

TOTALITARIANISM — POLITICAL TRIALS

1990

JUNE — DEC.

Application is rejected

THE Appeal Court in Bloemfontein has refused an application by Daniel Saul Nkopodi - no address given - for leave to appeal against his conviction for six contraventions of the Internal Security Act. *Sowetan 6/6/90*

The charges involved assistance to members of the PAC and the transport of arms and ammunition for them. He was convicted in the Pretoria regional court on October 26, 1988 and effectively imprisoned for 16 years. - Sapa.

21,75

13,45

14,39

18,99

3,89

0,95

Man in court on 8 charges of terrorism

By SHARON SOROUR
Staff Reporter

A GUGULETU man, who allegedly left a car filled with explosives outside a Parow shopping centre and carried out several grenade attacks in the Western Cape, has appeared in the Wynberg Regional Court.

Mr Siphiwo Adriaan Qila, 23, of Guguletu, is alleged to have thrown a hand-grenade at the house of Mrs Densy Lobi, the wife of a Guguletu councillor, on June 15 1987.

The former Fezeka High School pupil faces eight charges of terrorism and a charge of attempted escape from custody.

He also faces five alternative charges of attempted murder and three of being a member of the African National Congress, taking part in its activities, and defending or encouraging its aims.

He was not asked to plead yesterday and the trial was postponed to August 7.

According to the charge sheet, Mr Qila was allegedly trained in the use of hand-grenades by ANC member Mr Mxolisi Petane, now serving 17 years on Robben Island, and also received further training in Angola in 1987.

Mr J L Mullineux prosecuted and Mr Qila was represented by Mr A R Wilkinson.

Melrose fire: AWB man held ^{Conf}

JOHANNESBURG. — One of three men held by ^{tim/s} police in connection with the recent arson attack on historic Melrose House in Pretoria is an Afrikaner Weerstandsbeweging staff member at the AWB headquarters in Ventersdorp. 7/6/90

This was confirmed yesterday by an AWB spokeswoman, who declined to be named. She denied reports that the man, Mr Jan Venter, was the movement's secretary. (331)

AWB leader Mr Eugene Terre'Blanche was in a meeting and could not talk to the media, she said.

The other two men in custody are Mr Arthur Guderian and Mr Jan de Bruyn. Law and Order Minister Mr Adriaan Vlok announced earlier that five men had been detained but two had been released after questioning. — Sapa

Court refuses ^{33/}

Snitcher appeal

Cape Times 7/6/90
BLOEMFONTEIN — Julian Snitcher of Cape Town has been refused leave by the Appeal Court to appeal against his conviction for a contravention of the media regulations of June 11, 1987.

A Cape Town magistrate sentenced Snitcher, who was the secretary of the Gardens Youth Congress, to R1 000 or 100 days, suspended for three years, on May 24 last year for publishing a subversive statement on June 2, 1988. — Sapa

Women stole

Woman headed ANC operation, police claim

ARLAS
8/6/90 (331)

By GILL TURNBULL
Supreme Court Reporter

MS JENNIFER Schreiner was the "de facto" head of the ANC's Western Cape operation, it has been alleged in the Cape Town Supreme Court.

Investigating officer Major André Louis du Toit made this allegation after giving lengthy evidence in the Yengeni terrorism trial on Ms Schreiner's role in the ANC.

He said although Mr Tony Yengeni was the Western Cape commander for the African National Congress and its military wing, Umkhonto we Sizwe, Ms Schreiner was the de facto head of intelligence, propaganda and finances.

Major Du Toit said Ms Schreiner had collected information on State security branch members and where they worked.

On certain documents handed in as exhibits she had referred to intelligence "dead-letter boxes".

She had three typewriters and roneo machines at her flat in Wynberg and had a contact in Harare through which information could be channelled.

Major du Toit said Ms Schreiner had also had a document setting out procedures for operating a London bank account through which the local organisation was funded.

"Safe" house

He said she had stored two trunks with friends.

One was at the house of Ms Sherrill Hulett in Sea Point, and the other was with Mr Walter Tamsen in Table View.

Ms Schreiner had hired a "safe" house where the rest of the "team" stayed.

Miss Schreiner was also "linked" with Mr Yengeni in

that the car driven by Mr Yengeni was registered in her name.

Major Du Toit said Ms Schreiner and Mr Yengeni also both controlled arms.

They each had sets of keys to the locks of trunks full of weapons and ammunition which were found in Ms Schreiner's flat after her arrest.

The trialists are Mr Yengeni, Ms Schreiner, Mrs Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

The trial continues today.

Mr Justice Selikowitz is on the Bench with Mr WS le Roux and Mrs JV Hazell as assessors. Mr H Klem and Mr J van Vuuren appear for the State. Mr DP de Villiers QC, assisted by Mr M Donen and Mr J de Lange, appear for the defence, instructed by E Moosa and Associates, Mallinck Röss Richman and Closenbergs Inc, R Vassen and Company and Enver Daniels and Company.

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W 00

From CHRISTINA SCOTT

DURBAN. — The last big terror trial ground to a halt on Friday in Newcastle when all three accused were acquitted.

"We always felt like we had one foot in prison and the other in the world. It feels great to have both feet again," said a jubilant Mandla Cele, 28, a municipal workers' union organiser.

He downed a few soft drinks with co-accused Professor Sibankulu, 27, and matric student Tatai Nkgati, who was 15 when they were held four years ago on the first day of the first state of emergency.

The trio were detained for 16 months and held without bail for another eight, while the trial itself has taken two-and-a-half years.

Union organiser Sibankulu alleged this week he suffered

'Terror' accused go free

problems with his spinal cord "because of electric shocks applied to my back" during detention.

Prolonged solitary confinement and continuous interrogation triggered a mental illness known as post traumatic stress disorder in Cele, according to an international psychiatric expert.

"But I think I'll get over it," laughed Cele.

Regional magistrate, Mr JD Crafford, weighed up 5 000 pages of evidence before finding the 37 state witnesses, most of them policemen, delivered "unsatisfactory" evidence.

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COURT VISIT . . . Mr Jordan (in raincoat), Mr Tshwete (with pipe) and Mr Stuart (far right) with most of the 28 released Robben Island prisoners on their way to the Supreme Court to visit the trial of Mr Tony Yengeni and five others. Picture: OBED ZILWA,

Releases are
'bad news'
for Harare 5

Own Correspondent

HARARE. — Five men held in Harare's Chikurubi maximum security prison were yesterday reported to be "extremely anxious" that Pretoria has agreed to the release of 48 ANC prisoners from Robben Island without obtaining their freedom in exchange.

Mr Robin Hartley, a lawyer acting for the five, said he visited them last weekend and found them physically well, but showing signs of strain at what they believed was their forgotten plight.

"They are anxious because they feel these releases were made for political purposes without any corresponding arrangements being made for them," he said.

ANC leaders get big welcome from trialists

Supreme Court Reporter

FORMER exiled ANC leaders yesterday morning received an enthusiastic welcome in the Supreme Court where Mr Tony Yengeni and his co-accused greeted them from the dock.

They were, however, required to wait for an hour due to the late arrival of the police convoy bringing Mr Yengeni and his co-accused, Ms Jenny Schreiner, Mrs Lumka Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla, to court.

When they entered the dock, they turned to face the gallery and with a clenched-fist salute said in unison: "Good morning comrade leaders."

The leaders, ANC information and publicity secretary Mr Pallo Jordan, national executive committee members Mr Steve Tshwete and Mr James Stuart and most of the 28 released Robben Island prisoners, greeted them in return.

Mr D P de Villiers, QC, for the defence, expressed regret at the delay

and said it was because of dissatisfaction by the accused last week over the quality of the vehicle in which they were brought to court.

They had been plagued by the cold and by exhaust fumes in their van.

The cross-examination of Major Andre du Toit — a security police expert witness — then continued and focused on his interpretation and comment on documents and cryptic notes allegedly found in Ms Schreiner's Wynberg flat.

Major Du Toit reiterated that notes written on toilet paper and found in the Parow police station cell where Ms Schreiner was detained in terms of Section 29, was a communication to ANC cadres outside.

Ms Schreiner had intended to smuggle the note — which included a list of names — out of her cell to tip off the ANC about the detention of its members, he said.

The trial continues today.

Mr Justice S Solikowitz was on the bench. Mr W S le Roux and Ms J V Knoll were the assessors. Mr Hendrik Klem, SC, with Mr Jannie van Vuuren and Mrs Sandra Swart, appeared for the state.

ANC trial postponed

*Capt 71015
12/6/90 (331)*
TWO alleged ANC members accused of planting a limpet mine at the door of the Cape Town Supreme Court last year, made a brief appearance in the Cape Town Regional Court yesterday. The hearing of Mr Madoda Keith Daki, 31, and Mr Robert Mngedisi Twalo, 33, both of Guguletu was postponed to August 2.

D1 1-2222 hour

Staff Reporter

A UWC fourth-year B A student, Mr Rapheal Martin, has appeared in the Wynberg Regional Court on a charge of terrorism because of his alleged possession of an arms cache and his involvement in four Mitchells Plain limpet mine explosions.

Mr Martin, 23, of Assegai Street, Tafelsig, Mitchells Plain, was not asked to plead to six charges of terrorism and no evidence was led.

Mr Martin, who has been detained in terms of Section 29 of the Internal Security Act since his arrest on April 9, was denied bail on Friday.

A Supreme Court action brought yesterday by his mother, Mrs Berenice Martin, against the Minister of Law and Order, the Commissioner of Police and the regional commissioner of police (Western Province), was postponed indefinitely.

Terrorism charge for UWC student

*Capt TmB
12/6/90*
Mrs Martin had asked for an order declaring his purported arrest and detention wrongful and unlawful and directing police to release him.

The application was opposed by the police, who said Mr Martin's detention was because investigations revealed he had received "terrorist military training".

The state alleges that at the time of his arrest Mr Martin possessed a limpet mine, a detonator, four Russian F1 grenades with detonators, blocks of TNT and eight M5 grenades.

The hearing was postponed to June 22.

Mr Taswell Papler, of C E MacDonald, Papler and Associates, appeared for Mr Martin.

Limpet blasts 'not intended to injure people'

Supreme Court Reporter

A SERIES of limpet mine explosions in 1987 targeted at buildings and installations was not intended to injure people, the defence in the Yengeni trial has submitted.

Mr D P de Villiers, QC, for the defence, made this submission yesterday in the Supreme Court, Cape Town, in the trial of Mr Tony Yengeni and five other African National Congress members charged with terrorism.

Cross-examining security policeman Major André du Toit, Mr De Villiers said it was clear the explosions were not aimed at people.

Major Du Toit replied that the fact that in two instances a mini-limpet had been set to detonate before a larger mine led him to conclude the first was intended to entice the police and the second to injure them.

Earlier Mr De Villiers handed in photocopies of newspaper reports of a car-bombing at Defence Force flats in District Six and limpet-mine explosions at D F Malan Airport, two Peninsula petrol stations and a railway crossing near Stellenbosch.

Major Du Toit conceded that handwritten notes on a document found in co-accused Miss Jennifer Schreiner's togbag referring to "explosions last month" could have been a reference to newspaper reports and did not necessarily mean that Miss Schreiner had inside knowledge.

Under cross-examination on his evidence that documents found in Miss Schreiner's possession were intended for distribution as ANC propaganda, Major Du Toit conceded that he had never found published anywhere an article headed "Taking the Peoples' War into the White Areas."

Mr De Villiers put it to Major Du Toit that another document annotated with notes in abbreviated form found in Miss Schreiner's possession was not suitable for publication or distribution in that form.

Major Du Toit agreed that it resembled a document that someone would keep for personal reference.

The trialists are Mr Yengeni, Miss Schreiner, Mrs Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

The hearing continues.

Supreme Court Reporter

A SECURITY police expert witness told the Supreme Court yesterday that notes given to the police by Yengeni trialist Ms Jenny Schreiner while she was detained under Section 29, proved his theory of booby trapped limpet mines.

In evidence during cross-examination earlier, Major Andre du Toit said two limpet mines were placed at D F Malan Airport and a Maitland garage with different timing devices to lure police to the scene with the first explosion and then injure and possibly kill them with a second.

He said later that Ms Schreiner's descriptions of how she armed a limpet mine and the size of the detonators used proved this.

Major du Toit was giving evidence in the trial of Ms Schreiner, Mr Tony Yengeni, Mrs Lumka Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr

15/6/88
Yengeni
trial told
of booby
trap plan

Wellington Nkwandla.

They have been charged in connection with 11 acts of terror in the Western Cape between July 1986 and August 1987.

An application by Mr D P De Villiers, QC, for the defence, to strike the major's evidence referring to the arming and placing of the limpet mines from the record was refused.

It was not the evidence of a confession and the defence had no reason to fear it would be used to the detriment of the accused, Mr Justice Selikowitz said.

Mr W S le Roux and Ms J V Knoll were the assessors. Mr De Villiers, assisted by Mr Mike Donen, and Mr Johnny de Lange, appeared for the defence. Mr Hendrik Klem, SC, with Mr Jannie van Vuuren and Mrs Sandra Swart, appeared for the state.

APARTHEID BAROMETER

POLITICAL TRIALS (331)

POLITICAL trials continue despite the lifting of the State of Emergency last week, according to the latest report by the Human Rights Commission. People are prosecuted under the Internal Security Act and other statutes as well as common law.

About 400 political trials were recorded last year and the rate is higher this year. W/Mail 15/6-21/6/90

Although no organisation is banned at present, the United Democratic Front and the National Union of South African Students are prohibited from receiving foreign funds under the Affected Organisations Act. (22/6)

RESTRICTIONS LIFTED ON BOOKS W/Mail 15/6-21/6/90

IT is now no longer an offence to import Hilda Bernstein's *Death is Part of the Process* and *No 46 - Steve Rikoe*.

Bomb attack on home of councillor recalled

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A MUNICIPAL policemen told a Johannesburg regional court yesterday of four explosions at the home of a Soweto City Councillor, Mrs Violet Phetjaulama, in February 1987 while he was on duty guarding the house.

The policeman, Mr Thulane Mangele, was giving evidence in the trial of two Soweto men, Samuel Tumi Padi (20) and Bhekani Wycliff Myeza (24) charged with terrorism.

The accused men both pleaded not guilty before Mr H J Le Grange on a charge of terrorism, four counts of attempted mur-

By SONTI MASEKO

der and six of illegal possession of explosives, firearms, and ammunition.

Padi and Myeza are accused of attempting to murder 21 people in four handgrenade attacks on houses in Soweto between December 1986 and February 1987 1986 and February 1987.

Explosion

Mangele said on the third night he was guarding the councillor's house with another policeman, Alfred Cengimbo, when the house was rocked by four explosions, each going off one after another.

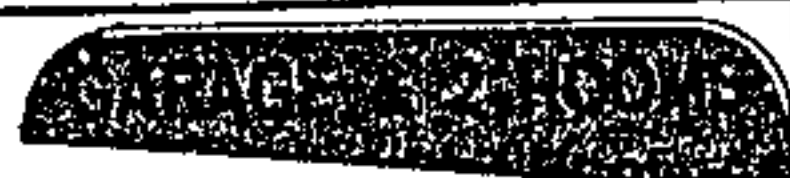
He was injured on his left foot and had to be taken to hospital.

People inside the house were not hurt. A young woman, who said she was 15 years old at the time of the explosions, told the court she was injured on the thigh, arms and her back.

The woman said she had been watching TV in a Meadowlands home when she looked outside the kitchen window and saw a man lifting up his arm as if he were throwing an object in the direction of the house.

She said she could not make out the face of the man.

The trial continues.



CAT-71A-A 19/6/90

City lawyer prosecuted 31

THE attorney-general of the Cape has decided to go ahead with the prosecution of human rights lawyer Mr Johnny de Lange. Mr de Lange, 31, of Observatory, will appear in the Cape Town Magistrate's Court on September 6 on a charge of hindering the police in the execution of their duties.

2 men's prison^{CNI- 19/6/90} terms turned³³¹ to service

Supreme Court Reporter

TWO young Heideveld men sentenced to 12 months' imprisonment for public violence were yesterday ordered to do community service instead of being imprisoned.

A third man, described as "hostile and aggressive", was sentenced to 1 500 hours periodic imprisonment.

Louis Mark Ross, Shamiel Lee and Michael Bester were convicted of public violence on August 11, 1987, after an incident at the Cathkin Senior Secondary School in Heideveld on May 8 that year when a school inspector's car was stoned and set alight. A police car and delivery trucks were stoned the next day.

It has, however, not been proved that Ross and Lee had taken part in stoning vehicles. Bester was arrested with a half-brick in his hand.

Mr Justice R Marais, with Mr Justice E L King concurring, said direct imprisonment of young people who were still busy with their education could not benefit the person concerned, nor the community.

Both Ross and Lee were ordered to report within three weeks for 240 hours of supervised community service at the Oakhaven and Erica homes for the aged.

Bester was ordered to serve 1 500 hours periodic imprisonment at Pollsmoor Prison.

Mr J Theron appeared for the state. Mr G S Taylor, instructed by Mr Kader Amien of E Moosa and Associates, appeared for the three.

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Yengeni trial draws to a close

THE trial of Mr Tony Yengeni and five others on charges of terrorism may soon draw to a close.

The strongest indication that the trial, which has been running since March last year, may finish shortly came when Mr D P de Villiers, QC, told Mr Justice S Selikowitz yesterday that he expected to conclude his cross-examination of security policeman Major Andre du Toit by lunch-time today.

Major Du Toit has been under cross-examination on his comment and interpretation of notes and documents allegedly found in the possession of Ms Jenny Schreiner.

Asked if a note "to Majorie" listing items, including clothing, could have been a code word or a genuine reminder for clothing, Major Du Toit said he had interpreted the word "clothing" as arms for infiltrating guerillas.

CHT
4/20/90
20/6/90

Editor's trial to be in camera

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JOHANNESBURG. — A Regional Court magistrate yesterday ordered an in camera trial of the case against Vrye Weekblad editor Mr Max du Preez, accused under the Protection of Information Act.

The magistrate, Mr H la Grange, found he had to rely on the state's argument that sensitive and secret evidence would be heard.

The trial follows the publication in Vrye Weekblad of a report about alleged ties between the Institute of Soviet Studies of the University of Stellenbosch and National Intelligence.

Publishers Wending Publikasies are also on trial. — Sapa

Schreiner led ANC cell, says major

Supreme Court Reporter

Capit Int'l 2/6/90

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buying of cars and renting of premises.

A SECURITY policeman yesterday told the Supreme Court he stood by his evidence that terrorism accused Ms Jenny Schreiner and Mr Tony Yengeni were co-leaders of an ANC cell and that she was head of intelligence and propaganda units.

In reply to a question by Mr D P de Villiers, QC, for the defence, Major Andre du Toit said Ms Schreiner had been in charge of an ANC London banking account and had received finances from ANC headquarters.

She had also been in charge of logistics for the Western Cape and the

Mr De Villiers put it to Major Du Toit if it was true that Ms Schreiner had been entrusted with all those tasks, it would have been a rotten and stupid arrangement by the ANC because if something had happened to her the organisation would have been paralysed.

Major Du Toit said this had in fact happened, and it strengthened his theory that Ms Schreiner had attempted to smuggle notes to the ANC while she was detained at Parow police station under Section 29.

The trial continues.

Yengeni: State to close its case

CM 11-15 22/6/90

(231)

THE state will formally close its case against Mr Tony Yengeni and five others on charges of terrorism when the new Supreme Court term starts on August 1, Mr Hendrik Klem SC said yesterday morning after he had finished his re-examination of Major André du Toit, the investigating officer.

Mr D P de Villiers QC, for the defence, indicated that he would apply for certain evidence to be deleted from the record. Earlier, asked about the reference in documents to the words "re activities Basil February", Major Du Toit said Mr Basil February had been an ANC guerilla who died in the then Rhodesia in 1965.

He thought the word activity referred to the activities of the Basil February MK Squad, an ANC unit active in the Western Cape at the time.

The trial continues.

The accused are: Mr Yengeni, Ms Jenny Ann Schreiner, Mrs Lumka Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla. Mr Justice S. Selikowitz was on the Bench. Mr W S le Roux and Ms J V Knoll were the assessors. Mr De Villiers, assisted by Mr Mike Donen, and Mr Johnny de Lange, appeared for the defence. Mr Klem, with Mr Jannie van Vuuren and Mrs Sandra Swart, appeared for the state.

ANC guerrilla tells of torture in detention (33)

A TWENTY-YEAR-OLD African National Congress (ANC) guerrilla yesterday told the Johannesburg Magistrate's Court that he suffered from memory lapses and that his fingers were twisted as a result of torture and punishment in detention. *W Mail 22/6/90*

In a trial-within-a-trial, Samuel Padi of Soweto who together with Bhekani Myeza (24) is facing four counts of attempted murder, one of possession of a firearm, of causing explosions and terrorism, said he was continually tortured by police to show them where he had hidden weapons and to identify the homes of other ANC members.

Padi, who was arrested on August 16 last year, claimed he was tortured at the Komatipoort and Protea police stations.

The hearing continues.

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23/6/90 331

Bail request postponed

Court Reporter

AN application for bail by a UWC student appearing in the Wynberg Regional Court on terrorism-related charges, was yesterday postponed to July 6.

Mr Raphael Martin, 23, of Assegai Street, Tafelsig in Mitchell's Plain, has not been asked to plead to charges that he possessed an arms cache, or that he had allegedly been involved in four Mitchell's Plain limpet mine explosions.

Mr Martin was held in terms of Section 29 of the Internal Security Act after his arrest on April 9. He is now an awaiting trial prisoner.

The magistrate was Mr P J Putter, and Mr J Mullineaux prosecuted. Mr D Potgieter of C E MacDonald, Papier and Associates, appeared for the student.

ANC member on terror charges

By WALLY MBHELE

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A 23-YEAR-OLD African National Congress member appeared briefly in the Johannesburg Magistrate's Court yesterday charged with terrorism.

Moses Manale, of Mankweng township, Pietersburg, is charged with undergoing military training and recruiting members for the ANC.

According to the charge sheet, Manale is alleged to have left the country in 1985 and in 1986 received military and political training in Angola. He is also alleged to have undergone training in Cuba.

Before Manale came back to South Africa, he is alleged to have left three AK-47s, 120 rounds of ammunition and two handgrenades in Botswana.

In 1988, he unlawfully entered South Africa with orders to set up structures and cells in Pietersburg or re-organise the already existing structures, the state claims.

It is further alleged he harboured ANC members and recruited for the organisation. *W/Man 29/6/90*

He then apparently gave training in revolutionary warfare and kept contact with the external mission of the ANC.

Manale was arrested on February 21. He was not asked to plead and the case was postponed to August 20. Manale's bail of R5 000 was extended.

The magistrate was HJ le Grange. Azhar Cachalia represented Manale and J Strydom prosecuted.

News in Brief

Can't find 7/7/90
Terror accused in court 33

A UWC fourth-year BA student, Mr Raphael Martin, made another brief appearance in the Wynberg Regional Court on a charge of terrorism because of his alleged possession of an arms cache and his involvement in four limpet mine explosions. Mr Martin, 23, of Assegai Street, Tafelsig, Mitchells Plain, has not been asked to plead and no evidence has been led. The hearing was postponed to August 31.

SAAF arms raid: Four men in court

PRETORIA. — Four men — including three airmen — allegedly involved in the Easter arms theft from the SAAF headquarters here are to appear in the Pretoria Regional Court on October 4.

No charges were put when Corporal Christoffel Gerhardus Liebenberg, 20, Airman Adriaan Francois de Necker Vogel, 21, Airman Francois Marthinus van Rensburg, 22, and Mr Gene Taylor, 40, appeared in the Pretoria Magistrate's Court yesterday.

Mr Piet Rudolph, the alleged master-mind behind the theft, is still being sought by police.

In Johannesburg, three white men appeared in the magistrate's court on arms and explosives charges, according to police.

Mr Norman van Biljon, Mr Julio Aruma and Mr Michael Street were arrested by Yeoville police who took possession of among other things dynamite, 39 F-26 handgrenades, three Claymore mines, dynagel and 23 blasting cartridges.

The hearing was postponed to July 16. — Sapa



SALUTE . . . Rastafarians arrested for holding a meeting in a restricted area last month, give the open-palmed Rastafarian salute alongside supporters outside Cape Town Magistrate's Court, where charges against 34 of them were withdrawn yesterday. The Rastafarians were arrested near Tuynhuys last month during a march to demand that dagga be legalised.

CAPL TIVIS 12/7/90 (215) 331

Picture: OBED ZILWA

Right-wing advocate on arms charges

CMT
7/14/90
20/7/90
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JOHANNESBURG. — A prominent Johannesburg advocate, Mr Andries Albertus Smith, 52, arrested during police investigations into the alleged illegal possession of handgrenades, appeared in the Johannesburg Regional Court yesterday and was released on bail.

Mr Smith, of Scab Road, Robertsham, was taken into custody earlier at his home and appeared in court with Mr Henry John Roesch, 30.

They were charged with contravening the Arms and Ammunition Act, but no details were on the charge sheet.

Mr Smith, reportedly well known in right-wing circles, has in the past represented AWB leader Mr Eugene Terre'Blanche.

Mr Smith was granted bail of R4 000 and his co-accused R5 000.

They will appear again on August 22.

Three blasts, which have been linked to right-wingers, took place at the weekend.

Mr Roesch was being held in terms of Section 29 of the Internal Security Act under suspicion of being involved in a West Rand bombing.

Police have also been quoted as saying they are still searching for Mr Fanie Goosen and Mr Cornelius Lottering in connection with recent terror blasts.

Both men are allegedly members of the extreme right-wing "Order of Death". — Sapa



'Illegal ANC acts condoned'

Notes
24/7/80
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The Argus Correspondent

PRETORIA. — Two years ago residents of Vosloorus would not have disapproved of an illegal act if it were committed in favour of the ANC.

They would have believed the act was committed in their own interests.

This evidence was led yesterday in the Pretoria Supreme Court in a trial in which two school teachers were convicted on 70 charges following a carbomb explosion.

Extenuation

Mr G Gertsch, appearing for Joseph Vilakazi, 28, and Ranoepi Moboa, 28, both of Vosloorus, yesterday began calling witnesses to testify in extenuation.

Mr Justice de Klerk convicted Vilakazi and Moboa on April 17 at a Supreme Court sitting in Delmas for their part in the blast outside a Witbank office block housing security police and CID personnel in October 1988.

The charges included three of murder and 14 of attempted murder.

Mr Gertsch told Mr Justice de Klerk and two assessors yesterday that evidence would be led about the sociological and psychological cir-

cumstances in which the accused and residents of Vosloorus found themselves at the time of the bombing.

In his evidence Mr Mokabhe Mzia, chairman of the Vosloorus Civic Association, said that during 1988 municipal elections were held but residents could not nominate councillors.

This contributed to the anger at high rents, few job opportunities, low wages and oppression.

He said the general feeling at the time was that councillors went hand in hand with, or supported, the National Party — "which was not serving Africans".

Replying to a question by the defence about the people's attitude in 1988 towards the ban on the ANC, Mr Mzia said Vosloorus residents regarded the ANC as their messiah.

Answering a question by the judge, Mr Mzia said that the community would not have regarded any illegal act — even the murder of an innocent person, irrespective of colour — as an offence.

"In those times people would not have despised an act if it was committed for the ANC," Mr Mzia said.

(Proceeding)

B1044 25/7/90

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ANC southern Natal convener Patrick Lekota follows Umkhonto we Sizwe member Bhukumusa Ximba into a police car after Ximba agreed to leave his refuge in the US Consulate in Durban yesterday on condition he was charged and taken to court. Picture: REUTER

ANC consulate refugee in court

THE Umkhonto we Sizwe member who had sought refuge in the US Consulate in Durban appeared briefly in the Durban Regional Court yesterday in the connection with the contravention of the Arms and Ammunition Act, a police spokesman said.

In a telephone interview, Capt Hamilton Ngidi said Bhukumusa Jabulani Ximba, who was not asked to plead, was remanded to August 14.

Ximba was arrested yesterday morning after leaving the US Consulate.

Ximba sought refuge in the consulate on Monday morning — a week after a task force comprising the KwaZulu police and the SAP had found, it is alleged, an arms cache at his home in Umlazi, near Durban.

Law and Order spokesman Capt Peet Bothma confirmed yesterday that a cache of arms had been found.

WILSON ZWANE

According to US Embassy sources Ximba left the consulate of his "own free will" after discussions with consulate staff, his lawyer Kwenza Mlaba, the ANC and the SA authorities.

Sapa reports that Mlaba told reporters at the consulate that Ximba was willing to leave the consulate provided he was immediately charged and taken to court.

In another development, ANC officials in Natal said Umkhonto we Sizwe member Billy Nair, who was freed in 1984 after 20 years in prison, had been re-arrested.

Addressing reporters, the ANC's southern Natal convener Patrick Lekota said such events pointed to a hardening of attitude by government and would make it "very difficult to create the climate needed for negotiation".



s 50c (44c + 6c GST)



sburg yesterday to
Pic: MBUZENI ZULU

ANC man denies part in bombing

A CONVICTED ANC member, who was responsible for the Witbank car bomb explosion which killed three people and injured 15 others two years ago, maintained his innocence in the Pretoria Supreme Court yesterday.

Testifying in mitigation, Joseph Vilakazi (26) of Vosloorus, told the court he was not a member of the ANC in 1988 and said he was innocent of the charges.

Vilakazi and Ramoepi Stephen Mabo (26) were earlier convicted on three charges of murder, 15 of attempted murder, 51 of malicious damage to property and a charge of motorcar theft.

Vilakazi, who wore an ANC rosette and a SACP badge, said he believed the ANC attacks were lawful at the time.

What they were fighting for was right and he would have supported them rather than report a member to the police.

Free society

(331)

He sympathised with the ANC because of its policy which was to see a free, non-racial and democratic society in the country. He saw the ANC as the Messiah - a saviour of the oppressed - irrespective of their colour.

Asked how he felt about innocent people being attacked and killed by the ANC, he said he did not believe it was the organisation's policy to attack innocent people.

"It does happen that innocent people get caught in crossfire. One must remember there is a war between the progressive and unprogressive forces.

"In a war one must expect that innocent people must

● To Page 2

after action satisfaction



ANC man denies part in bombing

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● To Page 2

ANC 2 (331) found guilty 25/7/90

● From Page 1

die. I feel sorry for the three people who died (in Witbank), but I hold the Government who introduced the evil apartheid system responsible for their deaths.

"If it were not for the apartheid system it would never have reached this stage," he said.

He added that in 1988 he had no vote. He felt bad about this because he believed it was his birthright to vote.

There was nothing he could do about the situation as all lines of communication were blocked. The municipal council had failed and it was unlikely that an organisation such as the Vosloorus Civic Association could achieve anything.

Vilakazi said he had obtained his teacher's diploma in 1985. His frustration was growing all the time and by 1988 he was just fed-up.

He did not vote in the 1988 council elections in Vosloorus because he believed the councillors were puppets and part of a structure designed by the Government.

The councillors were rejected by the majority of the people because they did not serve the interests of the community.

- Sapa.

MORE than 100 teachers were arrested outside the Cape Town Magistrate's Court yesterday after they had gathered in support of two Guguletu teachers appearing on charges of attending an illegal gathering.

The group — one of whom, Mr Bruce Kannemeyer, 25, of Grebe Street in Paarl, later made an appearance in the court on a charge of resisting arrest — was arrested for holding an illegal gathering on the doorstep of the court building.

100 teachers arrested for city court gathering

CM: T-AS 26/7/80 (20) (331)

The two the group was supporting were Mr Andrew Kruger, 26, of Collington Road, Newlands, and Mr Ngisana Mnunguni, 30, of Sandringham Court, Main Road, Rosebank.

They have not yet been asked to plead and their hearing was postponed to September 13.

Mr Kannemeyer's

hearing was postponed to September 4.

Meanwhile, nine teachers appeared briefly in the East London Magistrate's Court yesterday for allegedly attending an illegal gathering after the countrywide teachers' day of action on Tuesday. — Court Reporter and Sapa

Teacher in court after 160 arrests at demo

By VUYO BAVUMA
Staff Reporter

26/7/90

A VALHALLA Park Secondary School teacher has appeared in Cape Town Magistrate's Court in connection with a charge of resisting arrest.

No charge was put to Mr Bruce Kannemeyer, 25, of 27 Grebe Street, Paarl. He is a member of Western Cape Teachers Union. The case was adjourned to September 4.

Mr Kannemeyer was arrested outside the court yesterday when a group of teachers allegedly gathered and sang. Police arrested 106 of the teachers and held them at Caledon Square police station for several hours before releasing them.

They were given the option of paying R50 admission-of-guilt fines or appearing in court on various dates between August 30 and September 9.

● Earlier, two members of the National Teacher Unity Forum arrested after a placard demonstration outside St George's Cathedral in June, appeared again in Cape Town Magistrate's Court.

Mr Andrew Kruger of Colinton Road, Newlands, and Mr Ningsana Mnguni of Sandringham Court, Rosebank, were not asked to plead.

Bomb trial

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NONE of the arguments raised by the defence in the Witbank car bomb trial could reduce the moral accountability of the two teachers found guilty for their part in the explosion, it was argued in the Pretoria Supreme Court yesterday.

Defence counsel, Mr G Gertsch, closed his argument for extenuation for his two clients Joseph Vilakazi (26) and Ranoepi Maboja (26), both of Vosloorus, yesterday.

Vilakazi and Maboja were found guilty in April on 70 charges, including three of murder and 14 of attempted murder, for their involvement in the October 1988 Witbank car bomb explosion outside an office block housing Security Police and CID personnel.

Gertsch argued that because the two men had no intent of exploding the bomb and because they were not directly involved with setting up the car bomb, their accountability had been reduced.

He said their degree of lesser participation provided extenuating circumstances.

He said evidence showed that the men might have been involved in transporting explosives but there was no indication that they participated in placing the bomb or setting it off.

He asked the court also to take into account that Vilakazi and Maboja acted under a degree of compulsion in view of the unrest situation and the

general feeling of the community which opposed the Government in the country at the time.

Mr G Roberts, for the State, opposed all the arguments led by the defence, saying that based on evidence the accused were aware that a car bomb was going to be made.

"The conclusion that can be drawn from this knowledge is that the car bomb would have been detonated in a street or built up area," Roberts said.

"Although the lesser degree with which they participated did go up, it was doubtful whether it could have an effect on their moral blameworthiness," he said.

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Times
28/7/90
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Car-bomb blast: Two sentenced

PRETORIA. — Two 27-year-old men responsible for the car-bomb blast in Witbank two years ago which killed three people were yesterday sentenced to an effective 18 years' imprisonment each in the Supreme Court here.

Mr Justice M C de Klerk sentenced former Vosloorus school-teachers Joseph Vilakazi and Stephen Maboja to a total of 39 years each on charges of murder, attempted murder, malicious damage to property and car theft.

The sentences are to run concurrently.

Mr Justice De Klerk said that while the bomb explosion was "diabolical", it was not in the community's interest to impose a death sentence in this case. — Sapa

Yengeni refuses state's bail offer

MRS LUMKA Yengeni, on trial with five others in the Cape Town Supreme Court on charges of terrorism, refused this week to accept a state offer to release her on bail.

In a statement released by one of her co-accused, Yengeni said her decision was taken in protest against the state's refusal to grant bail to her husband.

South 216-818190

Yengeni and her husband Tony have been in custody for almost three years, including six months in solitary confinement in terms of Section 29 of the Internal Security Act.

Conditions

She said their six-year-old child was going to suffer the most because of her decision.

"The longer we stay in prison, the worse it will be for him."

Yengeni said she could not accept the state's decision not to grant her husband bail because most rightwingers were released without conditions after being arrested.

"It is this inconsistency on the part of the state which angered me," she said.

"It shows their refusal to grant my husband bail was not an act of law but an act of spitefulness. (331)

"I will not apply for bail as long as my husband has not been given bail.

"I will stay and share the hardship of prison with him."

Three of her co-accused were released on bail on Wednesday. Michael Lumbambo, Mbutu Nduku and Wellington Nkwandla expressed their joy at being out and anger at leaving three friends behind.

"We think it is wrong and unfair for the state to deny our comrades bail, especially when rightwingers not only do not get detained under Section 29 or charged with terrorism — but also get bail without restrictions as soon as they appear in court," they said at a press conference after their release.

"In support of Lumka's stand, we call on the state prosecutor and the Attorney General to reconsider their attitude and to grant bail to her husband."

"As far as we are concerned, the trial should have been stopped a long time ago," Nkwandla said.



OVERJOYED: Ms Veliswa Nkwandla weeps outside the Supreme Court after her brother Yengeni trialist, Wellington Nkwandla, was released on bail on Wednesday ● See page 3

South 2/8 - 8/8/90

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PIC YUNUS MOHAMED

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Bail for Yengeni three

By RONNIE MORRIS

IN a day of high drama in the Supreme Court yesterday, three accused in the Yengeni terrorism trial were released on R5 000 bail each after being in custody for almost three years.

The three, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla, who are alleged to have operated as an ANC combat cell, were all arrested on September 22, 1987.

Mrs Lunka Yengeni, however, in protest, had decided not to apply for bail because her husband Tony is still in custody.

In another surprise development, the state decided to submit as evidence an alleged 44-page confession made to a magistrate by terrorism accused Ms Jenny Schreiner.

Later, while friends and family waited for those released to leave the court building, police arrested two people after a scuffle over an SACP and an ANC flag.

At the start of the proceedings, Mr Hendrik Klem, SC, for the state, said he had decided to present an alleged confession by Ms Schreiner as evidence.

The defence had already disputed the admissibility of the alleged confession.

Evidence already given by some state witnesses regarding the admissibility of the alleged confes-

MRS Lunka Yengeni, a co-accused in the trial in which her husband is No 1 accused, said she refused to apply for bail because the state had refused bail for her husband, Mr Tony Yengeni.

In a letter Mrs Yengeni said: "I thought long and hard whether I should apply for bail or not. I decided not to — in protest against the state's refusal to grant bail for my husband."

"Our child is going to suffer the most because for the last three years he has been motherless and fatherless."

"I will not apply for bail as long as my husband is not been given bail. I will stay and share the hardship of prison with him."

The letter was given to the three Yengeni co-accused — Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla — who were yesterday released on bail.

tion would be regarded as having been tendered, Mr Klem said.

Mr D P de Villiers, QC, for the defence, said the defence also continued to rely on their earlier allegation that security police followed a certain modus operandi to induce detainees to make confessions.

In the ensuing trial-within-a-trial, Mr Richard Peckham, a Wynberg magistrate who had taken down Ms Schreiner's alleged confession, told the

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court Ms Schreiner, who was handcuffed, had been brought to his office on January 25, 1988, and he had "as far as possible" recorded everything which had been said. He had warned her she was not obliged to make a statement but she had indicated she wanted to. A request by her that the handcuffs should be removed was refused by security police.

Mr Peckham said he had asked Ms Schreiner questions to determine if the statement was being made freely and voluntarily and that she had not been threatened or influenced in any way.

Asked if she expected any benefits, Ms Schreiner had replied that if she made a statement she expected to be removed from Section 29 detention.

Asked if she had previously made a statement to anyone, Ms Schreiner replied that she had made notes for security police after being manhandled by Lieutenant Frans Mostert and threatened by War-rant Officer Schalk van der Merwe during questioning in December 1987.

Asked what the threats entailed, Ms Schreiner had told him Lt Mostert would carry out the threats of physical assault he made in December. "He would take me by force, give me electric shocks, and an injection for hypnosis so that he could question me. He would take me out to a rural area and there would be no one to notice," Ms Schreiner told him, Mr Peckham said.

The hearing continues today.

TERROISM ACCUSED AT COURT



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CMT-TMB 2/18/90

'MK LEADER' . . . This is the first photograph published of terrorism accused Ms Jenny Schreiner since her arrest almost three years ago. Ms Schreiner is alleged to have been a co-leader of an Umkhonto we Sizwe cell and head of ANC intelligence and propaganda units in the Western Cape. ● Bail for Yengeni three — Page 2

Picture: OBEZ ZILWA

Angry shouts as two are arrested at bail welcome

By GILL TURNBULL, Supreme Court Reporter

TWO members of the Hout Bay Action Committee were arrested outside the Cape Town Supreme Court during a welcome for three "Yengeni" trialists released on bail after three years in detention.

About 2pm yesterday a small group of jubilant family and friends accompanied by attorneys and journalists greeted trialists Mr Michael Lum-bambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

Two men were arrested after they unfurled a large ANC flag. They were forced into a prison van amid shouts from the crowd.

Women screamed: "Why? Why? What kind of peace is this?"

The men, Mr Goodman Ngawagwa and Mr Patrick Presence, answered from the van: "For no reason — we don't know."

The crowd urged the men to lay charges against the police.

A woman shouted: "I saw who kicked you and tore your clothes."

"WRONG AND UNFAIR"

A few minutes later a police lieutenant using a loudhailer ordered the crowd of about 30 to disperse within two minutes, saying they were holding an illegal demonstration.

A police spokesman later confirmed the arrest, saying the two men had been held for "holding a placard demonstration" in a restricted area.

Later, at the Cape Town Press Centre, Mr Nkwandla read a statement saying they were happy to be released but were angry about leaving their comrades — Miss Jenny Schreiner, Mr Tony Yengeni and Mrs Lumka Yengeni — in jail.

"We think it is wrong and unfair for the State to deny our comrades bail, especially when rightwingers not only do not get detained under Section 29 or charged with terrorism but also get bail without restrictions as soon as they appear in court."

STILL IN CUSTODY

● The three were released on R5 000 bail on condition they appear in court for trial and give their addresses and any subsequent change of address to the investigating officer.

Every day, except when in court, they are to report to Guguletu police station between 5pm and 8pm and may not communicate with State witnesses.

The Attorney-General of the Cape, Mr Neil Rossouw, also granted bail to Mrs Yengeni, who has chosen to remain in custody in protest against her husband's continued detention.

Miss Schreiner is also still in custody. The hearing continues today.



SALUTE: Miss Jenny Schreiner salutes a group of well-wishers awaiting the release of three fellow-trialists outside the Cape Town Supreme Court yesterday.

Picture: HANNES THIART
The Argus

gust 3 1990

Confession in handcuffs 'was voluntary'

By GILL TURNBULL
Supreme Court Reporter

A MAGISTRATE did not see the contradiction in a person making a voluntary confession while wearing handcuffs, the Cape Town Supreme Court has heard.

Senior Wynberg magistrate Mr Richard Peckham was being cross-examined yesterday during a trial within a trial to test the validity of an alleged confession by terrorism trialist Miss Jenny Schreiner.

Replying to questions by Mr Michael Donen for the defence, Mr Peckham said that when he heard it was Miss Schreiner the police were bringing to Wynberg court to make a statement, he had known it would be "problematical".

