TOTALITARIANISM — POLITICAL TRIALS

1991

OCT. — DEC,

'Anyone could have hidden firearms'

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star 1/10/91

By Melody McDougall
Vereeniging Bureau

Anyone could have hidden firearms in the car of an Inkatha official at the Sebokeng hostel in September last year, a Vaal Triangle policeman admitted yesterday.

Captain Jacobus van der Westhuizen, commanding officer of the Lekoa municipal police, was testifying before the Vanderbijlpark Regional Court at the trial of Themba Khoza (32), Inkatha's Transvaal Youth Brigade leader.

Mr Khoza is facing charges of illegally possessing firearms, ammunition and explosives. He has pleaded not guilty before Mr F W Strydom.

It is alleged that the weapons and ammunition — including five machine-guns — were found under a blanket in the back of his car at the hostel on September 4 last year.

Captain van der Westhuizen said he was on duty at the hostel at about 6 am on September 4 after violence had broken out.

He was at hostel 3 of block E where about 200 people, armed with traditional weapons but who appeared to be peaceful, were trapped in a courtyard. Outside were armed men who seemed to be "rebellious" about three bodies lying nearby.

While he was trying to calm the group, a blue Nissan Sentra approached. The motorist identified himself as Themba Khoza, a spokesman for the trapped Zulus. He noticed later that the vehicle had been moved to another spot. However, he never saw Mr Khoza near the car at any time.

Under cross-examination by counsel for the defence, Morris Basslian, Captain van der Westhuizen admitted that if Mr Khoza had wanted to avoid the policemen he could easily have done so.

He also conceded it was possible that another person could have hidden the arms in Mr Khoza's car. His task had not been to keep the car under observation, but to try to prevent further trouble.

The hearing continues today.

AWB leader in court

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Pres 6/10/91

By DAN DHLAMINI

THE atmosphere was tense in the Ventersdorp Magistrate's Court this week where AWB leader Eugene Terre'Blanche appeared on seven counts of assault and one of malicious damage to property.

However, Terre'Blanche's first appearance in his hometown court before magistrate Chris Nel did not attract many spectators.

The State alleges that the rightwing leader assaulted 70-year-old William Mashiya, threw him to the ground and punched, kicked and throttled him on March 9.

Terre'Blanche is also alleged to have hit Louis Kareng with a sheet of corrugated iron on the head and kneed him in the private parts.

He also allegedly assaulted Evelyn Mashiya, Doreen Sebothe, Magaret Visagie and Angeline Mothobi.

Terre'Blanche is also alleged to have broken Mashiya's three chairs, three headboards, six glasses and six cups valued at R220.

Dressed as usual in khaki, but not as usual surrounded by AWB Commando members, the burly Terre'Blanche appeared cool and relaxed in the dock.

He was not asked to plead and Nel warned him to appear in court on December 6 for trial.

R500 bail for IBIIR, ANC pair

4, Press 6/10/91

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By DAN DHLAMINI

A CARLETONVILLE branch leader of the ANC and a member of the Independent Board of Inquiry into Informal Repression (IBIIR) were this week both released on R500 bail.

The ANC's Dan Ndzeku and IBIIR's Sally Sealy, who have both been working closely with a police team probing alleged police atrocities which led to the suspension of 11 Welverdiend policemen, have been charged with intimidating a police officer.

The State alleges that the two intimidated Constable Ephraim "Fente" Rampete on September 24 at the Carletonville Magistrate's Court.

They have both pleaded not guilty and will again appear on October 29 for trial in the Regional Court. If convicted, the two face a fine of up to R20 000 or 10 years' imprisonment.

One of their bail conditions is that they should not come within 500 metres of the court building and the Carletonville police station, except on their day of trial.

For the past three months Ndzeku and Sealy have been working with a police team led by Major General Ronnie van der Westhuizen, which investigated allegations of atrocities committed by members of the Welverdiend-based riot police.

At last, the Trust Feeds
massacre trial starts

BY NICKY QUINLAN
THREE years after the deaths of 11 people in the Trust Feed shopkeeper Phillip Stango says it is "a miracle" that those are now to be tried.

Stango says he attempted murder, allegedly responsible for the allegedly responsible for the ally goings to start," he said. "It's been such a long time."

Seven policemen from Ndeal will appear and eight counts of attempted murder. The seven, South African Police, two captains in the Trust Feed and are alleged to have shot dead men, women and children on December 3 1988.

Moreover, he indictment, knew of the attack in March 1990. Riot Unit at the time, Captain Deon Terblanche, the head of the Trust Feed home launch an attack on Trust grenades, agreed to their own police-issue handguns, The attack was assessed multiplied by a member of the Trust Feed and allegedly included stun grenades, blamed for the deaths of Frederick Christopher Phillip, Terblanche and police-issue handguns,

Trial of police charged with 11 murders begins

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Star 16/10/91

MARITZBURG — The trial of seven policemen charged with the murder of 11 people in Trust Feeds in the Natal Midlands almost three years ago began in the Pietermaritzburg Supreme Court yesterday.

Mr Justice Wilson, Natal Attorney-General Mike Imber, lawyers and a group of reporters visited the scene of the killings at Trust Feeds, about 30 km north-east of Maritzburg, yesterday.

On December 3 1988, 11 men, women and children were killed and several others were injured in a bloody attack on a funeral vigil.

Later yesterday, E du Toit, appearing for Captain Brian Mitchell, failed in a bail application after it was opposed by the State.

Mr Justice Wilson asked that the charges of 11 counts of murder and eight counts of attempted murder be read to the accused. The indictment said police attacked the Trust Feeds homestead with stun grenades, shotguns, and handguns, badly mutilating the dead and seriously injuring eight others.

It is alleged local Inkatha Freedom Party chairman Jerome Gabela asked the SAP to carry out the attack.

The indictment said Mr Gabela discussed the idea with New Hanover policeman Lieutenant (now Captain) Mitchell, and Maritzburg Riot Unit member, Captain Deon Terblanche, among others.

It is further alleged that the police then agreed to carry out the attack and Captain Terblanche gave orders to Lieutenant (now Captain) Jakobus van den Heever to arrange the attack. — Sapa.

(Proceeding)

Verdict stays for killers

Sowetan 16/10/91

EVERT Japie Boonzaaier, convicted earlier this year of a vicious and unprovoked necklace murder of a black man, has been denied leave to appeal against his 25-year sentence.

Boonzaaier (24) and Deon van Deventer (25), both of Newlands, Johannesburg, repeatedly kicked and assaulted Mr Johannes Masango on September 14 last year. They loaded his body on to a bakkie and took it to the Newclare railway station, where they placed a tyre around him and set him alight.

During the trial, the court heard how they boasted of "killing a kaffir".

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Mr Justice MM Joffe, who convicted them in the Rand Supreme Court, yesterday refused leave to appeal.

Police deny killing activist

Sowetan 16/10/91.

THE police yesterday strongly objected to suggestions by the ANC that SAP members were implicated in the death of an organisation leader in the Eastern Transvaal.

About two weeks ago, the ANC charged that a member of its Eastern Transvaal branch, Mr Joe Nkuna, was gunned down by people who "acknowledged they were members of the South African Police".

But in a statement yesterday, the police rejected the allegation.

"The SAP is investigating the attack on Nkuna. To date, however, there is not one shred of evidence to implicate the SA Police or even suggest that a member could have been involved," said the police statement.

The police said the ANC assumption was based on an alleged telephone call to a local ANC office by a member of the force to inquire whether Nkuna was shot.

This call was a matter of routine following an attempt by vehicle thieves to shoot Nkuna, police said.

"A phone call was made to the ANC offices to establish whether there was any truth in the rumour. This was a routine call and cannot, by any stretch of the imagination, be regarded as sinister or indicative of the police's intention to harm Nkuna," the statement pointed out. - *Sapa*

Sentence to be passed on Jay Naidoo today

Sowetan 16/10/91.

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TOP trade unionists Jay Naidoo, Sydney Mafumade and Moses Mayekiso were convicted in the Johannesburg Magistrate's Court yesterday on charges of kidnapping and assault.

Sentence will be passed today.

Magistrate O Rautenbach said that the State had proved beyond reasonable doubt that Congress of South African Trade Unions general secretary

Sowetan Correspondent

Naidoo (26), the federation's assistant general secretary Mafumade (32) and National Union of Metal Workers of South Africa general secretary Mayekiso (32) were guilty of abducting and assaulting policeman Monge Maleka on August 28 last year.

Co-accused Baba Schalk (30) was acquitted on both charges.

Rautenbach rejected the defence's claim that the unionists were justified in removing Maleka from the street and holding him in Cosatu offices at National Acceptance Housein Rissik Street Johannesburg for five-and-a-half hours.

Naidoo had told the court that Cosatu had been the object of continual harrasment since 1985.

Cop is charged over killing

A POLICEMAN goes on trial next week following the killing of a young activist last year during the home-coming of former ANC secretary-general Mr Alfred Nzo to Alexandra.

Matlou Alex Tlabela is charged with culpable homicide in connection with the death of Meshack Kunene. Sowetan

The trial is scheduled for Wednesday and Thursday in the Randburg Regional Court. 16/10/91

Kunene (21), who was a pupil at Alexandra High School and a member of the South African Youth Congress, was shot outside Alexandra Stadium where a mass meeting was held to welcome Nzo. - *Sowetan Correspondent.*

Bid for secrecy in trial over Alex killings

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Sowetan 16/10/91

THE State yesterday made an application in the Rand Supreme Court to hear evidence in camera by witnesses in the Alexandra night vigil massacre.

The hearing of the application by Advocate Zacharais van Zyl was closed to the Press and the public.

The accused - Gibson Mbatha (28), Derrick Majozi (21), Christopher Mbatha (30), all of 2nd Avenue, Alexandra, Petrus Buthelezi (31) and John Zakwe (56) both of Madala Hostel, Alexandra, yesterday pleaded not guilty.

They are facing 13 charges of murder and 17 of attempted murder resulting from the brutal slaying of mourners at the vigil of Mrs Jane Ramokgopa on March 27.

Motivating for the application to be heard in camera, Van Zyl said the lives of witnesses - who live in Alexandra - might be endangered if they were seen by the public.

Earlier during the trial, the State called two doctors who had performed post-mortems on the victims to testify.

Dr RC Johnson testified that most of the victims had high velocity gun wounds. He said wounds that had small entrances caused significant damage on the tissues.

On the chances of survival of one of the victims, Dr G Randall testified that if that victim had received medical attention within an hour, chances of survival were good.

The trial continues today. - *Sowetan Reporter.*

5 plead not guilty to Alex massacre

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Star 16/10/91

By Susan Smuts

Five men, who allegedly massacred mourners attending a vigil in Alexandra in March, yesterday pleaded not guilty to 13 counts of murder.

Gibson Mbata (28), Derick Majosi (21), Christopher Mbata (30), Petrus Buthelezi (31) and John Zwane (31), all of Alexandra, also pleaded not guilty to 17 counts of attempted murder, to housebreaking with intent to murder, and to illegal possession of an AK-47 rifle, other firearms and ammunition.

Yesterday, an application to hear evidence in camera was heard in camera.

State advocate Z van Zyl told Mr Justice H Daniels that witnesses' lives could be in danger if evidence were led in an open court.

The charges follow a vigil for Congress of SA Students (Cosas) member Jane Ramokgola, who died nine days after being shot on March 11.

The vigil, held during a period of unrest in Alexandra, was observed in a tent in her yard.

According to the indictment, the mourners were worried that they would be attacked. They approached the police, who could not find any would-be attackers. The police left the area, but sent regular patrols throughout the night.

At about 4.30 am a group approached the mourners and opened fire on them. A group of mourners fled into the house, locking the door behind them. The State alleges that about six attackers, including the five accused, broke down the door and stormed into the house.

They again opened fire, killing 13 people and wounding at least 17.

Mr Buthelezi allegedly handed over the AK-47 rifle to the police, who also recovered a .38 revolver in Mr Zwane's room at the men's hostel in Alexandra.

The trial continues.

Shocking if Cosatu trio jailed — lawyer

Star 16/10/91

By Philip Zoio

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It would be shocking if top trade unionists Jay Naidoo, Sydney Mufamadi and Moses Mayekiso were jailed for their conviction in the Johannesburg Magistrate's Court yesterday on charges of assault and kidnapping, their lawyer said.

Magistrate Mr O Rautenbach said the State had proved beyond reasonable doubt that Congress of South African Trade Unions general-secretary Naidoo (36), the federation's assistant general-secretary Mufamadi (32) and National Union of Metalworkers of South Africa general-secretary Mayekiso (32) were guilty of abducting and assaulting policeman Monge Maleka on August 28 last year.

Co-accused Baba Schalk (30) was acquitted on both charges.

Mr Rautenbach rejected the defence's claim that the unionists were justified in removing Mr Maleka from the street and holding him in Cosatu offices at National Acceptance House in Rissik Street, Johannesburg, for 5½ hours.

He gave credence to Mr Maleka's claim that his arm was twisted behind his back.

Naidoo had told the court that Cosatu had been the object of harassment since 1985.

When they had seen Mr Maleka standing across the road and talking into a concealed instrument, they believed the policeman's actions constituted a possible threat to their lives or property, Naidoo said.

Later Naidoo said Mr Maleka had been held by his belt and arms but that this did not constitute force.

The accused's lawyer, J Myburgh, said the decision to hold Mr Maleka had not been a motiveless act. It took place in "an atmosphere of tension", when fears of police anatgonism towards Cosatu were very strong.

He said the abduction was distinguished by the fact that police had known about it from the moment it was committed, but only came to Constable Maleka's rescue 5½ hours later.

Proposing a sentence of imprisonment, prosecutor J Davidowitz said the fact that the unionists commanded respect from some sections of the community did not exempt them from the law.

Mr Rautenbach found that Mr Maleka had been an unwilling participant in a press conference called by the unionists to publicise his presence. He covered his face with a jersey to prevent himself from being identified. Naidoo sat next to him and had to restrain others from pulling the jersey away, Mr Rautenbach found.

Mr Rautenbach said the unionists had no reason to hold Mr Maleka after it became clear that the object of his attentions was not Cosatu but SACP member Geraldine Fraser, who had an office in the building.

Sentence is expected today.

Trade unionists convicted of assault

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CAPE TIMES
16/10/91

JOHANNESBURG. — Three of South Africa's top trade unionists were convicted in Johannesburg Magistrate's Court yesterday of kidnapping and assault, with the prosecution clamouring for prison sentences.

Cosatu's general secretary Mr Jay Naidoo, assistant general secretary Mr Sydney Mufamadi, and Numsa general secretary Mr Moses Mayekiso were found guilty of abducting and assaulting police security officer Mr Monge Maleka on August 28 last year.

A fourth accused, Cosatu official Mr Baba Schalk, was acquitted on both counts.

Magistrate Mr O B Rautenbach rejected the defence's claim that the three men, who said they had felt threatened by the policeman's presence and feared for their lives and the property of their organisations, had been justified in apprehending the man on the street and holding him for 5½ hours in the Cosatu offices at National Acceptance House, Johannesburg.

State prosecutor Mr Joe Davidowitz claimed the crimes were committed deliberately for political gain.

"The only appropriate sentence is one of imprisonment," he said.

Defence attorney Mr J Myburgh, SC, said there was an "overwhelming probability" that the crimes were of a "one-off" kind and submitted it would be "a sledgehammer to send these men to jail".

Cosatu president Mr John Gomomo said the federation would appeal against the convictions.

Sentence will be delivered at 11.15am today. — Sapa

Union trio fined for kidnapping

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JONATHON REES

TRADE unionists Jay Naidoo, Moses Mayekiso and Sydney Mafumadi were yesterday fined R2 000 each (or one year's imprisonment) for kidnapping and assaulting a security policeman.

A further one year's imprisonment was suspended for three years.

Cosatu supporters packed the Johannesburg Magistrate's Court and corridors and greeted the trio with shouts of "Viva".

Magistrate O Rautenbach said in passing sentence he had taken into account Cosatu's history of harassment and surveillance by the SAP, and that it had for years been regarded as an enemy of the state. B10ag 17/10/91

Cosatu general secretary Naidoo, assistant general secretary Mafumadi and Numsa general secretary Mayekiso were found guilty on Tuesday of abducting security policeman Monge Maleka from the street opposite Cosatu's head office on August 28 last year, and of assaulting him.

A lengthy list of complaints to the police from Cosatu, which had resulted in no prosecutions, had led Cosatu and its officials to become irritated and to lose faith in the bona fides and ability of the SAP, Rautenbach said.

The magistrate said the trio's status as first offenders had entitled the court to leniency. Although direct imprisonment was usually appropriate after a conviction

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Kidnap

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for kidnapping and assault, prevailing special circumstances had been taken into account, he said.

The kidnapping took place in daylight and in full public view and police were immediately informed where Maleka had been taken and held for five-and-a-half hours. Police made no contact with Maleka until several hours later when they arrived in force to free him, the magistrate said.

Lawyers lodged an appeal against the conviction. The notice of appeal said Rautenbach had misdirected himself in convicting the accused on kidnapping and assault charges. The court should have found that the accused believed Maleka constituted a threat to them, Cosatu, its office bearers and property.

Their conduct in taking steps to notify the authorities and holding a news conference after seizing Maleka was inconsistent with criminal conduct, it said.

Cosatu yesterday condemned the conviction and sentence. It said in a statement the magistrate's remarks vindicated its belief in the innocence of the trio, which it said had acted in Cosatu's best interests.

Top union men fined for kidnap

THREE top trade unionists were each fined R2 000 or one year's imprisonment by a Johannesburg magistrate yesterday after being found guilty of kidnapping and assault.

By DON SEOKANE

Jay Naidoo (36), general secretary of the Congress of South African Trade Unions, former Cosatu assistant general secretary Sydney Mufamadi (32) and National Union of Metalworkers of SA general secretary Moses Mayekiso (32) were also sentenced to a further one year's jail each suspended for three years.

