the so-called Delmas treason trial will be given in the Pretoria Supreme Court tomorrow.

Mr Justice Van Dijkhorst will deliver his judgment almost three years after the 19 trialists first pleaded not guilty in January 1986 to charges of high treason and alternative charges of murder, subversion and furthering the aims of the ANC.

BRUCE ANDERSON

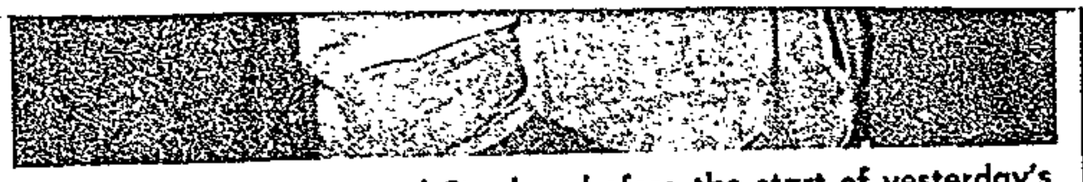
Originally 22 men faced charges, but three were discharged.

Although 16 have been granted bail, three — former UDF Transvaal secretary Moss Chikane, UDF publicity secretary "Terror" Lekota and UDF general secretary Popo Molefe — have been held in custody.

The State alleges that the men, as members of the UDF, its affiliates and allies, conspired with the ANC to overthrow the government by violent means.

Defence lawyers have argued that the State has not provided sufficient evidence to prove the alleged conspiracy.

# Treurnicht expects govt to scrap Amenities Act



In the dock ... Mr Barend Strydom before the start of yesterday's hearing in the Pretoria Magistrate's Court. He is alleged to have killed six people and wounded 17 others in Pretoria on Tuesday.

statement as "ominous" in the light of what had later developed in the Vaal.

Alternative to the main charge of treason are charges of sedition and terrorism. Alternative to the latter are five counts

cillors, the judge concluded: "It has not been proved that VCA speakers called for violence at the meetings before the march."

He said councillors were attacked and vilified and "no effort spared to move the people

a dominant section of UDF leadership functioned as an internal wing of the ANC, the judge could find no such conspiracy between the VCA and ANC.

The judgment will continue today.

# Three Delmas trialists acquitted during summing up

331

By Adele Baleta
and Jo-Anne Collinge

Three accused in the "Delmas" treason trial were acquitted yesterday and walked joyously out of Pretoria's Palace of Justice, but the verdict on 16 trialists is still to come and the judge has already found that the State has proved its main charge of treason.

The men who were discharged at the end of the 440th court day are Mr Patrick Baleka (29), Mr Oupa Hlomuka (35) and the Rev Geoff Moselane (42).

Gasps rose from the gallery each time the words "not guilty and discharged" were heard.

Shortly afterwards, as the court adjourned, the remaining accused mobbed the three. Warm embraces were exchanged with the defence lawyers.

The acquittals bring to six the number of men discharged in the trial. Mr Lazarus More, Mr Simon Vilakazi and Mr Amos Malindi were acquitted two years ago.

Mr Justice K van Dijkhorst described those acquitted as falling into the Black Consciousness group of accused. The other two groups were the UDF group and the Vaal Civic Association group.

The UDF group comprises three key figures in national secretary Mr Popo Molefe, publicity secretary Mr Terror Lekota and former Transvaal secretary Mr Moss Chikane.

The crucial finding that treason had been proved came some hours before the acquittals.

The essence of the charge is that the UDF, either alone or in concert with the ANC, plotted the violent overthrow of the State by mobilising and activating the masses in such a way as to make the country ungovernable.

Mr Justice van Dijkhorst observed that when riots broke out countrywide in 1984 in protest against black local authorities, the UDF had fanned the flames.

The rioters were "executing UDF policy", the judge said. "At no stage did the UDF deplore the murder of councillors" and destruction of their property.

The UDF had openly sided with the ANC.

"The UDF's intent was no less hostile from that which one would find in a state of war in the case of treasonable action," he said, allowing that not all UDF supporters were co-conspirators.

...n't hit the houses," his wife, ... "Dad says he warned Mr Boatwright to eject twice but there was no re- ... alarm went on. The spokes... ry had been a... er and Pretori...

# Treason trial judgment begins

Star 15/11/87 331

**By Claire Robertson, Pretoria Bureau**

The marathon Vaal Triangle treason trial of 19 men, including members of the United Democratic Front leadership, enters its penultimate phase today when presiding judge Mr Justice van Dijkhorst begins his judgment — expected to last about two weeks.

The judgment — about 1 500 pages — to be deli- vered in the Pretoria Supreme Court is the culmination of a three-year trial in which the men faced charges of treason, alternatively subversion and terrorism, and five alternative charges of murder arising from the violent deaths of four Vaal local councillors and another man.

Three of the accused have been in custody for more than three years. They include the UDF's national secretary Mr Popo Molefe (36), publicity secretary Mr Terror Lekota (40) and former Transvaal secretary Mr Moss Chikane (40).

The State has centred its case on the political upheaval in the Vaal triangle townships in late 1984.

It contends that the accused were involved in a conspiracy for the violent overthrow of the State, alleging that this was to be achieved by inciting the masses to actions designed to make the country ungovernable.

The defence holds that the prosecution has failed to show any violent intent, stressing the non-violent nature of UDF campaigns and arguing that witnesses had persistently rejected the State's submissions that the UDF's freedom struggle meant the overthrow of the State by violent revolutionary warfare.

Mr Justice van Dijkhorst is assisted by one assessor, Mr W F Krugel, having dismissed his other assessor, Dr W A Joubert in March 1987 amid a storm of controversy.

Mr Arthur Chaskalson SC, Mr George Bizos SC, Mr Karl Tip, Mr Z Yacoob and Mr Gilbert Marcus appear for the defence. The State prosecutors include Mr P B Jacobs SC, Mr P Fick and Mr H Smith.

# Judgment today in longest political trial

The Argus Correspondent

JOHANNESBURG — Judgement in the "Delmas" treason trial, the longest political trial in South African history, is to be delivered by Mr Justice K van Dijkhorst today.

The essence of the central charge of treason is that members of the UDF plotted, either with the African National Congress or within its own ranks, to overthrow the State by violence.

Should Mr Justice van Dijkhorst find key UDF figures guilty on the main charge of treason this will almost certainly be the death blow to the UDF.

The "Delmas" trial, which takes its name from the court in which it was originally held although it has since been moved to Pretoria, is the longest political trial in South African history as far as actual court days and records go.

## Three years ago

It started over three years ago, has involved hundreds of witnesses and its record runs close to 30 000 pages.

Of the 22 accused, three were acquitted at the end of the State case. The remaining accused include key UDF officials, people who were involved in UDF affiliated organisations in the Transvaal and some members of the Azanian People's Organisation.

According to the indictment, the violent overthrow of the State was to be achieved by inciting, indoctrinating and activating the masses to undertake actions which would make South Africa ungovernable.

Alternatives to the treason charge are charges of terrorism and subversion, and alternatives to these, five counts of murder.

The accused have pleaded not guilty to all charges.

# 7 MORE TO HANG ON FRIDAY

331

Sowetan 15/11/88

**ANOTHER seven people have been given notice of execution and are to be hanged on Friday, the Lawyers for Human Rights said in Pretoria yesterday.**

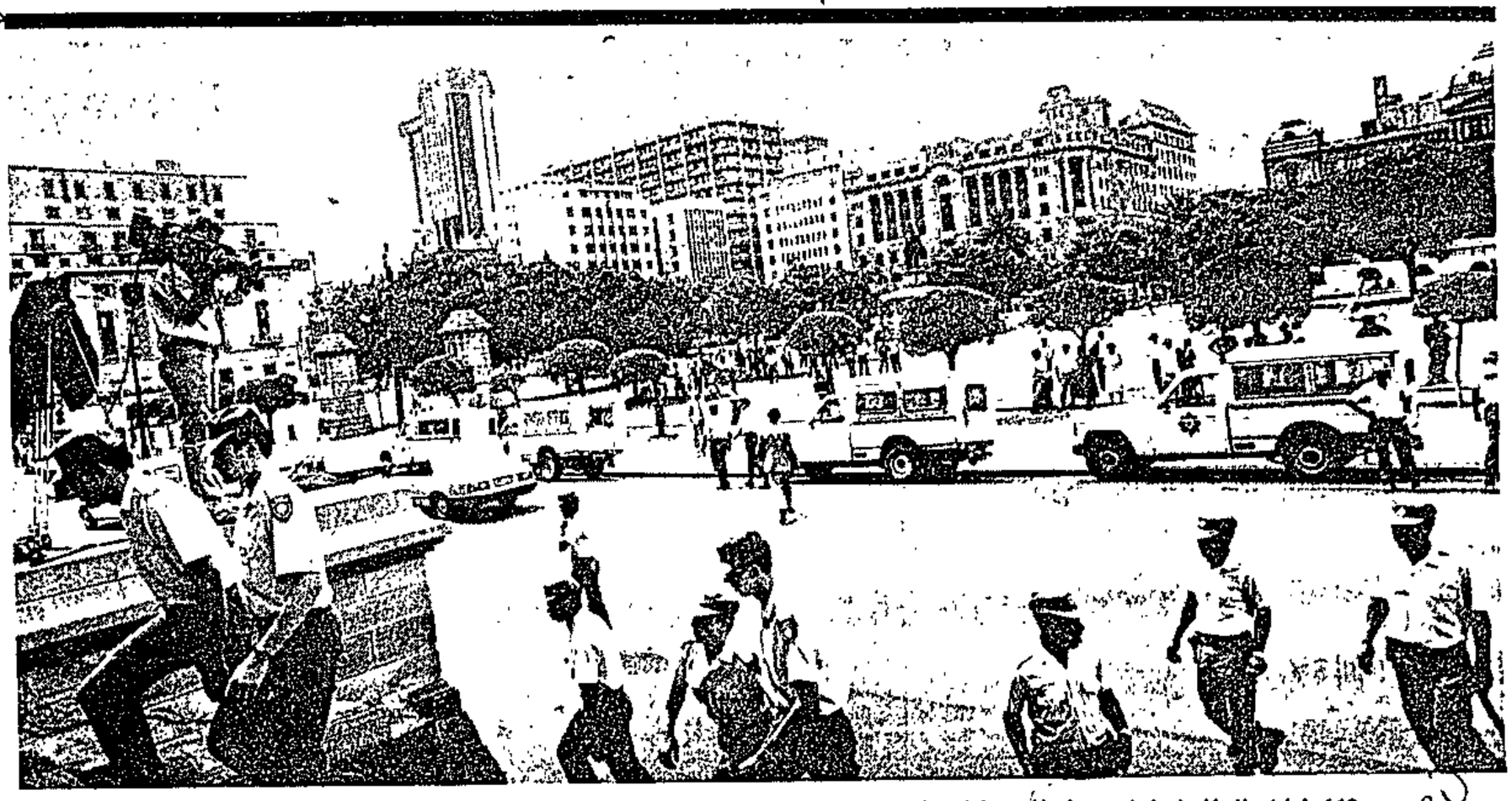
The condemned are Oupa John Masula, Rocky Rigadi, Freek Windvogel, Nooi Windvogel, Gladman Daymeni, Sampson Rala and Phillip Botha.

LHR expressed itself against capital punishment in the strongest terms.

"It is an abhorrent and uncivilised form of punishment which is contrary to the provisions of the Universal Declaration of Human Rights.

"We again call upon the Government to declare a moratorium on all executions and to establish a commission of inquiry to investigate the high incidence of violent crime in South Africa and the whole question of capital punishment."

LHR's national director, Mr Brian Currin, said the organisation was once again monitoring the process of notice of execution, and ensuring that all available avenues had been exhausted to avoid execution if at all possible.— Sapa.



THERE was a heavy police presence at the Pretoria Supreme Court yesterday when the giving of judgment started in the trial of 19 men who are appearing in what has become known as the Delmas treason trial.

# Bail shock for eight

**EIGHT of the people appearing in the Delmas treason trial — including a 64-year-old man — had their bail totalling R120 000 withdrawn at the beginning of judgment in the Pretoria Supreme Court yesterday.**

Those who had their bail withdrawn following a ruling by Mr Justice van Dijkhorst, sitting with an assessor, are mostly members of the Vaal Civic Association (VSA) and Mr Tom Manthata, former secretary of the Soweto Civic Association.

The eight stiffened almost visibly as the judge started out by announcing that bail would be withdrawn in their cases for reasons which would become apparent later.

The others are Mr Sam Matlole (64), Mr Gcinumuzi Malindi (27), Mr David Mphuthi (49), Mr Naphtali Nkopane (43), Mr Ephraim Ramakgula, Mr Sekwati John Mokoena and Mr Jacob Hlanyane (40), all members of the VCA. They were out on R15 000 conditional bail each.

The eight accused, together with 11 others, including three leading United Democratic Front members — Mr Popo Molefe, general secretary, Mr "Terror" Lekota, publicity secretary and Mr Moses Chikane, former Transvaal secretary — have all pleaded not guilty to charges of treason, terrorism, subversion and murder.

The other accused whose bail was also set at R15 000 each are Mr Patrick Baleka (28), Mr Oupa Hlomuka (35), Reverend Tebogo Moselane, an Anglican priest, Mr Morake Petrus Mokoena (50), Mr Bavumile Herbert Vilakazi (32), Mr Simon Nkoli (29), Mr Thabiso Rasomo and Mr Jacob Tlhokoane (29).

Scores clapped hands and stood up when the three UDF leaders, who have been in custody for more than three years, entered the dock with Mr Lekota raising a clenched fist. (Proceeding).

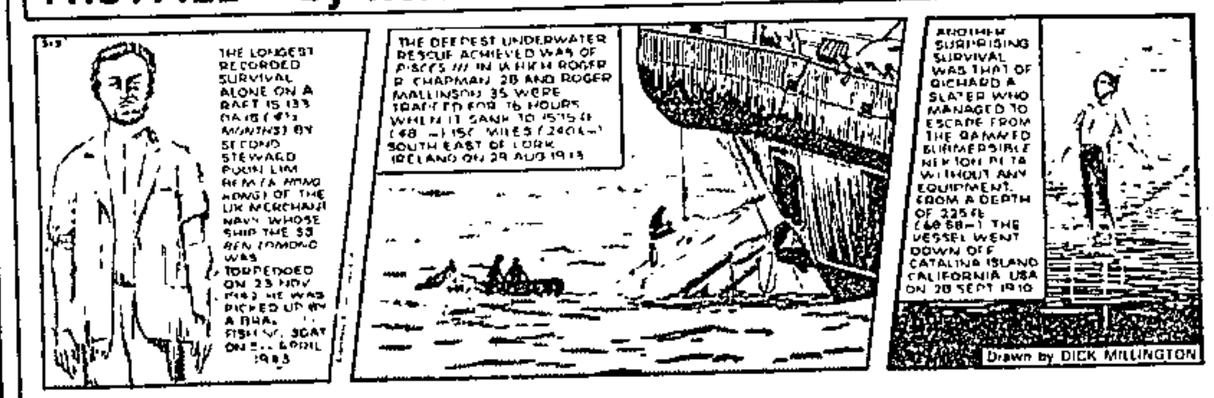
Two of the accused in the Vaal treason trial, Mr Tom Manthata (smiling) and the Rev Jeff Moselane entering the Pretoria Supreme Court yesterday.



Mrs ELIZABETH Chikane, wife of one of the Vaal trialists, Mr Moss Chikane, outside the Pretoria Supreme Court with two of their children.

Pictures by JOE MOLEFE

## FACTFILE – by Norris McWhirter

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Argus 16/11/88 331



# UDF manipulated youth — Delmas trial judge

**The Argus Correspondent**

PRETORIA. — If the United Democratic Front was an organisation committed to non-violence "one would have expected it to have urged (Nelson) Mandela to renounce violence and to join the UDF", the Delmas treason trial judge has said.

Mr Justice van Dijkhorst was dealing with evidence yesterday on the UDF's policy on violence and cited the organisation's response on the conditional release of Nelson Mandela. His judgment runs to 1 521 pages.

The UDF had observed that renunciation of violence would be unacceptable to the jailed ANC leader.

Mr Justice van Dijkhorst said the question to be asked was not whether there was an express policy of violence in the UDF, but rather whether violence had been explicitly rejected by the organisation.

## Loose grouping

He acknowledged that the UDF was a loose grouping and that one part could not be held responsible for the actions of other components. But, he added, the views of those who spoke on UDF platforms were not unknown to the leadership of the front.

If non-violence was a UDF principle, "one would have expected immediate, drastic action against any speaker who even obliquely advocated violence", the judge said.

He contended that "the most militant supporters of the UDF were not averse to violence" and consequently UDF speakers had to express themselves in a way which would be acceptable to "starry-eyed idealists" and "hard-bitten radicals" among their supporters.

Addressing himself to the UDF's role in relation to school boycotts and other actions by pupils from 1983 to 1985, Mr Justice van Dijkhorst said: "The UDF regarded scholars, students and the non-working youth as forces in the freedom struggle and supported, directed and manipulated them to that end."

## Broke the law

He added that the UDF wanted to destroy the education system and the means to that end was to be the actions of the pupils themselves.

During the course of school boycotts participants broke the law — for instance, the prohibition on outdoor gatherings. "It was inevitable that the police would act. They were duty-bound. Violent confrontation was inescapable.

"The UDF never spoke out against the illegal actions of the scholars."

Judgment continues today.

The Canadian ambassador, Mr Ronald MacLean, right, outside the Palace of Justice in Pretoria.

# Winnie, diplomats in court to hear judgment

**The Argus Correspondent**

PRETORIA. — As the international spotlight fell on Pretoria's Supreme Court where judgment in the Delmas treason trial began, many outspoken anti-apartheid figures sat patiently in the hot courtroom listening to the summary of facts.

Wife of imprisoned ANC leader Nelson Mandela, Mrs Winnie Mandela, attended yesterday's hearing in which 19 men, who have all pleaded not guilty, face a charge of high treason and alternative charges ranging from murder and terrorism to subversion.

She sat in the same courtroom where her husband and other ANC activists had been convicted on charges of high treason nearly 25 years ago.

Also seen at the Palace of Justice were several diplomats representing the German and Australian embassies, and the Dean of Pretoria, the Rev Robin Biggs, and retired Archbishop Philip Russell, who held a prayer for the 19 accused in the courtroom yesterday.

South African author Nadine Gordimer, leader of the Transvaal Indian Congress Dr Rashid Saloojee and national director for Lawyers for Human Rights Mr Brian Currin also attended the hearing.

# Flames fanned by UDF — judge

**PRETORIA — The UDF used its campaign against local black authorities to mobilise the masses and fan the flames of their anger, a Pretoria Supreme Court judge found yesterday.**

Mr Justice K van Dijkhorst said this during the first day of his judgment on the 19 "Delmas" treason trialists.

"Since its inception the UDF has campaigned against local black authorities. It did so through its office-bearers and publications. As will be seen, no holds were barred," he said.

"The attacks were vituperative, malicious and defamatory ... It was an effective means of mobilising the masses and fanning the flames of their anger.

"When the eruption came, as was inevitable, the UDF rejoiced at its success and gloried in its victory."

Earlier, the judge said the judgment was 1 521 pages long and would be handed down at the conclusion.

**SUSAN RUSSELL**

The 19 activists have pleaded not guilty to treason and alternative charges of terrorism and subversion, and five counts of murder arising from the death of four Vaal councillors.

The group includes prominent leaders of the UDF, Azapo and the Vaal Civic Association. Allegations against them centre on the violence and political upheaval in black areas in the Vaal Triangle during 1984.

It is also alleged the 19 were involved in a conspiracy to overthrow the state with violence and that the UDF campaigned against local black authorities and succeeded in directing the masses towards violence in the Vaal Triangle and 31 other areas.

Three of the accused — UDF national

● To Page 2

# UDF fanned flames of anger — judge

● From Page 1

secretary Popo Molefe, UDF publicity secretary Patrick "Terror" Lekota and former UDF Transvaal executive member Moss Chikane — are in custody.

The others were on bail, but the judge said yesterday bail of eight accused had been cancelled pending the conclusion of his judgment.

He said the Congress of SA Students was one of the original members of the UDF and its most important affiliate. It was this organisation which formed part of the task force in the liberation struggle and the two waged a campaign against the Department of Education and Training (DET).

"The documents to which we have referred lead to the conclusion that the UDF regarded student scholars and non-working youth as forces in the freedom struggle and supported, directed and manipulated them to that end."

Judgment continues today.

# Treason judge: UDF 'mobilised masses'

CAPE Times 16/11/88 331

**Own Correspondent**

PRETORIA. — The United Democratic Front used its campaign against local black authorities to mobilise the masses and fan the flames of their anger, a Supreme Court judge found here yesterday.

Mr Justice K van Dijkhorst said this during the first day of his judgment on the 19 "Delmas" treason trialists.

"Since its inception the UDF has campaigned against local black authorities," the judge said.

## 'Rejoiced at success'

"The attacks were vituperous, malicious and defamatory," he said. "Often the criticism was true, often gross exaggeration, often blatantly untrue. But that did not matter.

"It was an effective means of mobilising the masses and fanning the flames of their anger.

"When the eruption came, as was inevitable, the UDF rejoiced at its success and gloried in its victory."

The 19 activists on trial have all pleaded not guilty to treason and alternative charges of terrorism and subversion, and five counts of murder which arise from the death of four Vaal councillors.

The group includes prominent leaders of the UDF, Azapo and the Vaal Civic Association. Allegations against them centre on the violence and political upheaval in black areas in the Vaal Triangle during 1984.

**GREETINGS** . . . Well-wishers greet trialist Mr Patrick Baleka (centre) as he leaves the Supreme Court, Pretoria, where judgment is being passed on 19 men in the marathon "Delmas" treason trial.
Picture: REUTER

It is also alleged the 19 were involved in a conspiracy to overthrow the state with violence and that the UDF campaigned against local black authorities and succeeded in directing the masses to violence in the Vaal Triangle and 31 other areas.

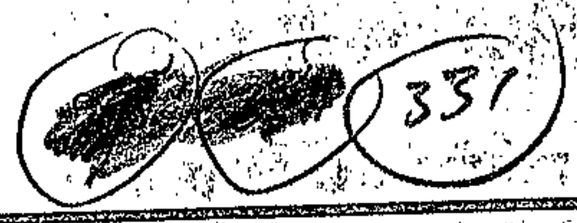
Mr Justice Van Dijkhorst said the Congress of South African Students (Cosas) was one of the original members of the UDF and its most important affiliate. It was this organisation that formed part of the task force in the liberation struggle, the judge said, and the two waged a campaign against the Department of Education and Training (DET).

"The documents to which we have referred lead to the conclusion that the UDF regarded student scholars and non-working youth as forces in the freedom struggle and supported, directed and manipulated them to that end."

As the school boycotts and disruptions continued, it was inevitable the police would act and violence was inescapable.

The UDF never spoke out against the illegal action of scholars, the judge said. "We conclude that the UDF welcomed the disturbance and violence as a means of mobilising the youth in the freedom struggle."

Judgment continues today.



16/11/88

Cape Times, Wednesday, N

# Shootout probe to be concluded soon

**Staff Reporter**

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 should be completed by next Friday, the Attorney-General, Mr Niel Rossouw, said yesterday.

Mr Weaver was acquitted last 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.

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.

Yesterday Mr Rossouw said the delay in coming to a decision was "apparently caused also by the pressure on the police who had to see a number of people and get information first". "We waited on them for quite some time," he said.

Eyewitnesses to the shootout (quoted to the BBC by Mr Weaver) claimed that one suspected guerilla was shot and killed after trying to give himself up and that another man, lying 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 more than R107 000 for "wrongful and malicious prosecution".

# Statement was forced on me — accused

Star 16/11/88 (331)

Pretoria Correspondent

An accused in a terrorism trial yesterday told the Pretoria Regional Court that he was forced to memorise a statement, to be made before a magistrate, that he was present when a house of a Mamelodi policeman was bombed last year.

Mr Conrad Lekhumbi (28) of Mamelodi was giving evidence before Mr W J Fourie. He and four others are facing charges of terrorism and attempted murder. They have all pleaded not guilty.

Mr Lekhumbi said he was arrested at a Mamelodi discotheque on February 4 by members of the SADF, who accused him of raping a woman. He was taken to an army camp near the township and forced to stand in a hole throughout the night.

The following day he was handed over to Captain Johannes Prinsloo, the investigating officer in the case, at his offices at Security Police headquarters.

"Among other things, Captain Prinsloo punched me in the stomach and made me memorise a statement, which I later made before a magistrate in Pretoria North," Mr Lekhumbi told the court yesterday.

In the statement, Mr Lekhumbi said he had been arrested because he was a member of the ANC and had recruited people for the ANC and for military training.

Mr Lekhumbi said in the statement he had been trained in Swaziland in the handling of weapons and had been instructed to smuggle arms into SA.

He is appearing with Mr Samuel Makhubela (29), of Soshanguve, Mr Edwin Makwela (35), of Mamelodi, Mr Sello Khota (34), of Mamelodi, and Mr Thekiso Mogoerane (31), of Vosloorus.

# Judge withdraws bail for 8 Delmas treason accused

Star 16/11/86

331

By Adele Baleta and Jo-Anne Collinge

Bail for eight of the 19 accused in the Delmas treason trial was withdrawn yesterday as Mr Justice K van Dijkhorst began his judgment on the 438th day of the trial in Pretoria's Palace of Justice.

Three men who have been in custody for three years, having consistently been refused bail, emerged from the cells at the start of the day to cheers and clenched fist salutes from a packed public gallery.

**LEADING UDF FIGURES**

They are key United Democratic Front figures, national secretary Mr Popo Molefe, publicity secretary Mr Terror Lekota and a former Transvaal secretary, Mr Moss Chikane.

At midday, 11 men filed down the stairs to the cells, among them 63-year-old Mr Sam Matlole.

The key question in the trial is whether the accused, through their involvement with the UDF, conspired to overthrow the State by violence.

The State alleges that this seizure of power was plotted either in association with the African National Congress or within the ranks of UDF members or supporters.

The UDF 1983/84 campaign against black local authorities was "an effective means of mobilising the masses and fanning the flames of their white hot anger", Mr Justice Van Dijkhorst found.

He continued: "When the eruption came — as was inevitable — the UDF rejoiced in its success and gloried in its victory."

The judge said that the UDF had achieved this through its office-bearers and publications.

"It will be seen that there were no holds barred. The effects were stinging, vituperous, malicious and defamatory. Often criticism was true. Often criticism was grossly exaggerated or blatantly untrue."

The judge observed that there were virtually two cases "held together with the spider's web of an alleged conspiracy".

The first concerned the UDF, its aims and its effects countrywide. The second concerned the effects of the UDF and its affiliates in the Vaal Triangle.

The eight accused whose bail was withdrawn are Mr Gcina Malindi, Mr David Mphuti, Mr Naphtali Nkopane, Mr Ephraim Ramakgula, Sekwati Mokoena, Jacob Hlanyane, Mr Thomas Manthata and Mr Sam Matlole. The other accused are the Rev Tebogo Moselane, Mr Patrick Baleka, Mr Oupa Hlomoka, Mr Thabiso Ratsomo, Mr Petrus Mokoena, Mr Bavumile Vilakazi, Mr Simon Nkoli and Mr Jerry Tlhopane.

● See Page 3.

## Front 'wanted to destroy education system'

# UDF's rejection of violence questioned

Star 16/11/88

331

By Adele Baleta and Jo-Anne Collinge

If the United Democratic Front were an organisation committed to non-violence one would have expected it to have urged Nelson Mandela to renounce violence and join the UDF, the "Delmas" treason trial judge said yesterday when he began delivering his 1 521-page judgment.

Mr Justice van Dijkhorst was dealing with evidence on the UDF's policy on violence and cited the organisation's response on the conditional release of Nelson Mandela.

The UDF had observed that renunciation of violence would be unacceptable to the jailed ANC leader.

Mr Justice van Dijkhorst said the question to be asked was not whether there was an express policy of violence in the UDF but rather whether violence had been explicitly rejected by it.

He acknowledged that the UDF was a loose grouping and that one part could not be held responsible for the actions of another. But the views of those who spoke on UDF platforms were not unknown to the leadership.

If non-violence were a UDF principle then immediate, drastic action against any speaker who even obliquely advocated violence could have been expected.

On the UDF's role in school boycotts and other actions by pupils from 1983 to 1985, the judge said: "The UDF regarded scholars, students and non-working youth as forces in the freedom struggle and supported, directed and manipulated them to that end."

He added that the UDF wanted to destroy the education system, and the means was to be the actions of the pupils.

During the course of school boycotts, participants broke the law — for instance, the prohibition on outdoor gatherings. "It was inevitable that the police would act.

"Violent confrontation was inescapable. The UDF never spoke out against the illegal actions of the scholars."

Earlier in the day, the judge dealt with several of the defence's arguments on the nature of the main charge of treason, which concerns the alleged conspiracy by the UDF to overthrow the State by violence.

- Where the defence had argued that the State had drafted its indictment in such a way that the conspiracy was confined to members of management structures of the UDF and its affiliates, the judge found this was not so.
- The defence argued that the conspiracy had to have been entered into between January 1983 and August 1983. The judge ruled that the State's case was not restricted to these time limits.
- There were 19 accused with 19 indictments and the State's case against each stood or fell on its own merits.

Judgment continues today.

# Treason trial 13 felt 'morally conscripted'

Staff Reporter

THE 13 people convicted of terrorism and related charges in the Ashley Forbes trial felt "morally conscripted to act against the South African government and the system of apartheid", a Cape Town sociologist told the Supreme Court.

Mr Donald Frank Molteno, a senior lecturer in the department of sociology at the University of Cape Town, said he considered himself an expert on the social conditions in the communities in which the 13 were raised.

The South African government and the system of apartheid were widely regarded in those communities as illegitimate and unjust, oppressive and exploitative, Mr Molteno said.

In a well-integrated society one expected an overall system of fundamental values widely shared and identified with by the whole population.

These values would be expressed in widely shared cultural practices, be formally enshrined in laws to protect the interests of that society and people would behave according to those common values.

The South African situation was different because it was deeply divided along political and economic lines.

Different social conditions meant "radically different experiences, perceptions, meanings, norms and values", Mr Molteno said.

The hearing continues today.

# UDF acts for ANC, says judge

Cape Times. 17/11/88

331

**Own Correspondent**

JOHANNESBURG. — The dominant part of the UDF leadership acted as the internal wing of the ANC, the "Delmas" treason trial judge, Mr Justice K van Dijkhorst, found yesterday.

Having set out to create a mass organization the ANC created no other, but claimed fathership of the UDF, he said,

The judge made this finding during the second day of his 1 521-page judgment in the trial of 19 black activists charged with treason and alternative charges of terrorism, subversion and five counts of murder.

The alternative murder charges arise from the deaths of four local Vaal councillors during political unrest in 1984.

The 19 include prominent leaders of the UDF, Azapo, the Vaal Civic Association (VCA) and one leading member of the Azanian National Youth Unity (Azanyu).

The UDF national secretary Mr Popo Molefe, UDF publicity secretary Mr Patrick "Terror" Lekota and former Transvaal executive member Mr Moss Chikane are among the 19.

The three have been kept in custody during the trial and made five unsuccessful bail applications.

The rest were on bail until yesterday when the judge said the bail for eight of them was cancelled pending the conclusion of his judgment, for reasons that would become apparent.

It is alleged the 19 were involved in a conspiracy to overthrow the state with violence and that the UDF campaigned against local black authorities and succeeded in directing the masses towards violence in the Vaal triangle and 31 other areas.

All have pleaded not guilty.

To page 2

P.T.O.

From page 1

# UDF trial

CAPE Times 17/11/88 331

Mr Justice Van Dijkhorst said yesterday that it was overwhelmingly probable that the call by the ANC in 1983 for a united front was a major factor, if not the sole cause of the formation of the UDF.

The UDF, he added, was conceived at a meeting of ANC supporters.

He said a disproportionate number of ex-ANC members, present and former convicts were patrons of or held executive membership of the UDF.

He said the ANC was popularized at UDF meetings.

The campaigns of the two organizations were materially the same, he said, and the UDF had also consistently failed to condemn the ANC's policy of violence.

The UDF's policies on all points were the same as the ANC's, and where the ANC held a policy of violence the UDF was ambiguous.

"There can be no doubt that the ANC claimed fathership of the UDF and took the credit for its success."

Throughout its existence the UDF popularized the ANC and its leaders, and there was ample evidence of this in the tapes and videos before the court.

Mr Justice Van Dijkhorst rejected defence evidence that the UDF was a homegrown organization with no links to the ANC.

He also rejected testimony that the UDF did not know what the ANC campaigns were.

would be searched at future meetings.

He was commenting on an urgent motion which expresed "grave concern" for Mr Botha's safety in the light of the "very strong possiblity" that Mr Strydom could have been in the [illegible] day night.

CAR Trials 17/11/88

# Accused 'were doing duty'

331

**Supreme Court Reporter**

ASHLEY FORBES and his co-accused were not behaving as deviants when they joined the ANC but acted in line with their socialisation and saw what they were doing as their duty, the Supreme Court heard yesterday.

Mr Frank Molteno, a senior lecturer in the Department of Sociology at UCT, was giving evidence in mitigation in the trial of Forbes and 13 co-accused.

Mr Molteno said he had read the biographies of each of the accused and a factor which had a bearing on their attitude to violence was the violence they had experienced.

"These communities, to which the accused belong, have been exposed to extreme violence — by police as well as the equally horrifying violence of gangsterism, domestic violence and the abuse of substances."

Also events during the 1980 schools boycott, when all the key socialisation issues converged to instil in young people a rejection and hatred of segregated education and the apartheid system.

Young people saw it as moral necessity to oppose injustice by contributing actively to opposition to apartheid, Mr Molteno said.

The hearing continues tomorrow.

# Judge questions UDF sincerity on non-violence

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17/11/86
331

The Argus Correspondent

PRETORIA. — The Delmas treason trial judge, Mr Justice van Dijkhorst, has questioned whether the UDF does not speak "with a forked tongue" on the issue of non-violence.

On the second day of his judgment yesterday, Mr Justice van Dijkhorst acknowledged that the United Democratic Front had stated repeatedly through the Press that it was committed to non-violence.

But he said the question had to be posed whether the UDF spoke with a "forked tongue", saying one thing through the Press to a predominantly white readership and another to audiences in the township.

There are 19 accused in the trial. Three of the accused are prominant UDF figures — national secretary Mr Popo Molefe, publicity secretary Mr Terror Lekota and a former Transvaal secretary, Mr Moss Chikane.

Mr Justice van Dijkhorst acknowledged that in its campaign against the tricameral Parliament in 1984 the UDF had pursued a non-violent policy.

He said that it was not the State's case that UDF policy excluded non-violent protest. The issue was whether this protest was merely a way to set the masses in motion for the overthrow of the State.

He noted that the defence had pointed to the UDF's call for a national convention as evidence that it favoured a negotiated settlement, not violence. But he said that while the UDF stated this in the Press, it never made public its preconditions for such a national convention which rendered the plan "an absolute non-starter".

He observed that the UDF spoke of violence as the likely outcome of government policies, such as the implementation of the new constitution.

The judge disputed that the UDF was in a position to "sagaciously predict violence". He reasoned: "There can be no doubt that the UDF was the greatest supporter of the ANC inside South Africa", and that it had set out to mobilise the masses against the government.

Therefore when the UDF predicted violence in certain circumstances these predictions could be seen as threats of violence.

A dominant part of the leadership of the UDF acted as an internal wing of the ANC, he said.

He accepted that the "overwhelming probabilities are that the call of the ANC national executive committee on January 8 1983 (for the formation of a united front) was a major factor — if not the sole reason — for the formation of the United Democratic Front".

The alternative charges to treason are terrorism, sedition and murder. They relate mainly to events in the Vaal Triangle in the period surrounding the rent protest of September 3 1984.

# Terror 14 acted within their social norms, court told

AR645 331
17/4/88

**Supreme Court Reporter**

BY supporting the African National Congress, 14 men convicted of terrorism and related charges were not behaving as deviants but acting in a way entirely consistent with their socialisation, the Supreme Court has been told.

Mr Donald Frank Molteno, a senior lecturer in the department of sociology at University of Cape Town, was giving evidence in the Ashley Forbes trial on the sociological context in which the accused formulated their ideas.

He said there were three sets of values in the coloured community which were not found in white society.

This was the moral precept that people should share with others, that there should be justice and fairness and that every person had rights and dignity.

These basic values were translated into the community's attitude to society at large, the government and apartheid.

"The whole system in South Africa is seen as wrong," Mr Molteno said.

**'FAR TOO MUCH'**

"Whites, as represented by the government, are seen as selfish and uncaring and apartheid is a naked expression of that selfishness and lack of concern for others.

"Apartheid is seen as a system which offers exclusive opportunities to whites who already have far too much."

Mr Molteno said the family and schools were also crucial social agents.

Schools had socialised a whole generation of people into overt opposition against the system, beginning in 1976 and coming to fruition in 1980.

At schools a deep hatred of the apartheid system was instilled in the youth.

In the streets young people learned a painful lesson about the nature of the State which led to bitter determination to do something about it.

Between 1980 and 1984 the youth realised that the root to the new future was through grassroots organisations.

The accused are: Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Kariem, Colin Petersen and Leon Scott.

The hearing was adjourned until tomorrow.

# Accused says he averted 'bloodbath'

A video recording of an Alexandra township student's burial was yesterday screened as evidence in the Rand Supreme Court during the treason trial of union leader Mr Moses Mayekiso and others.

The video showed youths carrying an ANC flag with the coffin and included footage of another accused, Mr Paul Tshabalala and two others talking to police at the funeral.

Mr Mayekiso (40), general secretary of the National Union of Metal Workers of South Africa, Mr Tshabalala (38) Mr Richard Mdakane (29), Mr Obed Bapela (38) and Mr Mzwandile Mayekiso (22) have pleaded not guilty to treason, alternatively sedition or subversion.

Replying to questions from Mr Philip van Staden for the State, Mr Tshabalala said he had prevented a bloodbath on the day of the burial when he had asked police to leave.

He said the youths had become enraged at the sight of the police and "were about to attack" when they were restrained.

He told the court that in 1986, following the first Alexandra "Six-day War," in which innocent people were killed by police bullets, residents had started attending every funeral in the township.

He and other civic leaders had attended a meeting with Alexandra administrator, Mr Steve Burger, in which they had succeeded in ending the consumer boycott and the isolation of police.

It was also decided at the meeting that people's courts be stopped. — Sapa.

# 'UDF leaders linked to ANC'

PRETORIA — The dominant part of the UDF leadership acted as the internal wing of the ANC, "Delmas" treason trial judge, Mr Justice K van Dijkhorst, found yesterday.

Having set out to create a mass organisation, the ANC claimed fathership of the UDF, he said.

The judge made this finding during the second day of his 1 521 page judgment in the trial of 19 black activists charged with treason and alternative charges of terrorism, subversion and five counts of murder.

The alternative murder charges arise from the deaths of four Vaal councillors during political unrest in 1984.

The 19 include prominent leaders of the UDF, Azapo, the Vaal Civic Association and one leading member of Azanian National Youth Unity.

UDF national secretary Popo Molefe, UDF publicity secretary Patrick "Terror" Lekota and former Transvaal executive member Moss Chikane are among the 19.

The three have been kept in custody during the trial and made five unsuccessful bail applications.

The rest were on bail until yesterday when the judge said the bail for eight of them was withdrawn.

It is alleged the 19 were involved in a conspiracy to overthrow the state with violence and that the UDF campaigned

SUSAN RUSSELL

against local black authorities and directed the masses towards violence in the Vaal Triangle and 31 other areas.

All have pleaded not guilty.

Mr Justice van Dijkhorst said yesterday it was overwhelmingly probable that the call by the ANC in 1983 for a united front was a major factor, if not the sole cause, of the UDF's formation.

The UDF, he added, was conceived at a meeting of ANC supporters.

He said a disproportionate number of ex-ANC members, present and former convicts were patrons of, or held executive positions in the UDF.

● See Page 4

The ANC was popularised at UDF meetings, the campaigns of the two organisations were "materially the same" and the UDF had failed to condemn the ANC's policy of violence.

The UDF's policies on all points were the same as the ANC's and where the ANC held a policy of violence, the UDF was ambiguous, said the judge.

He rejected defence evidence that the UDF was a homegrown organisation with no links to the ANC. He also rejected testimony that the UDF did not know what the ANC campaigns were.

'Front set out to mobilise masses against Govt'

# UDF found to be ANC surrogate

331

STAR 17/11/86

By Jo-Anne Collinge

A dominant part of the leadership of the United Democratic Front (UDF) acted as an internal wing of the African National Congress, "Delmas" treason trial judge Mr Justice van Dijkhorst concluded during the second day of judgment yesterday in Pretoria's Palace of Justice.

Dealing with the question of the link between the UDF and the ANC, he accepted that the "overwhelming probabilities are that the call of the ANC national executive committee on January 8 1983 (for the formation of a united front) was a major factor — if not the sole reason — for the formation of the United Democratic Front".

The judge said he could not make a finding on the validity of the defence's position: that the UDF was formed as a result of a call made by Dr Allan Boesak at the Anti-South African Indian Council Committee congress in January of the same year.

He observed that the ANC had claimed "fathership" of the front in several documents and added that UDF policy was on many points similar to that of the ANC.

## Legal history

There are 19 accused in the trial, the longest in South African legal history. Three of the accused are prominent UDF figures — national secretary Mr Popo Molefe, publicity secretary Mr Terror Lekota and a former Transvaal secretary, Mr Moss Chikane. All of these have been in custody for more than 40 months.

Most of the remaining 16 accused are linked to the UDF-affiliated Vaal Civic Association and some to the Azanian People's Organisation. Until Tuesday they were all at liberty, but at the outset of judgment the bail of eight was revoked.

The central point at issue is whether the accused were involved in a UDF conspiracy to overthrow the State by violence or threats of violence. The prosecution alleges that this plot was formed either within the UDF alone or in association with the ANC.

The alternative charges are terrorism, sedition and murder. They relate mainly to events in the Vaal Triangle in the period surrounding the rent protest of September 3 1984.

Addressing the question of the UDF and violence, Mr Justice van Dijkhorst acknowledged that the organisation had stated repeatedly in the press that it was non-violent.

But he said the question had to be posed whether the UDF spoke with a "forked tongue", saying one thing in the press to a mostly white readership and another to audiences in the township.

He acknowledged that in its campaign against the tricameral Parliament in 1984 the UDF had pursued a non-violent policy. But he said this was not surprising as the aim was to persuade coloured and Indian people not to vote and any violence would have "scuttled" this plan.

He also said that it was not the State's case that UDF policy excluded non-violent protest. The issue was whether this protest was merely a way to set the masses in motion for the overthrow of the State.

He noted that the defence had pointed to the UDF's call for a national convention as evidence that it favoured a negotiated settlement, not violence.

But he said that while the UDF stated this in the press, it never made public its preconditions for such a national convention, which rendered the plan "an absolute non-starter". The conditions included the unbanning of banned organisations, the release of all political prisoners and the return of exiles.

He observed that the UDF spoke of violence as the likely outcome of Government policies, such as the implementation of the new constitution.

The judge disputed that the UDF was in a position to "sagaciously predict violence". He reasoned: "There can be no doubt that the UDF was the greatest supporter of the ANC inside South Africa," and that it had set out to mobilise the masses against the Government.

Therefore when the UDF predicted violence in certain circumstances these predictions could be seen as threats of violence.

The judgment, which is a 1 500-page document, continues today.

In addition to the three UDF accused, the others on trial are: Mr Gcina Malindi, Mr David Mphuti, Mr Naphtali Nkopane, Mr Ephraim Ramakgula, Mr Sekwati Mokoena, Mr Jacob Hlanyane, Mr Thomas Manthata and Mr Sam Matlole (all back in custody since Tuesday); and the Rev Tebogo Moselane, Mr Patrick Baleka, Mr Oupa Hlomoka, Mr Thabiso Ratsomo, Mr Petrus Mokoena, Mr Bavumile Vilakazi, Mr Simon Nkoli and Mr Jerry Tlhopane.

(331)

south NEWS

# Magical symmetry of Mandela and Delmas

From SHAUN JOHNSON

JOHANNESBURG. - If, as some people still believe, we are fast approaching the magical date of Nelson Mandela's release, this period will be one of extraordinary historical symmetry for South African resistance.

For should it happen, the anti-apartheid leaders of the 1950s would come out of prison just as the process to put their counterparts of the 1980s behind bars winds up.

Modern South African political history has long been punctuated by famous trials, usually known by place names "Rivonia" conjures up the names of two African National Congress trialists, Mandela and Walter Sisulu.

"Delmas" will henceforth be connected with the three key officials of the United Democratic Front, Popo Molefe, Patrick "Terror" Lekota and Moss Chikane.

Judgment in the latter trial - longest-running in South Africa in terms of court days - has begun, and observers believe that long sentences of imprisonment for the three highest-ranking of the 19 accused are a sad likelihood. The symmetry, spanning more than 20 years, goes deeper. Both marathon trials reached conclusions in Court C of Pretoria's Palace of Justice; both groups of accused faced the maximum penalty; both, curiously enough were defended by Advocates Arthur Chaskalson and George Bizos.

But most importantly, both trials took place in the aftermath of unprecedented nationwide resistance to apartheid. Indeed, they took place precisely because of that resistance.

Mandela and his co-accused: Sisulu, Dennis Goldberg, Govan Mbeki, Ahmed Kathrada, Lionel Bernstein, Raymond Mhlaba, Elias Motsoaledi and Andrew Mlangeni, were charged with plotting the violent overthrow of the South African government after the banning of the ANC in 1960.

Molefe et al's charges are framed in more contemporary idiom, but amount to much the same thing. Their involvement was in what has come to be known as the "Vaal Uprising" of September 1984, the wave of outrage which sparked the nation-wide "long wave" of resistance lasting until 1986.

Mandela and his colleagues will probably not be released soon, of course. There is no reason to believe that the latest rash of "Mandela Release" speculation has any more substance - save for its level of hysteria — than the hundreds of rumours which preceded it.

For one thing, those who ascribe rationality to South Africa's white leaders point to the fact that it would be inexpressibly impolitic for the National Party to release an unknown political quantity like Mandela before next year's white general elections.

Whatever the precise outcome, it is certain that one epoch of black leader-ship-imprisonment is drawing to its close while another begins. And this fact alone is of inestimable significance for the seemingly interminable struggle to wrest power from Pretoria.

It is not certain whether the ANC veterans would wish to reinvigorate the structures pioneered by leaders like the Delmas trialists - and other key figures currently in the dock, like trade unionist and Alexandra community figure Moses "Moss" Mayekiso - or whether they would judge the time ripe for a thoroughgoing rethink of resistance tactics under the strictures of successive State of Emergency.

In a country where political imprisonment has become a hallmark of the state's attempts to head off majority opposition however, points about the current situation shine through.

One, there has never been a release as important as Mandela's - because there is only one Mandela.

The second point is that while accepting his release will make a difference as never before to the fortunes of that resistance, it will not signal the capitulation of Pretoria.

# High noon at Palace of Justice

From AMEEN AKHALWAYA

PRETORIA.- The history, irony and human emotion all came together at the Palace of Justice here this week when judgment started in the Delmas Trial - considered the most important since Rivonia.

The atmosphere is charged at about 9.30 am on Tuesday — 30 minutes before Mr Justice van Dijkhorst is due to start his marathon judgment.

About six police vehicles and a number of policemen mill about Church Square.

### Judgment

On the steps leading to the courthouse, dozens of television cameramen, press photographers and reporters discuss the length and possible outcome of the judgment.

A queue forms at the entrance to the court as each person and belongings are checked by security guards.

At the entrance to Court C, dozens of people push and jostle, trying to get inside.

Reporters use a side entrance to get into the courtroom. About 30 press seats are available, but most of them are already occupied.

The public gallery is jampacked, with people squeezing into every available space. There is a stir as some of the 16 "Delmas" trialists who were on bail walk through the human crush.

### Dock

There are warm smiles, hugs, handshakes, waves of recognition as they make their way towards the dock.

Of the 19 whose treason trial began in Delmas three years ago, Patrick 'Terror' Lekota, Moss Chikane and Popo Molefe were refused bail.

A smiling and buoyant Lekota, waving a clenched fist, appears in the courtroom from the steps below. The crowd stands up spontaneously to applaud him, almost failing to notice Chikane and Molefe as they follow him into the dock.

People in the public gallery rush up to greet them. There are muted shouts of "Amandla".

UDF officials Murphy Morobe and Valli Moosa, who escaped from detention and then holed up in the American consulate in Johannesburg, greet them warmly.

Two of the accused Petrus Mokoena (left) and Thom Manthata outside the court this week

Two journalists who know some of the accused go up to greet them.

The dock is too small to hold all the accused - mostly UDF and Vaal Civic Association men and some Azapo members - so special chairs are placed for three of them in front of the dock.

As the seconds tick away before Mr Justice van Dijkhorst and assessor W F Krugel are due to enter, a priest announces that another cleric will recite a prayer.

The cleric prays as the public gallery rises.

Then the judge and his assessor enter. Another assessor, Dr W A Joubert, who had allegedly signed a UDF petition, was dismissed last year.

For Patrick Lekota, it is deja vu - a feeling of having seen and heard it all before.

Almost 12 years ago, he stood in the same dock to hear judgment against him and his Saso\BPC colleagues. They were jailed for between five and seven years.

Now older, with a wife and a little daughter, Lekota seems no less enthusiastic as he greets people.

Lekota represents the changing face of extra-parliamentary politics. Where 12 years ago the black consciousness movement was the major internal political force, the UDF has taken over as the biggest and most visibly active.

When Lekota and his BC friends such as Saths Cooper and Muntu kaMyeza stood trial in the two-year Saso\BPC case, among the visitors to court was Winnie Mandela.

On Tuesday, Mrs Mandela is there again, this time with daughter Zinzi. So were other members of the UDF or its affiliates, Azapo and Cosatu officials, foreign diplomats, religious figures and writers.

Reporters try to squeeze into the space allocated to them. Some find room only on the floor.

There is a small stir as Mr Justice van Dijkhorst announces that his judgment is 1521 pages long, but that he won't read all of it. He immediately announces that bail for eight had been withdrawn.

He reels off statistics about the voluminous evidence and the number of witnesses (152 for the State, 126 for the defence) and criticises the lengthy court procedures.

### Noise

There is a hush in court, broken by noise from outside as dozens of people, unable to get into the courtroom, try to find a way in. Many at the back of the courtroom can barely hear the judge.

Counsels for the State and defence listen intently as the judge, in his red robe, lined with black and grey, continues reading.

At the defence table are about 12 legal representatives, including George Bizos SC, Arthur Chaskalson SC, Zak Yacoob SC, Gilbert Marcus and Karl Tip.

In the State team are P B Jacobs SC, P Fick and H Smith.

The heat is almost stifling. There is one overhead fan and two portable ones in the gallery.

The judge goes on to briefly read the aims of Azapo, saying it is committed to the overthrow of the government, and replacing it with a government of black workers.

### ANC

He also reads out the aims of the ANC at length, talks about the roles of "alternative or community" newspapers such as Saspu National, Grassroots, UDF News and Speak in UDF campaigns.

Then he goes on to talk of the UDF role. Later, people in the gallery speculate on how many of the 19 accused will be jailed, and for how long each of them will be jailed. They may be wrong.

The judgment still has along way to go...

And with the media's attention focused on the trial, word comes through that a short distance away, a white man has shot dead and wounded some black people in the street.

For those who went to the Palace of Justice, it was a dramatic end to a historic day.

# Delmas a 'spiderweb' — judge

By MONO BADELA

PRETORIA.— By the end of this week Mr Justice van Dijkhorst would be in the fourth day of his judgment in the longest-running trial in the country's history.

More than 150 State and 126 defence witnesses gave evidence over 35 months in what became known as the Delmas Trial.

On trial are 19 men - some key figures in the United Democratic Front. They all pleaded not guilty to the main charge of high treason and to alternative charges ranging from murder, subversion and terrorism.

Three high -ranking UDF officials, Mr Patrick "Terror" Lekota, publicity secretary, Mr Popo Molefe, general secretary and Mr Moss Chikane, former Transvaal secretary, were refused bail.

The three have spent 40 months in jail after Mr Justice van Dijkhorst had refused them bail five times.

The allegations against them centre on the violence and political upheaval in black areas in the Vaal Triangle during September 1984.

There was a surprise turn at the start of the judgment in the Palace of Justice here when the judge announced that the bail of eight of the accused was being withdrawn.

### Bail revoked

Among those whose R15 000 bail was revoked are Tom Manthata, general secretary of the the Soweto Civic Association and a top South African Council of Churches official.

Others are Gcinumzi Petrus Malindi, Tsietsi David Mphuthi, Mbuti Nkopane, Tebello Ephraim Ramakqula, Sekwati John Mokoena, Serane Jacob Hlanyane and Mr Hlabeng Sam Matlole.

Mr Justice van Dijkhorst said in his opening remarks that the crux of the issue was whether the accused had the intent to overthrow the State.

The judge described the case as being two cases linked by the "spider's web" of an alleged conspiracy between members of the UDF and others violently to overthrow the State.

The first case he said dealt with the UDF, its aims and the alleged effect of its actions; the second, the effects of its actions in the Vaal triangle.

Hostile intent was the essence of treason, and the noblest desires did not negate the intent.

Dwelling on the necessity and existence of the freedom of speech in South Africa, he said a line had to be drawn where legitimate protest ended and foul play began.

Mr Justice van Dijkhorst said the UDF, launched in August 1983, waged a vicious campaign against local black local authorities to mobilise the masses and fan the flames of their anger and hatred.

### 'No holds barred'

Since its inception the UDF had campaigned against black local authorities.

"It did so through its office bearers and publications. As will be seen no holds were barred," he said.

At times the attacks were vicious and defamatory.

"When the eruption came, as was inevitable, the UDF rejoiced at its success and gloried in its victory."

The judge rejected the UDF's alleged principle of non-violence saying it should then have been opposed to speakers in its ranks who expounded violence.

Speaking on the policies of the UDF, he said there was absence of proof that the UDF carried out a non-violent policy.

"The aims and objectives of the UDF are wide enough to incorporate violent and non-violent sectors," the judge said.

The phrase frequently used by the UDF, that "the people shall govern", showed the UDF's view that its struggle was not one of fighting over civil rights.

331 17/11/88 B/day.

# UDF failed to denounce violence — judge

PRETORIA — While UDF documentation claimed the destruction of the local black authority system as a great victory in statements and documents, expressions of regret about the murder of councillors and arson were glaringly absent, Mr Justice van Dijkhorst said yesterday.

He made this comment during the second day of his judgment in the "Delmas" treason trial.

The 19 activists on trial have pleaded not guilty to treason and alternative charges of terrorism, subversion and five counts of murder.

Yesterday, the judge dealt at length with UDF documentation and tapes and videos of UDF meetings and those of affiliated organisations.

He said: "Where is the condemnation by this so-called non-violent organisation of these grossly violent acts. Nowhere does it condemn violence or the destruction of property.

"One has to conclude that the destruction of the local black authority system, of necessity entailed a loss of life and destruction of property and this was forseen by the UDF."

Mr Justice van Dijkhorst also dealt with a UDF statement calling for the scrapping of apartheid, the tricameral system and the SADF.

"One need not say more about this statement. Other than that it is an unequivocal declaration of war on the state."

Mr Justice van Dijkhorst said the UDF decided to replace local black authorities with people's organisations.

Referring to another document, he said if regard was had to the violent schools' boycotts leading to deaths, riots and large-scale destruction, attacks on councillors and the resultant death and destruction, it could in no way be interpreted as preaching non-violence.

## Launch

The judge said the launch of the Soweto Youth Congress was held with the full participation and concurrence of the UDF leaders.

The speeches, songs and slogans at the launch were pro-ANC and often revolutionary.

At no stage did any of the UDF leaders repudiate the strong speech but, on the contrary, participated.

The judge said this was more than a meeting. The launch of a new youth organisation in Soweto, which would be

SUSAN RUSSELL

an affiliate, was regarded as being of prime importance to the UDF.

Referring to a video of the UDF's national conference and launch in 1983, the judge said it was consistent with the pattern found at virtually all UDF meetings.

It was fiercely anti-government and the songs were openly revolutionary and in praise of revolutionary leaders such as Oliver Tambo.

Language was often couched in terms to be understood that violent action was propagated.

Phrases like "fight to destroy the system", "not even bullets can stop us" and "this brutal system" sprang to mind, the judge said, and these in the context of the songs and slogans would be understood by an unsophisticated person to be unequivocally revolutionary.

Mr Justice van Dijkhorst said a convicted murder, Solomon Mahlangu, was called great and the unbridled violence of the 1976 uprising was never disaproved of.

The riots were called a fight for freedom and slogans had a Marxist tendency.

Referring to a youth meeting in Vryburg, the judge said the fighting talk was like putting a match to dry grass.

The fact that there was not a call for immediate violence on this occasion was irrelevant.

UDF meetings clearly identified with the ANC and there was never a clear stand against violence as would have been expected if that had been UDF policy.

## Failed

Mr Justice van Dijkhorst said he failed to see why an organisation which so strongly opposed government and used such vehement language should not, at all times when such strong language could be understood to refer to violent action, unequivocally and immediately state it deplored violence.

He said: "We just don't find this in the documents."

The judge rejected the submission that the UDF's call for a National Convention had been genuine. "Although this was not spelled out it was clearly the view that the major parties would be the ANC, UDF and government.

"The first combination stand for a constitution based on the Freedom Charter.

"The form of state envisaged is radically and fundamentally different from the economic and political structure of this country.

"In view of the declared stance of government on separate group identities which has been the mandate from the electorate for decades, it was clear to any observer that a National Convention was an extremely remote possibility.

"No officer bearer of the UDF could have thought a national convention could be possible when the pre-conditions were, inter alia, the disarmament and disbanding of the police and SADF, the return of ANC exiles and the suspension of the constitution."

The judge said this showed the UDF was not genuinely interested in a National Convention but in the tranference of power to the poeple.

There was no doubt, the UDF was the ANC's greatest supporter in SA and had also set out to organise the masses and lead them against government.

FINE POINTS DELAY

# ANC WAS GLORIFIED - JUDGE

Sowetan 17/11/88

331

**THE UDF leadership aligned itself to revolutionary speeches and slogans, praised leaders of the African National Congress and expressed no regrets or abhorrence to the "ghastly murders" of black community councillors, a Pretoria Supreme Court judge said yesterday.**

Delivering his 1 500-page judgment in the Delmas Treason trial, Mr Justice van Dijkhorst, sitting with an assessor, said UDF leaders at their meetings, also referred to the Government as an "enemy", a "vicious minority Botha regime", and "a terrorist government."

SAPA

The judge also commented that speeches delivered by UDF leaders at the launch and rally of the organisation on August 20, 1983, were "fiercely" anti-Government. The speeches and slogans were revolutionary, ANC leaders Tambo and Mandela were lauded and people were urged to die fighting for freedom, said Mr Justice van Dijkhorst who remarked that the UDF was a pro-ANC and pro-revolutionary organisation.

The 19 accused, who include three high ranking officials of the UDF — Mr Popo Molefe, general secretary, Mr Terror Lekota, publicity secretary and Mr Moses Chikane, former Transvaal secretary, have pleaded not guilty to charges of treason, terrorism, subversion and murder in what has been described as the longest political trial in South Africa.

Mr Justice van Dijkhorst said the court had reached a conclusion that the UDF's policy of destroying the Black Local Authority entailed loss of lives — a move which was foreseen by the UDF leadership.

# UDF sided with ANC says judge

# 'CRIME OF TREASON PROVED'

Sowetan 18/11/88 (331)

**MR Justice van Dijkhorst ruled in the Pretoria Supreme Court yesterday that the State had proved crimes of treason after concluding that the "dominant core" of the United Democratic Front leadership had sided with the African National Congress against the South African Government which was referred to as the "enemy" by both parties.**

**By MONK NKOMO**

The judge, delivering his judgment which started on Tuesday, said the demise of the Black Local Authorities through the murder of councillors was proudly held up by the UDF as a great victory.

Nineteen men who include three leaders of the UDF, have pleaded not guilty to charges of treason, terrorism subversion and murder.

The judge yesterday said the UDF was conceived in councils of the ANC and its policy was the same as that of the ANC in setting up a revolutionary climate in South Africa. The UDF at one stage during the unrest in the township, even predicted that "blood will flow in this country," said Mr Justice van Dijkhorst.

The UDF and its affiliates denigraded security forces and called for their immediate withdrawal in the townships. The UDF sided with the ANC against the Government which was referred to as "an enemy to be destroyed", the judge said.

The "dominant core" of the UDF leadership, the judge said, fomented a revolutionary climate in a number of townships to make South Africa ungovernable. Mr Justice van Dijkhorst concluded yesterday morning that "the State has proved the crime of treason".

Earlier the judge said patrons and senior members of the UDF included former members or supporters of the ANC, some of whom had already served years on Robben Island

SOWETAN
Daily Mirror
FRIDAY, NOVEMBER 18, 1988 MORNING FINAL RSA 40c (36c +

# Alleged mass killer sent for mental check

By ALINAH DUBE

A 23-YEAR-OLD former policeman who allegedly murdered six people and injured 17 others in Pretoria this week, was yesterday referred for psychiatric observation by a Pretoria magistrate.

The magistrate, Mr P J Johnson ruled that Mr Barend Hendrik Strydom be sent to the Weskoppies Hospital after evidence that he had a psychopathic personality and also reflected irresponsible and aggressive behaviour.

Evidence was given by Dr W J Pietersen, who examined the accused shortly after the shooting incident in central Pretoria on Tuesday.

He said the accused showed no remorse, knew what he did and also believed in his deeds.

Dr Pietersen said the fact that Mr Strydom looked friendly and was smiling at the time of the incident was typical of a psychopath.

The doctor said that Mr Strydom described the gruesome killings as a propaganda ploy.

When asked to address the court before the ruling that he be referred for 30 days mental observation, the accused, who was clad in a khakhi outfit and wearing leg irons, said: "I belong to the Boerstaat volk and will answer only to them. I do not have any interest

• To Page 2

Mr BAREND Hendrik Strydom ... in court yesterday.

## 'Mass killer'

• From Page 1

in appearing before this court under the current state of government.

"If the communists such as Bishop Desmond Tutu and Denis Worrall are arrested immediately then I will co-operate with the State," he said.

The case was postponed to December 19.

LOW FLYING ... An SAAF Unspecified

# Alleged killer wants Worrall, Tutu arrested

PRETORIA. — The Government should arrest "communists" such as Archbishop Desmond Tutu and Independent Party leader Denis Worrall, alleged Pretoria gunman Mr Barend Hendrik Strydom, 23, told the Pretoria Magistrate's Court yesterday.

Mr Strydom appeared before magistrate Mr P J Johnson in connection with six allegations of murder and 14 of attempted murder.

His appearance followed Tuesday's massacre in central Pretoria which left six people dead and 14 others wounded.

Mr Strydom, who has light-brown hair and a thin moustache, wore khaki clothes and leg shackles. His belt had been removed.

He looked around, and smiled at family members in the public gallery.

A district surgeon, Dr Willem Pieterse, told the court when he examined Mr Strydom after the shootings, he was cheerful and smiled, and did not show any signs of remorse.

Mr Strydom's behaviour would fit that of a psychopath's, the court heard. He felt that, in interests of Mr Strydom and of justice, he be referred to Weskoppies.

Mr Strydom saw the shootings as a propaganda ploy, Dr Pieterse said. He realised what he had done, but it appeared that he did not see the implications in accordance with the norms of society.