HANDCUFFS "REQUIRED"

He had decided to see her himself.

Miss Schreiner had asked if her handcuffs could be removed but according to notes on the statement form, a colonel had "required" that the handcuffs not be removed. When he told Miss Schreiner this, she had smiled "resignedly".

Mr Peckham: It was crazy to keep her in handcuffs, purely from a humanitarian point of view. She was uncomfortable.

Mr Donen: I put it to you that she was resigned to being treated in an inhuman way by the security police.

Asked if he saw a contradiction in a person making a free and voluntary confession while handcuffed, Mr Peckham replied that he did not, saying the handcuffs had not been the issue.

● The other accused are Mr Tony Yengeni, Mrs Lumka Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

The hearing continues today.

Popcru warders acquitted

CAP- Tmfs 3/8/40 Court Reporter 2022 (2022) 31
SIXTY-EIGHT prison warders, all members of the Police and Prisons Civil Rights Union (Popcru), were yesterday acquitted in the Wynberg Magistrate's Court on charges of attending an illegal gathering after a placard demonstration at Pollsmoor Prison in support of the reinstatement of suspended colleagues.

None of the warders acquitted in absentia yesterday were asked to plead and had been released on their own recognisances.

The magistrate was Mr P D Theron. Mr C van der Bergh was the prosecutor and the warders were represented by Mr M Parker.

SALE
NOW

2 THE WEEKLY MAIL, August 3 to August 5 1990

Magistrate tells of shackles during Schreiner's detention

GAYE DAVIS: Cape Town 3/8-5/8/90
A CAPE magistrate who took a statement from terrorism trialist Jennifer Schreiner while she was being held incommunicado under Section 29 asked her to slip some paper underneath her handcuffs so they wouldn't scratch his desk.

Senior magistrate Richard Peckham said yesterday in the Supreme Court in Cape Town that Schreiner was brought to him by security policemen on January 25, 1988. Schreiner asked that the shackles be removed and was "obviously uncomfortable".

He had relayed her request to security policemen waiting outside his office but was told that "the colonel" said they should remain on for "security reasons".

He did not see any contradiction in a person being handcuffed while making a "free and voluntary" statement.

Peckham was under cross-examination by defence counsel Michael Donen in a trial-within-a-trial to determine the admissibility of Schreiner's statement.

The alleged confession was reinstated by the prosecution this week in a move expected to considerably lengthen the course of the trial, now in its second year.

Along with six other alleged confessions made by fellow trialists, it was initially withdrawn by the prosecution in March. At the time, state prosecutor

Hendrik Klem SC said 18 months' court-time had been saved.

Answering questions designed to determine whether any undue influence played a part in her decision to make a statement, Schreiner told him she expected it would mean her being brought to court earlier and "getting out from under Section 29".

A "strong influence" on her decision was the possibility — which she said was implied by security police — that her detention might be extended beyond six months.

She had made no previous statement, only notes which she handed to security policeman Warrant Officer Schalk van der Merwe after having been "manhandled" by another security policeman, Lieutenant Frans Mostert, during December and threatened by Van der Merwe in early January.

Under cross-examination yesterday, Peckham said he took Schreiner's statement rather than a less experienced person and was cautious about it "because I was aware that Section 29 could be an inducement to make a statement in general".

He was aware too of a "special danger" that a detainee may have been induced to make a statement.

In terms of an order granted earlier by Mr Justice Selwyn Selikowitz, the onus in proving the admissibility of the alleged confession rests on the state, rather than the defence.



Jennifer Schreiner ... taken to a magistrate in handcuffs

ANC man freed: Precedent may be set

By WALLY MBHELE

IN what could set a precedent for many political prisoners awaiting trial, terrorism charges against a 23-year-old African National Congress member were yesterday withdrawn by a Johannesburg magistrate.

This follows a statement sent by defence lawyers to the attorney general requesting that the charges be withdrawn.

Moses Manale, of Mankweng in Pietersburg, was accused of leaving the country in 1985 and receiving ANC military training in Angola in 1986.

The state alleged that on his return in 1988 he harboured ANC members and

recruited for the ANC.

In the statement sent to the attorney general lawyer Azhar Cachalia said:

"A working group, which has been established by the government as well as the ANC, has already made recommendations on the definition of political offences."

"After he had allegedly returned to South Africa in 1988, it is common cause that he did not commit any acts of violence until his arrest."

He said consideration should be given to the charges being provisionally withdrawn until the government and the ANC have resolved these matters.

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the USKI boat stood by while a tug was called.
It was later towed to Hermanus harbour by another Lusitania vessel, the Arizon II.

Right-wingers appear

JOHANNESBURG. — Three alleged right-wingers, who appeared in the Regional Court here yesterday in connection with possession of explosives, were arrested after an investigation by the police into recent explosions, an SAP statement has confirmed.

"These arrests follow an extensive investigation by the police into the recent explosions which rocked the Witwatersrand and the West Rand," the statement said.

The three are Warrant Officer Pieter Bekker, 35, of the West Rand Police Unrest Unit; Mr Julius van Eeden, 27, of Discovery, Roodepoort, and Mr Gottfried Heydenreich, 27, a former policeman of Florida. — Sapa

Union leader slapped

DURBAN. — A man flew into a rage and slapped trade union leader Mr Jay Naidoo when he apparently cold-shouldered a question on nationalisation directed at Communist Party leader Mr Joe Slovo at Durban airport.

Police spokesman Lt Bala Naidoo said he believed the unnamed white man had approached Mr Slovo at Louis Botha Airport yesterday and questioned him on the ANC's nationalisation plans. He had apparently wanted to know the future of his business if the ANC came to power.

At that stage Mr Naidoo apparently moved in and told the questioner Mr Slovo would not reply.

No charge had been preferred by either party. — Sapa



DU PREEZ

Att. Tivy 4/8/66
**Attorney general
sues newspaper** *331*

JOHANNESBURG. — Witwatersrand attorney general Mr K P C O von Lieres is suing the Afrikaans weekly Vrye Weekblad for damages amounting to R35 000 following reports in the January 19 and February 23 editions of the newspaper.

These reports were "untrue, unjustified and defamatory", said a letter from the state prosecutor to the newspaper.

The editor of Vrye Weekblad, Mr Max du Preez, said they would "definitely" not be paying the amount, nor would they apologise. — Sapa

Terror accused 'was evasive'

CM T. 4/8/90 331

Supreme Court Reporter

WYNBERG senior magistrate Mr Richard Peckham yesterday told the Supreme Court he had the impression terrorism accused Ms Jenny Schreiner played "ducks and drakes" with him when he asked her questions which deviated from a set form.

Mr Peckham was giving evidence under cross-examination in a trial-within-a-trial to determine the admissibility of an alleged confession made to him by Ms Schreiner on January 25, 1988.

Ms Schreiner, Mr Tony Yengeni, his wife Lumka, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla are alleged to have been members of an ANC unit, the Western Cape Machinery.

The state also alleges they had been responsible for several bomb blasts in the Peninsula — at Castle Court, an SADF block of flats, Mowbray police station, D F Malan Airport, on a railway line between Stellenbosch and Eerste River and at two garages.

In reply to questions by Mrs Mike Donen, for the defence,

Mr Peckham said Ms Schreiner had been evasive when asked if she had been unduly influenced and had left the question hanging in the air.

She seemed to have known the procedures involved in the taking of confessions and was intelligent enough to render any statement inadmissible, he said.

Asked if he did not think Ms Schreiner was covering up an incident or a fact which would have rendered the confession inadmissible, Mr Peckham said he was now convinced Ms Schreiner was playing ducks and drakes with him.

She had answered questions put to her from a set form but had become evasive when he asked hypothetical questions which were not contained on the form, Mr Peckham said.

He did not feel a sense of frustration that Ms Schreiner had not answered all the questions and neither did he consider there may be problems with the admissibility of the confession, he said.

The trial continues on Monday.

CPH 7/15 4/8/90

Winnie 'gave death order'

JOHANNESBURG. — Mrs Winnie Mandela had told her "football club" to kill two young men she regarded as "problematic" and this was why the house of their mother, ANC member Mrs Dudu Chidi, was set alight, the Rand Supreme Court heard yesterday.

Mrs Chidi gave evidence during the trial of Mr Charles Zwane, 22, who has pleaded not guilty to 38 charges including 11 murders, 22 attempted murders, arson and two counts each of unlawful possession of an AK-47 machinegun with ammunition.

Mrs Chidi said she had not allowed her sons to join the football club.

She said Mrs Mandela had told her her sons would be regarded as "sell-outs" if they did not join the club and had sent people to fetch them.

Mrs Chidi said the club members were Mrs Mandela's bodyguards, as she had never seen them play against another football club.

"The things they did — burning people's houses and killing people — are not what football clubs do," she said. — Sapa

Rapholo in court (351)

AN alleged ANC guerilla, Mr. Jacob Rapholo, made a brief appearance in the Pietersburg Regional Court on Thursday facing three counts of murder and several charges related to possession of weapons and explosives.

He was not asked to plead and the case was postponed to August 17. Rapholo was arrested in January this year following the killing of a white policeman at a Pietersburg park.

Meanwhile, five people detained at the same time were released from detention under Section 29 of the Internal Security Act on Wednesday. They include former Lebowakgomo Youth Congress president, Mr Paul Mathole; the Rev Frans Molefe of the Pentecostal Church in Dennilton; a teacher, Mr Patrick Mamabolo of Mapulaneng; Mr Aubrey Ntsoane of Moletji and a Mr Magagula from Mbozeni in the Eastern Transvaal.

Magagula was immediately re-arrested and charged with escaping from police custody in Dendron earlier this year, Mathole said.

Schreiner 'spoke to security police freely'

CMT 7/14/90

7/8/90
Supreme Court Reporter

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TERRORISM accused Ms Jenny Schreiner had spoken freely to security police during interrogation and later agreed to make a confession to a magistrate after she was confronted with confessions by her co-accused, the Supreme Court heard yesterday.

This was said by Lieutenant Johannes Nel, a security policeman who interrogated Ms Schreiner, in a trial-within-a-trial to test the admissibility of a confession allegedly made by Ms Schreiner.

Ms Schreiner is an accused in the trial of Mr Tony Yengeni, his wife Lumka, Mr Michael Mzimkhulu Lumbambo, Mr Mbutu Richmond Nduku and Mr Wellington Mongameli Nkwandla on charges of terrorism.

Lt Nel said he was not aggressive or intimidatory towards Ms Schreiner at any stage.

Stompie murderer would die Winnie Mandela, court told

us Correspondent

7/8/90 (331)
NENSBURG. — Jerry Vusi Muzi Richardson, former coach of the Mandela Football Club, loves and admires Winnie Mandela so much that he feels the need to protect her, even to the point of dying for his struggle," clinical psychologist Mrs Midge Doepel said.

Richardson, 41, was convicted in May of having murdered Stompie Seipei, 14. He was found guilty on 10 other counts, including kidnapping, assault with intent to do grievous bodily harm and attempted murder.

Yesterday the trial resumed after a postponement requested by the defence. This stage of the trial is to establish whether there were any extenuating circumstances in the murder.

In his judgment, handed down on May 25, Mr B O'Donovan made two special findings. First, that Mrs Mandela must have been present at her

Diepkloof house on the night of December 29, 1988, for at least part of the time that Stompie and three other youths were assaulted.

The Attorney General has said he would make no decision on whether Mrs Mandela should be prosecuted until after he has studied the outcome of this trial.

The second special finding was that there was no truth in the allegation that the four youths had participated in sexual misconduct with Methodist minister, the Rev Paul Verryn, the alleged reason for their kidnapping from the manse. It was also alleged Stompie was a police informer.

Mrs Doepel told the court Richardson was mildly retarded with a practical IQ of 63. But under cross-examination by Mr C van Vuren for the State, Mrs Doepel conceded that Richardson was not so retarded that he was unfit to stand trial.

Richardson was not keen to co-operate with testing, Mrs Doepel said.

His remark that he was "not going to do school work" showed an underlying sense of inadequacy, she said.

Under cross-examination she conceded that his remark "I can't do it, my mind is running away with me" could have meant he was anxious about the trial.

LACK OF REMORSE

Mrs Doepel said soccer was the only area where Richardson had a positive identity and a lack of identity left him open to easy influence by others.

"That he lived in Mrs Mandela's house and that she accepted him were status symbols to him. He appears to idolise Mrs Mandela," Mrs Doepel said.

The only guilt he expressed was about how Stompie's mother must feel. Otherwise his lack of remorse was tied in with a personality disorder which included elements of psychopathy, although Richardson was not a certifiable psychopath.

Richardson's childhood was deprived, emotionally and physically, Mrs Doepel said, and he was exposed to a sub-culture which accepted violence as the norm.

Richardson hated informers and believed the rumour that Stompie was an informer.

Under cross-examination she conceded hatred of informers was a norm and not limited to Richardson.

(Proceeding.)

CAT 11-13 7/18/90 191

Stompie killer called Winnie 'mommy'

JOHANNESBURG. — Mandela Football Club coach Jerry Richardson, guilty of murdering 14-year-old activist Stompie Seipei, was a violent and aggressive man of below average intelligence who depended on Mrs Winnie Mandela to the extent that he called her "mommy".

This was said by clinical psychologist Ms Midge Doepel, whose report on Richardson was submitted to the Rand Supreme Court yesterday in extenuation of sentence.

Richardson was found guilty in May this year of kidnapping and assaulting three youths, attempting to murder one of them and murdering Stompie, the child anti-apartheid activist.

During his three-week trial in May it was disclosed that Stompie and three other youths were assaulted with sjamboks in Mrs Mandela's Diepkloof house during a brutal and bloody torture session which left the walls of a room in the house splattered with blood.

Ms Doepel said Richardson's judgment was clouded, that he lacked insight, displayed aggressive tendencies, accepted violence as a norm and was apparently prompted in his actions by a need for Mrs Mandela's approval. — Sapa

Parow car bomb: Man in court 331

Staff Reporter

AN alleged trained African National Congress guerrilla suspected of leaving an explosives-filled car outside a Parow shopping centre and carrying out several handgrenade attacks in the Western Cape has appeared in the Wynberg Regional Court.

Mr Adriaan Qila, 23, of Guguletu, also faces charges of terrorism and attempted escape from custody and five alternative charges of attempted murder.

Mr Qila was not asked to plead yesterday and the hearing was adjourned until Friday.

According to the charge sheet, Mr Qila was trained in the use of handgrenades.

It is alleged he left a car filled with explosives outside the shopping centre and threw a handgrenade at the home of the wife of Guguletu councillor Mr D Lobi in June 1987.

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Cape Times, Wednesday, August 8 1990 5

Stompie killer: Verdict today on extenuation

JOHANNESBURG. — Judgment will be delivered in the Rand Supreme Court today which could determine whether or not the death sentence is passed on Jerry Richardson, the Mandela Football Club coach found guilty of murdering child anti-apartheid activist Stompie Seipei.

Mr Justice B O'Donovan, after hearing final argument yesterday, said he would pass judgment today on whether there are extenuating circumstances in the case against Richardson, convicted in May this year of murdering 14-year-old Stompie, as well as other crimes, including kidnap and assault.

If no extenuation is found, the court is empowered to pass the death sentence on Richardson despite the suspension of executions in South Africa pending a new political dispensation.

Mr H Joubert, Richardson's attorney, yesterday argued that Richardson had been unable to leave the room in Mrs Winnie Mandela's house where Stompie and three other young boys were assaulted, for fear of falling from Mrs Mandela's favour.

Richardson's "terrible qualities" — his lack of empathy and inability to control his emotions — were "easily exploited by people involved in the struggle, people like Mrs Mandela", Mr Joubert said.

There could be no doubt that Mrs Mandela was involved in the assaults on the four youths, he said.

The state yesterday called on a psychiatrist, Dr Meryl Vorster, to contest evidence that Richardson was "mildly retarded" and "possibly suffering from brain damage".

Dr Vorster said tests conducted on Richardson were invalid because they had been standardised for white people only. It was hard to believe a man who had coped with society was mentally retarded.

— Sapa



Judgment today on Stompie murderer

News 8/8/90
The Argus Correspondent

JOHANNESBURG. — Judgment begins today in the trial of Jerry Vusi Muzi Richardson, former coach of the Mandela Football club who was convicted in May of having murdered Stompie Seipei, 14.

Richardson, 41, was found guilty on 10 other counts, including kidnapping, assault with intent to do grievous bodily harm and attempted murder.

Mr Justice B O'Donovan is expected to give judgment in the Rand Supreme Court today on whether or not there are extenuating or aggravating circumstances present in five crimes which could result in death penalties.

Discretion

The application of the amendment to the Criminal Procedure Act, which means the death penalty is no longer mandatory, was mentioned several times during argument yesterday.

The judge has a discretion to impose the death penalty for four kidnappings and the murder of Stompie.

Yesterday Mr H Joubert, appearing for Richardson, argued that Richardson could not have walked away from Mrs Winnie Mandela, in whose house he lived.

She had taken two trained terrorists to Richardson's house for safety but they were killed in a shoot-out with police and Richardson's house was damaged. Richardson then went to live at Mrs Mandela's Diepkloof home, Mr Joubert said.

Richardson's role as coach and as part of the struggle as well as being close to Mrs Mandela, were all regarded as status symbols, Mr Joubert said.

When Mrs Mandela told the four youths they were not fit to be alive and began to assault them, Richardson could not have refused to take part or have gone to the police, Mr Joubert said. He argued that violence was the norm in Soweto.

Mr C van Vuren, for the State, disputed that violence was a norm in townships. Many people grew up with violence around them but did not regard it as normal, he said.

He disagreed that Richardson moved to Mrs Mandela's house because he had no where else to go. His wife and two daughters lived elsewhere.

Mr Van Vuren said the psychological profile of Richardson, presented by a clinical psychologist called by the defence, was based on invalid tests and conflicted with the facts.

ARGUS 9/8/90

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Charge decision on Winnie 'soon'

JOHANNESBURG. — A decision on whether or not to charge Mrs Winnie Mandela, who has been implicated by State witnesses in the murder trial of Jerry Richardson, will be made within the next week or two, Transvaal Attorney-General Mr Klaus von Lieres has said.

Mr Von Lieres said last night he had been waiting for the outcome of the Richardson trial before making a decision.

"I've not taken a decision yet. The matter is being studied and a decision will be taken in a week or two," he said.

"DESIRE TO PLEASE"

Richardson, the Mandela Football Club coach who murdered child anti-apartheid activist Stompie Seipei, was sentenced to death yesterday by a Rand Supreme Court judge.

Mr Justice B O'Donovan said the court rejected evidence submitted in extenuation that Richardson was mentally retarded. Richardson's view that Stompie was a traitor and a police informer was also not a mitigating factor.

He said Richardson's perceived need to seek Mrs Winnie Mandela's approval had not been considered for purposes of sentencing.

"It is difficult to see how kidnap and murder can be mitigated by the desire to please anybody," Mr Justice O'Donovan said. — Sapa.

CAPE TOWN 9/8/90 (147) (331)

Inkatha warning by Stompie killer

Own Correspondent

JOHANNESBURG. — "Watch out for Inkatha," a smiling Jerry Richardson warned members of the public gallery on his way to the cells minutes after being sentenced in the Rand Supreme Court yesterday to death for the murder of teenage activist Stompie Seipei.

The 42-year-old former coach of Mrs Winnie Mandela's soccer team was also sentenced to 18 years' imprisonment for kidnapping, assault and attempted murder.

Mr Justice B O'Donovan said the murder of Stompie on January 1 last year was a particularly brutal one carried out on a victim who was hardly more than a child.

Richardson was found guilty of kidnapping Stompie and three other youths from the Soweto manse of Methodist minister Mr Paul Verryn on December 28, 1988.

The four were taken to the home of Mrs Mandela where they were assaulted while being questioned about alleged sexual misconduct with Mr Verryn.

Stompie was accused of being a police informer.

Mr Justice O'Donovan said the psychologist's report submitted to the court by the defence created the impression that Richardson was a sick man subject to a number of mental disabilities, including mental retardation, and signs of psychopathy.

The report, the judge said, placed Richardson's intellectual

functioning at a low level.

"In cross-examination however a rather different picture emerged," said the judge.

The psychologist, Ms Midge Doepel, had considerably modified the conclusions in her report under cross-examination.

"She was compelled to concede that any retardation of the accused's faculties was of a mild nature just below normal, and that the accused was responsible for his actions and was fit to stand trial."

Referring to a submission by defence counsel Mr H Joubert that Richardson was motivated by a desire to win Mrs Mandela's approval, the judge said it was difficult to see how the commission of offences like kidnapping and murder could be mitigated by a desire to please anybody.

Yengeni trio may still get bail

By RONNIE MORRIS
Supreme Court Reporter

THE Attorney-General has undertaken to reconsider by tomorrow his objection to granting terrorism accused Mr Tony Yengeni, his wife Lumka and Ms Jenny Schreiner bail.

There would also be clarity regarding the continued prosecution of the remaining six accused after discussions had been held in Pretoria.

This was said in the Supreme Court yesterday by Mr D P de Villiers QC, for the defence, before the trial was adjourned to Tuesday.

Mr De Villiers said Mr and Mrs Yengeni and Ms Schreiner were still in jail "in spite of the Pretoria Minute".

(In terms of the Pretoria Minute the classes of people who must be taken into account with regard to pardon or indemnity for political offences were described, and included people who may be liable to prosecution or who were awaiting or undergoing trial.)

Mr Justice S Seikowitz said he was prepared to hear an application for bail 24 hours a day, should it come before Tuesday.

Mr and Mrs Yengeni and Ms Schreiner were denied bail when a certificate was issued by the Attorney-General in terms of Section 30 of the Internal Security Act.

They have been in custody since their arrest on September 17, 1987.

Mr Hendrik Klem, SC, assisted by Mr J van Vuuren and Mrs Sandra Swart, appeared for the state.

Yengeni six await a decision on indemnity

By GAYE DAVIS: Cape Town

THE future of the Yengeni terrorism trial — and the fate of its six trialists — hang in the balance in the wake of the agreement forged this week between the government and the ANC.

Defence attorneys expect a decision from Cape Attorney-General Niel Rossouw today on the question of bail for two of the trialists, Tony Yengeni and Jennifer Schreiner, and the future of the trial itself.

Rossouw was in Pretoria yesterday for a meeting with government officials, which was expected to focus on the implications of the agreement for political trials currently underway or pending.

In the Cape Town Supreme Court on Wednesday Mr Justice Selwyn Selikowitz repeated an earlier undertaking to make himself available on a 24-hour basis for any bail applications that might arise.

Schreiner and Yengeni are presently

prevented from applying for bail in terms of a certificate issued by the attorney-general in terms of the Internal Security Act, which effectively removes the question of bail from the jurisdiction of the court.

No-bail certificates for the four other trialists were withdrawn this week but Yengeni's wife, Lumka, decided to remain in prison in protest against what she saw as the authorities' refusal to grant her husband bail.

Defence attorneys believe there are a number of possible options for the trial in the light of this week's agreement contained in the Pretoria Minute.

They are:

- that the trial may be halted immediately, in which case the six remaining trialists would be acquitted;

- that matters would wait until the indemnity outlined in the Pretoria Minute comes into effect — some time between October and December — and that the

trial would then be halted.

This would mean the trial either being postponed until October — with the possibility of Yengeni and Schreiner being granted bail in the interim — or its continuing until the indemnity comes into effect.

"It's a fait accompli that indemnity is going to be a reality," said defence attorney Michael Evans. "An agreement has been reached and commitments made."

The trial was adjourned yesterday until Tuesday for legal argument on the admissibility of evidence the defence wishes to bring in its bid to prove that a statement Schreiner made to a magistrate while detained under Section 29 was neither free nor voluntary.

Threats, intimidation, torture, assault and sexual abuse interspersed with interrogations are among the "improper and unlawful means" alleged by the defence to have been employed by police to extract the statement.

Amnesty 'cut-off date' envisaged

31 Day 13/8/90

THE working group on political offences which resumes this week will have as top priority the setting of a "cut-off date" beyond which political offences will no longer be covered by the provisions of the Pretoria Minute.

Any perpetrator of an offence committed after this hypothetical date would not be entitled to the pardon or amnesty for which the minute provides.

ANC and government officials disclosed at the weekend that the Pretoria Minute had deliberately been silent on the matter.

Risk

This was because while government accepted the ANC argument that it required time to spread the contents of the agreement among its supporters, government did not wish there to be any implication that potential political offenders would have carte blanche during the interim period.

"It could be said government is taking a bit of a risk in this respect. They are relying on our good faith," an ANC source said.

It is understood the ANC has already informally suggested retired judge Mr Justice Ray Leon, formerly of the Natal Bench, as a possible candidate to adjudicate on the agreement.

Meanwhile, it appears the section of the agreement providing that only "ANC-related" persons are covered could have the effect of drawing into the negotiating process those groups which have so far chosen to remain outside.

The ANC had a specific motive for wanting to keep the agreement narrow — in that it covered only members of it and its allies, the source said. Given the broad nature of the definition of "political offence", the ANC did not wish to be party to an agreement that government could conceivably use to free people that the ANC did not wish to see released — like right-

ALAN FINE, PETER DELMAR
and LINDEN BIRNS

wing terrorists, he said.

According to Constitutional Development spokesman Marius Kleyhans, government also wanted the agreement limited to cover only ANC-related personnel because it did not want to release people not committed to a peace process.

A joint government/ANC committee will also be set up later this week to look into the practical implementation of the ANC's suspension of hostilities, both sides predicted at the weekend.

The government side is expected to push for details of the location of an alleged eight or more weapons caches left inside SA by Umkhonto we Sizwe operatives taking part in Operation Vula.

Sources on both sides predicted that this week's working group meeting would address itself to setting up a number of mechanisms agreed to in the Pretoria Minute at the Presidensie meeting.

It was decided last week that a number of "additional mechanisms for communication" would be established at various levels to address public grievances including housing and squatting, education and political violence.

Ceasefire

The committee to resolve "all outstanding questions" arising from the ANC's suspension of the armed struggle has to report back to both parties by September 15.

Sources said details of precisely how the ceasefire would be implemented and monitored would be decided by this group.

Government estimates there were between 12 and 20 active Umkhonto we Sizwe guerrillas in the country at the time the ANC agreed to suspend armed activities. While the ANC has committed itself to ending infiltration, it is expected security forces will continue to detain those operatives still in SA.

Editor, reporter win appeal

CAT TIME
14/8/90
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JOHANNESBURG. — Sunday Times editor Mr Albert Tertius Myburgh, reporter Mr Mandla Tyala and Times Media Ltd, which owns the newspaper, yesterday won an appeal against a conviction and sentence which arose from an article published on December 11, 1988.

The article was an interview with ANC activist Mr Harry Gwala, who had been released from Robben Island that month.

Yesterday it was found the state had not proved the Harry Gwala quoted in the newspaper report was the same person as T H Gwala, mentioned in the list of people who may not be quoted.

Mr Justice S W McCreath, with Mr Acting Justice D S Levy concurring, handed down judgment in the Rand Supreme Court. — Sapa

Yengeni: 'Similar fact' decision today

JUDGMENT will be handed down in the Supreme Court this morning whether defence counsel in the Yengeni trial could rely on "similar fact evidence" to prove allegations of police inducing confessions.

The "similar fact evidence" relied on would be evidence by former detainees who also claimed they had been influenced to make confessions.

The application was brought in a trial-within-a-trial to determine whether terrorism accused Ms Jenny Schreiner was forced into a confession.

Mr D P de Villiers QC, for the defence, said the characteristic of the modus operandi was pressurisation on a detainee through improper and unlawful means, interwoven with permitted procedures.

Mr Jannie van Vuuren, for the state, submitted that the defence should not be allowed to burden the record and confuse the real issue with unrelated evidence and asked that the court rule the "so-called modus operandi" evidence inadmissible.

Coetzee's testimony wanted in R1,5m case

JOHANNESBURG. — An application by Vrye Weekblad and Weekly Mail to have evidence from former policeman Captain Dirk Coetzee on commission in London in defence of a R1,5-million defamation claim against them by Lieutenant-General Lothar Paul Neethling, was postponed in the Rand Supreme Court yesterday.

Mr Justice E.L. Goldstein postponed the application until Tuesday because he had not read the court papers, which were not in order when the matter came before him yesterday.

However, he granted an application by General Neethling to have the two claims consolidated into one for trial purposes.

General Neethling is suing the papers for two articles which appeared in Vrye Weekblad on November 17 and December 1 last year and one which appeared in Week-

ly Mail on November 24 linking him to alleged police "hit squad" activities.

He claims the articles defamed him by alleging he was the leader of an illicit criminal organisation and that he had prepared and supplied poisons to murder and attempt to murder various individuals.

Both newspapers have asked the court for an order appointing a commissioner to hear evidence from Mr Coetzee for their defence.

In an affidavit, attorney Mr David Hoffe, for the newspapers, said his clients were defending the action on the basis of truth and public benefit and it would be necessary to obtain Mr Coetzee's evidence.

Mr Hoffe said the parties involved had arranged for an early hearing of the trial itself and the Judge President had set it down for November 12 this year.

Yengeni judge³³¹ rules on evidence

Cmt Times 16/8/90
Supreme Court Reporter

THE defence team in the trial of Mr Tony Yengeni and five others has been permitted to introduce "similar fact evidence" about a so-called "concerted investigational modus operandi" by security police to induce detainees to make a confession to a magistrate.

Mr Justice S Selikowitz made the ruling following an application by the defence to introduce "similar fact evidence" to prove that a confession made to a magistrate by terrorism accused Ms Jenny Schreiner was not made freely and voluntarily.

In terms of the ruling, similar fact evidence could relate only to persons other than Ms Schreiner who were detained in terms of Section 29 of the Internal Security Act and who:

- Were in detention between September 1987 and January 1988 (Ms Schreiner was arrested on September 17, 1987, and made the alleged confession to a magistrate on January 25, 1988);
- Were interrogated during that period by security police in the Western Cape; and
- Completed self-incriminating autobiographical statements in order to "co-operate".

The judge permitted further similar fact evidence in respect of:

- Security police obtaining the biographical statements and introducing a specialist to pressurise a detainee into making a confession; and
- Informing the detainee that his/her "co-operation" would be checked by security police.

The trial continues today.

failed coup attempt

Capt 7.15 16/8/90

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Umkhonto trio's appeal

BLOEMFONTEIN. — The Appeal Court has reserved judgment in the appeal by three self-proclaimed members of the ANC military wing, Umkhonto we Sizwe, against death sentences for four murders. Jabu Obed Masina, Frans Ting-Ting Msango and Neo Griffith Potsane were sentenced April 27, 1989.

later.

Capt Tim # 16/8/90 (331)

Rockman in court

REBEL policeman Mr Gregory Rockman appeared briefly in Cape Town Magistrate's Court yesterday in connection with an alleged assault on a police officer on the Grand Parade in March. He was not asked to plead and the hearing was postponed to November 9 for trial.

ANC killers refused to take part in their trial, appeal judges told

BLOEMFONTEIN. — Judgment has been reserved by the Appeal Court here in the appeal by three self-proclaimed members of the ANC military wing, Umkhonto we Sizwe, against four-way death sentences for four murders.

Jabu Obed Masina, Frans Ting-Ting Msango and Neo Griffith Potsane were sentenced by Mr Justice M C de Klerk in the Delmas Circuit Court on April 27, 1989.

They were found guilty of the murder of Detective-Sergeant Orphan "Hluhi" Chapi in Soweto in 1978; the killing of a former Kangwane Minister, Mr David Lukhele, and his sister-in-law, Mrs Elizabeth Dlodlu, in 1986; and the killing of a Mamelodi policeman, Constable Sinki Vuma, in 1986.

NO CROSS-EXAMINATION

They and Joseph Makhura were also jailed for 25 years for multiple counts of attempted murder when 17 people were injured in a limpet mine blast at a bus stop at Silverton in 1986 and for a landmine explosion at So-shanguve when a road grader was damaged on a road used mainly by military vehicles.

Masina, Msango and Potsane were also jailed for 10 years (concurrent) for the attempted murder of Mrs Elizabeth Lukhele.

The appeal was heard by the Acting Chief Justice, Mr Justice Joubert, Mr Justice Smalberger, Mr Justice Milne, Mr Justice Eksteen and Mr Justice Friedman (acting judge of appeal).

Mr D A Kuny SC for the appellants told the court the four accused chose not to be legally represented at the trial and had not taken part in the proceedings at all until the question of

sentence and, more particularly, extenuation came to be considered.

They had not cross-examined any witnesses called by the State, nor did they testify on their own behalf.

However, they had explained and articulated their stand in a statement where Masina dealt with their attitude to the trial.

Mr Kuny pointed out that the judge had differed from the assessors in accepting that evidence existed to support the conclusion that the appellants had been indoctrinated and were convinced of the justice of their cause.

Mr L van der Walt, for the State, submitted that to shoot off-duty policemen and civilians and to place a limpet mine at a bus stop in front of a business centre, could not be regarded as military attacks. — Sapa.

Cop 'didn't see accused hurt'

CHIEF TIMES 18/8/90

Supreme Court Reporter 331

A SECURITY policeman denied in the Supreme Court yesterday that he had been present when terrorism accused Ms Jenny Schreiner was given a "neck massage" which hurt a neck vertebra.

Lieutenant Johannes Nel was giving evidence under cross-examination in a trial-within-a-trial to determine if Ms Schreiner had made a confession to a magistrate voluntarily.

She is an accused in the trial of Mr Tony Yengeni and five others on charges of terrorism.

In reply to questions by Mr D P de Villiers, QC, for the defence, Lt Nel said he had not seen a colleague, Lieutenant Frans Mostert, give Ms Schreiner the "massage" and pull her hair during interrogation.

He had also not seen her pushed against a wall and taken on a "walkabout" in the office in which she was swung in such a manner that she would have bumped against the wall or furniture had she lost her balance.

He was also not present when, allegedly because of that treatment, Ms Schreiner agreed to co-operate with security police and answer questions.

Lt Nel also denied having seen a swelling on Mr Yengeni's cheek on the night of his arrest on September 17, 1987 but said he had seen a small cut on his bottom lip which he thought occurred during the arrest. He said he could not differentiate between an aggressive and mild form of interrogation and had not personally or seen his colleagues strike, kick or punch detainees.

Ms Schreiner had not complained to him, he said. The trial continues on Monday.

the movement.

CAPL Tink 21/8/90
Stompie's assault *(10) (228) 331*

JOHANNESBURG. — Mr Thandanani Jabulani "Guyboi" Khubeka, alleged to have severely assaulted teenaged activist Stompie Seipei, appeared briefly in Protea Magistrate's Court yesterday. He was not asked to plead to a charge of assault with intent to do grievous bodily harm. The case was postponed to November 20 pending further investigation.

Security police deny threatening Sec 29 detainee

A SECURITY policeman yesterday denied in the Supreme Court that he had said to terrorism accused Mr Wellington Mongameli Nkwandla that he did not wish to use violence on him but that he was in the hands of the security police.

Lieutenant Johannes Nel was giving evidence during a trial-within-a-trial in the terrorism trial of Mr Nkwandla, Mr Tony Yengeni, Ms Jenny Schreiner, Mrs Lumka Yengeni, Mr Michael Lum-bambo and Mr Mbutu Nduku.

The defence is contesting the admissibility of a confession Ms Schreiner allegedly made, claiming that security police had used a "concerted investigational modus operandi" to induce Section 29 detainees to make confessions to a magistrate.

Mr Justice S Selikowitz permitted the defence to introduce similar fact evidence in regard to the so-called "modus operandi".

In response to submissions by Mr D P De Villiers QC, Lt Nel said he would not have told Mr Nkwandla that the Attorney-General would feel differently should he make a confession.

Lt Nel also denied that after Mr Nkwandla refused to make a confession he had pointed at his shoe and said: "Do you see this shoe, I will kick you to death."

The trial continues today.

CP man in court for disrupting meeting

CHT Times 24/8/40
Own Correspondent

DURBAN. — The disruption of a National Party meeting at Vryheid on Thursday night last week by right-wing elements had a sequel at a special court sitting in Newcastle on Sunday when Mr Ben Snyders, 35, of Memel, appeared before the Chief Magistrate of the town, Mr R Bruwer, charged with public violence. Mr Snyders was released on bail and the matter was adjourned till September 10.

The CP issued a statement yesterday saying that the arrest had been directly ordered by President F W de Klerk because he could not "handle his punishment at Vryheid".

Explosives: Man in court again

Staff Reporter *NW 22/8/90 (331)*

A GUGULETU man who allegedly left a car filled with explosives outside a shopping centre and carried out several grenade attacks in the Western Cape has appeared again in the Wynberg Regional Court.

Mr Siphiwo Adriaan Qila, 23, is alleged to have thrown a handgrenade

at the house of a Guguletu town councillor on June 15 1987.

Mr Qila, who allegedly attempted to escape from custody, faces eight charges of terrorism and five alternative charges of attempted murder, and charges relating to his alleged membership of the ANC.

He was not asked to plead and the hearing was postponed to August 23.

Death row woman moved to Upington

CNT Trifis 23/8/80

Staff Reporter

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A WOMAN on death row, Evelina de Bruyn — one of the Upington 14 sentenced to death last year, was moved to Upington Prison on Saturday, pending an appeal against her sentence.

Attorney Ms Sandra Liebenberg said representations had been made to the Minister of Justice, Mr Kobie Coetsee, to have De Bruyn moved to Upington so she could be near to her children, family and friends.

Ms Liebenberg said that De Bruyn, who is about 55 years old, was moved because of her age, her sickness and because she was pining for her two younger children.

Her husband, Mr Gideon Madlongwana, also one of the Upington 14, is still on death row in Pretoria.

Weapons: 3 alleged rightwingers in court³³¹

The Argus Correspondent

JOHANNESBURG. — Three alleged rightwingers, including a Johannesburg advocate, appeared briefly before a Regional Court magistrate here in connection with the illegal possession of handgrenades and other arms.

Mr Andries Smith, 52, and Mr Henry Roesch, 30, both of Robertsham, and Mr Leon van Rensburg, 44, of Roodepoort were not asked to plead yesterday to charges of contravening the Arms and Ammunition Act.

Mr Smith, an advocate, is on bail of R4 000. The other men are on bail of R5 000 each.

Mr van Rensburg succeeded in an application to have his bail conditions amended. At a previous hearing the court ordered that Mr van Rensburg report to a police station three times a week. Magistrate Mr T la Grange ordered yesterday that Mr van Rensburg had now to report on Saturdays only.

The court was told Mr van Rensburg was no longer employed at the Atomic Energy Board. New working hours made it difficult to report to a police station during the week.

The case was provisionally postponed to November 16.

No bail for Umkhonto man Nyanda



Sowetan 24/8/90

A COMMANDER of Umkhonto we Sizwe, Mr Sphiwe Nyanda, who allegedly planned to overthrow the Government in a plot called "Operation Vula", had his bail application refused in the Durban Regional Court yesterday.

The magistrate, Mr W van Zyl, said there were indications that Nyanda would not stand trial if released on bail.

He faced very serious charges and could face jail sentences of up to 30 years if convicted on the three counts under the Arms and Ammunitions Act.

Van Zyl said the courts allowed people their liberty whenever possible but if it hampered the interests of justice, as might be in this case, then bail could not be allowed.

He said the ease with which his ANC associates disappeared was indicative of what Nyanda might do if bail was granted.

Van Zyl said there was a strong possibility he would abscond, and turned down the application.

Nyanda, a former reporter on the banned *World*, will appear in the Durban Regional Court again on October 29 for trial.

He is to be detained at Westville Prison. - Sapa.

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24/8/90
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No bail for 'Vula' man

DURBAN. — A commander of Umkhonto we Sizwe, Mr Siphiwe Nyanda, who allegedly planned to overthrow the government in a plot called Operation Vula, had his bail application refused in the Regional Court here yesterday.

The magistrate, Mr W van Zyl, said there were indications that Mr Nyanda would not stand trial if released on bail.

He faced sentences of up to 30 years if convicted on the three counts under the Arms and Ammunitions Act. — Sapa

Operation Vula headed by Tambo, included Joe Slovo'

By CARMEL RICKARD
DURBAN: Operation Vula — the alleged SA Communist Party conspiracy which nearly scuttled talks between government and the ANC — was set up by a "president's committee" headed by Oliver Tambo and including Joe Slovo, the regional court here heard yesterday.

The latest allegations were made by a commander of Umkhonto weSizwe, Siphwe Nyanda, who was refused bail on three charges under the Arms and Ammunition Act, because magistrate Dr WG van Zyl found it possible Nyanda would abscond.

Evidence was heard on funding, the use of hi-tech computer equipment, the involvement of couriers, including an air hostess from Amsterdam, and the smuggling of weapons in petrol tanks of luxury cars.

Some details had all the ingredients of a spy story. Wigs and ultraviolet pens for invisible writing were produced, as well as a map of state fuel depots and railway lines.

Nyanda was detained on July 12 after returning illegally and spending two years operating "underground". Asked yesterday whether the plan

was to prepare an army, he said: "At some stage, yes".

Giving details of his unit's operations, he said arms came in from Botswana in the petrol tanks of modified Mercedes and Cressidas.

It appeared huge sums of money were made available for Operation Vula and other projects in which Nyanda's unit was involved.

At some houses he rented, police found computer modems and disks containing messages which, he said, were "sent about the world" and one printout handed to the court mentioned a budget of R570 000 for "the two regions", adding "All operational costs (paper, ink, fuel, allowances) will be met by the ANC." (331)

Nyanda had access to houses in Durban and Johannesburg and agreed one in Johannesburg was rented by a Canadian, Susan Grabick, who has gone underground.

Another person involved appeared to be an air hostess who, like her predecessor, was a courier carrying computer disks with information and messages for local Operation Vula operatives.

The case continues.

'Manuel manhandled in arrest'

9th Feb 1985
25/8/90

Court Reporter

CO-CONVENER of the ANC in the Western Cape Mr Trevor Manuel was "severely manhandled" by members of the police before and during his arrest on Thursday, a Cape Town Magistrate's Court heard yesterday.

Mr Manuel, 34, appeared in connection with an as yet unformulated charge of resisting arrest during an "illegal protest" against trial without detention, on the Foreshore on Thursday afternoon.

Mr E Mohamed, for Mr Manuel, said police had severely manhandled his client, and had torn his clothes, bruised his left leg and back, injured his thumb and scratched his body.

Mr Mohamed opposed a request by the state prosecutor, Mr J M McEwan, that Mr Manuel be released on R200 bail, saying Mr Manuel was "a prominent person by all means in South Africa" and held important and responsible positions. He was, therefore, of sufficient standing to attend his trial "without absconding".

Mr McEwan said he requested bail for Mr Manuel because he allegedly resisted arrest and thus "seemed reluctant to stand trial", but conceded it "did not do the accused justice". The magistrate, Mr D J Oosthuysen, released Mr Manuel on a warning to reappear in court on October 10.