They were found guilty by Mr O Rautenbach of kidnapping and assaulting a policeman, Constable Monge Maleka, at Cosatu's head office in Johannesburg on August 28 last year.

Sentencing the men, Rautenbauch said he had taken into account that Naidoo and Mufamadi did not have any previous convictions. However, Mayekiso was convicted for assault in 1982.

He said for the purposes of sentence, Mayekiso would be treated as a first offender.

Rautenbauch accepted that Cosatu was under constant surveillance by the police.

"It is undisputed that Cosatu was being harassed. They were an enemy of the State."

He said Maleka was abducted in full view of the public in order to expose him.

"Maleka was kidnapped with intent to expose him to show that Cosatu was still a victim of harassment by the police."

Rautenbauch said the police were aware of the whereabouts of Maleka but did not contact Cosatu until they returned fully armed five hours later to get him.

Lawyers acting for the three unionists said they would appeal against the convictions.

Commenting on the conviction and sentence, ANC general secretary Mr Cyril Ramaphosa said no one had been brought to trial for the harassment the unionists had endured.

"We cannot accept to see our leaders turned into sacrificial lambs. We will not condone police inability and harassment," Ramaphosa said.

WS

Unionists fined for kidnapping, assault

Star 14/10/91.

By Zingisa Mkhuma and Philip Zoio (331)

Cosatu general-secretary Jay Naidoo, former assistant general-secretary Sydney Mufamadi and metalworkers' union general-secretary Moses Mayekiso were each fined R2 000 or one year's jail, and another year suspended for three years, in the Johannesburg Magistrate's Court yesterday on charges of kidnapping and assault.

The three were convicted on Tuesday of kidnapping and assaulting Constable Monge Maleka on August 28 last year.

Passing sentence, magistrate Mr O Rautenbach said that although the crimes were serious, "special circumstances" weighed in favour of the unionists.

The abduction had been conducted in public outside the Cosatu offices in Rissik Street, Johannesburg, and in "broad daylight" at 11,30 am.

Mr Rautenbach also found that after a long period of harassment, the unionists had "lost faith in the ability and bona fides of the police" and were "irritated" when they saw Constable Maleka acting suspiciously outside their office. They had confronted the policeman and found that he was carrying a two-way radio.

The unionists' decision to abduct the policeman had taken place "on the spur of the moment", and with the intent to expose their belief that they were victims of harassment.

After the trial the three shook hands with their supporters and friends, including ANC executive members Cyril Ramaphosa and Ronnie Kasrils.

Constables admit to part in massacre

Star 14/10/91 331

MARITZBURG — Seven Natal policemen, including two captains, appearing in the Maritzburg Supreme Court in connection with the 1988 Trust Feeds massacre, yesterday pleaded not guilty to 11 charges of murder and eight of attempted murder.

The four special policemen on trial, however, admitted in court that they had taken part in an attack on the funeral vigil in Trust Feeds, near Maritzburg, in the early hours of December 3 1988.

Special Sergeant Dumisani Ndwalane said in a statement read to the court that former New Hanover police station commander Captain Brian Mitchell had pointed out to him the house where the vigil was being held as being occupied by "terrorists".

Co-accused Special Constable David Khambule said in his statement that Captain Mitchell had ordered him and others on the morning of December 3 to accompany him to attack "terrorists".

In his statement, former Special Constable Kehla Ngubane said that although he had attacked the house, he was under the orders of Captain Mitchell.

Special Constable Thabo Sikhosana said in his statement he had felt that Captain Mitchell's orders were lawful and he had felt obligated to carry them out.

Mr Khambule added in his statement that Captain Mitchell had ordered him and the other accused special policemen to surround the house where the vigil was taking place in the early hours of December 3 and to open fire.

Captain Jacobus van den Heever said in his statement that he was not aware that the special policemen on trial had been sent to kill people in Trust Feeds.

In his statement, Sergeant Neville Rose said that on the morning of December 3 he had collected the special policemen currently on trial, and two others who are State witnesses, and taken them to Mpumalanga.

He said he did not know there had been an attack and denied he had instructed the accused to conceal their weapons or lie on the floor of the vehicle in which they were travelling, as alleged in the indictment.

● According to the indictment, there had been conflict in the Trust Feeds area for some time, and local Inkatha leader Jerome Gabela had been involved in a plan with the police to kill members of an opposing group.

The indictment alleges that Captain Mitchell took part in planning the operation and that he directed the attack.

The accused are: Captain Brian Mitchell (34), Captain Jacobus van den Heever (36), Sergeant Neville Rose (35) and former special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Dumisani Ndwalane (27) and David Khambule (26).

They are appearing before Mr Justice Andrew Wilson and two assessors.

The case continues. — Sapa.

Union men fined R2 000 each

Own Correspondent

JOHANNESBURG. — Trade unionists Jay Naidoo and Moses Mayekiso and ANC NEC member Sydney Mafumadi were sentenced in the Magistrate's Court here yesterday to fines of R2 000 each or one year's imprisonment for kidnapping and assaulting a security policeman.

A further one-year jail term was suspended for three years.

Cosatu supporters packed the courtroom and outside corridors and greeted the trio with shouts of "Viva".

Magistrate Mr O Rautenbach said that in passsing sentence he had taken into account Cosatu's history of harassment and surveillance by the SAP, and that it had for years been regarded as an enemy of the state.

The three were found guilty on Tuesday of abducting Constable Monge Maleka from the street opposite Cosatu's head office on August 28 last year, and of assaulting him.

Lawyers for the three have lodged an appeal against their conviction, saying in their application that Mr Rautenbach had misdirected himself in convicting them.

CT 17/10/91 (331)

Witness tells of massacre 'mistake'

W Mail 18/10 – 24/10/91. (331)

An Inkatha leader told the Pietermaritzburg Supreme Court this week how policemen allegedly planned and executed the massacre of 11 people in Trust Feed in 1988, reports **CASSANDRA MOODLEY**

EVIDENCE yesterday in the Trust Feed massacre trial detailed how an alleged conspiracy between certain South African Police and Inkatha members to attack a United Democratic Front family unexpectedly ended in 11 Inkatha members being slain.

This was chief state witness Jerome Gebela's testimony in the Pietermaritzburg Supreme Court, where seven police officers face 11 murder charges and eight attempted murder charges relating to an attack on December 3 1988 on a house in Trust Feed near New Hanover.

Gebela, Trust Feed Inkatha chairman in 1988, also claims that he accompanied SAP Captain Brian Mitchell to Inkatha headquarters a few days before the massacre. Inkatha Elandskop leader David Ntombela was allegedly present during the visit to the headquarters.

According to Gebela, the late head of the Pietermatizburg Riot Unit, Captain Deon Terreblanche, was also present that day.

Gebela related that two days after the massacre he and his vice-chairman Johan Nxumalo visited Mitchell (who is accused of planning, directing and executing the attack) and allegedly asked him why Inkatha people were killed when Mitchell said he would "assist us".

Mitchell's answer was: "A mistake occurred, so you shouldn't talk about what happened. If you do, I will kill you."

Gebela had visited Mitchell because days before the massacre Mitchell had told him it was useless to arrest those implicated in violence — "They should be killed".

The state also alleges that Mitchell and Terreblanche conspired with one or more Inkatha members to stage the attack. Gebela traced the events leading to the meeting at Inkatha headquarters.

Shortly before the Trust Feed attack there was friction between the landowners association and the UDF-associated Tenant's Crisis Committee. Violence erupted and, according to Gebela, on one particular day: "People alleged that they were bombed in the homestead of crisis committee member Fastus Mbongwe. They attacked Mbongwe's homestead with knobkieries and threw missiles."

When Gebela arrived at the homestead he found the police had detonated the bomb. Mitchell asked him what could be done to restore peace.

Mitchell then said: "If I arrest them they will be released. It will be much better if they could be killed." Apparently, Mitchell told Gebela to discuss this with his colleagues and to come back to him.

Gebela saw Mitchell again when he, Nxumalo and another Inkatha member went to the New Hanover Police Station to report another death in Trust Feed. They discussed the "escalating violence" and Mitchell then drove them to Marawa House.

"As we were proceeding to Marawa House, Mitchell drove as if he knew the area," Gebela said. He claimed that at Marawa House Mitchell left him and the others at the reception and went inside an office and talked. After leaving the Inkatha offices, Mitchell told Gebela he would bring six policemen and Gebela should arrange accommodation.

On November 30 1988, at nightfall, Mitchell dropped six policemen at Gebela's house. According to Gebela, they were dressed in civilain clothes but carried firearms.

When Gebela suggested that some officers be taken to Nxumalo's house, Mitchell apparently objected because: "Nxumalo's house was too close to the place which was to be attacked — Mbongwe's house. He was afraid they would be identified."

When the judge, Mr Justice Andrew Wilson, pressed Gebela to say if he was aware of the impending attack, his response was: "He (Mitchell) said their was nothing he could do to help us. The only thing he could do was have the Mbongwe people killed."

Gebela described events of that fateful night. Apparently, at dusk police circled the area, ordering people to stay indoors. Much later Mitchell arrived, asking for the special policemen. A while later, Gebela was "awakened by sounds of gunshots".

That same morning Gelbela discovered the Sithole house had been attacked and that "Inkatha people had died".

The other accused include Captain Jacobus van den Heever, Sergeant Neville Rose, and former special policemen Kehla Ngubani, Thabo Sikhosana, Dumisani Ndwalane and David Khambule.

The state alleges that Ngubani, Sikhosana, Ndwallane and Khambule participated in the attack, while Van den Heever and Rose were aware of the reason for taking the special policemen to Trust Feed and activly associated themselves with the mission.

The seven accused have pleaded not guilty to all 19 charges. Ngubani, Sikhosana, Ndwallane and Khambule have however admitted in their plea statements to being part of the Trust Feed attack on December 13. They claim they were merely obeying Mitchell's orders.

Ndwalane and Khambule say Mitchell pointed out the house to be attacked as "a house occupied by terrorists".

World attention on Trust Feed massacre trial

Star 19/10/91.

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SUE SEGAR

DURBAN — The trial of seven policemen, including two SAP captains, in the Maritzburg Supreme Court this week in connection with the Trust Feed massacre has drawn world attention, as it is expected to make revelations on the role of the police in the Natal violence.

Captain Brian Victor Mitchell (34), Captain Jacobus Pieter van den Heever (36), Sergeant Neville Alexander Rose (35) and special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Dumisani Ndwalane (27) and David Khambule (26) have pleaded not guilty to 11 murder and eight attempted murder charges.

The policemen are alleged to have shot dead Mselani Ntuli, Dudu Shangase, Zethu Shangase, Nkonyeni Shangase, Muzi Shangase, Filda Ntuli, Fikile Zondi, Maritz Xaba, Sara Nyoka, Alfred Zitha and Sisedewu Sithole on Dec 3 1988.

The State has alleged in its indictment that Captain Mitchell was involved in the planning of the attack, and that he led the attack at the request of an Inkatha leader in the area, Jerome Gabela.

It is alleged that the then head of the Maritzburg Riot Unit, Captain Deon Terblanche, knew of the planned attack and gave permission for police to assist Mr Gabela to kill opposition members.

This week, the four special police claimed in statements that they took part in the attack under the command of Captain Mitchell, then station commander at New Hanover. All four said they felt obliged to carry out his instructions.

Two of them said Captain Mitchell had pointed out the house to them, and said it was occupied by terrorists. But Captain Mitchell has denied planning or directing the attack and has denied being present at the scene.

This week, during the evidence-in-chief of key witness, Trust Feed Inkatha leader Mr Gabela, it emerged that the victims of the massacre were in fact Inkatha supporters.

Mr Gabela told the court that Captain Mitchell had offered to help when violence broke out between landowners and tenants in Trust Feed. He said that two days before the massacre, Captain Mitchell arrived at his house with six policemen, two of whom were staying at Mr Gabela's home.

Mr Gabela said that two days after the massacre, he went to see Captain Mitchell at the New Hanover police station. He asked him why Inkatha supporters had been killed. "He responded by saying an accident had occurred there. He said I should never talk about what happened because 'if you do, I will kill you and police will arrest you'."

On the day before the Trust Feed killings, a police vehicle drove through the area. Through a loud-hailer, the community was told to stay indoors that evening, as police would be "working" there, Mr Gabela said. In the early hours of December 3, he was woken by the sound of gunshots. He later heard people had been shot.

The hearing continues on Monday.

Inkatha killings were 'a police mistake'

CP Correspondent

POLICEMEN charged with the Trustfeed massacre of 11 people in 1988 "made a mistake" by killing Inkatha people, the Maritzburg Supreme Court heard this week.

This was what Capt Brian Mitchell – former New Hanover station commander – said after the shooting when asked why police had killed Inkatha people instead of UDF members, local Inkatha chairman Jerome Gabela told the court.

Mitchell threatened to kill him if he ever told anyone about what had happened.

Gabela was giving evidence at the trial of Mitchell, Lt Jacobus van den Heever, Sgt Alexander Rosa, and Special Constables Cyprian Ngubane, Thabo Sikosana, Dumisani Ndwalane and David Khambule. They are charged with killing 11 people at a night vigil at Trustfeed on December 3, 1988.

Ngubane, Sikosana, Ndwalane and Khambule admitted to taking part in the massacre on Mitchell's orders.

Gabela testified that at the time of the incident violence between landowners and tenants had been politicised. Landowners had aligned themselves with Inkatha and tenants with the UDF.

Mitchell had told him that the best way to deal with perpetrators of violence was to kill them.

Gabela said he did not like the idea, but after the death of another Inkatha supporter, he and two other Inkatha leaders asked Mitchell for help.

On Mitchell's instruction Gabela accommodated six policemen, whom he assumed were to attack a UDF-aligned family.

Early in the morning of December 3, 1988, Mitchell collected the six policemen. Afterwards Gabela heard gunfire.

The Sithole family – members of Inkatha – had been killed.

The trial continues.

Court custom ignored

APress 20/10/91

By MARTIN NTSOELENGOE

331

MEMBERS of Cosatu defied court protocol this week as three top union leaders were sentenced for kidnapping and assault.

Instead of standing up as a mark of respect when magistrate O Rautenbach entered the Johannesburg Magistrate's Court, about 100 people sat and talked.

After sentence was announced they sang freedom songs in the corridors.

Cosatu general-secretary Jay Naidoo; former assistant secretary Sydney Mufamadi; and Metal Worker's Union secretary Moses Mayekiso were each fined R2 000 or one year's imprisonment, suspended for three years.

They had been convicted of kidnapping and assaulting Const Monge Maleka om August 28 last year.

After the trial, Naidoo and his two co-accused shook hands with supporters and friends.

Earlier, Rautenbach said that although the crime was serious, there were "special circumstances".

The magistrate said the abduction was conducted in public outside the Cosatu offices in Rissik Street, Johannesburg, in broad daylight.

Rautenbach also said that after a long period of harassment, the unionists had lost faith in the ability of the police and were irritated when the saw Maleka acting suspiciously outside their offices.

The unionists had confronted Maleka and found that he was carrying a two-way radio.

GUILTY . . . Jay Naidoo, Sydney Mufamadi and Moses Mayekiso. ■ **Pic: EVANS MBOWENI**

The unionists' decision to kidnap Maleka had taken place "on the spur of the moment".

The three have appealed against conviction on three grounds.

They claim that the magistrate did not properly apply his mind in convicting them; that he accepted Maleka's evidence and rejected Naidoo's; and that Maleka's evidence was inherently improbable and contradictory.

Witnesses are to be protected

331

SDuefer 21/10/91

A RAND Supreme Court judge has ruled that portions of the Alexandra massacre trial will be held in camera to protect witnesses.

Mr Justice H Daniels said: "I am not giving a blanket ruling that the entire hearing will be behind closed doors.

"Members of the Press will be allowed into the trial and thereby will report on the proceedings to keep members of the public abreast about the trial when it is in closed session."

He added: "Persons whom I may authorise to be present and representatives of the Press who are in possession of identification documents approved of by counsel appearing for the State will be allowed in. . . no such a person present, including the Press, shall reveal in any manner the identity of any witness who testifies behind closed doors."

Accused

The accused, reportedly Inkatha Freedom Party members and supporters, are being tried in connection with the March 27 Alexandra massacre in which 13 mourners were shot dead at the night vigil for Ms Jane Ramokgola, an unrest victim.

The accused, facing 13 counts of murder, 17 of attempted murder and a charge of housebreaking are: Mr Gibson Mbata (31), Mr Derick Majosi (21), Mr Christopher Mbata (30), Mr Petrus Buthelezi (31), and Mr John Zwake (56), all of Alexandra Township. - *Sapa.*

Defence expected to argue key witness was pressured

Star 21/10/91

MARITZBURG — The defence team in the Trust Feeds mass murder trial is expected to try to establish that a key witness was pressured into implicating policemen in the attack.

The witness, Inkatha Trust Feeds chairman Jerome Gabela, is giving evidence in the Maritzburg Supreme Court against seven policemen facing 11 counts of murder and eight of attempted murder.

The policemen, including two captains, have all pleaded not guilty, but four special policemen have admitted attacking Trust Feeds residents on December 3 1988.

In his testimony so far, Mr Gabela has implicated former New Hanover police captain Brian Mitchell and six special policemen as being involved in the massacre of 11 people at a vigil.

331

Mr Gabela will be cross-examined by defence teams of the seven accused today.

The defence will try to establish he was pressured into making the allegations by the investigating team, as he has allegedly been staying with the investigating officer for at least three months. — Sapa.

Right-wing politics 'absurd'

331

Star 21/10/91

By Peter Davies

RUSTENBURG — Former Afrikaner Weerstandsbeweging (AWB) member Nicolaas Johannes Kotze condemned the "absurd politics of the right wing" before being sentenced to a year in jail (or R1 500 fine) for conspiring to kill the leader of another ultra right-wing group on July 16.