Mr Strydom had no injuries when he examined him at on Tuesday, shortly after the shootings, and did not smell of alcohol.

He had drawn a blood sample which was sealed in Mr Strydom's presence for analysis.

Mr Johnson referred Mr Strydom to Weskoppies sanatorium for mental observation and remanded him until December 19. — Sapa

From page 1

The Cape Times has established that there are at

# Three Delmas accused freed

Own Correspondent

PRETORIA. — Three of the accused in the Delmas treason trial walked out of the Pretoria Supreme Court as free men yesterday after being found not guilty on all counts.

There were gasps from the public gallery as the judge found that the state had not proved a case against Mr Patrick Mabuya Baleka, Mr Oupa Jon Hlomoka and Mr Tebogo Geoffrey Moselane.

Mr Justice K van Dijkhorst will deliver his judgment on the other 16 trialists today.

When the court adjourned immediately after the ruling, the three embraced relatives and friends in the packed gallery, grinning broadly.

Mr Moselane is an Anglican minister from Sharpeville, Mr Baleka an Azanyu member from Soweto and Mr Hlomoka a member of Azapo.

The judge found that while Mr Baleka was alleged to have conspired and co-operated with the UDF and Azapo, he could not prove beyond reasonable doubt that he had incited people to violence.

Before beginning judgment on each accused yesterday, Mr Van Dijkhorst said the 19 could be divided into three groups.

Messrs Moselane, Baleka and Hlmomoka were black consciousness supporters, he said, Messrs Patrick Lekota, Popo Molefe and Moss Chikane members of the UDF and the rest were connected to the Vaal Civic Association (VCA).

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

Earlier the judge found that the VCA had organised the stayaway on September 3, 1984 which led to widespread rioting in black areas.

The state had proved the crime of treason against the dominant core of the UDF leadership, he said.

# Vaal Civic Association had a hand in violence — judge

(331)

By Adele Baleta and Jo-Anne Collinge

The Vaal Civic Association, the dominant political organisation in the Vaal Triangle townships during September 1984, "organised or had a hand in the organisation of the violence", the Delmas treason trial judge found yesterday.

Mr Justice van Dijkhorst, sitting in the Palace of Justice, Pretoria, rejected the defence argument that violence on September 3 was spontaneous.

"It is inconceivable that the VCA leadership would not have become aware that the UDF's policy on the destruction of black local authorities was a violent one."

The judge noted that VCA representatives had attended a UDF seminar at Daleside where a paper was allegedly given stating that "our next tasks are to destroy the black local authorities and build our civics".

The judge described this statement as "ominous" in the light of what had later developed in the Vaal.

Alternative to the main charge of treason are charges of sedition and terrorism. Alternative to the latter are five counts of murder, arising from deaths of councillors and others on September 3 1984.

The joy of being found not guilty after three years on trial is reflected on the faces of three accused in the Delmas trial: (from left) the Rev Geoff Moselane, Mr Patrick Baleka and Mr Oupa Hlomuka.

Earlier the judge had said that the fact that a resolution was taken at the launch of the VCA in 1983 to affiliate to the UDF "indicates that the VCA was not merely a locally oriented residents' association".

Commenting on the march of September 3 in Sebokeng, Mr van Dijkhorst concluded it had been organised by the VCA.

Although the march culminated in violence and the deaths of many people, including councillors, the judge concluded: "It has not been proved that VCA speakers called for violence at the meetings before the march."

He said councillors were attacked and vilified and "no effort spared to move the people of Lekoa to contempt and even hatred for the councillors".

"The march was a recipe for disaster. We can come to only one conclusion — it was intended to be that."

He said that the VCA knew the march was unlawful. The fact that the courts had later found the ban on outdoor gatherings invalid, was irrelevant, the judge said.

Provided that the intention to cause a riot was present, this could be sedition or a crime of treason.

In contrast to his finding that a dominant section of UDF leadership functioned as an internal wing of the ANC, the judge could find no such conspiracy between the VCA and ANC.

The judgment will continue today.

'UDF policies were the same as the ANC'

# Treason proved, finds 'Delmas' trial judge

SUSAN RUSSELL

PRETORIA — The State had proved the crime of treason against the dominant core of the UDF leadership in the "Delmas" trial, Mr Justice van Dijkhorst found yesterday.

On the second day of his judgment at the end of the marathon three-year trial of 16 people linked to the UDF, Azapo and Vaal Civic Association (VCA), he said the UDF leadership core had formulated and executed a policy of mass organisation, while fomenting a revolutionary climate to lead to mass action against government institutions.

Violence, he added, was intended, necessary and inevitable.

The judge said the violence of 1984-85 was not sporadic and haphazard as could be ascribed to frustration borne out of unemployment or low living standards, but was preceded by a propoganda campaign of vast magnitude.

"Every grievance was linked by the UDF and its cohorts to apartheid."

## Violence

The judge said the Congress of SA Students (Cosas) had planned schools boycotts to coincide with the tricameral elections. "It does not need much insight to see that hordes of politicised schoolchildren on the streets could lead to disruption and rioting."

There was further evidence, he noted, that violence had been directed at specific targets.

He found that in the 17 areas where violence had been directed at councillors and local black authorites, these campaigns had been waged by affiliates of the UDF or organisations which actively supported it.

The court also found the UDF leadership as a whole held the view that the ends justified the means as far as the destruction of the local black authorities system was concerned.

"Violence was an effective and acceptable option," the judge said.

"This conclusion is further supported by the fact that at no stage did the UDF consider terminating its affiliation with Cosas or any of the youth congresses."

The demise of the local authorities, the murder of councillors or their resignation through intimidation and arson were proudly held up by the UDF as great victories, he said.

"Since its launch the UDF has consistently popularised the ANC and fomented distrust and even hatred of the government and its organisations among the black population. Its policies in all material respects were the same as those of the ANC.

But, he said, while bound to the downfall of the government, the UDF was not as explicit on the question of violence.

"It did not openly and directly advocate violence — that would have brought about immediate state intervention."

The judge said the UDF created a mass organisation of intertwined affiliates. "To prepare the ground for the final onslaught by the masses it set about creating a revolutionary climate among the black population."

When support was sought among white, Indian and coloured sections of the population, UDF speakers did not support violence, he said, but when addressing blacks the language was, if not revolutionary, open to interpretation by those inclined.

"For practical purposes the government is at war with the ANC. In the circumstances the intent of the UDF was no less hostile than one would find in time of war in the case of a treasonable act."

He said he wished to state emphatically that not all affiliates and persons named in the indictment were co-conspirators.

There were many people who flocked to the UDF out of disgust and dissatisfaction with government in the expectation the UDF would be a catalyst for radical but peaceful change.

Others would have become aware of the course the UDF was taking and there must have been many more who, "wrapped in a political cocoon, closed their eyes".

The judge then dealt at length with the birth of the VCA and the riots and political upheaval in the Vaal triangle during 1984.

There was clear evidence of UDF involvement in the launch of the VCA, he said.

The VCA saw itself as part of the overall liberation struggle and was not merely concerned with local civic issues, he said.

He found there were also close links between Cosas and the VCA.

## Radicals

The judge concluded that the VCA was neither democratic nor representative. A fair description of its operations in Lekoa, he said, was "never have so many been manipulated by so few".

It was clear that by mid-1984 radicals were at the helm of the VCA.

The state had not proved that speakers at various VCA meetings had called for violence before the rioting started, but what was clear was that councillors were attacked and vilified and no effort was spared to turn the people of Lekoa against them.

The judge also dealt at length with the stayaway and procession on September 3, 1984, which ended in the death of a councillor and erupted into the riots. The march was a "recipe for disaster and there is only one conclusion, and that it was intended to be that," he said.

Judgment continues.

# SEHERI GUILTY OF 2 KILLINGS

Sowetan 18/11/88

**OUPA SEHERI (33), who stored firearms at Mrs Winnie Mandela's house, was convicted yesterday of committing two murders, two attempted murders and being in the unlawful possession of a Scorpion machine pistol, an AK-47 rifle and ammunition.**

331

## Dog

Priscilla Mkhonza (29), who told Seheri to "shoot the dog and wipe out the evidence" was convicted of the second murder.

Setembiso Buthelezi (25), who stayed at Mrs Mandela's house in her daughter, Zinzi's room from time to time, was found guilty of being in unlawful possession of the two firearms and Charles Zwane (18) was convicted of being in unlawful possession of the Scorpion pistol only.

Mr Ben Jabulani Dlamini (27), was acquitted of all charges.

The judgment was handed down by Mr Justice B O'Donovan, who presided over the trial in the Rand Supreme Court with two assessors.

The court found Seheri went to Mrs Mandela's house in Soweto on January 24, last year.

## Parcel

In front of Buthelezi and Zwane, he opened a parcel containing the Scorpion machine pistol. He left the AK-47 rifle there and went to meet people to demonstrate how to use the Scorpion.

Later that night, Seheri was at a shebeen at Priscilla Mhonza's home. Seheri had a fight with Mr Xola Mokhaula.

Mr Mokhaula got the better of Seheri, who tried to use the Scorpion machine pistol. It was taken away from him by Mr Mokhaula's friends, who refused to give it back.

# Lawyers give up fight for six

By MOJALEFA MOSEKI

LAWYERS for Human Rights yesterday gave up the fight to save the lives of six of the seven men awaiting execution in the Central Prison in Pretoria. The six are expected to be executed this morning.

A team of attorneys representing the Lawyers for Human Rights (LHR) were late yesterday afternoon working around the clock to save the life of one of the seven men, Oupa Samuel Mogohlo. The lawyers were preparing an application for a stay of execution. The application was expected to be heard in the Pretoria Supreme Court last night.

The director of the LHR, Mr Brian Currin, who led a team of lawyers that consulted with the condemned men early yesterday morning, said: "We are hopeful of getting a stay of execution in the case of Mogohlo. We made representations to the Minister of Justice pointing out that Mogohlo has not yet appealed to the Appeal Court in Bloemfontein and has not yet petitioned the State President for clemency. It is on those grounds that we are applying for a stay of execution."

## Stay

Mr Currin said at the end of the consultations they found that the six other men had "no chance" of being granted a stay of execution and would "probably be executed today."

The names of those to be executed today are: Rocky Ridai, Nooi Windvogel, Gladman Dyamani, Samson Rala, Vreek Windvogel — all from Uitenhage in the Cape and Phillip Botha.

# 3 Delmas trialists set free

THREE of the accused in the Delmas treason trial walked out of the Pretoria Supreme Court as free men yesterday after being found not guilty on all the charges.

Mr Justice K van Dijkhorst will deliver his judgment on the other 16 trialists later — possibly today.

The judge delivered individual rulings on the three, finding them not guilty and discharging them.

## Relatives

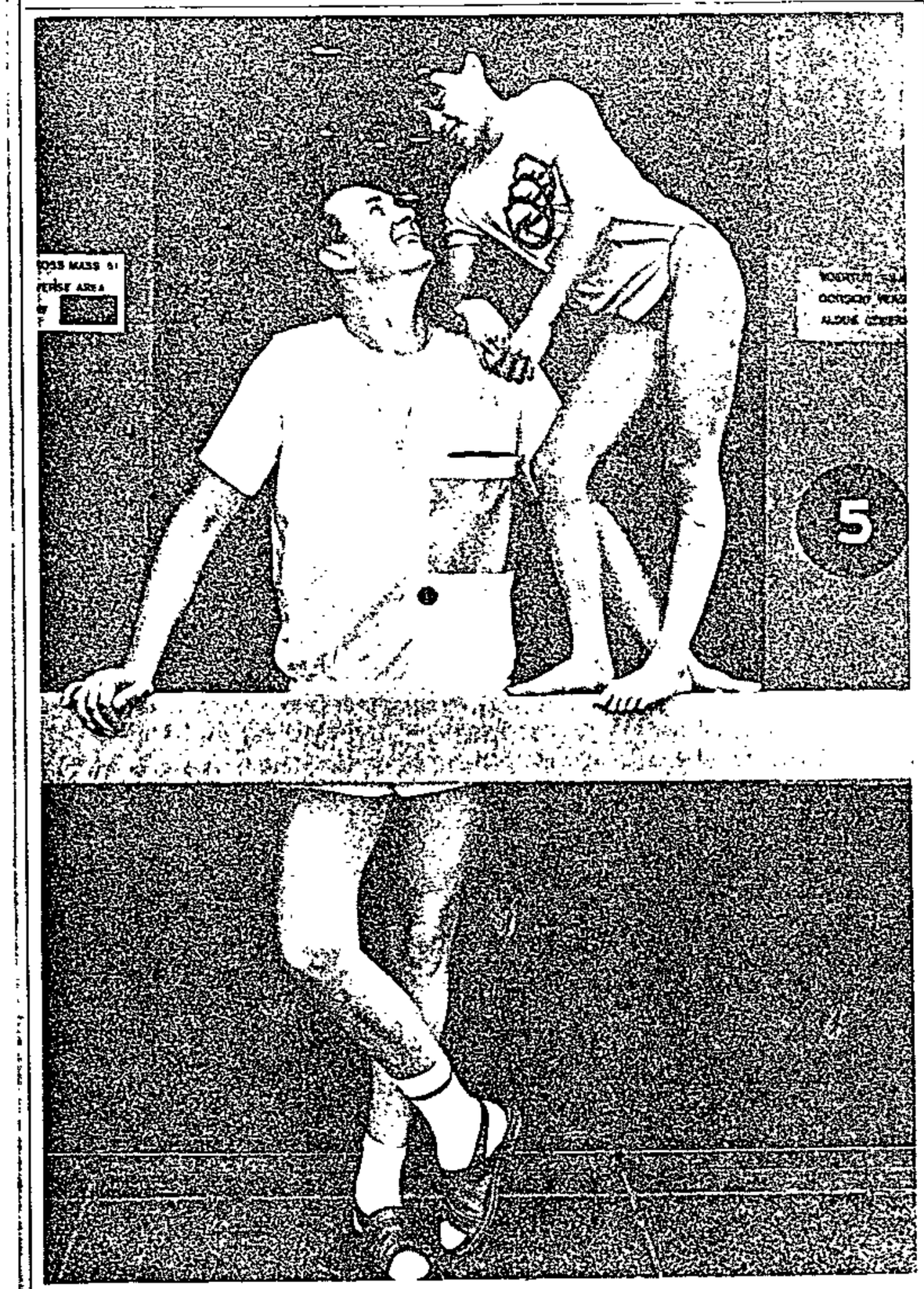
When the court adjourned immediately after the ruling, the three embraced relatives and friends in the packed gallery, grinning broadly and heaving sighs of relief.

The three are Mr Patrick Baleka (26), from Soweto, Mr Oupa Hlomuka (33), of Sebokeng and the Rev Tebogo Geoffrey Moselane.

331

# 11 Delmas accused guilty

## 4 OF TREASON, 7 OF TERRORISM



Picture: DOUG PITHEY, Weekend Argus.

**Hi there, big boy! Diminutive West German gymnast Suk-ching li, 1,4m, finds a shoulder to lean on in towering 2,3m coach Gert Rasquin — even if she has to mount a bar to get there. Born in the Republic of China but now living in Hamburg, she is one of the foreign competitors in the Opel SA Cup international gymnastics competition at the Good Hope Centre tonight from 5pm. Tickets ranging from R7 to R4 are available from Computicket or at the door.**

Weekend Argus Correspondent

PRETORIA. — Sentences on 11 of 22 accused in the Delmas treason trial, which has lasted 441 days, will be passed by Mr Justice K van Dijkhorst when it resumes in the Supreme Court here on December 5.

Hundreds of people flocked to the Palace of Justice, where four men, including three prominent United Democratic Front figures, were yesterday found guilty of high treason. Seven were convicted on alternative charges of terrorism and 11 were acquitted.

In his "quest for justice" Mr Justice van Dijkhorst, reading from his 1 521-page judgment, found that the dominant part of the UDF had acted as the ANC's internal wing.

The judge concluded that the UDF had accepted violence as the only justifiable option open to the ANC, who had attempted peaceful protest for nearly 50 years.

He said the UDF had, throughout its existence, popularised the ANC and its leaders, and had fomented hatred against the government.

### 40 months

The UDF was intent on overthrowing the South African government by violent means, according to Mr Justice van Dijkhorst, and their leaders, UDF publicity secretary Patrick "Terror" Lekota, 40, of Clermont in Durban, UDF national secretary Popo Simon Molefe, 36, of Soweto and the former UDF secretary of the Transvaal region, Moses "Moss" Chikane, 40, of Mamelodi, executed these policies and were thus guilty of high treason.

The three have spent 40 months in jail after being refused bail.

Thomas Madikwe Manthata, 45, Soweto Civic Association member and worker for the Council of Churches, was also convicted of high treason.

High treason carries the death penalty.

On January 20 1986 the 22 accused pleaded not guilty to the main charges of high treason and to alternative charges of murder, subversion and terrorism.

In an explanation of plea, they had denied conspiring to overthrow the government by violent means and denied committing acts of violence.

The State alleged the UDF was actively involved in the murder of five township residents in the Vaal Triangle, including community councillors, and the destruction of homes and shops, a stayaway, school boycotts and unrest, intimidating black community councillors to resign and indoctrinating the youth and women.

### "Not absolute"

The judge found the State could not prove that any of the accused were directly responsible for the death of any councillors. He found, however, that they encouraged the masses to revolt and, by calling for a stayaway and protest marches, incited people to violent confrontation.

Mr Justice van Dijkhorst accepted that the UDF's aim was to render black local authorities politically unstable.

And though "freedom of speech lubricated the wheel of democracy", no freedom could be absolute, he said.

Geinumuzi Petrus Malindi, 28, Tsietsi David Mphuthi, 51, Naphtali Mbuti Nkopane, 43, Tebello Ephraim Ramakgula, 38, Sekwati John Mokoena, 36, Serame Jacob Hlanyane, 40, and Hlabeng Sam Matlole, 63, were the seven convicted of terrorism under the Internal Security Act.

Mr Justice van Dijkhorst said this was a case like no other, in which "the judicial resources had been stretched to the limit".

He said earlier that the prosecution had degenerated the art of cross-examination to a repetitive exercise.

In summing up the judge had said (referring to the accused) that ideas could not be "snuffed out by closing a prison door ... the court will not convict the accused on their convictions but on their deeds".

**The US ambassador to South Africa, Mr Edward Perkins, arrives at the Supreme Court in Pretoria for the judgment in the "Delmas" trial.**

The same courtroom saw the conviction of Nelson Mandela and several others who had been found guilty of high treason in 1963.

Lekota, who had been convicted of terrorism in 1976, was imprisoned with Mandela and other Rivonia trialists and had learnt about "the oppressed masses' fight for freedom at the knees of Mandela," Mr Justice van Dijkhorst said.

"This intelligent and articulate man, after his release six years later, had learnt his lessons well," the judge said.

The UDF three were strongly pro-ANC, according to the judge, who said "these committed activists were leaders in their own rights" and had contributed invaluably to the "struggle".

The accused, who were found not guilty on all counts and discharged were: the Rev Tebogo Geoffrey Moselane, 42, Mr Patrick Mabuya Baleka, 29, Mr Oupa Hlomoka, 35, Mr Mohapi Lazarus More, 25, Mr Petrus Mokoena, 47, Mr Bavumile Herbert Vilakazi, 30, Mr Mkhambi Amos Malindi, 20, Mr Simon Tseko Nkodi, 25, Mr Pelamotse Jerry Tlhopane, 27, Mr Maxala Simon Vilakaze, 24, and Mr Thabiso Andrew Ratsomo, 27.

### Appeal coming

Defence counsel Mr Arthur Chaskalson, SC, was granted permission until December 5 to study Mr Justice van Dijkhorst's judgment.

Mr Chaskalson indicated that he would call several witnesses to testify in mitigation and would also apply for leave to appeal.

As South African and international pressmen scampered up the steps of the Supreme Court in an attempt to interview the acquitted men, Mr Justice van Dijkhorst waited patiently before leaving the Palace clad in a suit and hat and flanked by a bodyguard.

As police vans containing the 11 convicted men sped away, clenched fists stuck out from the vent-holes.

It has been the country's longest political trial.

# UDF men guilty of treason

Cape Times
19/11/88
331

**PRETORIA. — A conspiracy violently to overthrow the government had been at the core of the UDF since its inception, Mr Justice Van Dijkhorst said after finding three of its leaders guilty of treason in the marathon "Delmas Trial" in the Supreme Court here yesterday.**

There was silence in the packed court as the judge found that the UDF general secretary, Popo Molefe, 36; its publicity secretary, Patrick "Terror" Lekota, 40; and former Transvaal secretary, Moss Chikane, 40, had been part of the front's conspiracy to render South Africa ungovernable and overthrow the government with violence.

Earlier the judge found that the ANC had acted as the internal wing of the ANC and that the state had proved treason against the front's dominant leadership.

A Black Consciousness activist, Thomas Madikwe Manthata, 45, who was a Soweto Civic Association member and worker for the SA Council of Churches, was also found guilty of treason.

Lekota, Chikane and Manthata looked on in disbelief as judgment was delivered, while Molefe, looking relaxed and donning a UDF badge, turned and smiled at people in the packed gallery.

## Tutu 'shattered'

**PRETORIA. — Archbishop Desmond Tutu said he was "shattered" by the verdicts at the treason trial.**

**"If this is treason, then I am guilty of treason," he said.**

**"If any of these people are sent to prison, I will not rest until I get them out," Archbishop Tutu said.**

**"I know many of the men as gentle, rational people who in a democratic society would be regarded as civic-minded and public-spirited leaders.**

**"I do not believe they have done anything wrong and nor will the black community. If any of these people are sent to prison, I will not rest until I get them out," Archbishop Tutu said.**

**The general secretary of the Council of Churches, the Rev Frank Chikane, said it "makes it quite clear that almost anyone who is intelligent enough to qualify for leadership in this country is liable for treason". — Sapa and UPI**

Mr Justice Van Dijkhorst found that they harboured "hostile intent" to overthrow the government to which, as citizens, they owed allegiance.

Seven leaders of the Vaal Civic Association (VCA) — a UDF affiliate — were found guilty on the alternative charge of terrorism for their involvement in the events leading to the unrest and political upheaval in the Vaal Triangle in 1984.

Of the rest of the original 22 accused in the marathon 441-day trial, the judge found that the state had not proved its case against eight co-accused and acquitted them. Three others were acquitted at the end of the state case.

Convicting the seven VCA leaders of terrorism, Mr Justice Van Dijkhorst found that the association had been bent on the destruction of the black local authority system and had accepted violence as a necessary and inevitable part of this.

They intended to induce the Lekoa town council to resign or repeal the rent increases, the court found, and foreseeing this would lead to or contribute to violence, had endorsed it.

The judge also found that the VCA leadership had been involved in the organisation and had participated in the stayaway and protest march in the Vaal area on September 3, 1984.

They had foreseen, he said, that the stayaway would have to be enforced by coercion and that the march would lead to a violent confrontation with the police, and had endorsed it.

However, he said it had not been found beyond reasonable doubt that they had seen their activities as part of the UDF's conspiracy.

The court found that the UDF was a revolutionary organisation with a policy of mass action against government institu-

To page 2

P.T.O.

Cape Times 19/11/88 | 551 |

From page 1

tions, which included the use of violence, with the intention of overthrowing the government by violence.

Convicting Morobe, Lekota and Chikane of treason, Mr Justice Van Dijkhorst said it was certain that they were part of the dominant leadership who conspired to render South Africa ungovernable and overthrow the government with violence.

"The evidence established a pattern of propaganda, thinking and action of which they formed an integral part," he said.

"They performed invaluable work in the executive of the UDF."

He described all three as intelligent and articulate men.

Mr Justice Van Dijkhorst said the four convicted men had organised stayaways and protest marches which led to violence.

The accused should have foreseen that the stayaways and marches would have led to violent confrontation with the police.

He said the accused had contributed to the violence in the Vaal townships and were thus guilty of terrorism.

Lekota was "an articulate, intelligent man with a tendency to be verbose". Describing him as "Strongly pro-ANC and revolutionary" the judge said Lekota referred to the ANC's military wing, Umkhonto we Siswe, as "our Umkhonto" and often lauded the ANC in speeches.

He said Molefe was a "very likeable" man, who had strong ANC leanings.

Mr Justice Van Dijkhorst set a further hearing for December 5, giving defence lawyers time to analyse the 1 521-page judgment.

Gcinumuzi Petrus Malindi, 28, Tsietsi David Mphuthi, 51, Naphtali Mbuti Nkopane, 43, Tebello Ephraim Ramakgula, 38, Sekwati John Mokoena, 36, Seramo Jacob Hlanyane, 40, and Hlabeng Sam Matlole, 63, were convicted on the alternative count of terrorism under the Internal Security Act.

The accused who were found not guilty on all charges, and discharged, were: the Rev Tebogo Geoffrey Mosolane, 42, Mr Patrick Mabuya Baleka, 29, Mr Oupa Hlomoka, 35, Mr Mohapi Lazarus More, 25, Mr Petrus Mokoena, 47, Mr Bavumile Herbert Vilakazi, 30, Mr Mkhambi Amos Malindi, 20, Mr Simon Tseko Nkodi, 25, Mr Pelamotse Jerry Tlhopane, 27, Mr Maxala Simon Vilakazi, 24, and Mr Thabiso Andrew Ratsomo, 27. Mr Morake Mokoena, 50, and Mr Bavumile Vilakazi, 33, were acquitted on all charges. — Own Correspondent, UPI and Sapa

# 'Many willing to join ANC'

**Supreme Court Reporter**

THE Supreme Court was not just dealing with Ashley Forbes and 13 others, but with Forbes "and many, many others" who were willing to join in the activities of the ANC and its armed wing, Umkhonto we Sizwe (MK), a leading sociologist said yesterday.

Professor Frank Molteno was giving evidence in mitigation of sentence of Forbes and 13 co-accused convicted of terrorism, contravening Section 54 (4) of the Internal Security Act and furthering the aims and objectives of the ANC.

He said the accused were not behaving as deviants but in a way consistent with their socialization.

Asked by Mr Mike Stowe, for the state, if their decision to become involved in violence had been a personal one, Prof Molteno said: "They could have gone the Trevor Manuel route — the legal route — which in the past few years has seen him land in jail more often than out, or . . . by throwing in their lot with the establishment."

Their choices were actions of a protracted mental process as opposed to a single calculated process.

Asked by Mr Stowe if it were not true that there were thousands in South Africa who were opposed to apartheid but who were not morally prepared to take up the armed struggle, Prof Molteno replied: "While this court might be dealing with Ashley Forbes and 13 others, the probability is there that large numbers of cohorts would be available to and open to recruitment into the ANC and MK."

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 Vearey, Walter Rhoode, Wayne Ingemar Malgas, Collin Calmeross, Ashraf Kamiem, Colin Clave Martin Petersen and Leon Scott.

Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie Inc, appeared for the accused. Mr W C Viljoen and Mr Stowe appeared for the state.

# Strydom in jail for 'security'

PRETORIA. — The alleged killer and leader of the "Wit Wolwe", Mr Barend Hendrik Strydom, 23, was transferred from the Weskoppies sanatorium to Pretoria Central Prison yesterday for security reasons.

The transfer was confirmed by the mental hospital's superintendent, Dr J J Grove.

During his court appearance yesterday, Mr Strydom was referred for a 30-day observation period at Weskoppies Hospital.

Mr Strydom faces six charges of murder and 17 of attempted murder after a shooting spree in the city.

Mr Strydom wrote hundreds of protest letters to cabinet ministers and senior state officials.

His letter-writing was disclosed by the leader of the Boerestaat Party, Mr Robert van Tonder, who said Mr Strydom had over a period of two years regularly written letters to his newspaper, Die Stem, which was banned in December last year.

● The condition of two of the victims of Tuesday's shooting incident in central Pretoria has deteriorated.

The two are reported to be in "a serious condition" at H F Verwoerd Hospital. — Sapa

November 20. 1988 ★★★

331

Chvers
20/11/88

# Last nails hammered into coffin of the UDF

By KERRY CULLINAN

THE last nails were hammered into the UDF's coffin in the "Delmas" trial this week when Judge K van Dijkhorst found that the "dominant leadership of the UDF had acted as the internal wing of the ANC".

In a section of his 1 500-page judgment, expected to end next week, Van Dijkhorst said most of the UDF's leadership had been part of the ANC and also referred to the UDF as "the best public apologists of the ANC".

And the spirits of the 19 men – including UDF publicity secretary Patrick "Terror" Lekota, general secretary Popo Molefe and former Transvaal secretary Moss Chikane – who have been on trial for over two and a half years, sank visibly as judgment progressed.

The UDF three have consistently been refused bail.

He said UDF campaigns were "materially the same" as those of the ANC, while its policy was also the same except on the use of violence, where the UDF's stance was "ambivalent".

"I fail to see why an organisation so vehemently opposed to the government does not clearly, unequivocally and immediately condemn violence," said Van Dijkhorst.

He quoted part of Molefe's evidence where he said: "The UDF cannot and does not condemn the ANC for taking up arms" to support his argument.

He said that when Archbishop Tutu, Lekota and Molefe appealed to a Tumahole councillor to resign, saying that if he did so his property would not be damaged, it indicated that they could control the violence.

Responding to the State's contention that the UDF had been formed in response to a call by the ANC in January 1983 for united mass action against apartheid, the judge said it was unclear whether the front's formation was a direct result of the call.

However, he said it was impossible to ignore the fact that the ANC's call coincided with a similar call by Rev Allan Boesak.

He added the UDF's formation had resulted in mass action against apartheid.

The UDF leadership and its youth and student affiliates were found to have been responsible for creating a revolutionary climate, and making large parts of the country ungovernable.

He added that shortly after ANC president Oliver Tambo's call to make the country ungovernable, violence and unrest spread throughout the country.

"The UDF harnessed a sense of national grievance," said Van Dijkhorst, adding that the grievances of school students had not been enough, on their own, to spread into a national school boycott as had happened in 1984.

Van Dijkhorst is expected to conclude his judgment early next week, after which the defence will plead in mitigation.

● See Pages 10 and 11

TEBOGO MOSELANE

# Rector back in pulpit

By MANDLA TYALA

THE rector of the Anglican Church in Sharpeville will pray with his parish for the first time in more than four years today after walking out of Pretoria's Palace of Justice a free man this week.

After nearly three years in custody and more than a year out on bail, the Rev Tebogo Geoffrey Moselane, of the St Cyprian Church, was found not guilty of the main charge of high treason and the alternative charges of subversion, terrorism and five counts of murder.

The conditions of his bail had prevented Mr Moselane from going home.

While his wife and three children stayed on in the rectory in Sharpeville, he was forced to live in Johannesburg.

## Approach

Today, the 4 000 congregants will pray for the first time since October 21 1984 with their priest, who was criticised by Mr Justice van Dijkhorst in his judgment for taking an unchristian approach to violence.

Mr Moselane said on Friday he had been doing God's work all the time and the judgment vindicated him.

"We knew all the time that the State had no case."

He said he was returning to Sharpeville to carry on his work and would continue his involvement in community issues.

"Everything I have done has been God's will and has been by authority of my church.

"Political issues are bound to raise theological questions which have to be addressed in accordance with the teachings of the Bible."

# Judge calls UDF three 'Likeable, intelligent'

By MANDLA TYALA

AN era closed on the five-year-old United Democratic Front this week when three of its leaders were convicted of high treason in the Palace of Justice in Pretoria.

Delivering judgment in the marathon Delmas trial, Mr Justice Kees van Dijkhorst said the UDF was a revolutionary organisation which had conspired to make South Africa ungovernable and to overthrow the Government with violence.

The UDF three — national secretary Popo Molefe, 36, publicity secretary Terror Lekota, 40, and former Transvaal secretary Moss Chikane, 40, — have been in custody for four years and were refused bail throughout the historic trial.

The judge described them individually as intelligent, likeable and articulate men who performed invaluable work in the executive of the UDF.

A fourth man, Thomas Madikwe Manthata, an official of the South African Council of Churches, who was described as an adherent of the black consciousness ideology, was also convicted of treason.

Of the original 22 accused, three were acquitted at the end of the State case and eight were discharged this week.

The judge found that the State had failed to prove its case against them.

## Stayaway

Seven leaders of the Vaal Civic Association, an affiliate of the UDF, were found guilty on the alternative charge of terrorism for their involvement in the events which led to the riots and political upheaval in the Vaal Triangle in 1984.

The judge found that the civic association was bent on the destruction of the black local authority system and accepted violence was a necessary and inevitable part of their actions.

The association leadership had been involved in organising and participating in a work stayaway and protest march in the Vaal area in September 1984.

They had endorsed the stayaway, the judge said, although they foresaw that it would lead to a violent confrontation with the police.

However, he said, it had not been proved beyond reasonable doubt that they had seen their activities as part of the UDF conspiracy.

## Policies

Earlier, the judge found that the dominant part of the UDF leadership acted as the internal wing of the ANC.

"Since its inception the UDF has consistently popularised the ANC and fomented distrust and even hatred of the Government and its organisations among the black population.

"Its policies in all material respects were the same as those of the ANC."

But, the judge said, while bound to the downfall of the Government, the UDF was not as explicit on the question of violence.

"It did not openly and directly advocate violence. That would have brought about immediate State intervention."

He said that the UDF set about creating a revolutionary climate among the black population to prepare the ground for the final onslaught by the masses.

"For practical purposes the Government is at war with the ANC. In the circumstances, the intent of the UDF was no less hostile than one would find in time of war in the case of a treasonable act."

The judge said there were many people who flocked to the UDF out of disgust and dissatisfaction with the Government and with expectation that the body would be a catalyst for radical, but peaceful change.

The judge rejected the submission that the UDF call for a national convention had been genuine.

"Although this was not spelled out, it was clearly the view that the major parties would be the ANC, the UDF and the Government. The first combination stand for a constitution based on the Freedom Charter.

"The form of State envisaged is radically and fundamentally different from the economic and political structure of this country.

## Power

"No office bearer of the UDF could have thought a national convention could be possible when the preconditions were the disarmament and disbanding of the police and SADF, the return of ANC exiles and the suspension of the constitution."

The judge said this showed the UDF was not genuinely interested in a national convention but in the transference of power.

The trial was postponed to December 5 when evidence in mitigation of sentence will be heard.

TREASON TRIO ... Moss Chikane, Popo Molefe and Terror Lekota

331 Citizen 20/11/88

The world focuses on the Delmas trial and defence attorney Priscilla Jana.

Bavumile Vilikazi is still strong and determined after more than 430 days on trial with 18 others – mainly from the Vaal triangle – accused of treason and conspiracy with the banned ANC to overthrow the government.

Popo Molefe's son, Puso, has been attending his father's trial for three years.

# Three Delmas trialists free

SUSAN RUSSELL

PRETORIA — Three of the Delmas treason trialists, Patrick Mabuya Baleka, Oupa Jon Hlomoka and Tebogo Geoffrey Moselane, were found not guilty yesterday.

There were gasps from the Pretoria Supreme Court public gallery when Mr Justice K van Dijkhorst found the State had not proved a case against them.

Moselane is an Anglican minister from Sharpeville, Baleka an Azanyu member from Soweto, and Hlomoko a member of Azapo.

Three of the original 22 activists on trial — Mohapi Lazarus More, Mkhambi Amos Malindi and Maxala Simon Vilakazi — were acquitted earlier.

The judge said yesterday the 19 could be divided into three groups: Moselane, Baleka and Hlmomoka were black consciousness supporters; Patrick Lekota, Popo Molefe and Moss Chikane members of the UDF; the rest were connected with the Vaal Civic Association (VCA).

All have pleaded not guilty to treason and alternative charges of subversion, terrorism and five counts of murder.

The judge found the Vaal Civic Association had organised a stayaway in September 1984 which led to rioting in black areas in the Vaal Triangle.

Mr Justice van Dijkhorst said the court agreed with police evidence the riots were organised, well planned and effectively executed to paralyse transport; and the aim of the arson, attacks and intimidation of councillors was to obliterate Lekoa town council.

"It is clear that throughout its existence the VCA had close links with the UDF," the judge said.

Judgment continues today.

● See Page 4

331 chem

# DELMAS TRIAL

## Bail withdrawn for eight Delmas treason accused as judgment begins in trial comparable only with marathon Rivonia case 24 years ago

**Story: SOL MORATHI. Pics: EVANS MBOWENI**

BAIL for eight of the Delmas treason accused was withdrawn this week as Judge van Dijkhorst began his judgment, which is expected to last two weeks.

The marathon trial is the longest ever in South Africa, with more than 438 court days spent since 1985.

Nineteen men are charged with treason, terrorism, subversion and murder.

The accused include high-ranking leaders of anti-apartheid organisations. Most of them come from the Vaal Triangle townships of Sharpeville, Sebokeng, Boipatong, and Evaton and represent a wide range of community leadership – from a 41 year-old priest to a 27-year-old youth leader.

Three prominent leaders of the restricted UDF, Popo Molefe, Patrick Lekota and Moses Chikane have spent 40 months in jail as Judge van Dijkhorst has repeatedly refused to grant them bail.

Originally there were 22 accused. The other three – Amos Malindi, Lazarus More and Simon Vilakazi – were discharged in 1986.

No trial has attracted as much interest since the Rivonia Trial which saw Nelson Mandela and other prominent leaders sent to prison for life.

More than 900 alleged co-conspirators were listed in the 500-page indictment of the Delmas trial. That included high-profile figures like Mandela, Archbishop Desmond Tutu, ANC president Oliver Tambo, Rev Frank Chikane and Dr Beyers Naude.

The Delmas and Rivonia trials have basic similarities. Both were heard in the Palace of Justice and both were defended by advocate George Bizos.

Both trials centred on whether the notion of a freedom struggle could be construed separately from the notion of political violence.

Defence witnesses have presented the freedom struggle as "essentially a struggle for access to power by those who are powerless".

The State said in its indictment that the UDF, its affiliates and allies, conspired with the ANC to overthrow the State by violent means.

It added that because the UDF and its affiliates identified the State as the enemy – in the same way as the ANC and SA Communist Party – it constituted a conspiracy.

It said the UDF's role was to organise, plan, promote and co-ordinate rent protests, stayaways, political funerals, school boycotts and campaigns against local authorities.

Defence lawyers often argued there was no conspiracy to overthrow the State.

They said there was considerable evidence before the court that the UDF had a policy of non-violence.

Alternative charges to the main charge of treason are:

- Two charges of terrorism in terms of Section 54 of the Internal Security Act.

These involve committing acts of violence with the objective of overthrowing or endangering the State, achieving constitutional, political, social and economic change, including attemtping to get the government to change its standpoint, and demoralising the public or specific groups of people.

- Two charges of subversion involving causing general disorder and the hampering of people maintaining law and order to achieve the same objectives as those listed above.
- There are five counts of murder alternative to the terrorism and subversion charges.
- The murder charges arise from the deaths of four councillors and one other person killed during the Vaal rent uprising of September 1983.

All 19 have pleaded not guilty.

They have taken the proceedings in their stride.

The most rousing evidence came from Popo Molefe, Moss Chikane and Terror Lekota in their bid to prove to the court that they were not guilty, and that the UDF was not violent and nor had it conspired with the ANC.

Molefe and Lekota told the court the formation of the UDF in 1983 was inspired by the present government, more specifically by the need to express opposition to the exclusion of blacks from the tri-cameral constitution.

Lekota denied the UDF was formed in response to a call for a united front by ANC president, Oliver Tambo in January 1983.

"There was no secret agreement and no secret agenda to work for the overthrow of the government," Lekota said.

"The UDF wants a peaceful solution and it calls on the government to call a national convention of the leaders of the respective people of the country to work out an acceptable constitution."

The trial has not been without drama.

In March 1987, the 19 accused applied for the recusal of Judge van Dijkhorst, and his assessor, WF Kriegel after the judge had recused one of his assessors, Prof Willem Joubert for having been a signatory in the UDF million-signature campaign aimed at petitioning the government to abolish apartheid.

The defence argued that the recusal meant the court was not properly constituted, adding that Kriegel was also not impartial as he was a member of the Broederbond. The application was dismissed.

Prof John Dugard of Wits university's Law Department said the recusal of Joubert, because of his political beliefs, raised serious questions about the South African judicial system. He said future extra-parliamentary political activity would depend on the outcome of the trial.

Since the beginning of the trial, the families of the 19 men have constantly attended the hearing.

But most have said they would be relieved when it ended as it had brought them despair and hardship.

All the trialists' families have been placed under enormous emotional and financial strain. Jobs have been abandoned and families split.

Molefe has a daughter, Tina, who was born a month before he was detained in April 1985.

The eight accused whose bail was withdrawn are Gcina Malindi 28, Tsietsi Mphuti 50, Naphtali Nkopane 42, Tebello Ramakgula 37, Sekwoati Mokoena 35, Serame Hlanyane 39, Thomas Manthata 48, and Sam Hlabeng Matlole 63. The other accused are: Popo Molefe 36, Patrick Lekota 39, Moses Chikane 39, Patrick Baleka 28, Tebogo Moselane 41, Oupa Hlomuka 34, Morake Mokoena 49, Herbert Vilakazi 32, Simon Nkoli 28, Pelamotse Tlhopane 29, Bavumile Vilakazi, and Thabiso Ratsomo.

Treason accused Bavumile Vilikazi kisses his wife and hugs friends.

SUPER-LOW SPECIALS

# Ban on UDF is 'not on the cards' — yet

Star Times 21/11/88

331

By ANTHONY JOHNSON
Political Correspondent

THE UDF is unlikely to be banned in the immediate future, government sources said yesterday.

There has been widespread concern that the UDF's restriction order imposed in February this year will be upgraded to an outright ban after last week's "Delmas Trial" judgment.

In finding three UDF leaders guilty of treason, Mr Justice Van Dijkhorst submitted that a conspiracy to overthrow the government violently had been at the core of UDF policy since its inception and that the organisation had acted as the internal wing of the ANC.

This led to speculation in the media and in anti-apartheid circles that the government might use the Delmas findings to strengthen its hand in further curbing — and possibly banning — the UDF.

However, a senior government source said last night that an outright ban on the UDF was "not even on the cards" at this stage.

He said that by banning the UDF the government would automatically have to clamp down on about 700 organisations affiliated to the umbrella body — an exercise he described as "pointless".

The present restrictions prevent political activity by the UDF, and its mobilising any supporters.

A senior police source noted that by stopping short of an outright ban on organisations, the security establishment found it easier to monitor their members' activities.

Banning often drove supporters of an organisation further underground.

The Minister of Law and Order, Mr Adriaan Vlok, said on Friday that the judgment in the Delmas Trial had vindicated the government's decision to restrict the UDF.

Observers, however, point out that the UDF activities dealt with in the Delmas Trial related to a period before the UDF was restricted.

Mr Vlok said criticism that the restrictions, detentions and the state of emergency had been ineffective was unfounded.

Even the ANC had acknowledged that its ability to organise inside South Africa had been severely affected, he said.

"If we had not restricted these organisations the situation would have been a lot worse."

# Trialists plan legal action

Sowetan
21/11/86

331

By MONK NKOMO

SOME of the Delmas treason trialists who were acquitted last week have threatened to take legal action against the State for "malicious prosecution."

The threat comes amid dissatisfaction expressed by community leaders at the conviction of 11 men, including three key leaders of the United Democratic Front, on charges of treason and terrorism by Mr Justice Van Dijkhorst in the Pretoria Supreme Court on Friday.

UDF secretaries Popo Molefe, Patrick "Terror" Lekota, Moses Chikane and former secretary of the Soweto Civic Association, Tom Manthata, who was described as "a black radical" by the judge, were found guilty of treason.

Those convicted of terrorism included 63-year-old Sam Matlole, Petrus Malindi, David Mphuthi, Naphtalie Nkopane, Tebello Ramakgula, John Mokoena and Jacob Hlonyane.

# DEATH MERCY PLEA

21/11/86
Sowetan
331

By MOKGADI PELA

LAWYERS for the man who was to hang last Friday have petitioned the State President for clemency.

Paul Tefo Setlaba (24), was convicted of murder and public violence in Graaff-Reinet on Decem ber 10, 1986. The death sentence followed the killing of Julia Dilato who was doused with petrol and then set alight for defying a consumer boycott in Colesberg, Cape Province, in September 1985.

At the time of the sentence, the trial judge found no extenuating circumstances. It was found as a fact at the trial that he was not the one who lit the match that set the deceased alight.

His conviction was based on the fact that he acted with a common purpose with the group that attacked the deceased.

The lawyers further said that the matter was almost similar to that of the "Sharpeville Six."

In addition, a witness for the State, on the basis of whose evidence Setlaba was convicted, has now advised that he lied under oath, the lawyers' statement added.

# THREE CONVICTED

THE editor of Skotaville Publishers Mr Jakie Seroke and two men were convicted of terrorism and membership of the banned Pan Africanist Congress at the Springs Regional Court yesterday. Sowetan 21/11/88

The magistrate Mr H Hoffman ruled that the court was satisfied that all three men, Seroke (28), Mandla Cele (24) and Thembinkosi Khonongwe were members of the banned PAC which he said sought to overthrow the Government by violent means and that Cele and Khonongwe had undergone military training under the auspices of the PAC. 331

**Satisfied**

He further accepted the confession of the three men giving reasons and said he was satisfied that they were made freely and voluntary and there were no undue influences in their making.

The defence team had contested that the confession should not be admitted as evidence as they pointed out that the men were unduly influenced into making their confession.

Mr Hoffman said the fact that Serobe did not undergo military training did not mean he did not contravene Section 54 of the Terrorism Act.

331 HIPS B/day 21/11/88

# Treason 'at core of UDF apple'

PRETORIA — A conspiracy to violently overthrow the government had been at the core of the UDF apple since its inception, Mr Justice van Dijkhorst said, in the Pretoria Supreme Court, after finding three of its leaders guilty of treason on Friday.

There was silence in the packed court as the judge found that UDF general secretary Popo Molefe, publicity secretary Patrick "Terror" Lekota and former Transvaal secretary Moss Chikane had been part of the UDF's conspiracy to render SA ungovernable and overthrow the government with violence.

Earlier, Mr Justice van Dijkhorst found the UDF had acted as the internal wing of the ANC and the State had proved treason against the UDF's dominant leadership.

Black consciousness activist Thomas Madikwe Manthata was also found guilty of treason.

Seven leaders of the Vaal Civic Association (VCA) — a UDF affiliate — were found guilty on the alternative charge of terrorism for their part in events leading to the riots and political upheaval in the Vaal Triangle in 1984.

The judge found the State had not proved its case against eight co-accused and acquitted them.

Three others had been acquitted at the end of the State case.

Convicting the seven VCA leaaders of terrorism, Mr Justice van Dijkhorst found the VCA had been bent on the destruction

SUSAN RUSSELL

of the black local authority system and accepted violence was a necessary and inevitable part of this.

They intended to induce the Lekoa Town Council to resign or repeal rent increases, the court found, and forseeing this would lead to or contribute to violence, had endorsed it.

The judge found the VCA leadership was involved in the organisation of, and took part in, the stayaway and protest march in the Vaal area on September 3, 1984.

They had foreseen, he said, that the stayaway would have to be enforced by coercion and that the march would lead to a violent confrontation with the police, and endorsed it.

The court found the UDF was a revolutionary organisation with a policy of mass action against government institutions which included the use of violence.

Convicting Morobe, Lekota and Chikane of treason, Mr Justice van Dijkhorst said it was certain they were part of the dominant leadership which conspired to render SA ungovernable.

After Mr Justice van Dijkhorst concluded his judgment, Arthur Chaskalson, SC, counsel for the trialists, indicated the defence would like a postponement to consider the judgment and prepare evidence in mitigation.

He said the defence would also apply for leave to appeal.

The trial was postponed to December 5.

# US lashes SA over 'Delmas' verdict

WASHINGTON — The United States accused the South African Government yesterday of misusing its judicial system in the recent convictions of prominent black South African activists.

"Several of these defendants are highly regarded spokespersons for peaceful black opposition to the injustices wrought by apartheid in South Africa," said State Department spokesman Mr Charles Redman.

"It's inconceivable that their political activities would have qualified as treason or terrorism in this country or any other democracy," he said.

On Friday three leaders of the UDF and another black activist were convicted of treason after South Africa's longest trial.

Seven other defendants were convicted of terrorism, which also carries a maximum penalty of death.

"The clear intent of the Government during this trial has been to neutralise prominent black opponents through protracted judicial proceedings and imprisonment.

"This misuse of the South African judicial system for political purposes is deplorable."

Mr Redman said the US was urging South Africa to ensure the defendants were given a speedy and impartial appeal.

● Giving judgment, the presiding judge in the trial, Mr Justice K van Dijkhorst, proposed several measures which should be introduced to make such cases more efficient.

South African courts should be empowered to call pre-trial conferences to agree on certain issues and courts should be allowed to hear specific matters without waiting until the prosecution had completed its entire case, he said.

In remarks before commencing his 1 500-page judgment, he criticised the length of the trial, which lasted three years. — Reuter.

# Alleged PAC member in court appearance

Star 22/11/88

331

PIETERSBURG — A 31-year-old alleged Pan Africanist Congress member made a brief appearance in Pietersburg Regional Court yesterday.

Mr Abram Magagula of Sebokeng near Vereeniging appeared before Magistrate Mr G J J van Deventer on eight charges including terrorism, illegal possession of arms and ammunition, and possession of banned PAC literature.

He was not asked to plead and his case was postponed to February 6 next year.

The State alleges Mr Magagula left South Africa for Lesotho where he became a member of the PAC.

Further allegations are that he received military training in Libya and Tanzania in 1985.

He was allegedly found in possession of two Scorpion machine pistols, six magazines, 120 rounds of ammunition and four handgranades.

Banned PAC publications allegedly found in his possession included "The New Road of Revolution" and "Apartheid, Story of a Dispossessed People".

Mr Magagula was arrested with another person at Mancefield township near Messina on October 16 last year. — Sapa.

Star 22/11/88 (331)

# Two men found guilty of treason for ANC actions

**By Jo-Anne Collinge**

Nearly two years after his unlawful abduction from Swaziland, ANC member Ebrahim Ismael Ebrahim was convicted of treason in the Pretoria Supreme Court yesterday along with fellow accused Anton Mandla Maseko. The third man in the dock, Simon Dladla, was acquitted of treason but convicted of terrorism.

Ebrahim (51) was kidnapped at gunpoint from his Swaziland home in December 1986 and brought to Pretoria where he was held incommunicado.

He was alleged by the State to be chairman of the Regional Political Military Committee of the ANC, which was based in Swaziland and directed underground operations in SA.

Maseko and Dladla were alleged to have been involved in the placing of four landmines in the Breyten and Volksrust areas in 1986.

Mr Justice Daniels, sitting with two assessors, found Ebrahim to be:

- An active member of the ANC who showed the necessary hostile intent to be convicted of treason.
- His role was not confined to political structures, but had "an intimate involvement beyond political structures".
- He actively participated in and joined in the landmine warfare.
- The probabilities were that he was chairman of the Regional Political Military Committee.

Maseko had been arrested at a roadblock in June 1986 armed with a Makharov pistol and a grenade, the judge said. He said Maseko had, without duress, drawn a detailed map for the police showing the positioning of four landmines in the Breyten and Volksrust areas.

Details of their positioning required intimate knowledge that could come only from actual involvement in the operation. The only possible inference was that he "associated himself fully with the ANC ... and took part in the revolutionary struggle".

The case proceeds today when a date is likely to be set for evidence in mitigation.

sday November 22 1988

# Landmine attacks: ANC men convicted of treason

**The Argus Correspondent**

PRETORIA. — Two accused in the Bethal treason trial have been convicted in the Pretoria Supreme Court on a charge of high treason, while a third accused has been found guilty on the alternative charge of terrorism.

Mr Justice Daniels yesterday found Ebrahim Ismail Ebrahim and Acton Maseko guilty on a main charge of high treason and Simon Dladla guilty of terrrorism under the Internal Security Act.

Mr Justice Daniels described as a "farce" a commission set up in London during September this year where the prosecution and defence counsel heard evidence by several high-ranking ANC officials.

He said that counsel had become personally involved in the commission and the witnesses did not always comply to the oath of truth.

**ACTIVE MEMBERS**

Ebrahim, Maseko and Dladla had pleaded not guilty to the main count of high treason and to alternative charges of terrorism, attempted murder and malicious damage to property.

The judge and two assessors concluded that the accused were active ANC members who had conspired to overthrow the government.

Mr Justice Daniels said Ebrahim, Maseko and Dladla had hostile intent towards the government — which formed the basis of the treason charge — but he found Dladla guilty of terrorism because the State had not proved conclusively that he was a South African citizen.

Ebrahim was a member of the ANC's senior organ in Swaziland, according to the judge, and had attended meetings along with the other accused where landmine attacks at Breyten and Volksrust were planned.

**MAKAROV PISTOL**

Mr Justice Daniels said Maseko — who was arrested near Edenvale with a handgrenade and Makarov pistol in his possession — was, along with Dladla, responsible for several landmine explosions in the Breyten and Volksrust districts.

Dladla acted as a courier for the ANC and had intimate knowledge of the landmine attacks, the judge said.

Mr Justice Daniels based much of his judgment on documents allegedly found on the accused, on confessions and on oral evidence by a State witness, X1, a former ANC cadre who implicated the accused through his testimony.

Former ANC members who testified for the State during the trial were accorded indemnity by Mr Justice Daniels.

(Proceeding)

# Ebrahim found guilty of treason

JOHANNESBURG. — Two alleged members of the ANC were convicted of treason yesterday.

The Supreme Court, Pretoria, convicted Ebrahim Ismail Ebrahim and Simon Dladla, who were alleged to have planted landmines. They had pleaded not guilty.

A third accused, Anton Mandla Maseko, was found guilty of terrorism.

The trial, which opened in August last year, aroused controversy because lawyers said Ebrahim had been abducted from Swaziland and turned up in the hands of South African police.

Ebrahim, said to be a key ANC operative, also featured in the trial of Belgian Helene Passtoors, who is serving a 10-year prison sentence in South Africa for treason. — Sapa-Reuter

CAPE TIMES 22/11/88

331

# Delmas judgment is 'wide-ranging'

## Political ground narrows

By ANTHONY JOHNSON
Political Correspondent

THE "message" of the Delmas Trial judgment was that any attempt actively to pursue the demands of the Freedom Charter could in future be regarded as treasonous, Professor Dennis Davis of UCT's law school said yesterday.

Professor Davis described Mr Justice Van Dijkhorst's judgment — in which four prominent activists were found guilty of treason — as "extraordinarily wide-ranging".

The judge's interpretation of the Internal Security Act was so broad that it almost rendered the provisions of the state of emergency unnecessary.

"The implication of the judgment is that any political demand which would mean the dismantling of the present political system could imply violent intent and therefore be regarded as treasonous.

"It fits in with the government's argument and disregards completely the spontaneous cases of unrest."

The judgment could be used by the government as confirmation that it was entitled to further curb the already very narrow "space" for political activity.

He said the latest judgment's interpretation of what constituted treason was stricter than in treason trials that took place during the "baasskap period" of the late 1950s.

The Delmas judgment implied that if one now attempted to pursue the demands of the Freedom Charter and called for a national convention, one's peaceful intentions could not be assumed.

The head of the Centre for Applied Legal Studies at the University of the Witswatersrand, Professor John Dugard, while emphasising that he had not read the full judgment, said it had created uncertainty about what constituted legitimate political activity.

He said the judgment had failed to distinguish properly between criminal conduct and political ideals.

Professor Dugard said he believed the judgment should have taken account of political realities and the need to accommodate freedom of debate and association in South Africa.

Another legal expert who did not wish to be named said he believed that one of the bases for the treason finding in the Delmas case was that the accused had failed explicitly to condemn violence.

Picture: GLENN SHERRATT

# WCC slam executions

HARARE. — A major focus of this week's World Council of Churches (WCC) conference to combat racism will be a strong protest to stop apartheid executions, reports Ziana news agency, quoting conference sources on Sunday.

The sources suggested that the government might execute as many as 14 people on death row this week.

One of those expected to be executed is 23-year-old political activist Paul Tefo Setlaba.

A document released at the WCC conference venue said Setlaba's execution was due to take place on June 10 this year. On June 9, lawyers acting on his behalf obtained a stay of execution so that he could petition President P W Botha for clemency. The petition was submitted in October.

Setlaba was sentenced to death in Colesberg Circuit Court on December 12, 1986.

"No details of the case were reported in the press, except that he was convicted of murder for the death of a police informer killed by a group of youths in Bongweni in October 1985," says the document calling for a campaign to save his life.

"The crime for which he was condemned — and we are not in a position to know whether in fact he committed the deed — was undoubtedly an act which arose out of political persecution," stated the document. — Sapa

# Two guilty in Bethal treason trial

TWO of the three men in the Bethal treason trial were found guilty of treason yesterday in the Pretoria Supreme Court.

The two men, Ebrahim Israel Ebrahim and Simon Diandia, were both found to be members of the ANC and responsible for landmine explosions at Volksrust and Breyten last year.

The third man, Acton Mandla Maseko, who had also been charged with treason, was found guilty of terrorism.

In his judgment, Mr Justice Daniels, found that the State had been unable to prove that Maseko, who holds a Swazi passport, owed any allegiance to SA. — Sapa.

# 8 years for terrorism

STN 22/11/88 (331)

By Celeste Louw

A 42-year-old member of the African National Congress (ANC) was yesterday sentenced by a Johannesburg magistrate to an effective eight years' imprisonment on two charges of terrorism.

Mr T le Grange sentenced Gibson Phetalo Ramahlo of Kliptown, Soweto, to five years' jail on the first count and eight years' on the second count. The sentences are to run concurrently.

Ramahlo pleaded guilty to a charge of joining the banned ANC in 1978 and receiving military training.

He also pleaded guilty to a charge of attempting to change the situation in South Africa by bringing machine guns and explosives into the country in 1985.

Star 22/11/88

# Seven men due to be executed this week

331

By Dawn Barkhuizen

Seven people are expected to be executed in Pretoria Central Prison on Thursday, a spokesman for Lawyers for Human Rights said last night. Six people were executed on Friday.

Clemency appeals by three of the condemned men — Paul Setlaba of Colesberg and Kholisile Dyakala and Zwelindumile Mjekula of Port Elizabeth — have been rejected by President Botha.

All that is known of the other four are their names — Mxolisi Tshongoyi, Paul Sederas, Freddie Jantjies and Arthur Stevens — and that they are from Cape Town, the lawyer said.

Paul Setlaba (24) was sentenced to death on December 10 1986 for his part in the death of Mrs Julia Dilato on October 2 1985. Petrol was poured over Mrs Dilato and she was burnt to death after she bought meat during a consumer boycott and then reported to police that she had been harassed as a result.

## SECURITY GUARD

The court rejected Setlaba's evidence that all he had done was fetch a tyre that was never used. He claimed that by the time he returned, a group had already set upon the woman and she was already burning.

Kholisile Dyakala (31) and Zwelindumile Mjekula (36) were sentenced to death for murdering a security guard, Mr Gordon Gould, in June 1986.

Their lawyer, Mr Thole Majodina, yesterday said the Department of Justice had not told him the petition had been turned down. He learnt this only when relatives of the convicted men informed him that they been granted rail tickets to visit the men before they were hanged.

In convicting the two, Mr Justice Solomon found that Mjekula had associated himself with others, in particular Dyakala, in a common purpose to rob the guard of his firearm.

Mjekula said he had distanced himself from the shooting, but the judge found that Mjekula knew that Dyakala was carrying a firearm and must have appreciated that in the circumstances they might have had to rely on it to rob the security guard.

# Seven to hang

331

Sowetan 22/11/88

**SEVEN people — all from the Cape Province — are due to be executed in Pretoria Central Prison on Thursday, a spokesman for Lawyers for Human Rights said last night.**

Six people were executed on Friday last week.

Appeals for clemency by three of the men due to be executed have been rejected by the State President, Mr P W Botha.

They are: Paul Setlaba of Colesburg, Kholisile Dyakala and Zwelidumile Mjekula of Port Elizabeth.

All that is known of the other four are their names — Mxolisi Tshongoyi, Paul Sederas, Freddie Jantjies and Arthur Stevens — and the fact that they are from Cape Town, the lawyers said.

# Treason trial accused denies Alex takeover

Sowetan 22/11/88

331

THE publicity secretary of the Alexandra Action Committee, Mr Obed Bapela yesterday denied that his committee had planned to take over control of Alexandra township.

Mr Bapela made a denial in the Rand Supreme Court when he concluded his evidence for the defence. He also denied that the AAC or any of its members had planned to make the area ungovernable.

Mr Bapela (39), is appearing before Mr Justice P J van der Walt with four other civic leaders on charges of treason, alternatively sedition or subversion.

The other four are Mr Moses Mayekiso (40), Mr Paul Tshabalala (32), Mr Richard Mdakane (39) and Mr Mzwanele Mayekiso (22). They have all pleaded not guilty.

Led by Mr David Soggot SC, counsel for the defence, Mr Bapela said he was elected publicity secretary at a meeting on May 25, 1986. He said his co-accused, Mr Tshabalala was elected secretary.

Among other issues discussed at the meeting, he said, was closure of the "People's Courts" in Alexandra. He said he went down to 19th Avenue to talk to the youths into closing down such a court in that vicinity.

Answering another question, Mr Bapela said the AAC wished to see peace prevail and improvements of living conditions in Alexandra. To achieve this, he said, the AAC had planned to negotiate with the authority and actually spoke to Mr Steve Burger.

Mr Bapela said he would not participate in government - created structures because such structures "brought about oppression and promoted apartheid". He said this was also the attitude held by the AAC.

The case was postponed to Thursday after Mr Bapela had stepped out of the witness box.

# Sharpeville Six plea to reopen trial dismissed

ARGUS 23/11/88 331

BLOEMFONTEIN. — The Appeal Court in Bloemfontein today dismissed an application to reopen the trial of the "Sharpeville Six".

The applicants were Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joseph Khumalo and Francis Don Mokgesi.

They were sentenced to death by Mr Acting Justice Human in the Transvaal Supreme Court on December 13 1985 for the murder of Deputy Mayor of Lekoa, Mr Kuzwayo Jacob Dlamini.

An appeal to the Appeal Court, Bloemfontein failed on December 1 1987, but shortly before the six were due to be executed they applied for and were granted a stay of execution pending the lodging of an application to reopen their trial.

**PRIVILEGE WAIVED**

The basis on which the reopening was sought was to allow cross-examination of a State witness, Mr Joseph Manete, on a privileged statement he made to an attorney to the effect that he had been told by the police to make a false statement. Mr Manete subsequently waived the privilege.

In June this year Mr Acting Justice Human refused the application to reopen the trial or for a special entry to be made on the trial record on the basis that there had been an irregularity in that Mr Manete's evidence had been fraudulently obtained.

Today the Acting Chief Justice, Mr Justice Rabie, in a judgment of 91 pages, said he did not think Mr Acting Justice Human had erred in reaching the conclusion he had.

Mr Justice Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice van Heerden concurred. — Sapa.

# Defence could use assessor's affidavit

**SUSAN RUSSELL**

**AFFIDAVITS by Professor W A Joubert, who was dismissed as an assessor hearing the Delmas treason trial after informing Mr Justice van Dijkhorst he had been a signatory to a UDF petition, are likely to form part of the defence team's application for an appeal.**

● To Page 2

# Delmas defence considers using affidavit

23/11/88 (33)

● From Page 1

Joubert — a leading legal academic — was dismissed in March 1987 after informing the judge he was a signatory to the UDF's million-signature petition opposing the tricameral parliamentary system.