THIRTY-THREE people appearing in Cape Town Magistrate's Court yesterday following a demonstration on Thursday were warned to reappear on October 24.

The 33 were Mr John Iseel, Ms Faiza Adams, Mr Moses Mabuya, Ms Nicky Asher, Ms Fennie Otto, Ms Felicity de Kok, Mr Stanley Brickwa, Mr George Dlamini, Ms Anne Japhta, Ms Henrietta Abrahams, Ms Mosiwa Martin, Ms Elizabeth Erasmus, Ms Adillah Maki, Mr Ashraf Karrem, Mr Rodney Wilkinson, Ms Kathy Arames, Ms Karima Arends, Ms Beatty Hoffmeyer, Ms Claire Keaton, Mr Graeme Bloch, Ms Naomi Appel, Ms Evelyn Hotsnail, Ms Gava Hartley, Ms Thandi Ngamiana, Ms Vivian Modikwa, Mr Bulewa Tuinto, Mr Albert Mahway, Mr Adrian Shall, Ms Zubeida Jaffer, Mr Soengai Mohamed, Mr Khaya Magaxa, Ms Cheryl Carolus and Ms Nazima Mohammed. Six others — Miss Elma Davids, Miss Clara Babenza, Miss Lutfia Hendricks, Miss Willemina Williams, Miss Elnor Dodgen and Mr Jonathan Shapiro — chose to pay police bail of R100 each for their release shortly after their arrest, and are due to appear in court "at a future date".



RELEASED Mr Trevor Manuel, co-convenor of the ANC in the Western Cape, leaves Cape Town Magistrate's Court with SA Communist Party member Ms Cheryl Carolus, following their appearance and release on warning yesterday.

Picture: RICHARD BELL

CAPE TIMES 25/8/90 (33/175)

Wits student on terrorism charges

JOHANNESBURG. — Mr Jeremy Seeber, a University of the Witwatersrand masters student facing charges relating to terrorism, appeared in the Johannesburg Regional Court yesterday.

Mr Seeber, 24, appeared in connection with allegedly being an ANC member when it was a banned organisation, and having planted limpet mines and caused explosions on the Witwatersrand.

His case was referred back to the attorney-general to decide whether the state will oppose an application for bail. He will remain in custody.

Prosecutor, Mr P T van Staden, said Mr Seeber — who was not asked to plead — is expected to face a main charge under the 1982 Internal Security Act.

Mr Seeber, represented by lawyer Mr Peter Harris, stood passively as the provisional charge sheet was read out in court.

Mr Seeber is also charged with:

“Causing an explosion at the Devonshire Hotel, Braamfontein, on September 26, 1986; causing explosions at the Civic Centre, Braamfontein, on May 5, 1987; planting anti-personnel mines at Rooihuis-kraal, Verwoerdburg, during or approximately 1987 and planting a limpet mine at Verwoerdburgstad on September 13, 1986.”

His wife, Janet Seeber, and his parents, Mrs Monica Seeber and Prof Anthony Seeber, a professor of Economics at Unisa, attended yesterday's court proceedings. — Sapa

Ex-AWB man ^{Cont Times 25/8/90} granted R1 000 ^{33/} bail

VEREENIGING. — A former commander of the Afrikaner Weerstandsbeweging's elite Aquila unit was granted bail of R1 000 when he appeared briefly in the Regional Court here yesterday on charges of harbouring or hiding escapers.

Mr David Israel Rootenberg, 42, a builder of Vereeniging, who is also said to own a bottle store, was not asked to plead and the case was postponed to September 11.

In Johannesburg, meanwhile, four other right-wingers appeared in Johannesburg Regional Court on charges relating to terrorism.

Mr Leonard Veenendaal, 24, former AWB chief in Johannesburg, Mr Darryl Stopforth, 23, Mr Craig Barker, 20, and Mr Arthur Archer, 31, appeared in connection with allegedly having caused explosions at the Johannesburg homes of two DP councillors and the Vrye Weekblad newspaper.

Their case was referred back to the attorney-general to decide whether the state will oppose an application for bail.

The attorney-general's decision will be tabled at the Regional Court on September 7, when the four right-wingers' defence has indicated it will apply for bail.

A fifth man, Mr Eugene Becker, 28, was released yesterday. — Sapa

Court dismisses detainees' plea

80welfan 27/8/90

331

A P R E T O R I A
Supreme Court judge on Friday dismissed with costs an application for the release from detention of two ANC members, who allegedly played a leading role in an underground military structure of the ANC in the Northern Transvaal.

Mr Justice Preiss dis-

missed the application for the release of ANC members Isaac Ditshego and Johannes Makilla instituted by their wives, who claimed that their husbands could not possibly have been involved in any terrorist activities without them being aware of it.

The judge said the police officers involved in the arrest of the two men in terms of Section 29 of

the Internal Security Act, had clearly exercised the discretion afforded them under the Act properly.

Mr Justice Preiss also dismissed three further aspects of the application, namely to set aside a decision by the Commissioner of the Police not to allow legal representatives access to the detainees; to declare the two men's further detention unlawful because

they had not first been afforded a hearing in this regard; and to stop police from further assaulting Ditshego.

The judge found that the Commissioner of Police had not gone beyond his powers in refusing legal access to the detainees.

Though Section 29 made substantial inroads into the freedom of individuals, it was specifically established to obtain information from detainees, he said.

The Commissioner said in an affidavit he believed that any access to the two men would thwart the purpose of their detention, which was to get all possible information regarding the underground military structure in which they were involved.

Mr Justice Preiss said Ditshego had most probably been assaulted by police shortly after his arrest. There was however no indication of any further assaults on him, and he was afforded adequate protection by the Inspector of Detainees.

Sapa

ARGUS 28/8/90

ANC seeks apology from Vlok on Gunn

By DENNIS CRUYWAGEN
Political Staff

THE African National Congress today demanded a public apology and retraction from the Minister of Police, Mr Adriaan Vlok, over allegations that Umkhonto we Sizwe soldier Miss Shirley Gunn was responsible for the explosion at Khotso House.

The bomb exploded on May 5 1987, destroying the then headquarters of the South African Council of Churches. Miss Gunn said yesterday she was not responsible for the explosion.

In a statement today, ANC member Ms Cheryl Carolus said the government owed the ANC a public retraction and apology.

"They have made serious allegations about our member and by implication our organisation. Now they are not prepared to charge her. Cabinet ministers such as Mr Vlok must act more responsibly and realise that this trial by media and television is not in the interest of the peace process," Ms Carolus said.

She hoped that Mr Vlok would do his duty and apologise.

The United Democratic Front said Miss Gunn's release was a victory for mass pressure, adding it was clear that the people would have to enforce the Pretoria Minute.

Trade unionist Miss Gunn faced the Press for the first time yesterday since being freed on Sunday. She was held incommunicado under section 29 of the Internal Security Act for nearly two months.

She denied that she was responsible for the Khotso House bombing. "It's absolute nonsense that I am being held responsible for that bomb attack. I wasn't responsible."

It was self-evident that she would have been charged if she had been the bomber, she said. "If I'm responsible where is the charge?"

Confirming for the first time that she was a member of Umkhonto we Sizwe, the armed wing of the ANC, she said she did not believe that any other MK member would have planted the bomb.

As a "disciplined" member she fully supported the principles of the Pretoria Minute, she said.



Pictures: LEON MÜLLER, The Argus.

WELCOME HOME: Senior African National Congress member Ms Cheryl Carolus, right, welcomes former section 29 detainee Miss Shirley Gunn, carrying her son Haroon Gunn-Salie, back to freedom.

Yengeni terrorism ³³¹ trial continues today

Supreme Court Reporter

THE trial of Mr Tony Yengeni and five others on charges of terrorism will resume today.

Mr Justice Selikowitz said that yesterday was the 200th day that the court had convened and "it seems to take its toll" because his assessor, Ms J V Knoll, was 99% recovered from an illness but that defence counsel Mr D P de Villiers, QC, and Mr Michael Donen were both ill.

The accused, Mr Yengeni, Ms Jenny Schreiner, Mrs Lumka Yengeni, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Mongameli Nkwandla, are the only remaining accused from an original 14.

Cape Times 28/3/90

331

Gunn denies bombing

By PETER DENNEHY
RELEASED detainee Ms Shirley Gunn said yesterday that allegations that she was involved in the bombing of Khotso House, the Johannesburg headquarters of the SA Council of Churches, were "absolute nonsense".

Ms Gunn, 34, was released from detention under Section 29 of the Internal Security Act on Sunday — and has only been charged with possessing a Makarov pistol.

Speaking out in public for the first time, Ms Gunn said she was a member of Umkhonto we Sizwe, the armed wing of the ANC.

"As an MK member, I don't believe that any MK member would have been responsible for that bomb attack," she said.

"If I was responsible, where is the charge?" she asked.

Ms Gunn criticised the media for the prominent publication of

police allegations that she was involved in the bombing.

She said that upon her release she had been issued with a summons to appear in the Wynberg court on October 24 in connection with the alleged possession of a Makarov pistol.

That is the only charge against her, according to her lawyer, Mr Essa Moosa.

A police spokesman could not confirm this yesterday.

Cpt

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28/8/90

351

ANC 9 in court

EAST LONDON. — Nine ANC marshals arrested in Gonubie on Sunday appeared briefly in court on charges under the Dangerous Weapons Act.

The nine, who were allegedly dressed in khaki uniforms and carrying replicas of weapons, were not asked to plead and the case was postponed to October 23. — Sapa

CHT Times 29/8/90 (331)

After two years

Tears flow at mother and child reunion

By RONNIE MORRIS
Supreme Court Reporter

MRS Lumka Yengeni, on trial for terrorism, wept on the steps of the Supreme Court yesterday when she was reunited with her six-year-old son Mandla shortly after she was released on bail of R5 000.

She had been in custody since her arrest in Lansdowne on September 17, 1987, and married her husband Tony in prison on July 27 last year.

Scores of well-wishers and friends greeted her outside court and her mother, Mrs Irene Nyamza, burst into tears when they embraced.

Mrs Yengeni, her husband, Ms Jenny Schreiner, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla are on trial for terrorism. Mrs Yengeni is the fourth accused to be released on bail recently.

Only two, Mr Yengeni and Ms Schreiner, still remain in custody.

Mrs Yengeni was entitled to bail earlier, but elected to remain in custody in protest at the attorney-general's refusal to withdraw his opposition to bail for her husband.

In a statement yesterday, Mrs Yengeni said she was "bitter and angry" about leaving her husband behind, but after a discussion had decided to accept bail to look after their son and continue the struggle for her husband's release.

"By denying bail to my husband the state hopes to break him. They are making a huge mistake.

"The state refusal to grant bail to Tony and Jenny is not acceptable at all when our leadership has taken the historical step of suspending the armed struggle.

"The reluctance of the government to stop political trials is a serious obstacle to peaceful negotiations and is against the spirit and letter of the Groote Schuur and Pretoria minutes.

"Why should the state continue with political trials if it has been agreed they should stop?"

Mrs Yengeni said the reason was that the government was trying to pressurise the ANC into making more concessions.

"We must give genuine negotiations a chance, but racist police repression and violence should be condemned."

Mr Norman Yengeni, brother of Mr Tony Yengeni, said his sister-in-law's release on bail was a "great occasion" for the family. He was optimistic that his brother would receive indemnity from prosecution.

The trial continues today.



**FREE-
DOM
HUG ...**
Mrs
Lumka
Yengeni
embraces
her moth-
er, Mrs
Irene
Nyamza,
on the
steps of
the
Supreme
Court after
her re-
lease on
bail of
R5 000.
She had
been in
custody
since her
arrest on
Septem-
ber 17,
1987, and
was grant-
ed bail on
the 201st
day of the
trial. Mrs
Yengeni
was also
reunited
yesterday
with her
six-year-
old son
Mandla.
Picture: BENNY
GOOL

Capt Timpf 29/8/90

Last night the three Cosatu officials were released by a magistrate on bail of R1 500 each after being charged with kidnapping, robbery and assault.

He spoke at a press conference at John Vorster Square police station after his release last night.

"We took it upon ourselves to apprehend this person," Mr Naidoo told reporters as he and SACP member Ms Geraldine Joselyn sat on either side of their trembling and occasionally crying suspect.

seph Maleka, told reporters he had been recruited by the police to monitor the movements of Ms Joselyn.

Saying he feared that publication of his picture in newspapers would prompt township activists to burn his house down or kill his mother, the visibly frightened constable shielded his face with a sweater during the press conference.

Police later confirmed he was a constable.

He lashed out at police for failing to investigate complaints by its members of being harassed or subject to attack, yet having the time to put police on surveillance duty.

"We are investigating criminal charges," police spokesman Colonel Frans Malherbe confirmed. — UPI and Sapa

Police 'spy' drama



LEFT: Police escort one of three men, which included secretary general Mr. Jay Naidoo, from the Cosatu offices in Johannesburg after a Press conference where an alleged SAP spy was shown to the Press.

Pictures: KEN COOTER/OK, Argus Group Picture Service

RIGHT: The police "spy" at the centre of the alleged Cosatu kidnap drama covers his face with his jersey as he is escorted from the Cosatu headquarters building.



Bellville group forces council out of chamber

By CLIVE SAWYER, Tygerberg Bureau

RESIDENTS of Bellville City Council's Siltwaney housing estate, led by members of the Bellville Residents' Association, refused to leave a closed council debate.

The group remained in the chamber, forcing the council to adjourn yesterday to discuss confidential items elsewhere in the Civic Centre, while riot police were called and mayor Mr. Willie van Schoor negotiated with BRA leaders in the public gallery.

The group left after Mr. Van Schoor agreed to meet a BRA delegation today to discuss a list of grievances of Siltwaney residents, including dissatisfaction over living conditions, evictions, and dismissals.

The group intended to watch a debate on a memorandum listing grievances handed to council officials during an occupation of the municipal offices last Thursday.

Shortly after the monthly council meeting began

Tornadoes suck people from homes

PLAINFIELD. — Tornadoes raked and flattened a suburban area southwest of Chicago, killing at least 23 people, some of whom were sucked from an apartment building and tossed into a cornfield.

The tornadoes ripped through several towns in the midwestern state of Illinois yesterday, levelling at least 90 homes and a high school.

Local hospitals said at least 280 people were being treated for storm-caused injuries.

The tornadoes touched down at least four times at mid-afternoon along an 11km southwesterly path from the community of Plainfield to Joliet, about

65km southwest of Chicago, Illinois State Police said.

In Crest Hill, on the outskirts of Joliet, 10 people were killed when the twister flattened an apartment complex, said Lockport Fire Chief Mr. Dave Martin.

Four bodies, including that of a four-month-old baby, were lying in a cornfield next to the complex, and four others were pulled from the collapsed buildings and a car.

"When the storm went through, some of the buildings disintegrated," Mr. Martin said. "High winds blew some of the people into the cornfield."

In addition, the coroner's office confirmed eight deaths in nearby Plainfield. Others narrowly escaped death. Football and volleyball players at Plainfield High School rushed inside the building when the storm approached.

The tornado destroyed virtually all of the high school except a hallway and gymnasium area where the students were huddled.

Plainfield and Crest Hill are communities populated by both suburban commuters who work in Chicago and by others who work at industrial facilities in the area. — Sapa-Reuter-AP.



ARGUS Mrs. Mandela 29/8/90
gear sparks police probe

The Argus Correspondent JOHANNESBURG. — Police are investigating the al-

Naidoo denies kidnapping and assault

The Argus Correspondent

JOHANNESBURG. — Cosatu secretary-general Mr. Jay Naidoo and two other unionists were due to appear in court here today.

In a short statement after being granted bail yesterday, Mr. Naidoo said he and his fellow accused "deny absolutely the charges of kidnapping and assault."

"No assault was committed in my presence and I did not participate in any kind of assault," he said, adding that as far as he knew no Cosatu official had assaulted the alleged police spy.

Waterstrand police liaison officer Lieutenant-Colonel Frans Malherbe refused to disclose the name of the policeman, but the man allegedly identified himself at a Press conference as Joseph Maleka, saying that he had been recruited at a night-club in Sebokeng on Saturday. The official he was allegedly spying on was South African Communist Party member Geraldine Jocelyn whose house had apparently been watched for several days.

● Full report, page 2



Picture: LEON MÜLLER, The Argus.

REUNION: Mrs Lumka Yengeni hugs her son, Mandlabantu, for the first time in nearly three years.

Tears, joy as city trialist is released

Supreme Court Reporter

A THREE-GENERATION reunion awaited Mrs Lumka Yengeni when she was released on R5 000 bail after nearly three years in detention.

As she emerged from the main entrance of the Cape Town Supreme Court yesterday Mrs Yengeni held out her arms to her six-year-old son, Mandlabantu — their first hug since he was three.

The little boy clung to his mother and buried his face in her shoulder as cameras clicked around them.

"THE STRUGGLE"

He was still not properly awake from a nap in the public gallery at his grandfather Yengeni's side during the afternoon's court proceedings.

This was not the only joyful mother's reunion: Mrs Yengeni's own mother, Mrs Irene Nyamza, hugged her daughter and grandson and tears flowed as they bowed their heads in silent prayer.

Mrs Yengeni's part in "the struggle" has taken its toll of family life.

Mrs Nyamza said sadly, while awaiting her daughter's release, she had been "away" for seven years.

She said Lumka met her husband, Tony, in Maseru, in 1984. They had special permission to marry in Pollsmoor.

Among the small crowd of close relatives and friends outside court were Mr Yengeni's sister, Shirley, and brother, Norman.

Mrs Yengeni reluctantly left behind two remaining trialists in jail, her husband and Ms Jenny Schreiner.

Repeated representations to the Attorney-General of the Cape for cancellation of a certificate preventing their bail application have so far failed.

Mrs Yengeni had the option to accept freedom on bail several weeks ago when three others were released, but she chose to remain in jail in protest at her husband's continued detention.

In a handwritten Press statement yesterday she said: "I am bitter and angry about leaving my husband behind. After discussion between us we have decided I should go out and look after our child and to continue the struggle for my husband's release from the outside."

The trial continues today.

ARGUS 29/8/80 (331)

Naidoo, other unionists held after 'spy' drama

The Argus Correspondent

JOHANNESBURG. —

Three senior Congress of South African Trade Union officials, including secretary-general Mr Jay Naidoo, were arrested during a police raid on the Cosatu head office in Johannesburg.

There were to appear in court today on charges of kidnapping and assault.

Yesterday's raid coincided with suggestions a police spy was operating near the Rissik Street building.

Mr Naidoo was arrested with Cosatu assistant general-secretary Mr Sydney Mufamadi (also a South African Communist Party official) and Cosatu distribution official Mr Baba Schalk.

The unionists were released on bail of R1 500 each last night after a brief appearance in the Johannesburg Magistrate's Court.

An informed source said two members of the African National Congress also faced possible charges in connection with yesterday's incident.

Denial

In a short statement after the bail order was granted, Mr Naidoo said he and his fellow accused, "deny absolutely the charges of kidnapping and assault".

Mr Naidoo's personal assistant, Mr Sipho Binda, said that about 11.30 am Cosatu members "apprehended" a man who was observed "behaving suspiciously" in the street about 50 m from the Cosatu head office.

"He was taken to our head office where he revealed that he was an operative working from John Vorster Square.

"On his person we found a walkie-talkie and photographs of an SACP official. He said he had been instructed by his handler to report the movements of this official, but he said he didn't know why.

"We immediately decided to inform his superiors in Pretoria and they said they would send someone to pick him up."

Witwatersrand police liaison officer Lieutenant-Colonel Frans Malherbe said the police acted after being told that a constable had been abducted and forcibly removed from the street outside the offices, taken to the 6th floor and held against his will.

He could not confirm that the policeman was watching the building.

Confession charge denied

Supreme Court Reporter 33/

A SECURITY officer, one of terrorism accused Ms Jenny Schreiner's interrogators, yesterday denied in the Supreme Court that he had shown her a document purporting to be a confession made to a magistrate by co-accused Mr Tony Yengeni and Mr Chris Giffard.

The officer also denied having been present when a colleague allegedly told Ms Schreiner that the offences with which she was charged could result in a death sentence.

Lieutenant Johannes Nel was giving evidence in a trial-within-a-trial to determine the admissibility of a confession Ms Schreiner allegedly made to a

magistrate.

She is on trial with Mr Yengeni, his wife Lumka, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

In reply to questions by Mr D P de Villiers QC, for the defence, Lt Nel denied that during a visit on January 21, 1988 to Ms Schreiner at the Parow police station where she was a Section 29 detainee, he had shown Ms Schreiner documents and said they were confessions to a magistrate by Mr Yengeni and Mr Giffard.

Lt Nel said the documents were statements made to security police by the men and did not contain a question and answer annexure.

ARG W.
20/8/90
Court told of
Crossroads
shooting

By FERROZA MILLER
Staff Reporter

AN Old-Crossroads resident told the Wynberg Regional Court that she saw headman Mr Jeffrey Nongwe fire shots from the driver's seat of a minibus while a large group of men wearing balaclavas threw petrol bombs at houses.

Mr Nongwe, 54, has been charged with four counts of arson and three of malicious damage to property.

It is alleged that he caused about R26 000 damage to houses put up by the Old Crossroads committee.

NEW HOUSE

Mr Nongwe has pleaded not guilty.

Mrs Priscilla Mazele said that on March 2 she moved into a new house in Old-Crossroads.

"I was awakened by the sound of a car engine. I looked out of the window and saw close to 100 men approaching on foot. The men were wearing balaclavas. One man was in the driver's seat of a silver-grey Volkswagen kombi — he was Mr Nongwe," Mrs Mazele said.

The hearing continues today.

More of Cosatu to be probed in spy case

Own Correspondent 30/8/90 331

JOHANNESBURG. — Police confirmed that they were investigating charges of assault against more Cosatu members who allegedly slapped a plain-clothes SAP constable at a media conference where he was introduced to journalists as a police spy.

SAP Witwatersrand liaison officer Captain Eugene Opperman yesterday said the police were following up the alleged assault.

Cosatu office-bearers Mr Jay Naidoo, Mr Sidney Mufamadi and Mr Baba Schalk, who were arrested late on Tuesday on charges of kidnapping and robbery, appeared briefly in court yesterday.

According to counsel for the accused Mr Richard Spoor, the SAP attempt to "join others for the assault" was a bid to "slur" the three accused.

Magistrate Mr R Button adjourned the hearing. The three accused were given R1 500 bail each until the trial proceeds on October 3.

Kitscop

'was told how to testify'

CHT-Toms 11/9/90

Court Reporter

A SPECIAL constable and witness in the Wynberg Regional Court trial of Old Crossroads headman Mr Jeffrey Nongwe yesterday refused to corroborate the evidence of another special constable whom he said had told him how to testify.

Special Constable Nkotsenasi Tsolo, of the Nyanga police station, told a packed courtroom that Constable Albertus van Wyk had told him to say he had stood guard at Mr Nongwe's home and that, shortly after midnight on March 3, he had noticed that Mr Nongwe and his car were not at home.

During questioning by the prosecutor, Mr Ben Julius, Constable Nkotsenasi said that in fact he had never been to Mr Nongwe's home.

Mr Nongwe, 54, has been charged with four counts of arson and three of malicious damage to property. The state alleges that he caused about R26 000 damage to houses put up by the Old Crossroads committee.

Mr Nongwe has pleaded not guilty.

The trial was adjourned to October 8.

Supreme Court Reporter

A SECURITY policeman yesterday conceded in the Supreme Court that documents he said Ms Jenny Schreiner had kept rolled up in her hand during interrogation sessions in fact looked "fresh and clean".

Lieutenant Johannes Nel, one of Ms Schreiner's interrogators, was giving evidence in a trial-within-a-trial to determine the admissibility of a statement she made to a magistrate.

Asked by Mr Justice S Selikowitz when Ms Schreiner had brought notes to an interrogation session, Lt Nel said she had first brought the notes on January 21 and again on January 25, 1988 and kept them rolled up in her fist.

Asked if the notes — annexed to her alleged confession marked exhibit 465 — showed any signs of having been held rolled up in someone's hand, Lt Nel re-

Policeman agrees 'rolled notes' look fresh

plied in the negative and also agreed they appeared "fresh and clean".

In reply to questions by the judge, Lt Nel said Ms Schreiner had asked for paper and had been given numbered pages which he had initialled. Unused pages were taken back, he said.

Asked what his reply would be if a detainee wanted to know why — at his suggestion — a section 29 statement to security police should be repeated before a magistrate, Lt Nel said he would inform the detainee he had a choice.

Asked what his reply

would be if a detainee wanted to know what the purpose of making a statement to a magistrate would be, Lt Nel said he would say it was for evidential value.

Told by Mr Justice Selikowitz that he had testified it would be wrong and improper to tell a detainee if he cooperated with security police and made a statement to a magistrate he would be removed from section 29 detention, Lt Nel replied it was not in an interrogator's hand to decide when detention must end because there was a process to be followed.

Asked about the repeated reminder by interrogators to detainees they would not be released if they did not answer all questions satisfactorily, Lt Nel said it could happen and he had done that once, but to someone who was going to be released.

The trial continues today.

CCB named in R29m forex case

CAH Tais 4/9/80

~~SECRET~~

331

~~SECRET~~

JOHANNESBURG. — A member of the now disbanded Civil Co-operation Bureau was implicated in the Magistrate's Court here yesterday in alleged foreign exchange contraventions totalling R29 million.

Russian dissident Mr David Kofmansky, 41, charged with forex contraventions, said he had not expected to be arrested while dealing with the CCB's Mr Chappie Maree.

Mr Kofmansky was applying for bail following his arrest in connection with allegations of illegal foreign exchange deals valued at R29 million.

"I trusted that the business with Maree was legal as it was done on behalf of the government," he said.

"I am a Jew, was born in Russia but emigrated to Israel and South Africa because of being against communism," Mr Kofmansky told the court.

Mr Kofmansky, who said he first made contact with Mr Maree in 1986, said he was appointed director of Pro-tocell, a private corporation which he said was "a front for overseas arms supplies" to South Africa.

In these confidential business transactions helicopters would be "crated

into the country" with the full knowledge of the government and Armscor, said Mr Kofmansky.

Referring to certain invoices, Mr Dawie Doring, for the state, said either "these armaments never reached South Africa" or "are you suggesting that they came in without going through the formal records of customs and excise?". Mr Kofmansky said he could not provide any further information.

"Maree told me that I must never discuss the business that we do because I could land in trouble... He said in

this business you don't resign, you never get out of it, you retire on your death."

Money, which would be brought to him by Mr Maree in suitcases would be deposited at Standard, United, Reserve and Allied banks, Mr Kofmansky said. Withdrawals would not be less than R100 000.

"I never asked how goods came inside the country," he said.

The bail application hearing was postponed until today. Mr Kofmansky was remanded to Diepkloof Prison. — Sapa

Schreiner manhandled, intimidated, court told

By GILL TURNBULL
Supreme Court Reporter

331
MBUS 5/9/90

A SENIOR police officer did not institute an official investigation when detainee Jenny Schreiner complained she had been threatened and manhandled by a security policeman.

This was said in evidence yesterday in the long-running Yengeni terrorism trial in the Supreme Court, Cape Town.

Under cross-examination by Mr Michael Donen, for Miss Schreiner, Brigadier Cornelis Mouton said he had visited her at Parow police cells early on December 4 1987.

According to evidence handed in to the court, after the visit at 8.05am Brigadier Mouton wrote in the police occurrence book: "Miss Schreiner complains that Lieutenant Mostert intimidated her during investigation. Spoke to Lieutenant Mostert personally."

Mr Donen put it to Brigadier Mouton that Miss Schreiner had not said she was intimidated but had told him that Lieutenant Mostert had threatened and manhandled her.

She had reported this because she was to be taken to Lieutenant Mostert again that day and had feared he would again threaten and manhandle her.

Brigadier Mouton replied that he could not remember Miss Schreiner's precise words but had used the word "intimidate" in his report "because her complaint had been vague".

Mr Donen put it to Brigadier Mouton that intimidation was a serious allegation and that he should have taken the matter up with top security police officials, instead of speaking to Lieutenant Mostert.

In separate cell

Brigadier Mouton replied that he had spoken to a senior officer at the security branch but could no longer remember who.

It was said in earlier evidence that at the time Miss Schreiner had been detained at Parow police cells, another detainee, Miss Colleen Lombard, had been in a separate cell.

Lieutenant Denise Basson testified she had been second-in-command at Parow when Miss Schreiner and Miss Lombard were being held there.

Mr Donen put it to Lieutenant Basson that Miss Lombard had thrown a naartjie over a wall and it had landed in Miss Schreiner's cell. Lieutenant Basson had reported the incident to the security police.

As a result Miss Schreiner had been told she would be punished because she had "communicated" with Miss Lombard.

In answer to questions from Mr Donen, Lieutenant Basson said she was aware that on the morning of January 7 1988 Miss Schreiner had been taken to hospital but had not been aware she had tried to commit suicide.

Miss Schreiner had been the responsibility of the security branch, she said.

The hearing continues today.

Reprieve for 109 teachers

Staff Reporter

THE attorney-general has decided not to prosecute 109 Western Cape teachers charged with participating in unlawful demonstrations. when they gathered in support of two Guguletu teachers who were appearing on similar charges.

One-hundred-and-nine members of the National Teacher Unity Forum were arrested outside Cape Town Magistrate's Court in July. ● The National Teacher Unity Forum is to be relaunched next month as the South African Democratic Teachers' Union, to include more teachers' organisations in the body.

Most trialists acquitted

THE overwhelming number of Western Cape people involved in politically related trials in the first six months of this year were acquitted or had charges against them withdrawn. South 6/7-12/90

The Repression Monitoring Group said in its latest report that 386 (87 percent) of the 442 people who appeared in 91 trials between January and June were not prosecuted.

Charges were withdrawn against all 203 people charged for illegal demonstrations, gatherings and pickets.

Of the 56 people convicted, 20 were

found guilty of public violence and 30 for trespassing and illegal squatting.

Of the 142 people involved in 44 public violence trials, 122 were not prosecuted. (331)

One of the five people charged with arson was convicted.

The other trials involved furthering the aims of a banned organisation, contravening restriction legislation, possession of ammunition, contempt of court, terrorism, hindering police, resisting arrest, possession of banned literature, intimidation, and malicious damage to property.

Right-wingers in terrorism trial

CAT Times 8/9/90 331

JOHANNESBURG. — Four right-wingers who were allegedly responsible for five bomb blasts here earlier this year appeared briefly before a Regional Court magistrate here yesterday.

An application for bail was withdrawn by the defence for Mr Leonard Veenendal, 24, Mr Darryl Stopforth, 23, Mr Craig Barker, 21, and Mr Anton Archer, 29.

The men are to stand trial on charges of terrorism.

According to the charge sheet they caused bomb explosions at a synagogue, the offices of the Vrye Weekblad and one in Houghton in June and July.

The case was postponed to September 25.

Mr Veenendal and Mr Stopforth also appeared in court on Thursday after the Namibian government had made an application to have them extradited to Namibia. They were allegedly involved in the murder of a policeman and a security guard in an attack on Untag forces.

In another case the attorney general's office issued a certificate prohibiting the issuing of bail or the granting of bail for alleged left-winger Mr Jeremy Seeber.

Mr Seeber, 24, a student at the University of the Witwatersrand, was allegedly responsible for various explosions. — Sapa

Appeal refused for Broederstroom three

PRETORIA. — Leave to appeal by the three Broederstroom trialists was refused by the Supreme Court here yesterday.

Damian Michael de Lange, Iain Hugh Robertson and Susan Catherine Donnelly (nee Westcott) brought the application before Mr Justice Curlewis.

The three ANC guerillas were last November sentenced to a total of 237 years in prison after pleading guilty to numerous terrorism charges. Their effective sentences ranged from 18 years to 25 years.

Mr Justice Curlewis said the fact that they had elected not to give evidence to Pretoria Regional Court "smacked of cowardice".

He added that "every time this type of case comes up the cry goes up that the ANC was not out to injure anyone. There are well-documented cases of injuries caused by ANC bombs. Had they appeared before me I would have sentenced them to death". — Sapa

SA's most wanted man caught

CH 7/15
8/9/90
(331) ~~331~~

JOHANNESBURG. — An Order of Death member and South Africa's most wanted man, right-winger Mr Cornelius Lottering, 24, was arrested at a road-block between Heidelberg and Johannesburg.

Police said they acted on a tip-off.

Mr Lottering is expected to appear in the Rand Supreme Court with co-accused Mr Fanie Goosen on charges of murder, malicious destruction of property and robbery with aggravating circumstances.

They are suspected of bombing National Party offices on the Reef and two Roodepoort hotels, and causing an explosion at Richmond. They are also suspected of causing a bomb blast at former Sunday Times columnist Jani Allen's block of flats in Sandton and of bombing the homes of two right-wingers.

Three people died and 21 people were injured during the bombing spree.

Mr Lottering and Mr Goosen escaped in March this year from a police van. Mr Goosen was arrested last week. — Sapa

No plea allowed for Broederstroom trio (33)

Sowetan Correspondent

LEAVE to appeal against their sentence was refused in the Pretoria Supreme Court on Friday when the Broederstroom three brought an application before Mr Justice Curlewis.

The three, Damian de Lange, Iain Robertson and Susan Donnelly, were sentenced in November last year to 237 years after pleading guilty to terrorism charges.

Mr Justice Curlewis said in dismissing the application that "it smacked of cowardice that the three did not give evidence".

He said that they believed that they could overthrow the Government and

that their acts were motivated by a desire to service the ANC and its aims.

"Everytime this type of case comes up, the cry goes up that the ANC is not out to injure people. These are pious cries.

"The sentence appears shocking in the light of the fact that those who sent them are now treated by the present Government to tea and sympathy."

He said that the moral guilt of the three has not diminished - "they did what they did because they believed in what they did."

Security cop slates rape threat claim

CMT 11/19/90 331

Supreme Court Reporter

A SECURITY policeman said yesterday that allegations by terrorism accused Ms Jenny Schreiner that another policeman had threatened to rape her were "absurd".

Major Andre du Toit was giving evidence in a Supreme Court trial-within-a-trial to determine the admissibility of a statement Ms Schreiner made to a magistrate in January 1988.

He was being asked about allegations Ms Schreiner made to the inspector of detainees, a Mr Garvis, in which she alleged she had been threatened and manhandled by a Lieutenant Frans Mostert between December 3 and 4, 1988.

Lieutenant Mostert allegedly told Ms Schreiner he would take her to the rural areas where he "would take you by force".

Asked if notes by Mr Garvis that Lieutenant Mostert allegedly slapped

her, struck her on the nose and poked his little finger in her eye and threatened to rape her was absurd, Major Du Toit said it was "far-fetched".

Asked about an allegation that Lieutenant Mostert allegedly held a burning cigarette close to Ms Schreiner's eye, causing her to flinch, or that he had threatened to get a psychiatrist to hypnotise her, Major Du Toit said it was "rubbish".

Questioned whether those complaints had reached him as second-in-charge of the Terrorist Detection Unit and the security police investigation teams, Major Du Toit said he could not remember.

He had, however, not denied that Ms Schreiner's complaints were not investigated and said another police department would have done so. His superior had ordered a docket to be opened, he said.

The trial continues today.

Policeman denies Schreiner assault

CAP-T.M.P.S 13/9/90
Supreme Court Reporter 331

A SECURITY police officer told the Supreme Court on Tuesday that in order to take control in an interrogation with terrorism accused Ms Jenny Schreiner, he had made her stand with her hands handcuffed behind her back.

Captain Frans Mostert, of security police headquarters in Pretoria, was testifying in a trial-within-a-trial — in the trial of Mr Tony Yengeni and five others — to determine the admissibility of a statement Ms Schreiner made to a magistrate.

He told the court that when he interrogated Ms Schreiner on December 3, 1987, she had been uncooperative.

He said he had spoken harshly and strongly to Ms Schreiner, but had alternated that with "more acceptable" behaviour.

When the interrogation ended that day, he told Ms Schreiner it would not help if they remained at loggerheads. She had then given him an undertaking that she would co-operate the next day and had no complaints, Captain Mostert said.

The next morning he was told that Ms Schreiner had complained to a senior officer that she had been intimidated by him. Later she refused to co-operate during interrogation.

He denied that he assaulted Ms Schreiner during interrogation.

The trial continues.

Policeman

Capt. J. J. 14/9/90

'strict' on

Schreiner

Supreme Court Reporter

CAPTAIN Frans Mostert, a security policeman, yesterday said in the Supreme Court that during interrogation he had tried to gain a psychological advantage over terrorism accused Ms Jenny Schreiner in a "master and servant" scenario.

He was giving evidence in a trial within a trial to determine the admissibility of a statement Ms Schreiner made to a magistrate in January 1988.

He said that during a colleague's interrogation of Ms Schreiner he had the impression she thought she was in control of the situation.

When he later took over the interrogation he had been strict and made her stand against a wall while her hands were handcuffed behind her back because he wanted to "discipline" her into co-operating.

The trial continues today.

'Women coerced in improper way'

CAPT. TRIAL 18/9/90
331
Supreme Court Reporter

CAPTAIN Frans Mostert employed unlawful and improper methods and techniques of intimidation and coercion against a number of female detainees which displayed "striking features of similarity" to those alleged by terrorism accused Ms Jenny Schreiner, the Supreme Court heard yesterday.

This was said by Mr Dawid de Villiers QC, in an application by the defence for the introduction of "similar fact" evidence in support of allegations that Ms Schreiner was threatened and manhandled by Captain Mostert during interrogation on December 3 and 4, 1987.

The defence sought to rely on evidence concerning Captain Mostert's interrogation of Ms June Esau, Ms Shahida Issel, Ms Zubeida Jaffer and Ms Aadie-lah Maker, who were all detained between October 25, 1985 and September 1987.

The "striking features" of similarity displayed by Captain Mostert's methods were: Making sexual advances and/or threats of a sexual nature; saying he had previously acted improperly and/or had broken women or their resistance.

Violence towards the women included hair pulling and/or twisting, hitting them from behind on their necks or shoulders and/or partly suffocating them with his hands or a scarf, and/or prodding or bashing their faces with his hands and fingers and/or standing with his full weight on their feet, holding a burning cigarette or match close to their eyes and/or faces and/or hair.

The trial continues today.

Judge

condemns

Soweto

killer

9 times

Own Correspondent

JOHANNESBURG. — A Rand Supreme Court judge yesterday sentenced a man, who participated in "wholesale slaughter" with an accomplice he met at the home of Mrs Winnie Mandela, to death nine times.

When Mr Justice D O Vermooten asked Charles Bongani Zwane, 22, whether there was any reason why he should not pass the death penalty, the accused replied: "I didn't kill anyone."

Zwane was also sentenced to an effective 22-year prison term on eight counts of attempted murder, one count of illegal possession of firearms and one count of arson.

Zwane was found guilty on September 7 of having shot five people in a shebeen in Soweto in December 1988, of killing two municipal policemen about a month later and of killing a 13-year-old girl in an attack on a home.

The judge rejected pro Deo defence counsel Mr S Jacobs's argument that to some extent, Zwane was the victim of a disintegrating society.

The accused had come from a strict and solid family background.

Earlier during the case, the court heard evidence that Zwane was accompanied by a certain Sonwabu, whom he met at the home of Mrs Mandela.

Judge to rule on Schreiner evidence

Supreme Court Reporter MR Justice S Selikowitz will this afternoon rule whether the defence in the trial of Mr Tony Yengeni and five others could rely on "similar fact" evidence to support allegations that a security police officer, Captain Frans Mostert, had threatened and manhandled Ms Jenny Schreiner during interrogation.

This followed an application by Mr Dawid de Villiers QC, for the defence, claiming similar fact evidence concerning Captain Mostert's interrogation of Ms June Esau, Ms Shahida Issel, Ms Zubeida Jaffer and Ms Aadielah Maker. Mr De Villiers said



Capt Frans Mostert

Captain Mostert had employed methods against the women which displayed "striking features of similarity".

Winnie to go on trial

331

- C.M. T. 19/8/90

JOHANNESBURG. — Mrs Winnie Mandela is to face four charges of kidnap and assault with intent to commit grievous bodily harm, along with seven others.

Last night the ANC said it did not seek any special treatment for Mrs Mandela — but it protested against her "trial by media".

The charges, announced by Witwatersrand attorney-general Mr Klaus von Lieres yesterday, follow the abduction of four boys, including activist Stompie Seipei, from a Soweto church hostel in December 1988.

The boys were allegedly beaten at Mrs Mandela's Soweto home. The body of Stompie, who had been stabbed, was later found.

During the alleged assault, the boys were accused of having sex with a church minister. Stompie was accused of being a police spy.

'My duty'

The decision to prosecute Mrs Mandela, wife of ANC deputy president Mr Nelson Mandela, comes at a sensitive stage in negotiations between the government and the ANC.

The prosecution also made world headlines yesterday. In Britain the decision was the main item in television news broadcasts and also the main report in evening newspapers.

Mr Von Lieres said he had reserved his decision to prosecute Mrs Mandela until the case of Jerry Richardson for the murder of Stompie Seipei had been disposed of.

"That position has now been reached," Mr Von Lieres said.

His decision was based on "my understanding of the facts, the law of the land and my duty as attorney-general to uphold and apply the law to all alike", he said.



TO BE CHARGED ... Mrs Winnie Mandela

Richardson, 41, "coach" of the Mandela football club, an unofficial security body for Mrs Mandela, was sentenced to death last month for the murder of Stompie.

He was also sentenced to five years for the four kidnappings, three years on four counts of assault with intent to do grievous bodily harm, two years for a further assault on Stompie on December 31 of that year, and eight years for the attempted murder of Lerotodi Ikaneng in January last year.

The attorney-general said Mrs Mandela will stand trial in the Rand Supreme Court with seven other accused who have already been charged, and who are due to appear again in the Regional Court in Soweto on September 24.

The others facing charges are: Mr J. B. Morgan, 61, Mr Jabulani Khubeki, 23, Mr Sibusiso Mabuza, 18, Mr Xolisa Falati, 35, and three boys.

Mr Von Lieres said it had been claimed that Mrs Mandela had been unjustly victimised by being refused an opportunity to testify.

During a June visit to the US, Mrs Mandela told viewers during a popular breakfast-time television show that she "would welcome being charged with

the murder of Stompie Seipei so that I can defend myself".

Police investigations had not intended to establish the facts, but to "destroy the image of the Mandela family", she said.

Last night the ANC said it did not seek any special treatment for Mrs Mandela — but it protested against her "trial by media".

However, because the matter was now in the hands of the courts, "it would be improper for the ANC to make any comment on the pending judicial process".

ANC secretary-general Mr Alfred Nzo said the ANC's national executive committee "wishes to affirm its unequivocal support for our deputy president (Mr Mandela) and his family in this time of stress".