The Rustenburg Regional Court found Kotze (30) of Barkley West and co-conspirator Carel Willem Pieter Swart (20) of Kimberley guilty of conspiring to kill Blanke Weerstandsbeweging leader Andrew Ford.

It was claimed in court that the pair were sent by AWB secretary-general Piet "Skiet" Rudolph, who suspected Mr Ford was a spy.

On a second charge of the unlawful possession of an AK-47 rifle, Kotze was sentenced to three years in prison, suspended for five years. He was fined a further R500 (or six months' jail) on a third charge of possessing 15 rounds of AK-47 ammunition.

His co-conspirator Swart was given a one-year jail sentence or the option of a R1 500 fine, suspended for five years.

Kotze told the court that the publicity surrounding his case had cost him his job, and he was now also separated from his wife and two-and-a-half year old daughter.

He condemned the AWB leadership, saying he had previously been treated like a son but now the leaders had "turned their backs on me".

Court hears of death threats

A WITNESS in the Alexandra vigil massacre trial was allowed to give evidence in camera after he told the Rand Supreme Court yesterday he had been threatened with death if he was seen in court.

The witness, who may not be identified, told Mr Justice H Daniels he did not want to give evidence in an open court for fear he would be killed.

"I have received information that if certain people see me in court they will kill me. If members of the public are allowed in court while I am giving evidence, I will stop giving evidence," the witness said.

S. Owetam 22/10/91 (331)

The accused's lawyer, Mr Vic Botha, said his clients wanted the evidence to be heard in an open court.

"They say they are innocent and they want family, friends, Inkatha and ANC to hear the evidence against them. After the trial is over, they don't want speculation about the evidence which was led."

Mr Gibson Mbata (28), Derick Majosi (21), Mr Christopher Mbata (30), Mr Petrus Buthelezi (31) and Mr John Zwane (31), all of Alexandra, have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one of housebreaking with intent to murder, and illegal possession of an AK-47 rifle, other firearms and ammunition.

The charges follow a vigil held for Mrs Jane Ramokgola, who was shot on March 11 and died on March 20.

The trial continues.

Evidence in camera after death threat

(331)
Star 22/10/91

By Susan Smuts

A witness in the Alexandra vigil massacre trial was allowed to give evidence in camera after he told the Rand Supreme Court yesterday that he had been threatened with death if he was seen in court.

The witness, who may not be identified, told Mr Justice H Daniels: "If members of the public are allowed in court while I am giving evidence, I will stop."

The defence lawyer, Vic Botha, said his clients wanted the evidence heard openly.

Gibson Mbata (28), Derick Majosi (27), Christopher Mbata (30), Petrus Buthelezi (31) and John Zwane (31), all of Alexandra, have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one of housebreaking with intent to murder, and illegal possession of firearms and ammunition.

The charges are a sequel to an attack at an Alexandra vigil held for Jane Ramokgola, who was shot on March 11 and died on March 20.

On March 26, a group of men opened fire on the mourners, some of whom ran into a house and locked the door. The State alleges about six attackers, including the accused, broke in and again opened fire.

According to a ruling by the judge on Friday, the press may report in-camera evidence, on condition the witness is not identified. Any evidence which could identify a witness may also not be reported.

Captain threatened to kill me – Trust Feed witness

Star 22/10/91

331

MARITZBURG — An Inkatha chairman testified yesterday that he had not told all he knew implicating a police captain in the Trust Feed massacre because the captain had threatened him with death.

The trial of seven Natal policemen charged with murder continued in the Maritzburg Supreme Court with defence counsel for former New Hanover police station commander Captain Brian Mitchell challenging State evidence.

Ettiene du Toit was cross-examining Jerome Gabela, the State's chief witness and Inkatha's Trust Feed chairman, in the trial in which Captain Mitchell (34), Captain Jacobus Pieter van den Heever (36), Sergeant Neville Alexander Rose (35) and special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Dumisani Ndwalane (27) and David Khambule (26) have pleaded not guilty to 11 murder and eight attempted murder charges relating to an attack in the rural Trust Feed settlement in 1988.

Mr du Toit asked Mr Gabela why there was additional and varied information in four statements he had made to the police over a period of two years. Mr Gabela said he had been worried by a threat by Captain Mitchell that he would kill him if he spoke about the killings to anyone.

He said it was only after Captain Mitchell had been arrested that he told the story to investigating officer Captain Frank Dutton.

Mr Gabela said: "It was not easy for me to say everything I would have desired. He (Captain Mitchell) had threatened us. I also did not have confidence in (Captain) Dutton bringing the matter to court, as on other occasions when I had reported the matter and it was not brought to court."

Mr du Toit then questioned Mr Gabela on an identity parade at which he failed to point out the two policemen who had stayed with him before the massacre. Mr Gabela said this was because it was a long time ago and the policemen had grown up and grown beards.

Earlier, Mr Gabela had told the crowded court of a vicious cycle of violence between Inkatha landowners and tenants at Trust Feed that preceded the killing of 11 Inkatha members at a funeral vigil.

Mr Gabela said the area had been peaceful before the tenants' Trust Feed Crisis Committee was formed. It had sought to represent Trust Feed residents in place of the Inkatha landowners.

The crisis committee had started trouble in the area and had stoned and set alight a number of Inkatha supporters' homes, including his, Mr Gabela added.

The State alleges that Captain Mitchell was involved in planning and leading the massacre.

It is alleged that the then head of the Maritzburg Riot Unit, Captain Deon Terblanche knew of the planned attack.

Captain Mitchell has denied the charges.

The trial continues. — Sapa.

Weapons: ANC 2 in court

TWO members of the ANC, who were allegedly assaulted by police after their arrest at the weekend, appeared in a Pretoria Magistrate's Court yesterday on charges of illegally possessing firearms and explosives.

Mr May Ledwaba and Mr Daniel Magwaza, both of Atteridgeville, were granted bail of R3 000 and R5 000 respectively when they appeared briefly before Mr AG Auret. They were not asked to plead.

Their lawyer, Mr Nick De Villiers, placed on record that both accused had been assaulted after their arrest. Their eyes were "severely bloodshot" and Ledwaba's face was swollen, the court heard.

The case was postponed to November 27 and both accused are to report daily to the Atteridgeville and Soshanguve police stations between 6am and noon while police continue their investigations.

Defence lawyers threatened to seek an order in the Pretoria Supreme Court directing the police to stop assaulting Magwaza. The action was suspended after the regional commissioner of police undertook to take reasonable steps to ensure that Magwaza was not assaulted.

The prosecutor, Mrs R Steinmann, told the court that both accused were examined by a doctor of their own choice on Monday "and if they wanted to lay charges they could do so".

Witness tells how he was recruited

A STATE witness in the Alexandra murder trial of Inkatha Freedom Party members and supporters told the Rand Supreme Court yesterday that one of the accused recruited him to join his "party".

The witness, who may not be named in terms of a court ruling, testified in the trial of Messrs Gibson Mbata (28) Derick Majosi (21) Christopher Mbata (30) Petrus-Buthelezi (31) and John Zakwe (56).

They have all pleaded not guilty to 13 charges of murder, 17 of attempted murder, one of housebreaking with intent to kill, and illegal possession of firearms and ammunition.

The trial follows the Alexandra massacre on March 27, in which mourners were mowed down with automatic gunfire at the night vigil for Mrs Jane Ramokgola.

The witness said he informed the police prior to an identification parade that Gibson Mbatha was the one who told him to join his party.

However, he said he did not see the assassins and could not identify them positively as people who shot mourners at the night vigil in Alexandra.

The witness said Mbatha had asked him where he could buy guns, to which he replied that he did not have one. - *Sapa*

Inkatha man gives evidence

331

MARITZBURG — An Inkatha leader from Trust Feeds in Natal yesterday told the Pietermaritzburg Supreme Court he thought a group of policemen had come to his home in December 1988 to protect him, but their alleged intention was to shoot mourners attending a funeral vigil.

Jerome Gabela was giving evidence in the trial of seven policemen, each charged with 11 counts of murder and eight of attempted murder: Captain Brian Mitchell, Captain Jacobus van den Heever, Sergeant Neville Rose and former special police constables Khehla Ngubane, Thabo Sikhosana, Dumisani Ndwalane and David Khambule. They have pleaded not guilty but the special constables said they took part in the attack on Captain Mitchell's orders.

24/10/91

Star 2

According to the indictment, policemen burst into a home where the vigil was being held and shot at mourners. Mr Gabela said he heard Captain Mitchell saying a feuding family in the area should be killed. The trial continues. — Sapa.

Court told of Alex massacre

331

Sowetan 24/10/91

A YOUNG woman who witnessed the massacre of 13 people at an Alexandra night vigil begged the attackers to stop killing the mourners, the Rand Supreme Court heard yesterday.

The witness, who may not be named as the trial is being held in camera, told Mr Justice H Daniels that she heard shots being fired in the diningroom of a house where the vigil was being held.

She and other mourners fled to the bedroom after a group of men attacked the tent outside.

The attackers broke down the door and continued hacking people.

They left briefly, then returned and fired again. She identified one of the men as Mr Gibson Mbata, one of the five accused.

The witness said a woman, kneeling in front of the attackers, pleaded with them to stop the killing.

The men disappeared, leaving 13 people dead and at least 17 injured. The police arrived after about 10 minutes, the witness said.

Mbata (28), Mr Derick Majosi (21), Mr Christopher Mbata (30), Mr Petrus Buthelezi (31) and Mr John Zwane (31), all of Alexandra, have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one of housebreaking with intent to murder, and illegal possession of an AK-47 rifle, other firearms and ammunition.

The trial continues.

'Man threatened to kill those who did not join Inkatha'

B/day 24/10/91

331

SUSAN RUSSELL

ONE of five men alleged to have murdered 13 mourners at a night vigil in Alexandra earlier this year, had warned a resident before the incident that Swazi, Venda, Sotho and Shangaan people would be killed if they did not join Inkatha, the Rand Supreme Court heard yesterday.

This evidence was given by a young Alexandra woman who said she had heard Gibson Mbata issue the warning to her boyfriend.

Mbata, 28, Derick Majosi, 21, Christopher Mbata, 30, Petrus Buthelezi, 31 and John Zwane, 56, all of Alexandra, have pleaded not guilty to murdering 13 people and attempting to murder 17 others during the early hours of March 27.

It is alleged the five, armed with AK-47 rifles and handguns, attacked mourners while they were holding a vigil at the home of Jane Ramokgola who had been fatally shot during unrest earlier that month.

The witness, who testified in camera yesterday, was one of those who survived the vigil attack.

She told the court Mbata and three other armed men entered the room to which she and other mourners had fled. Mbata asked them where their men were because they wanted their weapons. The attackers then opened fire, the woman said.

She told the court the men left the room, but returned about 10 minutes later and opened fire again.

The witness also described how one woman had gone on her knees and begged the men not to kill them after their attackers re-entered the room.

"They returned to the bedroom and the one holding the larger firearm (Mbata) said 'these dogs are not yet dead'.

"They started firing again and it was at that stage that one of the ladies present pleaded with these people to stop the firing. She was kneeling on the bedroom floor when she pleaded with them not to kill us."

The witness said Mbata had spoken in Zulu. She did not know how many men accompanied him into the room the second time.

During her evidence earlier she identified Mbata as the man she had found speaking to her boyfriend outside a nearby shop prior to the vigil attack.

The woman said she had gone to see what was delaying her boyfriend's return from the shop when she found him speaking to Mbata and a group of men. "They asked my boyfriend which nation he was from. He said Swazi."

The men had spoken in Zulu, she said. Mbata, she said, told her boyfriend he must join Inkatha. "He also said my boyfriend must tell the other males who live with him in the yard to join Inkatha and that Swazis, Vendas, Sothos, and Shangaans should also join or they would be killed."

Mbata, she said, had shown her boyfriend a "lot of money" and told him that he "did not need your money, but your strength".

The trial continues before Mr Justice H Daniels today.

Police planned to kill witness, inquest is told

Own Correspondent (331)

Star 25/10/91

MARITZBURG — A man claiming to have been a Security Branch constable yesterday gave dramatic evidence implicating himself and colleagues in the fatal shooting of a man whom, he was told, would be a witness at the inquest on Chief Mhlabunzima Maphumulo's death.

Lucky James Mntambo (23), who said he worked at Maritzburg's Alexandra Road police station, was testifying at the formal inquest on the death.

He is the second witness to come forward with information about attacks on the late chief.

Chief Maphumulo was shot dead in his car at his Maritzburg home on February 25.

Mr Mntambo, who has been in protective custody in the Westville prison since coming forward with the information, has been moved to Maritzburg's new prison, where access to him is limited to close relatives and his lawyers.

He said that on August 10 this year he and three other policemen attended a meeting with a Captain Pieterse of the Alexandra Road police station. The policemen were told that Jabulani Hudla had to be killed. He was to be a witness at the inquest, they were told.

A few days later, he went with Captain Pieterse, a Warrant Officer Warber, a Constable Brooks and a policeman called Potgieter to the Federal Theological Seminary in Imbali, where Mr Hudla was believed to be staying.

They cut a fence, and an informer showed them a house. He was sent back through the fence. He heard firearms being cocked and then shots. Captain Pieterse then returned to their vehicle and made contact with radio control.

"He reported over the radio that he had heard gunshots and suspected a house had been shot at. He asked police to come out," said Mr Mntambo.

Mr Mntambo said Warrant Officer Warber told them there was "no problem" because "we conduct investigations into incidents of this nature".

It was later reported in the press that Mr Hudla, had been shot in the head at the Federal Theological Seminary at Edendale on August 14.

The hearing continues.

Hit-squad inquiry: policeman identified

Star 26/10/91

MARITZBURG — A police warrant officer implicated as a hit-squad operative was yesterday correctly pointed out by his accuser during an identity parade in the Supreme Court.

Inquest witness Constable Lucky Mntambo pointed out a W/O Warber as one of the people he claimed had taken part in police hit-squad activities. He was testifying during the inquest of assassinated Table Mountain, Natal, chief Mhlabunzima Maphumulo.

Earlier, however, he mistakenly pointed out a man whom he said was Captain Pieterse, a policeman whom he also implicated as a hit-squad member.

Four men took part in the formal identity parade and Constable Mntambo correctly identified the first two as men from the Criminal Investigation Department at Alexandra Road police station.

He correctly named the third man as W/O Warber. He said he did not know the fourth man.

He again claimed he had been assaulted by District Commissioner of Police, Brigadier Chris Jonker, and police liaison officer Pieter Kitching when he had gone to report that policemen were involved.

Constable Mntambo also claimed he was assaulted by an SAP general when he was detained.

Documents purporting to show that Constable Mntambo was in a Cape Town police training college during September 1989 were produced by counsel for the police, Kobus Booyens, SC.

Constable Mntambo said the dates on the test papers had been written by someone else; he was at college in 1988.

Mr Booyens then put it to Constable Mntambo that the July 1989 attack on Chief Maphumulo — in which Constable Mntambo said he and other police officers had taken part — had never happened.

Constable Mntambo argued that it had.

The inquest continues on Monday. — Sapa.

'I was coerced into killing'

By MARTIN NTSOELENGOE

331

A STARTLED Rand Supreme Court was told how a man begged a policeman to turn him into a State witness, because he claimed to have been cajoled into joining an illegal strike and to help kill scabs.

Warrant Officer Jan Kock was giving evidence in the case of five former Haggie Rand workers and an alleged hired hitman.

Kock told the court one of the accused, Samuel Kgosiekgolo Malepo, 39, pleaded with him to turn him into a State witness.

He said this was after Malepo had made a confession about how they went about shooting and intimidating scabs.

Kock denied that Malepo was ever forced to make a statement.

Appearing before Judge Du Plessis and two assessors are Malepo, Richard Khazamula Ngobeni, 38, Jeffrey Sipho Mtshali, 34, Malvert Ngubane, 40, and Malan Khumalo, 42.

Joseph Mdumiseni Bhengu was allegedly hired by the five to intimidate and kill scabs.

All six have pleaded not guilty to five counts of murder, nine of attempted murder and two of arson.

Azanla men in court for sabotage

FOUR alleged members of the Azanian National Liberation Army (Azanla) appeared briefly in the Potgietersrus Regional Court this week on charges of sabotage. Cl vers. 27/10/91 (331)

Cornelius Kekana, Phunthi Mothoagae, Alexander Palagangwe and Sammy Maluleke, all of Mahwelereng, were not asked to plead.

The case was postponed to January 20 next year and their bail of R2 000 each was extended.

'Join the IFP or you die'

331

C/Pres 27/10/91.

By MARTIN NTSOELENGOE

JOIN the Inkatha Freedom Party – or you will all die.

This chilling warning was allegedly made by an IFP member a few hours before mourners were massacred at a night vigil in Alexandra on March 27 this year.

The massacre left 13 mourners dead and 17 others injured.

This evidence was given in the Rand Supreme Court by a young Alexandra woman, who on the day of the warning was in the company of her Swazi boyfriend.

She told the court that she and her boyfriend had gone to a shop, but after their purchases the boyfriend remained behind. When she went to investigate why he was delayed, she found him talking to Gibson Mbatha and a group of men.

During the discussion she overheard Mbatha telling her boyfriend that if Sothos, Swazis, Shangaans and Vendas did not join the IFP, they would die.

Appearing before judge Daniels are Gibson Mbatha, 28, Derick Majosi, 21, Christopher Mbatha, 30, Petrus Buthelezi, 31, and John Zwane, all of Alexandra.

They have pleaded not guilty to 13 counts of murder, 17 of attempted murder, housebreaking and possession of firearms and ammunition. They are all in custody.

The witness, who testified in camera, survived the massacre. She said mourners were singing in a tent outside the Ramokgola's house when there was sudden gunfire.