The 37-month trial came to a climax last week when Mr Justice van Dijkhorst found three senior UDF members, Moss Chikane, Popo Molefe and Patrick "Terror" Lekota, and black consciousness activist Thomas Manthatha, guilty of treason.

The judge found the UDF had acted as the internal wing of the ANC and that its dominant leadership had conspired to render SA ungovernable through mass action.

After Mr Justice van Dijkhorst dismissed Joubert last year, the defence applied for the trial to be stopped, or for the judge's recusal.

It was alleged by the defence that after Joubert's dismissal the court — consisting of Mr Justice van Dijkhorst and his second assessor, W F Krugel, — was improperly constituted.

The application, opposed by the State, was dismissed by the judge.

After Mr Justice van Dijkhorst concluded his judgment on Friday, defence counsel Arthur Chaskalson, SC, informed the judge it was intended to apply for special entries, normally the procedure when there were alleged irregularities.

Cape Times 23/11/84 331

# Nations asked to appeal for clemency

By ANTHONY JOHNSON
Political Correspondent

THE Society for the Abolition of the Death Penalty has made an eleventh-hour appeal to six Western ambassadors in South Africa to "use your good offices" to persuade President P W Botha to stay tomorrow's execution of Paul Tefo Setlaba.

The society has also written to the state president asking him to exercise his powers of clemency.

Setlaba was sentenced to death by Mr Justice D Kannemeyer for the murder of Ms Julia Dilato in Colesburg in 1985.

In a letter to the ambassadors of the United States, United Kingdom, Germany, France, Australia and Canada, the society's national director, Professor Denis Davis, notes that it did not wish "to disregard the sheer horror" of Ms Dilato's death.

However, there were several reasons for requesting clemency:

### Involvement 'remote'

● "Mr Setlaba has claimed throughout that his participation was far more remote than alleged.

● "The trial judge observed that Colesburg was in a state of social disequilibrium at the time of the crime and that township residents were living "in unusual times" when violence and unrest were the order of the day.

● "A report by eminent psychologist Dr Chabani Mangani, of which the trial court did not have the benefit, shows Mr Setlaba was severely disturbed by an incident some months before, when a close friend was killed as a result of police action."

Professor Davis said that although the trial judge did not find extenuating circumstances to have existed, "we believe that there are substantial moral and social grounds for extenuation".

● The relaunch of the Western Cape Chapter of the Society for the Abolition of the Death Penalty took place in the Mowbray Town Hall last night.

## Sentence 'same as Sharpeville 6'

**PAUL SETLABA'S sentence for murder is, in almost all respects, the same as the death sentence imposed on the Sharpeville Six, say attorneys acting for him.**

**Mr Justice Kannemeyer convicted Setlaba using the doctrine of "common purpose".**

**Roshan Dehal and Associates of Durban said their client was found in the Eastern Cape Supreme Court to have "common purpose" with two other accused involved in the death of Ms Julia Dilato.**

**The two other accused, both under 21, were sentenced to an effective 17 years' imprisonment.**

**The attorneys are now petitioning for the case to be reopened in view of new evidence which has emerged.**

**"There are some very strong factors in this trial which favour a call for clemency," Dehal and Associates said.**

**"A witness for the state, on the basis of whose evidence Setlaba was convicted, has now advised that he lied under oath, and was assaulted by the security police to do so."**

**Another circumstance, purported by the attorneys to support Setlaba's petition, was the matter of a youth who was not charged, but who allegedly held Ms Dilato while petrol was poured on her.**

**In a petition for clemency rejected by President P W Botha, Setlaba, who was arrested while in his matric year at school, claimed he did not commit the murder. He admitted however to being on the scene and fetching a tyre, apparently for purposes of necklacing Mrs Dilato. He said he was "very unhappy" about his "limited involvement" in the murder. — Sapa**

Star 23/4/85

# Court denies a UDF detainee's bid for freedom

331

**...own Correspondent**

CAPE TOWN — The application by United Democratic Front leader Mr Trevor Manuel for his release from detention was dismissed with costs in the Supreme Court here yesterday.

Mr Justice C T Howie said the question as to whether information that had led the Minister of Law and Order to order Mr Manuel's continued detention until the end of the state of emergency was true or not was irrelevant.

The court had to decide if the Minister had acted in bad faith and if he had applied his mind to Mr Manuel's detention.

The fact that Mr Manuel disputed the information the Minister had before him was not for the court to decide, as this was not an appeal against the detention.

## FALSE INFORMATION

Mr Manuel had said that information supplied to the police by informers was false and that the informers had given false information to please the police.

He said in his application that he had always advocated change by peaceful means.

Mr Justice Howie said he did not believe that oral evidence would change the balance of probabilities which, in any case, was not applicable to the decision the court had to take.

Judicial action was possible only where police had not applied their minds to the detention.

The state of emergency gave the Minister the power to make subjective decisions and it was not in dispute that he had exercised this power.

There was nothing to indicate that the Minister knew or could have foreseen that any information supplied to him was false.

# ANC 3 CONVICTED

By MONK NKOMO

THE trial of three members of the African National Congress who were convicted of high treason and terrorism in the Pretoria Supreme Court this week, was yesterday postponed to January 9, next year.

Ebrahim Ismail Ebrahim, described by Mr Justice Daniel as a senior member of the ANC in Swaziland, and Acton Maseko, an infantry commander of the ANC were both found guilty of high treason. Another accused, Simon Dladla was convicted on a charge of terrorism.

Their conviction followed landmine attacks at Breyten and Volksrust during 1986.

Defence advocate, H K Naidoo yesterday said they had already received instructions from the accused to file an application for leave to appeal against the judge's findings.

In his judgment, Mr Justice Daniel said the three accused had hostile intent towards the Government and aimed at overthrowing it by violent means. He said Ebrahim had travelled on a false passport issued by the ANC and had regularly met Helena Pastoors, a convicted member of the ANC.

The judge also found that Dladla acted as a courier for the ANC and had intimate knowledge of the landmine attacks.

# 'State's view of people's structures distorted'

Staff Reporter

THE government's belief that community organisations and structures had been set up to make townships ungovernable was untrue, political scientist Mr Mark Swilling told the Supreme Court.

He was giving evidence in mitigation of sentence for the 14 accused in the Cape Town terrorism trial yesterday.

Mr Swilling said State security structures allowed for only one source of information to be interpreted by security planners.

He said he had come across "fairly significant distortions" in the information gathered by joint management centres for the State Security Council.

The "perceptual image" of the Security Council was that community organisations were working to make townships ungovernable.

## "Hearts"

Because of the distorted information available to them, this was an image which was difficult to challenge or argue with.

Mr Swilling described the State's counter-revolutionary strategy, which was to eliminate all revolutionaries while upgrading townships and dealing with welfare issues in an attempt to "win the hearts and minds of the people".

He handed in as an exhibit a paper he had written at the Centre for Policy Studies in the Graduate School of Business at the University of Witwatersrand.

In the paper, "Beyond ungovernability: township politics and local level negotiations", he posed a different scenario to that accepted by the government.

The scenario began with grievances, where communities who lived in "appalling conditions" approached respected leaders such as teachers, ministers and doctors to approach local authorities on their behalf.

When these representations were ignored, refused or rebuked, they had no recourse to higher authority.

## Boycotts

Counter-power strategies were mobilised, where communities developed their own structures and then went on to mobilise and organise these into national structures.

To demonstrate their power consumer and rent boycotts were organised.

But the State continued to refuse to address the grievances of the communities. The situation developed into a cycle of repression and resistance, where security forces were deployed to counter the action by organisations. This was most visible between 1984 and 1986, Mr Swilling said.

The organisations then began working at grassroots level, starting street and area committees to address the conditions in the townships.

It was through these organisations that negotiation first began to take place between the people and the business sector and local authorities.

It was while this constructive process was taking place that the state of emergency had been declared in 1986.

Mr Swilling said the evidence of Ashley Forbes and his experience of township protest was similar to what he had described, which was drawn from 30 case studies around the country.

Part of the State strategy of counter-revolutionary warfare was to rethink and discipline the kind of violence which had been used by security forces in 1984 and 1985.

Mr Swilling said he believed some of the actions of the accused had been shaped by arbitrary security force violence which they had experienced.

The hearing continues today.

Sowetan 23/11/88

# Sharp rise in terror acts

331

ACTS of terrorism have risen as sharply as incidents of unrest have decreased over the past two years according to the latest police statistics.

But after reaching a high of 28 acts of terrorism in October in the recent municipal elections, the first 15 days of November saw no terrorist incidents.

However security police chief, General Basie Smit, warned at a briefing that another step in terrorist acts was likely to come in association with the Day of the Vow on December 16, known in activist circles as Hero's Day.

**1984**

So far this year there have been 245 acts of terrorism. From 1984, when there were 45 acts of terrorism, the number has increased sharply with 136 cases in 1985, 231 in 1986 and 235 in 1985.

And with the increase in attacks there has been a dramatic increase in casualties reaching 38 people killed and 500 injured so far this year.

Last year there were 30 dead and 341 injured.

REPRIEVE

CAPE TIMES 24/11/88.

# Sharpeville Six among 13 not to hang

331

**THE "Sharpeville Six" — with seven others, including four white policemen — were last night saved from the gallows by President P W Botha.**

The reprieve for the Six — whose case had been taken up around the world — came within hours of the Appeal Court rejecting an application to reopen their trial.

The Six, five men and a woman, were sentenced to hang for the "common cause" murder of Sharpeville deputy mayor Mr Khuzwayo Dlamini on September 3, 1984. Mr Dlamini was lured from his house, stoned, beaten, doused with petrol and set alight by a 100-strong mob at the height of rent riots which marked the beginning of the nationwide unrest that led to the imposition of the state of emergency.

Duma Joseph Khumalo and Francis Don Mokgesi will now serve 25 years, Reginald Sefatsa 20 years and the other three, Mojalefa Reid Malebo Mokoena, Oupa Moses Diniso and Theresa Ramashamola, 18 years each. Their sentences will run concurrently with the eight years they each received for subversion.

## Diplomatic crisis

The four policemen convicted of murder in two separate trials are Hendrik Johannes "Jack" la Grange and Robert Edmund van der Merwe, found guilty of killing two Johannesburg drug dealers, and David Patrick Goosen and Leon de Villiers, sent to death row for murdering a man in the Cradock area.

La Grange had his sentence commuted to 25 years and Van der Merwe to 15 years. Goosen will also serve 15 years and De Villiers 20.

The other three reprieved from the gallows are Ajay Sookay, Shadrack M Nyati and Shadrack Masuko, convicted of three separate murders. They will now serve 20 years each.

News of the reprieve of the Sharpeville Six triggered celebrations around the world after a day of dismay in the wake of the Appeal Court decision.

Mr Botha's decision ended the threat of a major diplomatic crisis for South Africa. Last month it was disclosed that all the European Community ambassadors had been placed on standby to return "for consultations" if the Six were not reprieved.

The British government last night said it "greatly welcomed" the news — a reaction echoed in Paris, Bonn, the Hague and other capitals.

The US Embassy also welcomed the decision, saying Mr Botha "has acted in the interests of South Africa as a whole". It said that while its government and many others had appealed for clemency, "the essential fact is that the decision was the State President's alone".

But a lawyer for the Six, Mr Prakash Diar, said the length of the prison terms substituted for the death penalty were "absolutely disgusting".

"I'm relieved that they are not going to hang, but I am disappointed that they are going to serve long terms in prison. They do not deserve that," Mr Diar said.

A weeping Mrs Julia Ramashamola, Theresa Ramashamola's mother, said: "I am so happy. My child can go to prison for 18 years or 20 years, as long as I know as she is alive."

Earlier in the day, when Mr Diar told the Six that their application for the re-opening of their trial had failed, they had been "very dejected", the lawyer said.

The president of the Democratic Lawyers' Association, Mr Dullah Omar, said he welcomed the news. "It's a big relief. But I wonder whether the reprieve was not to justify the reprieve of the four white policemen."

The Black Sash said it was "overjoyed at the reprieve of the Sharpeville Six and the four policemen and that we call on the State President to declare a moratorium on all hangings".

The national chairman of the Progressive Federal Party, Mr Colin Eglin, said he was "pleased that the State President has used his prerogative to give clemency.

## 'Special significance'

"As far as the Sharpeville Six are concerned, the reprieve is of special significance in respect of South Africa's relations both internally and abroad."

He added that "in April last year, Mrs Helen Suzman and I called on the State President at Tuynhuys to grant a reprieve, and I am glad that the circumstances have arisen for him now to do so".

The massive international campaign to save the Six was led from the offices of the British Anti-Apartheid Movement, where organising secretary Mr Mike Terry was drowned out by cheers and screams of joy as he tried to make a statement.

Mr Niall McDermid, secretary-general of the International Commission of Jurists, said the reprieves were "a great relief — a most shameful verdict has been prevented".

Earlier yesterday the Bloemfontein Appeal Court ruled out a reopening of the Six's trial.

Mr Justice Rabie, in a 91-page judgment, said he did not think it could be said that Mr Acting Justice Human erred in any way in the conclusion to which he came on the matter.

Mr Justice Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice Van Heerden concurred. — Political and Staff Reporters with Sapa, Reuter and UPI

## No stay of death for Paul Setlaba

**PRETORIA. — An application to save Paul Tepo Setlaba from being executed today was unsuccessful, Lawyers for Human Rights said here yesterday.**

**Setlaba, 23, who was sentenced to death by the Eastern Cape division of the Supreme Court for his part in the killing of a woman during the consumer boycott in Colesberg, is due to be executed after an application was dismissed in the Pretoria Supreme Court yesterday.**

**Mr S Gyanda argued before Mr Justice Eloff for a stay of execution on the basis of an affidavit that the state witness on whose evidence Setlaba was convicted lied to the trial court.**

**Setlaba was originally to have hanged on June 10 this year but a stay was granted on June 9 to enable the State President to be petitioned on his behalf. The petition was rejected and the new date of execution was set for today. — Sapa**

Relieved mother Mrs Julia Ramashomola

Lawyer Mr Prakash Diar

# White fears behind swing to the right, hearing told

331

ARGUS 24/11/88

**Staff Reporter**

A MARKED upsurge in black resistance to the State took place between 1984 and 1986, Witwatersrand University political scientist Mr Mark Swilling has told the Supreme Court.

Mr Swilling was testifying under cross-examination during the trial of Ashley Forbes and 13 others convicted of terrorism and related charges. The defence has now closed its argument in mitigation.

Mr Swilling disagreed with the State's contention that there had been an upsurge of violence between 1984 and 1986.

The events of the period had led to a marked swing to the right in white politics, which could be attributed to fear, he said.

Whether this was a fear of reality or a fear of the image created on television screens was debatable, Mr Swilling said.

He did not dispute that there was an increase in activity between 1984 and 1986, when the second state of emergency was declared, but said this activity had not been "overwhelmingly violent".

**BLACK RESISTANCE**

Black resistance had been caused by legitimate socio-economic grievances and organisations had expressed demands which threatened the constitutional framework of the State.

The demand was not for a seizure of power but for a negotiated settlement.

The second state of emergency, declared in mid-1986, had been to allow the State to implement its new security policy of counter-revolutionary warfare.

The African National Congress had become extremely important in South African politics in the 1980s but Mr Swilling said he could not comment on ANC strategies or tactics.

Mr W C Viljoen, for the State, questioned the ANC's leadership role in the armed struggle.

Mr Swilling said that any political organisation with objectives would link up with forms of protest which were in its interests, but he did not believe the ANC could deploy the organisational resources to lead the protest.

**"ON THE RUN"**

He said the period between 1984 and 1986 had been a difficult time, when activists were on the run and faced threats and harassment and hostile elements in their own communities where people believed that boycotts and stayaways were "soft" strategies.

They had formed groups to protect themselves and their leaders and had sometimes expressed themselves "in military terms".

"In quite a few townships there were groups of people who responded to police provocation by throwing stones and petrol-bombs, but they did not dominate township groupings," he said.

In the early 1980s grassroots organisations had the freedom to form and they held meetings, hired town halls, organised marches and petitions, were received by businessmen and lived at home with their families.

After 1986 they could do very little. They could not speak on public platforms or be interviewed in the Press.

The hearing continues today.

Killer policemen also saved from gallows

331 Bldgs 24/11/88

# PW reprieves Sharpeville Six

● BOTHA

**PRESIDENT P W Botha last night reprieved 13 death row prisoners, including the Sharpeville Six and four policemen.**

A spokesman for the Justice Department last night confirmed the reprieves. He said it was the prerogative of the President, who had not given reasons for his decision.

The sentences of the 13 were commuted to terms ranging from 15 to 25 years.

The policemen are Jack la Grange and Robert van der Merwe, who killed two alleged drug dealers, and David Patrick Goosen and Leon de Villiers, who beat a man severely and then killed him during the Cradock unrest in 1986.

The reprieves followed a decision announced earlier in the day by the Appeal Court upholding the trial judge's decision to refuse leave to reopen the Sharpeville Six case.

IAN HOBBS reports from London that after a day of dismay, there was celebration and relief in Western European capitals as news spread of the reprieve for the Sharpeville Six.

Botha's decision ended the immediate threat of a major diplomatic crisis for SA, which had grown in the morning after the appeal had been rejected.

The British government reacted immediately last night saying it "greatly welcomed" the news. This was echoed in Paris, Bonn, The Hague and other capitals.

A government spokesman indicated

EDYTH BULBRING, SUSAN RUSSELL, BRONWYN ADAMS and DIANNA GAMES

Prime Minister Margaret Thatcher would be personally pleased.

Sharpeville Six lawyer Prakash Diar said he was relieved to hear his clients had been reprieved but was disappointed at the length of their sentences.

Diar said he was disappointed in yesterday's Appeal Court judgment as he had hoped the allegations of perjured evidence by state witness Joseph Manete would have been tested.

It was disquietening that although the courts had accepted that none of the six was directly involved in the death of Sharpeville deputy mayor Kuzwayo Dlamini, while the four policemen had been directly involved in murder, they were all given similar prison sentences.

## Reason

Archbishop Desmond Tutu welcomed the announcement, but added: "One would hope that all the people on death row would be reprieved, because I and my church don't believe in capital punishment."

Commenting on the reprieve of La Grange and Van der Merwe, Tutu said he thought this was part of the reason Botha had decided to spare the six.

"They (the policemen) killed a man in cold blood, quite unlike the Sharpeville Six, but my point is that I am always glad if anyone is reprieved, even those policemen."

Johannesburg Bar Council chairman M Labe, SC, said the reprieve of the Six did not reflect on the judicial system.

"The State President, in deciding whether or not to grant a reprieve, is entitled to take into account factors not admissible in a court of law such as public reaction and other factors."

Of the Sharpville Six, Duma Joseph Khumalo and Francis Don Mokgesi will now serve 25 years, Reginald Sefatsa 20 years and the other three, Mojalefa Reid Malebo Mokoena, Oupa Moses Diniso and Theresa Ramashamola, 18 years.

La Grange had his sentence commuted to 25 years and Van der Merwe to 15. Goosen will serve 15 and De Villiers 20.

The other three reprieved from the gallows are: Ajay Sookay, Shadrack M Nyati and Shadrack Masuko. Convicted of three unrelated murders, they will now serve 20 years.

☐ Lawyers yesterday launched an unsuccessful application to save Paul Tepo Setlaba from being executed this morning, Lawyers for Human Rights said.

Setlaba, 23, was sentenced to death by the Eastern Cape division of the Supreme Court for his part in the killing of a woman during the consumer boycott in Colesberg. The application was dismissed in the Pretoria Supreme Court yesterday, Sapa reports.

S Gyanda argued before Mr Justice Eloff for a stay of execution on the basis of an affidavit that the state witness on whose evidence Setlaba was convicted lied to the trial court

# Application to stop hanging

Sowetan 24/11/84 (331)

LAWYERS yesterday launched an application to save Paul Tepo Setlaba from being executed today.

Setlaba (23), was sentenced to death by the Eastern Cape division of the Supreme Court for his part in the killing of a woman during the consumer boycott in Colesberg. The application is being heard in the Pretoria Supreme Court.

Mr S Gyanda is arguing before Mr Justice Eloff for a stay of execution on the basis of an affidavit that the State witness on whose evidence Setlaba was convicted lied to the trial court.

Setlaba was originally to have hanged on June 10 this year but a stay was granted on June 9 to enable the State President to be petitioned on his behalf. — Sapa.

# 'Subversive' printing denied

Court Reporter

CITY printer Mr Allie Parker pleaded not guilty in Cape Town Regional Court yesterday to producing publications containing subversive statements.

Mr Parker, 47, of Lansdowne, denied that at Elsie's River he produced five publications containing subversive statements, as defined by the state of emergency media regulations.

His attorney, Mr N Arendse, said his client would admit having printed the documents but "places all the other elements in dispute".

The hearing was adjourned to January 23 next year.

Mr M J Langenhoven was the magistrate. Mr J M Koen prosecuted.

# REPRIEVE!

President P W Botha

CAPE TIMES 24/11/88.

# Sharpeville Six among 13 not to hang

331

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## 'Special significance'

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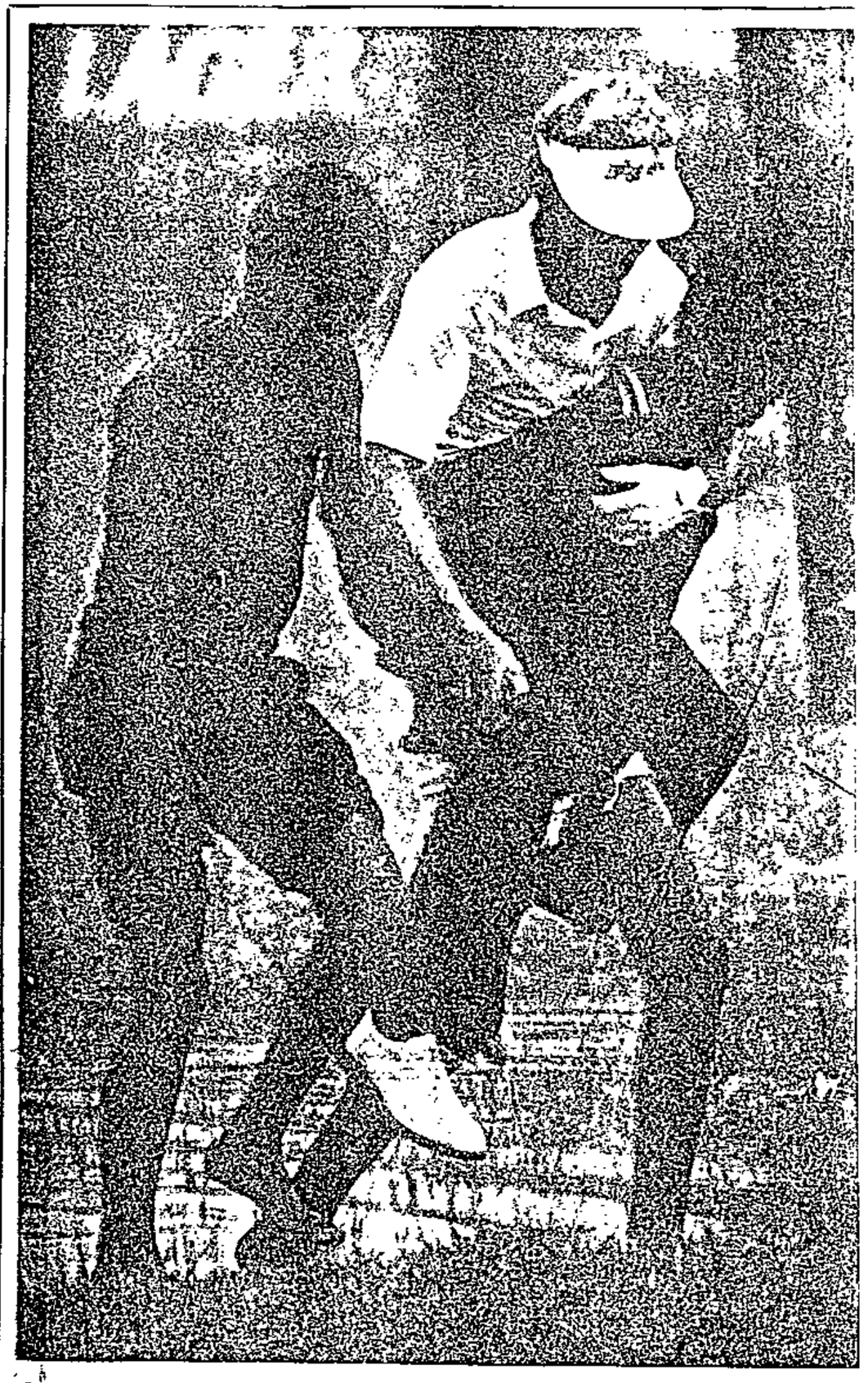
Lawyer Mr Prakash Diar



**CARRYING CADDIES** . . . Golfer Tony Johnson was ferried across a water hazard by two caddies on the 12th hole of the Stellenbosch course yesterday after his ball landed on an island. He was playing on the first day of the Safmarine Open and missed the green with his next stroke. **Report, back page** Picture: ALAN TAYLOR

d. ... knowledge and understanding of human evolution." — Sapa-AP, UPI

# 'Non-violence outlawed in '86'

Cat Times 24/11/88

331

Supreme Court Reporter

NON-VIOLENT resistance by the black community was outlawed when the state of emergency, with increased powers for the security forces, was extended in 1986, the Supreme Court heard yesterday.

This was said by Mr Mark Swilling, research officer at the Centre for Applied Policy Studies at the University of the Witwatersrand, during evidence in mitigation of sentence in the trial of Ashley Forbes and 13 co-accused.

The difference between the 1985 partial state of emergency and the nationwide one in 1986 was not because the escalation of violence forced the state to take stringent measures, but rather the 1985 emergency was lifted because the government was satisfied there was a significant number of groups who were prepared to negotiate, he said.

The period (1984 to 1986) was not an escalation of violence but an escalation of black resistance and increased mobilisation. The increase in the importance of security was not a response to violence, but was to protect the constitutional system.

When poor people, who were normally powerless, had no other course their only source of power was to cause disruption of the normal working of society.

The evidence in mitigation of sentence was closed yesterday.

The accused are: Forbes, Peter Jacobs, Nicklo Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Calmcross, Ashraf Karriem, Colin Petersen and Leon Scott.

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 Michael Donen and Mr Johnny de Lange, instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie Inc, appeared for the accused. Mr W C Viljoen and Mr Mike Stowe appeared for the state.

(331) 24-7 Smith

# Family joy at Sharpeville reprieve

By SYLVIA VOLLENHOVEN

FAMILIES of the Sharpeville Six are "overjoyed" that the six will no longer hang.

The six have spent almost three years on death row at Pretoria Central maximum security prison.

Mrs Julia Ramashamola, the mother of Theresa, said: "The Lord has answered our prayers. It is a long time for Theresa to be in jail but it is better than the death sentence."

In a telephone interview from her home in Sharpeville, Ramashamola said she had to be sent home from work earlier in the day because she had been so upset when she heard that the Appeal Court had refused to reopen the trial.

"Last night I was watching TV and they were speaking about the Appeal Court decision.

"Suddenly at the end they said that a last-minute news bulletin had come through and that it was about a reprieve from the state president.

## Confused by terms

"I was so confused by these terms. At first I thought the children were free," she said last night.

Later, on another TV channel, she learnt about the prison sentences.

"I am happy. I want to thank all the people all over the world who have helped us. They have achieved much but I am sure they don't know just how much it means to us.

"My whole family is feeling so much better. Our phone has not stopped ringing, people are calling from everywhere, from so many countries," she said.

She last saw her daughter - Theresa is the youngest of three children - about two weeks ago and their conversation was dominated by the pending Appeal Court decision.

Ruth Mokhesi, the sister of Francis, said they were not even thinking of how long 25 years would be for her brother.

## Black Christmas

"Before the news, we had been thinking that we would face another black Christmas. By now, we have become so used to being miserable at Christmas time," she said.

Ruth's sister, Joyce Mokhesi has kept up a vigorous campaign all over the world to keep the international spotlight focussed on the Sharpeville Six.

Ruth, an older sister, said she was listening to the radio when she heard that the death sentence had been commuted.

"I phoned my father immediately, when he told me that there were so many reporters at his home, I knew that it was true. I am so excited.

"The concern from people all over the world has definitely helped," she said.

When the family was told of the court's refusal they knew there was only one avenue left; appealing to the state president for clemency.

"We thought this would take a long time. You know how long these legal things could take," said Ruth.

"But it all happened so fast. When my sister called from London a few minutes ago, we could hardly talk to each other."

Star 29/4/85 (331)

# US criticism of trial 'improper'

**The statement by the United States State Department criticising the outcome of the Delmas treason trial is completely unacceptable to the South African Government, the Department of Foreign Affairs said yesterday.**

**The US government on Monday denounced as "inconceivable in a democracy" the conviction of four activists on treason charges and called on the SA Government to "ensure the defendants are accorded a speedy and impartial appeals process".**

**In a statement, the Department of Foreign Affairs said the Government found it improper that the United States should interfere in a purely judicial matter.**

**"The trial was dealt with exclusively within the purview of the judicial system which has a long-established tradition of impartiality, independence and integrity."**

**The proceedings were lengthy and involved, said the statement.**

**"The arrogance and meddlesome interference of the US government in this matter is rejected as unwarranted and thoroughly inappropriate.**

**"South Africa cannot tolerate such interference in its internal affairs. It is of concern to South Africa that domestic United States political concerns should be allowed to further complicate the already strained relations between our two countries.**

**● Yesterday, The SA Ambassador, Dr Piet Koornhof, called at the State Department to deliver a protest to the United States over the condemnation by the US government of the verdict of the Delmas treason trial.**

**He met the US Assistant Secretary of State for African Affairs, Dr Chester Crocker.**

PHEWM

# 'SIX' PLUS SEVEN BEAT THE NOOSE

SA Press Association

331

sowetan 24/11/88

**The State President has reprieved 13 deathrow prisoners, including the Sharpeville Six and four former policemen.**

The Department of Justice announced the act of clemency in Cape Town yesterday, only hours after the Sharpeville Six lost their appeal in Bloemfontein for their trial to be reopened.

The six — five men and a woman sentenced to hang for the murder of Sharpeville town councillor Dhlamini — will now serve terms ranging from 18 to 25 years.

The four policemen convicted of murder in two separate trials are Hendrik Johannes "Jack" la Grange and Robert Edmund van der Merwe who were found guilty of killing a Johannesburg drug dealer, and David Patrick Goosen, and Léon de Villiers. They were sent to death row for murdering a man in the Cradock area.

La Grange had his sentence commuted to 25 years and Van der Merwe to 15 years.

Goosen will also serve 15 years and De Villiers 20.

The other three reprieved from the gallows are: Ajay Sookay, Shadrack M Nyati and Shadrack Masuko. Convicted of three unrelated murders, they will now serve 20 years.

Of the Sharpeville Six, Duma Joseph Khumalo and Francis Don

• To page 2

## 'Six' saved

• From page 1

Mokgesi will now serve 25 years, Reginald Sefatsa 20 years and the other three, Mojalefa Reid Malebo Mokoena, Oupa Moses Diniso and Theresa Ramashamola 18 years each.

Their sentences will run concurrently with the eight years they each received for subversion. — Sapa.

331

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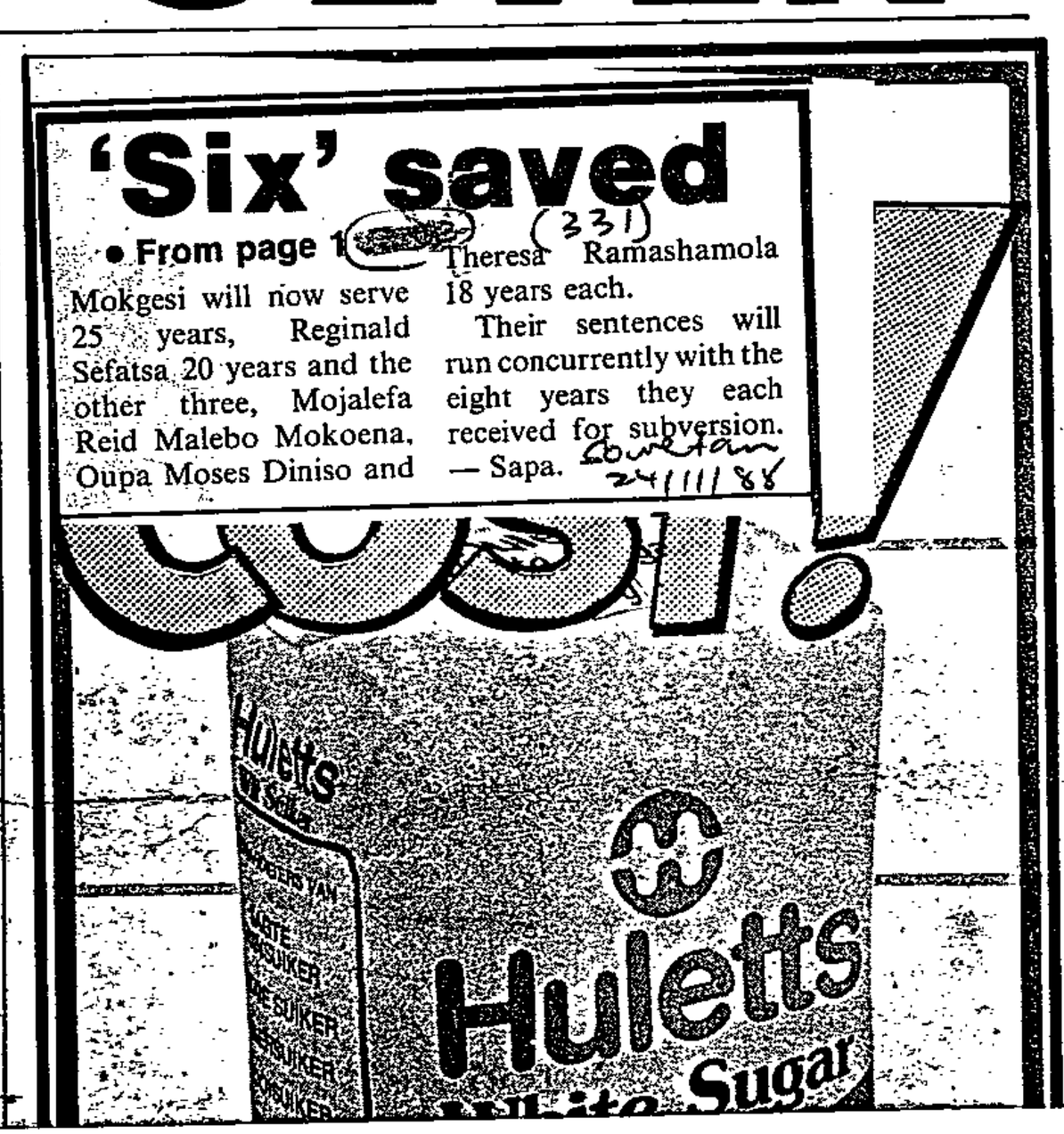

Sharpeville Six reprieve

# World praises PW

ARGUS 24/11/88 331

## 'I'm ecstatic, shaking like a leaf' says jubilant wife

JOHANNESBURG. — A jubilant Mrs Amanda van der Merwe, 29, said the news of her policeman husband's reprieve had "come out of the blue".

"I'm ecstatic, just shaking like a leaf. Now I can tell my daughter 'Yes, he is coming home'."

Mrs van der Merwe, speaking from her Kliprivier home, said she had told her daughter Liezel, 9, that her father would be coming home, but "telling my son will be a little more difficult. He is only six".

The former Brixton Murder and Robbery Squad detective has been on Death Row for nine months.

"That really breaks you down," Mrs van der Merwe said. "But it has served to strengthen our marriage."

RELIGIOUS

"We are both deeply religious. If he had had to hang then I would have had to accept it. But it is the Lord's will that he lives. Now we will have a chance again."

Mrs van der Merwe, who vowed she would never give up hope or stop fighting for her husband, said she had visited him only hours before the news of his reprieve.

"He was terribly depressed and said he thought he was going to hang. Robert never told me, but I think he must have been helluva scared. I don't know how he must be feeling now. Certainly relieved.

"Now at least we can plan for the future. We still have our lives ahead of us. Fifteen years is a long time, but I hope that he will have time off for good behaviour."

Mr Mathiam Hoffman, retired Witbank railway worker who collected 125 000 signatures for his "Save La Grange and Van der Merwe" cam-

(Turn to page 3, col 5)

PRAISE for President Botha's decision to pardon the Sharpeville Six poured in from South Africa and the world today.

In the process Mr Botha averted a major diplomatic crisis. The speed of his decision, within hours of the Appeal Court refusing an application for a retrial and before a fresh appeal for clemency had been adressed to him, surprised the world.

There has been intense pressure on the government for the past few months to pardon the Six and the European Community countries threatened to withdraw their ambassadors if they were not granted clemency.

Spokesmen for the President's office and the Department of Justice said today no reasons were given for such a decision. It was the President's prerogative.

Mr Botha had maintained throughout that he could not interfere with the country's legal process and that he would deal with the matter only after it had been through the courts.

In the United States President Botha received personal praise.

### Interest of SA

Welcoming the announcement, the State Department said that while many governments had appealed to Mr Botha for clemency, "the essential fact is that the decision was the State President's alone to make".

"By choosing to commute these death sentences he has acted in the interests of South Africa as a whole," an official said in a statement. The US had long pleaded for Mr Botha's intervention.

South African Ambassador Dr Piet Koornhof said in a television interview that the announcement conveyed a message of reconciliation.

Former US ambassador to South Africa Mr Herman Nickel described it as an act of political sanity. Sentencing them to death had, in the first place, been unjustifiable.

The British government has been quick to welcome Mr Botha's decision.

Defence Minister Lord Trethgowan told the House of Lords that Britain "warmly welcomes this step, which we have called for on many occasions". His words were echoed by Downing Street and the Foreign Office.

### The 13 spared from gallows

**THOSE reprieved, with their new sentences, are:**

- **Duma Joseph Khumalo, 25 years;**
- **Francis Don Mokgesi, 25 years;**
- **Reginald Sefatsa, 20 years;**
- **Mojalefa Reid Malebo Mokoena, 18 years;**
- **Oupa Moses Diniso, 18 years;**
- **Theresa Ramashamola, 18 years;**

**(The six were sentenced for their part in the mob murder of a black town councillor, Jacob Dlamini, during riots in September 1984 in Sharpeville, south of Johannesburg.)**

- **Captain Jack la Grange, 25 years;**
- **Sergeant Robert van der Merwe, 15 years;**

**(They were sentenced in March for killing two drug dealers.)**

- **Constable David Patrick Goosen, 15 years;**
- **Warrant Officer Leon de Villiers, 20 years;**

**(They were convicted of killing a township youth at Cradock in the Eastern Cape after severely beating him.)**

- **Ajay Sookay, 20 years;**
- **Shadrack M Nyati, 20 years; and**
- **Shadrack Masuko, 20 years.**

**(They were convicted of unrelated murders.)**

While not the clincher, the move to save the Sharpeville Six is understood to be one of the steps Mrs Thatcher believes will help create the right "climate" for a visit by her to South Africa.

Downing Street has made it clear that further reforms, including the release of Nelson Mandela, will be needed before she is prepared to visit South Africa.

Labour leader Mr Neil Kinnock said he was "delighted". A Labour spokesman added that the reprieve was another "positive development" and he hoped that this would soon be followed by freedom for Mr Mandela.

The secretary of the Anti-Apartheid Movement, Mr Mike Terry, said it was "a great relief to everyone. But the fact that they face long prison sentences is disturbing".

The reprieve made headlines across Britain, with some commentators saying they believed Mr Botha's decision was brought about more by external pressure than by compassion.

Most saw the reprieve of four white policemen as a "payoff" designed to placate the right wing.

There was strong praise from The Times. In a lengthy editorial the newspaper said the reprieve was "evidence not only of a new political wisdom in Pretoria, but of that even rarer quality, compassion".

The BBC said Mr Botha had "moved swiftly to turn bad news (the earlier failure of the final appeal) into good news. And the right wing has been placated".

In Europe there has been widespread public approval.

Government spokesmen for the Netherlands, Belgium and Western Germany approved Mr Botha's move during the late-night news broadcasts of all major radio and television stations.

Radio Moscow also reported the announcement from Pretoria among their main news items, but without official government comment.

### "Seventh heaven"

Archbishop Desmond Tutu said in Cape Town: "We are thrilled. We are in seventh heaven of delight. It is wonderful, but it should have happened long ago."

His church was in favour of the abolition of the death penalty and the decision to reprieve the 13 should affect all people sentenced to death.

Catholic Archbishop of Cape Town, the Most Rev Stephen Naidoo said: "We rejoice with thousands of others".

"The death penalty is applied with alarming frequency in South Africa and its overall effectiveness needs to be carefully reassessed."

The Rev Stanley Mogoba, President of the Methodist Church of Southern Africa, said the reprieve was "one of the best Christmas presents I can think of".

"My church has long stood against the death sentence as not in keeping with the values and norms of a civilised society. This is a step in the right direction."

The general synod of the NG

(Turn to page 3, col 6)

ARGUS
24/11/88
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President Botha . . . decision praised around the world.

# Two would 'rather hang' than serve sentences

**The Argus Correspondent**

JOHANNESBURG. — Two of the Sharpeville Six feel so strongly about their innocence that they have said they would rather hang than serve a long sentence in jail.

Their lawyer, Mr Prakesh Diar, said today he had discussed with the six on Death Row yesterday the possibility of their being granted a reprieve.

"Four of them decided a reprieve would be an option they would seriously consider but two said they felt so strongly that they had been wrongly implicated that they were prepared to be executed rather than serve a jail sentence," Mr Diar said.

**"WILDEST DREAMS"**

He did not want to name the two until he had their permission to do so.

Mr Diar said he had not expected such a sudden response from Mr Botha "in his wildest dreams".

"But at the same time, I am disappointed knowing they will be spending a long time in prison."

Asked whether his clients' sentences might be reduced, Mr Diar said: "If my memory serves me correctly, all people condemned for so-called political crimes and whose sentences have been commuted, have served the full time."

Mr Diar said he found it difficult to understand why his clients, who the courts have found not to be directly responsible for the murder of Mr Hlamini, had to serve equal prison sentences to two former police officers, who were confessed murderers.

The 13 prisoners were informed of their reprieve by the Department of Prison Services before it was released to the media, a spokesman for the Department of Justice said today.

# Death Row drama: Phone calls put off execution

**JOHANNESBURG. — An eleventh-hour stay of execution for Paul Setlaba, granted by the Minister of Justice, Mr Kobie Coetzee, almost failed to reach Death Row in Pretoria just hours before Setlaba was to have been executed.**

**Setlaba's lawyer, Mr Roshan Dehal, said from his home in Verulam near Durban today that after Mr Coetzee had communicated his decision on a stay of execution — about 12.30 this morning — he had telephoned the prison "just to make sure".**

**Mr Dehal said that about 1.35am he had spoken to a Sergeant de Bruin at the maximum security prison in Pretoria, where Setlaba is being held, who told him that as far as he knew the execution was going ahead as scheduled.**

**He was to be executed about 6.30 this morning.**

**Mr Dehal said he had immediately contacted a number of people and organisations, including the Society for the Abolition of the Death Penalty and Lawyers for Human Rights, who were able to get in touch with Mr Coetzee.**

**GREAT STRENGTH**

**When he telephoned the prison again, about 2.05am, Sergeant de Bruin said they were now aware of the Minister's decision.**

**The lawyer asked Sergeant de Bruin to personally take the message to Setlaba, which he later confirmed he had done.**

**Recalling yesterday's meeting with his client on Death Row, Mr Dehal said Setlaba had reacted with great strength when he heard that his application for a stay of execution had been refused by Mr Justice Eloff.**

**Setlaba had told him not to be depressed. "He told me this was only the end of the beginning, and that life went on. Then he smiled and hugged me."**

**Mr Dehal said that Setlaba's wife had at first been denied access to her husband, even after the application had been turned down. She had been standing outside the prison and it was only when Mr Dehal protested that a Major Cronje agreed that she should be allowed five minutes with her husband.**

**Mr Dehal said the events of the night had left him "ecstatic but very tired".**

**He was hoping that "not only the sentence of death be set aside but also the conviction of murder". — Sapa.**

331

**RELIEVED:** Thumbs up for Mrs Amanda van der Merwe when she heard of the reprieve of her husband Robert, sentenced to death this year for murdering two drug dealers.

# Praise for PW over Six

*(Continued from page 1)*

Church today expressed its happiness at the reprieves in a statement from spokesman Dr P Rossouw today.

"We share in the happiness of those involved and their families. There is now a further opportunity for spiritual care for those reprieved."

Progressive Federal Party leader, Dr Zac de Beer expressed relief at the reprieves and said they would help ease international tension.

Civil rights campaigner and PFP MP Mrs Helen Suzman said today: "I feel greatly relieved. I think this will probably help stave off further sanctions."

**TOLERANCE**

Speaking from West Germany where she received the Moses Mendelsohn award for the advancement of tolerance last night, Mrs Suzman, who campaigned for clemency for the Six, said the news was received by German senators and other members of Parliament "with great relief".

Mr Tian van der Merwe, MP for Green Point, said that the whole question of the death penalty, particularly where politics was involved should be reconsidered.

Conservative Party justice spokesman Mr Chris de Jager said he hoped all the relevant facts in granting clemency had been considered, and that the decision was not the result of political pressure.

Independent Party leader, Dr Denis Worrall said: "We are pleased. It was obviously a major issue. What South Africans don't realise is the strength of feeling against capital punishment in the West. It is a very emotional issue and the concept of taking six lives for one, so to speak, on the 'common cause' basis simply seems horrendous to many people in the West."

Advocate and National Democratic Movement justice spokesman, Mr Peter Gastrow MP said: "It was a sensible decision taken at the right time. It would be exciting if this was just one element of a larger forward moving initiative by the government such as the release Mr Nelson Mandela, addressing township problems and improving race relations."

In Johannesburg the chairman of Lawyers for Human Rights, Mr Brian Currin, said the reprieve was understandable in the light of the international furore and outcry.

"The problem is how were the others selected and what criteria were used. What about the others (on Death Row)? This highlights the need, all the more, for a commission of inquiry into the whole question of the death penalty," he said.

The reprieve is a "triumph for both international and local outrage", according to the honorary director of the Society for the Abolition of the Death Penalty, Professor Dennis Davis.

It was with "enormous relief" that he heard of the reprieves.

Professor Davis, a University of Cape Town legal academic, said the President Botha's decision showed "the arbitrariness of the system".

The "broader implications" of the Sharpeville Six controversy had to be addressed.

"Not every case gets the same attention," he said.

"These people would have been hanged if people had not kept agitating."

The legal system was at fault, he said.

"The death penalty should be abolished."

Said Mrs Beverley Runciman, chairwoman of the Western Cape Region of the Black Sash: "Capital punishment is a horrendous practice.

"We are overjoyed at the reprieves."

Mr Dullah Omar, president of the National Association of Democratic Lawyers, also welcomed the reprieves.

"We have no doubt that it is the tremendous pressure brought on the government, nationally and internationally, which is responsible for the President's decision," he said.

**CRUELTY**

"At the same time the cruelty of the system is reflected by the fact that a number of people were hanged just a few days ago. This means that the crisis in our legal and social system is as serious as ever.

"The ease with which white judges impose death sentences on black accused is horrific."

The death sentence brutalised human beings and should be stopped.

"We wonder whether the Sharpeville Six would have received a reprieve had there been no whites in similar positions. We hope we are wrong," Mr Omar said. — Political Correspondent, Staff Reporters, The Argus Correspondents, Foreign Service and Sapa-Reuter-AP.

# Youth held over death of girl, 6

Crime Reporter

A 16-year-old youth has been arrested in connection with the alleged murder of a six-year-old Wellington girl.

Police said the youth was arrested after a group of children told police they had witnessed the killing on Razendale Farm on Tuesday.

They said they had been invited to go shooting and near a farm, someone suddenly grabbed Jessica Fielies and started hitting her with a piece of wire and choking her.

The person had then thrown the body into a dam.

The children ran to a nearby farmhouse to report the killing, police said.

Jessica's body was found later on the dam's embankment.

## Three die in riots

MOSCOW. — Three Soviet soldiers have been killed and more than 100 people wounded during ethnic riots in strife-torn Azerbaijan. — Sapa-AP.

# 'I'm ecstatic' — jubilant wife

*(Continued from page 1)*

paign, described himself as "deliriously happy" last night.

In London, Miss Joyce Mokgesi, sister of Don Mokgesi, who has waged a tireless campaign abroad to mobilise public opinion against the hangings, said she was very happy with the outcome.

"For the first time I have cried tears of relief."

But, she said, she felt no gratitude as the six were innocent.

"The issue now is the heavy sentences. My brother's life has been spared but now he will have a criminal record."

She said she had been hoping that Mr Botha's humanitarianism would have stretched to reducing, or even revoking, the sentences.

In Port Elizabeth, the wives of the two reprieved policemen said the death sentence should be abolished.

They said today no-one would realise what they had been through during the past few months.

"The first they knew of the reprieve was on the news on TV last night. Both Mrs Amanda de Villiers and Mrs Ronell Goosen immediately fell to their knees and thanked God for answering their prayers.

Mrs de Villiers, a dignified and reserved mother of two, said the death sentence was a dreadful penalty that played havoc with the lives of the families of the men.

"It should be abolished. Nobody will ever realise what it means until you have been through it," she said.

Although family and friends had stood by her, the past seven months had taken their toll.

Mrs Goosen said today she had never given up hope. She had fallen to her knees and thanked God. She did not think she would ever be able to thank the State President enough for what he had done.

She said the death sentence should be done away with.

"No family should be asked to go through all that, ever. But we now have something to live for again. It is a wonderful feeling," she said. — The Argus Correspondents, Foreign Service.

## 13 condemned prisoners reprieved by State President

# Death or freedom - 2 of Six

Star 24/11/88

331

Relieved ... Mrs Amanda van der Merwe, wife of Death Row policeman Robert, relaxs at home after hearing of the reprieve. ● Picture by Karen Fletcher.

**Two of the Sharpeville Six felt so strongly about their innocence that they said they would rather hang than serve a long sentence in jail, their lawyer, Mr Prakesh Diar, said today.**

He disclosed this following the reprieve by the State President yesterday of 13 prisoners on death row — including the Sharpeville Six, four policemen and three others.

The reprieve came at the end of a dramatic day during which the Appeal Court dismissed an application to reopen the trial of the Sharpeville Six.

The policemen reprieved are Jack la Grange and Robert van der Merwe — sentenced to death for the murder of two Johannesburg drug dealers — and Patrick Goosen and Leon de Villiers, found guilty of murders in the Eastern Cape.

Three more murderers sentenced to hang, Ajay Sookay, Shadrack Nyati and Shadrack Masuku, were also reprieved.

### "Wrongly implicated"

Of the Sharpeville Six, Duma Joseph Khumalo and Francis Don Mokgesi will now serve 25 years' in jail, Reginald Sefatsa 20 years and Reid Malebo Mokoena, Oupa Moses Diniso and Theresa Ramashamola 18 years each.

La Grange will serve 25 years, Van der Merwe 15, De Villiers 20 and Goosen 15.

The three others will serve 20 years.

After the Appeal Court rejected the Sharpeville Six's application for their trial to be reopened, their final resort was to petition President Botha.

The Six's legal representative, Mr Diar, said: "Four of them decided a reprieve would be an option they would seriously consider, but two said they felt so strongly that they had been wrongly implicated that they were prepared to be executed rather than serve a jail sentence."

He did not want to name the two until he had their permission to do so.

A spokesman for the Prisons Services in Pretoria said the Sharpeville Six had been told of their reprieve by the deputy sheriff, which is the normal procedure.

The Six were sentenced to death by Mr Acting Justice WJ Human in the Transvaal Supreme Court in 1985 for the "common purpose" murder

## 'I can tell my daughter: yes, daddy is coming home'

Star 24/11/88

By Dawn Barkhuizen and Therese Anders

Relatives of the Sharpeville Six and policemen reprieved from the gallows greeted the news with emotions ranging from relief to jubilation.

Mrs Amanda van der Merwe (29) said the news of her policeman husband's reprieve had come out of the blue. "I am ecstatic, just shaking like a leaf".

"Now I can tell my daughter that 'yes, daddy is coming home'."

Mrs van der Merwe — who vowed she would never give up hope or stop fighting for her husband, Robert (31), said she last night that the prisoners would not hang.

Mr Hassie Mokgesi, father of Francis Mokgesi, said: "I am very happy, but they should have decided to let the boys come home."

Mrs Adeline Diniso, mother of Oupa Moses Diniso, said: "I cried all day (after the court ruling). Now I feel much better."

today.

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He did not want to name the two until he had their permission to do so.

A spokesman for the Prisons Services in Pretoria said the Sharpeville Six had been told of their reprieve by the deputy sheriff, which is the normal procedure.

The Six were sentenced to death by Mr Acting Justice W J Human in the Transvaal Supreme Court in 1985 for the "common purpose" murder of Lekoa's deputy mayor, Mr Kuzwayo Jacob Dlamini.

Mr Dlamini was killed after his house was stoned and set alight with petrol bombs on September 3 1984.

An appeal to the Appeal Court in Bloemfontein failed last December, but shortly before the Six were due to be executed they were granted a stay of execution pending application for their trial to be reopened.

The basis on which the reopening was sought was to cross-examine State witness Mr Joseph Manete on a privileged statement he made to an attorney to the effect that he had been told by the police to make a false statement.

In June, Mr Acting Justice Human refused the application to reopen the trial or for an entry to be made on the trial record that there had been an irregularity because Mr Manete's evidence had been fraudulently obtained.

Yesterday the Acting Chief Justice, Mr Justice Rabie, said in a judgment of 91 pages, that did not think it could be said that Mr Acting Justice Human erred in any way in his conclusion.

Mr Justice Corbett, Mr Justice Joubert, Mr Justice Hoexter and Mr Justice van Heerden, concurred.

Mr Justice Rabie said the trial judge would not have been entitled to reopen the case after he had convicted the accused.

He held that the Transvaal Supreme Court had no inherent jurisdiction to reopen the trial and that the Appeal Court also had no such jurisdiction.

On the application for leave to lead further evidence with a view to having a special entry made on the trial record, Mr Justice Rabie said Mr Acting Justice Human had dismissed the application on the facts. — Staff Reporters and Sapa.

Grim-faced ... relatives and friends of the 'Six' leave Union Buildings in Pretoria yesterday after delivering a petition calling for the abolition of the death penalty.

# Reprieve 'a step forward'

Star 24/11/88 (252)

By Lloyd Coutts

The presidential reprieve of the "Sharpeville Six" — and that of the four policemen on death row — has been applauded as "a step forward" by organisations calling for for the abolition of the death penalty.

However, questions were raised on the criteria used in pardoning former policemen Jack la Grange, Robert van der Merwe, David Patrick Goosen and Leon de Villiers and convicted murderers Ajay Sookay, Shadrack M Nyati and Shadrack Masuko.

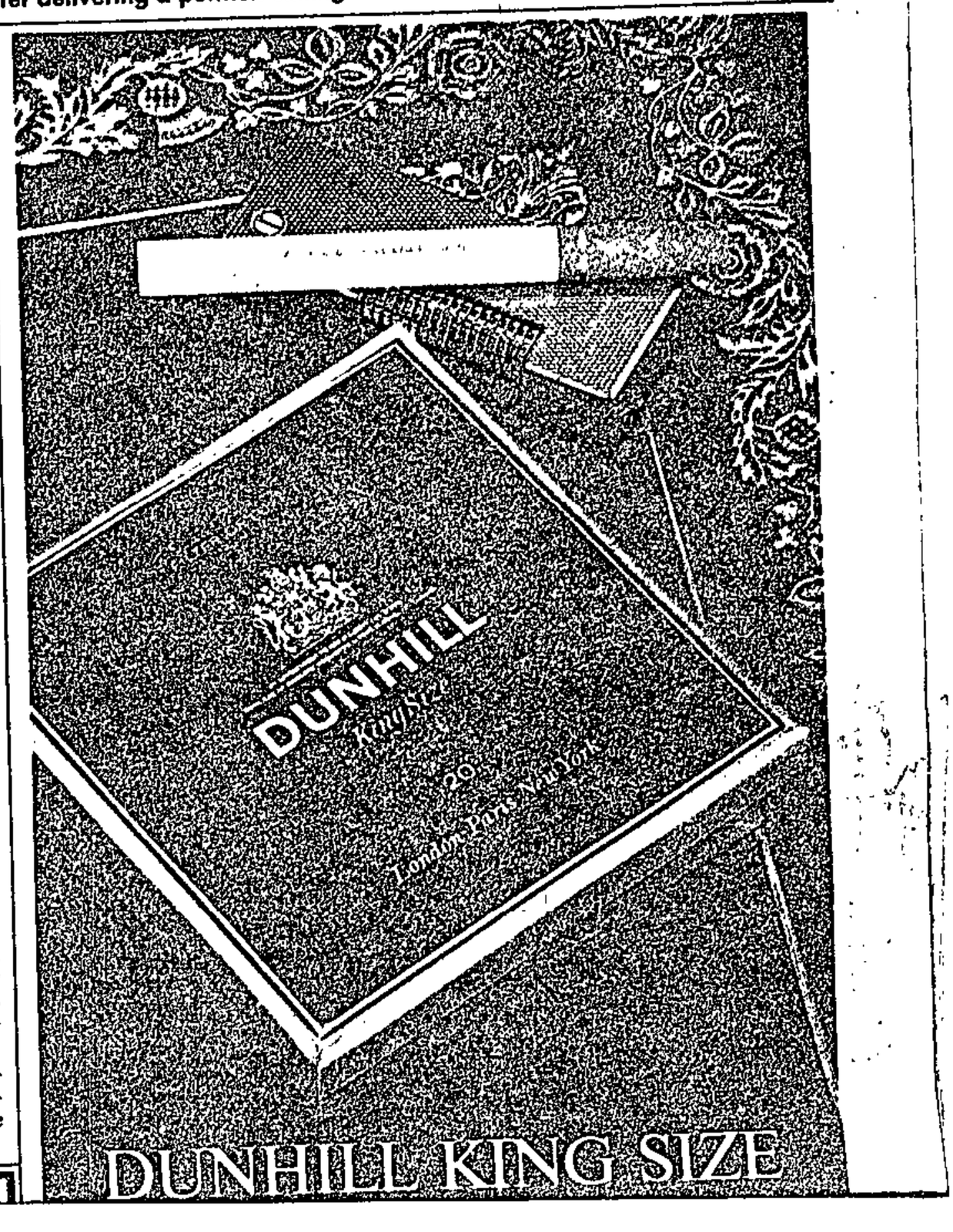
The chairman of Lawyers for Human Rights, Mr Brian Currin, said the reprieve granted to the Sharpeville Six was understandable in the light of the international furore and outcry.

"The problem is how were the others selected and what criteria were used. What about the others (on death row)? This highlights the need, all the more, for a commission of inquiry into the whole question of the death penalty," he said.

The attorney representing the Six, Mr Prakesh Diar, said he was relieved his clients would not hang.

The Sharpeville Six reprieve was a "triumph for both international and local outrage", said the honorary director of the Society for the Abolition of the Death Penalty, Professor Dennis Davis.

However, the "broader implications" of the Sharpeville Six controversy had to be addressed and the death penalty abolished.



# Death row drama

331 South 24-30 NOV 24—30 1988.

WHILE tears of joy greeted the dramatic death-row reprieve of the "Sharpeville Six" and several others, seven condemned men went to the gallows at Pretoria Central Prison this week.

At least three of the seven hanged on Thursday were "political" prisoners convicted of unrest-related offences.

A last-minute application by one of them, Paul Tefo Setlaba, for a stay of execution failed on Wednesday.

Setlaba, 24, a member of the Colesberg Youth Congress, was sentenced to death in December last year for his role in the killing of a woman burnt to death for breaching a consumer boycott.

The lawyers argued before Mr Justice Eloff that the basis of the application was that a state witness on whose evidence Setlaba had been convicted, had lied to the trial court.

Setlaba had been scheduled to hang on June 10 this year, but a stay of execution was granted to allow for a petition to the State President. The petition was subsequently rejected.

### ANC guerilla

Others hanged on Thursday were Eric Kholisile Dyakala and Zwelindumile Njekula, both of Port Elizabeth, Mxolisi Tshongoyi, Paul Fedraf, Arthur Stevens and Freddie Jantjies, all of Cape Town.

In a further development, 13 people, including the English-born common-law wife of condemned ANC guerilla Robert McBride, delivered an open letter to the State President's office at the Union Buildings in Pretoria calling for end to further hangings.

The letter said hangings were "causing nothing but

• Turn to page 8

## SA a huge 'treason camp?'

331 South 24-30/11/88

JOHANNESBURG. — The Delmas treason trial judgment could turn South Africa into "a huge treason camp".

Popo Molefe

Observers and anti-apartheid activists believe similar trials may now be staged after three UDF leaders and an SACC worker were convicted in the Supreme Court, Pretoria, last week.

The "message" of the Delmas treason trial was that any attempt actively to pursue the demands of the Freedom Charter could in future be regarded as treasonous, some observers believe.

• See pages 10, 15

# o of Delmas trialists

of the Front on 20 August 1983.

He held the position until his arrest in April 1985. He had previously been detained on several occasions.

Popo Molefe has been convicted of high treason.

**MOSIOUOA PATRICK LEKOTA**, who accrued the appellation "Terror" for his footballing rather than political exploits, was born in the Orange Free State in August 1984.

He matriculated in 1969, and after working as a court interpreter and teacher he enrolled for a degree in Social Science at the University of the North in 1981.

He served on the Students' Representative Council during this time, and expressed himself politically through the South African Students Organisation, then the foremost black student group in South Africa.

He was expelled in 1972, along with the entire SRC, and worked briefly as a teller in a building society.

After the 1974 "Frelimo rallies" celebrating the independence of Mozambique, Lekota and his colleagues went on trial under the Terrorism Act.

The two-year trial — held, ironically enough, in the same Pretoria courtroom as the Delmas proceedings — resulted in an effective six-year-prison sentence.

While on Robben Island he came into contact with the "Rivonia trailists" of the 1960s, including Nelson Mandela and Walter Sisulu.

After his release in December 1982 he became active in the Natal branch of the Release Mandela committee.

By August of 1983, he had been elected UDF national publicity secretary, responsible for espousing UDF policy.

Lekota had been detained on several occasions, but it was his arrest on April 23, 1985 that brought him into the Delmas trial.

Terror Lekota has been convicted of high treason.

**MOSS MABOLEKA CHIKANE**, the eldest of nine children, was born in August 1948 — the year the National Party came to power.

He started out as a herdboy in the countryside, and had to leave school in 1968 after the death of his father.

Chikane shouldered the reponsibility of helping to pay for the education of siblings.

Chikane was a member of Saso, and was detained in 1967. He found himself out of work on his release - he had been employed by the Chrysler company for seven years.

He involved himself in various community and church-related projects until 1979 — playing a role in the formation of the Mamelodi Civic Association - and became a founder of the Johannesburg-based Community Resource and Information Centre in 1980.

For the better part of 1983, Chikane was secretary of the UDF's Transvaal regional interim committee, becoming regional secretary in October.

This saw him appointed to the National Executive of the Front, as well as serving as co-ordinator of the Education Committee.

He experienced several spells in detentions before his "Delmas" arrest in April 1985.

Before his incarceration on the Delmas charges, he had spent 15 months in detention without trial.

Moss Chikane has been convicted of high treason.