"Certain sections of the media have lost no opportunity to create the impression that she is guilty," he said.

Stompie's mother

Speaking from her home in Mandela Village yesterday, Stompie's mother said that Mrs Mandela should have come to speak to her "mother to mother".

She told the BBC that if a crime had been committed, the courts would do their job. She did not plan to attend the trial, she said.

Democratic Party justice spokesman Mr David Dalling said the attorney-general could make a decision to prosecute Mrs Mandela only on the basis of evidence placed before him.

"If, in his judicially trained opinion, a prima facie case exists, then it is his duty to initiate a prosecution regardless of how important the accused person might be.

"An attorney-general cannot take cognisance of political considerations in reaching his decision," Mr Dalling said. — Own Correspondent, Staff Reporter and Sapa

Right-wing demand to see 'Skiet'

CMF 7/12/80 19/7/80

331

JOHANNESBURG. — Three extreme right-wing leaders have demanded access to detained right-wing activist Mr Piet "Skiet" Rudolph and other Section 29 detainees, a joint statement from the Herstigte Nasionale Party, the Afrikaner Weerstandsbeweging and the Boerestaat Party said yesterday.

The three groups have also called for the immediate suspension of those policemen under investigation for the alleged torture of detained right-wingers.

The request was sent urgently to the State President and the Minister of Justice — particularly in the light of Mr Rudolph's arrest and detention "and the possibility that he will also be tortured by the same men".

The three right-wing organisations referred to a promise made by the State President, Mr F W de Klerk, to right-wing representatives that right-wing leaders might visit such Section 29 detainees. Mr Jaap Marais (HNP), Mr Eugene Terre'Blanche (AWB) and Mr Robert van Tonder (BSP) had therefore asked that they be given access to Mr Rudolph and other right-wing detainees, said the statement.

In Pretoria yesterday police spokesman Brigadier Vic Haynes confirmed that no reward would be paid for the arrest of Mr Rudolph. This was because a policeman had apprehended him. "That's his job; he's not going to get a reward for doing his job," said Brigadier Haynes.

Police had offered R50 000 to anyone who came forward with information leading to the arrest of Mr Rudolph.

Yesterday Mr Rudolph made a confession to a magistrate, said Major-General Herman Stadler, head of the SAP public relations division. — Sapa

Yengeni: Judge ³³¹ refuses application

Supreme Court Reporter

AN APPLICATION by defence counsel in the Yengeni trial to introduce "similar fact" evidence by four women to support allegations that a security policeman, Captain Frans Mostert, had threatened and manhandled terrorism accused Ms Jenny Schreiner, was yesterday refused in the Supreme Court.

Mr Justice S Selikowitz said the evidence by Ms June Esau, Ms Shahieda Issel and Ms Zubeida Jaffer was not sufficiently cogent to justify its submission.

The court, however, allowed the defence to submit similar fact evidence relating to Ms Aadielah Maker, who was detained and then interrogated by Captain Mostert in September 1987.

In support of the application, Mr Dawid de Villiers QC, for the defence, told the court Captain Mostert had employed unlawful and improper methods and techniques of intimidation and coercion against a number of female detainees, which displayed "striking features of similarity" to those alleged by Ms Schreiner.

Ms Schreiner was threatened and manhandled by Captain Mostert during interrogation on December 3 and 4, 1987, he said.

Mr Justice Selikowitz said in respect of the three women, they had only been subjected to some of the seven interrogation methods alleged by Ms Schreiner, while Ms Maker had been subjected to all.

The trial continues on Monday.

British press applauds Mandela prosecution

Own Correspondent

LONDON. — There was saturation coverage of the decision to prosecute Mrs Winnie Mandela in the British press yesterday, with the trial being seen as potentially as sensational as the trial of her husband, ANC deputy president Mr Nelson Mandela, in 1963. The general consensus, even among newspapers normally supportive of the ANC, was that the decision to prosecute Mrs Mandela was a good one.

The Daily Telegraph, which led with the story, said the move would "undoubtedly lead to one of the most sensational trials in South Africa's history, perhaps even rivalling the Rivonia trial in 1963, at which her husband, Mr Nelson Mandela ... was sentenced to life imprisonment".

But, it said, while the trial may equal the drama of her husband's, there the similarity could end. "Mrs Mandela will enter court as an already-shunned heroine, the former 'Mother of the Nation' whose

conceit, stubbornness and unpredictability have lost her an army of admirers."

The left-wing Guardian said in its front-page story the ANC would "greet the state's decision ... with some relief, based on the hope that it will end the long-running controversy, whatever the outcome".

Severely critical of Mrs Mandela was the Independent, who observed that the MDM "found (her) guilty of the Stompie affair long before yesterday".

The article recalled a statement made by UDP acting general secretary Mr Murphy Morobe in February last year, in which he ascribed the conflict generated in Soweto to "the reign of terror" conducted by the Mandela United football team.

The statement had added that the MDM was "outraged at Mrs Mandela's complicity in the recent abductions and assault of Stompie Moeletsisi Seipei". Mrs Mandela's prosecution was "a hard lesson that

no democratic movement can place itself above the simple rules of law", the Evening Standard said.

After describing the case which led to the conviction for murder of Jerry Richardson and the evidence that Mrs Mandela had taken part in the beatings, it added: "Only the blindest supporter of Mrs Mandela could believe that the charges against her are politically motivated."

The Sun didn't mince words: "To her neighbours and opponents in Soweto there is a darker, sinister side to Winnie Mandela, that is every bit as savage as the regime she seeks to topple."

According to Sapa, the Daily Express carried an inside article entitled "Mandela myth facing its greatest trial", which concluded: "Destiny in Africa never comes cheap. Most bets must now be off while South African justice pits itself against the romance of the continent's greatest love story."

CZI Meeting

CAP 7/1/90 21/9/90 (331)



SUPPORT... Mr Nelson Mandela with his wife Winnie and Mrs Albertina Sisulu at the Soweto funeral yesterday.

Mandela: I'll back Winnie

LONDON. — Mr Nelson Mandela yesterday pledged his wife Winnie "support and security" as she faces charges of abduction and assault.

Asked whether he thought there were any political motives in the charges, he said: "This is a matter which is now in the hands of the courts and

it would be improper for me to comment".

"My wife has been true and loyal to me during the long time I was in prison. While I was in prison, I was not able to give her the support and security which she is entitled to".

"Now that I'm free, I am in a position to offer her that support and security".

SC quits 'Order of Death' trial

CMT F&S 26/9/90 331

JOHANNESBURG. — Counsel appearing for two alleged members of the right-wing "Order of Death" organisation who allegedly murdered a taxi driver, bombed journalist Jani Allan's flat and robbed a bottle store, has withdrawn from the Rand Supreme Court case.

On Monday, Mr Fanie Goosen, 29, and Mr Cornelius Lottering, 24, admitted shooting the taxi driver and other facts alleged in the indictment but denied having the intent to commit crimes because what they did were "acts of war".

The state then led evidence relating to the charges of murder, robbery with aggravating circumstances and malicious damage to property arising from events on August 29 last year.

Mr C J de Jager, SC, asked for an adjournment to consider his position.

Yesterday he asked Mr Justice Irving Steyn, who is presiding over the trial with two assessors, to allow him to withdraw.

If he continued, Mr De Jager said, it would be a clash of interests. The two accused told the court they each wanted their own defence counsel. Mr De Jager had appeared for them both, assisted by Mr Fanie Jacobs.

The trial was adjourned and is expected to resume tomorrow. — Sapa

Rockman given suspended fine

Arb 27/9/80
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By JOHN VILJOEN
Staff Reporter

FORMER police lieutenant Gregory Rockman has been given a suspended sentence for organising and attending an illegal gathering in Mitchell's Plain last year.

Rockman, 30, of Valley Way, Strand, was yesterday fined R150 or 25 days' imprisonment, suspended for three years on condition he does not contravene the Internal Security Act again.

Rockman was one of 16 people charged with attending the gathering in Harmony Square, Mitchell's Plain on November 13 last year.

Charges against his co-accused were withdrawn in the Wynberg Magistrate's Court on Monday after they paid R50 admission-of-guilt fines and Rockman stood trial alone.

Magistrate Mr S C Murphy said Rockman had a promising career in the police force before his arrest and suspension on the day of the gathering.

He was the "youngest coloured police lieutenant" and had many awards, Mr. Murphy said.

The motive for his conduct had been "sound" and Rockman had not stood to make any personal gain. He was a person of strong convictions, the court had heard.

His transfer from Mitchell's Plain police station to the police stores in Pinelands had been at short notice and "quite possibly unfair".

Felt victimised

Rockman had been "possibly quite rightly upset" and had felt victimised.

Before being sentenced, Rockman — wearing a Popcru (Police and Prisons Civil Rights Union) T-shirt — told the court he had never been a "Ja baas" ("Yes boss").

"In a new South Africa, I will take up my rightful place and those who are laughing now will not be laughing then because I will be leading them."

The public had no trust in the police, who served the interests of the State — "that is why the country is burning — the police are involved in the Third Force", Rockman said.

He had "lost everything" since establishing Popcru.

His decision to "go public" had been an agonising one.

"I was standing at the crossroads. The Lord came to me on the fifth (of September 1989) and spoke to me. If I want to be a true Christian, I have to speak out against injustice."

During a 35-minute closing argument, Mr M Parker, for Rockman, described the rebel policeman as "the saviour of the people".

In his judgment, Mr Murphy rejected submissions that police had trapped Rockman into being arrested.

He found Rockman had been the "main figure" at the gathering, which he had used to express personal grievances about his transfer. He had realised he had been acting without police approval, he said.

Rockman praised, then fined

331

Court Reporter

A WYNBERG magistrate yesterday praised former police lieutenant Gregory Rockman before sentencing him to a suspended fine for convening and addressing an illegal gathering in Mitchells Plain last year.

Rockman, 30, president of the Police and Prisons Civil Rights Union (Popcru), was fined R150 (or 25 days), suspended for three years.

In sentencing, the magistrate, Mr S S Murphy, described Mr Rockman as "a man of great conviction".

He said he must have considered the situation very carefully — knowing that he "was putting his job on the line and dealing with a hornet's nest" — before acting at Harmony Square in Mitchells Plain on November 13 last year.

He had also taken into consideration Rockman's personal circumstances since the start of proceedings, the nature of the offence and the interests of society.

Speaking in mitigation of sentence yesterday, Rockman said he had launched Popcru "in the interest of justice" in the police force.

Mr M Parker, who appeared for Rockman, told the magistrate he was not "dealing with a common criminal but with a person whose conduct would have been accepted as natural in most other civilised countries.

"The very Act under which you have found him guilty — and which was promulgated to protect the interests of certain people only — is apparently under discussion, and it is my belief that it will be scrapped," said Mr Parker.

The prosecutor was Mr S Lea.

A case where police action was definitely not OK

21 March 28/9 - 410190

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IF President F W de Klerk is serious about appointing independent persons to investigate allegations of "excesses" by government officials, there is a matter, heard this week in the Durban Supreme Court, crying out for attention.

It involves a member of Umkhonto weSizwe now "missing" — feared dead by his friends — who was last seen in the presence of police who picked him up at the OK Bazaars in the centre of Durban.

The missing man, John Fonono Mchunu, and a friend were taken to a deserted rugby stadium. According to the police, he was questioned there for more than seven hours before being released.

However, there is growing concern among Mchunu's friends that he may now be dead.

After repeated — fruitless — attempts to obtain police confirmation of his detention, the matter ended up in the Durban Supreme Court this week, and the sorry details emerged.

The judge who presided over the matter ordered an inquiry into why the security police had not interrogated their suspects in a police station, but instead took them for questioning to a rugby stadium where there would be no need to book them in, no official record of their actions, no note in any occurrence book.

Expressing his extreme disquiet at revelations that two suspects had been interrogated in this way, Mr Justice Willson ordered his remarks criticising the practice of such questioning be sent to the minister of law and order, the commissioner of police and the attorney-general.

He also recommended that an independent person conduct a thorough investigation into the case.

The missing man, Mchunu, had recently returned to South Africa.

On September 5 he and a friend were picked up in the city centre by several armed police including "askaris", among them Mchunu's former commander in Angola.

Mchunu's friend, David Shezi, said they were taken first to King's Park Rugby Stadium and then to a house on the North Coast. He claimed he was chained to a chair while Mchunu was questioned in a separate room.

He was later taken home and warned not to reveal what had happened to Mchunu, at that stage still being held in the house, or he would be re-arrested.

Since then Mchunu's relatives have tried unsuccessfully to establish from the police whether and why he was being held. Each time they were given unsatisfactory answers.

Finally the family went to court and were granted what amounted to an habeus corpus order that the police had to produce him in court on Tuesday or give an explanation why they were unable to do so.

Instead of producing Mchunu, the police handed in affidavits saying they had released him around midnight on the night of September 5 after questioning him from 3.30pm in the stadium.

They denied taking him to a house on the North Coast, and said he was in good health when he was dropped off near his home in Lamontville.

However, the judge commented that he found it "alarming" that the police should consider it proper to take persons they wish to question to a stadium and question them there until 11pm ... "to take them somewhere with no record of their having been booked in and nothing written in the occurrence book or any other official record of it."

"Particularly in these troubled times when accusations are levelled against the police I consider it alarming and surprising that they should act in this way."

"There have been far too many allegations recently of unofficial actions being taken and if this is the case ... it is a matter that should be investigated thoroughly."

The judge also commented that the police had been "anything but co-operative" with Mchunu's family and lawyers who tried to establish what had happened to him.

"It appears that the police have been totally unhelpful in this regard."

He said "in these troubled times" when relatives of someone who is missing made inquiries, they should be dealt with immediately.

"This taking someone into custody, removing him from the OK Bazaars ... taking him to a football ground, questioning him for hours and then, when asked about it, endeavouring to avoid giving an explanation, is again, in my view, behaviour that should be questioned and investigated and if this is normal practice, it is a practice that should cease."

It is not the first time that judges have criticised police behaviour and asked for investigations.

The appointment of an "independent investigator" empowered to carry out a proper inquiry into this matter, among others, and make the findings public, is long overdue. It is badly needed to test the truth behind claims which daily weaken public confidence in members of the security forces.

CARMEL RICKARD

CH 6 7-15 3/10/90
NUM men off the hook *33/*

JOHANNESBURG. — Charges of attending an illegal gathering were withdrawn against the general secretary of the National Union of Mineworkers, Mr Cyril Ramaphosa, and the organisation's president, Mr James Motlatsi, on Monday.

Charges against rector dropped

CMB 7-26 4/10/90
331
Court Reporter

CHARGES against 26 "illegal demonstrators" including the rector of the Peninsula Technikon, Professor Franklin Sonn, were yesterday withdrawn in an Athlone Magistrate's Court after a decision by the attorney-general.

The marchers were arrested on June 23 when they marched to the Athlone police station to deliver a memorandum to the president.

The accused were: Mr Ian Pieterse, 22, Mr Wesley Foster, 29, Mr Nazam Pather, 22, Mr Iman Solomon, 50, Mr Gary Kruger, 29, Mr Grenville Josephs, 22, Mr Jonathan Jacobs, 24, Mr Oesman Alexander, 24, Mr David Apollis, 25, Professor Franklin Sonn, 45, Ms Miriam Abrahams, 44, Ms Merle Thomas, 21, Ms Jennifer Abrahams, 22, and Ms Bernadine Kinshella, 19, of Athlone; Mr George Hector, 42, of Crawford, Mr Robin Hencke, 20, of Lansdowne, Mr Huxley Joshua, 45, and Ms Pearl Longway, 33, of Hazendal; Ms Henrietta September, 63, of Plumstead; Ms Aadelah Moker, 22, of Mitchells Plain; Mr Julian Sonn, 47, a US citizen, of Washington DC and four minors.

The magistrate was Mr F Mouton. Miss C Hendricks was the prosecutor and Mr V C Saldanha and Mr A Abercrombie appeared for the accused.

**Editor, publisher
guilty**

The Argus
Correspondent

JOHANNESBURG. —
The editor and publishers of the Afrikaans weekly newspaper Vrye Weekblad have been found guilty of contravening the Protection of Information Act.

The newspaper received and published a document containing information sensitive to State security, a Johannesburg Regional Court magistrate found yesterday.

Max du Preez and Wending Publications were found guilty on two charges following the publication of an article in February, titled "Storm oor Matie Prof en Intelligensiediens" (Storm over Matie professor and Intelligence Service).

Magistrate Mr T La Grange said the document had been prepared by a university department for the National Intelligence Service, discussing methods of obtaining information for State security.

It was obvious that publishing information of this nature would be detrimental to the security of the State, Mr La Grange found.

By glancing through the document any reasonable person would realise that the information was sensitive. The accused must have foreseen that publishing the information would contravene the Act.

The trial was postponed to October 26 for sentence.

The small man who caused all the trouble

By CARMEL RICKARD: Durban
JOHN FONONO MCHUNU, alias James Talagu, may be a small man but the row brewing over his head is potentially enormous.

It has involved the Department of Foreign Affairs, the United States consulate in Durban, top police officers and three supreme court judges. One issue at stake is whether the police misled a judge — or whether Mchunu is at fault.

Six years ago he underwent military training in Angola. In August he returned to his home in Lamontville. On September 5 he and David Shezi were picked up at OK Bazaars in Durban by a group of askaris — among them Mchunu's former commander in Angola.

What happened next has been the cause of two urgent orders by the supreme court, one of them a rare *habeus corpus* order in which the police were ordered to produce Mchunu.

Shezi and Mchunu say they were taken to a house north of Durban where they were chained to the furniture and questioned. The police say they were interrogated at Kings Park Rugby Stadium — an admission which led a judge to demand an investigation into why questioning took place there.

The two say Shezi was released late on September 5 but continued to hold Mchunu. Police claim they were both taken to their home areas. But the most bizarre part of the story comes next, with Mchunu's version of what happened between September 5 and 23.

Mchunu names several askaris — his former commander David Velaphi; Nte Shange, whose MK name was Jabulani Mpilo; Sifiso Mchunu; Mabunu Anyile; "Neville" and "Nkululeko".

Mchunu says he was questioned at the stadium before going to a house north of the city. A white officer questioned him, saying his name was "Shoshoba" and that he was "responsible for the death of

ANC members and communists".

"He also told me that I must co-operate otherwise I will meet the same fate as Joseph Mdluli (a detainee who was killed in detention).

"After the (three) white officers left, the attitude of the askaris changed and they started talking to me nicely," Mchunu said. "They informed me they were receiving regular salaries, had been given motor cars, a house, medical benefits and financial rewards every time they found members of Umkonto weSizwe and retrieved weapons."

On September 20 he was allegedly told to sign a statement and to date it September 5. In this statement he was to explain why he wanted to join the SAP.

Then he was taken to Pietermaritzburg where he was told that as part of his duties as an askari he would have to identify ANC returnees. Mchunu is adamant that he did not identify anyone.

On September 23, Mchunu ran away and then went underground before seeking refuge at the US consulate, as he feared askaris would kill him.

Police said they "had no interest" in Mchunu. But his lawyers brought an urgent application to court asking that the police be barred from harming him.

Police Brigadier Ignatius Coetzee said on September 5 Mchunu was interviewed by the SAP. He volunteered information and assisted the police with investigations into security matters.

"At his request ... he was accommodated at a safe place where the risk of his association with the police would be minimised. Mchunu moved to Pietermaritzburg. On 24 September he failed to keep an appointment with the police."

Mchunu is again in hiding but the investigation ordered into the circumstances of his interrogation is continuing. So is his action against the police. He said he would be laying charges for unlawful arrest, detention and assault.

CAP
TWP
9/10/90

Xroads boss acquitted

331
Court Reporter

OLD CROSSROADS leader Mr Jeffrey Nongwe was acquitted in the Wynberg Regional Court yesterday on seven counts of arson and malicious damage to property amounting to about R26 000.

It was alleged that in March Mr Nongwe fired several shots from his combi and led a group of about 100 people that burnt down houses in Section Four.

Evidence was that Mr Nongwe's combi was parked in the car shelter all night, and the court found that the state had not been able to prove his involvement in the petrol-bombings.

'ASKARI HELL'

DURBAN. — Umkhonto weSizwe cadre Mr Fonono Mchunu for the first time has spoken of his 18-day ordeal at the hands of Askaris after he was abducted from a crowded supermarket in Durban.

In an affidavit before the Durban Supreme court, Mchunu gave an account of torture methods used by his captors from the time of his abduction on September 5 until his dramatic escape on September 23.

He identified his abductors — interdicted by the court from harassing him — as former MK commanders in Angola, Mr David Velaphi and Mr Nte Shange. South 11/10-17/10/90

Askaris are turned ANC and PAC members now working for the police.

He also speculated on the existence of an Askari base in a house on Natal's North Coast.

Mchunu told the court of how he was recruited into making easy money as well as sharpening his shooting skills by "shooting Xhosas in the Transvaal".

He said he was forced to lie down on his stomach in a car during transit. He was always in leg chains and handcuffs while in the Askari house.

At some stage he was threatened with death by the Askari commander, "a bespectacled, grey-haired white man nicknamed Shoshoba".

"I was lowered into a hole of about a metre deep. They removed my blindfold and a white police officer who had earlier interrogated me asked the Askaris to cock their guns."

Between bouts of fisting and kicking by the Askaris, Mchunu said he was approached to join their ranks.

"They informed me that they were given motor cars, houses, medical benefits and financial rewards every time they captured MK members and retrieved arms," said Mchunu, (331)

Later, on September 20, he was taken to a park in Pietermaritzburg where other Askaris were "having a braai" and was placed under the command of a man known as Nkululeko.

The following day he was forced at gunpoint to walk the streets of Pietermaritzburg to identify MK cadres.

Mchunu appeared to have gained the Askari's confidence and on September 23 he was left on his own, enabling him to escape. He went into hiding.

Fearing for his life, he went to the United States consulate to seek refuge.

Judgment raises hopes for fewer hangings

THE result of the first death sentence appeal since amendments to the law last session of parliament, has raised lawyers' hopes that there could now be far fewer hangings than in the past.

Human rights lawyers said the Appellate Division had taken a "fresh approach" in hearing the appeal of Obed Masina, Frans Ting-Ting Masango and Neo Griffith Polesane.

The AD was faced with a situation in which the judge in the lower court found there were extenuating circumstances while the two assessors disagreed. Outvoted, the judge had no choice but to pass the death sentence.

In judgment, the AD judges exercised their new right to decide for themselves the appropriate sentence. They supported Mr Justice de Klerk, the judge who heard the case in the Transvaal Provincial Division; ruled there were mitigating factors and imposed an effective sentence of 25 years on each.

Masina, Masango and Polesane with a fourth accused were charged in Delmas on a total of 49 counts, including four of murder. (Two of those killed were policemen, one an opposition member in KaNgwane and one a woman killed accidentally.)

They refused to participate in the trial saying they were members of Umkhonto

weSizwe and that as soldiers they should not stand trial in a civilian court.

However, at the end of the case Masina made a statement to the court on behalf of all the accused.

He said that, like the African National Congress, the three of them had taken up arms as a last resort, adding: "It was only when all other forms of resistance were no longer open to us that we turned to the armed struggle."

Masina said he was a "survivor of the Soweto revolt of 1976", when he saw hundreds of children and young people, including his own relatives and friends, "drop dead" from police gunfire.

"Those events shocked us all into the realisation that the life of the black person has no value under apartheid."

He said their actions were not motivated by the hope of private gain nor prompted by revenge.

"We took those actions as soldiers in the army of the ANC acting generally under instructions and orders from our leaders."

Witnesses called by the families of the accused gave evidence about the deep frustration of students and the mistrust by the black community of the police.

In a judgment hailed by many human rights lawyers as "virtually revolutionary" and described by the AD as "a very

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careful and well considered judgment", De Klerk said the accused believed they were soldiers under the command of the ANC, fighting a war of liberation. He said they were indoctrinated to believe their actions were justified and necessary.

He found their indoctrination was "intensive and of a political as well as military nature".

He said the "cumulative effect of the 1976 unrest, with the poverty and frustrations experienced by black people at that time and the general hostility which existed between the police force and the black community was so traumatic that it could radicalise even moderates."

The AD agreed with the findings of the trial judge, and said the assessors erred in finding no extenuating circumstances.

By the time of the appeal however, the law had been amended and the AD was required to look for mitigating or aggravating factors, rather than extenuation.

The appeal judges ruled the factors listed by the trial judge constituted mitigating factors, and that although there were also aggravating factors, they did not consider hanging the "proper sentence in this case."

Instead the accused were sentenced to 25 years on each count of murder, to run concurrently with the 25-year sentences

they have each already begun on other charges.

This was the first case heard under the new legislation, and the AD needed to rule on whether the amended provisions applied to the Masina's case as the original trial was heard before the changes were made.

The appeal court held that because the amendment operated retrospectively, the AD was entitled to apply the new tests of mitigation rather than extenuation. It was also entitled to substitute its own view for that of the trial court and decide whether it believed the death sentence was the "proper sentence" to be imposed.

A senior member of the profession said the ruling by the AD and the setting aside of the death sentences indicated "a fresh and encouraging attitude".

He said the new legislation itself indicated the legislature had also moved in a new direction, while the judgment from the trial court was described as "being itself revolutionary in accepting the particular political background of the accused as extenuation".

The accused were represented by Denis Kuny SC, assisted by Elina Reeves and instructed by Peter Harris of Cheadle, Thompson and Haysom. Louis van der Walt appeared for the state.

CARMEL RICKARD

Fawu in fight for lost jobs

THE Food and Allied Workers' Union (Fawu), representing about 300 sacked Cape Slaughtering workers, will approach the Industrial Court on Monday in a second bid for their reinstatement.

Meanwhile, a company spokesman ruled out any further attempts to negotiate over the fired workers' jobs after a trade union delegation tried to reopen talks yesterday.

This followed an announcement earlier this week by Fawu of ANC, trade union and business support to reinstate the workers. — Sapa

Journalist subpoenaed

JOHANNESBURG. — *CML*
Business Day journalist *Temp*
Linden Birns has been *13/10/8*
subpoenaed by the *331*
police to appear in court
in connection with his
eyewitness account of al-
leged police participa-
tion in recent township
violence. *Q*

Mr Birns was subpoe-
naed yesterday under
Article 205 of the Crimi-
nal Procedures Act 51 of
1977. *Q*

He is to appear in
court in Alberton on Oc-
tober 22, following a re-
port describing an al-
leged police crime
allegedly committed on
August 13. — Sapa

New turn in terror trial of Yengeni

331
Sowetan
16/10/90

THE trial of Mr Tony Yengeni and five others charged with terrorism was yesterday postponed for a day for counsel to discuss "developments affecting the proceedings".

The request for a postponement was made by both counsel for the State and the defence.

Although details were not spelt out in court, there has been speculation that the State may drop ment is reached between the Government and the

ANC on the release of political prisoners.

Minister of Justice Mr Kobie Coetsee is expected to make an announcement about an agreement this week.

Mr DP de Villiers, QC, for the defence, said it would serve a purpose for the State and the defence to reach agreement on which facts were still in dispute.

Such a discussion could save the court "a great deal of time".

If yesterday's discussions showed that there were no grounds for

shortening the trial, proceedings would resume today, De Villiers said.

Counsel would request a longer postponement if discussions showed grounds for agreement.

"During the recess there have been various developments affecting these proceedings," he said.

Mr HG Klem, SC, for the State, said he was in favour of the postponement if it would clarify which facts were still in dispute.

Mr Justice S Selikowitz is on the Bench. - *Sowetan Correspondent.*

Talks may end terrorism trial

By RONNIE MORRIS 331
Supreme Court Reporter

DISCUSSIONS to shorten or possibly end the marathon trial of Mr Tony Yengeni and five others on charges of terrorism took place between the defence counsel and the state yesterday.

This emerged in the Supreme Court when both legal teams agreed to a one-day postponement.

Mr Dawid de Villiers QC, for the defence, said discussions be-

Cap 7-75 16/10/80
tween the defence and state teams — including the Attorney-General himself — and a series of discussions with his clients had taken place during the recent court recess.

As a result the defence and the state were trying to reach an agreement about what the salient facts for purposes of a conviction would be in regard to each one of the accused still before the court.

Mr Hendrik Klem SC, for the state, said he was confident that

"the parties could in fact agree on the factual basis in this trial".

● Mr Garth Strachen and Ms Dezi Angelis, both of the SA Communist Party, Mrs Dorothy Boesak, of the Federation of South African Women (Fedsaw), and Mr Graeme Bloch, of the United Democratic Front, visited the accused yesterday.

Mr Bloch said: "In terms of the Pretoria Minute their release is long overdue and the trial should be stopped."

HT CIGARETTE
EALLY SATISFIES

ans / WS

More than 100 still face charges

South 11/10-17/10/90 331

By MUSA NDWANDWE

ABOUT 110 people, including prominent anti-apartheid leaders, are facing charges ranging from illegal gathering to terrorism.

They will appear in Western Cape courts in the next few weeks.

More than 100 people have already appeared in court since the beginning of October on politically motivated charges, according to Repression Monitoring Group (RMG) figures.

Among those facing charges are South African Youth Congress (Sayco) Western Cape regional president, Mr Maxwell Moss, who is charged with trespassing.

This follows a strike at a Vredendal farm in February this year. Moss and Food and Allied Workers' Union organiser Mr Gert Koenana were arrested on their way home after the strike action. The police had allegedly been called by the farm owner.

They were charged with trespassing and released the following day.

Moss has also lost an appeal against his three-year sentence for public violence. He is to report before October 19 to begin serving his sentence.

South African Communist Party leader Ms Cheryl Carolus and 38 others will appear in the Cape Town magistrate's court on October 24 on charges of attending an illegal gathering.

ANC Western Cape publicity secretary Mr Trevor Manuel is charged with attending an illegal gathering, resisting arrest and assaulting a police officer. He will appear in the Cape Town court on the same day.

Recently-released Section 29 detainee Ms Shirley Gunn will appear in the Wynberg magistrate's court on October 24 on charges of illegally possessing a firearm.

Meanwhile, the West Coast Council of Churches reports that 35 students in the region will appear in court in the next fortnight on charges of public violence.

CME 7/4/85 17/10/90

Yengeni 331 terror trial to continue as talks fail

Supreme Court Reporter

THE state announced yesterday in the Supreme Court with "regret" that it and the defence counsel in the trial of Mr Tony Yengeni and five others on terrorism charges had not been able to agree on factual disputes, which would have shortened the trial.

Mr Hendrik Klem, SC, deputy attorney-general and leader of the state team, said this yesterday after Mr Justice S Selikowitz had granted both sides a day-long adjournment to hold talks.

The state would continue to prove its case, Mr Klem said.

The trial-within-a-trial to determine the admissibility of an alleged confession Ms Jenny Schreiner had made to a magistrate was then continued.

Lieutenant-Colonel Willem Smit, area commander of the security branch, told the court he had spoken to Ms Schreiner on December 4, 1987, regarding an alleged complaint she had about Lieutenant Frans Mostert.

She had asked him to stop Lt Mostert from interrogating her because he had intimidated her by placing his finger in her face and pulling her hair.

Col Smit said he had assured Ms Schreiner he would not allow her to

be assaulted and had arranged for a statement to be taken and a docket opened.

Under cross-examination by Mr Mike Donen, for the defence, Col Smit said he had not asked Lt Mostert if he had pulled Ms Schreiner's hair or put his fingers in her face, nor had he asked her if Lt Mostert had interrogated her in an improper manner.

In reply to questions he said he was unaware of a series of complaints against Lt Mostert by female detainees and neither did he know of other allegations against Lt Mostert.

He had believed Ms Schreiner was making false allegations and was more prepared to accept the word of one of his staff than the word of a detainee.

Asked what had happened to Ms Schreiner's complaints, Col Smit said the attorney-general had subsequently declined to prosecute.

In response to questions Col Smit said Ms Schreiner had been denied reading material because she had been interrogated and books would "probably" have disturbed her concentration.

Asked what security police expected of Ms Schreiner when she was not being interrogated, Col Smit said it was security police policy to leave detainees alone for a while to think about the reason for their detention.

The trial continues today.

Jenny Schreiner was 'given time to think'

CA-71413 18/10/90
A SECURITY police officer yesterday told the Supreme Court he did not know why terrorism accused Ms Jenny Schreiner had not been interrogated for long periods.

Lieutenant-Colonel Willem Smit was giving evidence in a trial-within-a-trial to determine the admissibility of a confession Ms Schreiner allegedly made to a magistrate.

Ms Schreiner is on trial with Mr Tony Yengeni and four others on charges of terrorism.

In reply to questions by Mr Mike Donen, for the defence, Col Smit said he could not remember that Ms Schreiner had complained to an inspector of detainees that she had not been interrogated for lengthy periods — up to 15 days.

Asked if it could have been to put pressure on Ms Schreiner to make a confession, Col Smit said it could be that Ms Schreiner's interrogator, Warrant Officer Schalk van der Merwe, had not made any progress and that she had been given an opportunity to think things over.

Col Smit denied that he had told Ms Schreiner that as a section 29 detainee she had no rights.

The trial continues today.

Reprieve for ANC man

By RONNIE MORRIS
Supreme Court Reporter

AN ANC member and field worker for the West Coast Council of Churches, Maxwell Moss, 29, who was today required to start serving an 18-month prison sentence for public violence, has been granted a short reprieve.

In papers, Moss said the offence would qualify as a political offence in terms of the Pretoria Minute and on that ground alone he would qualify for presidential pardon.

Mr Justice H L Berman late on Wednesday ordered that the application against the Attorney-General be post-

poned until Monday and that, pending the outcome of the application, Moss need not report to Bellville Magistrate's Court this morning.

Vredenburg Regional Court sentenced Moss on February 14 last year to three years' imprisonment, of which 18 months were suspended. He had been charged with participating in the stoning of a police vehicle.

Moss said he would definitely lose his job should he be compelled to serve a period of imprisonment and it would also cause hardship to his dependants.

Mr Denzil Potgieter, instructed by Mr Taswell Papier, of CE MacDonald and Papier, appeared for Moss.

BCMA members are due to stand trial in two countries

By CASSANDRA MOODLEY

MEMBERS of the Black Consciousness Movement of Azania will stand trial in two countries, Botswana and South Africa, next week for military related activity.

The trial of seven Azanian National Liberation Army members charged with terrorism is set to resume in the Klerksdorp Magistrate's Court on Monday.

Judgment in the case is expected soon and the outcome will be of interest in the current political climate.

Negotiations have ushered in a mood of reform, indicating an end to political trials and political imprisonment.

The trial of the seven has dragged on for more than a year. They are accused of receiving military training in Botswana between 1986 and 1988.

Some are also charged with forming an underground cell near Tsheseng in OwaQwa where they allegedly trained and recruited members for the BCMA and Azanla.

It is still uncertain whether one of the accused, Saxon Mokonyanya, will appear in court on Monday.

In May he was granted bail of R2 000, with the other six accused, but was immediately re-arrested on a charge of escaping from police custody. This was not related to the Klerksdorp trial.

Mokonyanya allegedly escaped from prison in 1986, where he was being held on charges of housebreaking. Two days after being re-arrested he escaped again, this time from the Klerksdorp police sta-

tion. He failed to appear in court with the other six in August and had not been recaptured by September 6, the date of the housebreaking case.

Prosecutor Louw Pienaar said if Mokonyanya did not appear on Monday a warrant for his arrest would be issued.

Mokonyanya's advocate, Imran Moosa, said he would argue his client's case even in his absence.

The other six are: Lawrence Kondile, Matkiela Mashigana, Motsamai Patrick Nthako, Nelson Joyi, Simon Ndlovu and Doris Kuku Tlaka.

On Thursday, in Botswana, the BCMA secretary of defence, Nkutzoeu "Skaap" Motsau will appear, with five others, in the Gaborone Magistrate's Court on charges of murder.

This follows the discovery on October 6 of a BCMA training camp behind a hill in Lobatse, 75km outside Gaborone.

Police deputy commissioner Norman Moleboge said two handguns and 19 rounds of ammunition were found at the training camp. The murder charges relate to the discovery of two bodies with multiple gunshot wounds in a grave near the camp. It has been speculated that the corpses were those of dissident BCMA members.

The five on trial with Motsau are: Harrison Phiri, Louis Koalane, Neville Alexandra, Nick Bell and Bethuel Motaung.

Sources close to the BCMA alleged this week that the Botswana police were harassing supporters of the movement.

Schreiner had cuts on wrist

Supreme Court Reporter

TERRORISM accused Ms Jenny Schreiner, who was admitted to Tygerberg Hospital with mild concussion, dizziness and nausea, was also found to have slight cuts on her wrists, the Supreme Court heard yesterday.

This was said by Dr Alwin Foden, a former registrar at the hospital, in a trial-within-a-trial to determine the admissibility of a confession allegedly made to a magistrate by Ms Schreiner.

Dr Foden said he had personally examined Ms Schreiner on January 7, 1988 and she told him she had fallen out of bed the night before.

She had a bruise to her right elbow and a bump on her head,

Capt. T. H. K. 20/10/90
Asked by Mr Jannie van Vuuren, for the state, if he had ever found it necessary for Ms Schreiner to see a psychiatrist, Dr Foden said that at no stage was it found necessary because Ms Schreiner showed no inappropriate emotional response and freely admitted having induced the cuts on her wrists herself.

Under cross-examination by Mr Mike Donen, for the defence, Dr Foden said the marks on Ms Schreiner's wrists were the only indication of a suicide attempt.

While treating her he did not know under what conditions she was detained and neither did he know for how long.

Ms Schreiner had also initially agreed to consult a minister of

religion but had refused when it became clear the priest would have to be appointed by security police.

Asked what his comment would be if Ms Schreiner said she had made a half-hearted effort to cut her wrists with a "not very sharp" mirror, Dr Foden said he would dispute that because he would have expected the cuts to be fresh.

Asked by Mr Donen what after-effects he would have expected Ms Schreiner to have if she had taken an overdose of 30 Voltaren tablets the previous evening, Dr Foden said the effect would have included dizziness, with or without nausea, and a ringing in the ears.

Father of five to be jailed

CAP-71-15 24/10/90 221
Supreme Court Reporter

MAXWELL MOSS, a father of five, must tomorrow morning start serving an 18-month jail term for a public-violence conviction because the Minister of Justice could not find any grounds to recommend a presidential pardon.

This was evidence in an application by Moss against the attorney-general to have the execution of his sentence stayed pending a petition to the state president.

Moss, a field worker for the West Coast Council of Churches and also West Coast president of the South African Youth Congress (SAYCO), said he would lose his job if he had to serve his prison term.

His dependants would suffer as a result, he said.

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Schreiner defence plea turned down

By JOHN VILJOEN
Supreme Court Reporter

THE State has closed its case in the trial within a trial to determine the admissibility of an alleged confession by Miss Jennifer Schreiner, one of six accused in the Yengeni terrorism trial.

In August Mr H Klem SC, for the State, said he intended to hand in as an exhibit a 44-page confession Miss Schreiner allegedly made to a Wynberg magistrate in January 1988.

When the defence disputed the admissibility of the document, the trial within a trial was held. Yesterday, when Mr Klem closed the State's case, Mr M Donen, for the defence, asked for a postponement until Monday to enable him to prepare.

"We were informed that the State would be closing its case only yesterday." The State had previously indicated it would continue with evidence in the trial within a trial into the new year, he said.

The State had presented "a plethora of evidence" about which counsel would have to consult Miss Schreiner. The de-

fence also needed to consult certain State witnesses, who were now no longer to be called, he said.

Miss Schreiner was charged with a very serious offence and the alleged confession would be an important part of the evidence against her.

For these reasons the defence needed the postponement.

Refusing the application, Mr Justice S Selikowitz said the inquiry had started many weeks previously and the defence had known "as long as anyone else" it would have to present a case.

Mr Justice Selikowitz was "not persuaded" that a postponement was necessary to allow Mr Donen time to consult the other witnesses as he had an extensive legal team.

Mr Donen said the defence had "seriously considered" how much time it needed and that it required until Monday.

Mr Justice Selikowitz said he had made his ruling and told Mr Donen: "Your implied criticism of the judgment is out of order. I view it in a very serious light."

The hearing continues today.

State closes its case in Schreiner 'mini-trial'

Supreme Court Reporter

THE state yesterday closed its case in the trial-within-a-trial to determine the admissibility of an alleged confession terrorism accused Ms Jenny Schreiner made to a magistrate.

This followed the completion of the defence team's cross-examination of a policewoman sergeant on the 230th day on which the court had convened.

Mr Mike Donen, for the defence, applied for a postponement until Monday to present the defence case. Defence had previously been told that the trial-within-a-trial would last until next year.

Mr Justice Selikowitz refused the application.

He said the inquiry had started weeks ago and the defence had known "as long as everybody" that it should prepare its case.

It was clear from what had been put to witnesses that the defence had extensive instructions from Ms Schreiner and the court was accordingly not prepared to grant a postponement, he said.

Mr Donen said the defence needed time to consider its position, deal with the plethora of evidence led by the state and consult with former state witnesses, including a clinical psychologist.

Ms Schreiner had been charged with a very serious offence, Mr Donen said.

Mr Hendrik Klem, SC, for the state, said that while he agreed that the defence needed time, he could not see why the rest of their case could not be presented.

The trial continues today.

MK man summons Coetsee to court

By REHANA ROSSOUW

THE Minister of Justice, Mr Kobie Coetsee, has been subpoenaed to give evidence in a Natal court case of an Umkhonto weSizwe member who has lost an application for indemnity.

Durban lawyer Ms MS Pillay wants Coetsee to give evidence in a bail application on Monday for her client, Mr Siphiwe Nyanda.

Nyanda was detained earlier this year and charged in connection with the ANC's "Operation Vula".

A similar challenge attempted in the Cape Town Supreme Court for South African Youth Congress president Mr Maxwell Moss failed this week.

Nyanda faces charges in terms of the Arms and Ammunition Act and appeared in the Durban Regional Court on August 22.

He was not asked to plead and the matter was remanded to the regional court for trial on October 29.

In her application for indemnity made to the Department of Justice on October 19, Pillay said her client was a member of the ANC and Umkhonto weSizwe.

"He was involved in Operation Vula which was directly under the command of the president of the ANC, Mr Oliver Tambo," Pillay said.

"The details of this operation are known to the Minister of Law and Order, the Commissioner of Police and to the Minister of Justice."

Injury bl

AKG 26/10/90

Yengeni trial: 331 Statement after 'friendly' coffee

By JOHN VILJOEN, Supreme Court Reporter

A SECURITY policeman gave terrorism accused Mr Wellington Nkwandla coffee and removed his handcuffs at security branch offices at Culemborg before asking him to make a statement to a magistrate, the Cape Town Supreme Court has heard.