She said at the height of the shooting mourners ran into the house, but were followed by Mbatha and four others.

The woman said Mbatha asked them where their men were, because he wanted their weapons. They were fired upon before they could answer.

The men left the room, but returned 10 minutes later and opened fire again.

She said she was lucky because a woman who was struck by the bullets fell on top of her.

While she lay on the floor she could see Mbatha by the light coming from the kitchen.

The case continues.

Unrest at Bop mines

UNREST has broken out at Impala Platinum's Wildebeestfontein North and Bafokeng North mines in Bophuthatswana and production has been stopped, Genmin announced yesterday. Sowetan

One of Impala's general managers had been hospitalised after he was assaulted when violence broke early yesterday. Several buildings were also set alight at the Bafokeng South hostel, Genmin said. 29/10/91

The company said the incidents were believed to be linked to the dismissal of 76 Wildebeestfontein North miners at the weekend. They were dismissed following disciplinary hearings related to a sit-in at the mine on October 15, when supervisory staff were prevented from leaving the underground areas.

Genmin said production at Impala's Wildebeestfontein South And Bafokeng South and the Mineral Processes Plant was continuing. - *Sapa*

ANC women to stand trial

Sowetan 29-10/91. 331

THE trial of Mrs Winnie Mandela and 15 other ANC Women's League members who are facing charges of obstruction will resume in the Johannesburg Magistrate's Court today.

The charges arose out of demonstrations by ANCWL members in Johannesburg on May 22 to launch a campaign for the release of political prisoners.

The campaign followed a countrywide fast in solidarity with political prisoners who were on hunger strike.

On that day, Mrs Mandela was arrested twice - first after leading a demonstration at the intersection of Market and Rissik streets and later when a group protested outside the Johannesburg Magistrate's Court.

Others were arrested when more than 200 women demonstrated outside John Vorster Square for the release of Mrs Mandela's group. - *Sapa.*

Police captain is lying, witness tells court

331

Sowetan 29/10/91

A WITNESS claimed yesterday that police were trying to cover up their alleged hit squad activities by supplying documents and statements purporting to disprove his evidence.

Mr Lucky Mntambo was being cross-examined in the Maritzburg Supreme Court at the inquest into the death of Chief Mhlabunzima Maphumulo, who was shot dead in the city on February 25.

When counsel for the South African Police, Mr Kobus Booyens, SC, produced an affidavit from Captain Daniel Meyer of Riot Unit 8, in which Mntambo's allegations of a police hit squad attack on Maphumulo's home in 1989 are refuted, Mntambo said this was simply a vain attempt to cover up police hit squad activities.

Meyer also outlined Mntambo's career with the SAP and said Mntambo was not employed by them at the time he claimed he had attacked Maphumulo's house in Table Mountain, Maritzburg.

"The captain is lying," Mntambo responded. "This is an attempt to cover up the hit squads."

The hearing continues today. - *Sapa.*

ANC women to stand trial

Sowetan 29.7.10/91. 331

THE trial of Mrs Winnie Mandela and 15 other ANC Women's League members who are facing charges of obstruction will resume in the Johannesburg Magistrate's Court today.

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Others were arrested when more than 200 women demonstrated outside John Vorster Square for the release of Mrs Mandela's group. - *Sapa.*

grade,

PARADOX

Windows!

Rand Daily Mail 30/10/91 / 21

13 held at Winnie trial

VERA VON LIERES

THIRTEEN people were arrested after the resumption in the Johannesburg Magistrate's Court yesterday of the trial of Winnie Mandela and 15 other ANC Women's League members who are facing charges of traffic obstruction. 331

Police said they would be charged with either disrupting traffic or demonstrating within the area of a court building. B 1 Day 30/10/91

The trial was postponed to January 29 at the request of the State.

The charges arise out of demonstrations, led by Mandela, in Johannesburg on May 22.

Winnie Mandela, centre, Adelaide Tambo, right, and their supporters leave the Johannesburg Magistrate's Court after Mandela appeared on charges of obstructing a traffic officer during a protest in May this year. Picture: AP

Ex-Inkatha member's revelations

Sowetan 30/10/91

A FORMER Inkatha Freedom Party member told the Rand Supreme Court yesterday the organisation was responsible for the violence in Alexandra.

The State witness, who may not be identified and is giving evidence in camera, was testifying in the Alexandra massacre trial.

Five IFP members and supporters are facing 13 charges of murder, 17 of attempted murder and one count of housebreaking.

It is alleged that at a funeral vigil on March 27, the five sprayed mourners with bullets from an automatic rifle, leaving 13 people dead and scores wounded.

The witness told Mr Justice H Daniels he had resigned from Inkatha because he believed the party was responsible for the violence and the killings in Alexandra.

"I saw Accused One (Mr Gibson Mbatha) in one of the IFP meetings I attended. The meeting was organised by the local (IFP) branch and Accused One was with the leaders of the local branch.

"At the funeral vigil, where 13 people were killed, I saw Accused One carrying a big object with two hands.

"Accused One passed me and went in the direction of the house. I started hearing gunfire." - *Sapa.*

Mrs Winnie Mandela (centre) leaves the Johannesburg Magistrate's Court after appearing with 15 others on charges of obstructing traffic during a protest calling for the release of political prisoners.

Winnie's case is postponed

Sowetan 30/10/91 (331)

MRS Winnie Mandela, wife of African National Congress president Mr Nelson Mandela, appeared in the Johannesburg Magistrate's Court yesterday together with 15 others on charges of obstructing traffic.

Their appearance was a sequel to a demonstration in Market Street, Johannesburg, to demand the release of political prisoners on May 22 this year.

No evidence was led and the case was postponed to January 29, 30 and 31 for trial.

Mandela (54) was arrested twice on that day.

Before yesterday's court appearance, Mandela, president of the ANC Women's League Mrs Gertrude Shope, Mrs Albertina Sisulu and Mr Peter Mokaba, leader of the ANC Youth League, and about 30 supporters held a demonstration at the court building's entrance.

They carried posters, some of which read: "Withdraw these apartheid charges", "Release all political prisoners" and "Arrest Askaris not our comrades".

Mrs Adelaide Tambo, wife of national chairman of the ANC Mr Oliver Tambo, was present during the proceedings.

Mandela's co-accused are former *Sapa* journalist Joan Fubbs (46), Mr Baleka Kgositsile (41), Lindiwe Maseko (32), James Maruping (32), Juliet Seakewe (31), Nomvula Mokonyane (29), Peter Skobango (30), Hemro Mpufane (18), Audrey Molohlamme (33), Letia Khohlo (41), Monica Tswaedi (34), Mary Lekowa (32), Rebecca Thekisi (43), Sophia Fisher (30) and Kuki Mlangeni (33).

Trial told of Inkatha attacks

A STATE witness in the trial of five men accused in the Alexandra massacre told the Rand Supreme Court yesterday that he still carried an Inkatha Freedom Party membership card.

Under cross-examination the witness, who may not be named, said he still had his IFP card "although I am no longer an IFP member because of their violent approach".

"I saw local IFP members assaulting people in the streets. I also heard people screaming.

"People were saying party (IFP) members were responsible for the killings in other areas on the Reef," the witness told Mr Justice H Daniels.

Five IFP members and supporters are facing 13 charges of murder, 17 of attempted murder and one of housebreaking.

It is alleged that on March 27 the men sprayed mourners at a funeral vigil with bullets from an automatic rifle, leaving 13 dead and scores wounded.

Not guilty

The accused - all from Alexandra - are Mr Gibson Mbatha (31), Mr Derrick Majozi (21), Mr Christopher Mbatha (31), Mr Petros Buthelezi (31) and Mr John Zwake (56).

They have pleaded not guilty to all charges.

The trial continues today. - *South African Press Association.*

'I left because of killings'

Court Reporter (331) Star 31/10/91

The Alexandra vigil massacre was one of several incidents of Inkatha violence in the township, a former member of the organisation told the Rand Supreme Court yesterday.

The man, who may not be named, said he left the organisation because he had heard of incidents of violence involving Inkatha.

"I left because of the killings and because I didn't know why they were taking place," the witness said.

Cross-examined by Vic Botha, appearing *pro Deo* for five Inkatha supporters accused of murdering mourners at the vigil, the man said he decided to leave the Inkatha Freedom Party in February. However, he cited incidents which took place in March as examples of the violence "perpetrated by Inkatha".

He gave the vigil massacre, which took place on March 26/27, as an example, and said he had witnessed several other incidents where people were assaulted by Inkatha members.

He said he had seen the police escorting ANC members away from a group of Inkatha members during a march.

Gibson Mbatha (28), Derick Majosi (21), Christopher Mbatha (30), Petrus Buthelezi (31) and John Zwane (31), all of Alexandra, have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one of housebreaking with intent to murder, and illegal possession of firearms and ammunition.

The hearing continues.

Witness accused of lying

331

Sowetan 1/11/91.

A WITNESS in the Trust Feeds murder trial was yesterday accused of lying in his evidence about some of the events following the attack on a house in the area about three years ago.

Seven policemen are standing trial in the Maritzburg Supreme Court for the murder of 11 people in Trust Feeds, near New Hanover, in 1988.

The policemen are Captain Brian Mitchell (34), Captain Jacobus van den Heveer (36), Sergeant Neville Rose (35) and former special constables Kehla Ngubane (21), Thabo Sikhosana (29), Dumisani Ndwalane (27) and David Khambule (26).

They have all pleaded not guilty.

The witness, Mr Selby Mkhize, a former special constable with the South African Police and now a constable with the KwaZulu Police, had earlier told the court that on the morning after the attack he and five other special constables were picked up from Trust Feeds by two of the accused - Van den Heever and Rose.

He said they were told to hide their firearms and to lie down on the seats. He also said that when they were dropped off at their homes they were told to leave their firearms in the vehicle.

Mr Etienne du Toit, counsel for Mitchell, asked why Mkhize had not questioned these instructions and why the special constables had not discussed these instructions amongst themselves.

SAPA

Mkhize insisted the policemen simply did as they were told.

Du Toit told Mkhize he did not believe the men would not discuss such orders and put it to him that he was lying.

Mkhize replied that since this was the first time he had done guard duties anywhere, he did not know how guards were fetched from the places they were doing duty.

The trial continues today.- *Sapa.*

Mrs Sihle Nkomazane, wearing an oxygen mask, and a distressed pensioner after they were evacuated by the Johannesburg Fire Department this week when a fierce fire gutted an apartment in a Johannesburg block of flats. Pic: JOE MOLEFE.

Sowetan 1/11/91

Court told of killings

331

POLICE dispersed members of the African National Congress while allowing Inkatha Freedom Party supporters to hold a meeting in Alexandra, the Rand Supreme Court was told yesterday.

A former IFP member was testifying in the murder trial of five men following the killing of 13 people at a funeral night vigil in the township on March 27.

It is alleged the five men killed 13 and injured many others.

The five, Mr Gibson Mbatha (31), Mr Derrick Majozi (21), Mr Christopher Mbatha (31), Mr Petros Buthelezi (31), and Mr John Zwake (56) - all of Alexandra - have pleaded not guilty. -*Sapa.*

'Sinister' departure not strange — witness

MARITZBURG — A former SA Police special constable who did guard duty at a Trust Feed home on the night of the 1988 Trust Feed massacre said yesterday that he did not find it strange when he and his colleagues were told to hide their firearms and lie down in a truck that took them from the area the day after.

Selby Mkhize (26) told the Maritzburg Supreme Court he did not consider it necessary to discuss the "sinister way" in which he and colleagues moved out of Trust Feed on December 4, the day after 11 people were shot dead while attending a funeral vigil.

"I want to put it to you that I don't believe that," said Etienne du Toit, SC, who appeared for Captain Brian Mitchell.

"It is up to you," said Mr Mkhize.

Captain Mitchell (34), Captain Jacobus Pieter van den Heever (36), Sergeant Neville Alexander Rose (35) and special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Mr Ndwalane (27) and David Khambule (26) have all pleaded not guilty to 11 murder charges and eight charges of attempted murder.

Mr Mkhize said he did not think of asking colleagues why they were told by Captain van den Heever, who fetched them the day after the incident, to hide their guns and lie down in the vehicle transporting them out of the area.

Asked why he lay down, Mr Mkhize said: "I merely complied with my instructions."

In later cross-examination, Mr Mkhize agreed that special constables were targets for attacks by the ANC and UDF.

SAP bosses 'planned kidnappings'

Star 2/11/91 (331)

Inkatha supporters attacked by mistake

THE Maritzburg trial of seven policemen, including two captains, on 11 counts of murder is perhaps the most important case before the courts today.

Its ramifications reach beyond the Trust Feed community — 11 of whose members were shot at a funeral vigil on the night of December 3 1988 — to the very heart of the political turmoil which is threatening to tear South Africa apart.

The allegation that policemen colluded with Inkatha officials to kill black people opposed to Inkatha has been heard before. It has been voiced by the African National Congress and, before the ANC was unbanned, by the United Democratic Front.

The difference in the Trust Feed trial is that the allegation is made by the state, that the prosecution is led by the Natal Attorney-General, Mike Imber, and that key prosecution witnesses include the local Inkatha leader at Trust Feed and a posse of policemen.

If the charges are proved — the policemen have all pleaded not guilty — suspicion that the Trust Feed massacre is the tip of a proverbial iceberg will undoubtedly be reinforced.

What is not in doubt is that 11 people were killed and eight injured at a house in Trust Feed, 30 km north-east of Maritzburg, by unknown gunmen on the night of December 3 1988.

Injured

A police statement at the time speaks of an attack on a Trust Feed house by an "unknown number of blacks".

The indictment in the trial before Mr Justice Andrew Wilson in the Maritzburg Supreme Court is more specific. Its list of victims who lost their lives includes a nine-year-old boy, Nkonyeni Shangase, and a four-year-old boy, Muzi Shangase.

The question is: who killed the 11 occupants of House No 83 at Trust Feed and why?

The state alleges that they were killed in an attack on the house by Captain Brian Mitchell, police station commander at New Hanover, and four special constables who were billeted in Trust Feed to protect Inkatha leaders.

The indictment says a plot to kill members of the anti-Inkatha Trust Feed Crisis Committee was discussed at a meeting in November 1988 between a local Inkatha leader, Jerome Gabela, and Captain (then Lieutenant) Mitchell.

These discussions led to a further meeting between Captain Mitchell and the head of riot police in Maritzburg, Captain Deon Terblanche (who was later assassinated by one of his own men), at which "it was agreed that members of the police would carry out the envisaged attack".

PATRICK LAURENCE

Captain Mitchell's co-accused include Captain Jacobus van den Heever and Sergeant Neville Rose. With them in the dock are four auxiliary or special policemen: Special Sergeant Duimisani Ndwanlane and Special Constables Kehla Ngubane, Thabo Sikhosana, and David Khambule.

The state alleges that the special policemen took part in the attack under Captain Mitchell's command. It charges that Captain van den Heever and Sergeant Rose knew of the pending attack and "actively associated" themselves with it.

A critical difference divides them into two groups: the three white officers — Mitchell, Van den Heever and Rose — deny having taking part in the attack; the black special policemen admit having done so but insist that they were acting on orders which they considered to be lawful.

So far the court has heard testimony from Mr Gabela that Captain Mitchell mooted the idea of killing those opposed to him in Trust Feed, that he heard shooting on the night of December 3, and that Captain Mitchell had warned him, on the pain of death, never to talk about what had happened.

Mr Gabela has told the court of a bizarre twist to the events: the alleged police killers attacked the wrong dwelling, blasting a house occupied by Inkatha sympathisers attending a funeral vigil instead of the homestead of a local shop keeper and anti-Inkatha man.

Another state witness, Constable Selby Mkhize, has related how the four special constables who allegedly took part in the attack told him about it soon afterwards and how they were instructed to conceal their weapons and lie down in the police vehicle when they were driven out of Trust Feed after the massacre.

After the slaughter at House No 83 the special policemen were ordered to stay out of sight, Constable Mkhize has testified. Later, Constable Mkhize has said, when they tried to draw their wages they were confronted by Captain van den Heever who said: "Would you prefer to receive your salaries and then be hanged ... Disap pear before I call the police."

The trial is proceeding.

● Trust Feed was declared a "black spot" in the 1960s but in 1988 it was identified as a black development area. Its new status seemed to precipitate a struggle for control of the area between pro- and anti-Inkatha forces.

Police boss set up burning of shop evidence

Star 2/11/91

331

DURBAN — Police captain Brian Mitchell, one of the accused in the Trust Feed trial, allegedly set fire to a store shortly after 11 people were killed in a house in Trust Feed, the Supreme Court, Maritzburg was told yesterday.

Former South African Police special constable, Bhekithemba Richard Makhathini, who performed guard duty at a Trust Feed home on the night of the 1988 massacre said he

OWN CORRESPONDENT

was told by colleagues that Captain Mitchell was present at the incident and had then set fire to a store.

Captain Mitchell (34), Captain Jacobus Pieter van den Heever (36), Sergeant Neville Alexander Rose (35) and special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Ndwalane (27) and David Khambule (26) have all pleaded not guilty to 11 murder charges and eight charges of attempted murder.

Mr Makhathini, who now works for the KwaZulu Police, said he performed guard duty at the home of a Mr Ndlovu on the night of December 2. While he was sleeping, he heard the sound of gunshots.

The next morning, he saw the four black accused special policemen, who told him that Mitchell showed them a house and said there were terrorists inside. They said he told them to shoot at the house.

Mr Makhathini said the day after the incident, he and his colleagues were driven out of Trust Feed by Sergeant Rose. Lieutenant van den Heever was also in the vehicle.

The hearing continues on Tuesday.

● **SAP bosses 'planned killings' — See Page 8.**

Rightwingers wait

Star 4/11/91 (331)

The hearing on their requested extradition to Namibia of rightwingers Leonard Veenendal, Darryl Stopforth and Horst Klenz to stand trial for two murders, for bombing a United Nations base and for escaping from police custody, has been postponed to February 3.