**THOMAS MADIKWE MANTHATA**, 45, also began his political career under the aegis of Saso, of which he was vice-president.

This involvement saw him spend

Comforted by acquitted trialist Simon Nkoli after her brother had been convicted

Terror Lekota

time in detention in the turbulent years of 1976 and 1977.

He combined political involvemnt in the Soweto Black Parents' Association with work as a Soweto high school teacher.

He was also an executive member of the BPC, and the Soweto Civic Association, where he worked with Dr Nthato Motlana and Leonard Mosala.

He became a field worker for the SACC, concentrating his energies on educational projects and problems.

After his arrest with the rest of the Delmas trialists in 1985 — he as taken in February — he spent 28 months in custody before being granted bail last year.

Tom Manthata has been convicted of high treason.

**GCINUMUZI PETRUS MALINDI** was born in 1959, the eldest of seven children.

He played a pivotal role in the development of the Congress of South African Students before its banning in 1985.

In 1980 he was a founder member of the Vaal branch and was elected chairman of the branch as well as his school's SRC.

Beginning in 1982, he was involved in attempts to launch a broader youth organisation in his region.

The following year he became a member of the Vaal Action Committee, which led to the formation of the Vaal Civic Association in October 1983.

During his period of involvement with the VCA - which led to his eventual arrest - Malindi worked as a clerk in Johannesburg.

He was arrested in September 1984, at the start of the "Vaal Uprising", and remained in detention until he was released on bail last year.

Gcina Malindi has been convicted of terrorism.

**TSIETSI DAVID MPHUTHI** of Sebokeng was born in 1938, and lived with his mother until his detention in October 1984.

He was not politically involved until the rent issue wracked the Vaal Triangle in 1984.

He made a living in the informal sector, selling wood and poultry in the townships.

In February 1984 he held his first political position, being elected branch vice-chairman of a VCA zone.

He spent 24 months in detention before being granted bail in 1987.

Tsietsi Mphuthi has been convicted of terrorism.

**NAPHTAL MBUTI NKOPANE**, 43, also of Sebokeng, worked as a stock controller at a furniture company in Vereeniging before the Vaal eruption.

He was involved in local educational issues, sitting on the school committee of the Bula Tsela Lower Primary School and Sebokeng's Tshepo-Themba High School.

On August 26 1984 he was elected chairman of the Zone 3 branch of the VCA, and was involved in the activities of the association until his arrest in Novbember 1984.

After two years in custody, he succeeded in being granted bail.

Naphtal Nkopane has been convicted of terrorism.

**TEBELLO EPHRAIM RAMAKGULA** of Sebokeng was born in August 1950. Save for two years of tuition at a night school, he has no formal education.

His employment was as an electrician for the Putco bus company in Doornfontein, and his political involvemnt began with his appointment as assistant treasurer of the VCA's Zone 7 branch in February 1984.

He was detained 10 months later, and during his two years of incarceration he developed diabetes.

At the time of his arrest, he was the sole breadwinner for his family.

Tebello Ramakgul has been convicted of terrorism.

**SEKWATI JOHN MOKOENA** of Biopatong was born in December 1952. He lived with his mother and siblings in the township until the time of his arrest in November 1984.

He had been detained before — in 1976 — and spent several months in prison.

Mokoena had become politically active again when he played a role in forming a residents' committee to deal with the Vaal rent issue in August 1984.

Soon after he was appointed founding secretary of the Boipatong Residents' Committee, and held this position at the time of his detention.

He was also active in collecting signatures for the UDF's anti-constitution campaign.

Sekwati Mokoena has been convicted of terrorism.

**SERAME JACOB HLANYANE**, 35, lived in Zone 3 of Sebokeng at the time of his arrest on December 17, 1984.

He worked as an electrician for Siemens before his arrest and lost his job while in prison.

Hlanyane was elected treasurer of the Zone 3 VCA branch on August 26 1984, and participated in the association's major campaigns. He spent 23 months in custody before being granted bail.

Serame Hlanyane has been convicted of terrorism.

**HLABENG SAM MATLOLE**, the oldest of the Delmas trialists, was born in 1923.

He made his livelihood as an agent for a dry cleaning firm, and he was his family's sole breadwinner.

The rent issue also sparked his political involvement, and he became treasurer of the Zone 7 branch of the VCA in February 1984, attending many meetings of the parent organisation.

He was arrested in February of the following year, and spent 28 months in custody before being released on bail.

Hlabeng Natlole has been convicted of terrorism.

Popo Molefe

# side story

JOHANNESBURG. — The Delmas treason trial judgment could turn South Africa into "a huge treason camp".

Observers and anti-apartheid activists believe similar trials may now be staged after three UDF leaders and an SACC worker were convicted in the Supreme Court, Pretoria, last week.

The "message" of the Delmas treason trial was that any attempt actively to pursue the demands of the Freedom Charter could in future be regarded as treasonous, some observers believe.

They expressed fear that the judgment could have far-reaching consequences in extra-parliamentary organisations.

The controversial judgment was described by Professor John Dugard, head of the Wits University Centre for Applied Legal Studies, as having far-reaching implications.

He said the judgment implied that important people in the political arena "are likely to be eliminated".

In concluding the country's longest political trial, Mr Justice van Dijkhorst convicted four leading extra-parliamentary leaders of treason, seven on the alternative charge of terrorism and acquitted 11 of the 22 accused.

He found that the United Democratic Front, the Azanian People's Organisation, the Azanian Students Organisation and the Congress of South African Students were all revolutionary structures.

Archbishop Desmond Tutu, who attended the trial on Friday, said he was "shattered" by the verdicts.

"I know many of the men as gentle, rational people who in a democratic society would be regarded as civic-minded and public-spirited leaders," he said.

"I was the person who sent Tom Manthatha (convicted of treason) to the Vaal Triangle when I was the general secretary of the SACC to see in what way we could help."

Tutu said he would not rest if any of the men were sent to prison.

A trade union spokesman said he was stunned by the judgment.

"The solution to South Africa's problems is not to lock up leaders who have a crucial role to play in any meaningful negotiations for democracy and peace.

"Unions have always said that the continued jailing of political leadership merely takes us further down the road of conflict," he said.

"The judgment is severe and prescriptive — it will further narrow the already meagre space for lawful, peaceful extra-parliamentary opposition."

The Southern Transvaal Youth Congress condemned the judgment and pledged solidarity with those convicted in the trial last week.

The youth body maintained that the UDF had always followed a path of non-violence.

Outside the courtroom the secretary general of the SACC, the Rev Frank Chikane, said: "Almost anybody, provided they are in the black leadership, could qualify for treason."

# For Bizos, the ghost of Mandela

From MONO BADELA

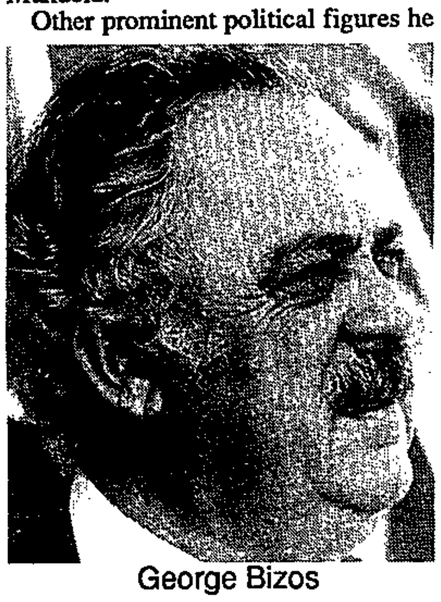
JOHANNESBURG. — History repeated itself for Advocate George Bizos SC in the Palace of Justice, Pretoria, last week.

Twenty-four years ago in the same courtroom, Bizos was a junior counsel helping to defend Nelson Mandela and other ANC leaders in the Rivonia treason trial.

Now 60, he represents the "Delmas" trialists convicted last week of treason and terrorism.

Bizos has been Mandela's chief legal confidante since the Rivonia trial. He has also acted for Winnie Mandela.

Other prominent political figures he has represented as senior or junior counsel include the families of Steve Biko and Neil Aggett, who died in detention, South West African People's Organisation leader Herman Toivo ja Toivo, and white treason trialists Barbara Hogan and Rob Adam.



George Bizos

For most of 1986, Bizos travelled the 70 kilometres between Johannesburg and the small town of Delmas on the East Rand to represent Patrick "Terror" Lekota and his co-accused.

Colleagues of Bizos point out that besides his high-profile cases, he has represented hundreds of ordinary people in remote areas.

He has fought political cases for more than 30 years.

The eldest in a family of three sons and a daughter, Bizos grew up in Koroni, a village in south-west Greece where his farmer-father was mayor.

His childhood on the Greek island was cut short when World War Two broke out and he and his father left their Nazi-occupied homeland in a small boat.

The family came to South Africa in 1941. After the war he and his father were joined in Johannesburg by the rest of the family, where they ran a small corner cafe.

Bizos's work as a political lawyer began almost immediately after he was admitted to the Johannesburg Bar in 1954.

# Who's wi

By SHAUN JOHNSON

WHO are these 11 men, in their own right important black leaders of the 1980s, who will almost certainly go to prison before the year is out?

Moss Chikane

One of the acquitted trialists has said that "most of the accused come from pure working class backgrounds. And, unlike (in other) treason trials, most of the Delmas defendants were ony involved in local political issues. Except for a few, they do not have long histories of political activism".

Here are pen sketches of the convicted men, who will surely become internationally known in the future.

**POPO SIMON MOLEFE** was born in Johannesburg in 1952. His father was a labourer and his mother a housewife.

He distinguished himself at Naledi High School in Soweto, becoming a senior prefect.

He joined the school debating society in 1973, when his political consciousness began to stir.

He became a member of the Black Convention while at school, and played a role in the organisation until its banning in 1977.

He was also a member of the South Africa Students Organisation. He was a founder member of the Soweto Students Representative Council, then led by Tsietsi Mashinini.

Molefe was detained for some eight months between 1976 and 1977 under the Terrorism Act — the arr followed his involvement in the 19 Soweto student uprising.

Because of the detention, he co completed his matric in 1978.

He was involved in the launch the Azanian People's Organisation the same year, and rose to chairmanship of the Soweto branch.

Molefe left Azapo in 1981 signalling a shift away from h commitment to black consciousne politics, and toward the non-raci of the Freedom Charter.

After holding the position of g secretary in the UDF's Transv region, he was elected nati general secretary at the formal l

Matieho Moekoena, trialist John Mokoena's sister, i

# Resistance found guilty

JOHANNESBURG. — For all political intents and purposes, the Delmas treason trial is over.

There are, of course, some very important "loose ends" still to be tied up — like pleas for mitigation, procedural challenges and, critically for the individuals involved, sentencing.

But the political die has been cast in the words of one activist, reeling from the news of the Delmas verdicts, "the anti-apartheid resistance movement itself has been pronounced guilty".

The gravity of Mr Justice Kees van Dijkhorst's finding on Friday — that "treason had been at the core of the United Democratic Front apple since its inception" — is only now beginning to sink in, days after the judgment ended in Pretoria's Palace of Justice.

Drawing an unambiguous casual link between the African National Congress and the formation of the UDF in 1983, the judge said UDF leaders had acted as an "internal wing" of the outlawed organisation.

A call by ANC president Oliver Thambo for the formation of a united front was a "major factor" in the emergence of the UDF, the judge concluded.

In a country well-used to political trials, Delmas will go down as one of the most important in the South African struggle.

As one of the trialists, now acquitted, said during the seemingly interminable proceedings: "This is no ordinary trial of treason...it is a trial in which a great battle of ideas and perceptions is being fought...This is a case in which the judge is called upon to draw a line between legitimate protest and unlawful conspiratorial activity."

No-one can be in any doubt about the truth of these statements — nor can the outcome be interpreted as anything but a major blow against open, above-ground internal structures of protest and organisation.

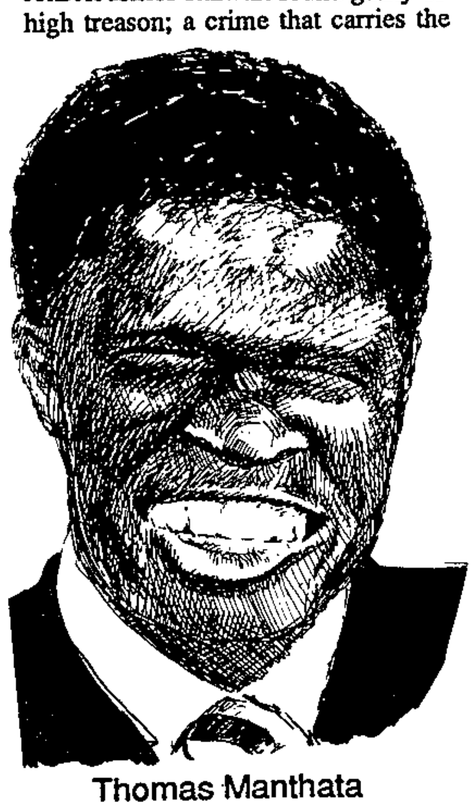
The trialists were arraigned because of their alleged involvement in the "Vaal Uprising" of September 1984.

The geographic reference is to the "Vaal Triangle", a teeming industrial area south of Johannesburg, which first experienced the spasm of anger against rent increases, and came to be directed against the then-mooted tricameral constitutional proposals, influx control bills, and "Coloured Management Committee" elections.

The anger soon spread from well-known townships like Sharpeville and Sebokeng, feeding into the nationwide uprising which held the country in its grip for almost two years.

It is simply self-evident that the Delmas judgment, in its 1 500-page detail, has laid an intellectual basis for the outright banning of the UDF and other organisations, should the government choose to exercise its full powers.

The formal outcome of South Africa's longest and costliest trial saw three UDF leaders and a black consciousness stalwart found guilty of high treason; a crime that carries the death penalty.



Thomas Manthata

They are UDF general secretary Popo Molefe, publicity secretary Patrick "Terror" Lekota, former Transvaal secretary Moss Chikane, and SACC fieldworker Thomas Madikwe Manthata.

In addition seven leaders of the UDF-affiliated Vaal Civic Association were convicted of — in South African terms — the "lesser charge" of terrorism under the Internal Security Act.

They are: Gcinumuzi Petrus Malindi, Tsietsi David Mphuthi, Naphtali Mbuit Nkopane, Tebello Ephraim Ramkgula, Sekwati John Mokoena, Serame Jacob Hlanyane, and Hlabeng Same Matlole.

The 11 convicted men comprise precisely half of the number originally accused.

Three were acquitted at the end of the state's case in November 1986, and another eight went free last week after the judge ruled that the state had not proved its allegations against them.

But the net of implication cast by the Delmas trial promises a much bigger catch.

In the "further particulars" of the state's indictment, 911 "conspirators" were named.

The Anglican leader of Southern Africa, Arcbishop Desmond Tutu, South African Council of Churches secretary-general the Rev Frank Chikane, and his predecessor the Rev C F Beyers Naude, all find themselves on this list.

Further, 50 organisations, including youth, women's, civic and labour groups, find themselves thus accused.

If the state wishes to pursue personal vendettas against any of these individuals, again, the legal path has been paved.

Sentencing will begin in Pretoria on December 5: Defence lawyers are meanwhile preparing evidence in mitigation, and notice has been served of a special application, probably on procedural grounds.

# The li

Delmas trialist Petrus Mokoena after his acquittal

# Where best friends fear to tread ...

DRIVEN by the winds of need, Japanese technologists have devised a solution to the universal anxiety caused by one of humankind's oldest, most intimate personal problems.

Millions suffer from it, millions more dare not breathe its name. English humorist Kingsley Amis, who is not among them, has publicly diagnosed the dilemma as "paint-blistering halitosis". Bad breath, for short.

The Japanese advance is an electronic mouth-odour gauge — allegedly the world's first.

Sensors in the pocket-sized device react with sulphur compounds from the mouth, registering the results on a tiny panel of lights that range from green for "zero odour" to red for "strong odour, medical treatment suggested".

The gauge is being exported under the brand-name Dr Etiquette at 16 000 yen (about R300). A rival detector, the Iki-Iki, is being sold at almost double the price.

Both will find ready buyers: up to 40 per cent of Japan's 119 million people are "obsessed with the idea that people are shunning them because of foul breath," says Yusaba Watanabe, who developed Dr Etiquette.

He adds that young women are particularly self-conscious about smells from the mouth. Businessmen are only slightly less concerned. Dentist say the problem is worsening, and blame greater affluence and the influx of Western foods.

The industry is also growing more scientific. Individual formulations are closely-kept secrets, but some certainly contain anti-bacterial agents, such as phenolic disinfectants, and other chemicals that break down food particles.

### Lenin, too

But what causes bad breath. There are in fact many other different origins of halitosis, famous exhalers of which have included Lenin (a co-revolutionary was disgusted by his "marsh breath") and US comedian W C Fields, whose odour problem stemmed from excessive fondness for Martinis.

Apart from drinking, the other main causes are smoking, spicy foods (garlic breath even repels mosquitos), stomach upsets, abdominal illnesses, respiratory infections, gum disorders and tooth decay ("my teeth are well-preserved — by alcohol," quipped Fields).

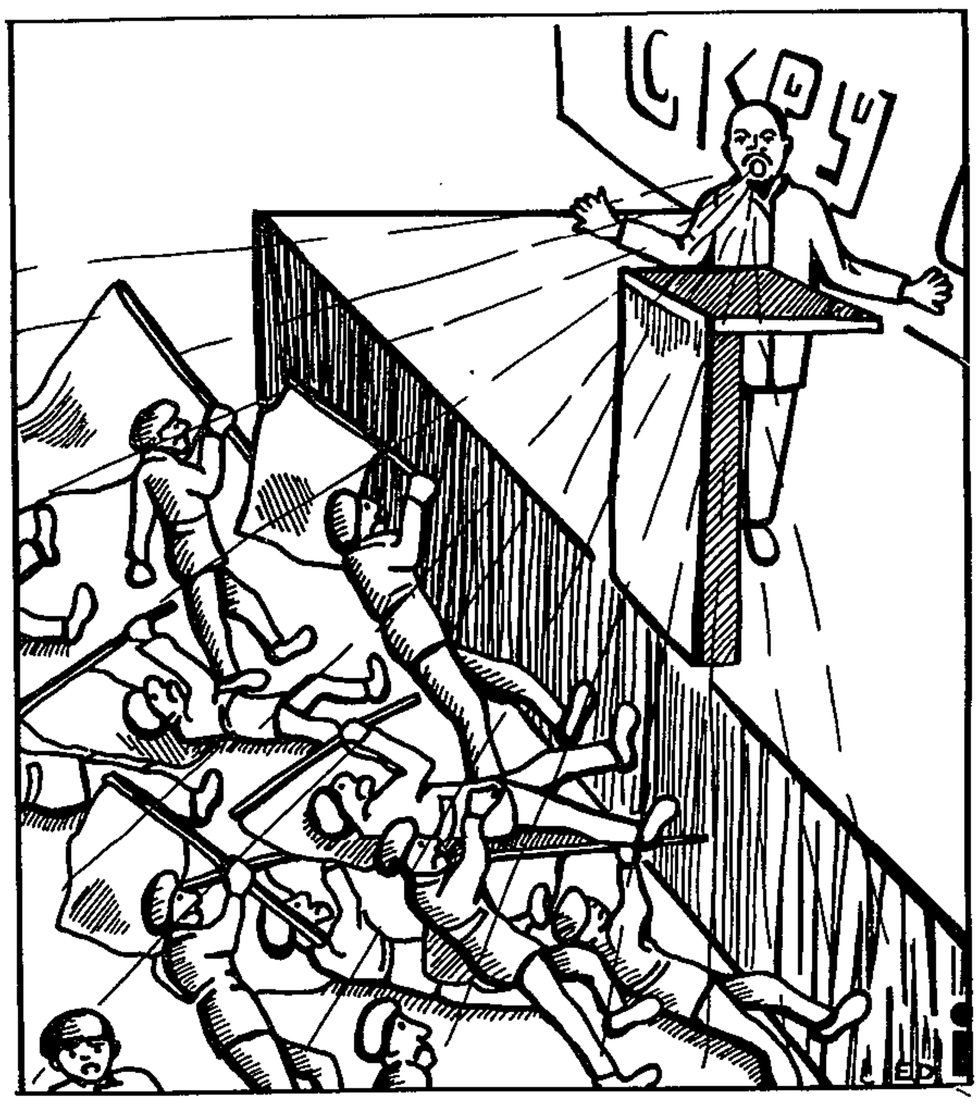
The chief culprit, however, is decomposing food particles, responsible for an estimated 90 percent of bad breath.

Remove these and you remove the problem — so the theory runs. Soft toothpaste has been the preferred method, in developed countries at least, ever since it started replacing abrasive tooth power in the 1920s.

Yet the most effective way is physical removal of the offending matter with dental floss, or wooden toothpicks — still used in many parts of the world.

Politeness prevents us from telling the offender. But retreat can be in vain. Halitosis-sufferers are often the last to realise they have a problem and like to get as close as possible when talking...

*— GEMINI NEWS*



***Eleven years ago Benazir Bhutto, and her mother Nusrat, went into exile after her father, former prime minister Zulfikar Ali Bhutto, was executed. They returned two years ago and Benazir swept to victory in elections held last week. MIRIAM HABIB looks at two women who have left their mark on history***

# From exile to victory

Benazir Bhutto

ISLAMABAD. — When Nusrat Bhutto returned to Pakistan from self-exile, she remarked that Pakistan looked better without Zia-ul Haq

It was a harsh judgment coming so soon after the president's death in an air crash widely perceived as sabotage. But many regard her comment as restrained, for it was Zia who overthrew her husband, prime minister Zukfikar Ali Bhutto in 1977, executed him despite international protests, and detained her.

Zia remained in power for 11 years and Bhutto's widow and daughter left for France and England respectively, the mother for medical treatment, the daughter to await her political opportunity.

### Islamic system

The chance came with the lifting the martial law after Zia managed to equate his rule with the introduction of an Islamic system in a referendum in 1985 which extended his term of office for another five years.

Benazir returned in April 1986. The wide support she received in last week's election marked a turning point in the country's politics.

The idea that a single woman in her thirties, past the normal marriageable age, could lead a male-dominated nation seemed beyond the pale of probability. But by appealing as a respected sister figure she played on a national ethos in which a single woman is vulnerable while a mother or sister is revered.

She campaigned indefatigably for elections, even though when she married Asif Zardari, scion of a politically influential Sindhi family, many people thought she was finished politically.

### Pregnancy

It was even suggested that Zia's unexpected decision to go for a November 16 election was timed so that the poll would coincide with the ninth month of Benazir's pregnancy.

Whatever the truth, Zia died before the election and Benazir's son was delivered prematurely by Caeserian section on September 21. Benazir was back on the campaign trail within ten days. She was contesting three important constituencies in Karachi, Lahore and the family home of Larkana Sindh.

Her mother Nusrat, pushing 60 but still highly photogenic, was also thought to be "finished", not just politically but also for health reasons. But her re-entry onto the scene in time to greet a grandson and "help my daughter's campaign", brought a wave of expectation and interest.

Now apparently in sound health, she won mosts of the seats in the 237-seat assembly for the Pakistan People's Party (PPP) which was founded by her late husband in 1967 and which she still chairs.

Some dismiss the two Bhuttos as mere inheritors of an image, but both have fought important legal battles for the restoration of constitutionalism in a country too frequently subjected to one-man rule.

Nusrat forced the Supreme Court to consider her petiton challenging the imposition of martial law under which her husband was ousted and detained. Invoking a doctrine of "necessity", the court justified a temporary military takeover on the grounds that elections has been promised.

One of Benazir's petitions gave fresh impetus to the politcal system and helped restore confidence in the independence of the Supreme Court. Zia had decreed that only registered parties could contest the polls, but the PPP refused and won a judgment that registration was not obligatory.

Apparently unnerved, Zia declared that the elections would be held on a non-party basis. Benazir again went to court to petition for the right to use party symbols, and won.

*— GEMINI NEWS*


## STOP THE CLOSURE — OPEN THE DOOR TO PRESS FREEDOM

The International Federation of Journalists, representing more than 150 000 journalists around the world, calls for the restoration of human rights for the people of South Africa. We call, in particular, for the right of trade unionists and journalists to organise freely and to report freely.

The suspension of the Weekly Mail and earlier attacks on New Nation and South constitute a grave attack on the people's right to know. We call for an immediate end to the attacks on the media in South Africa.

The South African media will never be free until:

ALL detained journalists are released;
ALL forms of official censorship are withdrawn;
ALL the people are guaranteed freedom of speech.

The IFJ and its member unions, the Southern African Society of Journalists and the Media Workers Association, express their solidarity with all journalists and media workers fighting for human rights in South Africa.

Aidan White, General Secretary
Mia Doornaart, President

*INTERNATIONAL FEDERATION OF JOURNALISTS*

DELMAS TRIAL ... DELMAS TRIAL ...DELMAS

SOUTH, November 24 to 30 1988 15

# For Pi- ...g out a racist dream

...e was stopped, three people lay dead and 17 wounded. Three more died of their wounds in hospital.

The incident left South Africans numbed, but the miracle was really that it had not happened years ago.

Because the event illuminated the fantasy of the apartheid ideology taken to its conclusion.

Stripped of its make-believe and pseudo-intellectual rubbish, apartheid is perceived generally as the separation of races.

While the maintenance of capitalism might indeed occupy the minds of the engineers of this monstrosity, it is not the battleground for the minds - and specifically, votes — of Afrikaners.

All the white parliamentary parties in South Africa, in terms of electoral success, stand or fall on how each approaches the racial question.

Each attempts to prove to the electorate that its policy offers the best protection against the dangers of black political and social aspirations — swart gevaar!

Thus, Barend Strydom lived out the Verwoerdian fantasy of South African racism.

He merely took the ideas of the master architect of apartheid to its extreme. Because only a believer of fairy tales can accept that a minority is able to deny basic human rights to a majority in their own country forever.

And when this tragi-comedy starts to collapse it must awaken the basest of emotions in human hearts.

When all the double-talk and soul-searching is done, it will have to be admitted that Strydom executed the fantasies of all racists.

Who of us in South Africa can deny hearing, or even fleetingly thinking, of home-spun theories such as: "The only good kaffir is a dead kaffir" or "whites must be driven back into the sea"?

And others based on the elimination of races.

Most discard these ideas. But a seed must sometimes remain and germinate in minds like Strydom's.

When arrested, he reportedly told a policeman: "Don't worry. I could never shoot a white man."

We can only speculate on the poison pumped into the man's mind by television, schools, training camps, newspapers, churches, rallies, meetings and discussions, which burst out on a warm November day in the heart of apartheid territory.

Strydom is already on trial for his actions. Those who forged the festering sore of his mind are not. They must, however, not shy away from their share of responsibility for the deed.

An Afrikaans newspaper commented: "Every right thinking South African, irrespective of race, is filled with repugnance ..."

These sentiments were echoed across the spectrum of political parties who represent white supremacy.

The government has reacted by banning an obscure right-wing organisation, thus driving wedges deeper into the cracks in Afrikaner unity, all the while making a show of strength.

But all the apartheid apologists who are not secretly cheering Strydom must be gazing in horror at the monster of their creation.

# Far-right spectres

By HANS PIENAAR

THE Afrikaner Weerstandsbeweging was formed in a garage in Heidelberg, Transvaal, after the 1974 general election.

Since then the far-right resurgence has turned the Conservative Party within a few years of its launch into the official Opposition and given it control of 60 out of 95 Transvaal municipalities.

It has transformed Eugene Terre'Blanche from a walkie-talkie salesman in Rustenburg into a household name and the man most feared by non-Afrikaners.

The centre of a host of fanatical organisations, the AWB's strength has proven to be its schizophrenic approach.

The wildly irrational public statements of its leader have always been backed behind the screens by considerable organisational skills and an intellectual base fed by constant research and, for apartheid indoctrinated Afrikaners at least, creative theorising.

The AWB has escaped serious debate, which has allowed its intellectual strength to lay the foundations for the conservative revolution which started in 1982 and continues to this day.

*A What's What of far-right organisations:*

**The Herstigte Nasionale Party:** Formed in 1969 by four MPs led by Dr Albert Hertzog, the cabinet minister who together with the Broederbond kept TV out of South Africa for two decades.

They protested against turning "tuislande" into national states and the policy of "parallel development" for "Coloureds" — calling for a homeland for them.

In the next election all four lost their seats and were expelled from a revamped Broederbond, which barred all members of the HNP and Hertzog's cultural organisation, the Afrikanerorde.

Noted for its outspoken racism, the party could never gain more than a few percent of the vote, and its only MP, Louis Stofberg, joined the CP after the HNP's unrealistic demands scuttled unification talks with the CP in 1986.

**The South African Observer:** An independent newsletter edited by S E D Brown. It promotes the ideas of the John Birch Society in America which denounced ultra-conservative President Dwight Eishenhower as a communist.

**The Afrikaner Weerstandsbeweging:** Started in 1974 by a handful of very small organisations like the Legion for Whites, the Conservative League, and the National Action for the Conservation of the White Man.

It denounced the "Jewish-British" parliament, calling for a people's state unfettered by the decisive influences of party politics.

Later it would allow Jews to join, provided they were Christians. It supported the nationalisations of the mines and the heavy taxation of big business.

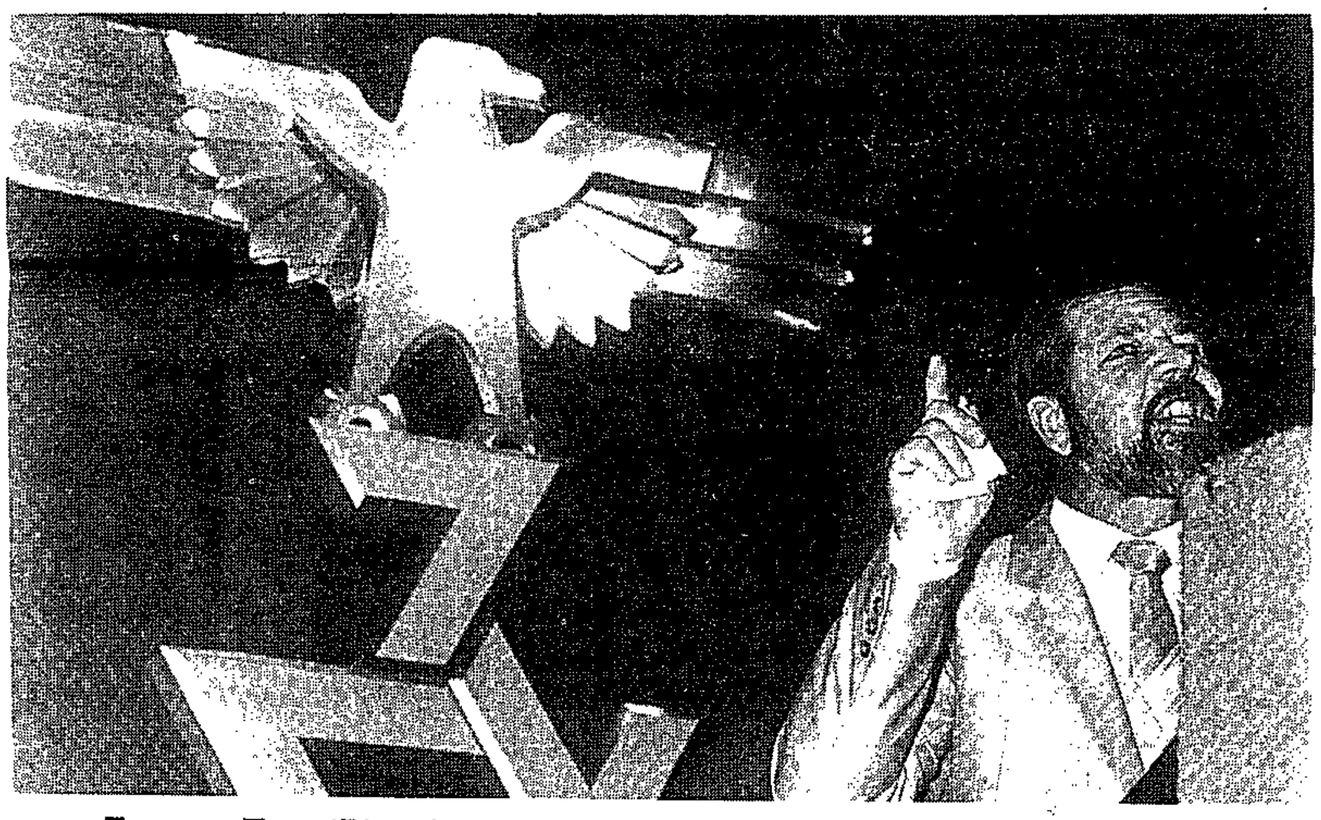
The movement first surfaced during a campaign for the deracialisation of the Breytenbach Theatre, when Terre'Blanche tore up petitions in the name of God and the Afrikaner.

Soon afterwards the AWB tarred and feathered a leading Afrikaner historian who declared that the Blood River Covenant was not necessarily inspired by God.

The movement then grew rapidly, setting up "burgerrade" (civic councils) in every Transvaal town, and holding rallies where uniformed horse riders would carry flags of the old Boer Republics.

The AWB gained notoriety for its emblem, which was seen as a distortion of the Nazi Swastika, and the quirky statements of Terre'Blanche, who likened himself to Biblical heroes, like Noah, Moses and David.

In 1983 he was convicted for illegally possessing an AK47.



Eugene Terre'Blanche: Walkie-talkie salesman turned right-wing guru

**The Boerestaatbeweging and Boeretaalaksie:** Started by Robert van Tonder, the two movements gained notoriety by breaking stink bombs in a Randburg bakery in October 1974 when the immigrant owner could not understand their order for "kolwyntjies" (little cakes).

It campaigned for service in Afrikaans in shops and a return of the territories of the Boer Republics (including the Republic of Vryheid in Natal) to the Afrikaner.

In 1988 it was revamped as the Boerestaatsparty, which proclaimed that apartheid was an absurdity, and should be removed by removing non-whites.

**The Wit Kommando:** Surfaced in 1980 when four Italians were convicted of the office bombings of verligte Afrikaner academics and liberal institutions.

An HNP member expressed sympathy for them, explaining that they had been on the run all their lives: from Ethiopia, to Kenya, to Mozambique, to South Africa.

**The South African National Front:** An extension of the British National Front, the SANF disbanned shortly after its formation when its anti-Semitic statements led to the ransacking of its leader's house by Jews.

All its members fled to Britain, where one was convicted of theft and abduction of a boy.

**The Conservative Party:** The CP was launched after 240 000 voters protested against PW Botha's new tricameral dispensation by voting for the HNP, then still in the planning stage.

PW Botha himself thwarted an attempted hijacking of the Transvaal National Party, by cabinet members Andries Treurnicht and Ferdi Hartzenberg, with his personal appearance at the party congress in late 1982.

Since then the CP has grown from strength to strength, although many observers believe it has reached the pinnacle of its power.

While it is steadily encroaching on economically depressed cities, its support seems confined to the Transvaal platteland.

Its policy is a return to Verwoerdian apartheid, a homeland for "Coloureds" and Indians, white supremacy inscribed in the constitution, and Afrikaans as a compulsory language of instruction. Lately it has entertained the idea of a white homeland.

It collaborates closely with the AWB — at least five of its 23 MPs are AWB members.

**The Afrikanervolkswag:** It was launched in May 1983 to counter the Federasie van Afrikaanse Kulturvereniginge (FAK), a Broederbond front organisation.

The AV's strategy has been to start cultural organisations in every Transvaal town — with functions dominated by Boer symbols.

It also arranged alternative Day of the Covenant festivities, and its own motorised re-enactment of the Great Trek.

**The Afrikaner Protestante Kerk** was launched early in 1987 after NGK members protested against the church's statement that apartheid was no longer divinely inspired.

**Toekomsgesprek:** The conservative's answer to the Broederbond, it started with the breakaway of conservative Ruiterwag (junior Broederbond) after their unsuccessful attempt to hijack the RW and its vast financial resources.

**The Blanke Bevrydingsbeweging (BBB)** surfaced in June 1985 after the Westdene bus disaster when it put up posters denouncing it as a deed of terrorism against the white man.

Since then it has claimed the establishment of 160 commando in 19 areas all over South Africa.

Their leader, Randse Afrikaanse Universiteit Professor Johan Schabort, has been restricted.

**The Wit Wolwe:** There is still uncertainty whether this group has members other than Barend Strydom.

It has claimed responsibility for arson at the Namibian's offices; the teargassing of a Dennis Worrall meeting, a Heidelberg mosque, and a multi-racial dance meeting; and the bombing of a Hillbrow disco.

It also claimed responsibility for the bombing of Khotso House.

**Suid Afrikaanse Instituut vir Rasse Betrekkinge (SABRA):** Started in the 50s by the Broederbond, the institute has served as a think-tank for attempts to solve the contradictions of apartheid.

By the 70s its most important activities were the indoctrination of young people at "youth courses" which also served as recruitment camps for the Ruiterwag (Junior Broederbond).

By the time of the big split in 1982, it was firmly controlled by conservatives like Carel Boshoff.

In 1983 the government withdrew its R70 000 annual subsidy. Many Broederbond-controlled city councils which provided the bulk of its huge funding followed suit.

**Kappie Kommando:** An organisation of far-right women, it became known since the late 70s for its semi-religious and racist pronouncements.

Despite their odd behaviour, other organisations allowed them to form guards of honour in Voortrekker dress until the Kappie Kommando turned against these as well. Later it was quietly persuaded to disband.

# State witness allegedly lied at Setlaba trial for murder

By Claire Robertson
Pretoria Bureau

Paul Setlaba, who was given an 11th-hour stay of execution yesterday, was wrongly accused by a State witness attempting to save himself from prosecution, according to an affidavit in a Pretoria Supreme Court application this week.

Setlaba, who was 21 at the time of the murder of Ms Julia Dilato during a consumer boycott in Colesberg in 1986, was sentenced to death for his part in the killing.

His legal counsel will now apply to have the case re-opened following new developments concerning the evidence of State witness Mr Xolile Bonase.

Mr Charles Phambili Myaba of Bhongweni Location, Colesberg, said in his affidavit this week that after Ms Dilato was burnt, he arrived to find Setlaba, Mr Bonase and Setlaba's two co-accused, Thabo Gusha and Pinkjam Kelem.

"I noticed that Xolile Bonase's hands were burnt. He informed me that he was holding the deceased when petrol was poured on her and some of the petrol had spilled on to his hands and that when the deceased was set alight he got burnt on his hands," Mr Myaba said in his affidavit.

In his testimony Mr Bonase testified that it had been Setlaba who had held Ms Dilato while petrol was poured on her and she was set alight.

Mr Myaba said he met Mr Bonase in September this year.

"I confronted him with what he had told me after the incident and with what he had testified to in court.

"He admitted to me that he had lied in court. He told me that ... two policemen who were relatives of his were pressurising him to testify against (Setlaba) and the other accused ..."

Mr Xolile Bonase was also allegedly interviewed before the trial by a Warrant Officer Maliti of the security branch, who told him to say Setlaba had been holding the deceased.

"When (Mr Bonase) refused to agree to this, Warrant Officer Maliti told him that if he did not agree to testify as he was told to, he would hang instead."

Soon after this conversation, Mr Bonase told Mr Myaba that he had been threatened by security police that if he "had anything to do with the petition for clemency he would hang in the place of Setlaba".

# No reprieve — five hanged

FIVE men not among those who received presidential reprieves were hanged yesterday, a Supreme Court official confirmed in Pretoria last night.

They were Adam Stevens, Zwelibumile Mjekula, Kholisile Diyakala, Paul Sidras and Flip Jansen.

A Department of Justice spokesman said 115 people had been executed so far this year and 49 death row prisoners had been granted reprieves. More than 200 prisoners are believed to be facing execution.

The execution of 24-year-old Paul Setlaba, of Colesberg, who was to have been hanged at dawn yesterday, was stayed because President P W Botha had received a petition for clemency.

Setlaba was sentenced to death on October 2, 1985 for his involvement in the murder of a woman during the consumer boycott at Colesberg.

The Minister of Justice, Mr Kobie Coetsee, said Setlaba's execution had been postponed indefinitely to enable Mr Botha to study the petition.

Setlaba's lawyer, Mr Roshan Dehal, said that after Mr Coetzee had communicated his decision on the stay of execution just after midnight yesterday, he had telephoned the prison "just to make sure".

He spoke to a prison official at the Maximum Security Prison in Pretoria, where Setlaba is being held, who said he believed the execution was going ahead.

When Mr Dehal spoke to the prison again about half-an-hour later, officials said they had been told of the minister's decision.

Meanwhile, the Sharpeville Six were yesterday moved to long-term jail cells after three years on death row following President Botha's decision to grant them clemency.

Their lawyer, Mr Prakash Diar, said the Six still denied involvement in the murder of Sharpeville deputy mayor Mr Khuzwayo Dlamini.

The group believed their reprieve was a political payoff to save the lives of the four condemned white policemen reprieved with them — and, he said, at least two had said they would rather die than serve

## 200 prisoners believed to be on death row

undeserved imprisonment.

"There is no doubt that this whole exercise is not to save them, but to save those white policemen," he said after meeting the Six in their new cells.

"They were very surprised that they were given a reprieve without submitting a further petition since they were refused clemency on the first petition — and they cannot understand why they have now been reprieved because the facts of the case are still the same.

"My clients are very relieved to know that they are not going to be executed, but they said that although the world may be happy, they are not.

● The reprieve for the Sharpeville Six was yesterday welcomed by the various Western nations, Japan and the Soviet Union who had all urged clemency.

● The national director of Lawyers for Human Rights, Mr Brian Currin, said that while every reprieve from the death sentence was a victory for the abolition of capital punishment cause, the arbitrariness of the selection of those reprieved yesterday was frightening.

The move was clearly the result of unprecedented international pressure and "the fate of the four policemen was determined by local white, more particularly, Conservative politics", he said.

"The subjectivity of this process when it involves the lives of people is totally unacceptable."

● The reprieve was a ploy by SA to hoodwink the international community, Swapo said yesterday.

Swapo's chief representative to Zimbabwe, Mr Nayuala Kapuka, said he condemned the reaction of those who expressed satisfication with the reprieve.

● SA's Ambassador to the US, Dr Piet Koornhof, said the decision conveyed a message of political reconciliation.

Speaking in a television interview in Washington, he said SA's problems could be solved by dialogue and negotiation.

● The Rev Stanley Mogoba, president of the Methodist Church of Southern Africa, described the reprieve as "one of the best Christmas presents I can think of" and said millions of South Africans would be relieved.

It was "a step in the right direction, and I call on the government to look again at the death penalty, in principle".

● The general synod of the NG Church said it was happy at the reprieves and "we share in the happiness of those involved and their families".

● "Thank God, our prayers have been answered," were the first words — mingled with tears and cries of joy — of the wives of the two Port Elizabeth policemen who were granted reprieves.

The two, David Goosen and Leon de Villiers, were sentenced to death in May this year for the murder of a man in 1986.

Mrs Amanda de Villiers said her first reaction to hearing the news on TV last night was to kneel down and "thank God for answering our prayers".

She said she never expected to hear the good news, despite the petitions and the prayers. "But it happened. I still cannot believe it."

Mrs De Villiers, 36, said her sons, 16-year-old Ryno and six-year-old Carlo were just as overjoyed.

Mrs Ronell Goosen said she had always believed her husband would return one day.

"The time will hopefully fly past that he will be able to return to me and our children Racine, one year, and Donnell, three years." — Own Correspondents and Staff Reporters with Sapa, Reuter and UPI

**REPRIEVE** . . . Mr Ruben Mokhe the Sharpeville Six condemned announcing that the six receive P W Botha. With him is his sis

# ANC ready to hit civilians — expert

CAPE TIMES 25/11/88

(84) (88) 331

**Supreme Court Reporter**

THOUGH the stated policy of the African National Congress is that only military targets would be attacked, there was a growing perception among cadres that civilian targets could be attacked.

This was said yesterday in the Supreme Court by ANC expert Brigadier Hermanus Stadler in the trial of Ashley Forbes and 13 co-accused who had been convicted of terrorism, contravening Section 54 (4) of the Internal Security Act and furthering the aims and objectives of the ANC.

Stated targets of the ANC were military and police installations and political and economic targets, he said.

With the signing of the First Protocol of the Geneva Convention the ANC committed itself to atacking only military targets.

However, in subsequent speeches by Mr Johnny Makatini and ANC president Mr Oliver Tambo, it was said the distinction between "hard" and "soft" targets would disappear. As a result claims were made that the ANC was prepared to attack civilian targets.

A perception had grown among ANC cadres that because they operated on their own and were given orders to find their own targets, civilian targets could be attacked, Brigadier Stadler said.

Mr Chris Hani, chief of staff of Umkhonto we Sizwe, had also said that the distinction between soft and hard targets would dispappear. Mr Tambo later said Mr Hani's statement was a personal opinion.

Since 1985 there had been a dramatic increase in terror attacks which could be directly linked to the outbreak of unrest in the Vaal Triangle in September 1984.

Factors which played a role were that ANC guerillas who infiltrated the country had greater freedom of movement, the local population was more receptive to recruitment, more people could be locally trained, cells could be established and greater use was made of "instant" training.

Asked if there had been a difference in strategy between the emergencies of 1985 and 1986, Brigadier Stadler said the situation in certain magisterial districts had become out of hand and law and order was still the task of the police.

The hearing continues today.

The accused are: Forbes, Peter Jacobs, Nicklo Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Forturin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Kerriem, Colin Petersen and Leon Scott.

Grace Mshoeshoe and consumer advisor Moira Burt.

# Politics had role in emergency, court told

**Supreme Court Reporter**

A FORMER member of the State Security Council and brigadier in the security police has said in the Supreme Court that there had been political considerations in imposing the state of emergency.

Brigadier Hermanus Stadler was giving evidence for the State yesterday in the trial of 14 men convicted of terrorism and related charges.

He said he was present when the State Security Council discussed the imposition of a partial state of emergency in 1985.

"I admit there were political considerations in the decision to impose the state of emergency," Brigadier Stadler said.

"Because of the situation in the country in September 1985 the police could not maintain law and order and the State had to do something.

"Any country faced with unrest would have to take measures."

He said it was decided on March 7 1986 to extend the emergency because the situation in the country had "got out of hand".

The State Security Council discussed certain aspects of the decision but ultimately it was made to restore law and order, Brigadier Stadler said.

The brigadier rejected earlier evidence that violence in the townships was the result of police action.

"I can name a number of examples where the police were accused of not taking strong enough action," he said.

"At one stage parents came to us to ask why we were not taking stronger measures.

"I reject the perception that violence took place because of police action. The police are there to serve and protect."

Brigadier Stadler said the African National Congress identified three phases of a "revolution" in South Africa. These were mass politicisation, the move to violence and the takeover of power.

He said white conscientious objectors were being used to operate clandestinely in the Defence Force to politicise members.

Appearing in court are Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

The hearing continues.

ADULTS ONLY ADULTS ONLY ADULTS ONLY
YOUR ONE-STOP
SEX
SHOP
ADULTS ONLY ADULTS ONLY ADULTS ONLY

DELMAS TREASON TRIAL

# Sinking in

(331) FMAIL 25/11/88

**It will** take a while yet before the full impact of Justice van Dijkhorst's 1 520-page judgment in the Delmas treason trial becomes clear. The judicial procedure is not over. Members of the legal fraternity and foreign diplomats have, however, already expressed concern at the political implications of the judgment, which finds four of the accused guilty of treason and seven guilty of terrorism.

The trial resumes on December 5 for evidence in mitigation and sentencing. Notice has also been given of the defence's intention

15

P.T.O.

(331) FMAIL 25/11/88.

Chikane

Manthata

to apply for leave to appeal and to note a special entry. (A special entry concerns an irregularity in the course of a trial and is heard by the Appeal Court; if successful it could lead to the convictions being quashed, or a retrial.)

The court was packed with supporters and family of the trialists as well as members of the diplomatic corps (among them US Ambassador Edward Perkins and Canadian Ambassador Ronald MacLean), when Justice van Dijkhorst read his finding.

While government viewed the judgment as a vindication of its decision to act against the United Democratic Front (UDF), foreign embassy officials were filing quite different reports back home. A Canadian embassy spokesman described the judgment as "discouraging." A German diplomat said it was premature to comment on the judicial outcome of the trial before sentencing, but expressed concern at what the judgment could mean for political protest generally in SA.

On Monday US State Department spokesman Charles Redman condemned Justice van Dijkhorst's finding and accused the SA government of using the judicial system for political purposes. He called on Pretoria to ensure that the defendants be accorded a speedy and impartial appeal.

Redman claimed the SA government was using "protracted legal proceedings and imprisonment to neutralise prominent black opponents." (During judgment, Justice van Dijkhorst observed that lengthy trials are unfair to the accused.)

Early in his ruling, the judge said that the indictment effectively divided into two separate cases: one dealing with the UDF, its aims generally and the alleged effect of its actions countrywide; and the other relating to events in the Vaal Triangle in 1984. The two are held together "by the spider's web of an alleged conspiracy," he added.

In handing down his judgments on the individual trialists, Justice van Dijkhorst returned to this separation and divided the accused into three groups: the UDF three,

Lekota

Molefe

the four Black Consciousness adherents, and the remaining 12 who were activists in various Vaal civic associations.

The judge found the UDF to be a revolutionary organisation whose policy of mass action included the violent option intended to make SA ungovernable. "The leadership of the UDF committed treason," he said. Van Dijkhorst also found that the State had proved that the dominant part of the UDF leadership acted as the internal wing of the African National Congress (ANC) and that the UDF was conceived in the councils of the ANC.

"There was a conspiratorial core inside the UDF apple from its inception," he said. "The dominant leadership of the UDF were members of the conspiracy. We need go no further than that. It would serve no purpose to make findings in respect of persons not before court, where it is not necessary." In finding the UDF three — Patrick Lekota, Popo Molefe and Moss Chikane — guilty, he said they were insiders from the outset.

The fourth man convicted of treason is Black Consciousness activist Thomas Manthata, a staff member of the SA Council of Churches who was also a member of the Soweto Civic Association and the Soweto Committee of Ten.

Seven leaders of the Vaal Civic Association (VCA) — a UDF affiliate — were found guilty on the alternative charge of terrorism for their part in events leading to the riots and political upheaval in the Vaal Triangle in September 1984.

The judge found the State had not proved its case against eight co-accused and acquitted them; nor was the agreement of co-operation between Azapo and the VCA proved. Three others were acquitted at the end of the State's case.

Convicting the seven Vaal activists of terrorism, van Dijkhorst found that the VCA had been bent on the demise of the Lekoa Town Council; that its methods had as a main component mass action; and that it accepted that violence was a necessary and inevitable part of this. They intended to induce the Lekoa Town Council to resign or at least repeal rent increases, and had organised the September 3 1984 stayaway and march. They had foreseen that the stayaway could only be effective if enforced by coercion, that the march would lead to violence, and that they encouraged others to participate.

Although Judge van Dijkhorst found that a number of the seven had participated in UDF meetings and seminars and were aware of the UDF's plan to destroy the black local authorities by mass action, he found that they did not necessarily see this aim in its proper perspective — namely, the endangering or overthrowing of the government. He ruled that their perspective was limited to local objectives — to get rid of the Vaal councillors.

The odd man out was Manthata who comes from Soweto but was found guilty of making an inciting speech against councillors (four councillors and another official were later killed in the riots) in a Sharpeville church shortly before the march on September 3.

Justice van Dijkhorst found that it was inconceivable that Manthata "was unaware of the revolutionary policy of the UDF in relation to black local authorities." He had the requisite hostile intent against the government of the Republic of SA and was therefore guilty of treason.

The question now is what will happen to other UDF leaders, a number of whom are still in detention under emergency regulations, and, more broadly, what will happen to extra-parliamentary political protest in the country?

According to UCT law professor Dennis Davis: "The implication of the judgment is that any political demand which would mean the dismantling of the present political system could imply violent intent and therefore be regarded as treasonous." ■

# Moi thanks P W for sparing 'Six'

By BARRY STREEK
Political Staff

KENYA'S President Daniel Arap Moi yesterday thanked President P W Botha for sparing the lives of the Sharpeville Six — and disclosed that they had exchanged letters on the subject.

President Moi told a passing-out parade of the paramilitary General Service Unit in Nairobi: "I am happy that President Pieter Botha responded positively to my plea for the Sharpeville Six.

"I wrote him a letter to which he responded: 'I have taken note of your concern'."

President Moi did not give any further details about their correspondence nor did he say whether the two presidents had communicated with each other on other occasions.

In Pretoria a spokesman for Mr Botha refused to make any comment on Mr Moi's statement.

However, Kenya has for a number of years been strongly anti-apartheid and during the controversy after its former attorney-general, Mr Charles Njonjo — who had a number of friends in South Africa including former PFP leader Mr Colin Eglin — was removed from office, it tightened up controls to limit contact with South Africa.

Mr Moi's disclosure that he and Mr Botha had exchanged letters could indicate an easing of relations between the two countries.

Last month the Deputy Minister of Foreign Affairs, Mr Kobus Meiring, said at the Cape Congress of the National Party that South Africa had trading links with all countries but one in Africa — and, it is reliably understood, Kenya is not the sole exception.

● Our Correspondent reports from London that British Foreign Secretary Sir Geoffrey Howe has warmly welcomed the Geneva Agreement on Namibia and the reprieve for the Sharpeville Six.

Opening a debate on Foreign Affairs in the House of Commons, he said: "We had repeatedly urged the South African authorities to reprieve them. Now they have and we welcome it. They know too we are helping black South Africans within South Africa."

# Hangings: Call for more reprieves

Political Staff

**IT is now more urgent than ever that the government suspend all executions, the executive director of the SA Institute of Race Relations, Mr John Kane-Berman, said yesterday.**

**"It is difficult to avoid the impression that political factors played a role in the 13 reprieves announced earlier this week," he said in a statement.**

**"Does this not mean that a terrible injustice is done to countless numbers of other people who are sentenced to death but have no one to take up cudgels for them, such as threatening economic sanctions if their sentences are not commuted?**

**"The contrast between the reprieves and the almost routine carrying out of hangings of other people at the same time could not be more striking."**

**Mr Kane-Berman stressed that he was not criticising President P W Botha for exercising his prerogative of mercy. The issue was one of fairness, he said.**

**"It looks as if mercy is extended to some but not to others."**

**The institute's council has urged the government to declare an immediate moratorium on executions and to establish a commission of enquiry into the whole issue of capital punishment.**

# Lawyer questions arbitrary reprieves

331 Anon 27/11/88

**By SOL MORATHI, CHARLES MOGALE and Sapa**

WHILE every reprieve from the death sentence was a victory for the abolition of capital punishment cause, the arbitrariness of the selection of those reprieved this week was frightening, the national director for Lawyers for Human Rights, Brian Currin, said yesterday.

Commenting on the reprieves yesterday by the State President, PW Botha, he said the reprieve of the Sharpeville Six was clearly the result of unprecedented international pressure.

"The fate of the four policemen was determined by local white, more particularly, conservative politics.

"The question we ask is why should others, who do not become political play balls be less fortunate.

"The subjectivity of this process when it involves the lives of people is totally unacceptable," said Currin.

This was all the more reason why his organisation believed capital punishment in South Africa be reviewed as a matter of extreme urgency.

"We once again urge the government to establish a commission for this purpose."

Meanwile, the Sharpeville Six would rather die than spend long years in prison under the grant of clemency given them by State President PW Botha, according to their lawyer, Prakash Diar.

The Six had already decided not to petition the State President for clemency after the dismissal of their application for the reopening of their case by Acting Chief Justice Rabie in the Appeal Court in Bloemfontein on Wednesday.

The Six were, in fact, ready to die before the announcement on Wednesday night that they had been reprieved.

They felt they would rather die than ask for clemency as a reprieve, if granted, would mean long or life-term prison sentences.

The Six felt they had suffered long enough while on death row for only a few weeks short of three years, and could not endure any more misery in prison.

They maintained they were innocent and would rather die and be left in the hands of God, who they believe knows the truth, than in the hands of men.

The Sharpeville Six are Duma Khumalo, Francis Mokhesi, Mojalefa Sefatsa, Reid Mokoena, Oupa Diniso and Theresa Ramashamola.

They met Diar for almost three hours after the refusal of the application to have their case reopened.

The Six are in separate cells and Diar met them individually. But all came to a united conclusion not to petition the State President.

—The Six expressed disappointment that 11 judges who presided over their case "could not see" that they were innocent.

Khumalo and Mokhesi will now serve 25 years, Sefatsa 20 years and Mokoena, Diniso and Ramashamola will each serve 18 years.

The trial of the Six began in September 1985 and they were convicted of murder three months later.

The trial arose from the death of Lekoa councillor Khuzwayo Jacob Dlamini during the 1984 Vaal triangle riots.

Two of the original accused, Motseki Christiaan Mokubung and Gideon Mokone – sentenced to five years each for public violence – had their sentences set aside by the Appeal Court.

Meanwhile, many foreign governments and also the United Nations, who had appealed for clemency for the Six, welcomed the presidential reprieve.

Diar, the Six's lawyer, said it was international pressure that had made President Botha commute the sentences.

"I am happy, but I am astonished at the number of years they are going to be spending in prison," he said.

# Emergency regulations temporary, court told

Court Reporter

COUNSEL for the defence of a University of Cape Town law student, in court for allegedly publishing a subversive statement, has objected to the prosecution on the grounds that the emergency regulations under which he is to be charged have expired.

Mr Julian David Snitcher, 23, of Edinburgh Drive, Claremont, appeared before a Cape Town magistrate yesterday. He was not formally charged or asked to plead.

The State alleges he published a subversive statement in Strand Street on June 2.

The pamphlet attached to the charge sheet was headed "Stay Away June 6, 7, 8, The Organisations of the People Will Take Action".

Mr L A Rose-Innes, counsel for Mr Snitcher, filed a notice of objection to the charge sheet on the grounds that no offence was committed.

"Where we have temporary regulations the right to prosecution dies with the expiry of that regulation," he said.

"The offence is alleged to have been committed on June 2 1988 and the state of emergency died at midnight on June 10. The State is no longer entitled to prosecute under those regulations."

Mr Rose-Innes argued that the state of emergency which existed today was not the same as the state of emergency before June 11 this year and that the new regulations had no retrospective effect.

Mr J M McEwan, for the State, argued that the emergency regulations did not expire, but were repealed, and therefore the right to prosecute was not abolished.

The magistrate, Mr H L Muller, reserved judgment until January 24.

Mr Rose-Innes was instructed by Mr M J Tyfield.

# Mass conformity led to murders — expert

**Lawyers acting for eight railway workers convicted of murdering non-strikers have brought leading American and British social pyschologists to South Africa to give evidence in mitigation. The Rand Supreme Court trial is a sequel to the two-month strike by 22 000 workers last year. ADELE BALETA reports.**

On April 28 1987 four South African Transport Services (Sats) employees were assaulted, stabbed, had a 31 kg stone dropped on their heads and were finally incinerated in the bush near the industrial area of Prolecon, Johannesburg.

The decision to kill the men for refusing to join the strike — the biggest ever in the public sector — was taken by thousands of striking South African Railways and Harbour Workers' Union (Sarhwu) members who had gathered at Cosatu House, Johannesburg, earlier that day.

Eight men who acted on the decision were convicted of murder. A further eight men in the dock were convicted of crimes including intimidation and kidnapping.

The dismissal of a bus driver on March 13 for failing to hand in R40,40 on time was the match to a powder keg of years of worker discontent and grievances including racism and recognition of the union, which is still not recognised.

What prompted the eight accused, described as "ordinary, law-abiding, non-violent men with virtually no apparent criminal records," to take part in the cold-blooded murder of non-strikers?

This was the central question to which Dr Andrew Colman applied himself.

Dr Colman, a lecturer at Leceister University in Britain, said the "uncharacteristic" behaviour of the eight was so "remarkable" that he presumed strong situational or causal factors were behind their actions.

He and Dr Scott Fraser, a social psychologist and Professor of Psychology at the University of Southern California, directed the court to the "situational forces" impinging on the accused prior to the killings.

The combined effect of the forces were "sufficiently compelling to induce most ordinary people to behave in a manner similar to that of each of the accused, were they subjected to the same psychological pressures", Dr Colman said.

The forces of deindividuation, relative deprivation and group polarisation operated on all the accused to some extent. Bystander apathy, frustration/aggression, obedience and conformity coupled with threats affected some of the accused, the experts said.

● Bongani Sibisi, convicted of all four murders, was elected to inform workers of the development of the strike.

In his evidence he said the atmosphere in the hall became tense when management began hiring white replacement workers. The unruliness and aggression of the workers reached fever pitch on April 22 when strikers in Germiston and Doornfontein were shot dead by police.

Dr Fraser said the hall, packed with strikers on the day of the killings, was hot and noisy. Windows stayed shut for fear of teargas being thrown into it and workers were demanding that non-strikers be "trampled".

He said most workers would have been influenced by the strong external forces operating and these contributed to the "de-individuation" (unable to act as a rational individual) of Sibisi.

Sibisi, who first told workers that non-strikers had received lashes and it would be unfair to impose greater punishment on other non-strikers, was rendered vulnerable to conformity and obedience pressures after strikers became angry and implied that he was betraying them.

● Dr Colman said David Dzevhe, convicted on three counts of murder, was living in a hostel room with 14 others. He was "relatively deprived" in that he felt he could and should have had a better life in comparison to others.

Dzevhe was deindividuated prior to the killings, increasing his vulnerability to conformity and obedience.

● Patrick Molefe, who stabbed the deceased, was severely frustrated; money was deducted from his salary for food he did not eat because it was not properly cooked, the strike threatened his meagre situation, he had seen a friend killed by police and he had been "sjambokked" and teargassed by security force members during the strike.

Dr Fraser said Molefe's anger at this would easily trigger a violent reaction to others, especially if they were associated with these problems. Molefe hit non-strikers with his belt because he believed that they could cause the strike to collapse and they threatened his job.

Molefe inflicted 18 stab wounds, but only two penetrated the victim's body. If the intention had been to kill, more wounds would have penetrated.

Dr Colman, summarising his and Dr Fraser's evidence, appealed to the court not to underestimate the "potential power" of situational forces on human behaviours.

Replying to a question on the object of social psychology, Dr Fraser said it was to give and understanding of what factors cause complex human social behaviour, so that our environment can be altered, our institutions changed, and our behaviour modified in ways that will benefit everyone.

"The aim is to try to minimise, if not eliminate, those undesirable actions, those traumas, tragedies and catastrophies that all of us agree are undesirable in terms of human conduct."

The hearing continues.

# 'Terrorism a crime, not act of war'

AFCG 29/11/88 331

**Supreme Court Reporter**

CONTRARY to air force chief Lieutenant-General Jan van Loggerenberg's claim, the security police did not believe South Africa was at war, Brigadier Hermanus Stadler said at the trial of 14 men convicted of terrorism and related charges.

In the Supreme Court, Cape Town, yesterday Brigadier Stadler was given a copy of General van Loggerenberg's affidavit used in the End Conscription Campaign's application restraining the Defence Force from harassment.

The general had said the activities of the SADF fell outside the jurisdiction of the court because South Africa was involved in a war.

Brigadier Stadler said in reply to a question by Mr Michael Donen, for the defence, that he had been asked to provide an affidavit for the ECC action backing the assertion that South Africa was at war, but refused to do so.

## Committed

"Certainly the African National Congress are committed to a revolution in South Africa and they are using revolutionary tactics," the brigadier said.

"But there is no war in South Africa — the ANC also admit this."

"If there was a war the SADF would have been called in a long time ago."

Brigadier Stadler said the ANC repeatedly stated in their publications that they were at war.