Mr Nkwandla is a defence witness in a trial-within-a-trial to determine the admissibility of an alleged confession made by co-accused Miss Jennifer Schreiner in the Yengeni terrorism trial.

Mr Nkwandla said yesterday he had made a statement admitting some of the allegations against him about two weeks after his arrest on September 22 1987. He had given this statement to a Warrant Officer Kruger.

Lawyer 'angry'

The policeman had then asked him if he wished to make a statement to a magistrate.

"I told him my lawyer would be very angry if I made the statement."

Mr Nkwandla said he had later been taken to Culemborg where he had met Lieutenant Johannes Nel.

"He said I must relax. He told the other black security policemen to take off the handcuffs, and told them to bring the coffee," Mr Nkwandla said.

"He was friendly. He said he was very surprised to hear I was refusing to make a statement to a magistrate."

'Not difficult'

"He told me Bongani Jonas had already made a statement and that Bongani Jonas had already told them all about me."

"He showed me my name in what he said was the statement. He said to make a statement was not difficult and showed me the questions."

(Mr Jonas, called as State witness, was jailed for three years for refusing to testify in the trial.)

Mr Justice S Selikowitz is presiding with Mr WS Le Roux and Mrs J V Hazell as assessors. Mr H Klem, SC, and Mr Van Vuuren appear for the State. Mr De Villiers, Mr D Donen and Mr J De Lange appear for the defence, instructed by E Moosa and Associates, Mallinck Ress Richmana and Closenburg Inc, R Vassen and Company and Enver Daniels and Company.

Yengeni tells of 'torture' threat

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Cape Times
26/10/90

Supreme Court Reporter
TERRORISM accused
Mr Tony Yengeni told
the Supreme Court yes-
terday that a security
policeman had threat-
ened him with torture if
he did not make a con-
fession to a magistrate.

During his detention
at Paarl police station,
Lieutenant Johannes
Nel of the Cape Town se-
curity branch had told
him to write an "autobio-
graphical" statement.

He had completed a
statement in which he
had made certain admis-
sions. When Lt Nel came
to collect it, he had or-
dered him to rewrite it,
which he did.

Lt Nel had then spok-
en to him about making a
confession to magistrate.
Mr Yengeni said.

Asked by his defence
counsel, Mr Dawid de
Villiers QC, if Lt Nel had
said what the situation
would be like if he re-
fused, Mr Yengeni said:
"He said if I didn't make
a confession to a magis-
trate, the treatment I
was subjected to when I
was detained initially
was going to be repeat-
ed."

Mr Yengeni had re-
fused and said he would
make his statement in
court.

The trial continues to-
day.

Mac Maharaj in court appearance 331

DURBAN — ANC executive committee member Sathyndranath "Mac" Maharaj, Umkhonto we Sizwe commander Siphiwe Nyanda and six other ANC members alleged to have been involved in a plot to overthrow government, appeared in the Durban Magistrate's Court yesterday.

The eight, who are alleged to have been involved in Operation Vula, were appearing for a bail application.

Although authorisation had been given by the Attorney-General to prosecute nine people, it was "not possible to arrest" another accused, Billy Nair.

P J Blomkamp, for the State, said at the start of proceedings it was envisaged the eight would eventually be prosecuted in the Supreme Court on charges of terrorism and various alternatives under the Arms and Ammunition Act.

Z M Yacoob, appearing on behalf of Maharaj, Nyanda, Raymond Lala, Catherine Mvelase, Susanna Tshabalala, Dipak Patel, Pravin Jannadas Gordhan and Amnesh Munnessar Sankar, asked that the bail application be adjourned as he was not ready to proceed.

Initially Nyanda, who was appearing on three charges under the Arms and Ammunition Act, had been remanded until yesterday for trial.

Own Correspondent

However, additional charges had been added and seven other accused had been included in the case.

It has been alleged that from July 1988 to July 1990, in Natal, the Transvaal and other places, the men and women engaged in a plot to overthrow government.

They allegedly conspired with others to create a national underground network to recruit, train, arm and lead a "people's army" or "revolutionary army" to seize power from government by arms. The network was allegedly code-named Vula.

Yacoob said another reason to postpone the application was because a subpoena had been issued for Justice Minister Kobie Coetsee to testify at the application in respect of Nyanda only.

However, the "goal posts" had been shifted as the Minister was now needed to give evidence in respect of all eight.

Yacoob asked that the matter be adjourned because Coetsee was also not available to give evidence yesterday as he wanted to consult with the ANC over the issue of the subpoena.

He suggested the application begin on Friday and continue on November 8 and 9.

Blomkamp had no objection to the application being heard on these dates.



COURTS

Sympathy for prisoner just 'a woman'

1164^s
30/10/90

331

By JOHN VILJOEN
Supreme Court Reporter

A POLICEMAN felt sympathy for terrorism accused Miss Jennifer Schreiner because she was "only a woman", the Supreme Court, Cape Town, has been told.

Major Alexander Kriel said this yesterday during the trial of Mr Tony Yengeni and five others.

Major Kriel is a defence witness in a trial within a trial to determine the admissibility of a confession Miss Schreiner allegedly made to a magistrate.

Major Kriel was station commander at Parow police station when Miss Schreiner was detained there during December 1987 and January 1988.

He said he had been responsible for Miss Schreiner's accommodation, medical care and general welfare. He had seen Miss Schreiner daily whenever this was possible and spoke to her when he saw her.

"I was very sympathetic to her be-

cause she was my responsibility for the time she was there."

Miss Schreiner appeared "terrified" (verskrik) when she arrived.

Major Kriel said Miss Schreiner did not trust anyone at first but as time passed she realised he was sympathetic towards her. Miss Schreiner appeared to be introverted, did not talk much and was never very relaxed.

During the 1987 festive season she seemed "fairly depressed" and looked as if she was suffering, Major Kriel said. Certain concessions were made and she was allowed to keep her contact lens holder, her glasses and her toiletries, he said.

He gave her a shaving kit so she could have a mirror, the court heard.

Miss Schreiner complained at various times about the conditions of her detention.

Complaints about food and accommodation he attempted to resolve himself, while others were referred to Colonel Smit of the security police, Major Kriel said.

Miss Schreiner asked for more fruit and roughage in her diet and he arranged this, he said. Her requests for reading and study material he referred to Colonel Smit by telephone.

Asked why he had been so sympathetic, he said she was "only a woman" and "any man's heart softens towards a woman".

In January 1988 Miss Schreiner complained of being sick and was admitted to Tygerberg Hospital. On her discharge an entry was made in the detainees' file at the police station that "all objects" be removed from Miss Schreiner's cell.

Anything she required she had to request and such objects were to be returned as soon as she had finished with them.

Major Kriel said although he had not made the order, it was a standing procedure. He was worried Miss Schreiner might do something "irresponsible".

The hearing continues.

Vula: 8 appear in court

Own Correspondent

DURBAN. — Eight people appeared in the Regional Court here yesterday in connection with Operation Vula, an alleged ANC plot to overthrow the government.

Among those appearing at a bail application were Mr Mac Maharaj, an ANC executive committee member, and Mr Siphwe Nyanda, an Umkhonto we Sizwe commander.

The others were Mr Raymond Lala, 32, Miss Catherine Mvelase, 25, Miss Susanna Tshabalala, 30, Mr Dipak Patel, 26, Mr Pravin Jambadas Gordhan, 41, and Mr Amnesh Munnessar Sankar, 22.

A ninth person, Mr Billy Nair, was scheduled to appear, but according to the Natal attorney-general, it has "not been possible to arrest" Mr Nair.

The prosecutor, Mr P J Blomkamp, said the eight could eventually be prosecuted in the Supreme Court on charges of terrorism and various alternatives under the Arms and Ammunition Act.

It has been alleged that from July 1988 to July 1990 the nine people engaged in an alleged plot to overthrow the government.

They allegedly conspired with Mr Joe Slovo, Mr Ronnie Kasrils and a number of others to create a national underground network to recruit, train, arm and lead a "people's army"

or "revolutionary army" to seize power from the government by means of an armed insurrection.

The network was allegedly code-named Vula.

Setting up the project allegedly involved transferring large amounts of money from outside South Africa to finance the activities of the project, to assist in infiltrating people, to rent or buy safe houses, to set up a communications network, to arrange for arms, ammunition and explosives to be smuggled into the country and to recruit and train people.

There were shouts of "Amandla awethu" and "Viva comrades" when the eight entered the packed court. Fists were raised and hugs and kisses exchanged between relatives and friends.

Mr Z M Yacoob, who is appearing on behalf of the eight, asked that the bail application be adjourned. The hearing will start on Friday.

Mr Yacoob then told the magistrate that Mr Sankar and Mr Maharaj had been receiving medical treatment at St Aidan's Hospital and asked if they could be remanded to that hospital and not the prison hospital. The magistrate was to make a final decision on the matter yesterday.

• It was confirmed by Mr Maharaj and Mr Sankar's lawyer, Mr Yunus Mohamed, that Mr Maharaj had spinal problems and Mr Sankar severe depression.

Schreiner tells how she kept mind occupied

33
Mkt. Tents 31/10/90

Supreme Court Reporter

TO stave off boredom, terrorism accused Ms Jenny Schreiner had tied and untied a knot in a piece of cotton she found in her cell, played with a pen top and kept a dead ladybird she had picked up in the courtyard, the Supreme Court heard yesterday.

This was evidence by Ms Schreiner in a trial within a trial to test the admissibility of an alleged confession she had made to a magistrate.

Yesterday was her 34th birthday — the fourth birthday she had spent in custody since her arrest three years and 43 days ago. It was also the 234th day of the trial in which she, Mr Tony Yengeni and four others are charged with terrorism.

She said that when she made a statement to a Wynberg magistrate on January 25, 1988, she was told if she did not co-operate she would be handed back to security police "who had manhandled me".

Ms Schreiner said she had developed a routine of keeping her mind occupied to pass the time. She had also exercised daily.

"Apart from that I tried to collect things. If I found a piece of cotton I put it in a box Major Kriel gave me. I would spend some time tying and untying a knot. At one stage I collected a ballpoint lid. It was red and it was something to play with in the grey environment I was in."

The trial continues today.

Police coerced me - terror accused

Sowetan 31/10/90

331

TERRORISM accused Miss Jennifer Schreiner told the Cape Town Supreme Court yesterday she had made a confession to a magistrate because of coercion by the Security Police.

She was testifying in a trial within a trial to determine the admis-

sibility of the alleged confession.

She said when she made the statement to Mr R Peckham in Wynberg on January 25 1988 she had been told "if I did not co-operate I was going to be handed back to the police who had manhandled me".

"That was followed by a promise that if I made a statement to a magistrate, interrogation would be stopped and I would get out of Section 29.

"I was becoming mentally and emotionally broken down by the methods of the Security Police and by Section 29 detention itself."

Schreiner said Captain Frans Mostert had manhandled her.

Arrest

Her arrest at her Wynberg flat had left her "scared, disorientated and very angry".

Co-accused Mr Tony Yengeni was present at the arrest.

"His face was swollen, his lip was cut, his pants were wet and he was made to sit on the floor. He moved with difficulty. I was pretty sure he had been seriously assaulted." - Sowetan Correspondent.

waited for me — Schreiner

Supreme Court Reporter

A SECURITY policeman told terrorism accused Miss Jennifer Schreiner that "a trapdoor" waited for her at the end of her detention, it was alleged in the Cape Supreme Court.

Miss Schreiner is testifying in a trial within a trial to determine whether an alleged confession she made to a magistrate can be admitted as evidence against her.

She said at the trial of Mr Tony Yengeni and five others yesterday she was interrogated for the first time the weekend after her arrest in September 1987.

After questioning her for 10 minutes a Warrant Officer told Miss Schreiner: "You can expect a trapdoor at the end of Section 29 because that is what people get for terrorism," the court heard.

'DEROGATORY ABOUT ANC'

At her third interrogation at the security police Culemborg offices, she was subjected to "various forms of pressure," Miss Schreiner said.

"They suggested that I got involved in politics because of failures in my private life and made some derogatory comments about blacks and derogatory comments about the ANC," she said.

"They said time was on their side."

Miss Schreiner said she had specific vulnerabilities that made her liable to "crack-up" in detention.

"I'm very active and I'm a very private person, which is another problem with Section 29."

During her detention at Parow police station she composed poems, made up stories and whistled and sang a lot. She wrote slogans on the walls of her cell, the court heard.

"I spent time thinking about the rich things in life. I thought about my life and my childhood experiences."

She had as much privacy as the guards chose to give her, she said.

"I was not allowed to close the door of the cell. Some of the guards would just walk in, while others would ask if it was all right first," she said.

Cleaning her cell was one of the ways she fought boredom and the tension of being detained.

She was not allowed a wristwatch and tried to keep track of time by watching shadows on parts of the yard outside her cell.

Miss Schreiner made a "calendar" by scratching marks on the wall with a pin.

"There were times when I lost track and I wasn't even sure if I had put a mark on the wall for that day."

Requesting an adjournment until today, Mr M Donen, for the defence, asked Mr Justice S. Selikowitz if he was aware it was Miss Schreiner's birthday.

Mr Justice Selikowitz said he was and although "it would be inappropriate to suggest it is a happy one, I'm sure it is a memorable one".

Schreiner asked if she spoke Russian

CNAK 7-11 1/11/90 (331)

Supreme Court Reporter
ACCUSED Ms Jenny Schreiner told the Supreme Court yesterday that being perceived by a district surgeon as an alleged terrorist rather than a patient had made her sceptical about the extent to which doctors would protect her in a medical sense.

She was giving evidence in a trial within-a-trial to test the admissibility of an alleged confession she had made to a magistrate.

Ms Schreiner said she had seen a Czechoslovakian district surgeon on October 23, 1987 and had tried to explain to him that she had a cold and a problem with her knee, and needed to see a gynaecologist.

"I did not get the impression he was taking my complaints seriously." He wanted to know if I spoke Russian and spoke to me in a language I did not understand."

When she told him about her knee, he said his son was a sports doctor and that he could perhaps arrange for him to see her but had added that there was a problem because his son "did not like terrorists".

The doctor had also made a joke about her wanting to see a gynaecologist, Ms Schreiner said.

The district surgeon's visit had made her sceptical about the extent to which doctors would look after her in a medical sense. It had also been clear there had been a close relationship between that district surgeon and security police. "He saw me as an alleged terrorist rather than a patient" she said.

She had been interrogated by a Colonel Loots of the Western Transvaal and when she failed to answer questions satisfactorily, he had threatened her with removal to the Transvaal.

"He told me that the cell there was the size of a toilet and that conditions in the Transvaal were hot and very uncomfortable," Ms Schreiner said. She had also been forced to wear leg irons that day.

She said she was "humiliated" by the irons and "terrified" of being moved to the Western Transvaal.

At the start of proceedings, Mr Klem SC, for the state, asked for an adjournment till Friday.

Car-bomb suspect ^{CMT} 'planned ^{TIA} suicide' ^{2/11/90} ³³¹

Court Reporter

AN alleged trained ANC combatant suspected of having left an explosives-filled car at a Parow shopping centre, wanted to commit suicide in custody, the Wynberg Regional Court heard yesterday.

Mr Siphiwo Adriaan Qila, 24, of Guguletu, has pleaded not guilty to five charges.

The state alleges he received military training in Angola and carried out various hand-grenade attacks in the Western Cape.

Mr Qila said he had considered committing suicide in the cells but changed his mind and decided to "co-operate" with police.

He was promised R5 000 for each ANC member he pointed out.

Police had promised to release his girlfriend and cousin if he made a confession to a magistrate.

The pair were later released, but other promises by police had not been kept, he said.

A trial-within-a-trial was then convened to test the admissibility of Mr Qila's statement to Wynberg magistrate Mr W Croombe.

The trial was postponed to Wednesday.

'Operation Vula' has significance beyond the cloak and dagger story

By CARMEL RICKARD: Durban
W/M 2/11/90 8/11/90
DOCUMENTS produced by the state so far in the "Operation Vula" case, have all the ingredients of a spy story.

However the trial has a significance beyond the courtroom and it could provide a testing ground for relations between the African National Congress and the government.

The state wants to prove that the eight accused were involved in a plot to overthrow the government. The ANC says the state should stop the trial as it has now suspended the armed struggle, and all the alleged offences were committed before that suspension.

If some compromise is not found, it could strain links between the two parties, and some ANC officials are already describing the continuation of such trials as being "a flagrant violation of the Pretoria Minute".

Among the accused is ANC executive official, Umkhonto weSizwe and South African Communist Party member Mac Maharaj. Others in the dock are also high-ranking members of these organisations.

Although the original charge sheet reflects nine names, only eight people have so far appeared in court. The missing face is that of Billy Nair. Like

the rest of the group he was held under Section 29 of the Internal Security Act, but he was later hospitalised and eventually underwent a serious operation before being released from detention without any conditions imposed. Now police are unable to find Nair to arrest and charge him.

All eight face charges of terrorism and alternative charges relating to the illegal possession of arms, ammunition or explosives.

It is alleged they conspired with SACP officials Joe Slovo and others to create a national underground network, the task of which was to recruit, train, arm and lead a "revolutionary army" to seize power from the government by an armed insurrection in an operation codenamed "Vula".

The state claims they brought enormous sums of foreign money into the country to finance the clandestine operation, that they set up a sophisticated communications network using computers, modems, tape-recorders and key-tone pads and that they rented or bought a number of "safe houses" from which to operate in several parts of Johannesburg, La Lucia and Durban.

It is expected that an application for bail will begin today.

'Operation Vula' has significance beyond the cloak and dagger story

By CARMEL RICKARD: Durban
WMA 21 2/11/81 8/11/90

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It is expected that an application for bail will begin today.

Schreiner 'tried suicide', court told

Supreme Court Reporter

A TEARFUL and visibly distressed Ms Jenny Schreiner yesterday described in the Supreme Court how she made several suicide attempts — all in one night — during her detention at Parow police station.

She had attempted to cut her wrists, drank an overdose of tablets, drank contact lense fluids, tied a plastic bag around her head and tried to hang herself with a strap.

Ms Schreiner, on trial with Mr Tony Yengeni and five others on charges of terrorism, was giving evidence in a trial-within-a-trial to test the admissibility of a confession she had made to

a magistrate.

Evidence was that Ms Schreiner, after refusing to co-operate with security police, was interrogated by Captain Frans Mostert on December 3 and 4, 1987. She claimed that on the two days Captain Mostert had man-handled her, forced her to stand while handcuffed, pulled her hair, squashed her face and threatened to use force to get her to co-operate.

During a subsequent interrogation on December 6, 1987 Warrant Officer Schalk van der Merwe — her interrogator — had threatened to get Captain Mostert back if she refused to co-operate. "When I got back to Parow I felt I was completely in a trap. There

seemed no way of stopping the process of doing things I did not want to do."

While exercising she thought of ways to kill herself "because it seemed the only way to escape from the situation I was finding unbearable".

She removed a mirror from a shaving box — given to her by Captain Alexander Kriel, commanding officer at Parow police station — and smashed it into pieces.

She used pieces of the mirror to try to cut her wrists but the cuts had not been deep enough.

Asked by Mr Mike Doney, for the defence, why she had not made deep-

er cuts to her wrists, Ms Schreiner replied: "because I did not have the guts to do it."

The court heard that Ms Schreiner then took 30 Voltaren tablets she had accumulated and also three bottles of contact-lense fluid.

After the guard had left she placed a plastic bag over her head but removed it when she realised the noise would alert police.

Ms Schreiner said she had then taken a strap from the bag in which her clothes were kept and tried to hang herself, but she had blacked out and landed on the floor.

The trial continues on Monday.

CM-7-7/5
3/11/90

Special travel papers for exiles

330

THE Department of Home Affairs is to issue extraordinary travel certificates to political exiles who wish to come home but do not have the necessary documents.

A statement issued in Pretoria yesterday by the Minister of Home Affairs, Mr. Gene Louw, said the free certificates — bearing a photograph and thumb-print of the exile — would be available either through political organisations such as the ANC and PAC, or to individual applicants through South African envoys abroad.

Applicants will have to fill out registration forms for themselves and their dependants, and will be responsible for affixing their own photographs to the certificates once they have been issued.

Once in South Africa, the returned exiles must apply within six months for an identity document at the nearest regional or district office of the Department of Home Affairs. — Sapa

Suicide bid after *S/Times 4/11/90* 331 'sex threat' by cop

A WOMAN facing charges of terrorism broke down and wept in court this week as she described how she tried to kill herself after a security policeman allegedly threatened to sexually molest her.

"I decided the only solution was to try to kill myself. It seemed the only way to escape a situation I was finding absolutely unbearable," sobbed Jennifer Schreiner in the Cape Town Supreme Court.

She was recalling the events during her detention which led to her making a confession to a magistrate.

Crying

After returning from a gruelling interrogation by Captain Frans Mostert in Cape Town, she returned to her Parow police cell.

It was there, she said, where she first thought of committing suicide after she had been threatened with sexual violence.

Miss Schreiner was testifying at a trial within a trial to determine the admissibility of a confession she made to a magistrate "while under duress".

Others accused of terrorism are Tony Yengeni, his wife Lumka, Michael Lumbambo, Mbutu Nduku and Wellington Nkwandla.

The tearful woman was giving evidence on her 34th birthday, the fourth she has spent in custody since her arrest on September 17 1987.

Hypnosis

The court heard that Miss Schreiner had been interrogated by Capt Mostert on December 3 and 4, 1987.

She claimed Capt Mostert had manhandled her and told her he would resort to the same methods — force — which the ANC used when talking failed.

Capt Mostert, she said, also threatened to take her to a remote area and "do with her what he wanted" because there would be no witnesses.

He had also threatened to hypnotise her. She then agreed to co-operate with him, she said.

During an interrogation the following day, her usual interrogator Warrant Officer Schalk van der Merwe had threatened to get Capt Mostert back to question her if she refused to co-operate, she told the court.

"When I got back to Parow

Sunday Times Reporter

I felt I was trapped. There seemed no way to stop the process of doing things I did not want to do."

While exercising in her cell she thought of ways to kill herself because it seemed the only way to escape an "unbearable situation".

She removed a mirror from a shaving box — given to her by Capt Alexander Kriel, commanding officer at Parow police station — smashed it into pieces and attempted to cut her wrists.

Asked by Mike Donen, for the defence, why she had not made the cuts deeper Miss Schreiner said she did not "have the guts".

She then took 30 Voltaren tablets she had accumulated

and also drank three bottles of contact lens fluid.

Shortly afterwards she placed a plastic bag over her head, but removed it when she realised the noise caused by her choking would alert the guards.

"I intended hanging myself and I thought a combination of hanging and the plastic bag would quicken things," she said.

Miss Schreiner said she had then taken a strap from a bag in which her clothes were kept, fashioned it into a noose, placed it around her neck and tied it to a cell bar above her head. She then stood on one of the bottom bars and lowered herself.

She said: "I started to black out ... I was battling with myself, trying to work out if I had the will to go

through with it.

"I actually started to black out when I took my feet off the bar. The next thing I knew I had landed on the floor."

During her detention she was held in a 20-square-metre cell with a 12.5-square-metre courtyard outside. An electric light was left on at all times.

Routine

One of the windows had a broken pane and the cell door remained open.

There was no hot water in the cell and a bucket had to be brought to her twice a day.

To combat boredom, she cleaned her cell and used shadows on the wall to tell the time.

Asked how she kept herself

mentally stimulated, Miss Schreiner said she had developed a routine to keep her mind occupied during extreme boredom.

This included exercising and collecting obscure objects like cotton, a ball-point pen cover and a dead ladybird.

"Those things became important to me. I was concerned the cell guard who was watching me would think I was insane," she said.

The trial continues next week.

● Miss Schreiner is a relative of author Olive Schreiner, who wrote *The Story of an African Farm*. Her grandfather was Oliver Deneys Schreiner, one of South Africa's most distinguished judges.

CPA-7/75 6/11/90

Vula was our plot, claims ANC

Political Staff

OPERATION Vula was an African National Congress operation, fully authorised by its national executive and all trials connected with the operation should be suspended, the ANC said yesterday.

All "so-called offences" committed in terms of Operation Vula had been done before the cut-off date for indemnity for political offences.

"We see the continued prosecution of our cadres as not only persecution, but also a politically motivated smear campaign against the ANC, pursued to try to drive a

wedge between us and our firm allies, the SA Communist Party," the ANC said in a statement.

Such "propaganda" was not in keeping with the spirit of negotiations and its objective was "to create confusion among our people", the ANC claimed.

Mac Maharaj, Siphive Nyanda, Rayman Lala, Catherine Mvelase, Susanna Tshabalala, Dipak Patel, Pravin Gordhan and Amresh Sankar were currently appearing in court in Durban.

Together with Mr Billy Nair and Mr Ron-

nie Kasrils, they were arrested in connection with Operation Vula.

The organisation wanted to place on record that "Operation Vula was an ANC operation, fully authorised by the National Executive Committee (NEC) of the ANC.

"President Tambo was in charge of Vula until his illness, when his duties were taken over by Secretary-General Alfred Nzo."

The ANC demanded that the current trial be suspended and that all trialists be released pending the outcome of the indemnity hearing.

Schreiner kept suicide bid a secret, court told

CHT TIPS 7/11/90 (331)

Supreme Court Reporter

TERRORISM accused Ms Jenny Schreiner told the Supreme Court on Monday that she did not tell Tygerberg doctors of her suicide attempts because she hoped the effects would "debilitate" her further and prevent interrogation by security police.

Ms Schreiner was giving evidence in a trial-within-a-trial to determine the admissibility of a confession she allegedly made to a magistrate.

When a doctor saw cut marks on her wrists she had told him that they were self-inflicted and not important, she said.

While in hospital she was "in the worst emotional state ever", and still hoped that the effects of taking an overdose of Voltaren tablets would "cripple or even kill me".

On her discharge she was returned

to Parow police station where she was stripped and searched.

Between January 19 and 22, she had been repeatedly visited by two security policemen and asked if she was prepared to make a statement to a magistrate, Ms Schreiner said.

She had consistently refused even after being told she was holding up the investigation, that her detention could be extended and that Mr Tony Yengeni and Mr Chris Giffard had made statements to a magistrate.

On January 22 she had been told by security police that if she made a statement, she would no longer be interrogated.

She agreed to this and was later taken to Wynberg magistrate, Mr Richard Peckham, where she completed a statement while handcuffed, she said. The trial continues today.

ANC bid on Vula fails

Own Correspondent

DURBAN. — The attorney-general of Natal, Mr Mike Imber, yesterday rejected an ANC call to suspend the "Operation Vula" trial.

Eight ANC members are appearing on charges under the Terrorism Act in the trial. It is alleged that they were part of a plot to overthrow the government.

Mr Imber said he disputed several points in the ANC call, which also demanded that the prisoners be released immediately.

While the ANC described the trial as a "treason trial" it was in fact a "terrorism trial".

He said the ANC's intelligence chief, Mr Ronnie Kasrils, had not been arrested in connection with "Operation Vula".

The issue of bail was for the court to determine.

The trialists are to apply for bail tomorrow.

● ANC rejects military alert claim — Page 2

Terror (331) accused attempted suicide *80wefm 7/11/90*

TERRORISM accused Miss Jennifer Schreiner said yesterday she had kept her suicide bid secret from staff at Tygerberg Hospital because she feared they would tell the Security Police.

Schreiner was giving evidence in a trial within a trial in Cape Town to determine the admissibility of an alleged confession she made to a magistrate.

The Yengeni terrorism trial resumed yesterday after counsel discussed a Press release by Justice Minister Mr Kobie Coetsee regarding the indemnity process.

Schreiner said she was admitted to hospital on January 7 1988 after her unsuccessful suicide attempt the previous night.

I lied, terrorism accused tells court 331

Sowetan 8/11/90
TERRORISM accused Miss Jennifer Schreiner told the Cape Town Supreme Court yesterday she lied to a magistrate when she told him she was making a voluntary statement.

The State has begun cross-examining Schreiner in the trial within the trial to

determine if the alleged confession is admissible.

Schreiner said she told magistrate Mr R Peckham that assaults and threats by the Security Police induced her to write statements, but not to make a confession.

She told him she wanted to get to court and that was her

reason for making a statement to him.

State counsel Mr H Klem, SC, asked Schreiner if she had deliberately misled Peckham by telling him a lie.

She said the pressures of Section 29 detention had forced her to lie to Peckham.

She told Klem she refused

to answer questions relating to the contents of the statement to Peckham.

"I made it quite clear in my evidence that the inadmissibility of the statement was due to methods that were used to induce me to make the statement," she said.

The trial continues.

Trial halted in indemnity ^{ONE TRIP} form deadlock ^{9/11/90}

331

Court Reporter

THE trial of terrorism accused Mr Siphiwo Qila was yesterday postponed in Wynberg Regional Court to January when he refused to use the correct form to apply for indemnity.

The court heard that Mr Qila, 26, wanted a certificate issued by the attorney-general, which prohibited him from applying for bail, withdrawn.

His defence counsel, Mr Louis Skweyiya SC, had already applied for indemnity under the Groote Schuur and Pretoria Minutes in a letter to Minister of Justice Mr Kobie Coetsee.

Mr Mike Stowe, for the state, said he had received a copy of the letter but it had not been "in the correct form" nor had it been signed by Mr Qila.

"When an individual applies for indemnity the form must be signed by the person seeking indemnity, and a Section 30 (1) (of the Internal Security Act) certificate can only be withdrawn on the instruction of the attorney general," Mr Stowe said.

Mr Skweyiya said Mr Qila had been given an undertaking that bail would be granted on proof that he had applied for indemnity.

Mr Stowe told the court that all the requirements for the new "Application for Indemnity" form would be promulgated in the Government Gazette today.

Vula trialists get R295 000 bail

CAC TWS 9/11/90

331

Own Correspondent

DURBAN. — Eight ANC members allegedly involved in Operation Vula, a plot to overthrow the government, were yesterday granted bail totalling R295 000 in the Regional Court here.

The men and women allegedly conspired with Mr Joe Slovo, Mr Ronnie Kasrils and a number of others to create a national underground network to recruit, train, arm and lead a "people's army" or "revolutionary army" to seize power from the government by means of an armed insurrection.

An ANC executive member and alleged head of Operation Vula, Mr Sathyndranath 'Mac' Maharaj, 65, was granted bail of R80 000, while Umkhonto we Sizwe commander Mr Sphiwe Nyanda, 40, was granted R60 000 bail.

Mr Raymond Lala, 32, Miss Catherine Mvelase, 25, and Miss Susanna Tshabalala, 30, were each given R30 000 bail.

Mr Dipak Patel, 26, had bail fixed at R40 000, Mr Pravin Jamnadas Gordhan, 41, at R20 000 and

MARITZBURG. — The ANC has launched an intensive campaign to brief its rank-and-file membership about the origin of "Operation Vula" in a circular from ANC secretary-general Mr Alfred Nzo.

According to Mr Nzo: "In 1988, a special extended meeting of the National Executive Committee was held in Lusaka at which a report was presented on the state of underground organisation inside South Africa. The meeting decided that additional steps had to be taken to reinforce the underground structures."

It was recommended that leading members of the ANC prepare themselves to be deployed inside the country to provide leadership to the underground. — Sapa

Mr Amnesh Munnessar Sankar, 22, at R5 000.

Mr P J Blomkamp, for the state, said the amounts were assessed on the importance of each accused in the organisation they claimed they belonged to, in this

case the ANC.

Each of the eight must report daily to the nearest police station, not change residence without permission and must remain within the magisterial district where they live.

They were also ordered to surrender passports and travel documents.

Mr Z M Yacoob, for the defence, said the men and women accepted the bail and conditions.

Mr Blomkamp said the issue of indemnity should be determined before further steps were taken, and asked that the case be adjourned provisionally to January 15 back to the Regional Court when, if necessary, a Supreme Court date could be arranged.

Before adjourning the matter to January 15, the magistrate, Mr T D Reed asked the public to keep order in court until it was formally adjourned.

• The eight were not immediately released. It is believed the funds could not be raised yesterday, but they are expected to be released today from Westville Prison.

FIVE PIECES CHICKEN WITH
HOT CHIPS OR SPICY RICY

'Operation Vula' trial accused are granted bail

Sowetan
9/11/90
331

SENIOR South African Communist Party official Mr Mac Maharaj and seven other accused in a terrorism trial were granted bail yesterday by the Durban Regional Court.

The eight are facing charges of trying to overthrow the Government by means of an armed uprising.

They are alleged to have conspired with SACP leader Mr Joe Slovo and others to seize power by means of an armed uprising by a "peoples army".

Sathyndranath "Mac" Maharaj (65), alleged overall

●To Page 2

Eight 'Vula' accused get bail

Sowetan 9/11/90 331

●From Page 1

commander of "Operation Vula", was granted bail of R80 000 and Mr Siphwe Nyanda (4) has his fixed at R60 000.

Mr Raymond Lala (32), Miss Catherine Mvelase (25) and Miss Susanna Tshabalala (30) were each granted bail of R30 000. Mr Dipak Patel (26) had bail fixed at R40 000, while Mr Pravin Jamndas Gordhan (41) had his fixed at R20 000.

and Mr Amnesh Munnes-sar Sankar (22) at R5 000.

Mr PJ Blomkamp, for the State, said he had been instructed by the Attorney-General not to oppose bail.

The bail amounts were based on an assessment of the importance of the people to their organisation, which was the ANC.

Defence counsel Mr Z Yacoob said they accepted the amounts and the conditions of bail had been agreed to.

Blomkamp said it would be in the public interest if the case was postponed to January so that applications by the eight for indemnity could be settled before the case came up for trial.

The next hearing would be a provisional date.

The magistrate, Mr TD Reed, fixed the bails at the agreed amounts.

Conditions of bail are that the people report each day to the police station nearest to where they live. They may not change their addresses

without notifying the police or leave the magisterial districts in which they live.

They must also surrender all passports and travel documents, including forged passports or documents which purport to be travel documents.

The case was postponed to January 15.

Printed bail pending
7/11/90
own Correspondent
Guidelines to January 15.
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Dugard said the
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that it had put its
version of the trial
to a ballot, he
wanted to expose
the influence of
Attorney-General
John J. Dugard, an
all-star lawyer, at
the trial.

to bail. The court said that the version of the Maharaaj, an ANC executive member and alleged head of Operation Vula, was granted bail of R80 000, while Umkhonto.

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Vula' accused get R300 000 bail

By CARMEL RICKARD

Mac 9/11/90 - 15/11/90

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THE eight accused in the Operation Vula case have been granted bail totalling R300 000.

In a surprise move yesterday at the start of an application for bail, the prosecutor announced the attorney general had withdrawn his opposition to granting bail.

He said this would be granted to all eight accused under certain conditions.

The amount set for each individual varies, with the highest standing at R80 000 for South African Communist Party official Mac Maharaj. All eight must also report daily to the police and must not change their home address; they may not leave the magisterial district where they live and must hand over all travel documents.

They are accused of terrorism and of illegally possessing arms and ammunition. According to the state they were involved in setting up an army to overthrow the government.

All eight have applied for indemnity and it appears there's a good chance it will be granted. Their alleged offences took place before the October cut-off date announced by the president, and were also committed before the ANC decided to suspend the armed struggle. The prosecutor said the case would continue on January 15 next year, only if indemnity was not granted.

Last two of the 14 Yengeni trialists get bail



ON BAIL... Ms Jenny Schreiner hugs her mother, Else, shortly after she was released on bail yesterday. She celebrated her 34th birthday on October 30 — the fourth she has spent in jail since her arrest.



RELEASED... Mr Tony Yengeni, accused number one in the marathon Yengeni terrorism trial, holds his six-year-old son, Mandla, as he left the Supreme Court yesterday afternoon with his wife and co-accused, Lumka, after been given R40 000 bail. Pictures: STEWART COLMAN

Bail at last

By **RONNIE MORRIS**
Supreme Court Reporter
THE last two Yengeni trialists still in detention, Mr Tony Yengeni and Ms Jenny Schreiner, were freed on bail yesterday — more than three years after their arrests.

Jubilant greeted the release late yesterday afternoon. Bail was set at R40 000 each with stringent conditions.

They may not attend meetings of a political nature to celebrate their release called by the SA Communist Party, the ANC, the UDF, the MDM or any affiliates, including the Yengeni Trialist Support Group.

Mr Yengeni and Ms Schreiner were the last accused — out of an original 14 — to be released from custody.

A group of about 50 excited relatives and friends mobbed them as they came out, and took turns to hug and kiss them.

Mr Yengeni, alleged to have been an ANC commander, was arrested on September 17, 1987, and Ms Schreiner, alleged to have been the head of intelligence and propaganda units, was arrested hours later by security policemen, members of the Terrorist Detection Unit (TDU).

They were detained under Section 29 of the Internal Security Act until March 1988 when they first appeared in the Wynberg Magistrate's Court.

Evidence was that members of the TDU had found a trunk in Ms Schreiner's Wynberg flat containing AK-47 rifles, ammunition, limpet mines and documents.

The state alleges that as members of the ANC in the Western Cape they had been responsible for bomb attacks at D F Malan Airport, Castle Court — a block of flats used by members of the Defence Force — the Athlone Magistrate's Court, railway lines and petrol stations.

Cross-examination

They had refused to plead to the charges, and a plea of not guilty was entered on their behalf.

Yesterday marked the 242nd day that the court convened and three years and 53 days since their arrest. The trial record fills more than 6 500 pages and 516 exhibits are before court.

Ms Schreiner is still on the witness stand and under cross-examination in a trial-within-a-trial to test the admissibility of a statement she had made to a magistrate on January 25, 1988.

Yesterday deputy attorney-general Mr Hendrik Klem, SC, announced that the attorney-general had withdrawn a certifi-

cate — issued under Section 30 of the Internal Security Act — which prevented Mr Yengeni and Ms Schreiner from applying for bail.

In granting bail, Mr Justice S Selikowitz said he doubted whether the bail conditions imposed were conditions he would have imposed. Restricting Ms Schreiner and Mr Yengeni from participating in the activities of legal, political organisations gave him difficulty "in principle", he said.

The court would hear argument on the bail conditions on Monday and failing the absence of argument, he would impose bail conditions as he saw fit, Mr Justice Selikowitz said.

He told Ms Schreiner that her cross-examination would continue on Monday and she "must take it easy".

Among the conditions of bail Mr Yengeni and Ms Schreiner may not participate in any armed action, movement of military personnel or weaponry, or activities endangering the state, public safety or the maintenance of law and order.

Mr Yengeni, who matriculated at Healdtown High School in 1975, is alleged to have received military training in Angola and the Soviet Union between 1977 and 1980 and to have been a member of the ANC's Lesotho-based regional military council between 1982 and 1988.

To page 2

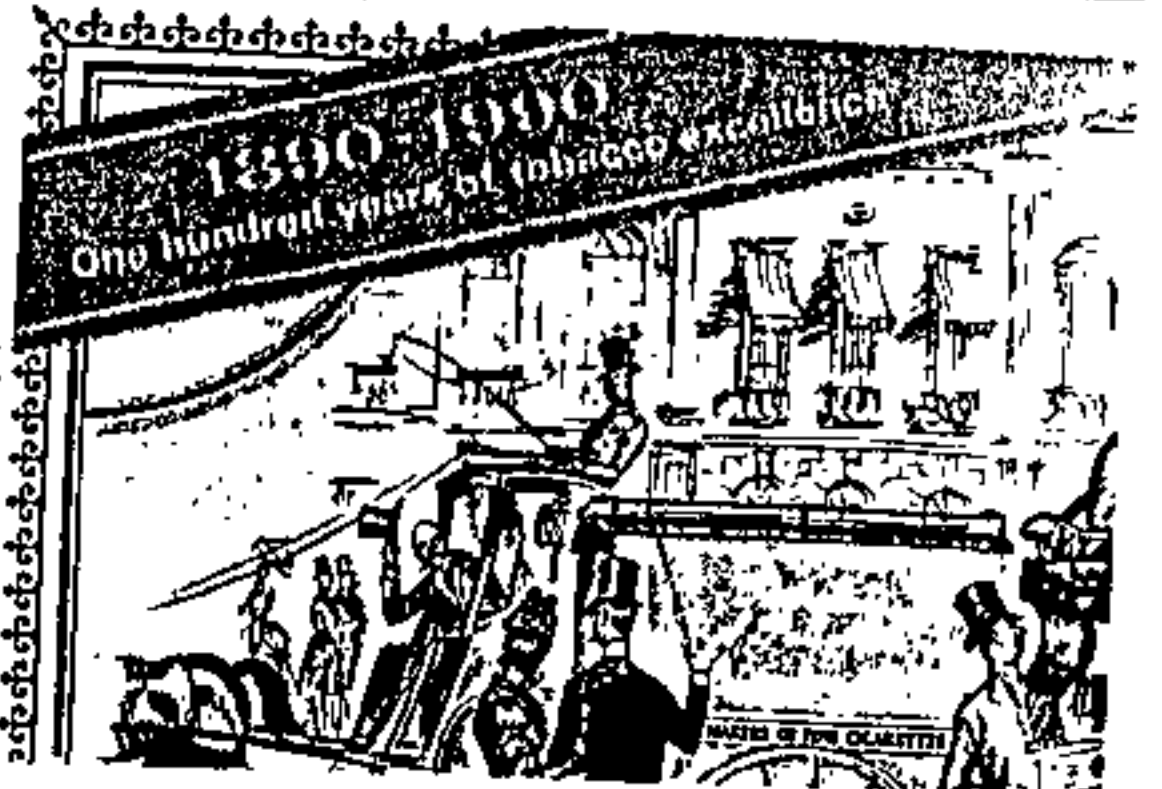
Baby baled out of blaze

A MOTHER had to throw her baby through a first-floor window when a house caught fire in George on Thursday.

But 18-month-old Dawie Botha landed in the arms of his grandfather, Mr Winsoud de Lange, and was unhurt.

Dawie's mother, Mrs Esta Botha, jumped through the window after throwing him out. She was also uninjured.

The fire started when a television set exploded in a bedroom and set the entire house alight. — Sapa



From page 1

Bail

Ms Schreiner, daughter of Professor Deneys Schreiner, and his wife Else, holds an MA degree in sociology from the University of Cape Town.

While a student she served on the UCT SRC, the National Union of SA Students, and was a founder member of the United Women's Congress and the Detainees' Parents' Support Committee.

Her grandfather, Mr Oliver Deneys Schreiner, was one of South Africa's most distinguished judges, a former president of the SA Institute of Race Relations and a chancellor of Wits University.

She is also related to Olive Schreiner, who wrote "The Story of an African Farm".

Mr Leslie Yengeni, father of Mr Yengeni, said: "At last they have been released on bail — it should have happened a long time ago."

Professor Schreiner said he was pleased because it was "about time too".

Mr Tony Yengeni said he was happy at his release but at the same time was sad that political prisoners were still in prison on Robben Island.

"I am very bitter at the time spent in prison and the torture I suffered."