Fatal shot fired from kombi

A TEENAGE girl on a protest march fell on a slope by a gun protruding from a powder-blue kombi with Supreme Court windows, the Supreme Court heard yesterday.

The testimony, by a taxi driver, came in the trial of three South African police constables in the Rosemary Ngcobo (14) shooting in Richmond on September 26 1989.

She was shot in the head while marching with about 1 000 scholars to the police station in Richmond.

Sergeant Johannes Burger (26) and Constable Willem Johannes de Wet (26) are charged with murder and Abraham Nicolaas Mbangisem Mcanum (24) with being accessories after the fact.

They have all pleaded not guilty.

Statements handed to Mr Justice Broome claimed that the men were on duty during the march, but did not shoot anyone.

Advocate Paul Farlam, SC, for the state, said Khoza was walking with a friend when she was shot.

The friend, who was not identified, had run from the police and was about to cross the road when he heard a shot.

He and three others turned and saw Khoza fall on her face.

"I saw that a person was holding a gun pointing at us," he said.

"The person who was holding the gun fired a shot from me. She jumped up and then fell on her face."

He and three others carried her to the road and waved down a motorist.

"To me it appeared as if she was dead," he said.

She was taken to Addington Hospital where she died the same day.

The state alleges that Khoza was shot by a police constable.

Mbangisem Mcanum was charged with murder.

Constable de Wet is charged with murder and Burger with being accessories after the fact.

The state alleges that Khoza was shot from within the kombi.

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FM 8/11/91 (331)

CRIME

Trust Feed trial

A former special constable, giving evidence in the trial of seven policemen charged with murder, said his colleagues described how a police chief ordered them to shoot into a house — and then himself set a shop alight.

Bhekithemba Richard Makhatini, one of six special constables allegedly driven to Trust Feed near New Hanover in the Natal Midlands at the end of 1988 for "special duties", was giving evidence last week in the Maritzburg Supreme Court. These special duties were allegedly what became known as the Trust Feed massacre, where 11 people were killed and eight others injured.

New Hanover station commander Captain Brian Mitchell (34), Captain Jacobus van den Heever (36), Sergeant Neville Rose (35) and four former special policemen (Thabo Sikhosane, Kehla Ngubane, Dumisani Ndwalane and David Khambula) are charged with murder and attempted murder.

Makhatini and another former SAP special constable, Selby Mhkize, were apparently guarding the home of a Mr Ndlovu in Trust Feed when their colleagues allegedly attacked another home, belonging to the Sithole family, with a smoke grenade and shotguns. A group of people were inside attending an all-night funeral vigil at the home.

Makhatini said he and Mkhize had been taken to the house of Ndlovu to guard it while four other special constables slept at the homes of Trust Feed Inkatha leader Jerome Gabela and his mother. On the night of the attack Mhkize woke him, saying he had heard shots.

Makhatini said the day after the attack, four of his collegues told him they had performed "some work" during the night. He claimed he was told that Captain Mitchell arrived at Gabela's home and collected the special constables. The captain also allegedly told the four that there was a certain place where "terrorists were housed." Makhatini said his colleagues told him that Captain Mitchell ordered them to shoot at the house and stood by while they did so.

They also allegedly told Makhatini that after they left the scene of the attack, they watched the captain "setting a shop alight."

Makhatini said Sergeant Rose and their commander, Lieutenant (later Captain) Van den Heever, arrived in a mini-bus to take the small force back to their base near Hammarsdale.

Makhatini said he and Mkhize were ordered not to carry their shotguns openly, so they wrapped them in newspaper. He also said all six special constables were

Continued on page 55

continue — D

Continued from page 51

told to lower their seats and lie down so they would not be seen.

In Hammarsdale they were told not to return to duty until they were called.

Both Makhatini and Mkhize later became KwaZulu special constables.

Earlier in the trial, the local Inkatha leader, Gabela, claimed that when he asked Captain Mitchell for help in settling the political problems in his area, he was told it was pointless arresting anti-Inkatha elements because they would be set free; it was better they be killed. Gabela also said that after the attack on the Trust Feed home, the New Hanover station commander warned him that he would be killed or arrested if he told anyone about "the accident."

Gabela alleged that Maritzburg Inkatha officials and policemen held a meeting on November 30 1988 and later six special constables arrived at the Gabela home in Trust Feed, where they were accommodated.

The Inkatha leader said he thought the policemen were going to attack the home of the Mbongwa family — who were apparently not Inkatha members — but the 11 people killed were mostly Inkatha supporters.

The Inkatha leader said that when he and Trust Feed Inkatha deputy chairman Johan Nxumalo asked Captain Mitchell questions after the massacre at the Sithole home, he was threatened. ■

Police conduct in Natal is in the dock

W/Mail 8 11-14 11 91

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CASSANDRA MOODLEY reports on the far-reaching implications of the Trustfeed massacre trial in Pietermaritzburg

THE alleged pattern of police bias and corruption is ultimately on trial as dramatic evidence unfolds in the Pietermaritzburg Supreme Court in the Trustfeed massacre trial.

As seven policemen stand accused of 11 accounts of murder and eight of attempted murder arising from the December 3 1988 attack, lawyers are citing numerous incidents of police corruption and collusion with Inkatha since the inception of the Natal violence.

Evidence has already implicated the late head of the Riot Unit, Captain Deon Terblanche, in talks with Inkatha leader David Ntombela about the pre-dawn attack in the Trustfeed location, near New Hanover.

And as the trial proceeds, other incidents indicating alleged police violence are being brought to light. The *Conflict Monitor*, compiled by the Centre for Sociological Studies at the University of Natal, notes that during September 24 police officers were suspended and seven charged with assault or murder in connection with political violence.

Two policemen directly associated with the Trustfeed case, Constable Willem de Wet and Lieutenant Nichas, have been cited in other incidents of alleged collusion.

A judicial inquest begins next month into the involvement of Nichas in the death of a Mooi River youth on June 16 last year. Nichas was removed from his post as Mooi River station commander after residents alleged that he had been working with local Inkatha leader Walter Mchuni in fomenting violence.

He was also the former station commander at New Hanover and, according to members of the Trustfeed Crisis Committee, began working with Inkatha leader Jerome Gabella, the chief state witness in the Trustfeed trial, before he was succeeded by Captain Brian Mitchell. Mitchell is accused of planning, executing and directing the Trustfeed massacre.

De Wet is a witness in the Trustfeed case and he has been connected to the payment of a special constable who allegedly participated in the massacre.

He is also standing trial with two others for allegedly being an accessory to the killing of a Richmond schoolgirl two years ago.

Lawyers have accused the security forces of turning a blind eye to, or actively participating, in attacks on ANC-supporting communities in Natal's townships; of using Inkatha supporters to point out ANC members; and of working with Inkatha "warlords".

The most significant of these associations involves David Ntombela, an Inkatha leader implicated in the Trustfeed trial. Residents of Vulindlela have alleged in affidavits before the Supreme Court that Ntombela forcibly recruited them for his organisation.

On January 311988, Ntombela and a number of other Inkatha leaders addressed an Inkatha rally at Mpumza. Witnesses allege Ntombela stated that anyone who did not join Inkatha would be killed. Apparently he added that he was prepared to go anywhere and kill those who were not Inkatha members. .

An inquest magistrate has found Ntombela and his followers responsible for the deaths of Angelica Mkhize and her daughter, Petronella, while they were hunting for Mkhize's two sons in February 1989. But to date they have not been prosecuted in a criminal court.

Attorneys Cheadle Thompson and Haysom say that numerous memoranda to state officials containing details of alleged unlawful police conduct in the Natal violence have virtually been ignored. Perhaps, if the prosecution is able to prove its case in the Trustfeed trial, some of their questions will finally be answered.

SAP man denies hit squad role

Star 9/11/91 (331)

DURBAN — A detective said to be a member of a hit squad that shot ANC Chief Mhlabunzima Maphumulo in Maritzburg in February denied in the Supreme Court yesterday that he took part in the killing or was a member of any hit team.

The man, Detective Warrant Officer Pieter Scott, of the Riot Investigation Unit, said he did not know some of the other members of the police and Defence Force who, according to a witness, Sipho Madlala, were members of such a team.

OWN CORRESPONDENT

He was called to the scene of the chief's shooting soon after the incident and investigated it.

Soon after the inquest started, Mr Madlala claimed that he was a member of the hit squad.

He was originally the investigating officer in the Maphumulo killing, but another policeman was appointed to the position after Mr Madlala made the allegations.

• The inquest continues on Monday.

7 accused policemen return to death scene

Star 9/11/91. (331)

OWN CORRESPONDENT

DURBAN — Seven policemen accused of murdering 11 Natal men, women and children holding a funeral vigil travelled yesterday with their advocates and a court witness to the dusty Trust Feed area, near New Hanover, to the scene of the massacre.

The inspection follows testimony this week by State witness, reserve constable Stuart van Wyk (34), that he and former New Hanover station commander Brian Mitchell drove to various places at Trust Feed in the early hours of December 3 1988 and heard gunshots in the darkness. Captain Mitchell allegedly denied hearing any shots.

Captain Mitchell (34), Captain Jacobus Pieter van den Heever (36), Sergeant Neville Alexander Rose (35) and former special policemen Kehla Ngubane (21), Thabo Sikhosana (29), Dumisani Ndwalane (27) and David Khambule (26) are on trial in the Maritzburg Supreme Court.

They have pleaded not guilty to 11 counts of murder and eight of attempted murder.

Constable van Wyk showed advocates and Mr Justice Wilson the plot of land where he was "shocked" to discover dead people as he walked through a house. The house is no longer standing.

Also examined by the court was the home of Trust Feed In katha leader Jerome Gabela. Constable van Wyk testified that he drove Captain Mitchell there for a "meeting" just before allegedly hearing gunshots.

Scores of local residents stood outside their homes watching the collar and tie-clad advocates.

The trial proceeds next week.

Trust Feed cops back at scene

CP Reporter Cape Times 10/11/91. (331)

COPS accused in the Trust Feed trial pointed out the scene of the killings this week.

Four special constables – Kohla Ngubane, Thabo Sikhosana, Roy Ndwalane and David Khambule – looked excited to be out of prison as they joked and laughed with police guards and journalists.

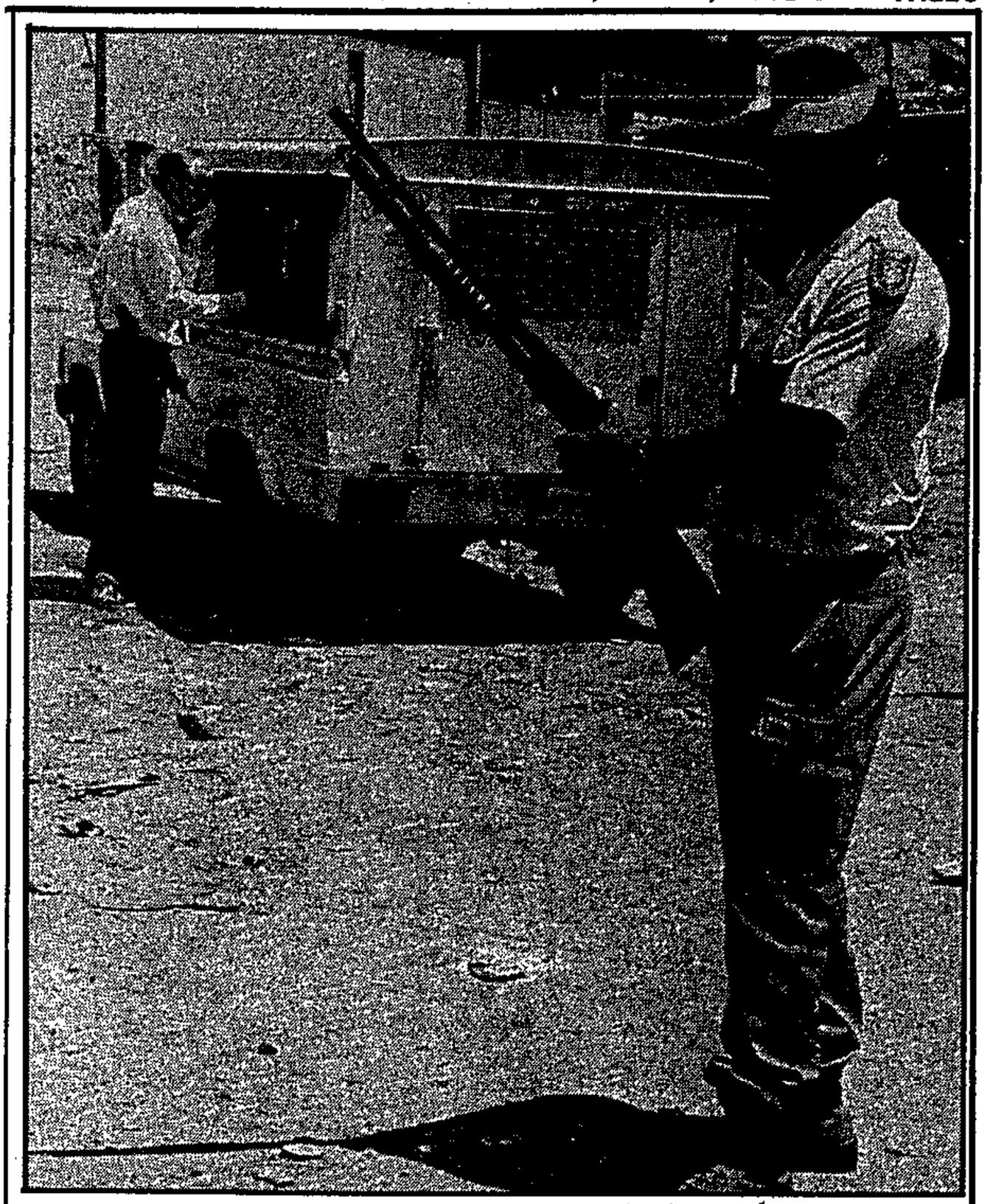
But their co-accused, Capt Brian Mitchell, was silent throughout the inspection and only talked to his counsel, Ettiene du Toit.

Seven policemen have pleaded not guilty to 11 counts of murder and eight of attempted murder. The four special constables admitted taking part in the attack, saying they merely followed Mitchell's orders. The charges arise from the massacre of 11 people at a night vigil in Trust Feed on December 3, 1988.

Two other accused, Capt Jacobus van den Heever and Sgt Neville Rose, are out on bail of R3 000 and R1 000 respectively.

The constables alleged that after the shooting they saw a shop on fire and a police van full of goods next to it.

The hearing continues.



DEATH SITE ... Police guard the accused at the scene of the vigil massacre while the court inspection is carried out. ■ Pic: SIPHIWE MHLAMBI

Judge tours massacre site

By MARTIN NTSOELENGOE

A RAND Supreme Court judge this week made an *in loco* inspection of the scene in Alexandra township at which 13 mourners were massacred at a vigil early this year.

Judge Daniels, with his tape-recorder in hand, watched as a witness pointed out where he saw the alleged Inkatha attack on mourners.

The inspection was requested by advocate Vic Botha for the defence, who wanted to ascertain whether the identification of a person was possible in the light cast by a mast lamp about 120m from the house and from the house itself.

Opposite the Alexandra Health Centre the witness pointed out the spot from which he said he saw Inkatha members approach seconds before the attack.

He said he was sitting in a car with a friend when he saw Gibson Mbatha leading a group of men he had spoken to opposite the Buy By Bazaar, a few paces away from the place where the night vigil was held.

Mbatha had driven his car close to where the vigil was held, and walked up and down outside, the witness said.

Mbatha, 28, is appearing with Derick Majosi, 21; Christopher Mbatha, 30; Petrus Buthelezi, 31; and John Zakwe, 56, all of Alexandra hostel.

They have pleaded not guilty to 13 counts of murder, 17 of attempted murder, possession of firearms and ammunition, and housebreaking with intent to kill.

Another State witness this week told the court that during the night vigil mourners sang hymns and freedom songs.

When the freedom songs began she heard a shot. Mourners began to run into the house.

At about 1 am she heard someone kicking down her door.

She heard someone telling the man who kicked the door to stop because he was attacking the wrong place. Later, she heard a man tell mourners that they were not fighting and should open the door.

"If you do not open the door you won't like the manner I will use to open it," she heard him say. Rapid gunfire followed.

The case continues tomorrow.

I slept during vigil attack, says witness

Star 12/11/91

331

Court Reporter

A woman who was shot three times in an attack on mourners at a vigil in Alexandra told the Rand Supreme Court yesterday she did not hear the shooting or see her attackers.

The witness, who may not be named as the trial is taking place in camera, said she drank two quarts of beer at the vigil on March 26/27 and went to sleep. She woke up when some people knocked on the door and shouted.

She told Mr Justice H Daniels she heard someone say: "No, there is nothing," and the noise stopped. She went back to sleep.

Later, some people came running into the room, and she tried to hide under a mattress.

"Some people fell on top of me. I thought of leaving my hiding place but I was too scared. Then the police arrived."

The woman said she was under the impression the police were the ones attacking the mourners. Previous witnesses said the police arrived after the attackers had left the scene.

She did not hear any shots being fired and noticed her injuries only when the police had helped her up, she said.

During her application to give evidence in camera, she said she was not living at her house because she feared for her life. She said she would not give evidence if she had to testify in open court.

Gibson Mbatha (28), Derick Majosi (21), Christopher Mbatha (30), Petrus Buthelezi (31) and John Zwake (56) have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one count of housebreaking with intent to murder, and illegal possession of an AK-47 rifle, other firearms and ammunition.

The trial continues.

IFP man 'involved in killing'

Sowetan 12/11/91 (331)

A policeman alleged to have taken part in the killing told the Maritzburg Supreme Court that Mr David Ntombela, a member of Inkatha's central committee, had plotted the death of Maphumulo, a leader of the Congress of Traditional Leaders of Southern Africa.