In earlier publications, while the ANC were supporting Zapu in Rhodesia, the term "Today Rhodesia — tomorrow South Africa" was repeatedly used.

"This was a naive view, as Joe Slovo correctly pointed out at the time," Brigadier Stadler said.

"But this perception is still created in ANC publications."

He believed that South Africa was at war in Angola, but that inside the Republic only acts of terror took place.

The security police regarded these acts of terror as criminal actions and not actions of war, Brigadier Stadler said.

Asked by Mr Donen whether imprisonment would rehabilitate the accused in view of their statements in the dock that they would not change their political views, Brigadier Stadler believed that it would not.

"Rehabilitation as regards this kind of person is practically nil," he said.

"Many of them become involved in ANC activities upon their release."

## Study in jail

Mr Donen said many political prisoners went to Robben Island as "amateurs" and were released "professionals".

"In the words of Mr Justice van Dijkhorst, they study at the feet of Nelson Mandela at Robben Island," Mr Donen said.

"I agree," said Brigadier Stadler. "That's probably why Nelson Mandela was moved off Robben Island."

The trialists are Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

The trial was postponed to next Monday for argument.

# Attorney's son faces subversion charges

Court Reporter

THE son of a prominent city attorney appeared in the Cape Town Magistrate's Court yesterday in connection with contravening the emergency regulations by distributing "stayaway" pamphlets.

Mr Julian Snitcher, 23, of Claremont, the son of Mr Norman Snitcher, was not asked to plead.

The state alleges that on June 2 near Strand Street he published or caused to be published publications containing a subversive statement.

His advocate, Mr Les Rose-Innes, objected to the charge, because the emergency regulations under which Mr Snitcher was being charged had expired with the previous state of emergency on June 10.

He said the emergency regulations which presently existed are not the same regulations which existed at the time of Mr Snitcher's arrest.

The hearing was adjourned to January 24 for a decision on whether the charge should be quashed or not.

Mr H L Muller was the magistrate. Mr J M McEwan prosecuted.

# Murderer may have brain damage

Star 24/2/87 By Cathy Stagg (331)

Psychological tests done on Oupa Seheri indicate he might have minimal brain damage.

This evidence was placed before Mr Justice B O'Donovan and his two assessors in the Rand Supreme Court on Wednesday during an application for a postponement for further tests. The court was to examine whether or not there were extenuating circumstances in the murders which Seheri committed. The judge adjourned the inquiry until after further tests have been completed.

Seheri (33), who stored firearms at Mrs Winnie Mandela's house, was convicted of committing two murders, two attempted murders and being in unlawful possession of a Scorpion machine pistol, an AK47 rifle and ammunition.

Sentence cannot be passed until the court has ruled on extenuation. If none is found, the death sentence is mandatory. If extenuating circumstances were present, the court can use its discretion.

Seheri's co-accused, Priscilla Lindiwe Mkhonza (30), was sentenced to 10 years' imprisonment for her part in the murder of Mr Xola Mokhaula in January last year.

## TWO CHILDREN

The judge took her personal circumstances into account but said he could not agree with her pro deo counsel, Mrs A Saldulker, that totally suspended imprisonment was called for.

Mkhonza has two young children and her husband is serving eight years for robbery. The children are being cared for by relatives who have many other dependants. Her house in Zola, Soweto, was burnt down and she has been in custody for two years.

The judge said he agreed with Mr B Sheer, who appeared for the State, that Mkhonza urged Seheri to "kill the dog" to get rid of evidence of the earlier murder of Mr Mlando Ngubeni and this was not easily reconciled with a report that she shied away from violence.

The inquiry into possible extenuating circumstances in the murder committed by Seheri will continue on December 8.

Mr Denis Kuny, SC, led the evidence of a clinical psychologist, Mr G R Friedman.

his decision as soon as possible. *Vrye Weekblad* was considering lègal action against Coetsee on the grounds that their registration is being unreasonably delayed.

Their failure so far to be registered forms part of four criminal charges currently being investigated against *Vrye Weekblad* by the security branch of the SAP at John Vorster Square. The other charges relate to:

☐ Publication without permission of a picture of ANC leader Nelson Mandela. (It is the same picture used in a Bureau for Information publication *Talking with the ANC*);
☐ Quoting the ANC's Joe Slovo directly or indirectly; and
☐ Failure to display the *Vrye Weekblad*'s imprint in two editions.

Meanwhile, the newspaper has received some funds. It is understood that the Institute for a Democratic Alternative for SA has made a contribution and that funding from another source is on the way. However, this may not be enough to cover printing costs, a deposit for registration, and last but not least this month's salaries.

Last week's edition of the newspaper has also sealed the fate of journalist Martin Welz of the Afrikaans Sunday *Rapport*. After having been warned by editor Bob van Walsem against contributing to *Vrye Weekblad*, Welz again wrote for the newspaper last week.

Last Saturday morning Welz, who unravelled the housing deals of Bloemfontein businessman Frik Siebert in two consecutive editions of *Vrye Weekblad*, was told by Van Walsem that he had been fired. Siebert had meanwhile committed suicide. Welz first submitted the Siebert exposés to *Rapport*, but was told that legal advice was against using the story.

It seems Welz is contemplating legal action against his alleged unfair dismissal. This would make it the second time in 14 months that a former employee of *Rapport* has sought legal redress after having been dismissed by Van Walsem.

Another *Rapport* journalist, Pieter Schoombee, has been asked in a letter by Van Walsem to explain an interview that he conducted with maverick Nat MP Albert Nothnagel for another "alternative" local newspaper, *South*. The political views expressed were an embarrassment to *Rapport*, Schoombee was told.

☐ The suspended *Weekly Mail* was due to reappear this week. ■

COMMON PURPOSE DOCTRINE

## Local flashpoints

**Retribution** for the turbulent events of 1984-1986, which left hundreds dead, was inevitable. But while the judicial processes slowly turn, the impact of individual judgments is being felt in the wider political arena. The most prominent examples are the recent convictions for treason and terrorism in the Delmas trial, and the Sharpeville Six.

The political considerations that went into the reprieve of the six make perfect sense for our foreign policy. Yet they raise some pointed questions. Lawyers for Human Rights National Director Brian Currin welcomed the reprieve but questioned the randomness of the selection, saying it was clearly the result of unprecedented international pressure. "Why should others, who do not become political play-balls, be less fortunate?" he asks.

The contentious doctrine of common purpose that sent the Sharpeville Six to death row has been used in cases concerning unrest in towns across the country. Not many have heard of the "Upington 26." But, depending on what happens next year when they are sentenced, they too could become a political cause célèbre. Similar cases can be found in Grahamstown, Duncan Village, Addo, Queenstown, Burgersdorp, Parys, Kroonstad and Hanover. There are probably others — the list grows daily as details of unrest-related trials begin to be compiled.

Not all have been sentenced to death; those found guilty with extenuating circumstances are serving prison sentences.

According to figures released by Minister of Justice Kobie Coetsee, between 1984 and September this year, 101 people were sentenced to death for "unrest related offences."

Those politicans who have the arduous task of keeping SA's image intact abroad should realise that, while a number of reasons contributed to the Sharpeville Six becoming a cause, underlying it was a repugnance that people could be sentenced to death for a crime they didn't directly commit. Exactly how many are on death row through the application of common purpose, as opposed to those directly involved in a killing, is not known — but there are a number.

Their fates could follow that of the Sharpeville Six. The six did not have a high profile during their trial; pressure only intensified when their first petition for clemency failed and they were only saved from the gallows by a last-minute court application. They were on death row for just under three years. For others, the wheels of justice are still turning: applications for leave to appeal are being drafted, others are waiting for appeals to be heard, or for clemency.

Paul Setlaba, sentenced to death under the common purpose doctrine for the murder of a woman during the Colesberg consumer boycott, was granted a last-minute stay of execution last week pending the outcome of a petition to the State President to re-open his case and lead new evidence.

Another person who left death row last week was Miki Yelani who was acquitted by the Appeal Court. His case also turned on the principle of common doctrine: Yelani presided over a people's court but was not present at the killing. On appeal it was found that there was not sufficient evidence that the murder, which took place a couple of days later, was the direct result of the first meeting.

In February, the trial of the "Upington 26" resumes, and evidence in extenuation is to be led. The judge has divided the accused into principal actors directly involved in the killing (four), and 21 accomplices who have been found guilty of murder based on the doctrine of common purpose (one accused has been found guilty of attempted murder).

The murder followed the dispersal of a meeting by the police. A crowd of about 200 gathered outside a municipal policeman's house, the house was stoned, the policeman fired a shotgun into the crowd, a child was injured. The policeman fled and was felled by one of the accused who disarmed him and delivered two fatal blows to the head with the shotgun.

The accomplices were found guilty on the basis that it was the intention of the crowd to kill the man, and their actions indirectly caused his death — if they hadn't thrown the stones he would not have run outside.

The Appeal Court clarified the doctrine of common purpose in its judgment of the Sharpeville Six. According to André van Vuuren, director-general of the Association of Law Societies, before the Appeal Court ruling there were conflicting precedents.

As the law now stands, any person who is part of a mob which becomes intent on murder is equally guilty if mob action results in someone being killed — even if that person did not inflict the fatal blows.

Under SA law, if someone is found guilty without extenuation, it is obligatory to impose the death sentence. Many of these cases hinge around this, as will the sentencing of the Upington "accomplices."

The application of extenuation, however, is subject to interpretation, and discrepancies have arisen. With the Sharpeville Six — although it was found that none of the accused was directly involved in the killing — extenuation was not allowed. In a Kroonstad case, where the common purpose doctrine was a factor but the accused were found to have actively participated; they were spared the death sentence because extenuation was allowed because of "de-individuation" — a state in which you are not capable of forming the intention. Other discrepancies arise: from cases where evidence on mob psychology is accepted as extenuation, to others where it is rejected.

Currin accepts the principle of common purpose as valid in assessing culpability in mob behaviour, but finds the consequences too severe. In his view, indirect participation should automatically be regarded as extenuation.

The issue is becoming explosive. As justice is delivered, the political overtones of those wild days of unrest are being ignored by the courts who have to deal with each matter on a strictly criminal basis. The consequences of their decisions, though, becomes political — especially in our relations with the rest of the world.

The Sharpeville Six may just have been the start — there are a number of political flashpoints waiting in the wings. ■

POLITICAL PRISONERS

# Generation gap

**Many will see the hand — or at least, the increased influence — of Foreign Affairs Minister Pik Botha behind a number of welcome moves this week that, if nothing else, could begin to crack the political stalemate that has dominated our lives this year. Hopefully the momentum can be sustained.**

It was a rare week for SA — which basked in international praise following the commuting of the death sentences of the Sharpeville Six, an agreement on Namibian independence, the release of two long-term political prisoners (Pan-Africanist Congress leader Zeph Mothopeng and ANC veteran Harry Gwala) and the announcement that Nelson Mandela would not return to prison.

The execution of the Sharpeville Six would have resulted in further pressure on Pretoria. According to a report by Rudolf Gruber in the October edition of *South Africa International*, the case of the six was uppermost in the minds of ministers who attended the meeting of the Council of Ministers of the European Community (EC) in Hanover in June. At this meeting it was made clear that execution would elicit a response on the part of the EC, although no consensus was reached on the application of further punitive measures beyond a decision to recall in unison their heads of mission in Pretoria for consultations at home.

Some feel it unfortunate that Pretoria's need to take steps to stave off international pressure for sanctions had to be balanced by steps to assuage right-wing reaction, as they perceived it. The simultaneous reprieve of four policemen has sparked a perception in certain sectors of the black population that President P W Botha's motive for reprieving the six was merely an excuse to allow him to pardon the policemen. This perception has been deepened by the sentencing of the six to terms ranging from 18-25 years, while two of the policeman received only 15 years.

In reality it would appear that black opinion within the country had little to do with the reprieves and release of Mothopeng and Gwala. Although the release of Mothopeng and Gwala has been welcomed, it remains a moot point whether it will ease the path to the establishment of the national forum.

The most immediate questions are whether the two prisoners who were released unconditionally will remain unrestricted. Mothopeng lost no time in addressing both the local and foreign media where he issued a challenge to President Botha to unban all political organisations. But a more immediate challenge to government will be whether they allow him to address a public meeting which he hopes to hold soon.

Most important though, their release is being overshadowed by the impending sentencing of the Delmas trialists.

In a statement welcoming the release of the two leaders, Cosatu questioned government's intention to move away from apartheid by releasing the senior leadership of the democratic movement while sending the present black leadership to prison.

At the centre of this is what government hopes to gain from the release of the old guard. No negotiations while black leaders like Mandela, Mothopeng and Sisulu remain in prison has been the call from black leaders such as Chief Mangosuthu Buthelezi and Umsa president Tom Boya.

Kangwane Chief Minister Enos Mabuza has also called for their release — but not to pave his way to sitting on any form of national council.

"Their release must be the beginning of the process of negotiation and they must be part of it," says Mabuza.

Sources indicate that government does not want to release them and face negotiations with organisations like the ANC, the PAC or even the UDF. Instead it hopes that their release will open the way for dialogue with "moderates" with whom it still believes it can come to terms. ■

# Record trial draws to close

331

PATRICK LAURENCE

## End finally in sight for Delmas 11

SOUTH AFRICA's longest treason trial enters its final phase on Monday.

The judge will then hear evidence in mitigation before passing sentence on the 11 men he convicted on November 18.

Four of the 11 — Popo Molefe, Patrick Lekota, Moss Chikane and Tom Manthata — were found guilty of treason. The rest were convicted of terrorism.

Treason and terrorism are capital offences for which the death penalty may be imposed. A minimum sentence is not prescribed.

Originally 22 men appeared before Mr Justice van Djikhorst. Eleven were acquitted. The judge divided the men before him into three broad groups: United Democratic Front (UDF), black consciousness and Vaal Civic Association (VCA).

Three of the four men found guilty of treason — Molefe, Lekota and Chikane — were UDF men. Manthata was the odd man out, according to the judge. He was "squarely in the black consciousness camp". He was the only black consciousness man to be convicted.

All those convicted on terrorism were members of the Vaal Civic Association, an affiliate of the UDF. It organised a stay-away and a protest march on September 3 1984, the day violence exploded in the Vaal Triangle.

They were found guilty of terrorism rather than treason because their perspective was local rather than national. Molefe, Lekota and Chikane were convicted of treason because of their leadership roles in the UDF, the judge having concluded the UDF was "a revolutionary organisation whose policy of mass action against governmental institutions included the violent option and was intended to make South Africa ungovernable".

Molefe (36), the UDF general secretary, impressed the judge as a "very intelligent, likeable man, well spoken and with a retentive memory". The judge added: "His speeches showed that he has strong leanings."

Born in Sophiatown, Molefe attended school in Soweto. He was the head prefect at Naledi High School during the 1976 Soweto student revolt. Initially a member of the pro-black consciousness Azanian People's Organisation — he was the chairman of its Soweto branch — he later became a supporter of the Freedom Charter.

Lekota (40) was the UDF publicity secretary. He, too, travelled along the ideological road from black consciousness to the Freedom Charter. He was jailed in 1976 after being convicted in the "black consciousness trial" of 1975-76.

Describing him as intelligent and articulate, the judge said of his time as a prisoner on Robben Island: "He learnt on the knees of Mandela about the history of oppresion of the black people. And he learnt his lessons well."

Chikane was the Transvaal secretary of the UDF.

The judge said of him: "He is an intelligent, sharp and well-spoken person. He is knowledgeable on the UDF." A field worker since 1980 for the Community Resource and Information Centre, he was a member of the Mamelodi Action Committee.

Manthata (48) worked at the SA Council of Churches as a field worker. He is a man with a long history of political involvement.

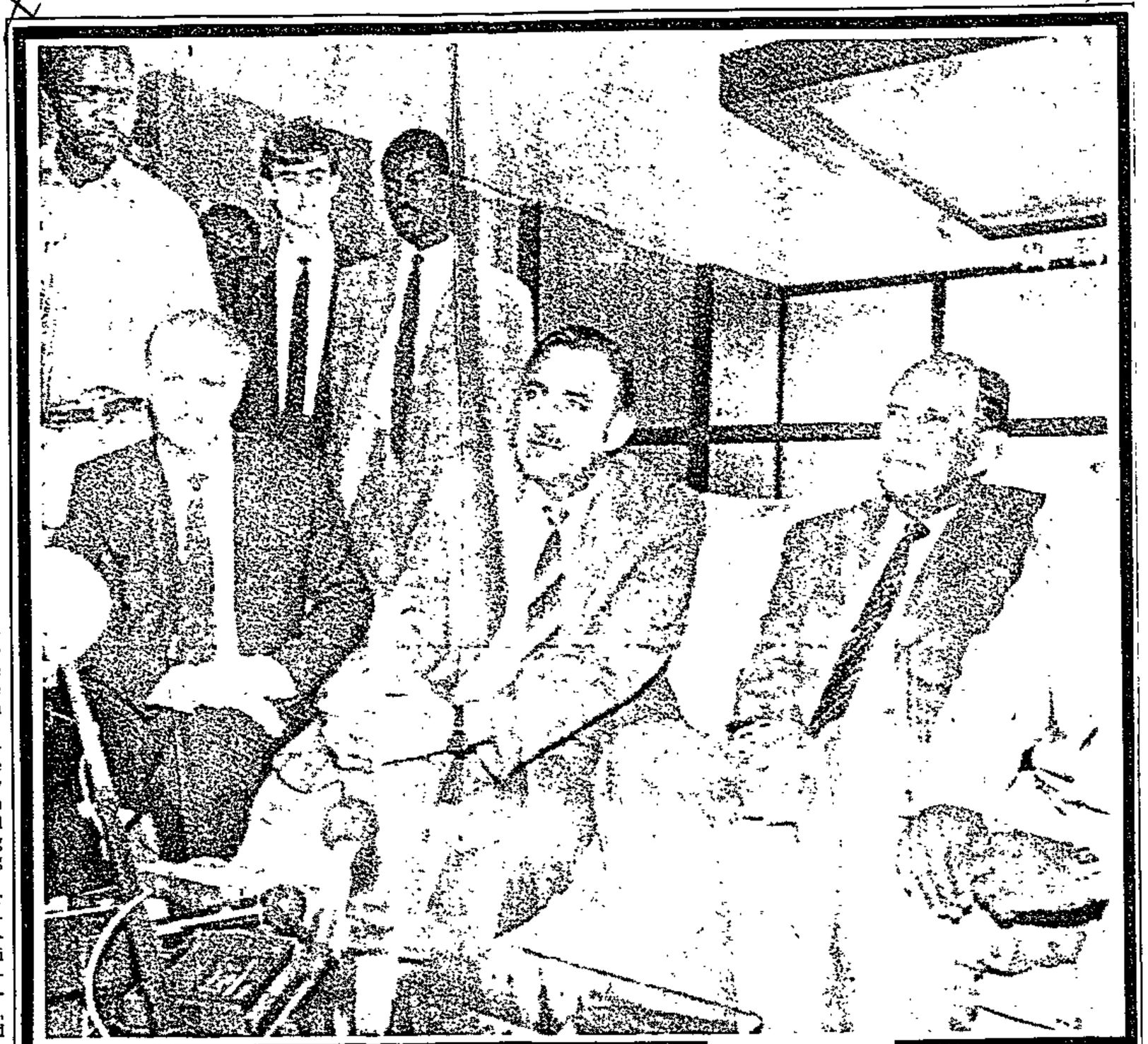
A vice president of the South African Students Organisation and, later, the publicity secretary of the Black People's Convention (both organisations were outlawed in 1977), he presided as master of ceremonies at the funeral of the Steve Biko.

Noting that he "goes along with" Azapo's "revolutionary policy", the judge said of Manthata: "He will be the one person in this case who would be fully acquainted with political trends."

In reaching that finding the judge rejected the testimony of nine defence witnesses in favour of the evidence of a policemen and a secret witness.

The seven men convicted of terrorism are less well-known. They were local rather than national figures, the Vaal Triangle townships being their political stamping ground.

They are, in the order in which they were convicted of terrorism: Gcinumuzi Malindi, Tsietsi Mphuthi, Naphtali Nkopane, Tebello Ramakgula, Sekwati Mokoena, Serame Hlanyane and Hlabeng Matole.



JOINING IN: Foreign Minister Pik Botha (seated, centre) and Defence Minister Magnus Malan, on his left, on arrival at Brazzaville for delicately poised talks aimed at bringing peace to Angola and independence to Namibia.

# Bid to start Baronet trust fund fails

DURBAN — An attempt to start a nationwide Brian Baronet memorial trust fund has failed and concern is being expressed in boxing circles about the lack of financial cover for boxers who die, or are seriously injured, in the ring.

A Durban man, Mr Pat Fletcher, spearheaded the effort to start a trust fund to cover the expenses faced by the Baronet family, and to help other boxers who are hit by misfortune while practising their profession.

Mr Feltcher applied for the required welfare number, but he was told it would take about two years to be processed.

It was decided instead to hold a "Box 'n Dine" evening in Durban as a "one-off" function to cover the expenses incurred by the Baronet family.

Proceeds from the dinner and sale of sporting memorabilia totalled about R30 000.

# 'Taverns await yo

SUE OLS

LOVERS of food and drink leged and have fun at the s Saturday Star/702 "Tavern nesburg's Zoo Lake today a

For every R10 entrance t The Star Christmas Hampe

X

# SAP: Informers vital

THE task of the SA Security Police would be virtually impossible if the police did not use informers, especially those who have undergone ANC training.

(331)

Giving evidence in a trial within a trial at a terrorism trial in Umtata this week was Major JM Venter of the Queenstown Security Police.

C/Pers 4/12/88

Venter was called by the State as an expert witness on ANC policy at the trial of Dr Warren Nombe, 48, of Sterkspruit and Mhleli Madaka, 20, of Umtata.

Nombe is charged with harbouring terrorists and possession of three AK47 rifles and ammunition.

Madaka is charged with having received ANC military training.

**MISS MESHACK MOTLOUNG'S FULL REPORT**

# Delmas trial sparks new rallying cry

331

4/12/58

Eppen

By KERRY CULLINAN

JUDGMENT in the Delmas trial has provided the embattled anti-apartheid movement with a new opportunity to organise and mobilise.

According to the judgment, passed two weeks ago, the UDF acted as the "internal wing of the ANC". Three office bearers – Terror Lekota, Popo Molefe and Moss Chikane – were found guilty of treason.

An ad-hoc Delmas Support Committee has been formed and is organising a mass meeting on Tuesday night under the banner: "Opposition to apartheid is not treason".

In a pamphlet appealing to people to attend the meeting, the committee says: "The judgment narrows the space for lawful opposition. Lawyers say this means that any political demand to dismantle apartheid could be seen as violent and therefore treasonous.

"It was not just the 19 comrades on trial at Delmas. It was the whole democratic movement – our way of working, our campaigns, our mass mobilisation – that were on trial."

The mass meeting, at Wits University's Flower Hall, has been arranged to coincide with the passing of sentence in the trial.

Speakers include SACC's Frank Chikane and Cosatu's Jay Naidoo.

The trial reopens on Monday in the Pretoria Supreme Court, when the defence will argue in mitigation of sentence. They expect their argument to last for a day and a half before sentence is passed.

Hundreds of people are expected to turn up at the courtroom on Monday.

The Delmas Support Committee expects 3 000 people to attend its meeting.

The committee held a briefing session for diplomats yesterday to explain how they understood the implications of the judgment.

It is unclear at this stage whether a campaign for the release of the 11 found guilty of treason or terrorism will be launched.

# AAC sought clergy's counsel

By MARTIN NTSOELENGOE

AN executive member of the Alexandra Action Committee this week told the Rand Supreme Court the situation during the Alex "six-day war" in March 1986 became so explosive that the group had to seek help from church leaders.

Mzwanele Mayekiso, the last treason trialist to testify before Judge PJ van der Walt, said he saw police fire teargas at mourners after a funeral.

Mayekiso, 24, Moses Mayekiso, 40, Paul Tshabalala, 30, Richard Mdakane, 39, and Obed Bapela are charged with treason and sedition, alternatively subversion.

They have pleaded not guilty to all the charges.

Mayekiso said heavy fighting between the police, soldiers, vigilantes and residents prompted the group to ask church leaders to intervene.

The State alleges that they conspired with the ANC, UDF, Cosatu and Alexandra Youth Congress to overthrow the government by violent means.

They are also alleged to have incited residents against the security forces and the Alexandra Town Council.

They also allegedly formed yard and street committees.

Cross-examined by advocate J van Staden for the State, Mayekiso denied that the AAC had organised a consumer boycott and "people's courts".

He said the consumer boycott had been organised by disgruntled residents who operated underground.

The case was postponed to February 1. The defence, led by David Soggot, SC, indicated it intended calling overseas experts to give evidence.

Star 5/12/88

Marathon hearing draws to a close

# Delmas treason trial to call on witnesses today

331

By Jo-Anne Collinge

**The build-up to sentencing in the historic Delmas treason trial — the longest trial in South Africa — begins today in the Palace of Justice, Pretoria, when the defence will lead witnesses in mitigation of sentence.**

Four prominent men, including leaders of the United Democratic Front, have been found guilty of treason. Seven others, active in the Vaal Civic Association during the rent protests of 1984, have been convicted of terrorism.

The UDF leaders are national secretary Popo Molefe, publicity secretary Terror Lekota and a former secretary of the Transvaal region, Moss Chikane. Tom Manthata of the Soweto Civic Association has also been convicted of treason.

## UDF conspiracy

Mr Justice van Dijkhorst found that the four men had participated in a UDF conspiracy to overthrow the State by violence.

There were originally 22 accused. Three were acquitted a year ago and another eight two weeks ago.

Over the next few days a range of witnesses will testify on behalf of all 11 convicted men. It is probable that sentence will be passed at the end of the week or early next week.

Treason is a common law offence for which there is no minimum penalty. The maximum sentence is death. Terrorism, as defined under the Internal Security Act, carries the same open-ended sentencing options as treason.

The judge declared that several organisations, including the UDF, were revolutionary organisations. He found that a dominant section of the leadership of the UDF had acted as an internal wing of the ANC.

## Fomented opposition

While the UDF had not openly advocated violence it had fomented opposition and even hatred of the Government and its institutions, especially black local authorities.

The UDF had set about creating a revolutionary climate and mobilising people in preparation for the overthrow of the State, he said.

The judge found that certain members of the Vaal Civic Association had foreseen that conflict would develop during the rent march of September 3 1984 and that the stayaway called on that day would have to be enforced to be effective.

But, he found, there was no evidence that they were aware of the ultimately revolutionary purpose of the UDF strategy and could not be convicted on the main count of treason.

# Delmas Trial mitigation starts today

(331 sowetan 5/12/88)

By MONK NKOMO

**DEFENCE lawyers in the marathon "Delmas Treason Trial" will start leading evidence in mitigation of sentence in the Pretoria Supreme Court this morning.**

Eleven men, including three secretaries of the United Democratic Front and members of the Vaal Civic Association, were found guilty of charges of treason and terrorism by Mr Justice K van Dijkhorst, sitting with an assessor, on November 20.

Eleven other men were acquitted.

Key UDF leaders, Popo Molefe, Patrick "Terror" Lekota, Moses Chikane, and the former secretary of the Soweto Civic Association, Tom Manthata, were all found guilty of treason arising from the 1984 rent protest in the Vaal Triangle.

Those convicted of terrorism included 63-year-old Sam Matlole, Petros Malindi, David Mputhi, Naphtali Nkopane, Tebello Ramakgula, John Mokoena and Jacob Hlonyane.

# I support Umkhonto we Sizwe, says Gordimer

(331)

Staff Reporters

Internationally renowned author Nadine Gordimer, testifying for the defence in the Delmas treason trial in Pretoria's Palace of Justice, acknowledged yesterday that she supported Umkhonto we Sizwe "as part of the African National Congress".

She held that the ANC could not be characterised as a violent organisation. Viewing its entire history, she noted that the military wing had only been formed in 1961.

"Basically, it remained a non-violent organisation in the majority of its manifestations and actions."

It was in this context that she supported Umkhonto we Sizwe as part of the ANC.

## Mitigation

Asked about violence practised by the ANC, Miss Gordimer said: "I'm against violence and I regret it very much. But having lived here for 65 years I am well aware for how long black people have abstained from violence. We white people are responsible for it."

Miss Gordimer was the fifth witness to give evidence in mitigation of sentence for the 11 men convicted in SA's longest trial. The proceedings took place in a courtroom guarded by scores of policemen.

Hundreds of supporters were barred from entering the building because only 70 seats were made available in court.

Four of the 11, including United Democratic Front leaders Popo Molefe, Terror Lekota, Moss Chikane, and SA Council of Churches field worker Tom Manthata,have been found guilty of treason.

Seven more, prominent members of the Vaal Civic Association, have been convicted of terrorism as a result of their role in the rent protests of 1984.

Among the principal findings of Mr Justice K van Dijkhorst in the treason conviction was that the UDF had created a revolutionary climate and had fomented hatred against the Government and its institutions.

In addition, he found the UDF to be a revolutionary organisation that was conceived by the ANC. The dominant leadership of the UDF was considered by the judge to have functioned as an internal wing of the ANC.

Since the UDF had openly sided with the ANC, which was for all practical purposes at war with the Government, the UDF's intent was no less hostile than that of the ANC, the judge ruled.

Miss Gordimer, University of the Western Cape rector Professor Jakes Gerwel and kaNgwane Chief Minister Mr Enos Mabuza said they regarded Nelson Mandela and Mr Oliver Tambo as their leaders.

Professor Gerwel testified that the ANC was seen, in the community from which he came, as a political organisation rather than a terrorist group.

"They are seen as patriots, as men and women of strong conviction who have sacrificed a lot because of their conviction."

He answered during cross-examination: "If there were free and fair elections, with the ANC unbanned, I think the chances are very high I would vote for them."

He qualified this answer by saying he believed a cessation of violence would be part of the elections.

Miss Gordimer, who was at the 1983 conference at which Dr Allan Boesak called for a united front, said she had experienced that as a watershed.

"After the long (racial) separatism I'd experienced in the 70s, he held out the hand of friendship to democratic whites ... I remember he said with emphasis: 'Join us'."

Mr Mabuza, asked if he condoned violence, answered: "I condemn it, but respect people who feel there is no other option after democratic procedures have come to an end. I respect the decision of those who have opted for violence."

Commenting on the consequences if the UDF three were jailed, he said he believed this would turn the clock back "in the sense that credible leaders would find it difficult to take part in the negotiation process while other leaders are in exile or in prison".

"The fact that they have been found guilty of treason or terrorism does not change their leadership position among the people of South Africa."

Evidence in mitigation continues today.

Author Nadine Gordimer (right) descends the steps of the Palace of Justice, Pretoria, after testifying for the defence in the Delmas treason trial. With her are defence lawyers Ms Frances Potter and Mr Zac Yacoob. ● Picture by Sean Woods.

YOUR CHRISTMAS COSTS LESS WITH gema • YOUR CHRISTMAS COSTS LESS WITH gema • YOUR CHRISTMAS COSTS LESS WITH gema •

Tearsmoke 'only

AMONG scores of people who attended the case were the general secretary of the SACC, Reverend Frank Chikane and the president of the World Alliance of Reformed Churches, the Reverend Allan Boesak (centre).

# ANC is not violent — author

Sowetan 6/12/88

331

**INTERNATIONALLY renowned author Nadine Gordimer, testifying for the defence in Delmas Treason Trial in Pretoria's Palace of Justice, yesterday acknowledged that she supported Umkhonto We Sizwe "as part of the African National Congress".**

She held that the ANC could not be characterised as a violent organisation. Viewing its entire history she noted that the military wing had only been formed in 1961.

"Basically it remained a non-violent organisation in the majority of its manifestations and actions."

SOWETAN Reporter

It was in this context that she supported Umkhonto we Sizwe as part of the ANC.

Asked about violence practised by the ANC, Miss Gordimer said: "I'm against violence and I regret very much."

## Policemen

She added: "But having lived here for 65 years I am well aware for how long black people have abstained from violence. We white people are responsible for it."

Miss Gordimer was the fifth witness to give evidence in mitigation of sentence for the 11 men convicted in South Africa's longest trial. The day's proceeding took place in a courtroom closely guarded by scores of riot policemen.

Hundreds of supporters were barred from entering the court building as only 70 seats were made available in Court C. The room was filled but no means packed as during judgment ten days ago.

Four of the 11 — including United Democratic Front leaders Popo Molefe, Terror Lekota and Moss Chikane — have been found guilty of treason. The fourth is South African Council of

• To page 2

P.T.O.

# Rent protests

• From page 1

Churches field worker Tom Manthata.

Seven more, prominent members of the Vaal Civic Association, have been convicted of terrorism as a result of their role in the rent protests of 1984.

Among the principal findings of Mr Justice van Dijkhorst in the treason conviction was that the UDF had created a revolutionary climate and had fomented hatred against the government and its institutions.

In addition, he found the UDF to be a revolutionary organisation which was conceived by the ANC, the dominant leadership of the UDF was considered by the judge to have functioned as an internal wing of the ANC.

# Gordimer: I back ANC

Cape Times 6/12/88 (331)

Own Correspondent

**PRETORIA. — There were gasps from the public gallery at the Delmas treason trial yesterday when author Nadine Gordimer testified that she regarded Nelson Mandela and Oliver Tambo as her leaders.**

Ms Gordimer was one of five defence witnesses who gave evidence in mitigation of sentence in respect of the 11 convicted trialists before Mr Justice K van Dijkhorst in the Palace of Justice.

Three UDF leaders — Patrick "Terror" Lekota, Popo Molefe and Moss Chikane — and black consciousness activist Tom Manthatha were found guilty of treason two weeks ago.

Seven Vaal Civic Association activists have been convicted of terrorism.

The judge found that the UDF had conspired to overthrow the government with violence and that its dominant leadership had acted as the internal wing of the ANC.

Defence witnesses were called yesterday to give evidence on how the UDF, the ANC and the leaders of both are perceived.

## 'Not violent men'

Ms Gordimer told the court she supported the ANC and Umkhonto we Sizwe as part of that organisation.

"I myself am against violence," she said, "but I can see that in the circumstances brought about in South Africa by the intractability of the establishment to black aspirations the time had to come when there had to be some sort of military wing."

Ms Gordimer said she did not regard Mr Mandela and Mr Tambo as violent men.

Looked at historically, she said, the ANC had since its formation in 1912 explored many alternatives and had only formed a military wing in 1961.

"Basically it remains a non-violent organisation in the majority of its manifestations and actions."

Ms Gordimer said she was aware of incidents of violence in South Africa.

"But having lived here for 65 years I am well aware of for how many years black people have abstained from violence.

"So I can understand that it can occur. I think we white people are responsible for it."

The rector of the University of the Western Cape, Professor Jakes Gerwel, said in his evidence that if the ANC were free "the chances are high that I would vote for them".

Asked whether he regarded the government as an enemy, Prof Gerwel replied that it was certainly not his greatest friend.

He said he was not prepared to unilaterally con-

To page 3

From page 1

demn the ANC's armed struggle.

Asked about car bombs, Prof Gerwel said he would not describe himself as a principal pacifist, but if indiscriminate killing occurred, he was prepared to express sadness.

Asked about the effect of youth leadership of adults, Prof Gerwel said the adults sat back in awe at the courage and fearlessness of the youths.

Addressing the concept of peoples' power, he told the court that this was the opposition of apartheid.

He said peoples' education had been widely discussed in academic circles and he also dealt with it in his inaugural speech last year.

Prof Gerwel described peoples' education as the most innovative curriculum to come out of the education struggle.

At this stage Mr Justice van Dijkhorst intervened and asked Mr Arthur Chaskalson, for the accused, what the purpose of this evidence was as he had listened to the "situation" for three years.

Mr Chaskalson replied that the evidence was relevant to sentencing.

Prof Gerwel said the ANC was recognised as a proponent in South African society.

Asked about the perception of the ANC's armed struggle, Prof Gerwel said he could not simply condemn it.

"I feel if I were to advise on South Africa's politics, and unfortunately I am not asked to do so, it would be irresponsible for the ANC to lay down its armed struggle."

Prof Gerwel said the ANC leaders were not perceived as terrorists but as men and women of strong convictions who had sacrificed a lot.

Asked by the judge why he would not condemn the UDF as moderate, Prof Gerwel said it was a slur to be a moderate and he would not want to be one.

Before the start of the case the judge asked the defence and the state whether they had any objection to the presence of the only assessor, Mr W F Krugel. Both counsels said they had no objections and the judge assured them that the decision of sentencing would be his.

Inside and outside the Supreme Court security was tight with riot policemen and dogs controlling a crowd of about 100 people, including relatives of the accused who were not allowed into the courtroom.

Members of the press who were not accredited with the SAP were initially not allowed to enter the court building, until the judge had granted them permission to do so.

One of the accused, Mr Sam Matlole, 63, was granted leave to see a specialist today.

The trial continues today.

# Transkei court frees 3 on terrorism charges

UMTATA. — Two alleged members of the African National Congress and a Transkei doctor were acquitted in the Regional Court in Umtata yesterday on terrorism-related charges.

Mr Mhleli Madaka, who spent nearly three years awaiting trial, and Mr Lungisa Matutu had been charged with receiving military training in Angola, East Germany and Mozambique under the auspices of the ANC.

Dr Warren Zolile Nombe had been charged with possession of three AK-47 rifles, a handgrenade and ammunition and also of harbouring people believed by the state to be terrorists.

At the end of the three-week trial the magistrate, Mr S B Ndengezi, found that the state's case was full of contradictions and that policemen had contradicted each other.

He found there was not enough evidence to convict the three men. — Sapa

# I back ANC, Gordimer tells court

Argus 6/12/88

331

**The Argus Correspondent**

PRETORIA. — Internationally acclaimed writer Nadine Gordimer has testified in the Pretoria Supreme Court in mitigation of sentence for 11 people found guilty of treason and terrorism.

During cross-examination by the State yesterday, Ms Gordimer was asked whether she supported Umkhonto we Sizwe, the ANC's military wing. She told the court she supported the ANC and therefore Umkhonto we Sizwe because it was part of it.

Ms Gordimer said she was against violence but "could see the time had come for a military wing".

She told the court she regarded jailed ANC leader Nelson Mandela as her leader.

## Planting bombs

When counsel for the State told her he was a violent man, she disagreed.

Asked about her perceptions of the ANC planting bombs in the country, she replied: "I am against violence. I have lived here for 65 years and in many of those years, the ANC has abstained from violence but I can understand their violent stand."

Ms Gordimer added that the whites were also responsible for the violence in the country.

When counsel for the State asked the writer whether she was aware that Mr Mandela was a self-confessed communist, Ms Gordimer told the court that that was a wrong assumption and based on a statement by Mr Mandela which had been taken out of context.

Nadine Gordimer

She said that the reputations abroad of Mr Mandela and Mr Oliver Tambo were "extremely high", and that this was based on the world's perception of the injustices in the country. "There is no moral authority like sacrifice," she said.

Ms Gordimer testified that she had heard "Terror" Lekota speak several times and was impressed by his non-racialism and reasonableness.

Earlier the Rector of the University of the Western Cape, Professor Jakes Gerwel, told the court that if the ANC were free "the chances are high that I would vote for them".

Asked whether he regarded the government as an enemy, Professor Gerwel replied that it was certainly not his greatest friend.

Argus 6/12/88 (331)



# Terror trial: Call for 'non-oppressive' sentence

**Supreme Court Reporter**

FOURTEEN men convicted of terrorism should be given sentences which would win the hearts and minds of their community and not be perceived as oppressive, the Supreme Court was told by their counsel, Mr Michael Donen.

The accused are Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

They were convicted after admitting having taken part in an attack on the Manenberg police station, a pylon in Goodwood, a bus shelter in Rondebosch, three handgrenade attacks on the homes of policemen and an attempt to sabotage the railway line near Heideveld.

Mr Donen said it was not only the 14 accused who were on trial but 14 manifestations of the perceptions and values of the so-called coloured community of the Western Cape.

The accused who testified in court said they would continue with their African National Congress activities and were unlikely to be deterred by any sentence, Mr Donen said.

He said the evidence of Mr Donald Frank Molteno, a sociologist, drew the inference that a large number of potential participants in the ANC existed in the coloured community.

No sentence passed by the court could re-socialise these people or de-empathise the community.

"The best deterrent would be to dismantle apartheid, decriminalise and tolerate extra-parliamentary activity and provide effective procedures for the redress of the so-called coloured society's legitimate grievances," Mr Donen said.

He said the court could not regard the accused as criminals in the ordinary sense of the word as they stood to obtain no benefit from their crimes.

(Proceeding).

331

# Sentence 'must not be seen as oppressive'

**Supreme Court Reporter**

IT was incumbent on the court to impose a sentence on Ashley Forbes and his co-accused which would win the hearts and minds of the community and not be perceived as oppressive, the Supreme Court heard yesterday.

Mr Michael Donen, counsel for the defence, said this during his argument in mitigation of sentence in the trial of Forbes and 13 others who have been convicted of terrorism, contravening Section 54 (4) of the Internal Security Act and furthering the aims and objectives of the African National Congress.

The court heard that the accused had been socialised in such a way that they came to feel morally conscripted to participate in active resistance against the government and the system of apartheid.

"The accused, having legitimate grievances, which were brought about by the inherent political system of racial discrimination, entered extra-parliamentary activity because the formal political institutions established by the state were not (and are not) adequate channels to redress their legitimate grievances.

"When the accused participated in the formation of alternative pressure groups, the 'space' for the continuation and operation of such groups was deliberately eliminated by the state by the use of force and criminalisation of the evidence of the accused who testified."

The jump the accused took was a small one and they, possessing the zeal of a younger generation, "chose to be hanged for a sheep rather than a lamb when hanging was inevitable".

By supporting the ANC, and in the case of some of the accused, following the ANC's lead into a limited armed struggle, they were not behaving as deviants, but on the contrary, were acting in a way that was entirely consistent with their socialisation and in an atmosphere of community approval.

They had acted in a milieu of extreme violence (both official and criminal) which relativised collectively-held views on violence.

The vast majority of classified coloured South Africans had, at the very least, an empathic response to those among their number who were pushed to deeds committed by the accused, Mr Donen said.

## Interests of society

The state did not challenge the assertion that the accused had acted in an "atmosphere of community approval".

With regard to the interests of society, the court was severely limited in any attempt to take judicial notice of what society is. In the present case it was particularly true because of the nature of apartheid; the fact that conditions, particularly in group areas which were not part of the court's everyday experience, were in such a state of flux that a state of emergency had been declared, and the emergency regulations had severely inhibited the flow of information as to circumstances in these group areas.

Dealing with the aspect of mercy, Mr Donen said the relevant circumstances in the case were: "The fact that the so-called coloured community, which inculcated the accused with their contra-hegemonical values, may regard itself as being punished by this court for the deeds of the accused."

In the circumstances it was incumbent on the court, not only to "eschew insensitive censoriousness in sentencing the accused" but also play a role in the reconciliation of the antagonists.

The accused who had given evidence had said they were unlikely to be deterred from ANC activities by whatever sentence of imprisonment may be imposed on them.

Brigadier Hermanus Stadler had testified that persons in the position of the accused were usually not deterred by prison sentences, while Mr Frank Molteno, a senior lecturer at UCT, had testified that no sentence could either re-socialise or de-empathise the community.

The deterrence of others was not a realistic purpose of punishment in the present situation, Mr Donen said.

Dealing with the rehabilitation aspect, Mr Donen argued that Mr Molteno's evidence that the accused were not regarded as deviants by society was uncontested. The court could also not regard them as criminals in the ordinary sense of the word in that they stood to obtain no benefit from their crimes.

"They acted for the noblest of motives and at great personal risk," Mr Donen said.

Under the circumstances, the court, in sentencing the accused, should not exacerbate the polarity in society, Mr Donen submitted.

The hearing continues today.

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Daily Mirror
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**Police chief in clamp down**

# DELMAS

Sowetan 7/12/88

331

# TRIAL• BAN

## Protest gathering are prohibited

**ALL protest gatherings against the Delmas trial have been prohibited in South Africa, according to a statement released in Pretoria yesterday by the Commissioner of Police, Gen Hendrik de Witt.**

Gen de Witt also gazetted an emergency regulation order prohibiting a gathering at the University of the Witwatersrand last night that had been organised by the "Delmas Trialists Ad-Hoc Support Committee".

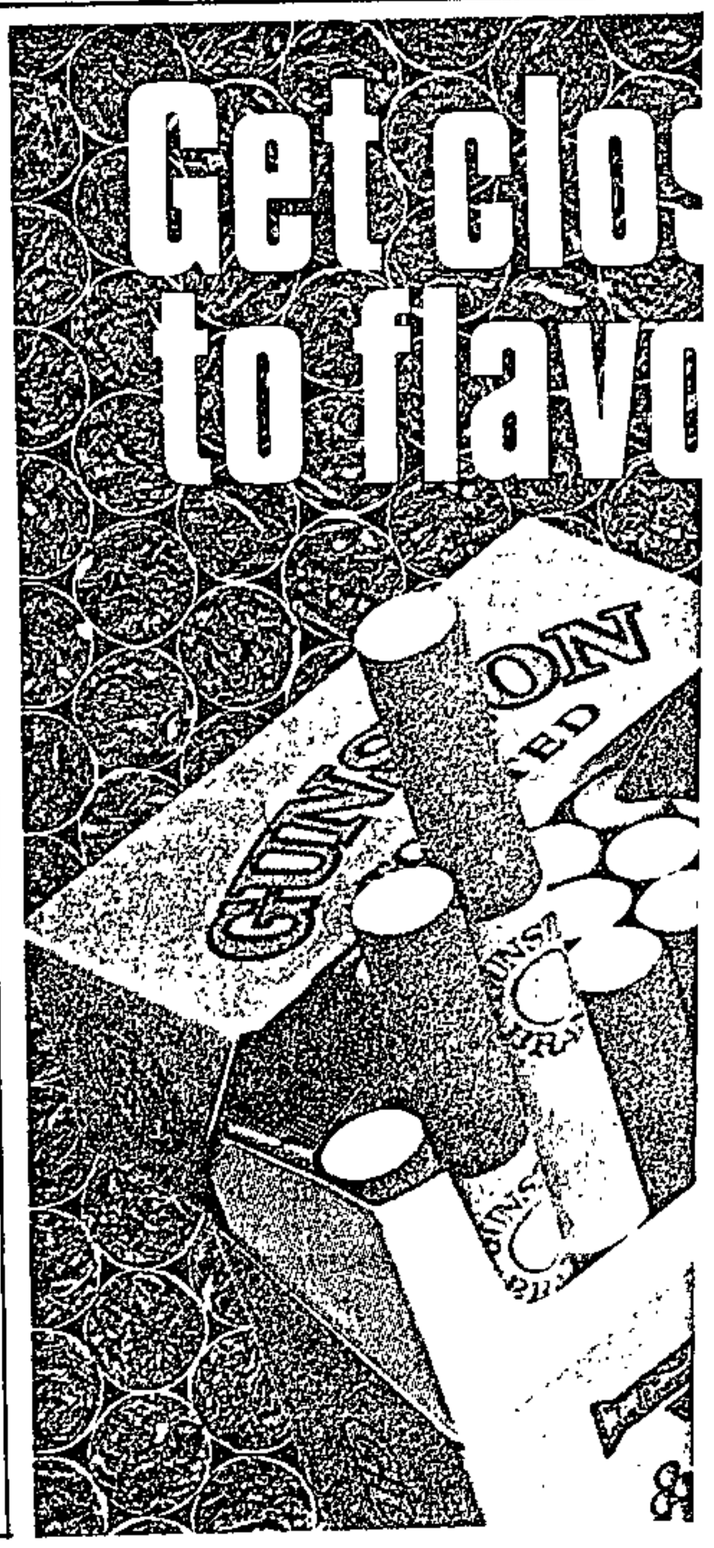
He said in a statement one of the main aims of the revolutionary onslaught against the Republic was to mobilise the masses.

### Violence

Revolutionaries used such meetings as had been banned to mobilise the masses, and this led to violence.

Last night's meeting at the University of the Witwatersrand's "flower hall" would have

• To page 2




**Happy birthday!**

**MATHIBELA twins Mpho and Mphonyana celebrate their second birthday today. See Page 6.**

P.T.O.

# DELMAS TRIAL BAN

• From Page 1

promoted this aim. Speakers would have included leaders from United Democratic Front ranks.

Gen de Witt said it was important to note that it was found, in the Delmas trial, that the dominant part of the UDF leadership corps acted as the internal wing of the African National Congress.

He had considered the prohibition — in terms of regulation 10 of the security emergency regulations — necessary for the safety of the public, the maintenance of public order and the termination of the state of emergency.

• The African National Congress resorted to the armed struggle because they had no other avenue to redress their grievances, Dr Frederick van Zyl Slabbert, former MP and leader of the PFP told the Delmas treason trial yesterday.

Dr van Zyl Slabbert said executive members of the ANC told him during discussions he had held with them that the arms struggle was "a last resort" after the organisation was banned and its leaders jailed following "decades" of peaceful negotiations.

He was testifying in mitigation for the defence of 11 men, including three officials of the United Democratic Front who have been convicted of treason and terrorism by Mr Justice van Dijkhorst and an assessor.

(Proceeding).

Star 7/12/88 (RFF) (331)

## Slabbert speaks for 'Delmas' four

# Peace pledge by ANC is recalled

**The "Delmas" treason trial was reminded yesterday of an ANC statement a year ago in which it undertook to abandon violence if conditions were such that it could participate legally in the political processes in South Africa.**

This was said in evidence by Dr van Zyl Slabbert, former leader of the Progressive Federal Party, before Mr Justice van Dijkhorst in the Palace of Justice, Pretoria.

He was appearing for the defence to give evidence in mitigation of sentence for four men convicted of treason and seven of terrorism.

United Democratic Front leaders Popo Molefe, Terror Lekota and Moss Chikane, and South African Council of Churches field worker Tom Manthata have been found guilty of treason.

The other seven are prominent members of the Vaal Civic Association.

Among the principal findings of Mr Justice van Dijkhorst in the treason convictions were that the UDF had created a revolutionary climate and had fomented hatred against the Government. He also found it to be a revolutionary organisation conceived by the ANC. The dominant leadership of the UDF was also considered to have functioned as an internal wing of the ANC.

Since the UDF had openly sided with the ANC, which was for all practical purposes at war with the Government, the UDF's intent was no less hostile, the judge ruled.

Dr Slabbert told the court: "I do not support violence or the armed struggle."

He said that having had talks with ANC executive members on several occasions, he was convinced that the decision to wage the armed struggle was taken "as a last resort" after the banning of the organisation and the incarceration of its leaders in the early 1960s.

**Staff Reporters**

"I can understand why they committed themselves to the armed struggle. I understand it was a decision not taken lightly."

Dr Slabbert added: "I view the UDF, in a sense, as the child of the tricameral Parliament. In a short time it managed to capture the imagination of a great number of people. It articulated the ideals and views of the people."

He said there was no question about the popularity of the UDF.

Asked whether the three key UDF figures in the dock were "mavericks", he said they were not — they represented the views of a substantial number of people.

Earlier, Professor W J Kalk of the University of the Witwatersrand's Medical School, and a senior physician at Johannesburg Hospital, gave evidence in mitigation of sentence for Mr Tebello Ramakgula, a diabetic convicted of terrorism.

Professor Kalk said he had written a report informing the Commissioner of Prisons of problems he had with Mr Ramakgula's treatment while in jail.

Referring to the prison's management of Mr Ramakgula, he said the doses of insulin in relation to meal times were inappropriate, especially because the evening meal was served at 3 pm.

"There was no way a dose of insulin (at that time) could last through to the next day."

Evidence in mitigation continues today.

# Court sends ANC man for medical

331

Pnew 4/12/86

By MARTIN NTSOELENGOE

THE murder trial of a trained ANC man was postponed this week to December 8, after he was sent for a medical check-up.

Graeme Freidman, a clinical psycologist, told the Rand Supreme Court that after examining Oupa Alex Seheri, he found him suffering from a nervous disorder.

Seheri, 33, of Emdeni, Soweto, was earlier convicted on two counts of murder and possession of a machine gun and ammunition.

Seheri shot dead Mlando Michael Ngubeni and Xola Ashley Mkhaula, and also attempted to murder Jeremiah Nkosi and Colin Dlamini.

Friedman said Seheri had a mixed personality which made him aggressive when angry.

His former girlfriend and shebeen queen, Priscilla Lindiwe Mkhonza, 29, of Zola was sentenced to 10 years for incitement to murder.

On January 27, Seheri and Xola had a fight at Mkhonza's shebeen.

Judge O'Donovan thought there was no common purpose, Mkhonza had incited Seheri to shoot Xola.

Earlier Xola's sister Faith, said after Seheri had warned her brother, Mkhonza told him to "go back and kill the dog".

Originally Xola and Mkhonza appeared with three others – Ben Jabulani Dlamini, Stembiso Buthelezi and Charles Zwane.

Dlamini was found not guilty and discharged, while Buthelezi was sentenced to four years.

Zwane, who was only 17 at the time of arrest, was sentenced to one year suspended for five years.

Earlier, the State prosecutor, Brian Sheer, told the court that Seheri had skipped the country at the height of the Soweto unrest and had received military training in Angola.

He received comprehensive training involving the use of weapons such as the AK47 assault rifle, the Scorpion machine pistol, limpet mines and hand-grenades.

His training included map reading and combat work under the military wing of the ANC's, Umkhonto we Sizwe, before he returned to the country.

Seheri's task was to conduct training for local activists in the use of weapons, and to make progress reports to the ANC outside South Africa.

AL and CAPE 80c (71c + 9c tax) (331) Beeld 7/12/88

# Delmas trial protests are banned

GATHERINGS protesting against the Delmas trial have been prohibited, police commissioner Gen Hendrik de Witt said in a statement yesterday.

He also gazetted an emergency regulation order prohibiting a gathering at Wits University last night. The meeting had been organised by the Delmas Trialists' Ad-Hoc Support Committee, reports Sapa.

De Witt said one of the aims of the revolutionary onslaught was to mobilise the masses. Revolutionaries used such meetings as had been banned to mobilise the masses, and this led to violence.

**Business Day Reporter**

CHARLOTTE MATHEWS reports that the premises of the Witwatersrand Council of Churches in Eloff Street were raided by the SAP at 11.30am yesterday.

WCC attorneys Krish Naidoo and Co said documents were confiscated.

A police spokesman said about 20 people accompanied the police to John Vorster Square for identification purposes. Some were released later.

● See Page 2

# Protest ban on Delmas trial

PRETORIA. — All protest gatherings against the Delmas treason trial have been prohibited, according to statement released yesterday by the Commissioner of Police, General Hennie de Witt.

Gen De Witt also gazetted an emergency regulation order prohibiting a gathering at Wits University last night organised by the Delmas Trialists Ad-Hoc Support Committee.

The Congress of South African Trade Unions condemned the ban last night. — Sapa

● Slabbert testimony — Page 3

331



# Forbes: Plea for suspended sentences

Supreme Court Reporter

**A RETURN to "normal circumstances" in South Africa would not be achieved by exchanging the life sentence of Nelson Mandela for that of Ashley Forbes, who had behaved in accordance with the ethos of his community, the Supreme Court heard yesterday.**

**This was said by Mr Michael Donen, for the defence, in his second and last day of argument in mitigation of sentence in the trial of Forbes and 13 others.**

**Forbes was regarded in his community as a leader and he should not be seen to be punished in a spirit of wrath.**

**"He possesses certain noble qualities which the court should not destroy by too-long a prison sentence," Mr Donen said.**

**The conduct of the trialists, particularly those who failed to report their comrades, was consistent with the ethos of their community. Suspended sentences would foster reconciliation between their civil society and the political society of which the court was a part, he said.**

**The offences of Forbes, Peter Jacobs, Nicklo Pedro, Nazeen Lowe, Anwa Dramat and Clement Baadjies differed in quality from those of David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott, he said.**

**What they had in common was that they had all been in custody for more than a year, had suffered the attrition of a long trial and had spent various periods detained under Section 29.**

**Except for Scott, the accused had all been swept into their course of conduct as youths, he said.**

**Mr Donen submitted that no sound reason existed why Fortuin, Veary, Rhoode, Malgas, Cairncross, Karriem, Petersen and Scott should not receive suspended sentences.**

**They could not be deterred from holding the same views as their community. In prison they were likely to become thoroughly politicised and deterrence would be greatest if they were outside and faced with the implementation of a suspended prison sentence, he said.**

**Petersen, who failed to report an intended petrol bomb attack to the police and who helped a terrorist, was not a danger to society.**

**The interest of internal security would be better served if he finished his studies at UWC and not "at the feet of Mandela". Society's interest would best be served if he was allowed to father and support his 14-month-old daughter, Mr Donen said.**

**Mr Johnny de Lange, for Malgas, said his client had been convicted of storing a handgrenade, but no evidence had been led that he personally intented to hurt anyone.**

**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 Donen and Mr de Lange were instructed by E Moosa and Associates and Wilkinson, Joshua, Gihwala and Abercrombie. Mr W C Viljoen and Mr Mike Stowe appeared for the state.

# Don't punish Forbes in spirit of wrath — plea

ARGUS 7/12/88

331

By REHANA ROSSOUW
Supreme Court Reporter

EXCHANGING the life sentence of Nelson Mandela for that of Ashley Forbes would not achieve a return to normal circumstances in South Africa, counsel for Forbes told the Supreme Court.

Mr Michael Donen was arguing yesterday in mitigation of sentence for Forbes and 13 others convicted of terrorism and related charges.

They are Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

Mr Donen said the court should accept as mitigating factors that a "mil..u of violence" existed in 1985 when the accused became involved in political activity.

Mr Donen dealt with each accused in his argument and said each sentence should be looked at individually.

Forbes was regarded as a leader.

He was the commander of ANC cells in coloured areas and initiated three hand-grenade attacks on the homes of policemen, a limpet-mine blast in a bus shelter near President Botha's home in Rondebosch and a limpet-mine attack on the railway near Bonteheuwel.

Forbes left South Africa in 1986 and received political and military training from the ANC in Angola.

Soon after he returned he exploded a limpet mine on an electrical pylon near Goodwood.

Mr Donen said Forbes should not be seen to be punished in a spirit of wrath.

His crime and those of the others were undoubtedly serious and had they been committed under normal circumstances they would have merited the utmost rigour of the law.

Ashley Forbes

They were committed under abnormal circumstances and it was clear the accused were not motivated by personal motives, whether of gain or revenge.

"A return to normal circumstances in South Africa will not be achieved by exchanging the life sentence of Nelson Mandela for that of Ashley Forbes."

Mr Donen said Peter Jacobs left South Africa and received a crash course in political and military training from the ANC.

His mission on his return was to carry out sabotage and he aided Ashley Forbes in a limpet-mine attack on a pylon near Goodwood.

"His participation in the hand-grenade attack on the home of a policeman in Mitchell's Plain was extraordinary, but it is admitted he threw the grenade."

The court should take into account that Jacobs had attended Mountview High School, which sparked off the 1980 student uprising and was educated in a "vortex of militant resistance".

Mr Donen said Pedro, 20, was young at the time his offences were committed and was not a danger to society because he was not given proper military and political training by the ANC.

Pedro recruited several of the accused into the ANC, planned the "symbolic" attack on the bus shelter, helped in attacks on the homes of policemen in Mitchell's Plain, Uitsig and Bonteheuwel and on the railway line near Bonteheuwel.

Lowe, 25, admitted to being a member of an ANC military cell, taking part in an attack on Manenberg police station and storing arms.

"The fact that he is a long-time member of the ANC and yet took part in only one attack indicates he is not a danger to society."

Mr Donen said the court should take into account that Dramat, 20, was recuited into the ANC on his 18th birthday.

Dramat was convicted of terrorism after admitting he placed a hand-grenade in a Rondebosch bus shelter, throwing a grenade into the home of a Bonteheuwel policeman, attempting to sabotage the railway near Bonteheuwel and storing arms and ammunition.

Although these acts were serious nobody was injured.

Baadjies, 20, was convicted of terrorism after admitting a petrol-bomb attack on the home of a policeman, acting as a lookout during the bus-shelter bombing and storing arms and ammunition.

Mr Donen said Baadjies lacked proper training and was not a danger to society in the sense that trained cadres were.

Mr Donen said no sound reason existed for Fortuin, Veary, Rhoode, Malgas, Cairncross, Karriem, Petersen and Scott not being given suspended sentences.

Mr Donen said Fortuin, 22, was convicted of contravening the Internal Security Act for storing arms for Pedro for only one day and was eligible for a suspended sentence.

Veary, 25, was convicted after admitting storing a mini-limpet mine for Pedro and there was nothing to show he intended to hurt anyone.

Rhoode, 23, should be allowed to spend his future with his wife and his two-year-old daughter.

Rhoode was found guilty of one violation of the Internal Security Act — failing to report the presence of a terrorist.

Cairncross, 22, convicted of failing to report an intended petrol-bomb attack and the presence of an ANC member, should be allowed to further his studies at the University of the Western Cape.

Mr Donen said Karriem, 22, convicted after he admitted temporarily storing a detonator, should also be considered for a suspended sentence.

## Not serious

Petersen, 23, was convicted after failing to report an intended petrol-bomb attack and aiding a terrorist.

"These offences were not serious and he is clearly not a danger to society."

Scott, 30, was convicted of furthering the aims of the ANC after admitting being commander of an ANC cell which produced a pamphlet entitled "The call to form mass revolutionary bases".

Mr Donen said no evidence was led by the State on the effect of the pamphlet or who it reached.

Mr J de Lange argued for Malgas, 22, convicted of helping with ANC propaganda and storing a hand-grenade.

The interests of the community would be best served if Malgas was given a suspended sentence and was allowed to complete his law studies.

The State was due to begin its argument today.

# Slabbert evidence at Delmas trial

CAPE TIMES 7/12/88

331

Own Correspondent

PRETORIA. — The severity of the sentence imposed on the three UDF leaders convicted of treason would have a profound effect on the views of the organisation's supporters and sympathisers, Dr Frederik van Zyl Slabbert told the Supreme Court yesterday.

Dr Slabbert, former PFP leader who is a director of Idasa and a visiting professor at the Wits business school, was giving evidence in mitigation at the Delmas treason trial.

UDF leaders Patrick "Terror" Lekota, Popo Molefe, Moss Chikane and black consciousness activist Tom Manthatha were convicted two weeks ago.

Dr Slabbert said the three convicted UDF leaders were not mavericks but shared views held by a substantial number of people.

"I regard the UDF in a sense as the child of the tricameral Parliament. In a short space of time it managed to capture the imagination of a great number of people in this country and managed to articulate some of the ideals and views of these people."

Dr Slabbert said he viewed the ANC as one of the most important organisation in the South African political context. The trial continues today.

Star 8/1/88

# Eight in court after protest

**Pretoria Correspondent**

Eight people yesterday appeared in the Pretoria Regional Court on charges relating to the Internal Security Act.

Appearing before Mr R de Vos were Miss Laura Anne Best (22) of Arcadia, Pretoria, Miss Cornelia Scholtz (20) of Waterkloof Glen, Pretoria, Miss Elizabeth Anne Windley-Lloyd (27) of Parkhurst, Johannesburg, Miss Helena Catherina Saayman (20) of Menlo Park, Pretoria, Miss Minnethe Carstens (22), of Colbyn, Pretoria, Miss Kerry Hairns (29) of Sunnyside, Pretoria, Mr Zach Rambedi (23) of Mamelodi East and a 17-year-old Mamelodi West youth.

They were arrested on November 4 this year after holding a placard picket in Pretoria protesting against the suspension of the Johannesburg newspaper *The Weekly Mail* for 28 days.