"In a free and democratic South Africa the security police should face a 'Nuremberg-style trial', not as revenge but as a way to make them answer and explain their actions."

Vula accused call for pressure

CPM Trials 10/11/70

331

Own Correspondent

DURBAN. — Eight "Operation Vula" trialists released on nearly R300 000 bail this week have called on the international community to intensify pressure on the South African government and warned that the armed struggle "is suspended, not abandoned".

At a press conference here yesterday, the eight announced they had "pinpointed individuals within the security forces" who were intent on "derailing the talks between the ANC and the government".

They said the names of the individuals would be added to a similar list in

the ANC's possession and handed to the government.

Mr Sathiydranath "Mac" Maharaj, an ANC national executive committee member, described the granting of bail to the eight as a victory against "the state's attempt to hold us hostage".

The trial was described by the accused as "an attempt to divide the ANC and its allies into moderate and radical groupings".

While stating that "the armed struggle is suspended, not abandoned", the eight re-affirmed their commitment to a negotiated settlement.

Expressing gratitude to the interna-

tional community, Mr Maharaj said certain countries had reached a point where "they think it is time to offer the South African government carrots".

"But despite changes, not much has changed in the lives of the black community, so the international community should increase their pressure."

Speaking at the press conference, SACP general-secretary Mr Joe Slovo, one of the eight accused, said the ANC NEC sub-committee which had drafted the resolution recommending the suspension of the armed struggle had "ironically" consisted of himself, Mr

Maharaj, fugitive SACP member Mr Ronnie Kasrils and ANC international affairs head Mr Thabo Mbeki.

Meanwhile, ANC and SACP official Mr Billy Nair, who was widely reported to have absconded from the trial, made a surprise appearance at the press conference.

He denied allegations that he had skipped bail, saying: "It became impossible for me to attend court as I had two major operations."

Mr Maharaj flew to Johannesburg yesterday with two of his co-accused for consultation with SACP and ANC structures.

Broederstroom 3 ^{OK-74A} appeal bid rejected ^{10/11/90} ₃₃₇

PRETORIA. — The Broederstroom Three yesterday failed in their application before two Pretoria Supreme Court judges for leave to appeal against their sentences.

The application by Damian de Lange, 31, against his effective 25-year sentence, Ian Robertson, 36, against his effective 20 years, and Susan Donnelly, 24, against her effective 18-year sentence, was dismissed by Mr Justice Curlewis and Mr Justice Myburgh.

A similar appeal by the three was dismissed by the same two judges in September. They found there was nothing shocking about the sentences imposed in the regional court.

The accused, all members of the ANC, had pleaded guilty to various offences under the Internal Security Act. — Sapa

Terror trialists get bail

By JOHN VILJOEN

Supreme Court Reporter

AMID joyous and emotional reunions, terrorism-accused Mr Tony Yengeni and Miss Jennifer Schreiner were released on bail of R40 000 each — after three years and 53 days in custody.

Miss Schreiner, 33, said it was "a fantastic relief" being released and Mr Yengeni described it as "a joyous occasion".

Miss Schreiner's mother, Mrs Elise Schreiner, could hardly translate her happiness into words: "I don't know how I feel — halfway to tears, halfway to laughter. It's been such a long time."

From the start

She and Professor Deneys Schreiner, former deputy director of the University of Natal, have attended the trial — yesterday was the 242nd day — since it began.

Mr Yengeni's father Leslie said: "I feel great, but this should have happened a very long time ago. We did not expect the bail to be so much."

Mr Yengeni, 35, said: "It is a joyous occasion, but I cannot feel overjoyed because of my comrades who are still detained. I have mixed feelings."

"It is a great relief and it will be nice to sleep at home again."

Mr Yengeni was reunited with his six-year-old son Mandla.

'Joyous occasion' as Schreiner, Yengeni released

"I haven't really seen him since I was arrested," Mr Yengeni said.

Miss Schreiner was embraced by countless friends and supporters. "It's a fantastic relief," she said.

"It's been a very difficult time for me. My regret is that there are others who are imprisoned or awaiting trial — and the exiles are still outside the country. The priority is to get the Pretoria Minute implemented — quickly."

A friend asked Miss Schreiner where she would be celebrating her release, but her mother cautioned that in terms of the provisional bail conditions, no celebrations were allowed.

The large gathering of friends, family and Press waited impatiently outside the court's heavy wooden doors. These were kept shut until all the formalities and paperwork were completed.

Professor Schreiner was left with little time before banks closed for the weekend to raise the money for his daughter's

release, once counsel had agreed on terms.

He was clearly excited when he returned from a cross-town banking expedition and told a relieved Mrs Schreiner: "We've got it!"

Miss Schreiner's first court appearance — with 11 others — was in the Wynberg Magistrate's Court on March 15 1988.

A year later a trial of 14 people on charges of treason, alternatively terrorism, started in the Cape Supreme Court.

Later the treason charge was dropped and a plea of not guilty to the alternative charge was entered after the trialists refused to plead.

Spice packer

Eight were acquitted in March under President De Klerk's new dispensation.

Mr Yengeni worked for the Cape Town City Council as a clerk and as a packer in a spice factory.

Miss Schreiner graduated from the University of Cape Town and was a member of the Nusas' wages commission.



Picture: ANDREW INGRAM, Weekend Argus.
Miss Jennifer Schreiner, released on R40 000 bail yesterday after three years and 53 days in custody, hugs her mother, Mrs Elise Schreiner, outside the Supreme Court.

Rockman trial ^{CAA-7121} resumes ^{10/11/20}

Court Reporter 331

SACKED rebel police lieutenant Mr Gregory Rockman assaulted a riot policeman by striking him on the back of the head, the Cape Town Magistrate's Court heard yesterday.

Mr Rockman, 31, faces charges of attending an illegal gathering and assaulting Constable Werner Swart at the Parade on March 28.

Constable Swart said that he and other Riot Unit members were restraining a demonstrating crowd when he felt a blow to the back of his head.

Colonel G J Barbour of the Stellenbosch police told the court he had been at the Parade on the day of the incident and saw a "member of the public" grab Constable Swart from behind and pull him back causing his cap to drop off his head. He said he recognised the man as Lieutenant Rockman, whom he had met.

The hearing was adjourned to January 23 and Mr Rockman's bail of R200 was extended.

The magistrate was Mr D J Oosthuizen. Mr H Steyn was the prosecutor and Mr M Parker appeared for Mr Rockman.

A smile of joy as Jenny is finally free

331

ST Times
11/11/90

JENNY SCHREINER had her first taste of freedom in more than three years this week when she bounded down the steps of the Cape Supreme Court into the arms of her parents.

But the greetings were drowned out by cheers from the crowd which had gathered to meet Miss Schreiner, 33 — granddaughter of a distinguished former judge — and her terrorism co-accused Tony Yengeni when they emerged after spending three years and 53 days in custody.

The two were the last of the remaining six Yengeni trialists to be released on bail. Eight of the original 14 accused were acquitted.

But, after the hugs and kisses, the rejoicing turned to bitterness when Jennifer's mum, Elsa, labelled her daughter's bail conditions — including a deposit of R40 000 — as "malicious".

Looking tired and gaunt after weeks of evidence and gruelling cross-examination in court, Jennifer, who is also related to author Olive Schreiner, could only say: "It's a relief."

Bitter

Earlier her father, former-University of Natal vice-principal Professor Denys Schreiner, had to rush to a bank before it closed to raise the bail money.

Jennifer and her parents — who moved to Cape Town to attend the trial every day — declined to comment before they headed for their Plumstead cottage where Jennifer was to spend her first few hours of freedom with her family.

Professor Schreiner would only say: "I'm pleased ... it's about time."

Tony's father, Leslie Yengeni, echoed Professor Schreiner's sentiments.

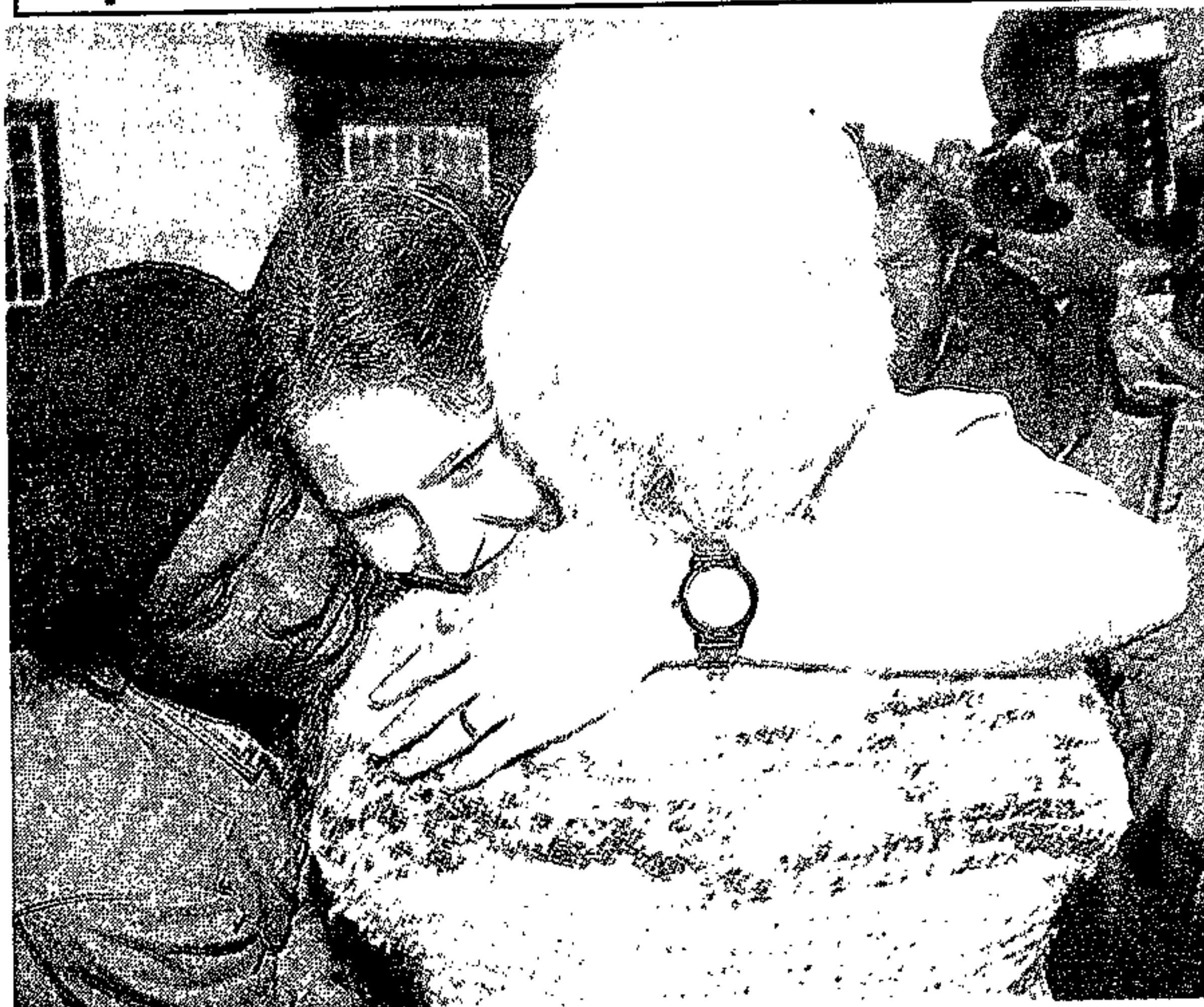
"I'm excited. It should have happened a long time ago," he said.

Holding his six-year-old son Mandla, Tony said he was happy to be released, but was sad at leaving other political prisoners behind in prison.

"I am very bitter about the time I spent in custody," he said.

He said the support of his wife, Lumka — a fellow tria-

Report: IVOR CREWS ■ Pictures: TERRY SHEAN



WARM WELCOME ... a friend reaches out to hug Jenny and her mother

list — and his father had kept his spirits up during his stay in prison.

Initially 14 Yengeni accused were charged with treason, but the treason charges were dropped while the charges relating to acts of terrorism were retained.

In March eight of the 14 accused were acquitted in terms of President FW De Klerk's new dispensation.

The 14 first appeared in the Wynberg magistrate's court on March 15 1988.

The Supreme Court trial, presided over by Mr Justice S Selikowitz, began a year later.

Court records of the trial ran to almost 6 500 pages and there were 516 exhibits — including arms, explosives, bank cards, cash and sets of keys.

Attacks

Before they were released on bail, Tony and Jennifer were brought to court each day from Pollsmoor Prison in a police convoy consisting of a yellow "paddy wagon", accompanied by two traffic policemen on motorcycles with their sirens blaring.

Before her arrest, Jennifer — a former student at the

University of Cape Town who qualified for her Masters degree in sociology — held positions on the students' representative council and the National Union of SA Students.

She is a founder member of the United Women's Organisation and served on the Detainees' Parents' Support Committee.

Tony was a clerk employed by the Cape Town city council and was once a packer in a spice factory.

He was arrested at a Rondebosch telephone booth on September 16 1987 by security police after a tip-off. Jennifer was arrested hours later at her Wynberg flat.

Security police allegedly found a large trunk in her flat containing AK-47 rifles, ammunition, limpet mines and documents.

Miss Schreiner, Mr Yengeni, his wife Lumka, Michael Lumbambo, Mbutu Nduku and Wellington Nkwandla, were all arrested and charged with terrorism.

The state alleges they had been members of the ANC's "Western Cape machinery" and had been responsible for a spate of bombing incidents in the district in 1987.

These included limpet

mine attacks on the Athlone magistrate's court, D F Malan Airport and Castle Court, a Cape Town block of flats housing members of the defence force.

The six were also accused of carrying out attacks on railway lines and service stations.

When the case opened, the accused refused to plead to the charges.

Bail

In a joint statement they said they participated in the trial "under protest".

A plea of not guilty was then entered on their behalf.

Earlier this year Mrs Yengeni, Mr Lumbambo, Mr Nduku and Mr Nkwandla were released on bail of R500 each.

In granting bail to Mr Yengeni and Miss Schreiner on Friday, Judge Selikowitz said he doubted, in principle, whether the bail conditions imposed by the state were conditions he would have imposed.

He added that restricting Miss Schreiner and Mr Yengeni from participating in political activities gave him difficulty "in principle".

Judge Selikowitz said the court would hear argument



FREE AT LAST . . . Jenny runs straight into mum Elsa's arms as she is released after spending more than three years in prison

about bail conditions tomorrow. If necessary, he said, he would impose bail conditions as he saw fit.

The state's bail conditions are: that Mr Yengeni and Miss Schreiner furnish their addresses to the investigating officer, Major Andre du Toit; that they inform him of any change of address; that they remain in the Wynberg and Simon's Town magisterial districts; that they report to the security police when their trial is in recess and that they do not communicate with state witnesses.

They are also not allowed to participate in action involving any arms or ammunition or explosives or in the movement of military personnel or weaponry.

They are also banned from taking part in any military actions on behalf of the ANC or its military wing, Umkhonto we Sizwe. This includes military organisations or training activities.

They are also prohibited from "instigating, assisting or facilitating" any other person in performing any of the above acts.

Mr Yengeni and Miss Schreiner are also banned from participating in any activities which may endan-

ger the state, public safety or the maintenance of law and order.

They also cannot attend any public gathering of a political nature.

However, they are allowed to celebrate their release from prison.

Abused

In this week's evidence at the trial, Miss Schreiner disputed the claim that her statement to Wynberg magistrate Richard Peckham was made freely and voluntarily.

She said she was forced to wear handcuffs while she "confessed" to him.

The statement's admissibility has now become the subject of a trial-within-a-trial.

Miss Schreiner told the court she "could no longer cope" with further interrogation or an extension of her detention under Section 29 of the Internal Security Act.

In earlier evidence, the court heard that she had allegedly been subjected to sexual threats and had been abused and manhandled by security police while under interrogation.

Looking pale and drawn, Miss Schreiner told how she had kept her suicide attempts on January 6 1988 "a secret" from doctors at Tygerberg Hospital, where she was admitted for treatment of self-inflicted wounds.

She said she feared the doctors would tell the security police, which would put her in an "exceptionally vulnerable position".

Clashes as prosecutor questions Schreiner

Supreme Court Reporter

VERBAL clashes flared in the Supreme Court yesterday between terrorism accused Ms Jenny Schreiner and deputy attorney-general Mr Hendrik Klem SC during cross-examination.

At one stage Ms Schreiner asked Mr Klem not to shout at her and later she denied that she was someone who was always right while others were wrong.

Ms Schreiner is on trial with Mr Tony Yengeni, his wife Lumka, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla on charges of terrorism.

A trial-within-a-trial is being conducted to test the admissibility of a statement she made to a magistrate.

Replying to Mr Klem, Ms Schreiner agreed that Mr Richard Peckham, the magistrate who had taken her statement on January 25, 1988, had gone out of his way to protect her interests. However, she regarded it as limited protection, she said.

She said a warning by Mr Peckham that she did not have to make a statement was a "hollow" warning because it did not take into account the circumstances under which she had been taken to him.

She agreed that Mr Peckham's intentions had been good but had she spoken freely and frankly he would have refused to take her statement and she would have been returned to the security police who had already assaulted and threatened her. She did not have any other option, she said.

The trial continues today.

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Ruling today on bail for two terror accused

THE Cape Town Supreme Court will today hear argument on the bail conditions imposed on terrorism trialists Mr Tony Yengeni and Miss Jenny Schreiner, granted on Friday at R40 000 each under stringent conditions.

In the absence of argu-

ment, Mr Justice Selikowitz said he would impose bail conditions as he saw fit.

Their bail conditions prevent them from attending political meetings to celebrate their release.

In granting bail, Justice Selikowitz said he

doubted whether the bail conditions were conditions he would have imposed.

Restricting them from participating in the activities of legal organisations gave him difficulty "in principle", he said. - Sapa.

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Yengeni accused apply for indemnity

Supreme Court Reporter
APPLICATIONS for indemnity have been lodged by Mr Tony Yengeni and five others. A joint application for a month-long postponement of their trial will be made in the Supreme Court today pending the outcome of the applications.

Acting as spokesman for both sides, deputy attorney-general Mr Hendrik Klem, SC, said yesterday the move for the postponement had come about in the light of the promulgation on Friday of guidelines on the Indemnity Act and the applications lodged by the accused.

Earlier, the bail conditions of Mr Yengeni and Ms Jenny Schreiner — released on R40 000 each on Friday — were finalised.

The conditions include non-participation in military activities and activities endangering state security.

Right-winger killed taxi driver 'as a test'

RIGHT-winger Cornelius Johannes Lottering decided to "eliminate" a black taxi driver as a test to see if he could carry out politically motivated killings without getting cold feet, he said in a statement submitted to the Rand Supreme Court yesterday.

Lottering, 24, and Fanie Goosen, 29, have admitted killing taxi driver Potoko Franzar Makgalemele on August 29 1989 and planting explosives outside the flat of former Sunday Times journalist Jani Allan. But they have pleaded not guilty to the

charges against them on the grounds that they committed "acts of war".

They have pleaded not guilty to one count of murder, two counts of robbery with aggravating circumstances, two counts of malicious damage to property, attempted intimidation and the unlawful possession of a firearm and ammunition.

Psychiatric evidence put before the court yesterday showed Lottering did not suffer any mental defect.

SUSAN RUSSELL

In the statement submitted yesterday, which he made before a magistrate in January, Lottering said he and a number of other individuals had discussed engineering a coup d'etat by eliminating about seven government ministers.

The plotters abandoned the plan because they reasoned the ANC might derive more benefit from their actions than themselves.

"As an alternative I personally thought that the elimination of the left wing, as well as non-white left-wing leaders, would

☐ To Page 2

Right-winger

be more effective. There was one thing that worried me. I was not 100% sure that I could carry out my task. It would be fatal to get cold feet when for example I had a leader in my sights," Lottering said.

By killing his natural enemy — a black person — he would know finally whether he would be able to proceed with his plans.

"I remembered seeing non-whites driving white taxis. It aggrieved me that a kaffir had to drive white girls. Therefore I

decided to eliminate such a person as a test for myself," he said.

In his statement, Lottering described how he hired Makgalemele to take him to Gold Reef City.

Near the destination, Lottering said he threatened the driver with a firearm and ordered him out of the car.

After failing to kill the driver with a knife, he shot him with a 9mm pistol.

The trial continues before Mr Justice Irving Steyn.

☐ From Page 1

Black driver was shot 'for practice'

3310
Cape Times 13/11/90

JOHANNESBURG. — The bizarre reasoning behind the killing of a black taxi driver and the bombing of the Johannesburg flat of former Sunday Times journalist Jani Allan last year were heard in the Rand Supreme Court yesterday.

Self-confessed right-wing extremist Mr Cornelius Lottering described in a chilling sworn statement how he had stabbed and shot a black taxi driver for practice, because he intended assassinating several black leaders.

He and Mr Fanie Goosen, 29, have pleaded not guilty to murder, attempted intimidation, unlawful possession

of a pistol and ammunition, malicious damage to property, robbery with aggravating circumstances and escaping from custody.

Mr Lottering also admitted planting an explosive device outside Ms Allan's flat. This was done to force AWB leader Mr Eugene Terre'Blanche to withdraw from the 1989 elections.

He was justified in killing the taxi driver because blacks were the "natural enemies" of whites, he said.

● Mr Goosen has challenged the admissibility of his own statement and the hearing has moved to a trial-within-a-trial. — Sapa

'I killed taxi-driver for practice'

The Argus Correspondent

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He and Mr Fanie Goosen, 29, have pleaded not guilty to murder, attempted intimidation, unlawful possession of a pistol and ammunition, malicious damage to property, robbery with aggra-

vating circumstances and escaping from custody. They said their actions were "acts of war".

Mr Lottering also admitted planting an explosive device outside Ms Jani Allan's flat. This was done to force Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche to withdraw from the 1989 elections, he said.

He and other sympathisers earlier dropped a proposal to attempt a coup by "eliminating" seven important cabinet ministers. The ANC would have benefited and it would therefore be better to assassinate black leaders, they decided.

"One thing that disturbed me

was that I was not 100 percent sure if I could carry out the task," Mr Lottering said.

As practice, he told a black taxi driver to take him to Gold Reef City. There he forced him at gunpoint to hand over the keys to the car and stabbed him as "part of his training" which required him to learn how to use a knife.

The taxi driver tried to run away and Mr Lottering said he shot him in the torso and administered a coup de grace by putting his pistol against his head and pulling the trigger.

"The black was my natural enemy and I was entitled to destroy my enemy according to the Bible. The deed did not bother me."

'I killed taxi-driver for practice'

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Judge ponders terror trial plea

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14/11/80
331

Supreme Court Reporter

THE trial of Mr Tony Yengeni and five others on charges of terrorism will continue today while Mr Justice S Selikowitz studies argument before ruling on an application for a month-long adjournment.

The court heard that the adjournment would enable applications for indemnity for all the accused to be considered.

Mr Hendrik Klem SC for the state, said the applications fell within the government guidelines promulgated last week.

"It is my submission that there is a 50% chance of such an application being successful..." Mr Klem said. "It would mean that if a trial continues it would do so at considerable expense to the taxpayer."

Mr Justice Selikowitz said one of the major difficulties was that he was being asked to rule "not just in this case, but throughout the country".

He said the cross-examination of Ms Jenny Schreiner would continue today while he studied a transcript of the argument in order to make a ruling.

Terror trial 6 seek indemnity

(331)

Sowetan 14/11/90

THE State yesterday applied for the Yengeni terrorism trial to be postponed for a month while applications for indemnity by the six accused are processed.

The application was made by State counsel Mr HG Klem, SC, on behalf of the prosecution and the defence and on the advice of the Attorney-General.

On trial are Mr Tony Yengeni, Miss Jennifer Schreiner, Mr Michael Lumbambo, Mr Mbutu Nduku, Mr Wellington Nkwandla and Mrs Lumka Yengeni. 14/11/90

Custody

Yengeni and Schreiner were released on bail on Friday after being in custody for more than three years.

Mr Justice S Selikowitz, however, did not grant the adjournment and asked Klem to obtain clarity on the extent to which the indemnity process had been finalised.

He adjourned the court until later yesterday. -

Sowetan Correspondent.

promised yesterday, which to lodge any local objec-

Ministers 'were marked for assassination'

JOHANNESBURG. — President F W de Klerk, and Ministers Pik Botha, Adriaan Vlok and Magnus Malan were among the seven top ministers targeted for assassination by the Order of Death, murder accused Mr Fanie Goosen said in the Rand Supreme Court yesterday.

Members of the Order believed that the Conservative Party would take over the government if the ministers were assassinated. But the plan was called off when they decided the ANC would benefit. He and fellow right-winger Mr Cornelius

Lottering have admitted in sworn statements that they planted a bomb last year outside the flat of former Sunday Times columnist Ms Jani Allan.

They have pleaded not guilty to charges of murder, attempted intimidation, unlawful possession of a pistol and ammunition, malicious damage to property, robbery with aggravating circumstances and escaping from custody. Their actions were "facts of war", they said.

They wished to get Afrikaner Weerstandbeweging leader Mr Eugene Ter-

Blanche "out of the way" because he was not co-operating with other right-wing leaders, and decided to frighten Ms Allan "so that she would tell the true story to the newspapers", Mr Goosen said.

He is currently challenging the admissibility of his second sworn statement before the court. He said he admitted to killing a black taxi driver with Mr Lottering last year, because this meant his friends who were in detention with him would be released.

The trial continues. — Sapa

Court told of plan to kill top ministers

ARGUS 14/11/90 331

The Argus Correspondent

JOHANNESBURG. — President de Klerk and ministers Pik Botha, Adriaan Vlok and Magnus Malan were among seven ministers targeted for assassination by the Order of Death, murder accused Fanie Goosen has said in the Rand Supreme Court.

Members of the order believed the Conservative Party would take over the government if the ministers were assassinated. The plan was called off when they decided the African National Congress would benefit from the killings.

Mr Goosen and Cornelius Lottering have admitted in

sworn statements that they planted a bomb last year outside the flat of former Sunday Times columnist Jani Allan.

They have pleaded not guilty to charges of murder, attempted intimidation, unlawful possession of a pistol and ammunition, malicious damage to property, robbery with aggravating circumstances and escaping from custody.

Their actions were "acts of war", they said.

They wished to get Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche "out of the way" because he was not co-operating with other right-wing leaders.

The leader of their group, a Dawie de Beer, said they

should frighten Miss Allan "so that she would tell the true story to the newspapers".

Mr Goosen is challenging the admissability of his second sworn statement before the court.

He has admitted killing a black taxi driver with Mr Lottering last year because this meant friends of his who were in detention with him would be released.

They were being held under section 29 of the Internal Security Act and were told by police they could be detained indefinitely if one of them did not admit helping Mr Lottering, he said.

The hearing continues.

Terror trial 6 seek indemnity

331

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He adjourned the court until later yesterday.

Sowetan Correspondent.

Yengeni trial may not be suspended

CAPL Times 12/11/90 Supreme Court Reporter 331

THERE was no indication in the Indemnity Act that it was necessary to suspend court proceedings pending the outcome of an application for indemnity, the Supreme Court ruled yesterday.

Mr Justice S Selikowitz said this in a joint application by the state and the defence for a month-long adjournment while indemnity applications by Mr Tony Yengeni and five others are considered.

Neither the guidelines nor the regulations issued in terms of the Act "in any way" suggested that court proceedings should be suspended.

"In all these circumstances I do not think I ought to suspend this trial."

He hoped that because the state president could discontinue the trial, it would receive his urgent attention.

Capl. T. H. S. 5/11/90

Police search for 'Vula' suspects

331

JOHANNESBURG. — Police yesterday said they were looking for four suspects, including senior SACP member Mr Ronnie Kasrils, in connection with the illegal importation of arms, ammunition and explosives under Operation Vula — the alleged plot to overthrow the government by force.

Police said they were searching for Mr Kasrils, Ms Janet Love, Mr Charles Ndaba and Mr Christopher Manye.

The statement said the suspects were expected to be "armed and dangerous" and continuously made use of "all sorts of disguises" to hide their identities.

Janet Love operated under two aliases, Cathy McCarthy and Venessa Brown.

Rewards were available for information leading to the arrest of the four, the statement said, but did not specify how much was being offered.

Rewards were also being offered for information leading to the recovery of arms. — Sapa

Four Vula suspects 'have left SA'

Article 15/11/90

The Argus Correspondent

PRETORIA. — Four members of the African National Congress being sought by police in connection with an alleged plot to overthrow the government have left the country.

This was disclosed by government sources today after police investigating the alleged insurrection plot, codenamed Project Vula, screened photographs of the four — Mr Ronnie Kasrils, Ms Janet Love, Mr Charles Ndaba and Mr Christopher Manye — on television last night.

The police warned the four could be armed and dangerous.

Sources said the public's help was needed as the four, who used disguises, could return under new names. They were wanted in connection with illegally importing arms, ammunition and explosives.

Reacting to the call to the public, ANC spokesman Gill Marcus said a description of the four as "armed and extremely dangerous" was an incitement to people "to kill them on sight".

It was also learned today that police have uncovered one of nine arms caches alleged to exist near Pretoria.

The cache, the only one discovered so far, was found near the highway outside Mopabane. Police are still searching for eight more.

The names of the missing suspects were announced at the time Operation Vula was made public. However, sources say it has only been since the court appearance of other ANC members allegedly involved in the plot that police have been able to concentrate on the four in hiding.

The ANC said the detentions, revelations and trial of those involved in Operation Vula had been characterised by "sensationalism, distortion, deliberate leaks and statements emanating from the investigators", and this had seriously hampered the peace process.

Miss Marcus said yesterday's police statement was "all the more reprehensible" since it was made in circumstances where the people in-

involved were not in a position to speak for themselves.

"The latest Press release by the police, which is accompanied by photographs and describes the men and women as armed and highly dangerous, could be regarded as an incitement to kill them on sight.

"Yet these are highly disciplined members of the ANC, including a member of the national executive committee, who have announced their complete support for the peace process and the Groote Schuur and Pretoria minutes," Miss Marcus said.

She said the ANC had "strong reason" to believe one of the four, Mr Ndaba, had been detained on July 6 or 7 with Mr Mbuso Tshabalala, and the organisation called on the police to account for their whereabouts.

A police source said the discovery of the arms cache and evidence that arms and ammunition had been stored under the floor of Ms Love's flat led the police to conclude the four could be dangerous. ● See page 2

AWB man 'confessed in tears'

APL-TMP
15/11/90

331

JOHANNESBURG. — Order of Death and Afrikaner Weerstandsbeweging member Mr Fanie Goosen twice broke down in tears when he told police he was involved in the murder of a black taxi driver last year.

Warrant Officer Hendrik Mostert of the security police said in the Rand Supreme Court yesterday that he was surprised when Mr Goosen told him he had helped fellow right-winger Mr Cornelius Lottering to kill taxi driver Mr Potoko Franzar Makgalemele.

Until then, Mr Goosen was a co-operative person and there was nothing to indicate he was involved in the killing, he said.

Both men have admitted they were involved in the bombing of journalist Miss Jani Allan's flat last year.

The Order of Death was supposed to be an elite grouping of right-wingers who aimed to assassinate seven top cabinet ministers, including State President F W de Klerk and Foreign

Minister Mr Pik Botha. WO Mostert said Mr Goosen broke down in tears when he said he was involved in the killing. Then, when they were returning from a magistrate who witnessed Mr Goosen's confession, Mr Goosen started crying again when he heard he would have to point out the place of the killing.

Mr Justice Irving Steyn ruled that the statement to the magistrate was admissible, although it was "an exercise in futility".

There was no other evidence linking Mr Goosen to the killing and he had never convicted a person for murder on the grounds of a statement alone, the judge said.

Mr Goosen challenged the admissibility of the statement, saying it was untrue.

He told the court on Tuesday that he had made the admission because he believed it would secure the early release of other right-wingers who were being held with him under Section 29 of the Internal Security Act. — Sapa

Thatcher asked to help Maharaj

South 15/11 - 21/11/90

By REHANA ROSSOUW

AN INFLUENTIAL British anti-apartheid organisation has appealed to the British government to intervene with the South African authorities to secure immediate immunity from prosecution for nine ANC members. (331)

The South Africa the Imprisoned Society (Satis) chairperson, Mr Geoffrey Bindman, wrote to British Foreign Office Minister of State, Mr Douglas Hogg, urging him to intervene in getting immunity for ANC national executive committee member, Mr Mac Maharaj.

Maharaj and eight co-accused are on trial in Durban for terrorism after allegedly being involved in the ANC's "Operation Vula".

Bindman's letter urges Hogg to follow up approaches made by the British government about Maharaj's case.

Studied

British Prime Minister Mrs Margaret Thatcher raised Maharaj's case with State President FW de Klerk when he visited Britain recently.

Bindman, a prominent lawyer who visited South Africa on behalf of the International Commission of Jurists and observed political trials, has studied the charges against the "Operation Vula" accused.

He has also studied the agreements reached between the ANC and the government on issues designed to create a climate for free political activity.

United Nations

He believes the continuation of this case would go against the agreements and would undermine the peace process.

"The British government has joined the consensus at the United Nations calling for an end to all political trials, the release of political prisoners and the repeal of repressive legislation," Bindman said.

"Given the significance of this case to the peace process now underway in South Africa, we are confident that the British government will do its utmost to ensure that De Klerk grants immunity from prosecution to these accused," Bindman said.

this year's World Cup
earned him his nomination.



Statement linking Goosen to murder ruled admissible

B (Dun) 15/11/90 SUSAN RUSSELL *(331)*

A STATEMENT in which right-winger Fanie Goosen implicated himself in the murder of a black taxi driver was ruled admissible as evidence by a Rand Supreme Court judge yesterday.

Mr Justice Irving Steyn said he was finding the statement admissible on a legal basis. He said he would give his reasons later in the trial.

The finding followed a trial within a trial to determine the admissibility of the statement — made before a magistrate on January 12 — after Goosen's defence submitted it was made after police told him he could be held under Section 29 for years.

He has admitted involvement in planting explosives near the flat of former Sunday Times journalist Jani Allan. The judge said apart from the statement there was no evidence incriminating Goosen on the murder charge.

Goosen, 29, and his co-accused Cornelis Lottering, 24, have pleaded not guilty to murdering taxi driver Potoko Makgalemele on August 29 last year.

They also pleaded not guilty to two counts of robbery with aggravating circumstances, two counts of malicious damage to property, attempted intimidation and unlawful possession of a firearm and ammunition on the grounds that they had committed "acts of war".

The trial continues.

News in Brief

'Melrose' trial postponed

CAM News 16/1/90
PRETORIA. — The trial of three men allegedly involved in the bombing of the historic Melrose House earlier this year was yesterday postponed to March 19, 1990 in the Regional Court here. Mr Jan Dirk Heyns de Bruyn, 37, of Elandsrand, Mr Gert Johannes Jacobus de Bruyn, 30, of Elandsrand, and Mr Arthur Detlet Gudrian, 23, of Blyvooruitzicht, were not asked to plead and no charges were put to them.

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Czechoslovak President Vaclav Havel met SA Foreign Minister Pik Botha at Prague Castle yesterday. During his three-day visit Botha reached an accord with his Czech counterpart for consular relations between the two countries.

Picture: REUTERS

force in 1985/86, Coetzee had done something to prove himself. Coetzee, he said, had wanted

Goosen: revolution was planned

SUSAN RUSSELL

THE Order of Death was formed to take over the country through revolution after AWB leader Eugene Terre-Blanche failed to do so, right-winger Fanie Goosen told the Rand Supreme Court yesterday.

Goosen, 24, said he had resigned from the AWB after Terre-Blanche had disappointed him by not "keeping his promises".

He and Cornelis Lottering, 29, have pleaded not guilty to murdering a black taxi driver on August 29 last year.

They have also pleaded not guilty to planting explosives next to the flat of former Sunday Times journalist Jani Allan, attempted intimidation, malicious damage to property, robbery with aggravating circumstances and the unlawful possession of a firearm and ammunition.

Lottering has admitted killing the taxi driver as a test to see if he could carry out politically motivated killings without getting "cold feet".

Although Goosen has admitted in one of his two statements that he was involved in the killing, he has said in court he admitted it on that occasion after police told him he could be held under Section 29 for years if he did not confess.

Other than the statement, the court has not been given any other evidence implicating him in the killing.

331 Frighten

Both he and Lottering have pleaded not guilty to the various charges against them on the grounds that their actions were "acts of war".

Goosen told the court that the explosives, obtained from people working on the mines, were planted near Allan's flat to frighten her and get her to write the truth about Terre-Blanche so he would withdraw from last year's election.

He said she had infiltrated the

AWB and had had a negative effect on Terre-Blanche.

They had not wanted to hurt anyone and had placed the explosives to cause minimal damage.

Terre-Blanche had bitterly disappointed him, he said.

Giving his reasons for leaving the AWB, Goosen said he had also seen the right wing disintegrating.

All his hopes had been placed on Terre-Blanche, who was like a god to him and a "hero of the people".

Goosen testified that Order of Death leader Dawie de Beer had said they should rob businesses belonging to foreigners and use the money to buy firearms for "the revolution".

Under cross-examination by Lottering's counsel, Goosen admitted that by doing what he did as a member of the Order of Death he had been committing high treason.

Their activities were not aimed at individuals, he added.

Goosen said he was not a criminal and not involved in petty crime.

RUSSELL
VINEYARDS

NEWS

Schreiner 'could laugh in officer's face', says State

By JOHN VILJOEN, Supreme Court Reporter
TERRORISM accused Miss Jennifer Schreiner had "no problem" dealing with the security police during interrogation, the State has suggested.

Miss Schreiner was being cross-examined in the Supreme Court, Cape Town, by Mr H G Klem, SC, for the State, in a trial-within-a-trial to determine the admissibility of an alleged confession she made to a magistrate.

Miss Schreiner argues that the "confession" is inadmissible as she made it to escape further interrogation from Captain Frans Mostert, who allegedly threatened her with sexual violence.

Yesterday Mr Klem suggested to Miss Schreiner she "had no problem dealing with the security police" as she had "ignored them for months" during questioning before making the "confession".

'All the power'

Mr Klem asked Miss Schreiner why she would worry about further interrogation. "You could just laugh in their faces".

Under Section 29 detention, Miss Schreiner replied, security police "have all the power and you have none ... you don't laugh in their faces".

Security police "shifted the goalposts" during interrogation, she added. "The threat of Mostert was ever present."

The hearing continues on Monday.

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Schreiner tells of fears during her interrogation

331

Supreme Court Reporter

TERRORISM accused Ms Jenny Schreiner told the Supreme Court yesterday that she took seriously threats by security police that her detention would be extended and her interrogation continued if she refused to make a statement to a magistrate.

Ms Schreiner was giving evidence under cross-examination in a trial-within-a-trial to determine the admissibility of a statement she had made to a magistrate.

She is on trial on charges of terrorism with Mr Tony Yengeni, his wife Lumka, Mr Michael Lumbambo, Mr Mbutu Nduku and Mr Wellington Nkwandla.

The court heard that Ms Schreiner had refused to answer questions by her regular interrogator, Warrant Officer Schalk van der Merwe.

The interrogation was then taken over by Captain Frans Mostert, who on December 3 and 4, 1987, manhandled and threatened her.

After that she had been threatened that Captain Mostert would be brought back if she refused to co-operate with security police.

Her fear of Captain Mostert and the threats that her Section 29 detention would be extended and the interrogation continued had led to her making a statement to a magistrate on January 25, 1988, she said.

In reply to questions by Mr Hendrik Klem SC, for the state, Ms Schreiner said she had made a deal with a security policeman, Lieutenant Johannes Nel, that she would make a statement in exchange for a halt to the interrogation.

The trial continues on Monday.

Schreiner's indemnity plea fails to sway judge

By IVOR CREWS

HOPES that the marathon terrorism trial of Jenny Schreiner, Tony Yengeni and four others would be suspended while their applications for indemnity were being considered were dashed this week when the judge ruled the trial should proceed.

Last week's jubilation after Miss Schreiner and Mr Yengeni were released on bail of R40 000 each after more than three years in detention, turned to bitter despair when a crestfallen

Miss Schreiner had to return to the witness stand for a continued gruelling cross-examination by deputy Attorney-General Hendrik Klem SC.

A trial-within-a-trial was being conducted to determine the admissibility of a statement Miss Schreiner made to a Wynberg magistrate after months as a Section 29 detainee.

In earlier testimony, Miss

Schreiner alleged she faced security police torture, went on a hunger strike and was forced to cut her wrists with a broken mirror.

On Tuesday Mr Klem, acting as spokesman for both the state and defence teams, brought a joint application for a month-long adjournment of the trial while applications for indemnity by the accused, Mr Yengeni, Miss Schreiner, Mrs Lumka

Yengeni, Mr Michael Lumkamba, Mr Mbutu Nduku and Mr Wellington Nkwandla were being considered.

Mr Klem said there was a 50 percent chance that the applications would succeed and that a month-long adjournment would be necessary for the administrative act to be completed.

To continue with the trial in the interim "would be a considerable expense to the taxpayer," he said.

Mr Justice Selwyn Selikowitz said an adjournment "appeared attractive", but the court had to administer justice because the Attorney-General of the Cape was pursuing charges against the accused.

He said he believed the ANC and Umkhonto we Sizwe had recommended to President F W de Klerk that he exercise his power and grant indemnity. The court had to pursue its task independently of the execu-

tive, the state or other outside influences, he said.

The mere fact that a parallel procedure existed which might influence the outcome of the trial did not constitute sufficient reason to suspend the court proceedings, he said.

Mr Justice Selikowitz said there was no provision under the Indemnity Act to suspend court proceedings pending the outcome of applications for indemnity.

ONE TOP
20/11/90
331

Court refuses Schreiner warrant

Supreme Court Reporter
AN application by the state for a warrant of arrest for terrorism accused Ms Jenny Schreiner after she failed to appear yesterday, was refused in the Supreme Court.

Mr Hendrik Klem, SC, for the state, said that in terms of the Criminal Procedures Act Yengeni trialist Ms Schreiner's R40 000 bail should be provisionally cancelled and forfeited to the state, and a warrant for her arrest issued.

Mr Dawid de Villiers QC, for the defence, told the court Ms Schreiner had been seen by a doctor on Sunday night and was confined to bed for at least two days because of back problems and "flu-like" symptoms.

Mr Klem asked that the warrant for Ms Schreiner's arrest not be executed.

Mr Justice S Selikowitz said it would be an "exercise in futility" for the court to issue an order and then cancel it.

Mr De Villiers had told him early yesterday that Ms Schreiner was confined to bed and unable to attend court.

The trial continues tomorrow.