Warrant-Officer Peter Scott told the court he had been told of the claim by Mr Sipho Mdlala, who revealed that Maphumulo had been killed by paid assassins. Madlala has said he was part of the hit squad.

Madlala said he had received the information from a Mr Natho Mkhize, Scott said.

Scott was the investigating officer in the murder but was later taken off the case after Madlala claimed that Scott was part of the hit squad.

Scott told the court that Madlala had told him of an African National Congress meeting where Mkhize had made the statement about Ntombela.

He said he had also put Mkhize's allegations to Ntombela and had told him that Madlala said that Ntombela would be killed next.

The case continues today. - Sapa.

I was threatened 331
cop in killings trial

Sowetan 13/11/91

A POLICEMAN testifying in the Trust Feeds murder trial yesterday said he had been threatened before giving evidence and during recesses in the case.

Constable Stuart van Wyk told Mr Justice Wilson in the Maritzburg Supreme Court that initially he was not afraid to give evidence but conceded the threats had made him feel uneasy. 13/11/91

He was not asked who had issued the threats, how he had received them or in what way he was threatened.

Seven policemen are facing 11 charges of murder and eight of attempted murder in the trial. All have pleaded not guilty.

Van Wyk's colleague and friend, Constable Jason Burton, who was stationed at New Hanover in Natal in December 1988, began testifying yesterday.

He said he and another accused, Captain Brian Mitchell, had gone to a house in Trust Feeds on the morning of December 3 where they found several bodies.

Burton said although he and Van Wyk were shocked by what they saw at the house, Mitchell had shown no emotion.

Later they had driven to the house of Trust Feeds Inkatha leader Mr Jerome Gabela and picked up two policemen before going to Mbongwa's store, which had been burnt down.

He and Van Wyk were dropped off there and Mitchell and two policemen left them. They heard gunshots from the area behind the shop.

The hearing continues today. - *Sapa.*

Man who accused cops of killings appears in court

331

Sowetan 13/11/91

THE man who alleged that police had shot at mourners returning from the funeral in Tokoza of East Rand civic leader Sam Ntuli yesterday made statements to his attorneys.

Mr Mninawe Luphuwane, whose address is unknown, appeared before Mr JJ Erlank in the Alberton Magistrate's Court, where his attorney Mr Johan Scholtz asked that the matter stand down as his client was willing to make a statement.

Luphuwane, who was shot and wounded in the attack in Tokoza on October 7, made a full statement in chambers and Scholtz later obtained a further supplementary statement.

Scholtz later said the prosecutor, G Martini, and the investigating officer, a Major Davidson, were "satisfied" with the statements.

The statements are expected to be referred to the Transvaal Attorney-General for his decision.

Luphuwane had previously been opposed to making a statement to the police and was then subpoenaed in terms of Section 205 of the Criminal Procedure Act.

Luphuwane had pointed out two policemen in a picture taken on the day of the funeral and alleged they had fired at mourners from a moving car.

Court told of plans to kill chief

Sowetan 13/11/91

331

A POLICEMAN implicated in the events surrounding the assassination of Chief Mhlabunzima Maphumulo in February is expected to give evidence today at the inquest in Maritzburg into the chief's death.

A previous witness and self-confessed hit squad member, Mr Sipho Madlala, claimed he had acted on orders from a warrant officer and a sergeant from the SA Defence Force.

Yesterday, SA Police member Vincent Khanyeza told the court he and another implicated policeman, Warrant Officer Piet Scott, had gone to Durban in March to pick up Madlala.

He said it appeared this was the first time Scott had met Madlala.

Scott and Khanyeza went to the scene of Maphumulo's murder on the night it happened and Scott was appointed the investigating officer until Madlala's allegations of Scott's involvement in the murder became known. - *Sapa.*

Inheritance claim warning

LAWYERS' organisations have warned the public that unscrupulous businesses are charging large amounts to release inheritances from trust funds when beneficiaries could do so themselves for free.

The businesses misled beneficiaries, most of whom had been left inheritances entrusted to the Master of the Supreme Court's Guardian's Fund until they reached majority, one near victim said.

The businesses suggest they can collect the money from the fund more cheaply and quickly than the beneficiaries' lawyers or the beneficiaries themselves. B/Day 13/11/91

An agent for one of the businesses said the standard rate for collecting the money was 33% of the inheritance and 50% of the interest it had accrued. He denied this proportion was extortionate, saying the beneficiaries would not have known about the money were it not for the businesses involved.

TIM COHEN

Association of Law Societies president Ed Southey said yesterday the Guardian's Fund did not charge beneficiaries for issuing the money and most lawyers would tell their clients how to get the money for free.

The names of beneficiaries who had not claimed their money were occasionally printed in the Government Gazette. The practice of the businesses was undesirable and the amounts they charged unacceptable, Southey said.

But as long as there was no misrepresentation, the contract signed by the beneficiary was valid and could not be overturned except in the most exceptional circumstances, he said.

Johannesburg Bar Council vice-chairman Wim Trengove, SC, said the contract could be nullified if the agent had misrepresented the situation, and if the misrepresentation was deliberate the agent would be guilty of fraud.

Grenade seen on night 11 killed

Own Correspondent 331

AN SA Police constable yesterday said he had noticed a stun grenade on the dashboard of the police vehicle, when he accompanied former New Hanover station commander, Lt Brian Mitchell, to Trust Feed the night 11 people were killed in 1988.

Const Jason Wiliam Burton said Mitchell had fetched two black special constables, carrying shotguns, from the home of Inkatha leader Jerome Gabela that night. He had dropped them, Burton and a reserve constable at a burning store.

Shortly afterwards they heard shots and pellets falling onto a nearby roof. B/Day 13/11/91

En route back to Trust Feed the next day they saw a spent shotgun shell lying on the floor, which Mitchell threw out the window. He removed more shotgun rounds from his trousers and threw these away.

The hearing continues today.

Killing at Alex vigil described

Sfew

13/11/91

Court Reporter 331

Mourners at a vigil in Alexandra tried to flee after hearing that a "group of Zulus" were about to attack the gathering, the Rand Supreme Court heard yesterday.

A witness, who gave in-camera evidence and who may not be named, told Mr Justice H Daniels that she sat in the bedroom of the house where the vigil was held on March 26/27.

The mourners in the house (most were in a tent outside) sang hymns. After a while she fell asleep. She was awakened by people rushing into the bedroom.

The witness said she heard someone outside say: "We have been continuously knocking on your door. Don't you people want to open for us?"

The door, broken from its hinges, fell into the room and a group of armed men entered.

The men demanded arms and then opened fire on the mourners. The witness saw a woman in front of her fall to the ground, and another woman whispered that her brother had been shot.

The men left, but a few minutes later some of them came back. One said: "I was under the impression these dogs were dead. On the contrary, they are still alive."

The witness identified one of five men standing trial for the massacre, Christopher Mbatha.

Mr Mbatha (30), Gibson Mbatha (28), Derick Majosi (21), Petrus Buthlezi (31) and John Zwake (56) have pleaded not guilty to 13 counts of murder, 17 of attempted murder, one count of housebreaking with intent to murder, and illegal possession of an AK-47 rifle.

The trial continues.

I'm not involved in chief's killing says cop

(331)

>A POLICEMAN implicated by inquest witness Mr Sipho Madlala in events surrounding the death of Chief Mhlabunzima Maphumulo yesterday denied he was involved in the chief's assassination.

Giving evidence in the Maritzburg Supreme Court, Warrant-Officer Rolf Heinrich Warber, a member of the Crime Intelligence Service at Alexandra Road Police Station, said that on the night of Maphumulo's death he was seeing off one of his sons who was returning to an army base for military duty.

An affidavit from the father of another army trainee, who said he saw Warber on that night, was handed in as evidence.

Warber also denied he had participated in any meeting with Madlala at which it was arranged that Madlala would feed the Press misinformation in order to infiltrate the African National Congress.

He also denied he had arranged arranged for or instructed Madlala to kill one Thami Mseleku or Natho Mkhize.

Warber was testifying at the inquest into the death of Maphumulo, who was gunned down outside his home in Maritzburg on February 25.

Welverdiend cops for trial

331

Sowetan 15/11/91

FIVE of 11 suspended policemen attached to the disbanded Welverdiend Unrest Unit in Carletonville have been provisionally charged with attempted murder.

The five will also face charges of assault, according to Far West Rand police spokesman Lieutenant TP Ramatsoele.

He said the prosecution against the five policemen related to three separate cases.

Constable JS Moreme and others will stand trial

By IKE MOTSAPI

for attempted murder.

Constables PD Matolo, KJ Lebakeng and E Nkosi have been charged with assault with intent to do grievous bodily harm.

Constable JS Oosthuizen would be tried for common assault.

Summons for trial will be issued by the public prosecutor of Carletonville.

Ramatsoele said further prosecutions may take place once the Attorney-General had been supplied with additional information which he had requested from the police investigating team.

The charges against the five resulted from high-level police investigation into activities of the unit.

It was launched after *Sowetan* supplied police headquarters in Pretoria with affidavits from residents of Khutsong township which stated that while relatives were in detention they had either disappeared been murdered, tortured by electric shocks and assaulted by members of the unit.

The affidavits were compiled by Ms Sally Sealey of the Independent Board of Inquiry into informal repression with the assistance of the local ANC chairman, Mr Dan Ndzeku.

I helped people get guns - cop

331

Sowetan 15/11/91

A SECURITY branch policeman admitted yesterday he had helped certain people to obtain firearms, one of whom was later implicated in a murder.

He did not know if the people he had helped were Inkatha members, Warrant-Officer Rolf Warber told the Maritzburg Supreme Court inquest into the death of Chief Mhlabunzima Maphumulo.

Warber told Mr Justice Page and two assessors he did not want to name the people he had assisted because this would endanger them.

He admitted he had helped them to complete their licence application forms. They needed the firearms for protection at a time when the violence around Maritzburg was intense, Warber said.

Councillors

He was answering questions under cross-examination in the inquest into Maphumulo's death on February 25.

Asked if he was aware of an inquiry ordered by Mr Justice Andrew Wilson into the purchase of 24 firearms by police, Warber said he was aware of this but thought there were only 10 firearms involved.

When it was put to him that his name appeared on the receipt that was issued in respect of these firearms, he denied this.

He agreed that the matter of these firearms and their purchase had only surfaced when one of the batch was later allegedly used in a murder.

When it was put to him that a Captain Marion had testified that his investigations had revealed these firearms were for councillors - all of them Inkatha members - at Imbali, Warber said he could not say how Marion had obtained the information.

Stability

Warber denied he had recommended that the applicants be given the firearms and said he presumed their applications were processed as any other.

He said he was not an Inkatha supporter but worked with anyone who stood for peace and stability and wanted to improve the political situation. - *Sapa.*

Hawker sues police

Sowetan 15/11/91

A FRUIT and vegetable hawker who claims he was assaulted by police and unlawfully detained for two days is claiming R10 000 damages from the Minister of Law and Order.

Mr Alpheus Sambo, of Mabopane, alleges he was unlawfully arrested and assaulted by the police, one of whom hit him on the head with a corrugated iron sheet during August this year.

In the claim Sambo said he was confronted by four policemen while he was selling fruit and vegetables to commuters in Marabastad, Pretoria about 3.30pm on August 17.

The police allegedly accused him of gambling, which he denied. He was arrested and taken to the city's central police station. He was released on August 19 after charges against him were withdrawn.

By MONK NKOMO

His attorney, Mr Cyril Morolo, confirmed that summons had been served on the Minister of Law and Order, Mr Hernus Kriel.

Morolo said he had also filed a R10 000 claim against the Minister on behalf of Ms Melina Gama of Atteridgeville after police allegedly broke into her house and harassed her and the family at 1am on September 27 this year.

Sowetan

Court hears of cover up

THE former Inkatha vice-chairman at Trust Feeds admitted yesterday he had deliberately implicated one of his neighbours in a 1988 attack on a house in the area in order to protect himself. Sowetan 15/11/91

Mr John Nxumalo was giving evidence in the Maritzburg Supreme Court trial of seven policemen who face 11 charges of murder and eight of attempted murder following an attack at the Natal township.

A statement Nxumalo made to the police, in which he implicated Mr Phillip Shange in events surrounding the attack, was read out in court.

Nxumalo initially told the court it had been his own idea because people would allege that he had been working with the attackers. (331)

He was trying to cover up because "we had been told not to talk about the incident".

Asked what he meant by this, he said one of the accused, Captain Brian Mitchell, had told local Inkatha chairman Mr Jerome Gabela that if they spoke about the attack to anyone they would be killed.- *Sapa.*

Inkatha man 'implicated neighbour'

Business Day 15/11/91

MARITZBURG — The former Inkatha vice-chairman in Trust Feeds yesterday admitted he had implicated one of his neighbours in a 1988 attack on a house in the area — in order to protect himself.

John Nxumalo was giving evidence in the Maritzburg Supreme Court trial of seven policemen who face 11 charges of murder and eight of attempted murder following the attack at the Natal township.

His statement to police in which he implicated Phillip Shange in events surrounding the attack was read out. Nxumalo first told the court it had been his own idea because people would allege that he had been working with the attackers. He was trying to cover up because "we had been told not to talk about the incident".

Asked what he meant by this, he said one of the accused, Capt Brian Mitchell, had told local Inkatha chairman Jerome Gabela that if they spoke about the attack to anyone they would be killed.

After further questioning, however, Nxumalo said Gabela had also told him to implicate Shange in the attack and not to tell the truth. (331)

The hearing continues today. — Sapa.

production by 50% earlier this week.

had retention Switzerland and Japan as

Trust Feed witness 'told not to talk' (331)

Star 15/11/91

MARITZBURG —The former Inkatha vice-chairman in Trust Feeds yesterday admitted he had deliberately implicated one of his neighbours in a 1988 attack on a house in the area — in order to protect himself.

John Nxumalo was giving evidence in the Maritzburg Supreme Court trial of seven policemen who face 11 charges of murder and eight of attempted murder following the attack at the Natal township.

A statement to police by Mr Nxumalo, in which he implicated Phillip Shange in events surrounding the attack, was read out in court.

Mr Nxumalo initially said it had been his own idea because people would allege he had been working with the attackers. He was trying to cover up because "we had been told not to talk about the incident".

Asked what he meant by this, he said one of the accused, Captain Brian Mitchell, had told local Inkatha chairman Jerome Gabela that if they spoke about the attack to anyone they would be killed.

After further questioning, however, Mr Nxumalo said Mr Gabela had also told him to implicate Mr Shange in the attack and not to tell the truth.

Mr Nxumalo also told Mr Justice Wilson and two assessors that he and Mr Gabela had also discussed the possibility of having people in the area killed if they opposed them.

He said he had not agreed to this "because nobody had done anything to me personally".

Pressed on this issue, Mr Nxumalo admitted that he had agreed with Mr Gabela that "strangers" to the area should be killed.

He said these "strangers" were responsible for all the trouble in the area.

The hearing continues today. —Sapa.

The cop with

C/Press 17/11/91

CP Reporter

TWO white policemen who accompanied Lt Brian Mitchell to a 'meeting' in Trust Feed in the early hours of December 3 – the day 11 people were brutally murdered – have painted a damning picture of their boss.

SAP Reserve Const Stuart van Wyk and Const Jason Burton, who are State witnesses in this trial of seven policemen, say that on that day Mitchell was drunk, aggressive and rude.

The three had been drinking together that evening.

Led by Richel Seegobin, defence counsel for David Khambule, Van Wyk admitted that he had a strong feeling that Mitchell was involved in the attack.

Cops paint damning picture of Lt Brian Mitchell

"Especially after he had told us that the two constables had come to guard the house but surprised us when he removed them. I realised there was something not on," Van Wyk told the court.

Van Wyk said the reality of what had happened in the early hours of the morning only struck him when he went to house No 83 which had bullet-riddled bodies.

Burton told the court he had spotted a stun grenade covered with brown paper on the dashboard of the van as they were approaching Trust Feed.

"I picked it up but Mitchell said I should leave it, as it had nothing to do with me," Burton told the court.

But it was on their second trip, later on Saturday morning (December 3), that it became clear to him what had happened the previous evening.

"Myself and Stuart were pretty shocked at the mass murder, which we had never witnessed before. Mitchell was not moved at all," Burton told the court.

He said Mitchell trampled on the bodies.

Burton and Stuart searched and found two women survivors.

"We were told there was a body that had been there for a vigil. It was wrapped in a white sheet. I do not know the customs but I was told there was a candle near the head.

Burton said he found a spent shotgun round and the second one was found by a Const Nkabinde.

He said Mitchell, who was the senior officer there, said both shotgun rounds should be placed on the van dashboard.

Statement

"Shortly after Mitchell had found that I had made a statement he called me into his office and wanted to know what I had written. I told him I had written everything that had happened that night," said Burton.

Mitchell, a station commander at New Hanover police station, is one of seven policemen facing murder and attempted murder charges.

All have pleaded not guilty to the charges.

Bail battle continues

By DAN DHLAMINI

THE battle for the freedom of 82 National Union of Mineworkers (NUM) members, facing intimidation charges after last week's anti-VAT stayaway, rages on despite a Klerksdorp magistrate's turning down their bail application this week.

Lawyer Igbal Motala claimed a warrant Officer de Kock had refused him access to his clients last week.

After being granted a Supreme Court order on Sunday night he was able to see the 82 accused at Hartebeestfontein police cells, 40 km from Stilfontein, where they were arrested.

As a test case, advocate J Rautenbach, instructed by Motala, brought a bail application for one of the 82 accused, Jimmy Mbulawa, 38.

Mbulawa is vice-chairman of the Buffelsfontein branch of the NUM.

Magistrate JD De Beer turned down the application on grounds that Mbulawa could lose his job at the mine.