The hearing was postponed to January 25.

# Parents heard of son's death late

Sowetan 8/12/88

331

**POLICE informed a Daveyton, Benoni, family that their son was killed for being involved in "terrorism activities" two days after the incident, the Benoni Inquest Court was told yesterday.**

By MZIKAYISE EDOM

Giving evidence before Mr J P Myburgh, Mr Moses Nyoka said his son, Caiphus, was sleeping in a backroom at their home when police arrived at about 2.30am on August 23 last year, looking for him.

He told the court that when he went to investigate outside he was told by the police, some who had surrounded the house armed with rifles, that he should go back to the house and sleep.

He also said that a few hours later he saw a semi-naked body being carried by Daveyton municipal policemen to a van which was parked outside his yard.

He said: "Peeping through the window of my bedroom I could see that the policemen were carrying the body of my son who was already dead.

"He was wearing only underpants. The policemen left without informing me what had happened to my son or what they were doing in his room."

Mr Nyoka told the court that in the morning when he went to investigate he found his son's room in a mess. He said sheets and the mattress were covered with blood and blood was splashed on the floor and walls. He said he was only informed two days later by the police that his son was shot dead by police who were dealing with and tracking down "terrorists."

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Delmas trialists: evidence led in mitigation

# It is logical to unban ANC, says banker

THE ANC had a silent constituency although it was banned, and it was realistic and logical to unban it so it could take part in the creation of a new SA, African Bank chairman Sam Motsuenyane told the Pretoria Supreme Court yesterday.

Motsuenyane was called by the defence to give evidence in mitigation on behalf of the 11 Delmas trialists.

Referring to the three UDF leaders convicted of treason, Motsuenyane said he had great admiration for the spirit of fortitude with which they had led their organisation.

He said: "I have no doubt these young men have a role to play in the SA of the future. My perception (of the UDF) is it fulfils a needful role in our community.

"I did not know the leaders

SUSAN RUSSELL

intimately but I had heard of them and know they enjoy tremendous support among black people."

● MOTSUENYANE

Motsuenyane appealed to the judge to be lenient in sentencing the 11.

"I believe the severity of the sentence would certainly impact on the attitude of people, particularly black people in SA, and could erode the goodwill which this country requires at this time."

Motsuenyane told the court he was a member of the ANC until its banning in 1960 because it was the only black organisation fighting for black political rights in SA at the time.

The ANC had felt forced to change direction and emphasise the importance of an armed struggle in the early 1960s, after years of peaceful protest, after seeing no visible signs of change from government.

Motsuenyane said although he did not personally subscribe to violence, he thought it was merely an ANC attempt to evoke a quick response by the authorities to go to the negotiating table.

Asked by defence counsel A Chaskalson, SC, why these men were regarded as heroes, Motsuenyane said they had sacrificed professions which would have brought them prosperity and spent their lives in jail for the freedom of those in the black community who held the same views.

# Judge asked to be 'compassionate' when imposing sentences

Star 8/12/88

331

A leading black businessman, Mr Sam Motsuenyane, concluded his evidence in mitigation for the convicted "Delmas" trial 11 yesterday with an impassioned appeal to Mr Justice K van Dijkhorst in the Palace of Justice in Pretoria to impose as light sentences as possible.

Mr Motsuenyane reasoned: "I think things need to be made easier for people to get together as South Africans, both black and white."

Any sentence so severe as to erode the goodwill necessary for the negotiating process would be counter-productive, he said.

Mr Motsuenyane is president of Nafcoc, chairman of the Afri can Bank, and a director of Barlow Rand, First National Bank and the Small Business Development Corporation.

The men in the dock face sentences for treason and terrorism.

**By Adele Baleta and Jo-Anne Collinge**

Four — the UDF's Popo Molefe, Terror Lekota and Moss Chikane, and church worker Tom Manthata — were convicted of treason.

The others, members of the Vaal Civic Association, were found guilty of terrorism.

The treason convictions were based on the finding that the UDF created a revolutionary climate in furtherance of the ANC's policy of overthrowing the State by violence, and that leaders of the UDF acted as an internal wing of the ANC.

## Mass violence

Commenting on the mass violence of 1984/5, Mr Motsuenyane said businessmen had suffered loss of life and property.

"The violence took place against a backdrop of increasing tensions against the creation of local authorities and the tricameral Parliament, which we people did not really accept."

Mr Motsuenyane maintained that the situation painted a picture which required Mr Justice Van Dijkhorst "to give accommodation and compassion" in his judgment.

On the question of the ANC's violence, Mr Motsuenyane said he regretted it, although he had not personally condemned it because he had a very deep appreciation of why the organisation had turned to violence.

Asked if his failure to condemn the ANC could be construed as support for its violence, he said this was not so.

He said men who in desperation committed themselves to the violent option enjoyed considerable support in the community, and it was therefore difficult for a man in his position to condemn the violence generated.

Under cross-examination it was put to Mr Motsuenyane that Nelson Mandela had undergone military training in Algeria.

The witness, who had been a member of the ANC until its banning, was asked if he still saw Mandela as his leader, despite Mandela's military involvement.

"I still regard him as my leader. Unquestionably so," responded Mr Motsuenyane.

Submissions on the evidence will be made by the defence today.

FOCUS: THE DELMAS TRIAL

331

# The thin line between criminal and hero

THE difference between the two views at right sums up the significance of the "Delmas" treason trial judgement.

It is a common phenomenon in South Africa: political leaders who are hailed as heroes by some, are considered criminals by the authorities.

They are no ordinary leaders, but some — such as the United Democratic Front's Terror Lekota and Popo Molefe — of the best-known resistance figures of the 1980s. Nor are they ordinary criminals, but the kind who have committed the most serious crime against the state, carrying the possibility of the death penalty.

Mr Justice K van Dijkhorst found four of the accused — three United Democratic Front leaders and one SA Council of Churches employee — guilty of treason, and seven guilty of terrorism. He acquitted the rest of the 22 accused.

The 1 500-page judgement, delivered a fortnight ago, presents a litany of official disapproval of the accused, their views and the style and nature of their politics. In tone, in its conclusions and in its depiction of political symbols, songs and gestures, it is a testament to the enormous gap between the official view of these matters and the view of those who oppose the government.

For example, Dr Nthato Motlana, a long-standing political leader with a solid international reputation and a man associated with moderation within the resistance movement, was described by the judge as "suspect".

"We reject his evidence that the UDF was averse to violence and non-revolutionary. In fact, he himself helped build the revolutionary climate in South Africa," he said.

Similiarly, Sheena Duncan, well-known as a human rights activist and church leader, was pictured as a hypocrite and described as "an apologist for the ANC and Swapo taking up arms".

The organisation she led, the Black Sash, which has a reputation for campaigning for the rule of law, was said to have "a total mistrust of the law and legal process" because it called for the unconditional release of detainees, rather than making a "charge or release" call.

Contrast the tone of this with the Congress of SA Trade Union's description of the trialists as "most important leaders who have a crucial role to play in negotiations for peace and democracy".

In its reaction to the judgement, Cosatu said: "The findings will also be greeted with shock by the hundreds of thousands of people — including Cosatu members — who regard the four (found guilty of treason) as leaders of outstanding capability and a strong commitment to the will of the people."

*"Well-spoken, articulate, intelligent, tending to be verbose. Will tell lies unashamedly."*
— Mr Justice K van Dijkhorst, describing Patrick "Terror" Lekota, accused number 20 in the Delmas trial.

*"I know many of the men (in the Delmas treason trial) as gentle, rational people who in a democratic society would be regarded as civic-minded and public-spirited leaders."*
— Archbishop Desmond Tutu

This encapsulates why there is such an outcry over the judgement, both locally and internationally. One is not surprised when foreign governments protest against the detention without trial of opposition leaders; but it is a much more serious development when they criticise the results of political trials and judicial convictions, as the US government did in this case.

When the country's largest trade union federation and most of the best-known black opposition leaders praise people who have been convicted of treason and terrorism, the country is facing serious problems.

But it was not only individuals who were on trial in this case.

The United Democratic Front and its leaders were accused by the state of conspiring with the African National Congress to overthrow the government by violence. The UDF leaders were accused of organising, mobilising and politicising the black masses to take part in violent acts aimed at rendering South Africa ungovernable.

This was described as the first step towards a violent revolution.

The state's thesis was that the UDF was formed as a result of a call by the ANC. It then took up campaigns and issues identified by the ANC as sources of grievance in the black community and used them as part of the conspiracy to overthrow the government.

The state alleged that the UDF used freedom songs and poems at its meetings to popularise the ANC and glorify its leaders and its acts of violence.

In particular, the state accused those trialists who came from the Vaal of organising the stayaway and march of September 3 1984 that led to a national outbreak of unrest. They said this was part of the UDF/ANC conspiracy to mobilise the black community to engage in acts of violence.

Judge van Dijkhorst accepted much of the state's thesis. He found that the UDF "was conceived, spawned, nurtured and throughout directed by the ANC" and its policies were "in all material respects the same as the ANC.

"In order to further its organisation and to prepare the ground for the final onslaught by the masses, it set about to foster dissatisfaction and create a revolutionary climate amongst the black population.

"We find that a dominant core of the leadership of the UDF formulated and executed a policy of mass organisation whilst fomenting a revolutionary climate in order to lead to mass action against governmental institutions.

"Violence was an intended, necessary and inevitable component of such action by the masses. It was intended to make South Africa ungovernable," he concluded.

In short, the finger of accusation was pointed at the UDF and its affiliates, such as the Vaal Civic Association, in areas which experienced violence during 1984/5.

Since the UDF and its affiliates were the dominant resistance organisations of the early 1980s, once can say that it was the politics of that period — its style, its contents, its aims and its methods — being paraded in the dock.

This is borne out by the fact that the key evidence against the 22 lay in their speeches, songs, pamphlets, posters and gestures (such as raised fists) and internal UDF documents.

Thus what was convicted, after three years of hearings, was not just 11 men, but the form of resistance activity they represented — the major form of black resistance this decade.

This is why so many individuals and organisations have identified with the accused, as symbolised by the crowds that packed the court during the judgement. They were not just family members, but diplomats and representatives of a number of political organisations affected by the judgement.

Tutu summed it up: "If this is treason, then I am guilty of treason. I do not believe they have done anything wrong, and nor will the black community."

This is particularly significant, since the state has tried repeatedly to establish through court rulings that certain kinds of internal resistance politics — particularly those involving mass mobilisation — are illegal. The 1956 treason trial, for example, put under the spotlight the ANC's attempts at mass mobilisation against the government in the 1950s.

That case failed.

Only two years ago, other members of the UDF leadership were put on trial for treason in Natal, accused also of conspiring with the ANC to overthrow the government with violence. That case overlapped enormously with the Delmas case; in fact some of the evidence prepared for the Natal case was presented in Delmas.

That case also failed.

Now the state has succeeded in getting the UDF, its leaders, other organisations such as Azapo and Cosas, described by a court as revolutionary, and in convicting their leaders of treason.

One can interpret this narrowly, and simply say that the court found that it was illegal to encourage violence to overthrow the government.

But there is a wider interpretation that has much more serious consequences. Since the UDF had a significant mass following and it epitomised the form and style of mass resistance of the 1980s, this means that its whole style of politics, mobilisation and resistance now carries the threat of treason.

This redefines the legal parameters within which black opposition can campaign for political change. It raises fundamental questions about how one can legally mobilise resistance if one rejects official government forums, as almost all black resistance leaders and organisations do.

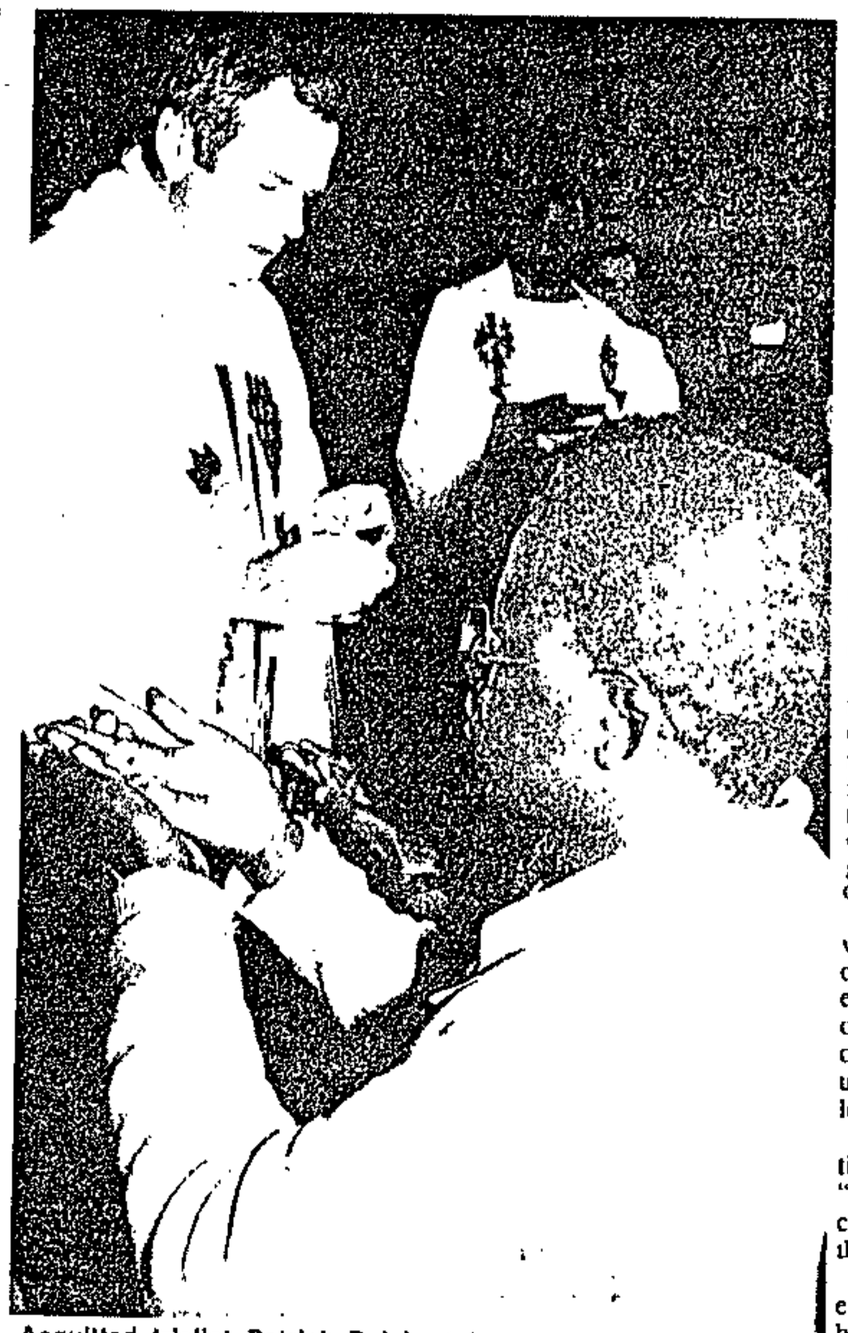
At one stage of his verdict, Mr Justice Van Dijkhorst said of an accused: "We judge a tree by its fruit." One could say the same for the verdict in this case.

Whatever the evidence he considered, whatever his reasoning, it will be judged by its fruit: the conviction for treason of major resistance leaders of the 1980s, men who probably hold a similiar position in contemporary politics that the likes of Nelson Mandela and Walter Sisulu held when they were sent to prison in the 1960s.

How ironic it is then, that when the court reconvenes for evidence in mitigation of sentence on Monday, these 11 leaders will be facing potentially heavy sentences — just as the release of Mandela appears imminent.

Cosatu summed up this view: "There will be an inescapable irony in jailing leaders of organisations which seek to work within the law, at a time when there is greater acceptance and even release of leaders who have espoused organisational violence."

**Anton Harber**



Acquitted trialist Patrick Baleka takes communion prior to judgement of the remaining 19
Picture: WALTER DHLADHLA, AFP

## TRIAL BY NUMBERS

THE story of the marathon Delmas trial can be told in simple figures:

Number of accused: 22
Co-conspirators: 911 individuals and 50 organisations
Acquittals: 11
Convictions: 11
Court days (to end of judgement): 442
Pages of indictment: 565
Pages of evidence: 27 194
Exhibits: 14 425 pages, 42 video and radio tapes, 5 rolls of film and numerous photographs and maps.
Number of state witnesses: 152
Number of defence witnesses: 126
Pages of judgement: 1 521
Number of trialists refused bail throughout the trial: 3
Number of times accused number 22 reported to a police station as part of his bail conditions: 840 (twice a day whenever there was no court appearance)
Cost: Unavailable, but certainly the most expensive trial this country has seen

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331 WMAIL 2-8/12/88

# 442 days in the Delmas dock

## By Accused Number 22

**Thabiso Ratsomo was in his second year at Rhodes University when he was detained in his hostel room in April 1985. He was to spend the next three-and-a-half years facing charges of treason. This month, he was acquitted on all counts. Here is his insider's account of the amazing trial**

At 10 o'clock on November 15, judgement was delivered by Mr Justice van Dijkhorst in the packed Court C of the Palace of Justice in Pretoria. Tension among the accused was obviously high, and there was a lot of anxiety among their families, friends, supporters and well-wishers. Some were telling us: "We are here to collect you today."

The 16 of us then on bail had left Johannesburg for Pretoria that morning. Some of us had had drinks together the night before — we didn't want to think about the possibility that any one of us might be convicted, so we adopted an attitude of "whatever will be, will be".

Judgemen finally began — and some of us were shocked, terrified and felt shaky when the judge unexpectedly announced that the bail of some of the accused was being cancelled.

However, we remained calm, composed and strong. It would have been naive and unrealistic for us to have expected that all would be well.

Throughout the trial our morale was very high. It was disturbed occasionally when state witnesses said bizarre things which people never imagined could be said. The high morale belied our awareness that the charges we faced were serious indeed.

On April 30 1986 one of the state witnesses alleged that the national publicity secretary of the UDF, Patrick "Terror" Lekota, had taught her how to manufacture petrol bombs some time in 1984. "Terror" was very troubled. He said to me that he had never seen the witness before and that it was going to be difficult to rebut her evidence.

The witness repeated the allegations under cross-examination by defence advocate George Bizos. Suddenly, in the middle of the cross-examination, the witness stood up and said: "I would like to explain this. During 1984, Mr Lekota was not known to me."

We looked at each other with amazement; our faces radiated and we sat upright in order to have a good view of the person making this startling confession. She had said her evidence was fabricated — the witness was totally discredited.

The events of that day were the hottest news in cell number H23 at Modderbee Prison, where the 22 of us were accommodated. Everybody recalled the drama of the witness who owned up and Bizos, nicknamed *"Matla a tlou"* (one possessing the strength of an elephant), was the hero of the day.

The trialists were of different political persuasions, yet they displayed a spirit of camaraderie and co-operation that has eluded our organisations for years. Some of the trialists had little or no experience in political affairs; some were national leaders and some were ordinary activists.

We were, in any case, ordinary people, with no nerves of steel to help us through 441 court days with the sword of Damocles — the possibility of being convicted — hanging over our heads.

I personally felt nervous on the morning of November 15, and after bail of of the eight accused had been abruptly cancelled, I simply could not sleep that night. The other accused had the same difficulty in sleeping. After all, the turbulent period we'd gone through together had moulded us into one family — and when that family was torn apart, it became difficult to accept.

The judge, in his summary, said something about each accused. On Friday November 18 he dealt with 16 trialists, of whom I was the last. Next to me were Moss Chikane, "Terror" Lekota and Popo Molefe.

First Sam Matlole, Tom Manthata and Jacob Hlanyane were dealt with. All were convicted in a row. I was discharged. By the time the court adjourned that day, the agony had overcome me — I was nervous and shaking.

When I told Simon Nkoli, one of the other acquitted trialists, about how I felt, he told me that he wanted to run away immediately after judgement and be away from the crowds.

The "Delmas" trial — with due respect to all those involved and committed to the fair administration of justice in this country — is an indictment of the process of establishing the innocence or guilt of an accused person.

The trial was like falling into a bottomless pit, with no end in sight. When the end finally came, with judgement running into more than 1 500 pages, it became a sad story.

Behind the tears that will follow when the court adjourns for the last time, after sentence is passed, will be the suffering and difficulties of adapting to the absence of family members — fathers, wives, children and so on. No less important are the implications for organisations opposed to the apartheid policies of the government.

For myself, I feel, in all honesty and sincerity, that I have been stripped of a part of myself.

● The end of the trial is likely to be only the start of a protracted legal wrangle over the appeal, the scope of the appeal and the re-opening of the case of dismissed assessor. In the meantime, the sentenced accused are likely to remain in jail.

For the trialists, the case stretches back four years to September 1984, when the Vaal erupted into the unprecedented violence which later engulfed the whole country.

Gcina Malindi (convicted), Oupa Hlomoka and Patrick Baleka were arrested in September 1984, and in June 1985 all the accused were charged. Some had hardly seen each other before.

Six of us were released on bail in November 1986, while Malindi, Hlomoka and eight others were released on bail in June last year.

Each accused had to report twice a day at a police station when the court was not sitting. I visited the the police station on 840 occasions.

> 'We were ordinary people, with no nerves of steel to help us through 441 court days'

# Churchmen deplore halting of service

The Argus Correspondent

JOHANNESBURG. — Church leaders have deplored the stopping of a prayer service here for the Delmas trial accused and have attacked the police for "crossing the line between freedom of worship and its violation".

The service at the Central Methodist Church on Tuesday was interrupted and stopped by armed policemen.

The Rev Peter Storey, chairman of the South Western Transvaal district of the Methodist Church, said yesterday: "The incident was an infringement of the right of people who have been deeply hurt by events over the last couple of weeks to gather for prayer."

The statement was signed by the Moderator of the Presbyterian Church of Southern Africa, the Right Rev Michael Moore; the Anglican Archbishop of Johannesburg, the Right Rev Duncan Buchanan; the Moderator of the United Congregational Church of Southern Africa, the Rev Ron Steel, and Mr Storey.

# Terror sentences should 'send message on violence'

AKGS 8/12/88 (331

**Supreme Court Reporter**

THE 14 people on trial for terrorism and related charges should be dealt with harshly to give their community the message that courts do not accept violent behaviour, the State has argued.

Mr W C Viljoen was delivering his argument yesterday in the trial of Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

He said he accepted the evidence of the accused that apartheid policy had led to unhappiness in 1980.

"But this court is not expected to give judgment on government policy but on the behaviour of the accused," he said.

"This trial is not concerned with the accused's political opinions but their deeds and the methods they used."

## "Forum for struggle"

"During this trial the court became a forum for the struggle."

Mr Viljoen said although the court should feel sympathy for the accused, it should still take account of their ideology.

He said no court could allow violence to become the norm of political opposition.

Their violent action was the reason why the State President had decided to impose a state of emergency, Mr Viljoen said.

Mr Viljoen said the court should regard the evidence of Mr Donald Frank Molteno, a sociologist at the University of Cape Town, as not very reliable as he had told the court he had suffered under apartheid.

## Opposing apartheid

"He said the accused were morally conscripted into opposing apartheid and I have no problem with that," Mr Viljoen said.

"But if he alleges that they felt duty-bound to take up arms then I disagree with him."

He also disagreed with Mr Molteno's evidence that the accused were socialised into their beliefs by their community.

They were responsible for their own socialisation and were regarded by their communities as a radical element, Mr Viljoen argued.

"If Mr Molteno's evidence is correct that the majority of coloured people support the armed struggle, then this court's sentence should address that community directly with the message that the courts do not accept such behaviour," he said.

## Violence the norm

"A light sentence would indicate acceptance of military action and terror would spread like a veld fire.

"Dealing with these deeds by imposing a light sentence would plunge the community into a psychotic condition where violence is the norm."

He said if the accused were given a light sentence they would return to their communities where the majority were in favour of their deeds.

He said it was precisely because of this that they should be kept out of their community.

The trial was postponed until tomorrow.

# Forbes 13: Role in 'war' cited in court

CAPE TIMES 8/12/88

Supreme Court Reporter

ASHLEY FORBES and his 13 co-accused should be sentenced on the basis that they had participated in and supported the African National Congress' armed struggle, the state argued yesterday.

Mr W C Viljoen, for the state, said the court should take into account the relevance of the ANC's, aims which were the driving force behind the actions of the accused.

This emerged in the manner in which they had structured themselves into ANC cells, their admissions and their evidence.

Their trial not only revolved around ANC theory, but with the practical implementation of that theory in South Africa, said Mr Viljoen.

Brigadier Hermanus Stadler had testified about the increase in guerilla attacks in South Africa and the court had to approach sentence in that light.

"The ANC needs soldiers like Forbes and Jacobs. They need weapons and we have seen many examples of these during the trial."

The court should take into account the role the accused had played in furthering the ANC's "people's war" strategy.

"The basis of their conviction was not the noble ideals of the Freedomn Charter or the noble political ideals of the ANC. They were found guity because they were all participants in the armed struggle," he said.

"In essence what does a person do if he stores arms for guerillas? They assist and encourage terrorism. A person cannot say he does not know these are weapons of war. It will not be used for Guy Fawkes purposes," Mr Viljoen said.

"While the court must have sympathy for the experiences of the accused as a result of government policy, the court must take into account that these principles are not something over which the court could pronounce moral judgment.

"No court in this country can allow violence to become the norm of opposition. To punish the actions of the accused with a light prison sentence would, in the end, result in the community existing in a mental condition where violence has become the norm."

The hearing continues tomorrow.

The accused are: Forbes, Peter Jacobs, Niklo Pedro, Nazeem Lowe, Anwa Dramat, Baadjles, David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ashraf Karriem, Colin Petersen and Leon Scott.

# Senators unhappy, over trial

By Kaizer Nyatsumba

American senators Mr Sam Nunn and Mr David Boren, who are in South Africa on a week-long fact-finding mission, have strong views on the Delmas treason trial.

The two Democrats, who left for Cape Town yesterday by train, are to meet the Minister of Justice, Mr Kobie Coetsee, today, and will express their dissatisfaction with the outcome of the trial, a member of the entourage said.

On Tuesday the State President, Mr P W Botha, refused them permission to see African National Congress leader Nelson Mandela.

Mr Nunn and Mr Boren will meet the Minister of Constitutional Development and Planning, Mr Chris Heunis, today.

Before leaving Johannesburg yesterday, they met the director of Wits University's Centre for Applied Legal Studies, Professor John Dugard; the head of the Detainees' Parents Support Committee, Dr Max Coleman, and Father Smangaliso Mkhatshwa.

# Delmas trial: 'Avoid harsh sentences'

AKG 331 8/12/88

**The Argus Correspondent**

PRETORIA. — A professor of sociology has told the Supreme Court here that sentences perceived as unduly harsh would be counter-productive to reconciliation in the country.

Professor Brunhilde Helm was testifying in mitigation of sentence for 11 men convicted of treason and terrorism in the Delmas treason trial.

Four of them — the UDF's Popo Molefe, Terror Lekota and Moss Chikane and church worker Tom Manthata — were convicted on the main count of treason. The other seven, members of the Vaal Civic Association, were convicted of terrorism.

Professor Helm said: "It can only be in the interests of all South Africans to build bridges, to encourage reconciliation between polarised sections of the population, and to effect social reforms. This is the policy of the government.

## Future aggression

"Sentences perceived as unduly punitive will be counter-productive to these objectives."

Professor Helm, the defence team's last witness to testify in mitigation of sentence, said punishment would most probably inhibit future aggression but would not destroy it.

She told Mr Justice van Dijkhorst that although the court had found that the leadership had been responsible for the disorder of September 3 1984 in the Vaal Triangle, she believed that regardless of the leaders' activities, the crowd in question was likely to have become disorderly.

Professor Helm said crowd behaviour was unpredictable and people were capable of excesses of which they would be incapable when acting on their own. A sense of immunity prevailed.

Earlier, leading black businessman Mr Sam Motsuenyane concluded his evidence in mitigation with an "impassioned appeal" to Mr Justice van Dijkhórst to impose as light a sentence as possible.

Mr Motsuenyane

Mr Motsuenyane reasoned: "I think things need to be made easier for people to get together as South Africans, both black and white."

Mr Motsuenyane is president of Nafcoc, chairman of the African Bank and a director of Barlow Rand, First National Bank and the Small Business Development Corporation. He is also a council member of the Paris-based International Chamber of Commerce.

Commenting on the mass violence of 1984-85, Mr Motsuenyane said businessmen had suffered loss of life and property. The businessmen who had been attacked included "those who were seen to be part of a system that had to be done away with".

He concluded that the situation painted a picture which required Mr Justice van Dijkhorst "to give accommodation and compassion" in his judgment.

(Proceeding)

# Mamelodi crowd 'told me of their grievances'

Events leading to the alleged shooting of 12 Mamelodi residents on November 21 1985 were yesterday described in Pretoria North Magistrate's Court.

The events were described by Brigadier Hertzog Lerm, retired divisional inspector of police in the northern Transvaal, and Colonel David Frederick Calitz, former district commandant for the northern Transvaal, at the inquest into the alleged shooting.

Brigadier Lerm told the inquest court he arrived at the administration offices in the township on the morning of the alleged shooting. There was a large crowd in front of the offices.

The brigadier spoke to some of the people in the crowd and asked them why they were there. "They told me they had a number of grievances to present to the township's mayor Mr Bennett Ndlazi."

**Pretoria Correspondent**

Some of the grievances were presented to him by word of mouth while others were written down on pieces of paper. Asked how many people told him about the grievances, Brigadier Lerm said he could not say how many they were.

He said there were a number of people who helped the police on that day, and some of them even asked for police protection.

Asked by Mr Morris Basslain — for the families of the victims — whether the police did promise the people protection, Brigadier Lerm answered: "It is our duty to help people who need police protection."

He said the people who helped the police needed protection because they were afraid they were going to be burnt. Star 9/12/88

He told the inquest that there were problems in Mamelodi during 1985. "It is a well known fact that many people were burnt during 1985 and that there was a rent boycott in the township."

Colonel Calitz said he spoke to a number of people in the township before the alleged shooting. The people told him about their grievances.

He added that he arrived at the administration offices before Brigadier Lerm.

At the offices, the people said they wanted to speak to Mr Ndlazi. They were told they should move to the local soccer stadium and those who did not wish to do so should go home.

"Instead of responding to the call, the people sang, laughed and danced in front of the administration offices."

# UDF leadership jailed for treason

B/day 9/12/88

331

B/day

SUSAN RUSSELL

PRETORIA — UDF publicity secretary Patrick "Terror" Lekota was yesterday jailed for 12 years while fellow members of the UDF "conspiratorial core" — Popo Molefe and Moss Chikane — received 10 years after being convicted of treason by Mr Justice van Dijkhorst in the Pretoria Supreme Court.

The marathon trial, which lasted for close on three years, flowed from the Vaal Triangle uprising in 1984-85.

Black consciousness activist Tom Manthata was sentenced to six years.

Vaal activist Gcinumuzi Malindi, who had a previous conviction for public violence, was jailed for five years for terrorism.

Six members of the Vaal Civic Association (VCA), also convicted of terrorism, were given wholly-suspended five-year sentences. But the judge imposed a range of restrictions on them.

Sapa reports that family members and supporters in the packed public gallery burst into song as the jailed men, all wearing red carnations and giving black power salutes, were led to the cells after the country's longest and most costly trial.

Mr Justice van Dijkhorst said he accepted the UDF was seen by many as having an important role to play in the negotiation for a new SA.

"I believe the demise of the UDF may leave a void which may take a number of years to fill. It may be that this will slow down the process of reform as alleged. For this consequence, however, the UDF has itself to blame."

He said the UDF was a viable movement with a message, but it "chose the path of violence instead of a policy of moderation".

Referring to the VCA members, the judge gave two factors which he had weighed before sentencing.

Firstly, he said, that after a long incarceration they were granted bail that effectively banished them from their families.

"Secondly, I hold the view that the Vaal accused should, as soon as possible, be reintegrated into their communities and the wounds caused by the Vaal riots should be healed sooner than later. In this respect I would rather err on the side of lenience".

The judge said, however, that reinte-

● To Page 2

## ...adership jailed in treason trail

● From Page 1

331

gration "should not fan the old flames" and "the solution lies in imposing conditions of suspension".

He imposed restrictions that include two-year prohibitions against attending any public meeting (more than 20 people), issuing Press statements or addressing public meetings.

Mr Justice van Dijkhorst said when the sentences were regarded against the background of those imposed in the past it would be seen that pleas for leniency had not been in vain.

"There is some case for leniency. None of the accused have been found guilty of planning or executing direct violence."

The judge said the courts were in an invidious position when dealing with political cases and sentences had to reflect the sentiments of the community.

"Where the community itself is divided any sentence will be seen by some as too lenient and by some as too severe. If this is the result achieved the sentence will probably be fair and moderate."

Application for leave to appeal will be considered on Monday.

B/day 9/12/88

There are two sets of clues, but the -

# 38 years' jail for 4

331

## Delmas trial sentences

**By MONK NKOMO**

**FOUR men, including three officials of the United Democratic Front, were jailed to a total 38 years and six others — all members of the Vaal Civic Association — were each given five years' suspended sentences but under stringent conditions in the Delmas treason trial yesterday.**

UDF secretaries Popo Moelefe and Moses Chikane were each sentenced to 10 years' imprisonment and Terror Lekota, who has a previous conviction of terrorism, was jailed for 12 years. Tom Manthata, a fieldworker of the South African Council of Churches, was sentenced to six years' imprisonment.

All four men were convicted of treason.

### Violence

Petrus Malindi, who is also a member of the VCA and has a previous conviction of public violence, was sentenced to five years imprisonment by Mr Justice van Dijkhorst who is sitting with an assessor.

Six other members of the VCA — Sam Matlole (63), David Mphuthi (49), Naphtalie Nkopane (43), Tebello Ramakgula (38), John Mokoena and Jacob Hlonyane (40) — were each sentenced to five years' imprisonment suspended for five years, but under the following conditions:

- That they are not found guilty of treason, sedition, terrorism, sabotage, subversion and arson during the period of suspension;
- they should not attend meetings except bonafide church and sports meetings during a period of two years. Any gathering of more than 20 would be regarded as public meeting;
- They should not issue Press statements or give interviews to journalists during a period of two years;
- During that period of suspension, they should not serve in any political, civil or youth organisations or participate or speak at meetings of such organisations;
- They should not, during that period, participate in any organised protest action.

Mr Justice Van Dijkhorst remarked that there was some cause for leniency in this case and said the demise of the UDF may lead to the void which might take years to fill and might slow down the process of reform in this country.

# Brigadier under fire

331

owefax 9/12/88

**COUNSEL for the victims of the 1985 Mamelodi shooting yesterday lashed at Brigadier Hertzog Lerm, former Divisional Inspector for the Northern Transvaal police for giving conflicting evidence before a Pretoria North magistrate.**

Mr Morris Basslian told the former police officer that his evidence was in direct conflict with the events shown on a video film during an inquiry into the death of 14 Mamelodi residents on November 21, 1985.

The inquest is being heard before Mr J N Pretorius.

The counsel argued that a gathering of 40 000 people at the administrative offices that day did not necessarily imply that there would be violence. In his reply, Brig Lerm said although the people were not involved in "a physical fight", some were intimidated by "radicals" and also forced to join the march.

Asked to explain why there were no scenes of violence on the video film shot on the day of the incident, the former policeman refused to comment.

## Firing teargas

"Those people had staged an illegal gathering and they were there to break the place down. Some of them did not even obey my instructions that they should move away from the road," he said.

After repeatedly telling the court he noticed that some of the women were drunk and also reeking of liquor, advocate Basslian asked that the court should adjourn to give the witness time to point out such incidents including those of alleged violence on the video film.

The retired policeman said: "I do not know where the cameraman was standing and what he filmed."

He pointed out one placard bearing a slogan, "Away with the police." According to him, the slogan was inciting and the situation was about to get out of hand.

The witness would not say if police were justified in firing teargas because of the placard. He also refused to comment on the statement made in court by one of the cameramen that the mob was friendly and quiet.

**(Proceeding)**

Crowd in court breaks into song after sentences passed

# Three UDF leaders jailed for treason

331

By Adele Baleta and Jo-Anne Collinge

Three leaders of the United Democratic Front, convicted of treason, were jailed for a total of 32 years yesterday as the "Delmas" trial, the longest in South African history, came to an end.

Another six of the 11 men convicted walked out of the Palace of Justice, their entire five-year sentences conditionally suspended in an unusual move calculated by the judge to help "heal the wounds" in the Vaal Triangle townships.

The remaining two men in the dock received lesser jail terms than the UDF trio.

The usually restrained crowd in the gallery, prompted by a shout of "Viva UDF!" from one of the men in the dock, broke into song immediately after sentence. Hastened by a large number of riot police, the men descended to the cells to the singing of Nkosi Sikelel' iAfrika.

The UDF publicity secretary, Terror Lekota, received the stiffest of the sentences — 12 years. National secretary Popo Molefe and a former Transvaal secretary, Moss Chikane, were jailed for 10 years each.

## Violent option

"The extreme penalty would be wholly unwarranted," Mr Justice K van Dijkhorst said of the UDF three.

"I hold the view that these accused, especially Molefe, can in the future play a constructive role on the political scene, provided that they by their words and deeds foreswear the violent option and act within the law. The sentences should therefore not frustrate this possibility."

Lekota's heavier sentence was imposed because he had a previous conviction for terrorism

The fourth man found guilty of treason, South African Council of Churches worker Tom Manthata, was jailed for six years.

Found guilty of a single act of incitement and for his identification with the UDF's aims, Manthata was convicted for a "less serious class of treason".

In convicting the UDF men of treason, the judge declared the Front a revolutionary organisation which held policies which included the violent option and were intended to render the country ungovernable.

The three had been part of a "conspiratorial core" of the UDF. This had fomented a revlutionary climate and had organised in order to lead mass action against Government institutions.

"Violence was a necessary, intended and inevitable component of such action by the masses," the judge said.

The judge said he accepted that the need for credible leaders to find peaceful solutions to national problems.

"I accept that the UDF was seen by many to have an important part in that process. I fully accept that the demise of the UDF might leave a void which will take a number of years to fill," the judge commented.

The judge said the UDF was a viable organisation with a message that merited attention, but "it chose the path of violence instead of moderation. Thereby it did South Africa a disservice".

He agreed there was cause for some leniency for Molefe, Lekota and Chikane because none had been shown to have planned or executed direct violence.

In a rare move, Mr Justice Van Dijkhorst conditionally suspended for five years the entire five-year sentence imposed on each of six Vaal Triangle leaders convicted of terrorism. They are David Mphuti, Napthali Nkopane, Tebello Ramakgula, Sekwati Mokoena, Jacob Hlanyane and Sam Matlole.

The seventh, Gcina Malindi, will serve his five-year term because of a previous conviction for public violence.

## Conditions

The light sentences for the Vaal accused were explained by the judge: "I hold the view that the Vaal accused should as soon as possible be reintegrated into their community and that the wounds caused by the Vaal riots should be healed sooner rather than later. In this respect I would rather err on the side of leniency."

The conditions applicable to the suspended sentences are that the men must not commit specified security offences for five years; that for two years they must not attend public meetings, except church services and sports gatherings; that they may not in the next two years give interviews to the press; that they may not play a leading role in political, civic and youth organisations; they may not participate in public protests.

An application for leave to appeal will be heard on Monday.

# UDF 3 jailed for 32 years

Cape Times
9/12/88
331

**Own Correspondent**

**PRETORIA. — The three men who formed part of the United Democratic Front's "conspiratorial core" were sentenced to a total of 32 years in jail by Mr Justice K van Dijkhorst in the Supreme Court yesterday.**

Moss Chikane and Popo Molefe were given jail sentences of 10 years each for treason, while Patrick "Terror" Lekota was sentenced to 12 years.

Mr Justice Van Dijkhorst, during sentencing, said UDF leaders could play a constructive role on the political scene in future provided they forswore violence and acted within the law.

Molefe and Chikane were sentenced to 10 years' imprisonment each. Lekota, who was released from jail in December 1982 after serving six years of a 10-year sentence for terrorism, was given 12 years by the judge.

Black consciousness activist Tom Manthatha was sentenced to six years for treason.

The court found the UDF was a revolutionary organisation with a policy of mass action, including violence, against government institutions.

There was a conspiratorial core among the dominant leadership of the UDF which included Molefe, Chikane and Lekota, the court found.

Six prominent members of the Vaal Civic Association who were found guilty of terrorism for their part in the unrest in that area during 1984-86 were given wholly suspended sentences of five years. But the judge imposed restrictions on them which effectively prevents them from taking part in any form of protest politics.

One of the Vaal activists, Gcinumuzi Malindi, who had a previous conviction for public violence, had none of his five-year sentence for terrorism suspended.

The judge accepted the UDF was seen by many as having an important role to play in the negotiation for a new South Africa.

"I believe the demise of the UDF may leave a void which may take a number of years to fill," he said.

"It may be that this will slow down the process of reform as alleged.

"For this consequence, however, the UDF has itself to blame.

"It was a viable movement with a message. It had a large and enthusiastic following.

"It chose the path of violence instead of a policy of moderation," he said, "thereby it did South Africa a disservice".

Referring to the Vaal trialists, the judge said terrorism could not be lightly shrugged off but gave two factors which he had weighed in imposing the sentence he did.

After a "long incarceration" awaiting trial, they were granted bail during the course of the case but effectively banish[illegible] from where they lived

To page 3

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Times
9/12/88
331

From page 1

and cut off from their livelihoods and families, the judge said.

"All of this was done for good reasons but it does not diminish the hardship to the accused.

"Secondly, I hold the view that the Vaal accused should, as soon as possible, be reintegrated into their communities and the wounds caused by the Vaal riots should be healed sooner than later.

"In this respect I would rather err on the side of lenience.

"In arriving at an ultimate sentence I have given due weight to the history of hardship of each accused and their personal sense of grievance," he said.

"On the other hand reintegration into the community should not fan the old flames that existed before September 1983.

"The solution lies in imposing conditions of suspension."

The Vaal trialists may not attend any public meeting except bone fide church services or sports meetings for two years.

A public gathering will be more than 20 people.

They may not issue public statements or grant interviews for two years and may not serve on the executive of any poltical, civic or youth organisation.

They may also not address any public meeting or participate in any organisation or public protest action.

He said he had taken evidence in mitigation from black leaders Mr Enos Mabuza and Mr Sam Motsuenyane into consideration.

However, he also said other mitigatory evidence presented by the defence — by Prof Jakes Gerwel and Ms Nadine Gordimer — had been a futile exercise because the witnesses had been biased and had shown a limited perspective.

When the sentences were regarded against the background of those imposed in the past, as at the Rivonia trial, it would be seen that the pleas for leniency had not been in vain, he said.

"There is some case for leniency," he said. "None of the accused have been found guilty of planning or executing direct violence."

He said the UDF leaders, especially Molefe could play a role in politics in the future.

"The sentences should therefore not frustrate this possibility."

He said the courts were in an invidious position when dealing with political cases.

"The courts have to uphold the law of the land and in sentencing have to reflect the sentiments of the community.

"Where the community itself is divided, any sentence will be seen by some as too lenient and by some as too severe.

"If this is the result achieved, the sentence will probably be fair and moderate."

Application for leave to appeal will be considered on Monday.

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# Judgment in Delmas treason trial

331

Star 9/12/88

The four men convicted of treason in the Delmas trial were sentenced to 12, 10, 10 and six years.

One of the men convicted of terrorism, Gcina Malindi, was sentenced to a five-year jail term, while the remaining six convicted of terrorism were given conditionally suspended terms of five years.

The conditions on which the sentences were suspended were that the six men should not:

- For five years, be convicted of treason, sedition, public violence, terrorism, sabotage, subversion, or arson.
- For two years, attend public gatherings, barring *bona fide* sports and church gatherings.
- For two years, issue news statements or grant interviews to journalists.
- Serve on the executive or take part in meetings of civic and youth organisations.
- Participate in or organise public protest actions.

The judge sentenced Patrick "Terror" Lekota to 12 years' jail, Popo Molefe and Moss Chikane to 10 years each and Tom Manthata to six years.

They were all convicted of treason.

Malindi, convicted of terrorism, was jailed for five years because he had a previous public violence conviction and had "persisted in his course of conduct".

Those who received the suspended sentences were David Mphuthi, Napthali Nkopane, Tebello Ramakgula, Sekwati Mokoena, Jacob Hlanyane and Sam Matlole.

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sichaba Lekota (15) weeps after hearing that her father, Terror ota, must spend 12 years in jail. ● Picture by Herbert Mabuza.

# Emotional scenes at the Palace of Justice after trial ends

Star 9/12/88

331

By Jo-Anne Collinge and Adele Baleta

As a teenage girl, whose father has spent more than half her life in jail, wept bitterly after hearing that he faced 12 more years behind bars, an ailing 63-year-old man prepared with relief to leave prison and sleep at home for the first time in nearly four years.

These figures embodied the extraordinary mix of emotion in Pretoria's Palace of Justice after sentence was passed on the Delmas accused yesterday.

Miss Masichaba Lekota (15) is the eldest child of United Democratic Front leader Terror Lekota who received the heaviest sentence of the 11 convicted.

His schoolteacher wife, Mrs Cynthia Lekota, was not in court for the sentencing. Her position as breadwinner demanded that she spend the afternoon marking examination scripts. . .

The oldest accused, Sam Matlole, seemed weak with exhaustion as he stepped from the dock after hearing his entire five-year sentence had been suspended. Like most of the accused, he had spent the period from late 1984 to mid-1987 in jail.

Matlole suffers from senile dementia. His memory was too faulty to allow him to give evidence in his own defence and his body too is failing.

The conditions of his suspended sentence do not allow him to speak to the Press. But some days before sentence he expressed a fervent hope that he would go home. "It's not that I fear jail," he said at the time. "It's that I'm so sick."

A heavy police presence accompanied the passing of sentence on some of the most renowned figures in extra-parliamentary politics.

Outside the Palace of Justice more than 100 police guarded the stairs. Inside, in addition to uniformed policemen, more than 20 security policemen occupied the balcony.

Within minutes of the completion of sentence, the men were in the cells. The occasional red carnation had been tossed from the dock into the crowd, the cries of "Viva UDF" had been sounded and Nkosi Sikelel'iAfrika had been sung.

Members of the defence team — headed by Mr Arthur Chaskalson SC and Mr George Bizos SC — looked with obvious emotion as the men they had come to know over three years walked to their divergent futures.

Outside, journalists scrambled for access to families of the accused; pushed to hear the views of notables on the outcome of the trial.

Then, behind a barrier of police, people settled down to wait more than an hour for the yellow police van to emerge to take the jailed five along their familiar route to Pretoria Central Prison.

Later the six men whose suspended sentence allowed them home walked down the main steps of the building. They were mobbed by family and friends.

● See Pages 3 and 15.

Judgment

# Delmas: Lawyers call conditions 'tantamount to imprisonment'

331

The Argus 9/12/88

**The Argus Correspondent**

JOHANNESBURG. — The sentencing of the Delmas 11 in Pretoria has been strongly criticised in South Africa and overseas.

Serious questions have been raised over the conditions attached to the suspension of sentence of six of the trialists — described by lawyers as being "tantamount to imprisonment".

Archbishop of Cape Town Desmond Tutu has promised to "leave no stone unturned in an effort to overturn the sentences and conviction".

He said: "If what these guys have done is treason then we are guilty of treason. I am not going to hold back in what I intend doing."

## Anger, sadness

Others have expressed anger and sadness and predicted tragic consequences following the "criminalisation of leaders of such calibre".

The United States Embassy hoped the Appeal Court would "take into consideration the broader implications of the case" in reaching its decision.

An embassy spokesman said that even though the sentences were not as harsh as they might have been, the judgment was regrettable because of "its grave implications for those who were committed to pursuing political change through peaceful means".

The Rev Allan Boesak, president of the World Alliance of Reformed Churches, said the sentence on the three who were convicted of treason was extraordinary in that they should not have been tried at all.

Mr David de Villiers, a senior practising counsel in Cape Town and a member of the eight-man leadership committee of the National Democratic Movement, said: "The conditions of suspension of the terrorism sentences are certainly novel.

"Lawyers generally have regarded such banning restrictions when imposed by the executive as making serious inroads on civil liberties and the rule of law.

"Whether the courts themselves should employ such mechanisms in suspending sentences may well prove to be a serious bone of contention."

The Progressive Federal Party spokesman, Mr Dave Dalling, said the sentences were "likely to attract condemnation from most observers in the outside world and would certainly do nothing to assist the process of reconciliation in South Africa".

A Black Sash spokesman said: "The criminalisation, jailing and restricting of these leaders who have courageously opposed apartheid will have tragic consequences for our society."

Lawyers for Human Rights director Mr Peter Mothle deplored the restrictions which were "tantamount to imprisonment".

Mr Mohammmed Valli, one of three men who sought refuge in the Kine Centre after escaping from detention, said he was taken aback that some people had regarded the sentences as "light" because they were "extremely harsh".

"The government needed this trial to justify its arbitrary action against the UDF", he said.

Mr Cassim Saloojee, the president of the Transvaal Indian Congress, a UDF affiliate, described the sentences as "tragic".

Dr Max Coleman of the Human Rights Commission pinpointed the judgment as the problem — not the sentences.

He said the 11 were given relatively light sentences because the government wanted to project a better image abroad. The sentences were light in comparison to the judgment.

The National Union of Mineworkers expressed "deep anger and shock" at the sentences meted out to "democratic and peace-loving men, regarded by the majority in this country as outstanding and responsible leaders".

The National Union of South African Students said the "implication of the Delmas judgement is that almost any extra-parliamentary opposition to apartheid will be regarded by the government as a criminal activity".

**COLD COMFORT:** Mrs Martha Chikane, right, wife of United Democratic Front leader Moss Chikane, is comforted by a friend after hearing that her husband was sentenced to 10 years in jail for treason.

# Judge 'heals wounds' with suspended sentences for six

**The Argus Correspondent**

**JOHANNESBURG. — Three leaders of the United Democratic Front, convicted of treason, were jailed for a total of 32 years as the Delmas trial, the longest in South African history, came to an end.**

**A further six of the 11 men convicted walked out of the Palace of Justice yesterday, their entire five-year sentences conditionally suspended in an unusual move calculated by the judge to help "heal the wounds" in the Vaal Triangle townships.**

**The remaining two men in the dock received lesser jail terms than the UDF trio.**

**The usually restrained crowd in the gallery — prompted by a shout of "viva UDF!" from one of the men in the dock — broke into song immediately after sentence. Hastened by a large number of riot police, the men descended to the cells to the singing of Nkosi Sikelel'iAfrika.**

**"UNWARRANTED"**

**The front's publicity secretary Patrick"Terror" Lekota received the stiffest of the sentences — 12 years. National secretary Popo Molefe and a former Transvaal secretary Moss Chikane were jailed for 10 years each.**

**"The extreme penalty (death) would be wholly unwarranted," Mr Justice van Dijkhorst said of the UDF three.**

**"I hold the view that these accused, especially Molefe, can in the future play a constructive role on the political scene provided that they by their words and deeds foreswear the violent option and act within the law. The sentences should therefore not frustrate this possibility."**

**Lekota's heavier sentence was imposed because he had a previous conviction for terrorism in the lengthy Saso trial.**

**The fourth man found guilty of treason, South African Council of Churches worker Tom Manthata, was jailed for six years.**

**Found guilty of a single act of incitement and for his identification with the UDF's aims, Manthata was convicted for a "less serious class of treason".**

**In convicting the UDF men of treason, the judge declared the front a revolutionary organisation which held policies which included the violent option and were intended to render the country ungovernable.**

**The judge said he accepted the need for credible leaders to find peaceful solutions to national problems.**

**"I accept that the UDF was seen by many to have an important part in that process. I fully accept that the demise of the UDF might leave a void which will take a number of years to fill."**

**He said the UDF was a viable organisation with a message that merited attention, but "it chose the path of violence instead of moderation".**

**He agreed there was cause for some leniency for Molefe, Lekota and Chikane because none had been shown to have planned or executed direct violence.**

**In a rare move, Mr Justice van Dijkhorst conditionally suspended for five years the entire five-year sentence imposed on each of six Vaal area leaders convicted of terrorism. They are David Mphuti, Napthali Nkopane, Tebello Ramakgula, Sekwati Mokoena, Jacob Hlanyane and Sam Matlole.**

**The seventh, Gcina Malindi, will serve his five-year term because of a previous conviction for public violence.**

**An application for leave to appeal will be heard on Monday.**

Cape Tmes 10/12/88 331

Cape

# Delmas sentences slammed

**PRETORIA. — The entire Delmas trial appeared to be an effort by the SA government to use its legal system to harass and suppress legitimate opposition to apartheid, the Canadian Secretary of State for External Affairs, Mr Joe Clark, said yesterday.**

**In a statement he urged the government to negotiate with the leaders of the majority of South Africans "instead of looking for new ways to jail them".**

**Even though a lengthy appeal process against the Delmas trial sentences was expected, Mr Clark called on the government to "intervene now" to end "what has been from the beginning an example of the use of the judicial process to pursue unacceptable political objectives." — Sapa**

# Delmas witnesses give mitigating evidence

Cape Times 11/12/85

331

By KERRY CULLINAN

NINE prominent South Africans from almost every sphere of life this week took to the witness box in defence of 11 community leaders convicted of treason and terrorism in the Delmas trial.

Eight spoke about South Africa's social circumstances and their perceptions of the UDF, ANC and the 11 accused, while the evidence of the ninth, Prof William Kalk, concerned the diabetes of one of the accused, E Ramakgula.

Nafcoc president Dr Sam Motsuenyane, Dr Frederik Van Zyl Slabbert, Kangwane Chief Minister Enos Mabusa, author Nadine Gordimer, UWC rector Professor Jakes Gerwel, former SACC director Dr Wolfram Kistner, Father Joseph Tlhagale and Prof Brunhilde Helm all made pleas for light sentences.

They said that the reconciliation of groups in the country may be impossible if the leaders were put away for a long time.

The eight also emphasised the popularity of both the ANC and the UDF, which they said were essential in resolving conflict in the country.

"I would like to make an impassioned plea . . . for as light a sentence as bearable and possible," said Motsuenyane.

"Things need to be made easier for us to get together as South Africans – black and white. Anything that erodes goodwill must be avoided."

"We need to move towards a healed nation; a single nation and away from the situation where the minority rules over the majority. The UDF is crucial in this process," said Gerwel.

Mabusa said: "Credible leaders already find it difficult to participate in the negotiation process while other leaders are in exile or in prison."

"The severity of sentence will have a profound impact on the views of supporters of the UDF," said Slabbert, pointing out that UDF leaders Terror Lekota, Popo Molefe and Moss Chikane represented the views of the majority of South Africans.

Author Nadine Gordimer, who has been awarded nine major international literary awards and the same number of literary doctorates, stunned the court when she announced from the witness stand: "I support the ANC.

"I regard Mandela and Tambo as my leaders. I disagree that they are violent men," she added.

# Editor is jailed for terrorism

**AN editor at Skottaville Publishers, Jaki Seroke, was sentenced to 12-years' imprisonment and his two co-accused were each sentenced to 10-years at a Springs Regional Court on Friday for terrorism and membership of the banned Pan Africanist Congress.**

By SONTI MASEKO

Magistrate, Mr H Hoffman, ordered that Seroke will serve an effective 10 years as two years of the sentence — for belonging to a prohibited organisation — should run concurrently with the 10-year sentence for terrorism. The other accused are Mandla Cele (24) and Thembinkosi Khonongwe (24).

Before the sentencing began, advocate Mr Essop Patel pleaded on behalf of the three men that the magistrate should consider suspended sentences for his clients, especially in the light of similar sentences passed on some of the trialist at the Delmas treason trial.

In passing sentence, Mr Hoffman accepted that Seroke was a member of the PAC and worked in the propaganda section of it, but did not receive any military training.

He also said that though he was satisfied that Cele and Khonongwe received military training and were members of the PAC military wing, APLA, there was no evidence before the court that they committed acts of violence in the country.

Mr Hoffman said it was clear that Seroke was an executive member of the PAC and not a mere soldier like Cele and Khonongwe.

He said Seroke was responsible for promoting the aims of the PAC inside the country, a thing which could do more harm than good.

"You are also responsible for transporting and carrying weapons, you brought a highly trained terrorist into the country," Mr Hoffman told Seroke.

Members of APLA, he said, were mere puppets used to commit acts of violence.

Mr Hoffman rejected the evidence of Professor Fatima Meer, a sociologist from the University of Natal, who was brought by the defence to plead in mitigation for the three men by giving a background of their social background and personal circumstances.

He said it was clear from Prof Meer's report that she was prejudiced.

"To her every piece of blameworthiness lies within the South African Government and the brutality of the police," he said.

331 WMMC 23/12-12/1/8

# Journalist to testify in trial

By MBULELO LINDA

THE state plans to call Port Elizabeth journalist and state of emergency detainee Brian Sokutu as a witness in the impending trial of the Eastern Cape "UDF 30".

This was revealed by Sokutu's lawyer, who said the police had also demanded that the detained journalist sign a sworn statement about a report he wrote during a memorial service for the former general secretary of the South African Communist Party, Moses Mabhida.

The service was held at the Dan Qeqe stadium in New Brighton two years ago.

The Police Public Relations Division in Pretoria has refused to confirm or deny the report.

Last week, it was revealed by lawyers that about 30 emergency detainees, among them key figures in the UDF's Eastern Cape leadership, would face treason charges.

# Resistance 'not new'

NEITHER the Pan Africanist Movement nor the African National Congress are the first South African political movements to take up arms against the government in the name of patriotism, advocate Mr Essop Patel argued at the close of the PAC trial at the Springs Regional Court this week.

So did the Afrikaner nationalists, who perpertrated various political offences against the Government of the time during the World War 2 as members of the Ossewabrandwag, he said.

Mr Patel was pleading mitigation for Jaki Seroke (28), the Editor of Skotaville Publishers; Mandla Cele (24) and Mr Thembinkosi Khonongwe (24), who were convicted of terrorism and membership of the banned PAC.

He said in 1943, the leaders of *Die Nasionaal Sosialistiese Rebelle*, Robey Leibrandt and two others were convicted of high treason and sentenced to death. Later their sentences were commuted to life imprisonment. In 1984, shortly after the Nationalist Party government assumed office, they were released. In the annals of the Afrikaner resistance the Afrikaner rebels, who were regarded as traitors during World War 2 became patriots after the Nationalist Government came to power, he said.

Professor Fatima Meer, a sociologist from the University of Natal, Durban, also tendered mitigating evidence for the three.

She told the court that the social environment in which the three men spent their adolescents had been the most politically violent the country experienced in the present century, and that the men shared in common the experience of poverty.

She told the court that during her interviews with the men, she found that they grew up largely as Godless and parentless children and she urged that their mitigation should be their abject deprivations and terrible neglect by the social institutions entrusted with their care.

231 B/day 7/12/88.

'Profound effect on sympathisers'

# Delmas trialists highly regarded, says Slabbert

SUSAN RUSSELL

THE severity of the sentence imposed on the three UDF leaders convicted of treason would have a profound effect on the views of the organisation's supporters and sympathisers, Frederik Van Zyl Slabbert told the Pretoria Supreme Court yesterday.

Slabbert, former PFP leader who is a director of Idasa and a visiting professor at the Wits Business School, was giving evidence in mitigation at the "Delmas" treason trial.

● SLABBERT

UDF leaders, Patrick "Terror" Lekota, Popo Molefe, Moss Chikane and black consciousness activist Tom Manthatha were convicted of treason by Mr Justice K van Dijkhorst two weeks ago. Seven Vaal Civic Association activists were found guilty of terrorism.

Slabbert said the three convicted UDF leaders were not mavericks but shared views held by a substantial number of people. They were very highly regarded by members and supporters of the UDF he told the court.

"I regard the UDF in a sense as the child of the tricameral parliament.

"In a short space of time it managed to capture the imagination of a great number of people in this country and managed to articulate some of the ideals and views of these people. From its inception until the state of emergency there is no question about the popularity of the UDF and its affiliates."

Slabbert said he viewed the ANC as one of the most important organisations in the SA political context. "They certainly enjoy the support of a substantial number of people," he said.

He said the UDF had almost total support in the Eastern Cape and in the Vaal Triangle and significant support in the Western Cape.

Asked about the ANC's strategy of armed struggle, Slabbert said he had discussed this with members of the organisation's executive. He said they had given an explanation for what they regarded as a very serious decision.

The ANC, he said, referred to the early 1960s when it was banned and its leaders jailed and it saw no other way to redress grievances.

The ANC, he said, repeatedly made the point that violence was a last resort after decades of peaceful opposition.

"I certainly do not support violence or armed struggle," he said. "Having said that I can understand why they took that decision." He said Afrikaners had also resorted to violence in the past.

"Personally I am not committed to violence as an instrument for achieving political objectives," he said. "There is overwhelming evidence in our society of people feeling this is the only way they could go about it."

The trial continues today.

Bail conditions will limit functions

# Treason trialist expected to fill top union post

Trade unionist Moses Mayekiso (centre) and co-accused, Obed Bapela, Richard Mdakane, Paul Tshabalala and Mzwanele Mayekiso leave the Rand Supreme Court building yesterday morning, after they were granted bail by Mr Justice le Grange. With them are Moses Mayekiso's wife, Kola (left), and Cosatu general secretary Jay Naidoo (right).
Picture: ROBERT BOTHA

TREASON trialist Moses Mayekiso would probably take up his position as National Union of Metalworkers of SA (Numsa) general secretary early next year after a period of rest, Numsa official Bernie Fanaroff said yesterday.

Mayekiso was elected general secretary in his absence at the Numsa launch in May 1987. The merger of several unions made Numsa SA's second largest union after the NUM. Fanaroff and two others have since shared the role of general secretary.

Mayekiso and four co-accused were granted bail by Mr Justice le Grange in chambers in the Rand Supreme Court yesterday. Paul Tshabalala, Richard Mdakane, Obed Bapela and Mayekiso's younger brother, Mzwanele, were released on R5 000 bail each.

Tshabalala was arrested in terms of the Criminal Procedure Act on January 22 last year. The other three were all detained under the emergency regulations in June 1986.

The treason charge and alternative charges of sedition and subversion arise out of their alleged involvement in the establishment of the Alexandra Action Committee, "organs of people's power" and "people's courts" in 1985 and 1986.

Bail conditions which bar Mayekiso from attending or addressing meetings of more than 10 people, or issuing media statements, will limit his functions.

Under the conditions of bail all five have to report to the Hillbrow police station between 8am and 1pm daily. They may not:

☐ Communicate with any State witnesses;

☐ Attend or address any gathering of more than 10 people;

☐ Conduct, attend, address any media conference or issue any media statements;

☐ Leave the Witwatersrand area without prior police permission;

☐ Apply for any passport.

They may also not enter or stay in Alexandra.

All five have pleaded not guilty.

The Attorney-General issued the certificate precluding the five from applying for bail in February last year.

They brought an application to have the certificate set aside but this was refused in October last year.

## Certificate

Mr Justice Strydom found there the Attorney-General had validly complied with the requirement of S30 of the Internal Security Act in issuing the certificate.

In a media statement, legal representatives for the five said their clients had again made written representations to the Attorney-General to withdraw the certificate.

It said: "The Attorney-General indicated he was prepared to withdraw the certificate and the State would concede in court to bail being granted subject to the conditions which were set out in the order of court."

Their trial resumes before Mr Justice van der Walt in the Rand Supreme Court on February 1.