Boerestaat leader takes stand on killing

16/10/90 20/11/90

331

SUSAN RUSSELL

WHILE the slaying of a black taxi driver by a self-confessed right-wing extremist could not be approved of, it had been a political incident in reaction to the situation in SA, Boerestaat Party leader Robert van Tonder told the Rand Supreme Court yesterday.

Van Tonder was giving evidence on behalf of Cornelius Lottering, 25, who has told the court he fatally shot and stabbed a black taxi driver in August last year to see if he could carry out political assassinations "without getting cold feet".

Order of Death members Lottering and co-accused Fanie Goosen, 29, pleaded not guilty to murder, attempted intimidation, malicious damage to property, robbery with aggravating circumstances, escaping from custody and unlawful possession of a firearm and ammunition.

They pleaded not guilty on the grounds that they were acts of war.

Van Tonder said while he knew Lottering had been charged with murder, he (Van Tonder) saw the killing as a political act.

He was sorry it had happened, but the "people sitting in the Union Buildings" who had caused the situation in SA had to be condemned.

Van Tonder told the court there were between 30 and 40 young "boers" with the same aspirations as

Lottering and Goosen in jail.

"Under ordinary circumstances these people would not steal a box of matches," he said.

Counsel for the State J J du Toit objected to Van Tonder's evidence and submitted it was not relevant.

Counsel for Lottering J van der Pol said it was relevant in the light of the defence of the two accused.

Mr Justice Irving Steyn allowed the evidence but told Van der Pol he would not allow political preaching.

Van Tonder said the killing of the taxi driver was a result of political circumstances, and both accused were victims of the situation.

Enemies

One had to accept that if government continued on its course there would be more such incidents.

Earlier, under cross-examination, Lottering said blacks were his and his folk's enemies and he was entitled to shoot them. Whether the taxi driver was a person or not was irrelevant.

He had committed the killing himself and Goosen had not known about it until afterwards.

Asked why he had implicated Goosen after their arrest, Lottering said this had been Goosen's wish.

The trial continues today.

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'Treason' plea amazes judge

Capt. Truif 21/11/90 331

JOHANNESBURG. — A man accused of murder, bombing and robbery should have been charged with treason, not common law crimes, his counsel, Mr R E van der Pohl, said in the Supreme Court yesterday.

Mr Cornelius Lottering and his co-accused, Mr Fanie Goosen, 29, have submitted that their deeds were "acts of war".

Mr Justice Irving Steyn said it was an "astonishing, amazing proposition" to suggest that because someone was guilty of treason they were entitled to be acquitted of everything else.

Mr Van der Pol submitted the court should find the killing of a taxi driver was preparation for treason rather than a senseless, pointless action.

The motive was political, he said.

He said that in the siege of Mafeking, a soldier who had shot someone was not guilty of murder because he was following orders to shoot the enemy.

The judge said he would take time to formulate his judgment and postponed the trial to tomorrow.

— Sapa



LIMITED

THE YEAR ON OF DIVIDEND

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audit, as follows:-

CHANGE

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+	101,2	+13,5%
+	114,4	+17,4%
-	24,0	-92,0%
-	6,8	+11,2%
-	8,6	-16,8%
+	1,1m	+ 1,6%
+	13,3c	-18,1%
+	4,0c	+17,4%
-	1,0	-31,3%
+	50,7m	+23,2%
+	66,6c	+21,3%
+	11,1m	+2,9%
+	42,7m	6,4%
+	1,1%	

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Body found in township

LINDEN BIRNS

POLICE yesterday recovered the decomposed body of a man believed to have been killed in fighting at the Zonkezizwe shack settlement on the East Rand.

SAP liaison officer Capt Ida van Zweek said the body had been found early yesterday morning but it seemed to have been lying there for several days.

The discovery brings the official death toll in clashes at the settlement to 49 since November 11.

Van Zweek said there had been no further violence reported from the area since Monday, when 19 people were killed, but police would continue to patrol the area.

Other Reef townships were quiet yesterday.

But Sapa reports that in the eastern Transvaal township of Mhluzi, outside Middelburg, police patrolled yesterday after two days of clashes with demonstrators.

Eastern Transvaal police spokesman Maj H S Pienaar said groups attacked at least three policemen's homes with petrol bombs in Mhluzi yesterday morning.

And in Port Elizabeth, a reward of R15 000 has been offered for information leading to the arrest and conviction of the murderers of Sgt Johan Gerber, Const Cornelius de Wet and an unidentified civilian murdered near the city on Monday.

They were killed in Zwide township when a group opened fire on them.

Order of Death accused 'should face treason trial'

SUSAN RUSSELL

THE two members of right-wing extremist group the Order of Death on trial for the murder of a black taxi driver, robbery, attempted intimidation and other offences should not be convicted on these common law crimes, but charged with treason instead.

This submission was made during argument by defence counsel J van der Pol on behalf of Cornelius Lottering, 29, before Mr Justice Irving Steyn and two assessors yesterday.

Lottering and co-accused Fanie Goosen, 25, have both pleaded not guilty to the charges on the grounds that they were "acts of war" committed while the country was in a state of war.

Both men have admitted planting explosives next to the flat of former Sunday Times journalist Jani Allan in an attempt to frighten her and get her to publish the truth about AWB leader Eugene Terre'Blanche, to

force him to pull out of the election last year.

Lottering has admitted in a statement that he killed the taxi driver on August 29 last year as a "test" to see if he could carry out politically motivated "eliminations" without "getting cold feet".

Goosen has denied any involvement in or prior knowledge of the stabbing and shooting of the taxi driver.

During argument yesterday, State counsel J J du Toit did not ask for a conviction against Goosen on the murder charge.

Van der Pol said neither man should be convicted on the charges as they stood, but should be acquitted and — if the State wished — charged with treason instead.

Mr Justice Steyn said he would deliver judgment tomorrow.

Warrant issued for Schreiner's arrest

331 Supreme Court Reporter

CAL
TUP
22/11/90

A WARRANT for the arrest of terrorism accused Ms Jenny Schreiner, who has been confined to bed because of illness, was yesterday issued in the Supreme Court.

In addition, her bail has been cancelled and her bail money of R40 000 forfeited, both provisionally. However, execution of the warrant will be held over until Monday, when she is due to appear in court again.

Mr Mike Donen, for the defence, told the court that Ms Schreiner was still ill and had been advised to rest for a week. He asked that her bail condition, to report to a police station daily, be suspended.

Mr Hendrik Klem SC, for the state, said the state accepted the authenticity of the medical certificate but asked for a warrant for Ms Schreiner's arrest.

Mr Justice S Selikowitz said he was obliged to apply the provisions of Section 67 of the Criminal Procedures Act, and added that the court wished Ms Schreiner a "speedy and complete recovery".

Trials halted

GRAHAMSTOWN. — Two trials in the Grahamstown Supreme Court have been suspended after the accused applied for political indemnity in accordance with the Pretoria Minute. *South 22/11-28/11/90*

Four members of the Queenstown Youth Congress, charged with the necklace murder of a community councillor in January 1986, had their trial postponed after they applied to the State President for indemnity from prosecution.

Meanwhile, the Stutterheim necklace murder trial of Mr Thembelani Mahala and five others was postponed to allow the accused to apply for indemnity.

Five co-accused in the trial were granted bail when the trial was postponed — ANA

Arrest warrant for Schreiner

TERRORISM accused Miss Jennifer Schreiner's bail of R40 000 was yesterday provisionally cancelled and declared provisionally forfeited to the State.

A warrant for her arrest was authorised but held over.

Defence counsel Mr M Dönen told the Supreme Court she was still ill. He presented a doctor's certificate stating that Schreiner should be "off trial" for the rest of the week.

Dönen asked that the

hearing be adjourned until Monday, that Schreiner's bail be extended that she not be required to report daily to the Diep River police station in terms of her bail conditions.

Mr H G Klem, SC, for the State said the law made no provision for a trial to be postponed because of the absence of the accused.

The court was told on Monday that Miss Schreiner, who is under cross-examination by Klem, had backache and flu symptoms.

Mr Justice S Selikowitz ordered that the hearing be adjourned until Monday, that Schreiner's bail be provisionally cancelled and that the money be temporarily forfeited to the State.

A warrant for Schreiner's arrest was authorised, but will not be issued unless she fails to appear in court on Monday.

The court wished Schreiner "a speedy recovery", Justice Selikowitz said.

331

Southern
22/11/90

Trial: People crossing border to join ANC

DELMAS. — Up to 60 people a week have been crossing South Africa's borders into neighbouring territories to join the ANC for military training, a special Supreme Court here heard yesterday.

This was evidence submitted by security branch Captain Henning Brand in a bail application for the three remaining accused in this long-running trial. They are facing a total of 51 charges which include murder, attempted murder, terrorism and illegal possession of arms and ammunition.

The other nine accused escaped from the Modderbee Prison east of Springs on February 18 this year.

The accused applying for bail are Mr

Godfrey Velaphi Mokube, 41, of Bloemfontein and Mr Peter Holmes Malaleka, 25, and Mr Phuti Bernard Mokgongana, 26, both of Mamelodi. They have been held since their arrests in October 1988.

Lawyers for the three accused submitted affidavits on their clients' behalf in which it was stated that all had applied for official indemnity against prosecution for criminal acts committed before the May signing of the Groote Schuur Minute.

Prosecutor Ms Louisa van der Walt told the judge, Mr Justice W J van der Merwe, that she had been instructed to oppose the application.

Captain Brand also said that despite the ANC's curtailing of its armed struggle, as

outlined in the Pretoria Minute on August 6 this year, 39 terrorist acts had been carried out which had the hallmarks of ANC operations.

He had compiled his list from a host of incidents which had occurred since the signing of the Pretoria Minute, detailed in secret files at security police headquarters in Pretoria.

Captain Brand was asked if he would be able to produce this evidence and said he would do so today.

He also said three trained ANC cadres were arrested earlier this month in connection with two incidents in Natal where arms and a handgrenade were used, and another incident in Bloemfontein.

Taxi murder man is guilty

Comp. Trial 23/11/90 (331) (10/11)

JOHANNESBURG. — A man who was described by a Rand Supreme Court judge yesterday as being "absolutely crazy" about politics and who confessed to killing a black taxi driver as practice for assassinating black leaders, was found guilty of murdering the driver.

Mr Justice Irving Steyn, sitting with two assessors, found that right-winger Cornelius Lottering, 29, had had the intention to kill taxi driver Mr Potoko Makgalemele on August 29 last year.

The judge said he and his assessors unanimously rejected the submission by Lottering and his co-accused, Fanie Goosen, 25, that the offences they committed were acts of war committed while

South Africa was in a state of war. Lottering admitted he had gone to the taxi rank at Johannesburg station to choose a victim to test himself by seeing if he could carry out politically inspired killings without "getting cold feet".

He got Mr Makgalemele to take him to a spot near Gold Reef City, where he stabbed Mr Makgalemele and then shot him in the back and head at close range.

Lottering was also found guilty of robbing the taxi driver of his car and setting it alight.

Goosen was found not guilty of the murder.

The only evidence linking him to the murder was a single statement in which he confessed to have been involved.

Lottering himself told the court that Goosen was not involved in the murder.

Both men were found guilty of malicious damage to property and attempted intimidation for planting explosives outside the flat of former Sunday Times journalist Ms Jani Allan.

Mr Justice Steyn accepted that Goosen's statement confessing to the murder was not the truth.

Giving his reasons for his finding, the judge said these included the fact that Lottering had denied Goosen was involved in the murder, that an eyewitness had seen only Lottering at the scene of the killing, and that Goosen had been unable to point out the scene of the murder.

Argument on mitigating and aggravating factors which could influence sentence continues today. — Own Correspondent and Sapa

Rightwinger who killed for 'practice' found guilty

By JOHN PERLMAN

AN extreme rightwinger who killed a black taxi driver for "practice", and claimed this and other actions were "acts of war" not crimes, was yesterday found guilty of murder and seven other charges in the Rand Supreme Court.

Cornelius Lottering (24) was found guilty of murdering taxi driver Potoko Makgalemele, robbing a Vanderbijlpark bottle store, placing a bomb outside *Sunday Times* journalist Jani Allan's flat and escaping from police custody.

Lottering's co-accused, Fanie Goosen (29), was acquitted on the murder charge but found guilty of armed robbery, the bombing and the escape, as well as a firearms charge.

At the time of the crimes both men, who at one time were part of Aquila, the armed wing of the Afrikanerweerstandsbeweging (AWB), were members of a right-wing splinter group called the Order of Death. The court heard that the Order of Death has cells throughout the country and had targeted seven cabinet ministers for assassination.

In summing up before passing sentence, Mr Justice Irving Steyn recounted the chilling evidence presented to the court by Lottering — much of it read by his counsel on account of the accused's pronounced stutter. Lottering had said he decided to murder Makgalemele because he wanted to see if he was able to kill when the time to do so came.

He said he was offended by blacks driving white taxis, especially the sight of "kaffirs driving white girls". He said he had asked Makgalemele to take him to Gold Reef City, pulled a gun on the driver and forced him to get into the boot of the car.

As Makgalemele was getting in, Lottering stabbed him in the back. He said he was aiming for the kidneys but "did not succeed". Later, Lottering said he "decided to try again with the knife", this time stabbing Makgalemele through the throat.

Lottering then shot the driver twice, once in the back and once in the head. He said he felt no remorse for the killing as blacks "were my natural enemy" and the Bible made it clear he should eliminate them.

Lottering also referred to the Portuguese owners of the bottle store he and Goosen robbed as "Basters" and part of "the mud races".

At the time of going to press, the court was hearing evidence in mitigation of sentence.

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Lottering found guilty of murder

B (Day) 23/11/90

CORNELIUS Lottering, a member of the right-wing extremist group the Order of Death, was found guilty in the Rand Supreme Court yesterday of murdering a black taxi driver to "test" himself to see if he could commit politically motivated assassinations.

Mr Justice Irving Steyn, sitting with two assessors, found that Lottering, 29, had had the direct intention to kill taxi driver Potoko Makgalemele on August 29 last year.

The judge said he and his assessors unanimously rejected the submission by Lottering and his co-accused Fanie Goosen, 25, that the offences they committed were acts of war committed while SA was in a state of war.

Both men had pleaded not guilty to the charges against them on that basis.

Lottering admitted he had gone to the taxi rank at Johannesburg station to choose a victim to test if he could carry out politically inspired killings without "getting cold feet".

He got the taxi driver to take him to a spot near Gold Reef City where he stabbed Makgalemele and then shot him in the back and head at close range.

Lottering was also found guilty of robbing the taxi driver of his car and setting it alight after the murder.

Goosen was found not guilty of the mur-

SUSAN RUSSELL

der. The only evidence linking him to the murder was a single statement in which he confessed to having been involved. In evidence, Goosen said he had made the statement under pressure.

Both men were found guilty of malicious damage to property and attempted intimidation for planting explosives outside the flat of former Sunday Times journalist Jani Allan.

They told the court in statements and in evidence they had done that to frighten her and to get her to print the truth about AWB leader Eugene Terre'blanche so that he would be forced not to stand in the general election last year.

Mr Justice Steyn accepted that Goosen's statement confessing to the murder had not been the truth. Giving reasons, the judge said these included Goosen's spontaneous admission to committing the other offences, the fact that both accused denied Goosen was involved in the murder, that an eyewitness had only seen Lottering at the scene of the killing, and that when asked by police to point out the spot where the murder occurred, Goosen had cried and not been able to do so because he did not know where it was.

Argument on sentence continues today.

'Smack' for murderer?

JOHANNESBURG. — Right-wing extremist Cornelius Lottering, who was this week found guilty of the murder of a black taxi driver, needed his "bottom smacked", the Rand Supreme Court heard yesterday.

Lottering, 24, and Fanie Goosen, 30, were charged with murder, bombing the flat of former Sunday Times writer Ms Jani Allan, robbery with aggravating circumstances, unlawful possession of arms and ammunition and escaping from custody.

Goosen, who falsely claimed he was implicated in the murder of the taxi driver Mr Potoko Makgamelele, was found not guilty of murder but was, with Lottering, found guilty on the other charges.

In mitigation, Lottering's counsel, Mr Erik van de Pol, said that though his client had not been remorseful when arrested, he now regretted his action.

"Lottering murdered for political reasons and not out of cruelty or insensitivity. He should pull himself together; all he needs is his bottom smacked," Mr Van de Pol said. — Sapa

Ill Jenny misses her trial

Sunday Times Reporter

A WARRANT was issued for the arrest of terrorist Jenny Schreiner — just two weeks after she was released on bail after spending more than three years in detention.

But the execution of the order has been held over until tomorrow.

Mr Justice S Selikowitz granted the warrant in the Cape Supreme Court when Miss Schreiner failed to appear because she had been confined to bed on doctor's orders for a long-standing back problem and a bout of 'flu.

Order 331

But Judge Selikowitz ordered that the warrant be held over until tomorrow, when Miss Schreiner is expected to appear.

Miss Schreiner is under cross-examination in a trial-within-a-trial to determine the admissibility of a statement she made to a magistrate after spending four months in detention.

Trio in terror trial seek bail

Sawefan 24/11/90 331

A DECISION on a bail application for the three remaining murder and terrorism accused at a special Supreme Court in Delmas was yesterday reserved by Mr Justice WG van der Merwe until Thursday.

The three men who remain of a total of 12 accused - nine escaped in February and are believed to be in Zambia - have been in custody since August 1988.

Their application for

bail recently became relevant because of the Government's decision to grant indemnity for political crimes to prisoners and trialists.

The accused, Mr Godfrey Velaphi Mokupe (43), of Bloemfontein, Mr Peter Holmes Malaleka (36) and Mr Puthuti Bernard Mokgonyana (28), both of Mamelodi, are facing a total of 51 charges including murder, attempted murder and terrorism. - Sapa.

Schreiner 'forced to include cop's notes'

Capt. T. H. K. 28/11/90
Supreme Court Reporter 33

TERRORISM accused Ms Jenny Schreiner yesterday told the Supreme Court that when she was forced to write a biographical statement, she had to include notes a security policeman had made during interrogation a month before.

Ms Schreiner was giving evidence under cross-examination in a trial-within-a-trial to determine the admissibility of a statement she made to a magistrate in January 1988.

Asked by deputy attorney-general Mr Hendrik Klem SC if her interrogator, Warrant Officer Schalk van der Merwe, had forced her to include in a biographical statement facts he had confronted her with earlier, Ms Schreiner said that when she was forced to write a biographical statement, WO Van der Merwe handed her notes he had made during interrogation in December 1987.

After Mr Klem repeatedly asked her the question, Ms Schreiner said nothing she had written in the biographical statement was done voluntarily, but had been induced.

The trial continues today.

Terror trial is postponed

Sowetan 28/11/90
THE terrorism trial of Mr Tony Yengeni and five others was postponed again on Monday because accused Miss Jennifer Schreiner is still suffering from 'flu.

Defence counsel Mr M Donan told the Cape Town Supreme Court that Schreiner's throat infection had cleared but she still had a blocked nose and a cough.

While a doctor was not prepared to is-

sue a certificate confining Schreiner to bed, counsel was not sure if she could withstand cross-examination.

Schreiner was experiencing side effects from medication and was not yet able to carry on.

Mr Justice S Selikowitz postponed the hearing to yesterday to give Schreiner a chance to "build up some strength". - Sapa.

29/11/90
Yengeni
attends
UWC
graduation

Supreme Court Reporter

THE bail conditions of terrorism accused Mr Tony Yengeni were yesterday altered in the Supreme Court to allow him to attend a ceremony at the University of the Western Cape yesterday evening, where an honorary doctorate was conferred on ANC deputy president Mr Nelson Mandela.

Mr Yengeni was allowed to be in the Bellville magisterial district between 6.30pm and midnight, had to report to the Guguletu police station between 11.30pm and 1am and was allowed to travel through the Goodwood magisterial district.

In terms of his bail conditions, he is required to remain within the magisterial districts of Cape Town, Wynberg and Simon's Town.

The application was granted shortly after Mr Justice Selwyn Selikowitz had refused a similar application, in which Mr Yengeni had handed an invitation to the ceremony to the court.

Mr Justice Selikowitz said applications for the amendment of bail were not easily granted.

Piet 'Skiet' thanks cops for fast work

Own Correspondent

JOHANNESBURG. — Alleged right-wing terrorist Mr Piet "Skiet" Rudolph appeared briefly in the Magistrate's Court here yesterday and promptly thanked the police for the manner in which they had handled the investigation into his activities.

Earlier yesterday, Witwatersrand attorney-general Mr Klaus von Lieres said he was charging Mr Rudolph and co-accused Mr Hendrik Cornelius Bredenhahn on six counts of terrorism.

The two were remanded until December 5 when they will be granted leave to apply for bail.

Prosecutor Mr Herman de Beer told the court they had been charged with the theft of arms and ammunition from air force headquarters in April.

They have also been charged with bombings between April and September at Pretoria's Melrose House, the Auckland Park and Roodepoort National Party offices, the Food and Allied Workers' Union's (Fawu) Rustenburg offices and two bombs under cars outside the Beeld newspaper's offices in Johannesburg.

Both men, who have been held at Pretoria Central since their arrest in September, instructed their attorney to tell the magistrate they were not being mistreated or abused in detention and that they wished to thank the police for the speedy and efficient way in which the investigation was being dealt with.



PIET 'SKIET' ... Mr Piet "Skiet" Rudolph outside the Johannesburg Magistrate's Court yesterday.

Doctor ^{CAM TIPS 30/11/90} found dead after Aids diagnosis

JOHANNESBURG. — Two months after being informed that he had tested positive for Aids, physician Dr Benjamin Leonard Gollach was found shot dead.

A Johannesburg Inquest Court magistrate, Mr C G de Lange, found that the gunshot wound in Dr Gollach's head was "self-inflicted".

In a written statement, Dr Gollach's son, Mr David Gollach, 33, of Harare, said he and his family were at his father's home in Oaklands, Johannesburg, when the shooting occurred.

Earlier that day Dr Gollach and his son, who is a businessman and farmer, had travelled to Brits on business.

They had returned in the afternoon and Mr Gollach and his family were in the study when they heard a shot. David Gollach found his father dead in the bedroom.

"About two months ago, my father's doctor, Dr Scher, did tests on him and diagnosed Aids. My father had been very depressed since this diagnosis," the statement said. — Sapa

Schreiner refused to point out facts

Staff Reporter

CPT Tmt 30/11/90 33/

TERRORISM accused Ms Jenny Schreiner yesterday told the Supreme Court she had refused to point out certain facts to a security police officer because in terms of a deal with another policeman her interrogation would have ceased after she had agreed to co-operate with him.

Ms Schreiner was giving evidence in a trial-within-a-trial to determine the admissibility of a statement she made to a magistrate in January 1988.

Asked by Mr Hendrik Klem, SC, for the state, if she would have been able to point out certain facts to the investigating officer, Major Andre du Toit, had she been prepared to do so, Ms Schreiner said in some respects, yes, and in other respects, no.

Ms Schreiner denied that certain facts in her statement to the magistrate had not come from her own knowledge but from her then interrogator W/O Schalk van der Merwe.

The trial continues today.

Terror accused³³¹ was 'intimidated and vulnerable' AKGUS 30/11/90

By JOHN VILJOEN
Supreme Court Reporter

TERRORISM accused Miss Jennifer Schreiner told the Supreme Court she felt "intimidated, disoriented and vulnerable" when a squad of armed security police "swarmed" into her flat in the early hours of September 17 1987.

Miss Schreiner is under cross-examination by Mr H G Klem, for the State, in a trial within a trial to determine the admissibility of an alleged confession she made to a magistrate.

Mr Klem asked why she was scared during her arrest.

'DEEP SLEEP'

"It is intimidating to have a group of armed men swarm in and take over your flat when one has been in a deep sleep," she said.

"Are you actually saying ... it is intimidating for an innocent, unarmed woman all on her own to receive a squad of armed men in her flat — is that how you felt?" Mr Klem said.

He would agree with her if she were innocent, defenceless woman, he said. But Miss Schreiner was "everything but that".

He asked her if she felt police should operate differently.

"I'm not saying anything about how the police should or should not operate," Miss Schreiner said.

"You see, Miss Schreiner," Mr Klem said, "we are dealing with a woman who was found in possession of a cache of arms and who has sat in a trial

for more than a year and has raised no defence.

"How can that kind of woman be intimidated by a group of armed men entering the flat?"

Miss Schreiner said she was angry at the way police searched her flat and she felt her home had been "invaded".

This was a normal reaction, she said.

"Is that the normal reaction of a terrorist in possession of an arms cache?" Mr Klem asked.

Mr Justice S Selikowitz told Mr Klem he was "going too far" and should stick within the bounds of the facts and leave out "the editorial comment".

Mr Klem asked Miss Schreiner if police found a cache of arms in her flat when they arrested her.

After an objection from Mr M Donen, for the defence, Mr Justice Selikowitz ruled that Miss Schreiner did not have to answer the question on the grounds it could be self-incriminating.

Miss Schreiner said that throughout her Section 29 detention she felt the security police were people who had no respect for people or their property.

"If you suggest that the security police who entered your flat that evening had no respect for people and their property, weren't they arresting exactly the same kind of person?" Mr Klem said.

"I think I have a lot of respect for people," Miss Schreiner said.

The hearing continues.

Surprise court appearance by Piet 'Skiet' and organiser

The Argus Correspondent

JOHANNESBURG. — Mr Piet "Skiet" Rudolph and his chief organiser, Mr Henk Bredenhann, have made a surprise appearance at the Johannesburg Magistrate's Court — and will stand trial in the Rand Supreme Court next year as soon as a date can be arranged.

Mr Petrus Johannes Rudolph, 53, the former deputy leader of the Boerestaats Party, and Orde Boerevolk organiser Mr Hendrik Cornelius Bredenhann, 28, appeared before Mr DJ la Grange yesterday at a provisional hearing to set a court date for their bail applications.

The two men have been held under Section 29 of the Internal Security Act since their separate arrests in September.

APPREHENDED

Mr Rudolph was apprehended by security police in Pretoria on September 17 after seven months on the run. A cache of weapons was allegedly found in his vehicle.

Mr Bredenhann, of Spaarwater, near Heidelberg, was arrested earlier in the month.

The men are expected to appear in the Johannesburg Regional Court again on December 5 for a bail application. They will remain in custody at Pretoria Central until then.

Their attorney, Mr Jack Nel, read a statement on behalf of Mr Rudolph denying media reports which alleged that he would be taken to Newcastle "to be murdered".

The statement also affirmed that Mr Rudolph had been treated well while in police custody.

The man allegedly responsible for an arms raid on Air Force headquarters over the Easter Weekend and several bomb blasts, including one at Melrose House, Pretoria, was relaxed and in good spirits before his appearance.

PRESS CONFERENCE

At a press conference yesterday the Attorney-General of the Witwatersrand, Mr Klaus von Lieres und Wilkau, said a number of other men had already been charged in Pretoria.

Mr Rudolph and Mr Bredenhann faced six charges, some related to the Johannesburg area, so it was more convenient to have all their charges dealt with at one trial.

The six counts are related to terrorism in terms of the Internal Security Act, with five alternatives of causing explosions and one alternative of housebreaking and theft arising from the break-in at Air Force headquarters.

Duli men had appeared on charges

Own Correspondent

EAST LONDON. — Twelve of the men arrested with the Transkei rebel leader Colonel Craig Duli in Queenstown early this year had appeared in court on charges of illegal possession of arms and were out on bail, police confirmed yesterday.

Colonel Duli, Mr Vulindlela Mbotoli and a "bodyguard", Mr Boetie Davies, 41, were convicted in August of illegal arms possession.

Colonel Duli, Mr Davies and 11 other rebels, three of whom were among the Queenstown group, according to General Bantu Holomisa, Transkei's military ruler, were killed in the coup attempt. — Sapa

Piet Skiet appears in court on terror charges — and thanks the police

ALLEGED right-wing terrorist Piet "Skiet" Rudolph appeared briefly in a Johannesburg Regional Court yesterday — and thanked police for the manner in which they had handled the investigation into his activities.

Earlier in the day Witwatersrand Attorney-General Klaus von Lieres announced that he was charging Boerestaat Party deputy leader Rudolph and co-accused Hendrik Cornelius Bredenhahn on six counts of terrorism.

The two men were remanded by Magistrate P J le Grange until December 5, when they would be granted leave to apply for bail.

Prosecutor Herman de Beer told the court the two accused had been charged with the theft of arms and ammunition from SAAF headquarters in April.

They were also charged with bombings between April and September at Pretoria's Melrose House, the NP's Auckland Park and Roodepoort offices, the Food and Allied Workers' Union's Rustenburg offices, and the placement of two bombs under cars outside Beeld's Johannesburg offices.

Both men, who have been held at Pretoria Central Prison since their arrest in September, instructed attorney Jackie Nel to tell the magistrate they were not being

31 Day 30 11 40
LINDEN BIRNS
and SUSAN RUSSELL.

mistreated in detention and that they wished to thank the police for the speedy and efficient way in which the investigation was being dealt with.

The magistrate refused to allow Rudolph to address the court.

Rudolph allegedly led a raid on the SAAF's Pretoria headquarters which netted 22 pump-action shot-guns, 16 R5 machine-guns, 80 semi-automatic pistols, one 7,62mm FNLMG Mag 79 automatic machinegun complete with an extra barrel, a

bullet belt with 200 rounds, two carrier bags, three ammunition casks containing 2 400 machinegun rounds, and 2 683 pistol bullets. The thieves also took three sets of night-sight equipment for R5 machine-guns, two sets of driver's night-sight glasses and three R5 sights.

De Beer said the charge sheet presented to the court could be amended to include further charges.

The charge sheet also made provision for alternative charges on each count of terrorism, including charges of house-breaking with intent to steal and contravention of the Explosives Act of 1956.

Nel said the two accused would apply for their release in terms of recently promulgated amnesty regulations.

Boerestaat Party chief Robert van Tonder, who sat with journalists in court, said the Attorney-General's decision to prosecute had not come as a surprise.

Van Tonder said he was present to give Rudolph moral support.

Before his appearance in the dock a relaxed and jocular Rudolph was allowed to leave the court building to pose for photographers and TV news teams.

No bail for Delmas treason trio

331

4 p.m.
2/12/90

By MARTIN NTSOELENGOE

THE ANC's attitude to armed struggle, the killing of policemen and intimidation by the organisation this week scuttled chances of bail for three cadres.

These were the reasons Judge van der Merwe gave for refusing bail to Godfrey Welaphi Mokupe, 43; Peter Holmes Malaleka, 36; and Phuthi Bernard Mokgonyane, 28, in the Delmas treason trial.

Their chances of being granted bail were further jeopardised by the escape from Modderbee Prison of nine of their co-accused on February 18 this year.

The three are facing four counts of murder and six charges of attempted murder.

The judge said his reasons for refusing bail were:

- The ANC's attitude to violence and intimidation;
- That some ANC leaders do not want negotiations, but want to intensify the armed struggle;
- If negotiations fail between the government and the ANC, the military wing, Umkhonto weSizwe would resume the armed struggle;
- Police are attacked daily by ANC followers;
- At least 60 people skip the country daily to join MK;
- If given bail, the three men would skip the country like the nine escapers and not stand trial; and
- They failed to give the court sufficient reason why they should be granted bail.

It is alleged that on March 18, 1988, they murdered three Atteridgeville policemen - Bernard Mope, Nelson Phenyane and Andrew Mphahlele.

On May 10, 1988, they are alleged to have murdered a 12-month-old baby, Patience Kulele, in a handgrenade attack at the house of a Mamelodi policeman.

It is also alleged that on May 25, 1988, they bombed the Sterland cinema complex in Pretoria and placed a limpet mine in a Juicy Lucy fast-food outlet which injured five people.

They are also charged with the attempted murders of Mathilda Venter, Elke Hansen, Anna Prinsloo and Susanna Kruger of Pretoria and Rose-Mary Muzwayine and Annanius Nkoana of Atteridgeville on the same day.

The three have alleged their confessions were made under duress.

The case continues.

Drama in Schreiner terror trial

Sunday Times 2/12/90

Sunday Times Reporter

A JUDGE rebuked a prosecutor for not controlling his emotions during the terrorism trial of Jenny Schreiner in the Cape supreme court this week.

Deputy attorney-general Hendrik Klem SC accused Miss Schreiner of being a "terrorist", a "callous killer" and of "lying through her teeth".

Mr Justice Selwyn Selikowitz said: "You're allowing your emotions to intrude in your cross-examination. You're expressing yourself in a very emotional manner by calling Miss Schreiner a callous killer."

"There is no reason for you to pursue that line of cross-examination. I think you should reduce your emotions."

Swarm

Mr Klem made the allegations during the cross-examination of Miss Schreiner in a trial-within-a-trial to determine the admissibility of a statement she had made to a magistrate after five months as a Section 29 detainee.

Miss Schreiner — together with Tony Yengeni, his wife, Lumka, Michael Lumbambo, Mbutu Nduku and Wellington Nkwandla — are charged with terrorism.

During her evidence on Thursday, Miss Schreiner told the court she felt "intimidated, disorientated and vulnerable" when a squad of armed security policemen of the terrorist detection unit swarmed

and defenceless, but she was "anything but that".

"You see, Miss Schreiner ... we are dealing with a woman who was found in possession of a cache of arms and who has sat in a trial for more than a year and has raised no defence."

"How can that kind of woman be intimidated by a group of armed men entering her flat?"

Miss Schreiner replied she had been very angry at the way police had

searched her flat. She had felt her home had been "invaded" and said it was a normal reaction.

Mr Klem asked: "Is that the normal reaction of a terrorist in possession of an arms cache?"

The judge intervened and told Mr Klem he was "going too far" and should remain within the bounds of the facts and "leave out the editorial comment".

On Friday Mr Klem put it to Miss Schreiner that a

woman of her character would not be affected at all by events on the night of her arrest. Miss Schreiner replied that she was.

"I put it to you that you are a callous killer who would not be affected," Mr Klem said.

Mr Donen objected to the allegation and said there was no evidence to that effect.

Miss Schreiner conceded she had refused to sit on the floor when told to do so.

After Mr Klem had accused Miss Schreiner of "lying through your teeth", Mr Donen objected, saying it had not been established she was lying.

An angry Mr Klem then told the court he was being interrupted and would not stand for it and that he might have to reconsider his position because he had a task to perform.

The judge told Mr Klem that he regulated the proceedings and that Mr Klem was not in a position to reconsider his position.

Schreiner tried to 'collect evidence'

By JOHN VILJOEN
Supreme Court Reporter

MISS Jennifer Schreiner faked a suicide bid to "collect evidence" to explain why she confessed to a magistrate, the State has alleged.

Miss Schreiner is under cross-examination by Mr H G Klem SC, for the State, in the trial-within-a-trial to determine the admissibility of an alleged confession she made to a magistrate.

Mr Klem told the Supreme Court, Cape Town, yesterday that Miss Schreiner had not intended to take her life in her "alleged suicide attempt" on January 6 1988.

She struggled to control her emotions and wept at times in the witness stand as she denied Mr Klem's suggestions that her suicide bid was faked. She said she cut her wrists until they bled, and dipped them into a bucket of hot water to "make them bleed more profusely".

Hot water, she said, opened the blood vessels and encouraged bleeding.

"I had every intention of taking my life," she said. However, during the attempt she rea-

lised that she could not kill herself "that particular way", the court heard.

"I did not have the guts," she said.

Mr Klem asked: "So, apart from collecting evidence for the future, why did you carry on?" She replied: "At no stage was I trying to collect evidence for the future."

Mr Klem told Miss Schreiner doctors at Tygerberg Hospital "don't believe you at all". The doctor who examined her testified that the injuries on Miss Schreiner's wrists were more than 24 hours old, he said.

The doctors were mistaken, Miss Schreiner said.

"You scratched yourself (with broken glass) well before then to put up a case about why you would make a confession to a magistrate. Is that not the real reason?"

Miss Schreiner denied this.

She said that in Tygerberg Hospital a nurse inserted a drip into her wrist in the same area she had cut.

"The nurse must have been very insensitive to insert a needle over your cuts," Mr Klem said.

Ashton
only 15 ^{Arbuls}
for court ^{5/12/90}

Staff Reporter ³³¹

THE State has dropped charges against all but 15 of 91 people accused of attending an illegal gathering in Ashton on June 30.

Lawyer Mr Gary Jansen said the 15 would appear in court today.

They are Ms Cheryl Carolus, Western Cape publicity secretary of the Communist Party; Black Sash members Anna-Marie Hedrickz and Anne Schuster and Ashton residents Astrid van der Merwe, Marie Wiese, Louisa Petersen, Jean Josephs, Zolena Mxakaza, Catherine Kiewitz, Carensiza Papier, Catherine Conradie, Idia Wiese, Ada Stansliet, Christopher Slingers and Patricia Burns.

Assault was not fabricated, Schreiner tells court

By JOHN VILJOEN, Supreme Court Reporter
TERRORISM accused Miss Jennifer Schreiner fabricated a complaint of manhandling and assault against a security police officer, the State has alleged.

She is under cross-examination in the Cape Supreme Court by Mr H G Klem, SC, for the State, in the trial-within-a-trial to determine the admissibility of an alleged confession she made to a magistrate.

Yesterday Mr Klem told the court he found it strange Miss Schreiner had not told her parents she had been assaulted and threatened by Captain Frans Mostert.

Fear

Miss Schreiner's parents visited her at Tygerberg Hospital in January 1988.

"You were cut off from the whole of the outside world and being assaulted," Mr Klem said. "Now, by some miracle, your parents are at your bedside.

"Why not tell them what is happening — or is it absolute nonsense that you are fabricating here?" he asked.

Miss Schreiner denied fabricating complaints against Captain Mostert. She said it was a reflection on her fear and emotional state at the time that she did not tell her parents.

"I was in the hands of the security police. I was very scared about what would happen when I got out of hospital," she said.

"I did not want to antagonize the security police any further. I was not in a mental state to deal with those kind of things."

It was the first opportunity Miss Schreiner had had to speak to a member of her family since her arrest, Mr Klem said. He could not understand why she did not tell her parents — "if there was an assault".

She had lodged an official complaint against Captain Mostert immediately after the alleged assaults, manhandling and threats on December 3 and 4 of 1987.

Miss Schreiner said that by the time she was admitted to hospital on January 7 1988 after attempting suicide nothing had come of her complaint.

Mr Klem suggested Miss Schreiner did not use "a golden opportunity" to lodge a complaint against Captain Mostert with her parents.

He put it to her that if the complaint was not fabricated she would have told her parents.

Miss Schreiner said Section 29 detention had left her "less communicative" and "withdrawn", and she was not in a fit state to discuss it.

Mr Klem said he could not understand why Miss Schreiner had not told her parents, who were "on your side", and cared for her so much that they had been "sitting in this courtroom for more than a year", about the assault.

The hearing continues today.

'I refused to answer' Schreiner

Supreme Court Reporter
TERRORISM accused
Ms Jenny Schreiner told
the Supreme Court yes-
terday she had refused
to answer questions
from her security police
interrogator about ex-
plosions at D F Malan
Airport and Castle Court
flats in Cape Town.

Ms Schreiner was un-
der cross-examination
in a trial-within-a-trial
to determine the admis-

sibility of a statement
she made to a magistrate
in January 1988.

Ms Schreiner said that
during interrogation she
had refused to answer
questions and had been
arrogant.

Her interrogator, War-
rant Officer Schalk van
der Merwe, told her he
had seen unco-operative
people before and that
the strain would become
so much that they would

"come back and beg to
talk".

She had also refused
to write a statement be-
cause the purpose of
Section 29 was for her to
answer questions satis-
factorily and not to write
statements, she said.

She denied she had
faked a suicide attempt
on January 6, 1988.

Ms Schreiner said she
had not told her parents
of her suicide attempt

when they visited her in
Tygerberg Hospital, be-
cause security police
had been outside the
door to her ward and
would have overheard.

Asked why, if she had
attempted to cut her
wrists, a doctor would
testify the cuts had not
been recent, Ms
Schreiner said the doc-
tor had made a mistake.

The trial continues to-
day.

Eight charged after Wolseley violence

Chf Tnt 5/12/96
Court Reporter

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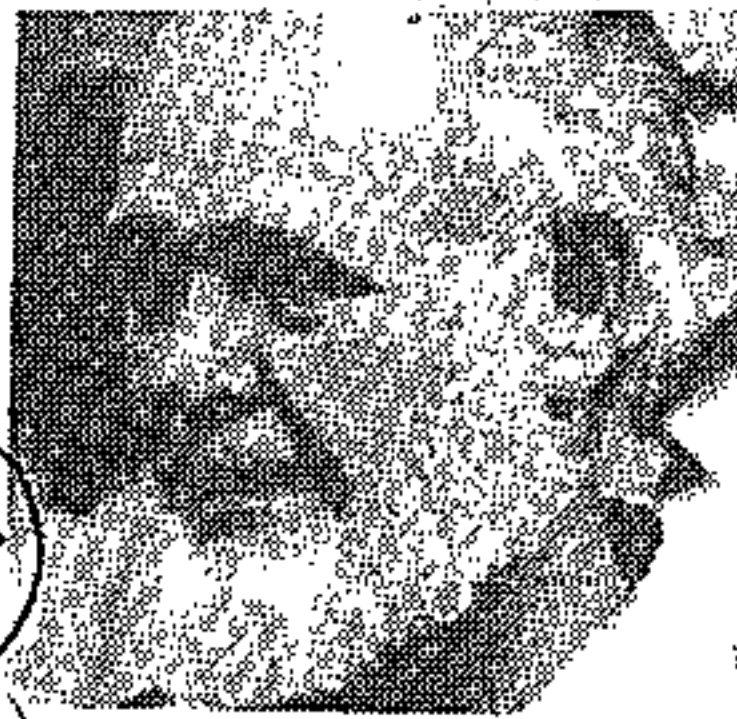
EIGHT people appeared briefly in Wolseley Magistrate's Court yesterday following their arrest on a charge of public violence. They were alleged to have disrupted an inauguration ceremony in the town last month.

Mr Martin van Rooyen, 36, of 6th Avenue, Mr Piet Andrews, 36, of Madeliefie Street, Mr Jan Afrika, 40, of 5th Avenue, Ms Marie Manuel, 24, of Scheme Seven, Ms Christina van Rooyen, 41, of 6th Avenue, Mr Hendrick Fredericks, 33, of Scheme Seven, Ms Hendrina Kaye, 39, of 5th Avenue, and Ms Elizabeth Fourie, 43, of Scheme Five, were not asked to plead.

They are alleged to have been involved in violence which broke out at the inauguration of the new community hall in Wolseley on November 24, when local Civic Association members objected to Labour Party leader Mr David Curry speaking.

The hearing was postponed to January 11 for further investigation and the eight were released on their own recognisances.

We attacked UK embassy — Rudolph



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JOHANNESBURG. — The Orde Boerevolk had been responsible for another act which the state had not yet placed on the docket — an attack on the British embassy in Pretoria in January this year, Mr Piet Rudolph admitted in the Magistrate's Court here yesterday.