It was possible, he said, that Mbulawa might skip bail and intimidate State witnesses.

Motala told City Press after the application for bail was turned down that the 82 were going to appeal against De Beers judgment.

Chaos erupted at the Klerksdorp Magistrate's Court as hundreds of NUM members and ANC supporters who attended the bail application hearing were thrown out of the courtroom.

The chanting spectators brought traffic outside the court building to a halt as they toyi-toyied down the streets, escorted by armed policemen.

NUM members who attended the hearing of Jimmy Mbulwa's bail application. Mbulwa and 81 others face charges of intimidation.

not serious," he said. and Azapo official Lybon four teeth.

Inkatha implicated in murders

CPress 17/11/91

CP Reporter

CAN members of the KwaZulu Police join Inkatha?

This was debated at the Maritzburg Supreme Court this week between a State witness and the defence counsel for a KwaZulu policeman in a mass murder trial.

KwaZulu cop Mbongeni Lushozi is one of the three people facing 10 charges of murder, attempted murder and arson.

The charges arise from the mass murder of 10 people in a household in KwaSwayimane, near Wartburg, on October 6 last year.

The State alleges that Lushozi and the other two – Ntaka and Bongani Khanyile – were part of an Inkatha group that murdered 10 people in two kraals.

State witness Jabulani Zuma, who stayed at the home of local KwaZulu MP Psychology Ndlovu, said he was present when the plot to launch an attack was hatched.

He alleged that the three accused were Inkatha members.

Defence counsel for Lushozi, AM Sarantos, told Zuma his client was going to say he was not a member of Inkatha.

Lushozi was detailed to guard Ndlovu's home on January 17 last year.

On the night of the attack the group gathered at Ndlovu's home at 8 pm, Zuma told the court.

The State says those attacked were perceived by Inkatha to be ANC members or supporters.

Zuma, who was supposed to have joined the attackers, was left behind because he claimed he was drunk.

He said he was scared when he saw guns and assegais.

Zuma, whos claimed to be a card-carrying member of Inkatha, told the court Lushozi was initially armed with his service shotgun but later acquired an AK-47.

He said Ntaka Khanyile was also armed with an AK-47 but he never saw Bongani Khanyile.

Led by the defence council for Lushozi, Zuma identified other people who took part in the attack, also detailing how they were armed.

Another State witness, Bonginkosi Zondi, told the court how Inkatha messengers had alerted them about ANC members who were allegedly mobilising for an attack on Ndlovu's home.

"Lushozi then came to the tent. Using a torch he selected people who were to go and stop the ANC," said Zondi.

He was selected together with the other two accused.

Zondi said that Lushozi had told them that if they did not find the ANC people on the way they should track them down at the kraal.

Nine people died at the kraal that evening and the 10th died later in hospital.

Zondi said he understood that if males were found at the kraal they were going to be "hit and finished".

His client would say he did not go into the kraal but followed the group from behind.

The three have pleaded not guilty to all charges and the trial continues.

Court reserves judgment in Nofemela plea

331
Star 19/11/91

BLOEMFONTEIN — Judgment was reserved yesterday by the Appeal Court in Bloemfontein in an application by Butana Almond Nofemela, the former security policeman who on the eve of his execution revealed details of a police hit squad at Vlakplaas.

The application is for the case in which he was convicted and sentenced to death for a murder — unrelated to his police work — to be referred back to the trial court to enable evidence to be led in mitigation.

Nofemela and Johnny Abraham Mohane were convicted by Mr Acting Justice W J Human in the Supreme Court on September 18 1987 of the murder of Johannes Hendrik Lourens in the Brits district on September 11 1986.

Both were sentenced to death and lost appeals to the Appeal Court in Bloemfontein on May 22 1989. Mohane succeeded in a petition to the State President for clemency and his death sentence was commuted.

Nofemela persisted in his denials that he had killed Mr Lourens. He later said he had done this because he had been told by former police colleagues that he would be found not guilty if he denied involvement.

He decided to reveal the activities of the Vlakplaas unit after he had been told by colleagues that he would have to "take the pain".

It was only when he gave evidence before the Harms Commission that he admitted that he had killed Mr Lourens.

Nofemela's case again came before the Appeal Court yesterday, after it had been found by the Review Panel, constituted in terms of section 19 of the Criminal Law Amendment Act of 1990, that the trial court would probably have imposed the death sentence even if section 277 of the Criminal Procedure Act of 1977, as amended by section 4 of the 1990 Act, had been in operation at the time sentence was passed.

D A Kuny, SC, with De Wet Marais, for Nofemela, submitted that the case exposed a fundamental weakness and an unsatisfactory and unworkable feature of the Review Panel procedures. There was nothing at all on the record of the trial to enable the trial court or the Appeal Court to deal with the question of extenuation, they claimed.

Mr Kuny submitted that, since the case was to be reconsidered, Nofemela should be given the opportunity to apply his mind to the new considerations of mitigation rather than extenuation.

It was argued that the further evidence would give insight into Nofemela's personality and the fact that he had become conditioned to the use of violence. It could not have been given at the time of his trial in view of his total denial of involvement in Mr Lourens's murder.

E C J Wait, for the State, opposed the application. She said the evidence would probably not be accepted as true in that there were serious problems with Nofemela's credibility.

Miss Wait submitted that even if the further evidence were accepted as true, it could not reasonably lead to another sentence. On the contrary, the acceptance that Nofemela was involved in about nine other murders and abductions laid a stronger base that the death sentence was the only proper sentence.

Miss Wait further submitted that it was improbable that Nofemela could be rehabilitated.

The application was heard by Mr Justice Hefer, Mr Justice Nienaber and Mr Justice Preiss. — Sapa.

Nofemela: Judgment reserved

(331)

Sowetan 19/11/91.

THE Appeal Court yesterday reserved judgment in an application by Butana Almond Nofemela, a former security policeman who on the eve of his execution revealed details of a police hit squad at Vlakplaas.

Nofemela and Johnny Abraham Mohane were convicted and sentenced to death by Mr Acting Justice WJ Human in the Rand Supreme Court in 1987 for the murder of Mr Johannes Hendrik Lourens in the Brits district on September 11 1986.

The murder was unrelated to Nofemela's police work.

Nofemela's application was for the case to be referred back to the trial court to enable evidence to be led in mitigation of the death sentence.

Mohane succeeded in petitioning the State President for clemency. His death sentence was commuted.

Nofemela persisted in his denials that he had murdered Lourens. He later said he had done this because he had been told by former police colleagues that he would be found not guilty if he denied involvement.

He decided to reveal the activities of the Vlakplaas unit after he had been told by colleagues that he would have to "take the pain".

It was only when he gave evidence before the Harms Commission that he admitted that he had murdered Lourens.

Unworkable

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There was nothing at all on the record of the trial to enable the trial court or the Appeal Court to deal with the question of extenuation.- *Sapa.*

Police kept tracks on chief court told

Sowetan 19/11/91 (331)

PARTS of a security police file kept on Chief Mhlabunzima Maphumulo will only be made available to the judge as the contents could compromise State security, it was said in the Maritzburg Supreme Court yesterday.

In reply to questions by Mr Guido Penzhorn, SC, Central Intelligence Services section head Captain Arnold Vosloo admitted that police had kept a file on Maphumulo.

Vosloo said the Security Police had taped Maphumulo's telephone and monitored his movements before his death on February 25.

Mr Justice NS Page is presiding at the inquest into Maphumulo's death.

He will decide on whether the file documents should be made public.

Testifying in relation to an earlier inquiry, ordered by Mr Justice Andrew Wilson, into the purchase of 24 guns by the Security Police, Vosloo told the court that as far as he was aware the investigation was complete.

He said he bought the guns from Kings Sports as the South African Police had done business with them before and were getting them cheaper because they were buying in bulk.. - *Sapa.*

Alleged killer seeking indemnity

331

SDwelen 20/11/91

A 30-year-old member of the ANC who allegedly murdered a taxi driver and took his minibus has applied for indemnity.

The minibus was later found packed with explosives.

Mr Sipho Mabena, of Mamelodi, was arrested last year in connection with the death of Mr David "Kimberley" Shongwe, whose body was found in Brits on July 28 last year.

The minibus he was driving was later found packed with explosives at Hallmark Parcade in Vermeulen Street, Pretoria.

Shongwe (33), of 4 Lesitlakoa Street, Saulsville, was allegedly robbed of the minibus taxi while operating in the township during the night of July 26. His body was found next to the Pelindaba-Hartbeesdam road at about 5pm on July 28.

He had a bullet wound in the head.

A police spokesman yesterday confirmed that Mabena had applied for indemnity from prosecution through the ANC. He faces charges of murder and terrorism.

The police spokesman said Mabena could be indemnified against charges of terrorism but not the murder charge. He added that the accused appeared in the Pretoria Magistrate's Court on April 1 this year.

He was granted bail of R30 000 but this amount was not paid and he is still in custody. Mabena is expected to appear in court on December 9 this year.

Trial hears of youths' arrests before killings

Sowetan 20/11/91

DETAILS of a police operation in which 11 United Democratic Front youths were detained hours before an attack on a house at Trust Feeds were heard in the Maritzburg Supreme Court yesterday.

Constable Sidney Mthethwa of New Hanover Police Station told Mr Justice Andrew Wilson that the prevention of crime operation, as it was termed, had been conducted at the Trust Feeds sportsground on December 2 1988 and had been overseered by Captain Deon Terblanche.

Mthethwa was giving evidence in the trial of seven policemen charged with 11 counts of murder and eight of attempted murder following an attack on a house at Trust Feeds.

He said that during the operation about 50 youths were gathered at the sportsground and an informer, who was in a minibus with tinted windows, pointed out the 11 youths who had allegedly been involved in crimes.

The youths were then arrested and later detained under the State of Emergency regulations. It was only later that he came to learn that they all belonged to the UDF.

Awoken early (331)

He was instructed by one of the accused, Captain Brian Mitchell, to make a statement about the youths' arrest. They were then detained by a Constable McDonald.

Mthethwa said that on December 2 1988 he was awoken very early by a relative who told him that her mother and several other people had been shot at Trust Feeds.

He went to the house with another person and found his aunt had been shot along with several others, he said. - *Sapa.*

Inquest is told of guns for IFP men

Sowetan 20/11/91 331

A SOUTH African Police captain said yesterday several Inkatha Freedom Party members had obtained firearms from a batch of 24 bought in Maritzburg and which purchase he was instructed to investigate.

Captain Clifford Marion, who is stationed at the SAP's Mountain Rise detective branch, was giving evidence at the inquest into the death of Chief Mhlabunzima Maphumulo.

Marion told the judge he had investigated the purchase of the firearms after a judge, Mr Justice Andrew Wilson, had ordered an inquiry into the transaction.

He said Inkatha member Mr Bafana Mhlaluka and his wife, who was the chairwoman of the Inkatha Women's Brigade, had both obtained firearms from this batch, as had another Inkatha member Mr Petrus Ngcobo.

Under cross-examination, Marion was told that an earlier witness, Mr Sipho Madlala, had said Warrant-Officer Rolf Warber had supplied several Inkatha members with firearms.

Madlala had named these people as Mr Jerome Hlengwa, Mr Tu Ngcobo and Mr Siciso Zuma.

Asked to comment on this, Marion said he did not know Mr Hlengwa but he knew Ngcobo as an Inkatha member murdered in Maritzburg this year and Zuma as an Inkatha youth leader.

Application forms

Earlier in the inquest, Warber told the court that he had assisted several people with acquiring guns but said he did not know if these people were members of Inkatha.

He said his assistance had been limited to helping them fill in their licence application forms and he had not recommended that they be given firearms.

He had assumed their applications would be processed in the normal way.

The inquest continues today. - *Sapa.*

Judge calls for probe into police activities

Star 20/11/91

331

MARITZBURG — An investigation of possible "gross abuse of power" by certain policemen under the state of emergency in 1988 was called for by Mr Justice Andrew Wilson yesterday.

The judge, who is presiding over a trial in the Maritzburg Supreme Court in which seven policemen face 11 counts of murder and eight of attempted murder following an attack in Trust Feeds, near Maritzburg, made the call after hearing certain evidence.

Constable Sidney Mthethwa told Mr Justice Wilson of a "prevention of crime" operation on December 2 1988.

Constable Mthethwa said the operation was overseen by assassinated Captain Deon Terblanche and involved men from the Riot Unit as well as the New Hanover Police Station.

Constable Mthethwa said 11 youths had been detained in the operation. One had been charged and 10 released. However, the 10 were again detained under emergency regulations.

Constable Mthethwa testified he had been instructed by an accused, Captain Brian Mitchell, to write an affidavit about their detention.

He did not know the facts and had never completed an affidavit, but Captain Mitchell had told him how to do it.

After hearing this Mr Justice Wilson said he thought the incident — "in which a senior officer apparently told another officer to make an affidavit in order to keep people in detention" — constituted possible gross abuse of power.

The case continues today. — Sapa.

Cop denies assault claims

Sowetan 21/11/91

A SENIOR police officer yesterday denied several allegations made against him by a previous witness at the inquest into the death of Chief Mhlabunzima Maphumulo.

Although the witness, a Mr Mntambo, claimed the District Commissioner of Police in Maritzburg, Brigadier Chris Jonker, had interviewed him at his own office in Church Street when Mntambo first came forward with claims of an alleged police hit squad, Jonker denied this.

He admitted he had interviewed Mntambo but said this took place at Mountain Rise Police Station.

Jonker also denied he had assaulted Mntambo during this interview by putting a "tube" over his mouth to force him to make a statement.

He also denied he had taken R2 500 from Mntambo on that occasion.

Mntambo has told Mr Justice NS Page in the Maritzburg Supreme Court he was paid R3 000 for his part in an alleged police hit squad assassination of Jabulani Hudla and told Jonker of this during the interview.

However, Mntambo claimed, Jonker demanded the money from him but as he had already spent some of it he only gave him R2 500.

Jonker said yesterday this claim was an "absolute lie".

Also giving evidence yesterday was Major Jacobus Koekemoer, who investigated Mntambo's allegations of a police hit squad and accompanied Mntambo to point out the relevant places. (331)

Koekemoer told the court that Mntambo had tried to point out the place at Imbali where the alleged assassination of Hudla took place.

He said, however, Mntambo had not known where Fedsem was and had in fact pointed out a house which was not the one at which Hudla was shot. - *Sapa*.

Court told of attack after vigil

331
Sowetan
21/11/91

A WITNESS in the Trust Feeds murder trial told Mr Justice Andrew Wilson yesterday about how a house at which a funeral vigil was held was later attacked.

Mr Francisco Mathonsi (64) said the vigil for his friend Mr Zipoto Sithole began around 8pm and continued until around 12.30am in December 1988 when everyone went to sleep in the house.

He was awakened by the daughter of a man called Madondo. She told him her father had been killed and askcd Mathonsi to "come and close her father's eyes".

Mathonsi said he went to help her but decided to stop at the house of a friend, Mr Philip Makhoba, on the way to ask him to accompany him.

Mathonsi said he noticed and recognised cartridges lying on the floor in one of the rooms.

Mathonsi said at Makhoba's house he heard an explosion and Makhoba quickly pulled him into the house saying he would be killed.

The next morning he and Makhoba went back to the Sithole's. When they arrived there they found bodies of dead people.

Mathonsi was giving evidence in the Maritzburg Supreme Court in the trial of seven policemen charged with 11 counts of murder and seven of attempted murder following an attack in 1988 on a house at Trust Feeds.

All the policemen have pleaded not guilty to the charges.

The case continues.

New ray of hope for Cebekhulu

ZAMBIA has approached the United Nations High Commission for Refugees over Mr Katiza Cebekhulu, a key witness in the Winnie Mandela trial who is being held in detention in Zambia.

Cebekhulu surfaced in Lusaka earlier this year after disappearing from South Africa on the eve of the kidnap and assault trial against Mrs Mandela and three co-accused.

Zambian Deputy Foreign Minister Dr Remmy Mushota said yesterday that the new Zambian government had no interest in Cebekhulu's affairs.

Mrs Mandela was convicted of assault and sentenced to six years' jail by the Rand Supreme Court, but she immediately gave notice of leave to appeal against the judgment. - *Sapa.*

Cop denies hit squad claims

Sapuetan 22/11/91

A STATE witness was never paid or officially employed by the military police, the Maritzburg Supreme Court was told yesterday. (331)

Sergeant Dirk Grobler, implicated in the killing of Chief Mhlabunzima Maphumulo in February, denied that Mr Sipho Madlala was employed by the military police or belonged to any "hit squad".

Madlala alleged in earlier evidence that he was a member of the military police and fell under the command of Grobler.

He said a Mr Sabasaba, a Mr Gumede, a Mr Van Rooyen and a young man whose name he could not remember were members of the hit squad, who had killed Maphumulo.

Stolen weapons

Grobler told the court that in May last year Madlala had come to his offices in Stanger Street with information about stolen military weapons.

He told Mr Justice NS Page that he had gone on four separate occasions with Madlala to Umlazi to look for weapons. They searched houses but found none.

Because of this, he had not recorded the investigation in the incident book.

He denied that Madlala was paid for any of the information he had provided.

Woman tells court of second attack

(331)
Sowetan 22/11/91

A WOMAN who survived being shot in an attack on a house at Trust Feeds described yesterday how the attackers had returned to the house the same night and shot her again.

Trust Feeds resident Mrs Ida Hadebe hobbled into the courtroom on crutches to give evidence in the trial of seven policemen charged with 11 counts of murder and eight of attempted murder following the attack.

She told Mr Justice Andrew Wilson she was one of several people at a funeral vigil on the night of December 2 1988 when the house was attacked.

During the attack she was shot in the leg and another woman, Fikile Zondi, told her to get up as the attackers had gone, but she heard people coming into the house. She heard someone say "there is another getting up".