SUSAN RUSSELL and ALAN FINE

# Banks take the spoils in home-loan war

● From Page 1

private residential buildings was about 14,5% higher in the first three quarters of this year than in 1987.

Residential needs were boosted by:

☐ A build-up in housing needs from 1985 to 1987 and remaining demand;

☐ Relatively low mortgage interest rates in the initial stages of the recovery in building activity from mid-1986;

☐ Heightened public sector interest in the development of black townships; and

☐ Active marketing and the popularity of the new so-called duet units and retirement schemes.

Building activity should be curbed by recent increases in mortgage rates and interest rates generally.

Further, the rise in real fixed investment in the third quarter was due to above-average rates of increase by the mining industry, manufacturing, transport and finance.

However, higher levels of real gross fixed investment did not arrest the decline in the physical production capacity of the manufacturing industry.

# 'Soft landing' awaits economy next year

● From Page 1

which was followed by a painful recession in 1985. But there were important differences which could steer the economy clear of another recession.

In contrast to 1983/84, SA managed to achieve a sizeable current account surplus at the peak of the upswing. The surplus in the third quarter was R1,4bn — an annual rate of R4,5bn — largely reflecting higher export volumes and a slight decline in import volumes.

The Bank described the achievement of a current account surplus as "unusual" for an economy at the peak of the business cycle. In spite of high levels of economic activity, the volume of merchandise imports dropped slightly in the third quarter and export volumes rose by 7,5% from the previous three months.

Unlike 1984, fiscal policy had not been

— a problem which would be avoided if the deficit was kept in check.

Feverish spending during recent months was unlikely to continue as much of the buying spree in the past two quarters had been "pre-emptive".

Pre-emptive buying had masked the effectiveness of measures to cool the economy taken earlier this year. These measures should depress spending more strongly in months to come.

South Africans had become more sensitive to restrictive economic policies after the recession. The exuberant business mood prevailing in the early stages of the upswing had already been tempered by a realistic assessment of the

# Delmas trial — defence argues for leave to appeal

ARGUS 13/12/87

The Argus Correspondent

JOHANNESBURG. — The findings of the Delmas treason judge on the United Democratic Front rested largely on circumstantial evidence and inferential reasoning, defence counsel Mr Arthur Chaskalson SC submitted yesterday while addressing the judge on his clients' right to general leave to appeal.

It was quite possible that another court might come to another conclusion, he argued. In addition, the complexity of the judgment, in which various factors interlinked, meant that if another court differed on some point of the structure of the judgment the whole case would be affected.

Argument both in support of the appeal and in opposition to it will be presented tomorrow before Mr Justice van Dijkhorst in Pretoria's Palace of Justice.

The judge has already indicated that he favours granting the defence leave to appeal on the admissibility of documents and video tapes which were vital to the judgment on the UDF.

## Key UDF figures

The trial, longest in South African history, ended last week with three key figures in the UDF and a staff member of the South African Council of Churches receiving sentences ranging from six to 12 years for treason.

Seven others, prominent members of Vaal organisations, were convicted of terrorism and all were sentenced to five years. In all but one case the sentences were wholly suspended on conditions which the judge acknowledged to be "novel".

Mr George Bizos, SC, said he believed the Vaal accused too had grounds for seeking leave to appeal. Among other things, the Appeal Court might be asked to examine whether the nature of the crime of terrorism for which they had been convicted matched the description of the crime for which they were indicted.

The State asked the judge to indemnify only six of the eight State witnesses who had testified subject to a warning that they might be prosecuted. The other two, who had been untruthful during testimony, did not meet the requirements for indemnity, the State said. They are Rina Mokoena and a witness known only as "IC 10".

Cape Times 13/12/88 331

# 'Different view': Delmas 11 seek leave to appeal

PRETORIA. — The 11 convicted Delmas treason trialists yesterday asked the Pretoria Supreme Court for general leave to appeal.

The court last week sentenced five of them to between six and 12 years imprisonment.

Defence counsel Mr Arthur Chaskalson said the judgment was so complex and interlinked and so many points of law were brought up that another court might take a different view of this and that this could affect the judgment.

The judgment, according to Mr Chaskalson, was based on circumstantial evidence in many instances.

The hearing was adjourned to Wednesday. — Sapa

331

# State argues appeal

By MONK NKOMO

**THE State will present its argument in the Pretoria Supreme Court today, challenging an application for leave to appeal by lawyers acting for the eleven men convicted and sentenced on charges of treason and terrorism in the Delmas treason trial last Thursday.**

The Defence Counsel filed an informal leave to appeal against the conviction and sentences imposed on the eleven men who include three senior officials of the United Democratic Front.

Terror Lekota, publicity secretary of the UDF was jailed for 12 years; two other UDF secretaries, Popo Molefe and Moss Chikane, were each sentenced to ten years imprisonment and Tom Manthata, former secretary of the Soweto Civic Association were jailed for six years for treason.

Petros Malindi was sentenced to an effective five-year jail sentence. Six other members of the Vaal Civic Association were each sentenced to five-year imprisonment suspended for five years on certain conditions, including that they may not participate in any form of public protest.

The defence team led by senior counsels, George Bizos and Arthur Chaskalson submitted on Monday that general leave to appeal should be granted because the judgment was so complex and in many instances based on circumstantial evidence, that another court might take a different view.

Mr P B Jacobs SC and Mr P Fick will present the State's argument this morning.

# Trial moved because PE a 'security risk'

331

PORT ELIZABETH. — A major terrorism trial has been moved to Kenton-on-Sea because the state considered Port Elizabeth a "security risk".

Advocate Ronny Pillay said defence lawyers made an application for the trial of 11 Port Elizabeth residents — including Lizo Pityana, former vice-president of the Port ELizabeth Black Civic Organisation (Pebco) and younger brother of self-exiled political activist the Rev Barney Pityana — to be returned to the city.

The state turned down the application pointing out that PE has no security facility and is a security risk for terrorism trials.

The accused face five counts of terrorism, four alternative charges of murder and one of harbouring three alleged terrorists.

The trial, moved from Port Elizabeth to Kenton-on-Sea early this year, was postponed last Thursday to January 30 next year.

Port Elizabeth is experiencing a remarkable increase in terrorism related trials.

Over 30 residents from African townships here are presently facing terrorism charges in three separate cases.

Those facing charges in the Kenton-on-Sea trial are: Linda Fibi,31, Gunyazile Marobongwana, 23, Zuko Adam, 28, Mawenga Willem, 34, Mzolisi Dyasi, 28, Sabelo Matomane, 28, Solomzi Luwende, 22, Toto Masiza, 28, and Vuyo Kwinana, 50.

The trial of ten other Port Elizabeth residents also facing terrorism charges is being held in Humansdorp.

*NATIONAL LANGUAGE PROJECT*

**XHOSA CONVERSATION CO-ORDINATOR**

Shebeen

S

331 South 8-14/12/88

# Three freed on ANC charges

From LOUISE FLANAGAN

EAST LONDON. — Transkei courts this week acquitted three men of terrorism and ANC related charges in two separate trials.

In one case, Mhleli Madaka was facing charges of undergoing military training in Angola and East Germany in 1983.

Co-accused Dr Warren Zolile Nombe was charged with harbouring Madaka and illegally possessing arms and ammunition.

Both men were acquitted at the end of the state's case because of a lack of evidence.

Madaka has been in custody since he was detained more than three years ago and is the longest-serving Transkei detainee. Nombe has been held since February 1987.

Nombe was also charged with harbouring several other ANC guerillas in February 1987 in the Sterkspruit area.

The charge sheet named these guerillas as Welile, Mpilo and Streaker.

Evidence in other Transkei security trials has identified "Mpilo" as Mazizi Attwell Maqhekeza.

Maqhekeza was named by South African authorities as helping another guerilla escape from Willowvale to Lesotho after a 36-hour shootout in January last year.

## Gunned down

Maqhekeza was subsequently gunned down by unknown men in his hospital bed in Maseru, while under police guard.

In the second case, heard by the same magistrate, Mr E S Ndengezi, Lungisa Matutu was acquited on charges of membership of the ANC and undergoing military training.

Matutu was also acquitted due to lack of evidence.

During the trial, Matutu claimed he had been originally arrested in Bophutatwana, handed over to South Africa and then passed on to Transkei police without any formal extradition procedure.

His lawyers alleged he had been severely assaulted during interrogation. At one time he had been so ill it was impossible to consult with him. — *ELNEWS*

# n death: ttle

Jacobus and Maria Joseph

South NEWS

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331

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8-14-12/88 (0) 331

South NEWS

# Mntonga trialists given bail, then detained

KING WILLIAM'S TOWN. - Ciskei security police detained six senior police officers minutes after they paid bail totalling R4 000 in a murder trial in the Ciskei Supreme Court.

The six are charged with murdering Eric Mntonga, Border co-director of the Institute for a Democratic Alternative in South Africa (Idasa).

According to lawyer Martin Sheard they were detained in the Supreme Court cells.

Sheard said he had paid the bail and was waiting for Brigadier Fikili Zibi, head of the investigating team, to give permission for the accused to speak to family members.

One of the bail conditions was that they should not communicate with any member of the Ciskei police force.

The atmosphere was tense in the tiny courtroom when defence counsel R D MacDougall stood up and informed Chief Justice Pickard that the defence and the state had agreed on bail.

The six men had been refused bail three times in the Zwelitsha magistrate's court and once in the Ciskei Supreme Court.

The six are Major Ngwanya, second in command of the Elite unit squad, Major General Mountain Ngcanga, chief of the Ciskei security police, Colonel Mabandla Mbejeni, Major Mpikiseli Potwana, W/O Tamsanqa Hlulani and W/O Khayalethu Ncandana, all attached to the Mdantsane security police.

Ciskei attorney-general W F Jurgens informed the court that the state had agreed on bail of R1 000 for Ngwanya and Ngcanga and R500 for Mbejeni, Potwana, Hlulani and Ncandana. — *VERITAS*

Mntonga

Star 16/12/88

# Sentence in Cape terror trial today

(331)

CAPE TOWN — Ashley Forbes and his 13 co-accused will be sentenced in the Cape Town Supreme Court today after a trial lasting nearly eight months.

On April 29, Forbes and his co-accused said they were unable to plead to charges which labelled them as terrorists for opposing apartheid.

They regarded their prosecution as a crime against humanity.

They said they had been tortured and coerced to divulge information.

On April 28, all 15 accused were convicted of contempt of court and jailed for six months after defying the judge and chanting slogans from the dock.

Two days later their application that Mr Justice Wilkinson and his assessors recuse themselves was refused.

In a dramatic turnabout on August 31, Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat and Clement Baadtjies admitted that, as members of the ANC, they were responsible for Peninsula limpet mine and hand-grenade attacks. They were convicted of terrorism two days later.

Subsequently, Forbes, Jacobs, Pedro, Dramat, Karriem and Scott gave evidence in mitigation of sentence. The remaining accused handed in biographical statements. — Sapa.

CW 6
Times
14/12/88

331

# Detainee faces murder charges

MR Allen Ndodomzi Mamba, 36, who has been in Section 29 detention for about five months, appeared in the Cape Town Magistrate's Court yesterday in connection with murder and terrorism. He was not asked to plead and was remanded.

State advocate Mr J C Gerber said Mr Mamba would face charges of murder and terrorsim.

The case was adjourned to December 20.

Mr M J C Tolken was the magistrate. Mr. E Mohammed appeared for Mr Mamba.

Mr Justice Williamson

# Ashley Forbes gets 15 years

AKGS 14/12/88 331

By REHANA ROSSOUW, Supreme Court Reporter

**ASHLEY FORBES, a commander of the African National Congress who the judge described as a "dedicated terrorist", was today jailed for 15 years.**

Mr Justice Williamson said that Forbes, 22, played a leading role in the activities of Umkhonto we Sizwe, the ANC's armed wing.

Forbes was found guilty in September of terrorism.

He had received military training in Angola and when he returned to South Africa he initiated various terror attacks, including a limpet mine blast at a bus shelter outside President Botha's home, three handgrenade attacks on the homes of policemen and a limpet mine explosion on an electrical pylon in Goodwood.

"I cannot but view your actions in a serious light," Mr Justice Williamson said.

He sentenced Forbes to 15 years' imprisonment, with an additional 10 years suspended for five years.

The conditions of suspension are that Forbes does not commit any contravention of the Internal Security Act during the period of suspension and that he is not involved in any offence involving violence or malicious damage to property.

Forbes was also ordered to report to the Security Police headquarters in Cape Town every two weeks during the period of suspension.

The judge ordered that should he wish to leave Cape Town he should report to the security police who would designate a security policeman for him to report in the area out of Cape Town.

"If you wish to visit a country outside South Africa you should approach this court to amend the order," the judge said.

Forbes was also ordered to keep the security police informed of his residential and work address during the period of suspension.

Peter Jacobs, 23, a commissar in the ANC, was sentenced to 14 years' imprisonment, with 10 years suspended for five years under the same conditions as Forbes.

He was also convicted of terrorism.

## Scores queue

Mr Justice Williamson said Jacobs had also played an active role in Umkhonto we Sizwe when he assisted in the limpet mine attack on the pylon in Goodwood and threw a handgrenade into the home of a policeman in Mitchell's Plain.

"You are also a dedicated terrorist," the judge said.

Scores of people had queued outside the court from as early as 3am today.

Among them, wearing a black, green and gold dress, was Forbes's wife Yasmina Pandy, who was acquitted during the eight-month trial but served a six-month sentence for contempt of court.

She married Forbes while completing her sentence last month.

Facing the women, many of whom wore black, green and gold clothing, was a shorter queue of men.

Police presence was at first restricted to a few uniformed officers and special constables with shotguns.

## Water cannon

But reinforcements arrived at 8am, including a water cannon which drove slowly along Keerom Street and joined other police vehicles in Leeuwen Street.

Screaming sirens announced the arrival of the accused at 9am.

A police helicopter formed part of the heavy security curtain around the vehicle transporting them from Pollsmoor Prison.

Some of the accused waved clenched fists at the crowd, some of whom responded in a similar fashion.

Only 80 people were allowed into the public gallery of Court No 1.

All men, including reporters, were searched as they entered the court.

Forbes and his co-accused chatted to relatives before the proceedings began as a police photographer took pictures inside the court.

Ashley Forbes

Picture: WILLIE de KLERK, The Argus

**WAITING:** Part of the crowd which waited outside the Supreme Court today to hear the sentences handed down in the trial of Ashley Forbes and 13 others for terrorism and related charges.

# 120 witnesses disbelieved

**DEFENCE lawyers yesterday challenged a judge's findings in the Delmas treason trial and expressed their concern that out of 126 witnesses, 120 were disbelieved — "sometimes in harsh and emotional term" — by the court.**

By SOWETAN REPORTER

Mr George Bizos, SC, also submitted in the Pretoria Supreme Court that State witnesses who gave untruthful evidence were, on the other hand, merely described as "unreliable witnesses", by Mr Justice van Dijkhorst, who is sitting with an assessor.

Mr Bizos and Mr Arthur Chaskalson, SC, yesterday argued for general leave to appeal against conviction and sentences imposed on eleven men, including three senior officials of the United Democratic Front, who were found guilty of treason and terrorism.

Referring to the seven members of the Vaal Civic Association who were convicted of terrorism, Mr Bizos said their conviction seemed to have been based on the trident language they used against local community councillors. They also defamed and accused councillors of being dishonest, he said.

"We may persuade the Appelate Division that a citizen has a right to speak out loudly about corruption", Mr Bizos told the court. The allegations of corruption against councillors in the Vaal, he added, did exist. Councillors were called "oppressors" and this "is part and parcel of the thrust and counter-thrust of political language", the defence lawyer said.

Mr Chaskalson challenged the court's findings in certain areas where it was established that the UDF and its affiliates were responsible for the flaring-up of violence. He also challenged the court's ruling that the UDF and its affiliates created the revolutionary climate — an allegation that was not proved by the State, Mr Chaskalson argued. He added that there was no evidence of planned violence by the UDF.

"What is a revolutionary climate?", asked Mr Chaskalson, who also submitted that this climate would not been created for instance in Somerset East, where meetings were comparatively small in number and there was no breakdown of essential services.

**(Proceeding)**

# Seroke to face sentence today

WMML 9-15/12/88

SENTENCE in the trial of three Pan Africanist Congress members will be passed in the Springs Regional Court today.

Jaki Seroke (28), editor of the only black-owned publishing house, Skotaville Publishers, and two others were last week convicted of terrorism and being members of the banned PAC.

The court found Seroke's two co-accused, Mandla Cele and Thembinkosi Khonongwe, both 24, had received military training outside the country and that they were members of the Azanian People's Liberation Army (Apla).

In his judgement, the magistrate, H Hoffman, said Seroke belonged to the "propaganda section of the PAC", but found that he had not received any military training.

Evidence in mitigation was given by Professor Fatima Meer, a sociologist from the University of Natal, on Monday this week.

Professor Meer said the three men were victims of "deep material and emotional deprivation and poverty, a social condition over which they had no control".

"We are not here dealing with criminals — we are dealing with victims of society, victims of laws passed by a white government which at the time of their passing were strenuously opposed in our country and abroad," she said.

# ANC commander, members sentenced

CAPE TOWN — ANC commander Ashley Forbes was yesterday sentenced to 15 years in jail plus 10 years suspended for five years by Mr Justice D M Williamson in the Cape Town Supreme Court.

Other ANC operatives sentenced were:

☐ Collin Cairncross, 22 — five years suspended for five years;

☐ Peter Jacobs, 23 — 14 years imprisonment with 10 years suspended for five years;

☐ Nicklo Pedro, 20 — 14 years in jail with 10 years suspended for five years;

☐ Nazeem Lowe, 24 — 10 years in jail with 10 years suspended for five years;

☐ Anwa Dramat, 20 — jailed for 12 years with 10 years suspended for five years;

☐ Clement Baadjies, 20 — 10 years jail with 10 years suspended for five years;

☐ David Fortuin, 22 — jailed for two years with five years suspended for five years;

☐ Jeremy Veary, 25 — same sentence as Fortuin;

☐ Walter Rhoode, 23 — five years suspended for five years;

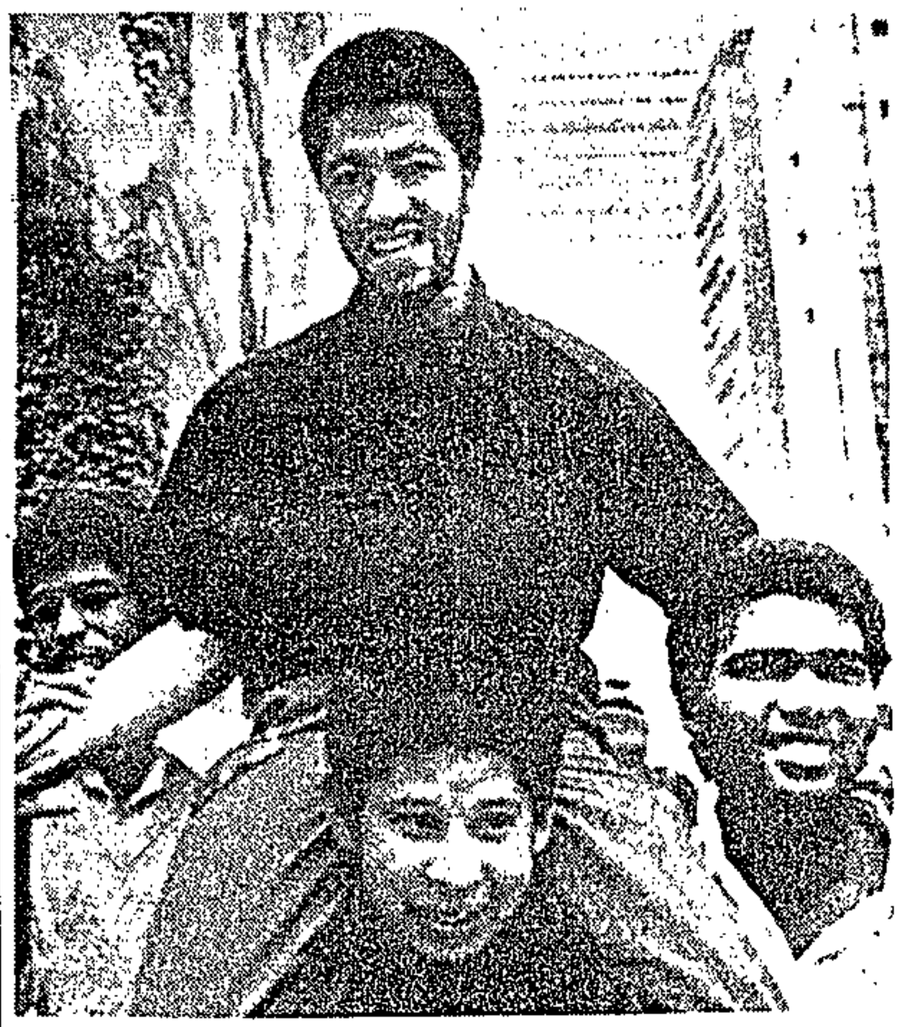
☐ Wayne Malgas, 22 — two years in jail with five years suspended for five years;

☐ Ashraf Karriem, 22 — jailed for two years with five years suspended for five years;

☐ Collin Petersen, 23 — five years suspended for five years; and

☐ Leon Scott, 30 — five-years suspended for five years.

— Sapa.



**ANC operative Colin Cairncross, 22, is welcomed outside the Cape Town Supreme Court yesterday after receiving a five-year suspended sentence for activism.**
Picture: REUTER

# Green light to form united opposition

From Page 1

declined to comment on whether he would be available to lead a new party.

Malan said there had been no discussions on former PFP leader and Idasa director Van Zyl Slabbert assuming a leadership position.

De Beer said: "We believe we are moving towards a new party ... we know how to do it and we see no reason why the wheels should now come off."

Worrall said a "remarkable degree of concurrence" had been achieved.

The three leaders were particularly optimistic about the chances of a new party in a House of Assembly election.

A statement said it would maximise the strengths of each existing party: the PFP's organisation and infrastructure, the IP's "effective marketing orientation" and the "doors which the NDM has opened between parliamentary and extra-parliamentary politics to bridge the division between the two".

The three leaders agreed on broadly liberal principles, including the establishment of a "purely SA democracy" with a "representative government for all the country's inhabitants".

There was also agreement on an independent judiciary, the rule of law, freedom of speech, voting and association and the rejection of racism and political violence.

As an apparent compromise on the tricky economic issue, the leaders agreed on "a system of private initiative with conditions conducive to a high rate of growth and with recognition that the state has important functions of human development and upliftment".

It was also resolved to develop interaction with groups and individuals outside Parliament, regardless of whether they shared stated missions.

# R100m Boksburg shops plan put on ice

From Page 1

indicated they would rather live in nearby towns like Kempton Park and Benoni than make the embarrassing admission

tions pointed to an about-face on the

## Defence carries out 'unpleasant duty'

# Judge accused of blocking inquiry

SUSAN RUSSELL

SOME of the findings of fact used to convict the Delmas trialists and credibility findings by the court were based on themes and evidence introduced into the trial for the first time by the judge, defence counsel George Bizos, SC, submitted yesterday. .

Bizos made this submission before Mr Justice van Dijkhorst in the Pretoria Supreme Court during the application for leave to appeal.

The defence has applied for leave to make a full appeal and not a partial one.

The judge imposed prison sentences of from six to 12 years' for treason, and six five-year sentences, five suspended entirely subject to certain conditions, for terrorism.

The defence submitted a schedule of special entries in connection with what the 10 contend were irregularities during the trial.

Mr Justice van Dijkhorst again refused yesterday to accept an affidavit by dismissed assessor Dr W Joubert which he had ruled inadmissible, during the trial.

Bizos said it was his unpleasant duty to submit there were irregularities that were deposed to by witnesses, particularly State witnesses, in cross-examination.

"Your lordship made it difficult for counsel to investigate these irregularities by interrupting the cross-examination, calling upon counsel to justify the relevance of simple questions and in some instances actually blocked the inquiry," he said.

Bizos handed in a schedule of instances in the record where, he submitted, the judge intervened improperly.

## Evidence

Reading the schedule, Bizos said there had also been the interruption of cross-examination, the blocking of avenues and extended protection of witnesses when it was patently not needed.

He said the judge had introduced themes and evidence into the case.

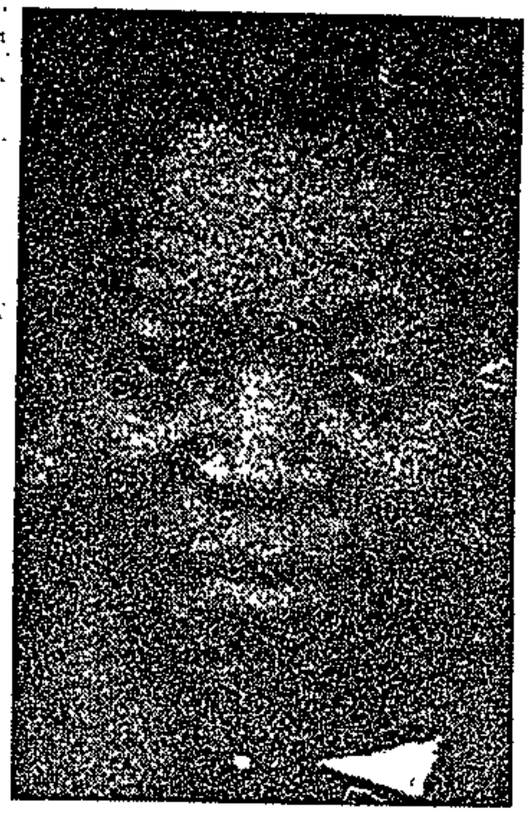
Bizos said: "We will try and show your lordship, that it was on these very issues introduced by your lordship for the first time that some of the credibility findings are based and some of the facts used to convict the accused are based."

The hearing continues.

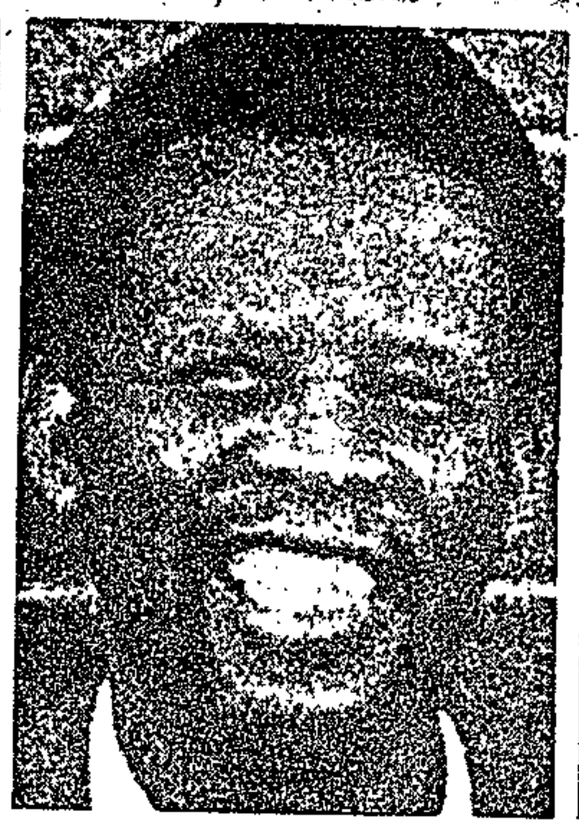
Mammoth trial ends in surprise verdicts

331 WMAL 9-15/12/88.

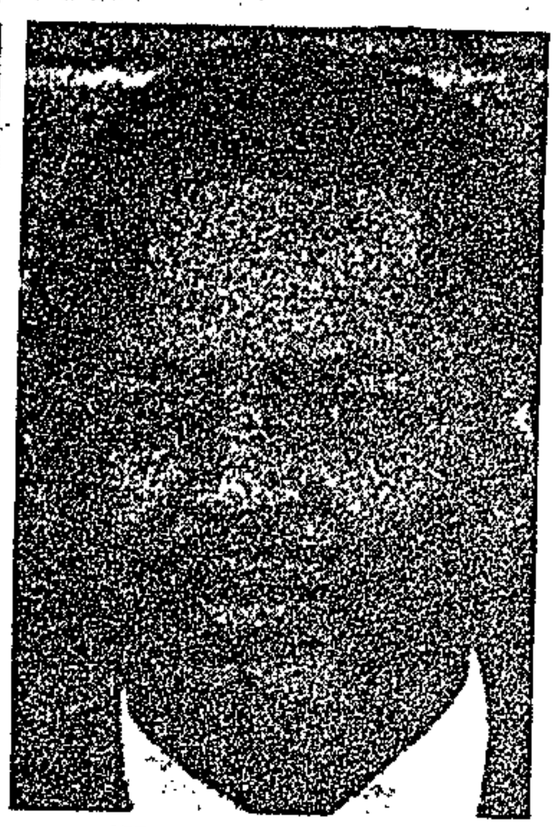
# DELMAS



**Popo Molefe**
*10 years*



**Moss Chikane**
*10 years*



**'Terror' Lekota**
*12 years*

# LAST MESSAGE FROM THE DOCK

AFTER 446 days, the mammoth Delmas Treason trial ended yesterday.

But as the three United Democratic leaders began their lengthy prison sentences, they smuggled out a message of hope for South Africa: 'Somewhere in the future lies a date when black and white will take a second look at these moments of our history ...'.

***Full story: PAGE 3***

## Defence believes judgment can be overturned

# Delmas trial judge dismisses document

By Jo-Anne Collinge

There was a dramatic sequel to the Delmas treason trial in Pretoria yesterday when Mr Justice van Dijkhorst again refused to consider a document by the assessor he dismissed 20 months ago — an act which caused the accused to apply to have the trial quashed on grounds of the judge's partiality.

The application for the quashing of the trial in April 1987 was unsuccessful and certain statements by the dismissed assessor, Professor J A Joubert, were ruled inadmissible.

Defence counsel made it clear yesterday that they believe the judgment in the longest trial in South African history could be overturned by the Appeal Court on the basis of the invalidity of Professor Joubert's dismissal.

The defence indicated in papers to the court that they believed they should be granted leave to make a special entry to the Appellate Division to argue:

- That the judge wrongly construed his powers under the Criminal Procedure Act in dismissing Professor Joubert and that the trial continued before an improperly constituted court.
- That the refusal of Mr Justice van Dijkhorst to admit Professor Joubert's statement hampered the defence's earlier attempt to quash the trial.

The judgment saw three UDF leaders, Popo Molefe, Terror Lekota and Moss Chikane, convicted of treason and the UDF declared a revolutionary organisation. Professor Joubert was asked to recuse himself (and refused to do so voluntarily) after it was disclosed that he had signed the UDF's One Million Signature Campaign petition against the tricameral Parliament.

The UDF three were sentenced to terms ranging from 10 to 12 years. Church worker Tom Manthata received six years for treason and the remainder of the 11 convicted received five years each for terrorism. In all but one instance the terrorism sentence was entirely suspended.

### Controversial affidavit

Among the papers handed up to the judge on the special entries was Professor Joubert's controversial affidavit. Mr Justice van Dijkhorst returned this portion of the papers immediately.

He stated he had made a ruling earlier that an application concerning conversations between a judge and his assessor was inadmissible.

"Until the Appellate Division decides otherwise, that ruling stands."

He added later: "I am not interested in it (the Joubert document). I hand it back to you."

Mr Justice van Dijkhorst stated that admissibility could be judged on two grounds — on the general category of the document and on its contents. The Joubert document fell into an inadmissible category.

# As three UDF men go to jail, a last message

331

RAND DAILY MAIL 9-15/12/88.

By VUSI GUNENE and JENNI TENNANT

THE three United Democratic Front leaders in the "Delmas" treason trail began lengthy prison sentences yesterday with a message of hope for South Africans.

UDF former publicity secretary Patrick "Terror" Lekota was sentenced to 12 years imprisonment, while the former national secretary, Popo Molefe, and former Transvaal secretary Moss Chikane were sentenced to 10 years each.

South African Council of Churches and black consciousness stalwart Tom Manthata was sentenced to six years imprisonment. All four were convicted of treason.

Vaal activist Gcina Malindi was jailed for five years for terrorism. The other six accused received five-year suspended sentences for terrorism.

"We view the present trial as an interim affair," the UDF three said in a joint statement, released from the dock before they were led down to the cells.

"Somewhere in the future lies a date when black and white South Africans will take a second look at these moments of our history.

"They will evaluate afresh the events now in contention and our role in them. And since the privilege will belong to them, they will pass final judgement. We are convinced that theirs will be contrary to the present one.

"They will vindicate us," the three said.

As the judge left the court, cries of "Viva UDF" broke out and the crowd began singing the national anthem, *Nkosi Sikelele i'Afrika*. Police tried to hurry the men down to the cells but well-wishers kept stopping them.

Tears rolled down the faces of defence counsel, advocates George Bizos and Zac Yacoob, as the crowd sang and the trialists raised their fists and shouted "*Amandla.*".

Family and friends wept as they left the building.

The day was marked by tight security and a large police presence in the court. Outside the building, a row of more than 100 police lined up to form a barrier against the crowd watching from Church Square, opposite the Pretoria Supreme Court.

The trial was also attended by a number of political and trade union leaders and a large group of diplomats, including US ambassador Edward Perkins and British ambassador Robin Renwick.

The sentences came at the end of a 45-minute address by the judge during which he praised some of the trialists — and cited them as potential future politicial leaders — before sending them down to the cells.

The sentences will mean that some of the most prominent political leaders of the 1980's are out of circulation, following South Africa's longest and most expensive trial.

They have already been in custody for three years.

However, of the 18 original accused from the Vaal, all but one of them are out of prison. Three were acquitted at the end of the state's case, and another eight were acquitted two weeks ago.

In granting suspended sentences on the other five, Mr Justice K van Dijkhorst imposed severe conditions on the six — amounting to the equivalent of banning orders.

This is unprecedented, and will effectively remove the six from political life for five years without sending them to prison.

The conditions are:

● They may not be found guilty during the period of their suspension of treason, sedition, public violence, terrorism, sabotage and subversion in contravention of the Internal Security Act, or arson;

●For two years they may not attend any meetings except church services in their own parishes and sports meetings;

● They may not, during the next two years of their suspended sentences, be with more than 20 people;

●They should not issue public statements nor give any interviews to journalists during the first two years;

●They may not serve as executive members on any political or youth organisations, or participate in the activities of those organisations for the first two years of their sentences.

●They may not participate in, or o ganise, any form of public protest action.

In sentencing the UDF leaders, Justice Van Dijkhorst said he accepted that the UDF was seen by many as working towards a negotiated settlement and that the demise of the UDF may well slow the process of reform.

"I accept in order to work out through a process of negotiation a peaceful co-existence, a credible leadership is needed. I accept the UDF is seen by many to have an important role in the process.

"I fully appreciate that the demise of the UDF may leave a void which may take a number of years to fill. It may well be this will slow down the process of reform, as was alleged.

"For this consequence, the UDF has itself to blame," he said.

The judge said the UDF was a viable movement with a message which merited attention. He acknowledged that the UDF had a large and enthusiastic following but said it chose the path of violence instead of moderation and thereby did South Africa a disservice.

"I hold the view that these men, especially Molefe, can in future play a constructive role on the political scene provided they, by word and deed, foreswear the violent option and obey the law."

The sentences should not frustrate this, he said.

The judge described Manthatha's sentence as lenient and said it had been imposed in the hope that the church worker would resume a leadership role in a more constructive and responsible way on his return to society.

In sentencing Malindi, the judge cited a previous conviction for public violence.

An application for leave to appeal will be heard on Monday.

Jerry Thlopane, one of the acquitted trialists, negotiates with police to allow relatives into the packed courtroom

Picture: ANNA ZIEMINSKI, Afrapix


FREE

Caroline Cullinan

RAVE REVIEWS INTERNATIONALLY

WHITE TRIBE DREAMING

A COMPASSIONATE HISTORY OF THE AFRIKANER

White Tribe Dreaming is the work of 8th generation Afrikaner, Marq de Villiers. Follow him as

DELMAS TREASON TRIAL 331

# Judging the judge

**Following** sentencing in the Delmas Treason Trial last week, the court reconvened on Monday — without the "deceased," as Mr Justice van Dijkhorst mistakenly referred to the *accused* last Thursday.

Judge van Dijkhorst's Freudian lapse came when he meant to say that the remaining accused need not be in court this week to hear the application for leave to appeal. Though quick to correct himself, the judge's slip caused a stir in the packed court.

Earlier he sent five of the original 22 trialists to prison for a total of 43 years: UDF general secretary Popo Molefe (10 years for treason); UDF publicity secretary Patrick "Terror" Lekota (12 years for treason); former UDF Transvaal Secretary Moses Chikane (10 years for treason); Thomas Manthata, a staff member of the SA Council of Churches, a member of the Soweto Civic Association and the Soweto Committee of Ten (six years for treason) and Vaal Civic Association member Gcinumuzi Malindi (five years for terrorism). Six other Vaal activists found guilty of terrorism had five-year sentences suspended with conditions ranging from not granting press interviews to limiting attendance at public gatherings.

Three of the accused were acquitted at the close of the State's case; the other eight were acquitted last month when Judge van Dijkhorst handed down his 1 520-page judgment.

Judgment on the application for leave to appeal was expected to be given this week. The defence has also indicated that it intends to request a special entry be noted on the record. (A special entry concerns a procedural irregularity during a trial and is heard by the Appeal Court; if successful it could lead to the trial being set aside, or a retrial).

There are only limited grounds on which a special entry may be refused. In this case, if granted, it means in effect that Judge van Dijkhorst will go on trial. The entry concerns the constitution of the court and hinges on the dismissal by the judge of one assessor, Professor Willem Joubert, because he had signed the UDF Million Signature Campaign petition against apartheid.

Assessors play a vital role because their decisions carry as much weight as the judge's on questions of fact. Joubert's removal from the three-person bench in March 1987 led to a trial within a trial when the accused applied to have the proceedings quashed, and the judge and his remaining assessor, W F Krugel, a regional magistrate from Pretoria, recused on the grounds that the court was no longer properly constituted.

In their founding affidavit the accused expressed concern about the attitude of Judge van Dijkhorst and Krugel: "We have gained the clear impression that they have formed opinions adverse to our case."

The affidavit contained details of Krugel's membership of the Afrikaner Broederbond, an organisation identified by the accused as "strongly supportive of Afrikaner nationalism and hostile to the political aspirations of the black people."

A further reservation concerning Krugel was that he had been the liquidator of a number of political organisations banned in October 1977. Some of the accused were members of these organisations.

The judge accepted Krugel's response to these allegations, saying that Krugel merely regarded the Broederbond as a cultural and political think-tank which does not prescribe political beliefs to its members.

At the time of the application, the defence relied on affidavits by Joubert. Two were accepted by the judge. However, a third affidavit containing Joubert's response was never handed up because Judge van Dijkhorst ruled that his statement on the dismissal could not be contradicted.

Regarding himself, the judge said: "I am at a loss to understand the allegation that I by tone, gestures or otherwise favour the State. In the absence of detailed information I cannot comment on this matter."

Clarification may be forthcoming this week when particulars of the application for the special entry become public. ■

# Delmas judge delays appeal decision

Cttl. Tom PS 331
16/12/88

PRETORIA. — Judgment was reserved in the Supreme Court here yesterday in the application for leave to appeal against the findings of the Delmas treason trial.

It is not clear when Mr Justice Kees van Dijkhorst will deliver judgment, but it was not expected before the weekend, and it may only be early next year.

Defence counsel for the Delmas trialists, Mr George Bizos SC, yesterday accused Mr Justice Van Dijkhorst of considering political activity to be mischief.

In his application for leave to appeal for the 11 convicted Delmas treason trialists, who were sentenced to between five and 12 years imprisonment last week, Mr Bizos asked the judge: "Do you think I wasted your time during my appeal?"

To which Mr Justice Van Dijkhorst replied that he believed Mr Bizos was repetitive and often dealt with trivial issues.

Mr Bizos said he had submitted matters which he thought relevant.

During a sharp exchange of words between the judge and Mr Bizos, the advocate said there were conditions compelling a person to do some good, but conditions to forebare from doing lawful acts "I have not been able to find".

He was referring to the conditions imposed by Mr Justice Van Dijkhorst on six accused, which seriously curtails their day-to-day activities.

"In my view they should actually go to jail. I lay down certain conditions to keep them out of mischief and you now attack these conditions," Mr Justice Van Dijkhorst said.

The judge claimed he did not consider political activity to be mischief, as suggested by Mr Bizos, but said "in the political activity the accused come to mischief".

Mr Bizos said he would argue on the novelty of the conditions.

State prosecutor Mr Paul Fick opposed the application for leave to appeal, saying the defence had misinterpreted the court's findings.

"The defence are sitting with a serious problem, why did they not call witnesses such as Albertina Sisulu or Frank Chikane who know what the UDF's aims and objectives are. Instead they called witnesses who sat on the sidelines," Mr Fick said.

About 230 buildings were destroyed in the Vaal during unrest, and councillors were attacked, which is indicative of a revolutionary climate, according to Mr Fick.

Mr Arthur Chaskalson, for the Defence, this afternoon raised the question of whether Mr Justice Van Dijkhorst had, in the active role he had played as judge, crossed the line, which meant he had entered the arena of the trial.

He said Mr Justice Van Dijkhorst had entered and pursued peripheral issues during the trial which later became of central concern — a task that should have been left to the prosecution. — Sapa

CAPE Times 16/12/88

# Tortoise 'used to torture' boy

Court Reporter

A TEENAGER claimed in the Regional Court yesterday that police used a tortoise to torture him.

The 17-year-old boy said Sergeant Ilmar Pikker of Bishop Lavis forced him to undress and lie on the floor before placing a tortoise between his legs. He said the policeman also put lettuce leaves there to attract the tortoise.

He gave this evidence in a trial within a trial to determine if two confessions he made were done under duress.

The boy has pleaded not guilty to three counts of public violence, alternatively malicious damage to property.

The state alleges that he and others, unknown to the state, set fire to three delivery trucks in Bonteheuwel between October and December last year.

The hearing was adjourned to January 9 for the magistrate's decision.

State of emergency censors

# BURNING QUESTION HANGS OVER DELMAS FINDING

W/E Argus 17/12/88 (331)

by JO-ANNE COLLINGE
Weekend Argus Correspondent

JOHANNESBURG. — The burning question that remains after the curtain has rung down on the Delmas treason trial is: what did the court's dismissed assessor, Professor W A Joubert, say in the document which was ruled inadmissible by Mr Justice van Dijkhorst for the second time on Wednesday?

In hearing the defence's application for leave to appeal, the judge stated that he was disallowing the document, not because of its content but because it fell into a category that could not be used as evidence.

The handful of observers in the cavernous Court C of Pretoria's Palace of Justice must have recalled that the document was first proferred in April 1987 when the accused tried to have the dismissal of Professor Joubert declared irregular and sought the recusal of the judge and his remaining assessor, Mr W F Krugel.

## UDF petition

Without hearing argument, the judge dismissed Professor Joubert on learning that he had signed the United Democratic Front's million-signature petition.

Three prominant trialists, Popo Molefe, Terror Lekota and Moss Chikane, are UDF leaders and the central thesis of the State case was that the UDF, alone or with the African National Congress, had conspired to overthrow the State by violence.

In their application for the judge's recusal in 1987 the 19 accused told the court: "We have seen the disappearance of the only member of the court whom we believed was not hostile to us. We have been told that a person who signed the million-signature declaration is not fit to be a member of the court that tries us.

## Broederbond

"If this is so we cannot accept that a member of the Broederbond (Mr Krugel) and a judge who is seemingly hostile to us are fit to do so."

They stated that after reading an initial report by Professor Joubert, "our belief in the lack of objectivity of Mr Justice van Dijkhorst was both confirmed and heightened".

At that stage Professor Joubert had not disclosed details of his discussions with the judge.

The accused told the court: "We wonder what the discussions are that Professor Joubert feels he cannot mention and suspect they may reflect attitudes and statements by the presiding judge and/or Mr Krugel ... that would show that they are biased against us and our case."

It is understood that the last document by Professor Joubert, the one kept off the record, reflects certain communications between him and the judge.

# Mayekiso on bail– after 901 days

c/press 18/12/88
331

## Xmas freedom costs Alex treason trialists R30 000

By KERRY CULLINAN

MOSES Mayekiso, the general secretary of the National Union of Metalworkers of SA, will spend Christmas with his family after 901 days in prison.

He, his younger brother, Mzwanele, Paul Tshabalala, Richard Mdakane and Obed Bapela – who are being charged with treason, alternatively sedition and subversion – were granted bail amounting to R30 000 on Monday.

The five have been on trial since January and have been consistently refused bail.

Stringent bail conditions have been set down. The men may not set foot in Alexandra, their home township. They may also not attend or address a gathering of more than 10 people, speak to the Press or leave the Wits area.

They also have to report daily to the Hillbrow Police Station.

"Cosatu welcomes back our leaders ..." said the federation's general secretary, Jay Naidoo, who was at the Rand Supreme Court to greet the men on their release.

"They have been sorely missed in the organisation and we hope they will soon be free for good."

According to the State, the men conspired with the ANC, SACP, UDF, Cosatu and township organisations to make Alexandra ungovernable.

Through the Alexandra Action Committee, they apparently set up "organs of people's power" such as street committees and people's courts to seize control of the township.

They have also been accused of launching rent and consumer boycotts, and campaigning against the SAP, SADF and the Alex council.

The public has been barred from attending large portions of the trial, when Alex residents have testified about their roles in these structures.

Much of their evidence has been centred around people's courts, but so far only Tshabalala and Bapela have been identified as having participated.

However, witnesses also revealed that both men had spoken out against violence as punishment.

Alexandra's "six day war", which erupted in January 1986 when residents and security forces clashed, has also featured in the trial, as has the vigilante attack on residents in April 1986.

The attack left five residents dead and 39 others wounded and residents strongly suspected police involvement in the attack.

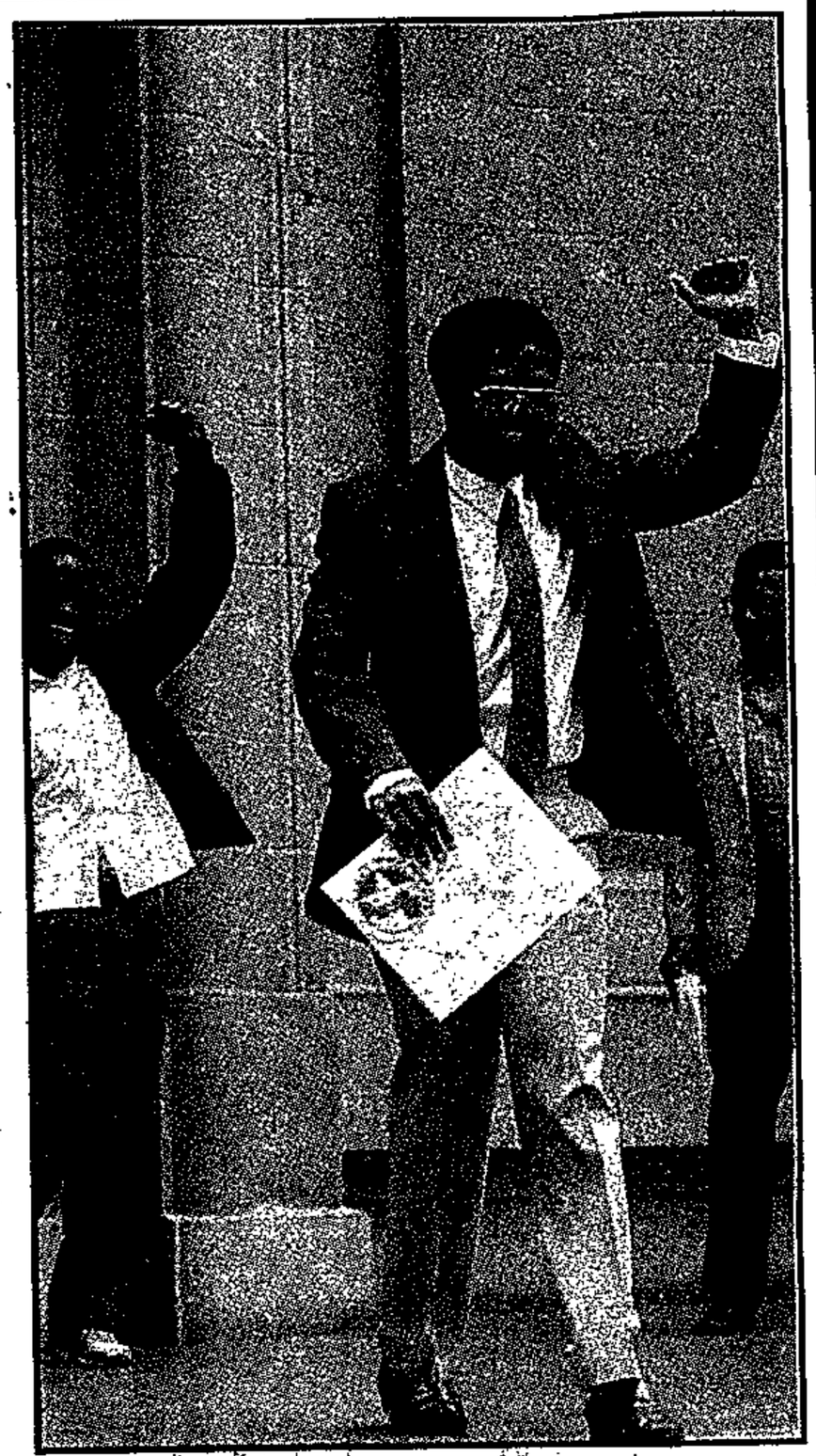
In arguing for the five to be freed, defence counsel David Soggot SC, said they had not been involved in violence so could not be guilty of treason.

The five are due to reappear in court on February 1.

Meanwhile, they will find that much has changed since they were free. Mayekiso was general secretary of the Metal and Allied Workers' Union, and although part of merger talks with other unions in the sector, was already in prison when Numsa was formed.

Elected general secretary of Numsa in absentia, he will find himself in charge of the country's second biggest union, and one of Cosatu's strongest affiliates.

Conditions in Alex have also changed substantially since 1986, and although the accused are not able to enter the township, they will no doubt be told of the government's extensive upgrading project.



Moses Mayekiso . . . granted bail of R10 000.

# Savings box and a faded jeans

By ANDRINA FORBES

THE trial is over. It has been two years of harrowing pain and uncertainty.

No-one can understand the agony of a mother whose child is behind bars.

My days are nights and my nights days. I am in detention with him, trapped with all his boundless energy.

He believes everybody is first and foremost a person with rights and dignity.

That he has been sentenced for a long time is painful to accept. I ask myself, will I be alive when he is released?

A part of his youth, a part of his life has been entombed for a gap of "time" which is too long a period in any human being's life.

One is expected not to fall apart.

Young people should never have to fear arrest or imprisonment, but be brought up to understand that their energy and talents should be devoted to the service of their fellow human beings.

God Almighty may your spirit of compassion rest on those in authority, soften them and set all people free.

Every Christmas Ashley painted our little home. Now "Erica", the cottage, is as he left it, untouched.

His cupboard is tidy and the drawers neat. In a corner waits his little old and broken savings box, and on a hanger is his faded blue jeans.

"Mummy, how can one have more than enough, when so many have little, mostly nothing at all."

My life has changed, the home is quiet and his room silent.

The two years which have passed is enough torture for any living person. They have already paid and dearly too if there was wrong. But how can right be wrong when wrong is right?

The 14 young men were caught in a vortex of a political arena. From the masses, 14 brave men emerged. They are valiant, a different breed of people, a rare breed. The sons of a nation to honour, and be proud of.

They have the courage to sacrifice their young beautiful lives — their freedom for all people and the generation of tomorrow.

Ashley, Peter, Nicklo, Nazeem, Anwar, David, Clement, Jeremy, Walter, Wayne, Collin Cairncross, Ashraf, Colin Petersen, and Leon.

Life has not been an easy climb.

There were brambles, boulders and sharpened rocks.

Storms, and darkness, so dark.

With not a ray of light in sight;

You went on climbing,

You slipped, and stumbled, and hurt,

Sons! You took the knocks and kicks

from tortuous splintered trees and stones, and sticks

And then we saw you lick your wounds.

You continued up -

For at the top, you knew

There is the other side.

We watched you

We listened

We understood

You made the climb -

Though it has not been an easy climb

You made the climb

# tears in the gallery

The trial was postponed for most of August while the state and defence counsel negotiated the content of admissions which were made by the trialists.

It resumed on August 31, when all the accused handed in their statements to the court.

The 15th accused, Yasmina Pandy was acquitted on October 24. She married co-accused Ashley Forbes and was released a few days later.

Two days later, the rest of the trialists were found guilty of the charges against them.

Ashley Forbes, Peter Jacobs, Nicklo Pedro, Nazeem Lowe, Anwa Dramat and Clement Baadjies were found guilty of terrorism.

David Fortuin, Jeremy Veary, Walter Rhoode, Wayne Malgas, Collin Cairncross, Ahraf Karriem and Colin Petersen were found guilty of contravening the Internal Security Act by giving assistance to terrorists.

Leon Scott was found guilty of furthering the aims of the ANC.

In the following months, the trialists stood in the dock and attempted to explain to the court what motivated them to join or support the ANC.

Ashley Forbes, Leon Scott, Peter Jacobs, Nicklo Pedro, Ashraf Karriem and Anwa Dramat all spoke about their youth under apartheid and their gradual understanding of a system they described as evil.

They spoke about their politicisation during the 1980 school boycotts during awareness programmes and how they witnessed police brutality unleashed against the students.

It was 1985 which was a turning point for most of the accused. Unable to organise legally through their organisations which had been restricted by the emergency regulations, they took to the streets.

Ashley, related an incident during the Pollsmoor march, where he saw nuns being beaten by police.

Nicklo Pedro remembered the barricades which lit up the streets of Cape Town when he returned from his home town, Mossel Bay.

Ashraf Karriem and Anwa Dramat remembered the police invasion of the St Athans Road and Park Road mosques which generated anger from their community.

# Why trialist took up arms

**UCT sociologist FRANK MOLTENO gave evidence in mitigation of sentence for the accused in the Forbes trial.**

**In his testimony to the Supreme Court, Cape Town, he examined why the 14 young men turned to violence:**

HOW did a group of students, teachers and young workers like the Forbes 14 come to feel so committed to their ideals that they were willing to defy the laws of the land and risk their lives?

As it is, they will be sacrificing many of their prime years in prison. How did they come to the ANC?

The answer lies in the values with which they were brought up and in their experience of life under apartheid.

They grew up sensing their elders' humiliation at having to explain the "whites only" signs.

Their childhoods were filled with nostalgic and bitter stories about how it had been in communities like District Six before people had been forced out of their homes by the Group Areas Act.

Those they respected ridiculed the state authorities.

During the boycotts of 1980 they were exposed to many weeks of intensive political education — in the theoretical form of awareness programmes and mass meetings, as well as in the more practical form of organisational experience and of confrontations with the police.

Everything seemed to point in one predominant direction: The moral necessity of opposing injustice, oppression and exploitation by contributing actively to the destruction of apartheid and the creation in its place of a free, democratic , non-racial, unitary South Africa.

The ANC came into public view as never before in the Western Cape. The ANC flag was being unfurled at large public gatherings. People were starting to wear black, green and gold. The Freedom Charter was being debated by a diverse range of groups who discovered that it contained an attractive and viable-looking vision for an alternative future.

The Forbes 14 and others found themselves on political terrain which the state had criminalised beneath their feet.

They found themselves thrust by the State's violent response to peaceful mass protest into a *de facto* armed struggle but without the arms to compete with the sophisticated weaponary of the police.

They were faced with what for them was a new reality. The legal, non-violent avenues along which they had been pursuing their ideals were blocked off while the police seemed to have licence to do whatever it might take to crush the democratic struggle.

When certain young people in these circumstances then happened, really through chance connections, to be offered the opportunity of supporting the ANC and its armed wing in a practical way, they were not really faced with any new choice.

They had effectively, already made the relevent commitments and choices way back down the track.

The Forbes 14 acted in conscience on the basis of all that their lives so far had taught them to be their moral duty.

And they are not 14 isolated individuals. They represent a sizable layer within a generation of local youth.

They embody the frustrations and aspirations of many who, having grown up similarly over the past couple of decades.

(331)



# 'Father burst out crying'

MRS DORA PEDRO believes her son Nicklo, jailed this week for 14 years on terrorism charges, was "chosen" to make that "sacrifice".

"It's very heartsore and tragic, but no matter what, I'll always stand by my son."

Over the torment of seeing her son behind bars — and not knowing what to do — community nurse Mrs Dora Pedro, 59, now views her son's "sacrifice" in a different light.

She and her husband, Nicklo, 59, a primary school principal from Mossel Bay, were in Cape Town this week for the sentencing.

She said she had been able to reconcile his political beliefs with her deep religious convictions.

"He is in jail because he tried to do something about the immense suffering people are experiencing in this country," said Mrs Pedro, a mother of four.

Pedro, one of five University of the Western Cape student convicted on charges of terrorism or furthering the aims of the African National Congress, celebrated his 21st birthday in May as an awaiting trial prisoner.

The trial is over, but the memory that will haunt her for the rest of her life is a chance meeting with Nicklo in the foyer of the Cape Town security police headquarters a few days after he was detained in August last year.

Many a night she just lies in bed crying, she said.

"As my husband and I were leaving the building after dropping clothes for Nikki I heard somebody shouting. 'Daddy!'.

"I was stunned and for a moment I could understand what was going on.

"I looked at him and he said: 'Mummy, it's Nikki'."

As his father walked towards him the policemen said. "You are not allowed to speak to each other.

"For a moment they just stood and looked at each other. We walked towards the office and as he passed his father he said. 'It's okay, I'm alright'.

"Just the fact that you can see your child from a distance and not to be able to touch him or say a word to him is an absolutely terrible experience.

"His father just burst into tears."

Mrs Andrina Forbes

# A mother's anguish

By HEIN WILLEMSE

FOR Mrs Patricia Jacobs , 60, coming to terms with her son's political involvement has meant a personal crisis.

A crisis one would not suspect judging from her meticulous and composed manner.

It meant a struggle to understand why her son, at the beginning of a promising career as a university student, had chosen the revolutionary path.

"As a divorced mother I had to struggle to make ends meet. There was never enough money. But I tried my best," she said at her house in Tafelsig, Mitchells Plain.

"I did not know why Peter did what he did. When he was detained over 18 months ago, I could not understand what had led him to his involvement."

The impact of her son's detention has been considerable. She had to come to terms with her son's involvement in subversive activities and reconcile it with her own Christian beliefs.

"When Peter got involved, we used to argue and I would refer him to the Bible. I am very involved in the church and never mingled with politics."

Frequent visits to Pollsmoor Prison, where her son was awaiting trial, influenced her understanding and strenghtened her sense of solidarity with the parents of the other trailists.

Mrs Jacobs hails from George where she had no intimate knowledge of people outside her immediate circle.

"I never mixed with African people. I did not know them. I called them Kaffirs and Peter would be mad at me.

"Through this trial, I have developed a sense of other people. I can understand what made Peter angry.

"It hurts me now when people call others Kaffirs. Something definitely changed in me.

"I became involved in the parents' support group and the Mitchell's Plain Crisis Committee.

"It comes naturally to be partial to the things your child is involved in. I now feel that his struggle is a just struggle.

"I told him he should not become bitter and hardened. Those years in prison will be hell, but he must not allow that to embitter him.

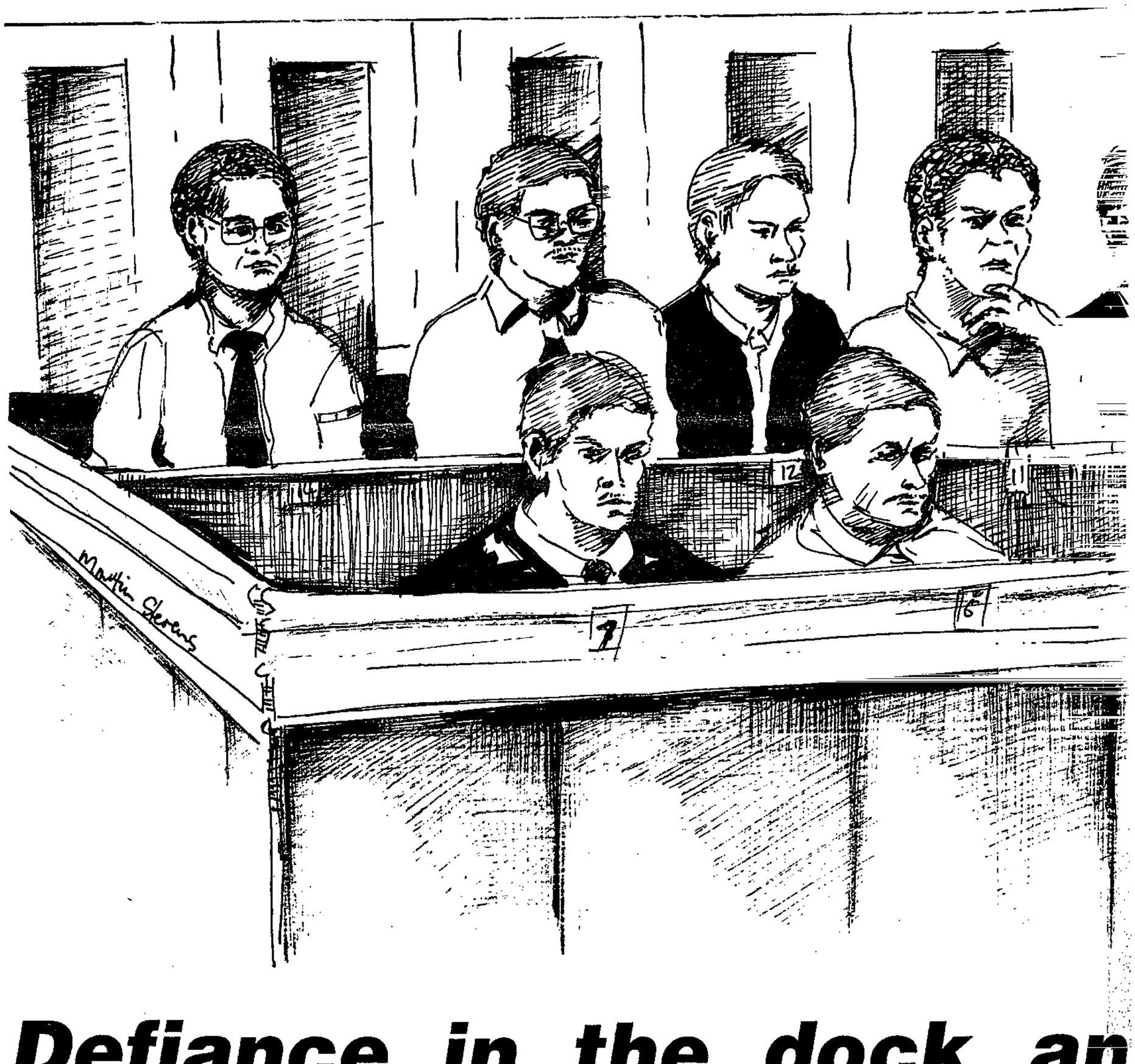
"As a mother I have the interest of my child at heart. I don't want to think of those lost years.

"I can't accept that he will spent his best years in prison. I pray that it should not be too long.

"Peter also changed in this time. I spoke to him and he said he is even prepared to die.

"I said to him: 'You have fought for what you felt responsible for. This experience in jail is however a heavy load'. He said it's not a load, it's a privilege.

"I said to him, 'There is also another side to the story. I understand now what you are fighting for. I see you as a fighter for freedom."