He said this during bail applications for his release and that of Mr Hendrik Cornelius Bredenhann, both of the Orde Boerevolk.

The two men, who are to stand trial in the Supreme Court, Johannesburg, early next year on charges of terrorism, both testified that they intended pleading guilty to most charges, including theft of a large arms cache from SA Air Force headquarters in Pretoria.

The prosecutor, Mr Z H de Beer, noted during cross-examination of Mr Rudolph that two-thirds of these weapons had not yet been returned to the original owners, in spite of Mr Ru-

dolph's public call to his followers to do so.

Both OB-members claimed political motives for the deeds of terrorism, describing themselves as "Boer freedom fighters" — but also said repeatedly that the organisation had taken great precautions not to injure or kill anyone during their bomb attacks.

Their intent had been only to draw public attention to their cause and force the President into serious negotiations with Boer leaders about their cause, they said.

The state alleges that they bombed historic Melrose House in Pretoria, several National Party Offices, a trade union office in Rustenburg and a restaurant.

Mr Bredenhann told the court that he had a bone disease which caused excruciating pain and that he was usually bed-ridden in detention.

The hearing continues today. — Sapa

Piet 'Skiet' applies for bail

By SONTI MASEKO

DEPUTY leader of the Boerestaat Party Mr Petrus Piet "Skiet" Rudolph said yesterday he would use the court as a platform to state the case for Afrikaners who wanted their own homeland in South Africa.

Rudolph supported demands for the establishment of a white homeland and how whites were being denied their rights during his bail application in the Johannesburg Regional Court.

He said he would not run away when released on bail because he regarded the trial as an ideal place for him to publicise the cause of the Afrikaner.

The 53-year-old former policeman, accused with his righthand man Mr Hendrik Bredendam, said he regarded his involvement in right wing politics as a calling like Moses or Jeremiah, to lead his people.

It was a cause he was prepared to fight for to the bitter end.

He admitted his involvement in at least three bomb blasts early this year at the British Embassy in Pretoria, the offices of *Beeld* newspaper and of the National Party.

The case continues.

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Sowetan
6/12/90

I've given up violence, Rudolph tells court

Dec 6/12/90
Staff Reporters and Sapa

Orde Boerevolk leader Piet "Skiet" Rudolph (53) had renounced violence and wanted to negotiate with the Government, the Johannesburg Magistrate's Court heard yesterday.

Mr Rudolph and his co-accused, Hendrik Cornelius Bredenhann (28) were applying for bail. They face six charges of terrorism.

The two, clad in khaki clothes, said they believed there was a good chance they would be given amnesty and that there were mitigating circumstances should they be sentenced.

They intended pleading guilty although Mr Bredenhann would plead not guilty on one charge.

Mr Bredenhann said he had a chronic back condition which had left him bed-ridden and in need of medical attention.

A packed public and press gallery heard Mr Rudolph admit that his organisation was responsible for the attack on the British Embassy in Pretoria in January.

Negotiations

Mr Rudolph said he had renounced his campaign of violence and was in the process of applying to the Government for indemnity.

At the time Mr Rudolph committed the alleged acts of terrorism, he believed that further negotiations with the Government to discuss the independence of the "Boerevolk" would have been futile.

He said the violent acts had been committed carefully to ensure that no injuries or deaths occurred. The targets selected had all been political. These included Melrose House, the Beeld newspaper and a trade union office at Rustenburg.

Mr Rudolph said he now knew that the Boer freedom struggle would be a hopeless cause unless they could negotiate with the government of the day — or manage to overthrow it.

Mr Rudolph also wrote to Ministers Stoffel van der Merwe and Roelf Meyer in connection with bomb blasts at their offices and said these had been bombed as they were negotiating with the ANC. He told them to tread lightly because, if they continued, their lives would be on the line.

Later he wrote to them to ask their forgiveness.

In his evidence, Mr Bredenhann said he was an organiser for the Orde Boerevolk and was in charge of operations.

The bail application hearing continues today.

CME Times

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December 7 1990 3

Schreiner 'should be examined on arms'

Staff Reporter

THE state should be allowed to cross-examine Ms Jenny Schreiner about her knowledge "or possession of a trunk of arms and explosives found in her flat", the Supreme Court heard yesterday.

This was the contention of Mr Hendrik Klem, SC, for the state, during an application to cross-examine testimony by Ms Schreiner in a trial-within-a-trial to test the admissibility of an alleged confession to a magistrate.

The arms and explosives were found in Ms Schreiner's Wynberg flat on the night of her arrest on September 17, 1987.

"The evidence and admissions made by an accused during the trial-within-a-trial cannot be used against her as evidence in the main trial," said Mr Klem.

But, he said, Ms Schreiner had made the evidence relevant by testifying about the effect her arrest and "other circumstances" had on her "compromise to confess".

Mr Mike Donen, for Ms Schreiner, said the state's application should be rejected.

'Rudolph won't quit fighting'

CH. Times 7/12/90

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JOHANNESBURG. — Tens of thousands of right-wing supporters of Mr Piet "Skiet" Rudolph and Mr Hendrick Cornelius Bredenhann of the Orde Boerevolk (OB) were just waiting for their release to resume the Boerevolk's armed struggle for independence under their leadership.

This opinion was stated by Major Johannes Lodewikus Pretorius of the security branch in Sandton during the bail application of the two OB men in the Johannesburg Magistrate's Court yesterday.

Major Pretorius, in charge of investigating white right-wing terrorism in South Africa, opposed the bail application because, among other major reasons, two-thirds of the air force weapons allegedly stolen by the OB during a raid in April had not yet been returned by Mr Rudolph's supporters — in spite of the latter's public call to do so.

Major Pretorius said Mr Rudolph and Mr Bredenhann still "stubbornly clung to their political convictions", and would provide no details of certain oper-

ational plans code-named "Mandela", "Sjambok" and "Slingervel".

The mysterious plans were mentioned in OB documents police had recovered during Mr Bredenhann's arrest.

Major Pretorius feared that, once released on bail, the two men might carry out these plans. Major Pretorius said he thus did not believe that the two had sworn off the armed struggle as they now claimed.

Death threats

They would moreover not appear for their terrorism trial should they be granted bail, Major Pretorius believed.

The security policeman, his family and colleagues had been threatened by right-wingers and their homes had to be guarded. The right-wingers cursed these policemen with the historic name "red tags", which also contains a hidden threat to kill them as traitors, he said.

Major Pretorius admitted during cross-questioning by defence counsel Mr Jackie Nel to having changed his original opinion of Mr Rudolph as an inherently "violent man".

Mr Rudolph could have shot his

arresting officer — a Lieutenant Sales — with a pen-shaped gun the policeman had failed to find in his pocket. Instead, Mr Rudolph had given Lieutenant Sales the weapon, telling him: "You have missed this during your search," Major Pretorius testified.

Meanwhile Mr Bredenhann said yesterday the stolen air force weapons under his control had all been returned to the state prior to their general indemnity date of October 31.

He also admitted organising the underground video filming during which Mr Rudolph had called on the Boere people to start the armed struggle to restore their former republics.

Mr Bredenhann said he had willingly carried out orders to commit certain acts of terrorism which had been issued by the OB leadership.

He did not know who the leaders were.

The bail application hearing continues today before the magistrate, Mr O J G Olivier, who ordered that the two awaiting-trial prisoners would continue to be held at the high security section of Pretoria Central Prison. — Sapa

Right-wingers' bail application opposed

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Blom 7/12/90

TENS of thousands of right-wing supporters of Orde Boerevolk (OB) members Piet Rudolph and Henk Bredenhann were waiting for their release to resume the OB's armed struggle for independence under their leadership.

This opinion was stated by Maj Johannes Lodewikus Pretorius of the SAP security branch in Sandton during the bail application of the two OB men in the Johannesburg Magistrate's court yesterday.

The bail application hearing for Rudolph and Bredenhann, who are to appear on several charges of terrorism in the Johannesburg Supreme Court early next year, continues today.

Pretorius, in charge of the branch's continuing investigation into white right-wing terrorism in SA, opposed the bail application because, among other major reasons, two thirds of the SA Air Force weapons allegedly stolen by the OB in April had not yet been returned by Rudolph's supporters — in spite of the latter's public call to do so.

Bredenhann had told the court earlier that the stolen weapons under his control had all been returned to the State prior to the general indemnity date of October 31. Pretorius said there had been a very

marked increase in right-wing terror incidents since June 1989, with scores of bomb attacks and arrests of right-wingers under section 29 of the Internal Security Act.

Rudolph and Bredenhann still "stubbornly clung to their political convictions", refused to provide him with details of the OB's organisational structures or of its membership, and would provide no details of operational plans codenamed "Mandela", "Sjambok" and "Slingervel".

The mysterious plans were mentioned in OB documents police had recovered during Bredenhann's arrest. Pretorius feared that, once released on bail, the two men might carry out these plans.

He believed that once they were out on bail, their supporters would hide and protect them and help them take up the armed struggle once more. They would not appear for their terrorism trial.

This time, Rudolph would be impossible to catch because of his massive country-wide support base and greater knowledge of police search methods.

Pretorius said that during the five-month police search for Rudolph this year more than 200 people had actively and knowingly helped him to escape justice. — Sapa.

Arms returned, says OB cadre

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Sowetan 7/12/90

ORDER Boerevolk member Mr H C Bredenhann said yesterday the stolen South African Air Force weapons under his control had all been returned to the State prior to their general indemnity date of October 31.

Bredenhann testified in the Johannesburg Magistrate's Court during the bail application for himself and his leader, Mr Piet Rudolph.

Bredenhann said he believed he and his men would receive indemnity from owning the illegal arms cache.

He admitted organising the underground video filming during which Rudolph had called on the Boere people to start the armed struggle to restore their former republics.

The four masked people on the video had been Bredenhann's father, brother, his sister's boyfriend and a Mr

Vermaak.

The video had been filmed by a Mr Donald Henry Gibbs.

Bredenhann said he believed in the cause of the Boere people, had come from a political family, and had willingly carried out orders to commit certain acts of terrorism which had been issued by the OB leadership.

He did not know exactly who the leaders were because he and Rudolph had belonged to

a small cell.

During a car chase by police before his arrest on September 4 at Heidelberg, Transvaal, Bredenhann had thrown weapons and the minutes of OB meetings out of the car window while police were shooting at him.

When he was incarcerated under Section 29 of the Internal Security Act at the Soweto police cells he and Rudolph had gone on hunger strike.

The bail application continues before magistrate Mr O J G Olivier. - Sapa

Don't grant Rudolph bail, major tells court

By Paula Fray *Stw 7/12/90*

Orde Boerevolk (OB) leader Piet "Skiet" Rudolph should not be given bail, according to the investigating officer on his case.

Major Johannes Pretorius of the Johannesburg Security Branch was testifying during a bail application for Mr Rudolph and his co-accused, Hendrik Cornelius Bredenhann, in the Johannesburg Magistrate's Court yesterday.

Major Pretorius said police had searched for Mr Rudolph for five months using helicopters and Dakotas. Thousands of rands had been spent during the search, which extended from Johannesburg to the Kalahari, Pietersburg and Natal.

He believed Mr Rudolph should not be given bail because he had evaded the police; had wide support from rightwingers; had the ability to disguise himself; and some of the stolen weapons had not been returned.

Major Pretorius said Mr Rudolph's group was totally unknown to the police and that policemen working on cases dealing with the far Right had received death threats.

Early in October Mr Rudolph wrote to him and the Minister of Law and Order to say he had called off his armed struggle.

Major Pretorius said he believed that to a certain degree Mr Rudolph was honourable in his call for the return of weapons, but it was also his opinion that the OB leader had done this in order to be able to give up his hunger strike.

Defence lawyer Jack Nel put it to the major that giving up the hunger strike was a precondition to his call for the weapons to be returned.

Earlier, Mr Bredenhann testified that he did not know who the other members of the group were.

He said he had taken measures to ensure no one was hurt when they planted explosives at the offices of the Beeld newspaper earlier this year.

Mr Bredenhann said he had organised production and distribution of a video sent to the press with a message from Mr Rudolph.

He had also assisted Mr Rudolph with accommodation and transport.

The hearing continues.

The 'Boere Pimpernel'

Forensic tests for arms found

From ALAN DUNN
Political Staff

PRETORIA. — Forensic tests are to be done on weapons found in a disused mine shaft this week. The weapons were allegedly stolen from South African Air Force headquarters by Piet "Skiet" Rudolph and accomplices.

Police, who fetched the arms and ammunition, dusted them for fingerprints and were due to send the pistols and semi-automatic assault rifles for ballistics tests to establish whether they had been fired.

But a spokesman for the Ministry of Law and Order would not say yesterday whether any telling fingerprints had been found on the four R5s, five 288 pistols, a nightsight, or 2 400 rounds of 5.56mm and 9mm-calibre ammunition.

Many of the weapons stolen on April 14 are still missing. The ministry spokesman, Captain Craig Kotze, said they had been linked to the SADF headquarters theft through serial numbers. He said a miner found the cache on Thursday. The miner saw a ladder lying near the mine's ventilation shaft. He descended the ladder, found a rope running along the tunnel and followed it.

Buried under rocks

Captain Kotze said the cache was buried under rocks, in what looked like a permanent hiding place which allowed easy access to the weapons and quick replacement.

A "natural avenue" police were now probing was the shooting of two policemen in Khayelitsha last month, he said. One was killed and another wounded with an R4 or R5 rifle, which have the same calibre bullet, when their patrol vehicle was sprayed with automatic fire.

It was possible that people, not responsible for the disappearance of the weapons from air force headquarters, had found the stolen arms and had been stealing them from the mineshaft.

Captain Kotze said one aspect police found very worrying was that none of the shotguns stolen during the break-in had been recovered. He said Mr Rudolph, engaged yesterday in a bail application in Johannesburg, had not been told of the find at the time of the news conference announcing it.

'We have a nation to protect'

Weekend Argus Correspondent

JOHANNESBURG. — Terror accused Piet "Skiet" Rudolph had a face for every occasion.

A suitcase full of disguises — found on the "Boere Pimpernel" when he was arrested in Pretoria in mid-September — enabled him to dodge police for five months.

His disguises were one reason advanced by the State in the Johannesburg Regional Court this week for opposing a bail application brought by Mr Rudolph and his adjutant, Hendrik Bredenharm.

His disguise equipment comprised at least two wigs, several hats and a number of different pairs of spectacles.

As a master of disguise, and with thousands of his rightwing supporters waiting for further commands, the self-styled head of Orde Boerevolk could not be trusted not to resume his activities, Johan Pretorius, a security police officer in charge of the investigation, told the court.

He said there were a number of Orde Boerevolk projects about which the police were still in the dark. Plans of action — cryptically codenamed "Mandela" and "Shambok" — could still be carried out by Mr Rudolph if he was allowed out.

Magistrate Mr O Olivier turned down Mr Rudolph's bail application.

Summing up, Mr Olivier said Mr Rudolph had evaded a five-month search and it was possible the search would have to be repeated if Mr Rudolph decided not to stand trial next year.

While he had foresworn violence, many of the arms seized by Mr Rudolph from the South African Air Force armoury at Easter were still missing.

The refusal of the bail application failed to faze Mr Rudolph.

He entered the court looking more like a mild-mannered academic than the firebrand he has become known as over the past few years.

He stood impassively, briefcase in hand as Mr Olivier summed up the arguments he had heard.

When the judgment was given and court officials were working on formalities regarding the date of his next appearance, Mr Rudolph turned to his family and followers in the public gallery and said: "Do not worry — the struggle continues".

His wife Breggie wept openly as Mr Rudolph led the gathering in prayer.

Later he told them "It is not the end of the world." He kissed his wife and told her: "You must be strong. We have a nation that we are trying to protect."



Picture: HANNES THIAI, Weekend

The last load of ack-ack weapons from Youngsfield is being rolled from Cape Town to Kimberley. Lance-Corpl David Baxter holds the business end of a 35mm anti-craft gun while supervising its loading at Werton station. The gunners are moving from Wingfield, their base for decades, to Northern Cape Command at Kimberley.

Rudolph's plea for bail turned down

CAH-71/167
8/12/90

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JOHANNESBURG. — The bail application for Mr Piet Rudolph and Mr Henk Bredenhann of the Orde Boervolk was turned down in the Magistrate's Court here yesterday.

The magistrate, Mr O J G Olivier, set a trial date for the two men on January 29 in the same court, to allow both to submit to the government their applications for indemnity for their alleged acts of terrorism.

There were emotional scenes after the announcement and the two men's families joined Mr Rudolph while his elderly mother sat on a bench sobbing.

Rejecting the application, the magistrate said he questioned Mr Rudolph's truthfulness when he "gave the promise of a Boer" to appear for his terrorism trial and that he would not resume the armed struggle or interfere with state witnesses once released.

He said Mr Rudolph's promises should not be believed as his highly individualistic nature had led to his record of jumping from one political

party to the next during his 20 years in politics.

"Mr Rudolph's credibility also became questionable when he called the leader of the Boerestaat Party, Mr Robert van Tonder, a liar in this courtroom during testimony," the magistrate said.

"Moreover, he initially had sworn an oath to commit violent acts, and then swore off violence. He initially refused to eat the government's food by going on a hunger strike, and then didn't refuse to eat in prison. While on the run, he threatened to kill certain policemen and then praised them in this courtroom," Mr Olivier said.

He also said bail could not be granted because "a reasonable possibility existed that the supporters who were willing to pay Mr Rudolph's bail could be the same people who had hidden him while he was on the run from police, and could possibly do so again.

The magistrate ordered that the two men be detained in the maximum security section of Pretoria Central Prison until their next court appearance.

— Sapa

Piet Skiet must stay in jail

DETAINED Orde Boerevolk leader Piet "Skiet" Rudolph and his right-hand man, Hendrik Cornelius Brendhann, will remain in police custody until their trial in the Rand Supreme Court next year.

Dismissing their urgent bail application in the Johannesburg Regional Court yesterday, magistrate O Olivier said there was no guarantee that Mr Rudolph and Mr Brendhann would not "continue where they left off" if bail was granted.

On hearing the decision, Mr Rudolph (53) gave a thumbs-up sign to family members and supporters in the courtroom, saying "don't worry, it is not the end" ("toe maar, dis nie die einde nie").

He then led a short prayer before comforting his wife Breggie (50) who was weeping openly.

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GUY JEPSON

The two rightwingers, both Section 29 detainees, face six charges in connection with a number of bomb explosions in the PWV area between May 23 and September 2 as well as the arms raid on SA Air Force headquarters in Pretoria on April 13.

Mr Olivier set a trial date for the two men for January 29 in the same court to enable them to submit their applications for amnesty to the Government.

He said he was convinced that the State had already built a strong case against the accused. The charges they faced were of a serious nature and could result in long-term prison sentences.

No bail for Piet 'Skiet' & Co

C1 Press 9/12/90
BAIL for Piet "Skiet" Rudolph and Henk Bredenhann of the Orde Boerevolk (OB) was turned down in the Johannesburg Magistrate's Court this week.

The trial was set for January 29 in the same court and the men will submit applications for indemnity to the government for their alleged acts of "political" terrorism.

The magistrate refused bail, saying he questioned Rudolph's truthfulness when he gave the "promise of a boer" that he would definitely appear at the January trial.

There was no guarantee Rudolph would not resume his armed struggle nor interfere

with State witnesses once released.

"Rudolph's credibility also became questionable when he called Boerestaart Party leader Robert van Tonder a liar in this courtroom," the magistrate noted.

"Moreover, he initially had sworn an oath to commit violent acts, then swore off violence. He initially refused to eat the government's food by going on a hunger strike, then started to eat.

"While on the run, he threatened to kill certain policemen, then praised them in this courtroom."

Bail could also not be granted because "a

331 reasonable possibility existed that supporters who were willing to pay Rudolph's bail could well be the same people who had hidden him while on the run from police".

"These supporters could possibly do so again," he said. Rudolph's present high profile in the media and his near-mythical status among ultra-rightwingers was due only to the fact that he had committed acts of terrorism.

"Moreover, security police testified that the OB wasn't dead yet and that the organisation could commit further acts of violence." The argument that Rudolph and

Bredenhann did not want to become traitors in the eyes of their followers and stubbornly refused to reveal the OB's organisational structure to the police did not hold water.

"The leaders of the organisation had decided to lay down arms and apply for indemnity.

"Their supporters refused to follow these orders and should therefore be punished.

"By not giving police their names, the leaders are surreptitiously acknowledging that their supporters should continue with violent acts."

Sapa

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Sapa

Star 11/12/90

Strydom's wife denies he smiled as he murdered

By Norman Chandler
Pretoria Bureau

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The bid to obtain an amnesty for mass killer Barend Hendrik Strydom — the so-called "Wit Wolf" — took a new turn at the weekend with a denial by his wife, Karin, that he had smiled at his victims when cold-bloodedly executing them.

She claimed in a newspaper article that the press had made up the story about him "laughing" as he killed.

Strydom murdered seven people in a rampage through the streets of central Pretoria on November 15 1988.

Evidence was given before Mr Justice Louis Harms during the two-week trial in the Pretoria Supreme Court that the former policeman had smiled as he shot 22 people.

This was confirmed by Strydom himself when he told the judge: "My smile was a friendly one . . . I am a friendly person. I can't hold back a smile."

Witness Samuel Gunter also told the court that he had seen Strydom shoot at a black man, run three metres and shoot another . . . "the person stood in front of the men, and then the man in camouflage dress (Strydom) looked at me and smiled," Mr Gunter testified.

Lawyers acting for Strydom, who is on Death Row at Pretoria Central Prison, have petitioned the State President to obtain Strydom's release on the grounds that he should be regarded as a "political prisoner" and was therefore entitled to the same rights as similar people from the African National Congress and Pan Africanist Congress.

Mrs Strydom told a London newspaper she had written to President de Klerk to say that her husband no longer believed violence would solve the country's problems. The letter had been acknowledged.

City advocate resisted arrest

Staff Reporters

MEUS 12/12/90

A CAPE Town advocate has appeared in the Cape Town Magistrate's Court charged with resisting arrest, alternatively trying to prevent police from dispersing an illegal gathering.

Mr. Johannes Hendrick de Lange, 32, of Observatory, who is member of the defence team in the Yengeni terrorism trial, pleaded not guilty.

The charges arise from an alleged incident at Groote Schuur Hospital on August 5 last year during the celebration of the 80th birthday of trade unionist Mr Oscar Mpetha, who was in hospital.

Lieutenant Pieter Theron yesterday testified that Mr De Lange obstructed the police in carrying out their duties with his "physical gestures and conduct".

Mr M Duminy, for Mr De Lange, said Mr De Lange went to plead with Lieutenant Theron not to use force against peaceful protesters when he saw him pulling out the peg of a teargas canister.

Lieutenant Theron agreed that the gathering was "peaceful".

He testified that when Mr De Lange was apprehended he said he would not "let himself be arrested" and tried to pull free.

Mr Duminy put it to Lieutenant Theron that he adapted his story "as the wind blows" and withheld important records from the court.

The hearing continues today.

Mr D J Oosthuysen was on the Bench and Mr M McEwan appeared for the State.

'1 000-plus' ask

for indemnity

Own Correspondent

JOHANNESBURG. — The Justice Department says it has received "considerably more than a thousand" applications from ANC members for indemnity from prosecution.

It said "all applications are being processed as speedily as possible".

A considerable number of applications, it said, related to more than one offence.

In regard to the processing of applications for indemnity from people who left South Africa without a passport or crossed the border at points other than recognised border posts, the department said a list of names of people who had been granted unconditional indemnity would be published in the Government Gazette soon.

In terms of the Pretoria Minute the process of granting indemnity to these two categories of exiles is to be completed by the end of this year.

The department was unable to say how many charges against people being tried for political offences, such as being a member of a banned organisation, had been dropped. It said, though, that "a considerable number" of charges had been dropped or withdrawn.

Own Correspondent

JOHANNESBURG. — Mr Nelson Mandela yesterday protested to the Minister of Law and Order, Mr Adrian Vlok, against the alleged abduction of two ANC members by Askaris — former ANC-PAC members working for security police.

An ANC statement said Mr Job Kibu and Mr Madiha Khumalo were approached by four men, including one they recognised as an Askari, to discuss the ANC's analysis of the political situation.

ANC tell Vlok of 'kidnap'

When they met the four later in the day, a white security policeman told them they were under arrest and they were taken to Hillbrow police station.

After again showing their documents and advising the police to contact Mr Vlok, they were released.

A Law and Order Ministry spokesman said last night that the incident was under investigation.

"Many ANC supporters are involved in illegal activities and this necessitates constant police monitoring," he said. The ANC said the action illustrated the manner in which "elements of the security apparatus are destabilising the peace process".

FW, Mandela clash on 'armed action'

Own Correspondent

JOHANNESBURG. — The government-ANC working group on armed action has not met for three weeks because President F W de Klerk and ANC deputy president Mr Nelson Mandela have not been able to agree on what constitutes activities related to "armed action".

Sources said yesterday that the target date for the release of political prisoners and the return of exiles agreed to by both sides was now in doubt, unless a breakthrough was reached soon.

This was because of Justice Minister Mr Kobie Coetsee's decision that the return of exiles be linked to the ANC's suspension of the armed struggle.



Christmas 'leave' for Yengeni, Schreiner

By JOHN VILJOEN

Supreme Court Reporter

13/12/90

BAIL conditions for three of the Yengeni terrorism trialists have been altered to allow them to spend the festive season with family outside Cape Town.

But applications by four of the accused to attend the ANC conference starting in Johannesburg today were refused.

Mr Justice S Selikowitz said in the Supreme Court, Cape Town, yesterday he would not allow Mr Mbutu Nduku, Mr Tony Yengeni, his wife and co-accused Mrs Lumka Yengeni, and Miss Jennifer Schreiner to attend the conference.

'Historic event'

He altered bail conditions for Mr and Mrs Yengeni so that they could visit family in East London. Miss Schreiner will be able to spend Christmas and New Year in Natal.

Mr D de Villiers QC, for the defence, said the four had "a strong desire, even a need", to attend this "very historic event" (the ANC conference). They also wished to consult members of the ANC's National Executive Committee about their indemnity applications.

Counsel for the State, Mr J Van Vuuren, opposed the applications. He

said the four were accused of serious crimes and could be sentenced to long terms of imprisonment.

Evidence that they had been found in possession of a large amount of arms and explosives, and that Mr Yengeni had military training outside the country had not been disputed, he said.

Mr Justice Selikowitz said he was "not satisfied" the four had provided sufficient grounds to attend the conference and to consult ANC officials.

Neither the sentiments they expressed nor their wishes to discuss their indemnity were sufficient grounds.

But he took a different view of the applications to be with family.

The trial had already lasted two years and everyone involved needed time away from its stresses and strains, he said.

He ordered that Miss Schreiner's bail conditions be altered to allow her to visit Maritzburg and Durban between December 28 and January 13.

The Yengenis' altered bail conditions allow them to visit Mdantsane from December 19 to January 3.

Yesterday was the 260th day of the trial, and the final sitting for this year. Before he adjourned the hearing until February 11, Mr Justice Selikowitz wished all involved a happy and relaxed holiday.

Yengeni^{CME} bail request refused 13/12/90

Supreme Court Reporter

AN application by terrorism accused Mr Tony Yengeni and three co-accused for their bail conditions to be amended so they can attend the ANC's consultative conference in Johannesburg was yesterday refused in the Supreme Court.

Mr Justice S. Selikowitz said he was not satisfied that they had put forward sufficient grounds to have the conditions amended.

Neither the sentiments expressed in their affidavits nor their desires to hold talks with the ANC national executive committee about their trial and their applications for indemnity were in his view sufficient to amend the bail conditions, Mr Justice Selikowitz said.

Accordingly the applications by Mr Yengeni, his wife Lumka, Ms Jenny Schreiner and Mr Mbutu Nduku were refused.

The trial was adjourned to February 2 next year.

Piet Skiet's new call to hand over weapons

15/12/90
MR Piet "Skiet" Rudolph, leader of the Orde Boerevolk, has renewed calls from his Pretoria prison to his followers to return to the Government arms and ammunition he allegedly stole from South African Defence Force headquarters in Pretoria.

Mr Rudolph and his deputy leader, Henk Bredenhann, are awaiting trial on various charges, including allegations of terrorism.

Concern

Press secretary Mr Chris Beetge said in a statement yesterday that Mr Rudolph shared the Government's concern about weapons which were still missing.

According to Mr Beetge, Mr Rudolph's earlier call for the return of the weaponry had only partially succeeded, "possibly because of confusion over his motives".

"The rumour was even

spread that he had turned traitor against his own people. However, evidence given during his application for bail has hopefully wrung the neck of this untruth."

Mr Beetge said in Mr Rudolph's evidence he had clearly stated the reasons for his appeal for the return of weapons:

● Changing circumstances ... which were an invitation to discussions. Also, the Government Gazette on November 7 had said there was a reconciliation process with all people, regardless of their affiliation.

"This necessarily means discussions with the Orde Boerevolk over what has caused clashes, namely the claim for an own land region.

"As Mr Rudolph said in court, it is only a fool who chooses the way of violence when the peaceful achievement of an ideal is possible."

— Sapa.

Ironie reminder of the world that was theirs

321 Sep 17 1990

HILDA Bernstein's book was first published in 1967, but as it was subject to multiple banings, it was not available in South Africa. She herself was banned, so the book was necessarily listed and the content alone could be said to further the aims of an illegal organisation.

Twenty-three years later the book can now be bought freely in South African bookshops in a new edition which departs only marginally from the original.

But if the text is unaltered, the conditions of its South African release could not be more different. Those on trial have now been freed and have taken their rightful centre-stage positions in South African politics.

The State's most ardent desire during and after Rivonia — to remove from the accused their heroic mantles and to bury them in distant obscurity — has now demonstrably backfired. In the intervening years, Nelson Mandela (accused number 1) became

known as the world's most famous political prisoner and is now arguably the world's most famous statesman. His co-accused all remain names to conjure with.

"The World That Was Ours" is written in three major parts: the lead-up to the trial; the trial itself; and the aftermath.

The final section covers the period after the acquittal of Lionel "Rusty" Bernstein, Hilda Bernstein's husband and accused number 7. It recounts their escape in 1964, under the nose of the security police, on foot over the Botswana border to Lobatse.

As a piece of narrative writing this section stands out from the rest and ranks with the best accounts of early '60s Africa, of a continent of countries poised on the brink of independence.

Nonetheless, the final part sometimes appears tacked on to complete a book which sets out seriously to describe the political events in South Africa that inexorably led to the Rivonia trial,

BOOK OF THE WEEK

The World That Was Ours: The Story of the Rivonia Trial by Hilda Bernstein (SA Writers, London)

Reviewed by MATTHEW KENTRIDGE

This is a fitting time to re-release this compelling account of the Rivonia Trial, as the former accused take their deserved place in the South African political arena.

and the circumstances of the trial itself.

Until 1960, Hilda and Rusty Bernstein had found it possible to reconcile political activism with the trappings of a comfortable, professional, white, middle class life: the weekends by the pool, holidays at the sea. But after Sharpeville that "world that was ours" disappeared.

The change is described by the metaphor of their shuttered house in Observatory, closed against the security policeman who kept a constant vigil on their doings from across the road: "The house was

living, all summer long it breathed and murmured with people and sound: all doors were open. But it was coming to an end. They would impose silence, loneliness, and force us to close our front door, and keep it closed and locked."

During this time Rusty Bernstein was under house arrest and had to obey a personalised curfew that kept him at home between 6.30 pm and 6.30 am every day.

Then, on July 11 1963, he did not return and the next day brought news that he and several other ANC leaders had been arrested at

a farm in Rivonia. They were kept in 90-day detention and charged with sabotage.

The body of the book traces the course of the trial, with much attention paid to legal procedure and the immense difficulties faced by the counsel for the defence.

The proceedings themselves took place in the grim atmosphere of a police state. The police would fill the public gallery in the court to deny access to relatives and supporters of the accused. And in an act of arbitrary malice, Caroline Motsoaledi, wife of co-accused Elias Motsoaledi, was detained in a cruel (and unsuccessful) attempt to demoralise and break the spirit of her husband.

However, it is in her account of prosecutor Percy Yutar, then Transvaal Deputy Attorney-General, that Bernstein is at her most scathing. She points out that this "doctor of laws" first presented an indictment so "shoddy, vague and faulty in law" that the judge had little hesitation in quashing it.

Bernstein recreates the case for the prosecution piece by piece, and with each new element her anger grows. "We are witnessing the trappings of a trial", she says, "and through this trial we are also witnesses to the last stages in the destruction of South Africa's legal system, the abandonment of codes of legal behaviour and standards of justice for the sole purpose of hounding and exterminating those considered to be enemies of the State."

This capacity for outrage is ultimately the most powerful quality of Bernstein's book. No reader can fail to be gripped and moved by it. There is no self-pity in the writing. It is not a plea for sympathy but rather an urgent wake-up call. It served in 1967 to alert people to the true nature, the petty and gross frauds and cruelties of apartheid.

Now, in 1990, it reminds us, in an ironic twist of the title, of "the world that was theirs", and that must not be so again. □

Repression Dossier

Jackboot reform

South 18/12/90 - 17/1/91
JOHANNESBURG. — Despite the South African government's declaration of reform, human rights lawyers were as busy as ever this year due to an increase in detention without trial and court proceedings against activists.

Bail conditions, too, seem now to be stricter than they have ever been.

At times they have effectively banned activists from engaging in political activity.

The increase in repression has come at a time when foreign organisations which supported legal action in the past are cutting back their financial aid.

These conditions are particularly prevalent in outlying towns where white conservatism holds sway.

Detained

In the past, anti-apartheid activists were simply detained under the state of emergency regulations that had been maintained by the government since 1986. There were no investigations or charges against them.

But since the emergency regulations were lifted in most of the country in June, says lawyer Ms Julie Mohamed, the police have taken to arresting people on a variety of charges.

This has been most pronounced in black township communities supporting rent and consumer boycotts as well as public protests and sit-ins.

Attorney Richard Spoor identified three broad categories of offences:

- Those against the police, such as obstructing police and attacking police stations and vehicles;
- Those against the state, such as attending illegal gatherings;
- Those against unpopular township figures and property, resulting in hundreds being charged with intimidation, public violence, malicious damage to property, murder and attempted murder.

By October, 2 500 people were involved in almost 400

By JENNY CARGILL

trials, according to the Human Rights Commission (HRC).

Most of those in court have been local township activists, rather than well-known or national political figures.

Spoor believes that the high trial figures are in part due to poor quality police work and an "overwillingness of the police to prosecute people without thorough investigation".

But a more compelling reason, he argues, is "the general animosity and hostility of the police to any kind of resistance to the status quo".

"I have a feeling that in the immediate post-February period (when the ANC and other organisations were unbanned), the police were far more accommodating and less confrontational," Spoor said.

Attitude

"But there has been a shift in their attitude with the police now being a lot more aggressive than before."

The removal of opportunities to hold people without trial under the state of emergency has been followed by a sharp increase in the number of detainees held in terms of Section 29 of the Internal Security Act.

When the emergency regulations were lifted in June, there were only 45 Section 29 detainees. In the following two months the figure broke the 100 mark.

There are also at least 15 members of the ANC's military wing, Umkhonto weSizwe, on trial.

Bail conditions have been particularly harsh in some courts.

In a conservative town in the Eastern Transvaal, 19 youths charged with arson and intimidation were granted bail on condition



HOLD ON: Despite the government's declaration of reform, repression has increased during 1990 particularly against activists demonstrating against the state

they attended school, did not attend political meetings and did not advertise political organisations by wearing badges or T-shirts.

They, like most of their schoolmates, did not attend classes on the last two days of the term.

As a result they were arrested for breaking their bail conditions.

In the Orange Free State, the ANC's convener in

Luckhoff was also restricted from attending political meetings as part of his bail conditions. He successfully challenged them.

The Luckhoff police also made an unsuccessful bid to disregard the winds of change by arresting and charging four activists for selling ANC T-shirts at a time when the ANC was already unbanned.

When lawyers pointed this

out, the youths were then charged for selling goods without a licence.

They were eventually acquitted.

Lawyers report an extremely high acquittal rate. For both Mohamed and Spoor's legal firms, it is around 90 percent.

Countrywide this year, the HRC statistics show that only 13 percent of accused were convicted.

Almost 70 percent had their charges withdrawn, with the remainder being acquitted or discharged.

As Spoor puts it: "The political changes at present, in so far as they affect the lives of people on the ground, are cosmetic."

"Repression is still firmly in place."

Yet international funding agencies, acting on the understanding that there has

been a marked drop in the repression barometer, have cut funding for litigation.

Trade unions and major anti-apartheid organisations are looking at filling the gap.

But, points out Spoor, the political and civic organisations operating outside the metropolitan centres will have difficulty doing so — and currently it is their supporters who are the primary targets of repression.

Xmas in jail after bail denied

South 18/12/90 - 17/1/91
A 17-YEAR-OLD youth and three Carnarvon men will spend Christmas in jail this year because a local magistrate refused to grant them bail after they were arrested and charged with intimidation.

Their case is similar to that of others in small rural towns where offenders have been

granted harsh bail conditions or no bail at all after being arrested.

The charges arise from an incident on November 2 when a carnival was held at a school in nearby Van Wyksvlei.

The youth, Mr Graham Jansen, Mr Harry Phillips and Mr Hermanus Malgas approached young children and

explained to them why they should not be wearing stickers handed out by the SADF saying "Make a soldier your friend".

They were arrested five days later and charged with intimidation.

Last week a magistrate refused to grant them bail after hearing evidence from the arresting offi-

cer that they had a propensity to commit the offence while out on bail. Their lawyer intends bringing a Supreme Court application to challenge ruling.

The Carnarvon and Van Wyksvlei Community Organisation (Carawyn) also intends launching a petition calling for the bail restriction to be lifted.

JOHANNESBURG. — It was not the policy of the ANC to kill policemen, a commissar of the organisation's military arm, Mr George Mbanjane, told the Magistrate's Court here yesterday.

Mr Mbanjane was applying for bail on charges of murdering a policeman and attempting to murder two others on August 22 this year. He is alleged to have thrown an F-1 handgrenade into their vehicle in Moroka, Soweto.

Mr Mbanjane said that in his

Not policy to kill police ANC accused

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view, he was a "political prisoner".

However, the state has submitted that Mr Mbanjane is being held as an "ordinary criminal" and would not qualify for indemnity in terms of the amnesty announced by the State President. — Sapa

Race murder suspect mentally ill?

By DAN DHLAMINI

ONE of the three suspected Carletonville Order of Death members facing a murder charge following the brutal knifing to death of a black man is to be referred for mental observation.

Appearing before Carletonville Magistrate HC Raath were Cornelius J Kruger, 35, Koot Opperman, 25, and Johannes B Cornelius, 19, charged with the murder of Nelson Wawa earlier this month.

Kruger will be referred for 30 days' mental observation when the case resumes on February 1.

Wawa was allegedly abducted and forced into the boot of a car by the trio and was later found dead with a stab wound in the stomach and dumped on the Enselspruit off-ramp on the Potchefstroom-Johannesburg road.

Raath remanded the accused until February 1.

CLP/12/90

COPS, COURTS TIGHTEN THE SCREWS, DESPITE 'REFORM'

DESPITE the South African Government's declaration of reform, human rights lawyers are as busy as ever due to an increase in arrests, detentions without trial and court proceedings against activists.

Bail conditions, too, are often stricter than before and have effectively kept activists from engaging in political activity.

This has come as foreign organisations that previously supported legal action are cutting their aid.

These developments are particularly prevalent in outlying towns, where white conservatism holds sway.

In the past anti-apartheid activists were simply detained under the State of Emergency regulations maintained by the government since 1986. There would be no investigations or charges.

But since the emergency regulations were lifted for most parts of the country in June this year, says lawyer Julie Mohamed, the police have taken to arresting people on a variety of charges. This has been most pronounced in communities supporting rent and consumer boycotts as well as public protests.

Attorney Richard Spoor identified three broad categories of offences:

- Those against the police, such as obstructing police and attacking police stations and vehicles;
- Those against the state, such as attending illegal gatherings; and
- Those against unpopular township figures and

property, resulting in hundreds being charged with intimidation, public violence, malicious damage to property, murder and attempted murder.

In late October, 2 500 people were involved in some 300 to 400 trials, according to the Human Rights Commission (HRC). The bulk of those in court have been local township activists, rather than well-known or national political figures.

Spoor believes the high numbers are in part due to poor quality police work and an "overwillingness of the police to prosecute people without thorough investigation". But a more compelling reason, he argues, is "the general animosity and hostility of the police to any kind of resistance to the status quo."

"I have a feeling that in the immediate post-February period (when the ANC was unbanned and Nelson Mandela was released) the police were far more accommodating and far less confrontational; but they are now more aggressive than before."

The removal of opportunities to hold people without trial under the State of Emergency has been followed by a sharp increase in the number of

detainees held in terms of Section 29 of existing security legislation.

When the emergency regulations were lifted in June, Section 29 detainees numbered 45. In the two months afterwards that figure broke the 100 mark. There are also at least 10 to 15 members of the ANC's military wing, Umkhonto weSizwe (MK), on trial.

Bail conditions have been particularly harsh in some courts. In Davel in the Eastern Transvaal 19 youths charged with arson and intimidation were granted bail on condition they attended school, steered clear of political meetings and did not advertise a political organisation by, for instance, wearing a badge or T-shirt bearing the name of a political party.

They, like most of their schoolmates, did not attend classes on the final two days of term. As a result they were arrested for breaking bail conditions.

Hundreds of kilometres away in the Orange Free State, the ANC's convenor in the town of Luckoff was also restricted from attending political meetings as part of his bail conditions. He successfully chal-

lenged them.

The Luckoff police also made an unsuccessful bid to disregard the winds of change by arresting and charging four activists for selling ANC T-shirts at a time when the ANC was already unbanned. When lawyers pointed this out, the youths were then charged with selling goods without a licence. Eventually they were acquitted.

Lawyers report an extremely high acquittal rate. For both Mahomed's and Spoor's legal firms it is around 90 percent.

Countrywide this year HRC statistics show that only 13 percent of accused were convicted. Charges against almost 70 percent were withdrawn, with the remainder being acquitted or discharged.

The large number of arrests of political activists is a serious indictment of the government's reform claims. As Spoor puts it: "The political changes at present, insofar as they affect the lives of the people on the ground, are cosmetic. Repression is still in place."

Yet international funding agencies, acting on the understanding that there has been a marked drop in repression, have cut back funding for litigation.

The trade unions and major anti-apartheid organisations are looking at filling the gap but, points out Spoor, the political and civic organisations operating outside the metropolitan centres will have difficulty doing so - and it is their supporters who are the primary targets of repression. - AIA