# Defiance in the dock an

THE 14 trialist left the dock the way they entered 65 court days ago — defiant and fists clenched — the end of one of the most historic trials for the Western Cape.

Fourteen young lives changed forever — a chapter in their lives over.

For their parents a new beginning - without children many of them will not live long enough to see them free again.

The trial of Ashley Forbes and his 13 co-accused started dramatically, ending the same way eight months later.

From the day the trial started on April 20 there was upheaval in court.
They walked into court on the second day singing freedom songs and shouting ANC slogans.

They refused to plead to charges of terrorism saying that their basic human rights had been violated when they were held in solitary confinement for months before the trial.

"I find myself in conscience unable to plead to charges which label me a terrorist for opposing apartheid and I regard the prosecution itself as a crime against humanity," Forbes told the court.

The next day, the trialists refused to attend the hearing after the judge barred their relatives and friends from the gallery because of singing and shouting.

On April 28 all the trialists were sentenced to six-months for contempt of court after chanting brought the proceedings to a halt.

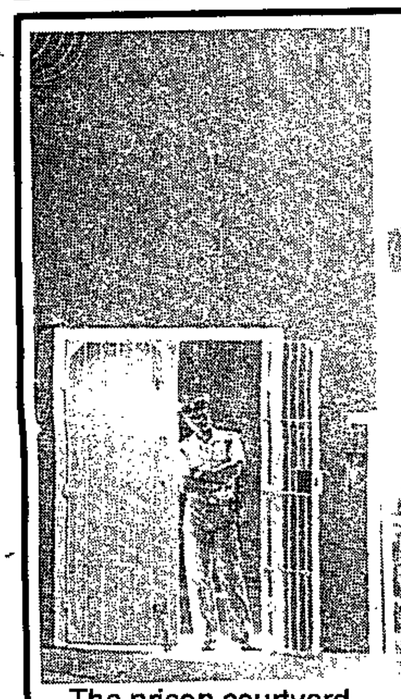
Several policemen gave evidence and were cross-examined about the trialists' accounts of their torture during their months in detention.

Each day friends and families of the accused filled the public gallery of courtroom No 1. For 15 minutes each day the formal hearing was broken the exciting conversation which gave new dimension to the Supreme Co tea-break.

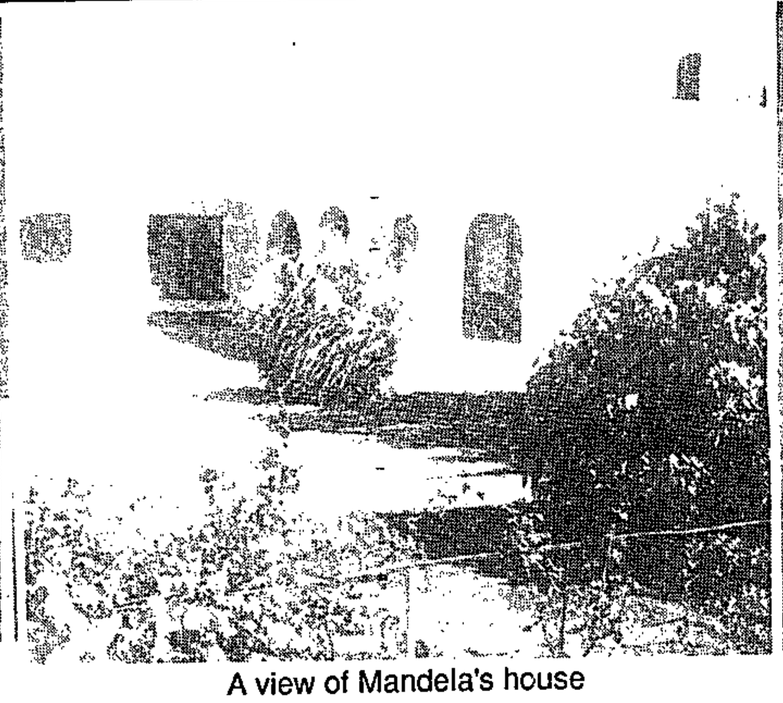
Often people in the public gall wore ANC colours of black, and gold.

The state proceeded with evidence against the 15, witnesses telling of hand-granade limpet mine blasts.

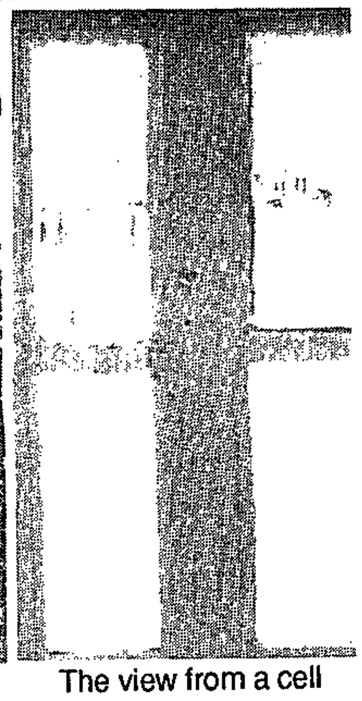
Warrant Officer Jeff Benzien threatening Nicklo Pedro, killing A guerilla Ashley Kriel, and Peter Jacobs.



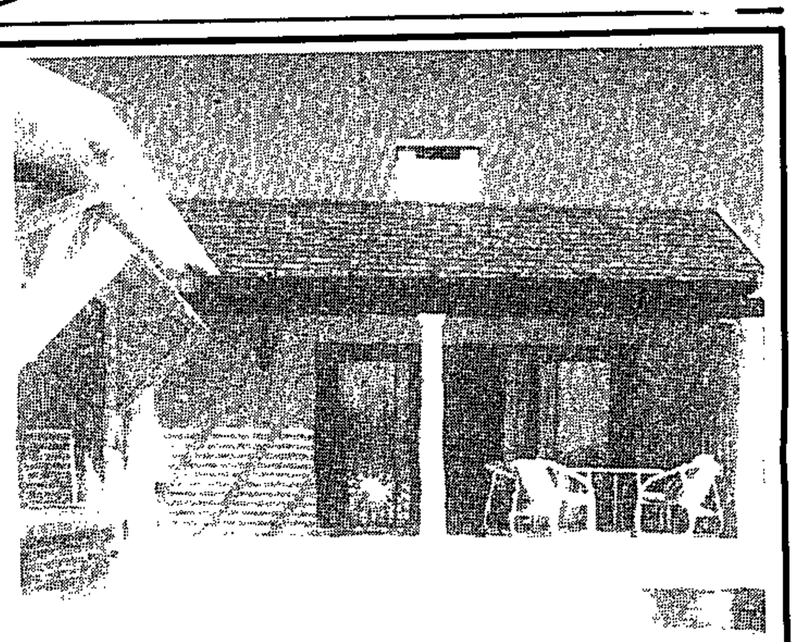
The prison courtyard



A view of Mandela's house



The view from a cell



Mandela's courtyard

# Mandela's gilded cage

***Nelson Mandela has been moved to a house adjacent to Victor Verster prison in a move many claim to part of a 'phased' release. The prisen has been home to Western Cape detainees since 1985. RYLAND FISHER reports***

A STONE's throw from Nelson Mandela's new "safe house" in Paarl is the place that has become "home" to political detainees in the Western Cape since 1985.

And while the ANC leader is being held in apparent luxury, the conditions under which detainees are being held have often been criticised.

Ironically, Mandela's new home is "adjacent" to Victor Verster prison, called "Vyfster" by some inmates.

The nickname is derived from a popular Afrikaans TV series on prison life, according to former inmates.

Prison officials, it seems, would like people to believe the name is because of the "good service" given to detainees and prisoners.

They tried to prove that last year when they allowed journalists to see and photograph cells where detainees were held in the prison in the pictureque Drakenstein Valley.

The detainees were not present at the media inspection of their cells. They had been taken away to "watch videos".

Later, some former detainees said the press visit had been a propaganda exercise, a claim denied by the Prisons Service.

From the visit, it appeared most detainees were held in single cells, slightly more than 2m by 2m.

There is a central radio system and detainees are allowed access to some daily and weekly newspapers. They also have beds.

Former detainee Naseegh Jaffer claimed at the time that they had been given beds shortly before the press visit.

Previously, they had to sleep on mats.

Family members and political activists believe the "improvement" in conditions of detention at Victor Verster was due to local and international pressure. They pointed out that detainees should not have been detained in the first place.

But the conditions under which detainees are held are still a far cry from that of Mandela, if one follows official statements and pictures.

Not much is known about the house where Mandela was transferred to last week after recovering from tuberculosis at the Constantiaberg Clinic.

According to official statements it is on a prison farm adjacent to Victor Verster. Mandela's lawyer Ismail Ayob said the house was on the prison grounds.

Pictures given to newspapers by the Prisons Service show there is a swimming pool, a well-kept garden and several rooms.

It is believed several thousands of rands have been spent on refurnishing the house and making it "properly secured".

And Mandela's family have been told they would have unlimited access to him, an offer rejected by Mrs Winnie Mandela, who said she would continue to restrict her visits to 40 minutes.

Mandela is also allowed to eat anything he prefers, at his expense.

However, despite all these concessions, Justice Minister Kobie Coetsee pointed out, Mandela remained a prisoner with the same status as other prisoners.

Some observers speculate Mandela's transfer is part of his phased release — it is the first time in 26 years he had spent time outside a cell barring his hospital visits — an ANC source in Lusaka said the government was attempting to discredit Mandela.

Judging by the response from detainees at Victor Verster, Stuart's worries are unfounded, even though his claims may not be.

"The first thing our husbands told us when we arrived for our weekly visit at Victor Verster last Thursday was that Mandela was there," said the wife of one Western Cape detainee.

"They were so excited, it was like Mandela was in the same cell or section of the prison."

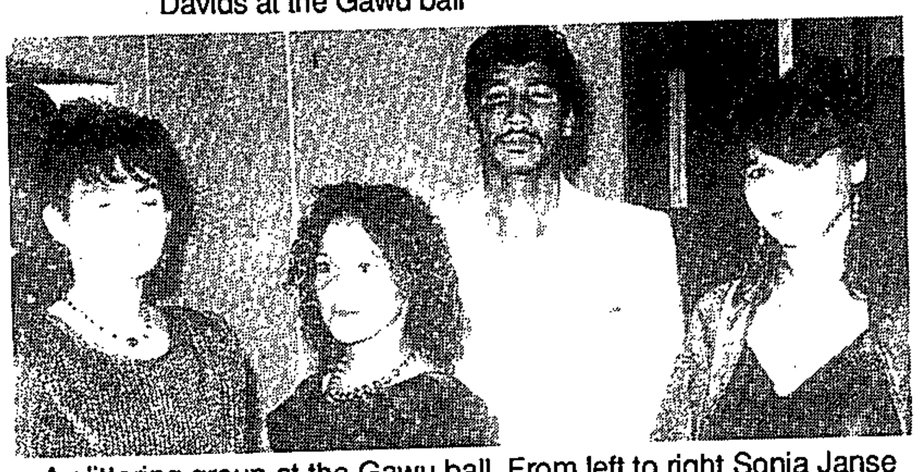
And, quip some political activists, Mandela's transfer may give him the opportunity to continue "organising the prisons" — a reference to the respect with which he is being treated by prisons staff.

The Prisons Service appear to be aware of this. They have decided that only white warders will look after Mandela.

Belles of the ball. Joan Elias, Nicolette Josephs, Fouzia Abdullah, Fatima Swanepoel, Ivona Marais and Fatima Joseph.

Donovan Southgate, Sharon Jacobs, Adilah Sirkoth, Dorian Davids at the Gawu ball

Lucky Dube woos them at the rock concert at Athlone stadium on Saturday. The concert was stopped after a security guard was stabbed to death allegedly by gang members

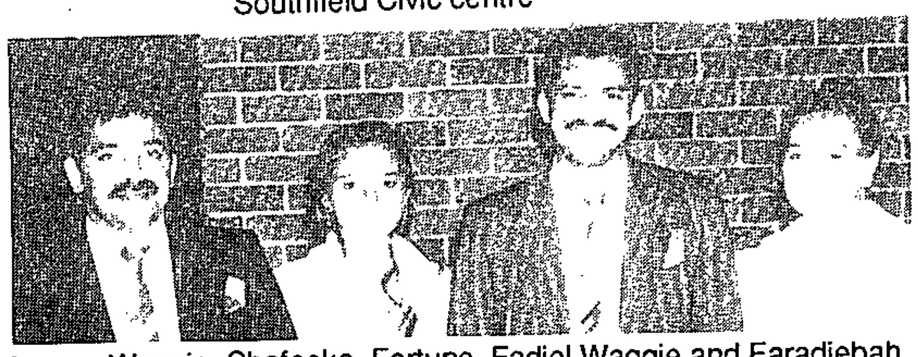


A glittering group at the Gawu ball. From left to right Sonia Janse van Rensburg, Nadia Francis and Mr and Mrs Sias Kayster

Hamza and Farieda Essack attended the SOUTH staff party on Saturday evening

Player of the year, Nazeem Toefy, and Sportsperson of the year, Faiz Moerat, at the Kalk Bay Marines RFC presentation of trophies

Call back the past. Some of the top Kalkbay Marines RFC players of the 1940s and 1950s at the trophy presentation ceremony at Southfield Civic centre



Igsaan Waggie, Shafeeka, Fortune, Fadiel Waggie and Faradiebah Ahmien at the Kalk Bay Marines RFC presentation of trophies

# Another 'No' from Delmas judge

331 South 15-19/12/88

From MONO BADELA

JOHANNESBURG. — The judge at the historic Delmas Treason Trial this week again refused to consider a document by the assessor he dismissed earlier in the trial — an act which caused the accused to apply to have the trial quashed on grounds of the judge's partiality.

Wednesday's decision followed Mr Justice van Dijkhorst's controversial judgment recently when he declared the United Democratic Front a "revolutionary organisation" bent on making South Africa ungovernable, and convicted three UDF leaders for treason.

Defence counsel this week filed an informal application for leave to appeal against the conviction and sentences imposed on seven men, including the three UDF officials convicted of high treason.

## False evidence

Mr George Bizos, SC, and Mr Arthur Chaskalson, SC, submitted that several State witnesses, some connected with the prosecution, deliberately gave false evidence to implicate the accused.

They added that, if succesfully considered by the Appelate Division, this could have "tremendous implications" against the judge's findings, especially in the case of Tom Manthata, who was jailed for six years on a charge of treason.

The UDF's national publicity secretary Patrick Terror Lekota was sentenced to 12 years, while general secretary Popo Molefe and former Transvaal secretary Moss Chikane each got 10 years.

The application for the quashing of the trial was unsuccessful and certain statements by the dismissed assessor were ruled inadmissable.

But the defence counsel said this week that the matter would be a principle issue to be raised before the Appeal Court.

The assessor, University of South Africa academic, Professor WA Joubert, was asked to recuse himself after it was disclosed that he had signed the UDF's One Million Signature Campaign petition against the tricameral Parliament.

# Mayekiso to take up union post

(331)

From MONO BADELA

JOHANNESBURG. — Treason trialist and community leader Moses Mayekiso, released from detention after 900 days, is ready to rassume his duties as head of the 130 000 strong National Union of Metalworkers, according to Numsa official Bernie Fanaroff.

Mayekiso, elected general secretary of Numsa at the launch of the union in May 1987, and his four co-accused hugged family and friends before they stepped out of the Rand Supreme Court on Monday.

Mayekiso was granted bail of R10 000 by Mr Justice le Grange.

Paul Tshabalala, Richard Mdakane, Obed Bopela and Mayekiso's younger brother, Mzwanele, were released on R5 000 bail each.

Mayekiso's bail conditions bar him from attending or addressing gatherings of more than 20 people or issuing statements to the media.

All five have to report to Hillbrow police station between 8am and 1pm daily.

They may not communicate with state witnesses; attend or address any gathering of more than 10 people; conduct, attend, address any media conference or issue any media statements; or leave the Witwatersrand area without police permission. They may also not enter or stay in Alexandra.

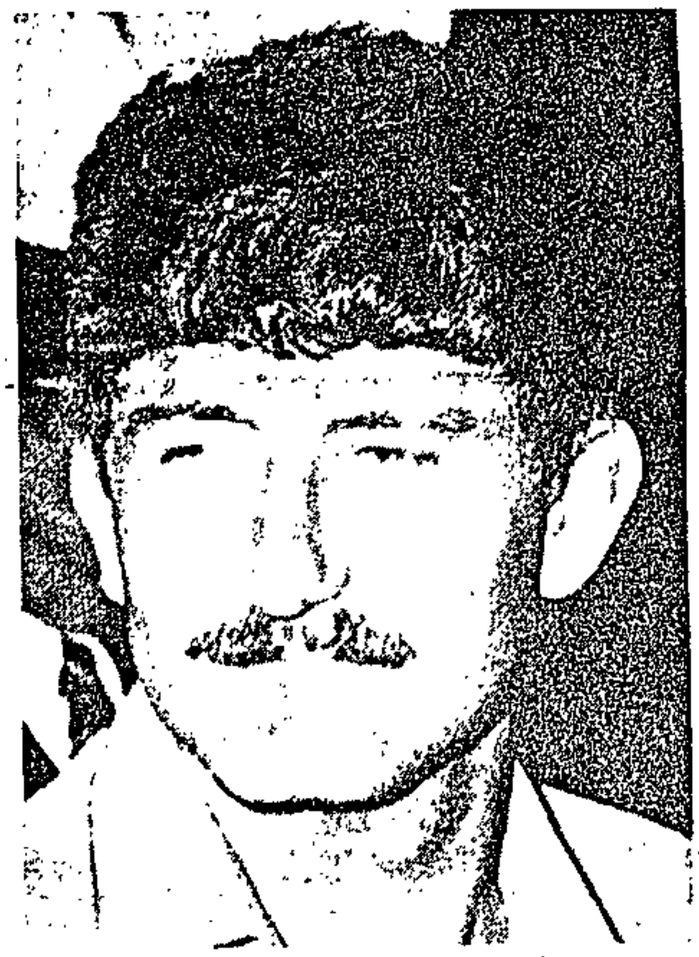
SOWETAN
Daily Mirror

TUESDAY, DECEMBER 20, 1988 MORNING FINAL RSA 40c (36c + 4c GST) OUTSIDE 40c

S 21342
Dep. R168,00
Monthly R70,00
96 Eloff Street JOHA

# FIT TO STAND TRIAL

331
Sowetan 20/12/88


STRYDOM . . . Pretoria shooting.

## Doctors' finding on alleged mass killer

**ALLEGED mass killer Barend Hendrik Strydom, accused of shooting dead eight people and attempting to murder 15 others, was declared fit to stand trial for his deeds when he appeared in the Pretoria Magistrate's Court yesterday.**

By MONK NKOMO

Mr Strydom (23), a former policeman, pleaded not guilty before the magistrate, Mr P Johnson to eight counts of murder, 15 of attempted murder and one of possession of a firearm. The case was postponed to February 13 next year pending the Attorney General's decision. Mr Strydom was remanded in custody.

The prosecutor, Mr P Huygens told the court before the accused pleaded that three psychiatrists, including one for the defence, who observed the accused for 30 days at the Weskoppies Hospital in Pretoria had found him fit to stand trial.

Mr Huygens submitted a report in which all the psychiatrists unanimously agreed that the accused knew what he was doing during the commission of the crime. Mr Willem Cornelius, who appeared for Mr Strydom did not dispute the report.

The State alleges that Mr Strydom unlawfully and intentionally shot and killed Martha Mosikedi (27) at Weiler's Farm near De Deur south of Johannesburg on November 8 this year. He also allegedly shot dead the following

• To page 2

# Kwadi arrested

**A MEMBER of the Federation of Transvaal Women, Ms Amanda Kwadi, was yesterday arrested by Soweto Police at the Avalon Cemetery as mourners paid tribute to Mrs Irene Mkwayi, wife of Robben Island prisoner and ANC leader Wilton Mkwayi.**

Sowetan 329 Reporter

Pleas to a police spokesman by the Mkwayi family's lawyer Mr Amichand Soman, by Mrs Winnie Mandela and by Mr Aubrey Mokoena to release Ms Kwadi fell on deaf ears.

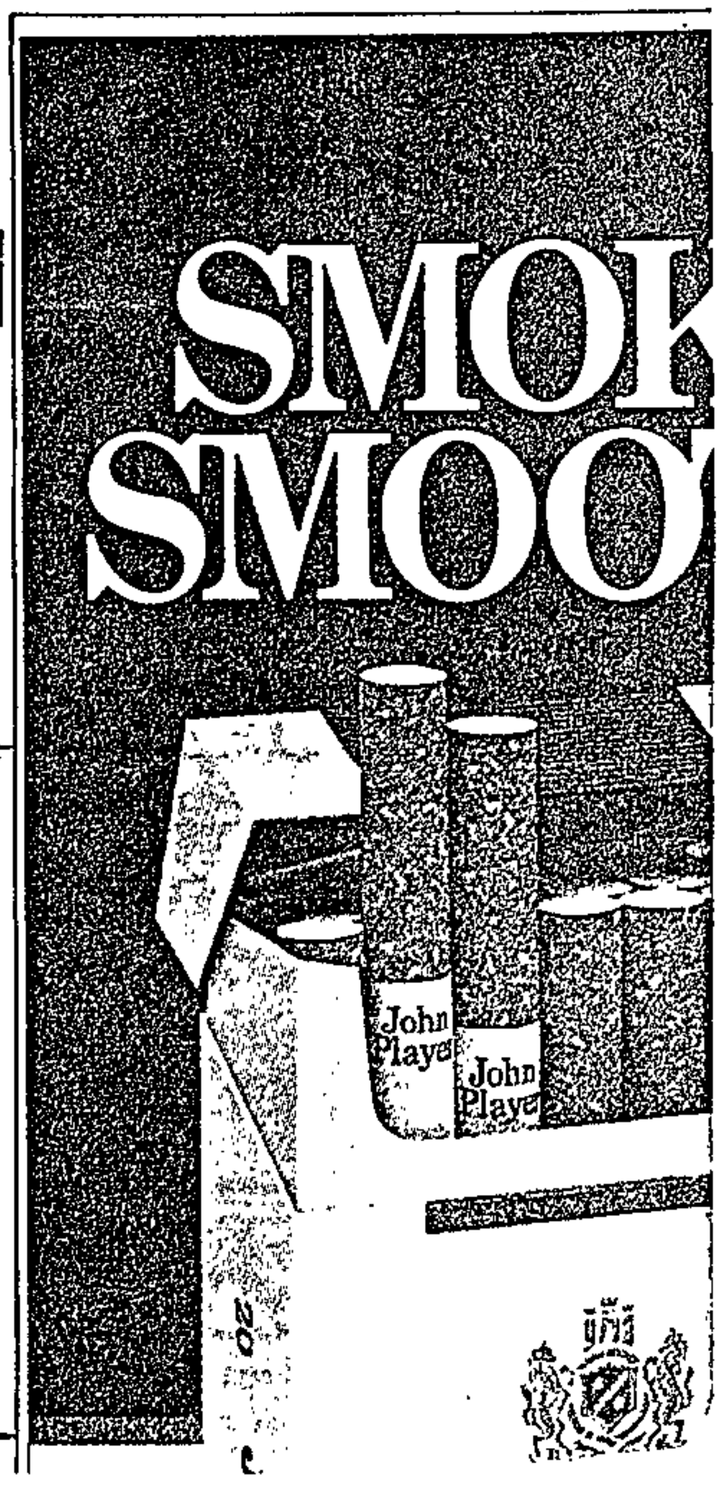
Ms Kwadi was being arrested for contravening the funeral restrictions issued by the Divisional Commissioner of Soweto police, Brigadier J J Viktor.

Ms Kwadi was taken to Protea Police HQ where she was detained under the Emergency Regulations.

Mr Soman said a Rand Supreme Court judge, Mr Justice R J Gold-

• To Page 2

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency.




Sowetan 20/12/88

P.T.O

# Limpet mine charges withdrawn

CAPE TOWN — The man arrested for allegedly carrying a limpet mine near a ceremony in Crossroads attended by the Minister of Law and Order has had charges against him provisionally withdrawn in the Wynberg Magistrate's Court. 21/12/88

Robert Maliti, 22, of New Crossroads, was admitted to Groote Schuur Hospital for brain surgery soon after his arrest in October.

He was to have been charged with possessing an explosive under circumstances giving rise to a reasonable suspicion he intended using it to injure a person or damage property. — Sapa.

331 Bday

Star 20/12/88 (3809) (331)

# Strydom not mentally ill psychiatrists tell court

By Deborah Smith,
Pretoria Bureau

A smiling Mr Barend Hendrik Strydom appeared in the Pretoria Magistrate's Court yesterday and pleaded not guilty to eight charges of murder, 15 of attempted murder and one of pointing a firearm.

The charges arise from the shootings at Strijdom Square in Pretoria last month.

Mr Strydom (23) — the so-called Wit Wolf — is said to have gone on a shooting spree, killing seven people and injuring 15.

He is also alleged to have shot Ms Martha Mosikedi (27) near her shack at De Deur on November 8.

Three psychiatrists, appointed by defence lawyers and the court, who examined Mr Strydom, agreed that he was not suffering from any psychiatric illness.

Mr Barend Strydom in court last month.

Mr Strydom, dressed in a light khaki-coloured jacket and trousers, and with a brown tie with the vierkleur, smilingly surveyed the crowd while waiting for the hearing to begin.

He spoke to his father and greeted several other people.

As each charge was put to him, Mr Strydom replied "completely not guilty".

When asked to plead on a charge of murdering Mrs Mosikedi, the blond, blue-eyed man said: "I plead not guilty, naturally."

The psychiatric reports handed in to the court said he was at present not affected by mental illness or mental defects to the extent that he could not contribute to his defence in proceedings.

The psychiatrists agreed that at the time of the shootings Mr Strydom was not suffering from any psychiatric defects to the extent that he could not understand the unlawfulness of his alleged actions.

Those killed were Mr Samuel Mathipa, Mrs Selina Nkuna (88), Mrs Catherine Mokoena (33) of Mamelodi, Mr Piet Mbedzi, Mr David Tlomatsane of Soshanguve, Mr Sattar Carrim (52) of Laudium and Mr Johannes Mnisi of kwaNdebele.

The hearing has been postponed to February 13.

# Bomb charges withdrawn

**Court Reporter**

CHARGES were provisionally withdrawn in absentia against a man who was allegedly carrying a limpet mine near a ceremony in Crossroads attended by the Minister of Law and Order.

Mr Nana Robert Maliti, 22, of New Crossroads, was not present when the matter was withdrawn for further investigation.

Mr Maliti was admitted to hospital for brain surgery soon after his arrest.

A report from Groote Schuur Hospital's neurosurgical registrar, Dr Arthur Aspoas, handed in to the court on November 14 stated that Mr Maliti was still in hospital following brain surgery.

It stated that Mr Maliti was confused and was unable to give evidence.

Mr W S Ras was the magistrate.

The project will have a post-evaluation meeting.
teaching.
Why not send one as a Christmas present?
This calendar is published by the SACBC Justice and Peace Commission.

## Final-day wrangle over sacked assessor's affidavit

# SECRET DELMAS PAPERS ROW

331 WMAC 15-22/12/88

By VUSI GUNENE in Pretoria

A SECRET affidavit, containing startling information about events in the judge's chamber during the "Delmas" treason trial, is at the centre of a bitter wrangle in the court.

The allegations in the affidavit could affect the entire outcome of the controversial, three-year-long trial. Drawn up and signed by Professor Willem Joubert, who was fired as an assessor to the judge in April last year, it contains descriptions of conversations and events in the judge's chamber while Joubert was still on the bench alongside Mr Justice Kees Van Dijkhorst.

●To PAGE 2

Prof Willem Joubert
Discussions in chambers

P.T.O

331 WMAHC 15-22/12/88

# Bitter court wrangle over secret papers

●From PAGE 1

The contents are reputed to give a dramatic insight into the judge's attitudes towards the accused — formed at a relatively early stage of the trial — and could have a major effect on the outcome of any appeal.

The judge yesterday refused, for the second time, to allow the affidavit to be admitted to the court records. He was hearing an application for leave to appeal from the five accused who were jailed when sentence was handed down last week.

Justice Van Dijkhorst said he had no intention of studying or accepting the affidavit. The defence, he said, could submit it to the Appellate Division of the Supreme Court for consideration as part of the appeal.

The defence has previously tried to admit the affidavit to the records, which would allow it to be reported. However, Van Dijkhorst has ruled that it is admissable because it contradicts his version of what happened — and this would constitute contempt of court.

Joubert was dismissed as an assessor early last year when the judge discovered that he had signed the United Democratic Front's Million Signature Campaign.

Some of the accused were UDF leaders who were charged with furthering the aims of the ANC through the UDF.

That sparked off a long fight between the judge and the defence, with the latter asking for the quashing of the trial and the recusal of the judge and the remaining assessor.

The judge admitted two affidavits by Joubert, but refused the third one and ordered that the trial continue with only one assessor. It was said at the time that the defence would not be able to address the issue again until they would be lodging an application for leave to appeal.

They did that this week — and were once again stopped by the judge from getting Joubert's allegations read into the record.

The application was continuing late yesterday, with no sign of an outcome at the time of going to press. The day was marked by heated exchanges between the defence advocates and the judge.

The defence submitted documentation of alleged irregularities and "illegal departures" during the proceedings of the trial as part of their argument for leave to appeal.

They argued that Justice Van Dijkhorst frequently intervened during the course of the proceedings to ask questions and make observations which were not required for the purpose of clarification, and which were prejudicial to the accused.

The defence argued that on a number of occasions the trial judge's interjections might have created an impression of subjectivity and partiality.

Advocate Arthur Chaskalson SC, for the defence, told the court that some of the evidence of the state's witnesses was unreliable.

Much of the reasoning of the judgement proceeded from the premise that the United Democratic Front and its affiliates created a revolutionary climate. However, he argued, no evidence was given in the trial of such a climate and therefore the court did not have a proper description and understanding of a revolutionary climate.

Advocate George Bizos SC, also for the defence, told the court that out of 126 defence witnesses, approximately 120 had been disbelieved by the court.

In a heated argument with the judge, Bizos told the court that there were irregularities by the state witnesses and that the judge made it difficult for the defence counsel to investigate them by interjecting during cross-examination.

He told the judge that he had been impatient with the defence counsel during the proceedings of the trial.

# Dogs chase crowds as ANC chief Forbes gets 15 years

331 wmmc 15-22/2/88.

By GAYE DAVIS, Cape Town

POLICE unleashed dogs on crowds gathered outside the Cape Supreme Court yesterday at the conclusion of the eight-month trial of African National Congress commander Ashley Forbes and 13 co-accused.

Throngs of supporters, many dressed in the banned organisation's colours of black, yellow and green, crowded pavements outside the cordoned-off supreme court building. They gave a heroes' welcome to four *trialists* who walked free after receiving suspended sentences.

Forbes, 24, the former Wynberg schoolboy whose grandmother's forced removal from District Six sparked his political awakening and who admitted being an ANC commander, was sentenced to 15 years jail and a further 10 years suspended for five years.

The judge described him as a "dedicated terrorist".

Forbes and five of his fellow trialists were convicted of terrorism as defined by the Internal Security Act after admitting responsibility for limpet mine, hand-grenade and petrol bomb attacks in the Peninsula.

Peter Jacobs, 22, and Nicklo Pedro, 21, were sentenced to 14 years with a further 10 years suspended for five years; Anwa Dramat, 20, to 12 years with a further 10 years suspended for five years; Nazeem Lowe, 25, and Clement Baatjes to 10 years with a further 10 years suspended for five years.

Four of the trialists, convicted of aiding people they suspected were guerrillas and who admitted to storing explosives, were sentenced to two years' jail each with a further five years suspended for five years. They are David Fortuin, 23, Jeremy Veary, 25, Wayne Malgas, 22, and Ashraf Karriem, 22.

Walter Rhoode, 25, Collin Cairncross, 23, and Colin Petersen, 24, were sentenced to five years suspended for five years. They failed to report to the police people they knew were planning attacks.

Leon Scott, 29, who was convicted of furthering the aims of the ANC for compiling and publishing a pamphlet, "The Call to Form Mass Revolutionary Bases", was also sentenced to five years suspended for five years.

Unusual conditions imposed by the judge mean the trialists will spend the duration of the suspension period reporting on a fortnightly basis to security police.

Forbes and the others jailed will have to do this on completing their sentences.

If they want to leave Cape Town they must inform the security police who will allocate a security policeman for them to report to elsewhere.

**Shoulder-high: Supporters welcome Collin Cairncross, who got a suspended sentence**

Picture: RASHID LOMBARD

If they wanted to leave the country, they could apply "to this court to amend the order".

Before a packed courtroom, Mr Justice DM Williamson said sentencing was never easy — and made more difficult because none of the accused had any previous convictions, nor had they acted for personal gain. It was clear they acted because of their political convictions.

The accused were all members of the "coloured" command of the ANC and the thrust of evidence in mitigation of sentence focused on the sufferings and grievances of that community and its effect on them.

"I was told that apartheid is an affront to the dignity of the 'coloured' people and the intense feeling of resentment created by the Group Areas and education policies.

He was "fully aware of the grievous hurts" inflicted and events put before him had put this into sharper focus.

Referring to the ANC, he said it was sad to contemplate how an organisation which had much to commend it had turned to violence. The argument was that "legal space" for protest had shrunk to the extent that resorting to violence was inevitable and necessary.

"In truth there are two sides to this matter. Legal space in certain areas of protest and politics has indeed shrunk.

"Yet on the other hand, by virtue of the tricameral system and regional service councils legal space has increased."

But the accused did not like the legal space afforded by these structures and had been persuaded that armed violence was the answer.

It was not necessary to analyse the evidence in any detail, the tenor was that resort to violence was seen as a justifiable last resort enjoying the approval of the "coloured" community.

He had sympathy with their grievances but could neither agree with nor condone the methods employed by the accused.

Referring to the "somewhat unusual" conditions attached to the suspended sentences, he said: "New challenges require new responses."

The suspended sentences were "deliberately heavy" to impress upon the trialists the need to comply.

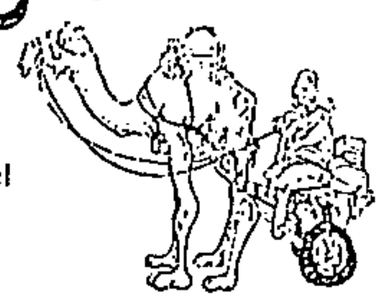
Once the judge and his two assessors left the courtroom the gallery sang *Hamba Kahle Mkhonto* (Go well, Mkhonto) and the trialists — all wearing black, green and yellow flashes on their shirts — turned and saluted weeping friends and family.

Outside, as people ran for a glimpse of the police van returning some the trialists to prison, an elderly tramp was bitten in the leg by a police dog. People gathered: a policeman shouted an order and the crowd scattered as police with dogs ran at them. A woman who fell was bitten at least twice; an *Argus* reporter was bitten and there were reports of other attacks.

Later, friends, family and supporters crowded into the stone chapel of Anglican Archbishop Desmond Tutu's St George's Cathedral.

After rising to its feet to applaud the trialists' legal team the crowd heard Tutu say: "When — and not if — this country is free, then it will be obvious who the true patriots were, and who really had a passionate love for their land."


Kashgar



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331

TREASON, ONCE A RARE OFFENCE, BECOMES AN EVERYDAY CHARGE ...

# Mayekiso's out for Christmas - but he's not going home

By VUSI GUNENE

**TRADE unionist Moses Mayekiso will be spending his third Christmas away from home this year — despite being released on bail this week.**

**Mayekiso, 38, and his co-accused, in the Rand Supreme Court treason trial, his younger brother, Mzwanele Mayekiso, 22; Paul Tshabalala, 38; Richard Mdakane, 29; and Obed Bapela, 28, are Alexandra residents. However, they are prevented from entering the township in terms of tough bail conditions.**

**On Monday this week, Mayekiso was granted R10 000 bail and the other four trialists bail of R5 000 each. They had spent more than two years in jail.**

**The case, which has attracted international interest, centres on allegations that the five men tried to usurp the authority of the state by establishing "organs of people's power" in Alexandra.**

**The five made their first court appearance on January 26 1987. In February last year, bail applications for the trialists were refused after the state had successfully applied for a certificate in terms of section 30 of the Internal Security Act, which gives the attorney-general powers to refuse a bail application.**

**An application in May last year challenging the validity of the certificate was dismissed by Mr Justice Strydom.**

**The trial got under way in October last year, and early this year, the accused made written and oral representations through their lawyers to the attorney-general, requesting him to withdraw the certificate — but to no avail.**

**On November 30, the trial was adjourned until February 1 next year, and the accused made yet another written representation for the withdrawal of the certificate.**

**The attorney-general gave his assent, but the trialists are bound by a number of conditions:**

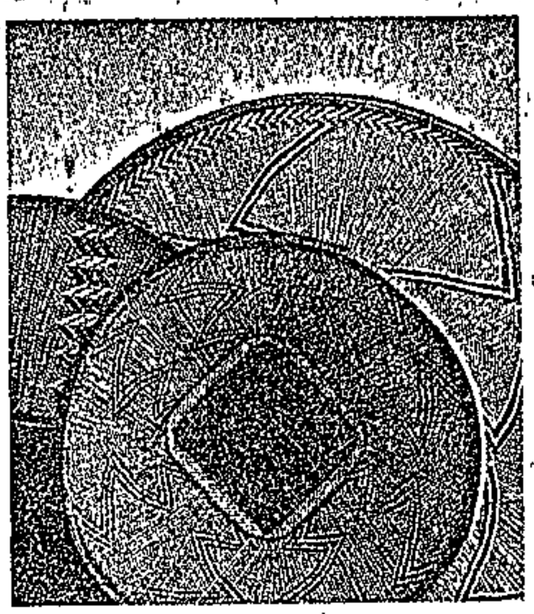
- **They must reside in Hillbrow, and report to the Hillbrow police station every day.**
- **They must not attend or address any gathering of more than 10 people, conduct, attend or address any press conference or issue any press statements.**
- **They must not enter or remain in Alexandra township.**
- **They must not leave the area of the Witwatersrand local division of the Supreme Court without the permission of the investigating officer in their case.**

**Up until their release, the five had lived in a common cell in Johannesburg's Diepkloof Prison.**

**The trialists had finished giving evidence when the trial adjourned last month.**

**The defence is expected to begin its argument when the hearing resumes in February next year.**

Mayekiso hugs his wife — for the first time in 900 days

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# Silenced, but not silent: A Delmas headache looms

**The spate of protests that followed the 'Delmas' judgement, including calls by prominent South Africans and by foreign diplomats, seems to indicate that the case is far from ended. It looks set to be another "Sharpeville Six" issue**

IF the government thought the "Delmas Five", the resistance leaders jailed last week for treason, would be silenced by their long sentences, they were mistaken.

Their fate is set to become a major international issue. Indications are that the 12, 10, six and five-year sentences handed out are being taken up by local campaigners, churches, political and human rights organisations, diplomats and others.

If the initial responses are sustained, then the issue is likely to become as major a headache for the government as were the death sentences of the "Sharpeville Six".

That campaign, which drew unprecedented diplomatic and other international attention and even veiled threats that ambassadors would be withdrawn in protest if the hanging went ahead, ended with the state president granting clemency.

The "Delmas Five" — Patrick "Terror" Lekota, Popo Molefe, Moss Chikane, Tom Manthatha and Gcina Malindi — have the advantage of being well-known and, judging from the initial responses to their jailing, highly respected by the diplomatic community.

A public meeting in Johannesburg, called within a few days of the sentencing to protest against it, was banned. But ad hoc protest groups are already campaigning, both here and abroad.

Responses to the Delmas sentencing have been sharp and pointed, much more so than when the "Six" were sentenced. Archbishop Desmond Tutu and Dr Allan Boesak started the outcry at an impromptu press conference in Cape Town within hours of the sentencing. Boesak said: "If we allow this to happen, we concede that everything we have been doing is wrong, criminal and treasonous. I don't want to do that."

Tutu added: "If what these guys have done is treason, then we are guilty of treason. I am not going to hold back on what I intend doing."

He reiterated this in the press on Sunday: "Whatever happens, I will campaign as I have never campaigned before until they are released."

The United States ambassador, Edward Perkins, took up the issue in a thinly-veiled reference to the case during a Human Rights Day speech on Saturday: "It seems that the security laws too are being used in an ever-more political manner. Court decisions which convict genuine, non-violent community leaders of 'treason' or 'terrorism' cannot be expected to command respect."

Perkins and British ambassador Robin Renwick, two of the most influential foreign representatives in Pretoria, were among a large diplomatic contingent in the public gallery when the five were sentenced.

Another key embassy, the German, expressed "concern and apprehension" about the judgement, saying it would "criminalise peaceful opposition against the apartheid regime".

"The federal government hopes that these verdicts will be set aside by the appellate court," a German embassy representative said in a statement.

The outcry was fuelled by the fact that the judge himself praised some of the accused and their organisations before jailing them. Those who have criticised the judgement and sentencing have argued that these are men who are crucial to future negotiations — and this was acknowledged by Mr Justice K van Dijkhorst.

"I accept that in order to work out through a process of negotiation of a peaceful co-existence, a credible leadership is needed. I accept the UDF is seen by many to have an important role in the process.

"I fully appreciate that the demise of the UDF may ... well slow down the pace of reform," he said.

And, speaking about individuals, he added: "I hold the view that these men, particularly Molefe, can in future play a constructive role on the political scene provided they, by word and deed, foreswear the violent option and obey the law."

# PE gears for a Delmas look-alike trial

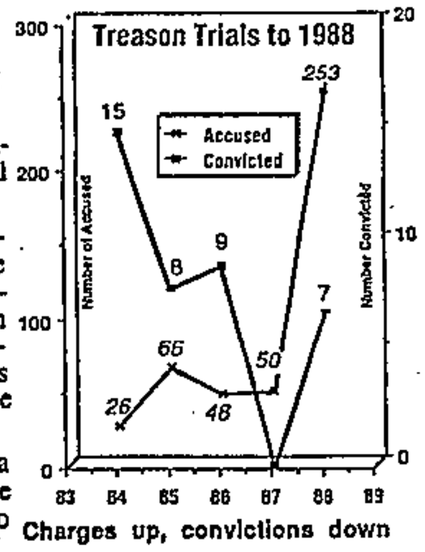
**The number of treason trial accused this year was 10 times that of 1984, but the number of convictions halved**

THIRTY Port Elizabeth detainees expect to face treason charges in a trial resembling the "Delmas" trial.

Following the conviction of 11 accused and the jailing of five in the "Delmas" trial, reliable sources indicate that a large contingent of Eastern Cape leaders of the United Democratic Front, affiliated youth congresses and civic associations, will be charged with treason.

Asked this week for confirmation, a representative of the Eastern Cape attorney-general's office declined to comment.

Indications are that the accused could include such prominent resistance figures as Stone Sizana, UDF local publicity secretary; Henry Fazzie, local vice-president of the UDF; Edgar Ngoyi, UDF Eastern Cape president; Mkhuseli Jack, president of the Port Elizabeth Youth Congress; Lulu Johnson, president of Congress of South African Students; Mbuelelo Goniwe, a Cradock activist; and Mpumelelo Odolo, vice-president of the Port Elizabeth Youth Congress.




Charges up, convictions down

● Treason, the highest offence against the state, is becoming an everyday crime in South Africa.

Until 1979, it was rare for people to be charged with treason in South Africa — as it is in most countries. Between 1961, when the most notorious treason trial ended with the acquittal of the last of the 156 accused — and 1979, not a single person was charged with treason.

The state preferred to use its "security" legislation, such as the Terrorism and Suppression of Communist Acts.

Now, however, the state often chooses to charge political offenders with treason, perhaps because it is a common law offence and does not have the political stigma of the security laws.

According to the Human Rights Commission, there have been a total of 23 trials since 1984, involving 334 people. In that period, 39 people have been convicted and 46 acquitted; 48 were convicted of other charges, while 223 still face trial, notably in the Bophuthatswana coup trial which involves 204 accused.

During 1984, seven treason trial were in progress, with 26 accused; in 1985, this rose to 66 accused in seven trials; in 1986, it dropped slightly to 48 accused in seven trials; in 1987, it rose to 50 accused in seven trials.

This year the figure rocketted to 253 accused in seven trials, largely because of the trial of soldiers allegedly involved in the attempted coup in Bophuthatswana last year.

The official consolidated register of "listed" individuals names 43 people convicted of treason between 1982 and 1986.

331 WMATU 15-22/12/88

# Police threatened 'mischief-making' witness, says lawyer

By CARMEL RICKARD, Durban

MEMBERS of the police have allegedly threatened to "do away with" the key witness involved in an attempt to re-open the trial of a death row prisoner.

These claims have been made in a telex sent to the ministers of justice and of law and order by attorney Roshan Dehal, acting for Paul Tefo Setlaba, 24, now awaiting execution in Pretoria Central.

A last-minute stay of execution was granted to Setlaba on the night of November 23. The stay was approved, pending the state president's decision on a petition to re-open Setlaba's trial.

The petition centred on the allegation that the sole witness, on whose evidence Setlaba was convicted, lied.

According to Dehal, Xolile Bonase said he lied in court and that he admitted as much to an acquaintance, Charles Mayaba.

Mayaba claims Bonase told him that he was forced by security police to testify falsely against Setlaba.

In his telex, Dehal said he was told that "certain police" called at Mayaba's home in Colesberg. The police allegedly "left messages to the effect that 'he would be arrested because of the mischief he has made in the Paul Setlaba case'.

"Threats of him being 'detained' and 'being done away with', were also made."

Dehal says Setlaba's lawyers view the alleged threats against Mayaba very seriously, particularly as the petition to the state president is pending.

In his telex Dehal says he wishes to record the alleged threats so that if anything should happen to Mayaba, the authorities "would be fully in perspective".

He adds that if Mayaba is arrested, his lawyers would view his arrest as unfounded and would make an urgent supreme court application to challenge his detention.

The death sentence was originally passed by Mr Justice Kannemeyer, who refused leave to appeal. A subsequent application to the chief justice for the right to appeal was also turned down, as was a request to the state president for clemency.

However, the new application for the trial to be reopened is based on several further statements which the lawyers believe could change the situation.

According to Mayaba's statement, included in the application for the trial to be re-opened, Bonase informed him (Mayaba) that he lied in court and that his family — particularly two policemen who were relatives of his — pressured him into volunteering to testify against Setlaba.

Mayaba says Bonase told him he was interviewed by the security police, one of whom told him what to say. When Bonase was reluctant to say everything the police told him, he was allegedly warned that "if he did not agree to testify as he was told to, he would hang instead of (Setlaba)".

Mayaba said Bonase told him he was sorry he had acted as he did, falsely implicating Setlaba, but said "he feared for his own life"

According to Mayaba, Bonase agreed that he would meet Setlaba's lawyers to see whether anything could be done "to set matters right".

However, Mayaba said some time later Bonase told him he had been visited by the security police who allegedly informed him that "if he had anything to do with the petition for clemency (for Setlaba), they would see to it that he would hang in place of Setlaba". In view of these alleged threats, Bonase wanted assurances of protection and was angry when these could not be given.

At the time of going to press an official of the Department of Justice was unable to confirm whether the telex had been received or replied to.

# ALLEGED ASSASSIN: CHARGES DROPPED

## Vulamehlo

**A CROSSROADS man who allegedly planned to assassinate Law and Order Minister, Mr Adriaan Vlok, faces "more serious charges" after initial charges relating to his alleged possession of explosives were "temporarily" dropped last week.**

At the same time, a police investigation has been launched to establish the circumstances which led to his admission to hospital with brain haemorrhage within hours of his arrest.

Conflicting versions of the 22-year-old Mr Nana Robert Maliti's background and the circumstances of his arrest have come from the police themselves.

**SA PRESS ASSOCIATION** (331)

While Mr Vlok described him as a "highly trained terrorist," policemen involved in investigating the incident said "he had never even left the country except for an initiation ceremony in the Transkei."

According to police sources, Mr Maliti had "no political profile" until the time of his arrest and was never investigated or wanted in connection with any subversive activities.

The same confusion surrounds the injuries suffered by Mr Maliti following his arrest. He was unconscious when he was admitted to hospital and had to undergo emergency brain surgery.

Police initially said that he had complained of bouts of dizziness and headaches during interrogation.

It was later established that police had told doctors treating Mr Maliti that he had "accidentally" fallen down a flight of stairs.

The *Cape Times* learnt reliably that many of Mr Maliti's injuries were sustained during his actual arrest and transportation from the scene of the arrest.

A police public relations directorate spokesman, Colonel Steve van Rooyen said on Monday that charges relating to the illegal possession of explosives had "temporarily been dropped" against Mr Maliti.

**MINISTER Vlok**

He said Mr Maliti was being held under Section 29 of the Internal Security Act while police were investigating the possibility of bringing "more serious charges" against him.

Colonel van Rooyen said police were also investigating the circumstances surrounding Mr Maliti's injuries. "The Minister undertook to do so," he added. — Sapa.

Star 28/12/88 331

# Man was saved from gallows by a simple word

By Dawn Barkhuizen

The difference in understanding of the Xhosa word for "we" is what saved Thembile Lubelwana from the gallows, according to a Black Sash survey on people from the Eastern Cape on Death Row.

Thembile (24) was given the death sentence in February 1987 by Mr Justice van Coller for burning to death a Port Alfred resident, Mr Tabo Njingana in April 1986. Thembile and five others were charged.

He spent 19 months on Death Row, but in September 1988 the Appeal Court in Bloemfontein overturned his conviction and sentence and he was freed.

The Black Sash submits that this case gives weight to the campaign for the abolition of the death penalty as it appears from the judgment handed down in the Appeal Court that a matter of semantics saved Thembile's life.

The Black Sash presents the facts established during the trial as being the following:

On the evening of April 7 1986 a group of men fetched Mr Njingana from his house and took him, with his hands tied behind his back, to a dam where they hit him with knobkerries, threw clothes on to him, doused them with petrol and set them alight. Mr Njingana jumped up and ran away, but was brought back and set alight again.

He died later from his burns.

The trial court found that although Thembile was not one of the leaders and it was not clear what his actual role was, he was one of the group present and associated himself wholly with the events.

The finding was based wholly on a statement Thembile made to a magistrate. He said two boys had woken him up and told him to go with them.

He said "we" collected clothes from various houses, "we" took a certain man out of a house and tied his hands and "we" threw clothes over him and set him alight. The trial court was of the opinion that the use of "we" in the statement indicated Thembile had associated himself with the murder.

The Appeal Court reached another conclusion because the little direct evidence there was excluded Thembile from being one of the direct participants and the word "we" was in question. The official interpreter who translated the statement made to the magistrate told the Appeal Court the word "we" did not necessarily mean that the accused had participated or agreed with the events.

The Appeal Court therefore concluded that the use of the word "we" in his statement did not necessarily indicate association with the murder or assault. As a result his conviction and sentence were set aside.

# Political court cases - a rerun in 1989?

Sowetan 30/12/88

331

FOCUS

By MANDLA NDLAZI

POLITICAL cases in 1988 detailed the grievances that sparked unrest and almost all chronicled what actually happened, raising questions on whether the same cycle will not be repeated in 1989.

Such cases filled the country's courts which echoed with evidence of the police, the defence and State witnesses who testified under oath about what allegedly caused the unrest and what ensued.

The Black Local Authorities Act, the tricameral parliament, rent increases, inferior education and poor living conditions, were some of the grievances that sparked the unrest in the past years.

This was confirmed by witnesses who gave evidence at these cases, and seemingly the cycle will be repeated, taking into account the daily occurrences of the incidents of violence.

These cases came as no surprise, after vigorous police activity. Hundreds of people and the youth in particular, were arrested.

Some of the cases were completed late last year (1987) and early this year (1988). Scores of the accused in courts throughout the country were sentenced to death and the others to long and short prison terms. Some were acquitted and the others had charges against them withdrawn.

## Delmas trial

The finalised cases included that of the eight young men from Alexandra township and the "Delmas" trial this month. Sister Barnard Ncube of Kagiso township and her co-accused had charges against them withdrawn after they had been held for months.

While these cases were being heard in the courts, sporadic incidents of fresh violence were reported by police in several parts of the country, thus showing a repetition of what happened in the past.

And with the spate of such unrest related incidents occurring almost everyday, it does not seem there will be an end to court cases until a solution to the country's problems has been found.

## Unrest

According to security regulations, the definition of unrest is, "any restricted gathering, and physical attack by a group of persons on a security force or on a member of a security force or on a member of a local authority or the house or family of a member of a security force or local authority, or any conduct which constitutes sedition, public violence or a contravention of the Intimidation Act."

The regulation relates to what sparked the unrest and was created by the Government to forbid a repetition, yet nothing seems to have come from the authorities in addressing the causes of the unrest.

The recent killing and wounding of members of the South African Police and the municipal police in Soweto and other parts of the country by attackers using AK47 assault rifle fire, indicate that regulation of this nature do not help to resolve the situation.

## Evidence

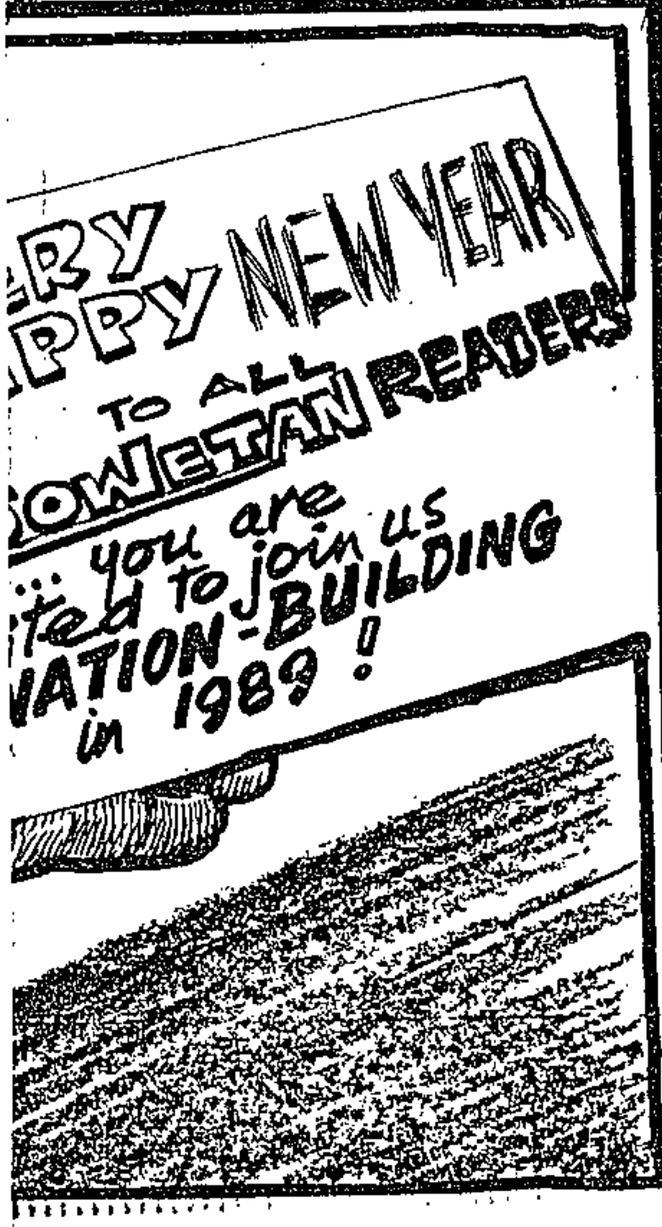
In his evidence in mitigation of sentence for the "Delmas' eleven, Mr Sam Motsuenyane, president of Nafcoc said, "the violence took place against a backdrop of increasing tensions against the creation of local authorities and the tricameral parliament, which we did not really accept."

MR SAM Motsuenyane

He said he did not support the ANC's violence but added, "I believe we applaud most of these men as heroes in my community because they are working for change that we believe must take place."

Lawyers for Human Rights director, Mr Peter Motlhe said: "the crux of the evidence led by the defence in mitigation is that the UDF and in particular the Delmas trialists should be released to society to make a contribution to efforts aimed at reaching a peaceful resolution of the country's problems."

SISTER NCUBE

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Political comment in this issue by Aggrey Klaaste and Sam Mabe. Sub-editing, headlines and posters by Sydney Matlhaku. All of 61 Commando Road, Industria West, Johannesburg.

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# The year SA's political trials went international

Star 30/12/88

331

**BY JO-ANNE COLLINGE**

Many of the political trials held in South Africa in 1988 were the focus of unprecedented international interest.

Perhaps 1988 has a greater claim to be known as the year of the political trial than many of its predecessors.

The magnitude of key cases, the international attention they have commanded and the sheer volume of prosecutions for politically related matters have probably been unparallelled in any other year. Not for a quarter century has there been a South African trial of such political significance as the Delmas treason trial which came to an end just weeks ago.

In effect, the largest extra-parliamentary organisation within the country — the United Democratic Front — had been placed in the dock and been found to have a revolutionary character and to be in league with the African National Congress in a plot to overthrow the State by violent means.

The implications of the judgment have still to be carefully reckoned. Defence lawyers, arguing for the right to appeal, suggested that the inferential links made by Mr Justice van Dijkhorst in accepting the State's treason case might not be confirmed by another court.

Whatever the ultimate outcome at Appellate level (and the judge has indicated that some form of appeal will be allowed) the water has been stirred up and left extremely murky. The finding of treason against three UDF leaders has created enormous uncertainty as to where the bounds of lawful political dissent lie.

It has provoked a top churchman Anglican Archbishop Desmond Tutu, who has never hesitated to condemn violence, to declare: "If these men are guilty, then I too am guilty of treason."

The judgment has been sharply criticised by Western countries generally supportive of South Africa. The United States, West Germany and Canada have all made it clear that they view the Delmas trial as an abuse of the legal process, as a means of dispensing with fundamental opposition to apartheid.

The South African Government has reacted angrily to this criticism. But it must be aware that the Delmas convicted are likely to follow the Sharpeville Six as an international cause celebré.

The State President's granting of clemency to the Sharpeville Six was read in some quarters as an acknowledgement that answers to highly charged political questions cannot be found within the bounds of the legal system.

The Six, sentenced to death in 1985 for the indirect part they played in the murder of a councillor during the Vaal rent protests of 1984, became the focus of an unprecedented international campaign.

The killing, born of a protest by the voteless, was an improbable start to a long sequence of events in which powerful international forces aligned themselves with the Six and made it almost inevitable that Pretoria would seek an accommodation over the heads of its highest judges.

The Six were but the most prominent of the scores of Death Row inmates convicted for murders committed in times of intense political conflict.

While executions mounted steadily throughout 1988, standing at 117 by the end of the year, the "politicals" have, by and large, remained in a state of suspension.

The use of the death penalty — its frequent use by international standards — has come increasingly under attack. The abolition of the death penalty, long ignored locally, has in 1988 again found a prominent place on the human rights agenda.

The presence of some 60 "politicals" among the 260-odd people on Death Row in Pretoria Central Prison (there are about 50 more Death Row prisoners elsewhere in the country, according to the Maritizburg Agency for Christian Social Awareness) has undoubtedly played a part in the renewed concern about capital punishment.

While most campaigners against the death penalty have propounded a blanket abolitionist view, many reserve a special plea or an added vehemence, for the "politicals" whose crimes are seen to arise from factors well beyond their making.

Among the "politicals" on Death Row are convicted ANC men Mthetheleli Mncube and Mzondeli Nondula, convicted in a Messina court on nine counts of murder.

Several significant trials of ANC and Pan Africanist Congress members concluded in 1988, among them that of ANC men Ebrahim Ismail Ebrahim, Acton Mandla Maseko and Simon Dladla. Ebrahim and Maseko were convicted of treason, Dladla of terrorism. They have still to be sentenced.

Ebrahim came to trial as a result of being kidnapped at gunpoint from his Swaziland home and handed to the security police in Pretoria. The State allegation that he was the chairman of the Swaziland-based Regional Political Military Committee of the ANC — and therefore probably the highest-ranking ANC man to stand in the dock since the Rivonia trial — was not proved.

But the judge accepted that he had played a role in relation to both political and military affairs of the ANC.

Evidence of the sheer volume of political trials arising in 1988 has been suggested by information gathered by the Human Rights Commission.

In October the HRC compiled a list of about 260 people either sentenced to jail or still on trial for offences under security/emergency legislation or for politically motivated crimes, often alleged to involve violence.

Minor offences such as possessing banned literature or attending an illegal gathering have not been included in this count. Neither have the 204 Bophuthatswana residents charged with treason as a result of the abortive coup in the homeland.

The figure of 260 jailed or tried in the second half of this year may be contrasted with the total number of people in jail in 1987 for security offences — a figure that stood at 299 and represented many years' accumulation of political prisoners.

# New airline bomb detector outsmarts x-rays

**By JOSEF HEBERT**

An American company has developed a device that is claimed to have a 95 percent success rate in finding all types of explosives hidden in luggage by using a unique method of detection.

WASHINGTON — While x-ray machines are severely limited in their ability to detect modern explosives, researchers say they have developed a device that can detect bombs in luggage with uncanny regularity.

But no airline has ordered one of the R2.4 million devices, and with the exception of two prototype machines used in a year-long test programme in San Francisco and Los Angeles, no airports have put the machine into operation.

The disclosure on Wednesday that a bomb detonated aboard a Pan Am jumbo jet last week over Scotland, killing all 259 people aboard, is likely to spur interest in the device.

The machine is a thermal neutron analysis device, or TNA, and is about twice the size of an airport x-ray machine. During the year-long test, under a contract from the Federal Aviation Administration (FAA), it demonstrated a 95 percent detection rate with few false alarms, the agency says.

The FAA recently ordered five more TNAs and plans to put them into other United States airports next year.

"We are now in the production phase. The research and development is over," says Mr Hadi Bozorgmanesh, a vice-president for Science Applications International Corporation of San Diego, the developer of the machine.

He says the five machines will be used to monitor baggage checked on regularly scheduled flights.

Once the FAA and airlines are convinced of the reliability of the machines, the agency is likely to require the devices be installed at certain US airports. But that is expected to be several years away.

Mr Bozorgmanesh says his company has also had inquiries from a number of foreign governments, including Britain, Japan and Italy.

"But none of them has put in orders."

Mr Bozorgmanesh is confident the machine can detect a wide variety of explosives, even the plastic type of explosive that is believed to have been smuggled aboard the Pan Am airliner in a piece of checked luggage.

Security officials use the conventional x-ray machines at airport screening points to detect metal parts or wiring that might resemble a bomb. But there are many explosives that can be shaped in a variety of innocent-looking forms, and they are so powerful that a few kilograms can rip an airliner apart.

However, the TNA machine does not look for certain sizes or shapes. It relies instead on the fact that all explosives contain large and concentrated amounts of nitrogen.

According to the developer of the TNA, the machine bombards a piece of luggage with neutrons, which pass through all types of material — even lead — without a significant reaction. But the nitrogen in explosives absorbs the neutrons and immediately gives off gamma radiation.

This radiation gives the luggage a unique signature that can be detected by the machine.

According to the FAA, the device is capable of scanning a piece of luggage in six seconds and can be adapted for use with a conveyor system that could handle large amounts of baggage in relatively short periods of time with a low rate of false alarms.

"You could do an entire Boeing 747 in a half hour or so," Mr Bozorgmanesh says. — Associated Press.

Dutch police used metal dectectors to check everyone, including this child, at a Kurdish new year celebration in Zaandam, near Amsterdam, at the weekend. Six Kurds were shot and wounded earlier this month during similar celebrations in the eastern Dutch city of Deventer.