Three shots were fired and she was was shot again, this time in the shoulder. Fikile was shot dead.

Asked if she had thought the attackers were United Democratic Front or Inkatha supporters, Hadebe said she had simply thought they were thugs.

After the attack she was admitted to Edendale Hospital where she was operated on and remained until May 1989.

The trial continues today. - Sapa.

Accused keen to testify against Winnie

W/mail 22/11 - 28/11/91. (331)

KATIZA CEBEKHULU, the co-accused in the Winnie Mandela trial detained in Lusaka, could be released within the next few days — and he is eager to return home to testify against the African National Congress welfare chief.

He claims to have startling evidence against Mandela, including information about her involvement in his own flight to Zambia. He also claims to have been present when Mandela planned another incident that did not feature in her trial, but would prove explosive if revealed.

Cebekhulu's homecoming could be precipitated by the new Zambian [illegible] that appears to want to ensuring his safety.

gladly return to South Africa to testify against Winnie," he said in an interview from the Lusaka Central Prison last week.

President Frederick Chiluba has promised to release Cebekhulu, who has been held without charge since March, provided his security outside prison can be guaranteed. Since he assumed office Chiluba has been looking for a neutral country to which he can safely send the 21-year-old detainee.

Britain and the United States are among several countries that Chiluba's government has approached. None, however, is willing to accept the responsibility of

Explosive new evidence may come to light if Katiza Cebekhulu, co-accused in the Winnie Mandela trial, is released from prison in Zambia and returns home to testify.

By **JOWIE MWIINGA** in Lusaka

Cebekhulu told John Sangwa, a human rights lawyer who visited him ar Lusaka Central Prison last week.

Cebekhulu, who said evidence presented in the Mandela kidnap and assault trial so far was only the tip of the iceberg, is convinced the ANC would do "anything" to prevent him from testifying in the case.

He holds Mandela responsible for all his tribulations since he was flown to Zambia by the movement early this

details of Cebekhulu's allegations yesterday morning but by late yesterday afternoon it had declined to comment.

After a few weeks in Zambia, however, it became apparent that the ANC had tricked him and was in no hurry to fulfil its promises.

Frustrated, he escaped from a farmhouse outside Lusaka where he was being kept, but was arrested by police soon afterwards.

Security policemen then put him in the city's Fairview Hotel where he spoke to the press, effectively destroying the myth that he was dead.

This angered the security police, who had gone to great pains to keep his presence in Zambia a secret. Shortly afterwards he was detained at

have proved futile, as Cebekhulu has spoken to at least two more journalists from Lusaka Central.

Press reports on his detention have proved to be a source of persistent embarrassment to the government. While ex-President Kenneth Kaunda's government did not respond to pressure to release him or at least justify his detention, the new government is anxious to get him out of the country.

Until a neutral country offers him asylum, however, Cebekhulu may have to languish in Lusaka cells for his own safety.

A representative of the South African Department of Foreign Affairs said the government was

Accused keen to testify against Winnie

U/m ant 22/11 - 28/11/91. (331)

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KATIZA CEBEKHULU, the co-accused in the Winnie Mandela trial detained in Lusaka, could be released within the next few days — and he is eager to return home to testify against the African National Congress welfare chief.

He claims to have startling evidence against Mandela, including information about her involvement in his own flight to Zambia. He also claims to have been present when Mandela planned another incident that did not feature in her trial, but would prove explosive if revealed.

Cebekhulu's homecoming could be precipitated by the new Zambian administration that appears to want to get him off their hands. Since the South African Department of Foreign Affairs is in contact with them over extradition, it seems increasingly likely that he could be sent back soon.

"If they give me security, I will gladly return to South Africa to testify against Winnie," he said in an interview from the Lusaka Central Prison last week.

President Frederick Chiluba has promised to release Cebekhulu, who has been held without charge since March, provided his security outside prison can be guaranteed. Since he assumed office Chiluba has been looking for a neutral country to which he can safely send the 21-year-old detainee.

Britain and the United States are among several countries that Chiluba's government has approached. None, however, is willing to accept the responsibility of ensuring his safety.

Chiluba is understood to have met Cebekhulu on November 4, two days after he was sworn in, and promised to have him released.

"I would like to return home but I am afraid that the ANC could get me," Cebekhulu told John Sangwa, a human rights lawyer who visited him ar Lusaka Central Prison last week.

Cebekhulu, who said evidence presented in the Mandela kidnap and assault trial so far was only the tip of the iceberg, is convinced the ANC would do "anything" to prevent him from testifying in the case.

He holds Mandela responsible for all his tribulations since he was flown to Zambia by the movement early this year. Mandela, he says, lured him into leaving South Africa with the promise of material gain.

"She promised me everything — a car, a house, money — everything," he says. The ANC was furnished with details of Cebekhulu's allegations yesterday morning but by late yesterday afternoon it had declined to comment.

After a few weeks in Zambia, however, it became apparent that the ANC had tricked him and was in no hurry to fulfil its promises.

Frustrated, he escaped from a farmhouse outside Lusaka where he was being kept, but was arrested by police soon afterwards.

Security policemen then put him in the city's Fairview Hotel where he spoke to the press, effectively destroying the myth that he was dead.

This angered the security police, who had gone to great pains to keep his presence in Zambia a secret. Shortly afterwards he was detained at Kamwala Remand Prison.

The press, however, managed to reach him in prison and reported his detention, prompting his transfer to another prison.

Efforts to keep his detention a secret have proved futile, as Cebekhulu has spoken to at least two more journalists from Lusaka Central.

Press reports on his detention have proved to be a source of persistent embarrassment to the government. While ex-President Kenneth Kaunda's government did not respond to pressure to release him or at least justify his detention, the new government is anxious to get him out of the country.

Until a neutral country offers him asylum, however, Cebekhulu may have to languish in Lusaka cells for his own safety.

A representative of the South African Department of Foreign Affairs said the government was aware of Cebekhulu's presence in Zambia. He said the department was "in touch with the Zambian government regarding the situation" but could not say whether extradition proceedings had been instituted.

Winnie trial man in limbo

(331) CT 23/11/91

LUSAKA. — Mr Katiza Cebekhulu, a co-accused in the Winnie Mandela trial, who has been in detention without charge in prison here since May, is still in limbo as the new Zambian government and the UN High Commissioner for Refugees decide what to do with him.

Mr Cebekhulu alleges Mrs Mandela persuaded him to leave South Africa by promising him "a car, a house, money and education".

Mr Newstead Zimba, Minister of Home Affairs in the new government elected last month, said: "We're still finding out who's who in prison. We'll look at Cebekhulu's case and others, beginning next week."

Meanwhile Mr Cebekhulu languishes in Lusaka Central Prison. Mr John Sangwa, a human rights lawyer with a long-established law firm in Lusaka, visited him on November 15 and tape-recorded his testimony.

Mr Sangwa says that Mr Cebekhulu is being kept in prison illegally because he has not been charged. The 27-year-old state of emergency which permitted detention without trial expired seven days after the new government came into office.

On tape the 22-year-old detainee said: "I want to go back to South Africa. The problem is I'm scared these people from the ANC are going to kill me."

Mr Cebekhulu claimed he had been kidnapped in February in Soweto by Mrs Winnie Mandela's "football club".

'Escaped'

Mrs Mandela was sentenced to six years in jail after being convicted on eight charges of kidnapping and complicity in assault. She is appealing the sentence.

If he left South Africa, Mr Cebekhulu said, Mrs Mandela had promised him "a car, a house, money and education".

Accepting the promises, he agreed to go into exile and says he was driven to Maputo in Mozambique, then flown to Angola and then to Zambia.

But after being kept isolated in a farmhouse in Lusaka's southern suburbs by an ANC man he only knew as "Tester", and with all Mrs Mandela's promises still unfulfilled, he escaped.

Lusaka police arrested him and put him under the constant surveillance of special security forces in Lusaka's Fairview Hotel.

He was not allowed to leave the hotel, but secretly was interviewed by a local journalist, to the anger of the special branch officers who wanted to keep his presence a secret.

The special branch moved Mr Cebekhulu to Kamwala prison, where he spoke to another journalist who reported he was in detention. He was then moved again — to Lusaka Central Prison.

In South Africa the ANC has declined to comment on Mr Cebekhulu's allegations about promises by Mrs Mandela. — Daily Telegraph and Staff Reporter

Winnie trial man speaks

Star 23/11/91

AFRICA NEWS SERVICE

LUSAKA — Katiza Cebekhulu, Winnie Mandela's co-accused who is currently in jail in Zambia, insists he had a meeting with President Chiluba, who (he says) promised to have him released.

Mr Cebekhulu said in an affidavit quoted by a weekly newspaper that the meeting took place on November 4, two days after the Zambian leader was sworn into office.

Mr Cebekhulu said he was taken to Government House in Lusaka, where he met President Chiluba. The Zambian leader, Mr Cebekhulu said in an affidavit, asked him if he wanted to go home.

However, President Chiluba has denied ever meeting Mr Cebekhulu.

Zambian Foreign Minister Vernon Mwaanga said Mr Cebekhulu's utterances should be treated "with the utmost caution".

However, Mr Cebekhulu told human rights lawyer John Sangwa that the president had promised to secure his release.

Part of Mr Cebekhulu's statement, reported in the Weekly Post, says: "I was talking to President Chiluba in the guest house. He asked me: 'Katiza, do you want to go back to your country or don't you?'

"I said I wanted to go back, but I was scared of the ANC, because they would kill me."

Mr Cebekhulu is reported to have also said that a British official had promised to facilitate his release to another country.

"I told her I wanted to go to another country because if I went to South Africa I would not be safe. So she said I would be going to London," Mr Cebekhulu said.

He could not understand why he was still in jail, he added.

"On November 13 an officer who was present when I talked to President Chiluba told me to pack my things because I was leaving."

Mr Cebekhulu is likely to be handed over to the United Nations.

Marathon trial nearly over

(331)

THE marathon trial of five former Haggie Rand workers who allegedly hired a hitman to kill "scabs" is nearing an end.

This week, both the defence team and the State closed their cases and argument will start on Thursday morning.

The six have all pleaded not guilty to five counts of murder, nine of attempted murder and two of arson.

CITNEWS 24/11/91

Appearing in the Rand Supreme Court are Richard Khazamula Ngobeni, 38, Jeffrey Sipho Mtshali, 34, Malvert Ngubne, 40, Malan Khumalo, 42, and Samuel Kgosiekgolo Molapo, 39. The sixth accused is Joseph Mdumiseni Bhengu, the alleged hitman.

Solly steps in to ease tensions at Thokoza probe

By CATHY STAGG

SEVERAL times during the inquiry into the political violence in Thokoza, the chairman of the committee, Mr Solly Sithole, interrupted the court interpreter.

"Please translate that again," he said. "I don't think it was quite what the witness meant."

The first probe into the violence which has racked the country is also headed by the first black ever to chair a judicial commission of inquiry in South Africa.

Mr Sithole, a member of the Pretoria bar, is a skilled lawyer and speaks several languages. When the nuance of what is being said is not accurately conveyed, he can step in and have it corrected.

This week he defused a clash of wills between a witness and an attorney over a language issue.

Mr MA Mzizi, the secretary of the Thokoza branch of the Inkatha Freedom Party and Mr David Dison, the attorney representing the Thokoza Civic Association and the family of Sam Nthuli, were clashing via an interpreter. Each question and answer had to be translated.

Mr Dison put it to Mr Mzizi that he understood the questions perfectly and was probably better able to translate his own replies than the interpreter, as Mr Mzizi himself had once worked as an interpreter. Mr Mzizi agreed, but said it was his right to choose to testify in the language in which he felt most comfortable.

In stepped Mr Sithole. Yes, Mr Mzizi had that inalienable human right, but wouldn't a man of his calibre consider aiding the committee to get through a lot more work by giving up that right?

He took an adjournment to let Mr Mzizi discuss the idea with his attorney.

Five minutes later, it was announced that in the spirit of the National Peace Accord, and because of the committee's important work, Mr Mzizi would testify in English.

The evidence went along at a cracking pace — but Mr Mzizi's misunderstanding of the idiom "take it to heart" showed his caution in wanting to use his mother tongue had not merely been a tactic to annoy Mr Dison.

The committee began its work a week ago. Last Sunday it held an inspection in loco in Thokoza.

On Tuesday evidence began.

Mr JP Pretorius, of the Attorney-General's office in Pretoria, has been seconded to the committee to lead the evidence as neutrally as possible. He leads each witness.

Then legal representatives of the interested parties cross-examine the witness. The lawyer whose client's interests are most closely linked to the witness then re-examines to sum up.

But if something new is raised, everyone has an opportunity to re-examine. At first it seemed this would be a time-consuming process — but the committee has managed to hear vast amounts of evidence each day.

Another difference from normal court procedure is that hearsay evidence is allowed. The point, Mr Sithole stressed, was not to convict anyone but to find out what had happened, why and what should be done about it.

The committee viewed a video taken by police of the aftermath of a shooting on September 8 which left 16 bodies lying in the red dust. There was a stark contrast between the air-conditioned comfort of the Sinodale Centre in Pretoria — where the committee is sitting because witnesses were nervous about testifying in Thokoza — and the scenes captured by the camera.

On Wednesday Mrs Gertrude Mzizi gave a graphic description of what happened that day as she, and others who were being driven to Thokoza stadium by her husband, were fired at by a man with an AK-47.

A third force theory was suggested by Mr Dison. The way the man scaled a wire fence, landed on his feet, pulled out a whistle, blew it three times then dropped to one knee to begin firing sounded professional, he said. "I can't differentiate between professional and non-professional," Mrs Mzizi replied.

"And you say other gunmen also fired on the car as you drove past?" Mr Dison asked.

"I didn't see what sex they were — they could have been men or women. All I said was I heard shots coming from the houses," she replied. Her wariness gradually changed as the evidence progressed.

When the evidence focused on the difference in approach between hostel dwellers and the Thokoza Civic Association regarding the future of the hostels, it became clear there was a huge communication gap.

Mrs Mzizi's summing up of what the civic association wanted was corrected by Mr Dison: No, his clients did not want the hostels destroyed, only changed so that a man could chose to live alone or with his family, he said. "It's a pity no one told the hostel dwellers that," she said, offering to tell them herself.

Her husband, however, asked Mr Dison to put it in writing.

The committee sits again on Wednesday and Friday next week.

'Police exaggerated Daveyton evidence'

STAR 26/11/91

By Susan Smuts 331

Police exaggerated their evidence and "generated a version" of events to justify the killing of 12 ANC supporters in Daveyton on the East Rand on March 23, a Rand Supreme Court inquest heard yesterday.

David Soggot, SC, appearing for the families of the dead, argued before Mr Acting Justice B O'Donovan that a crowd of about 200 Daveyton residents had gathered to protect themselves from a possible attack by Inkatha supporters.

The court had to decide between the police claim that they were attacked by the crowd, and the residents' claim that a policeman fired into the crowd after the 10 minutes it was given to disperse had expired.

Between six and eight people attacked a policeman, Jan Petrus van Wyk, who died on the scene. Other policemen "unleashed a massive fusillade of bullets into the crowd ... killing 12 and injuring 37", Mr Soggot said.

The police claim they opened fire because they wanted to save Lance-Sergeant van Wyk's life and to defend their own lives. Mr Soggot argued that the police could not have saved his life as he might have been struck by a bullet aimed at his attackers. Instead, they fired into the crowd either as a deterrant to the attackers or punitively and vengefully.

The police exaggerated the attack on Lance-Seargeant van Wyk, he said. Their claim that the crowd had attacked them was undermined by the fact that bodies were dispersed over a wide area.

He rejected the police version that a "magical fluid" was sprinkled on the crowd.

"The attempt on the part of the police to suggest that the residents, having had muti ... had become imbued with the spirit of kamikaze warriors is to be rejected. Police evidence that bullets and gunshot had no effect on the supposed attackers, so they kept coming forward, is, in the light of the havoc caused to the dead and the injured, not acceptable."

The judge is expected to make a finding tomorrow.

MP meets Winnie witness

CT 27/11/91

Own Correspondent

LONDON. — A British MP has told how she was present when the "missing witness" in the trial of Mrs Winnie Mandela, Mr Katiza Cebekulu, told the new Zambian president, Mr Frederick Chiluba, how he was kidnapped by the ANC while a room-mate was murdered.

Mrs Emma Nicholson, a British Conservative Party MP, said she raised the issue of Mr Cebekulu, 23, during a personal audience with Mr Chiluba in Lusaka on November 4, after she had served as a Commonwealth monitor of the elections which toppled Dr Kenneth Kaunda.

She told her story in an interview published last week in The Scotsman. Mrs Nicholson could not be contacted for comment yesterday.

When asked if Mrs Nicholson had raised the case of Mr Cebekulu with the UN High Commissioner for Refugees in Geneva as she said in the interview she planned to do, a spokeswoman for the UNHCR said yesterday she could not comment on individual cases. Mrs Nicholson said in raising the issue of political prisoners with Mr Chiluba she had specifically mentioned Mr Cebekulu. She said the president immediately arranged for him to be brought to them, along with the heads of the army, air force and police, who served as witnesses.

She said Mr Cebekulu told them how he woke up in his home in South Africa in February this year to see his room-mate being murdered.

"He told President Chiluba that the ANC kidnapped him. He woke up and watched a man (in the same room) being stabbed to death. He was just whisked away. He named the names and his implication was that it was Mrs Mandela personally who had organised the kidnapping."

Mrs Nicholson did not take notes during the presidential interview, saying this was the role of the police. However, she added: "It was very clear from what he said Mrs Mandela herself was personally involved. And he said that if he gave evidence 'that would be it' for her. The guilt would be wholly understood."

Early this year Mrs Winnie Mandela was sentenced to six years' imprisonment after being convicted on eight charges of kidnapping and complicity in assault.

She is currently free pending appeal, It is not clear how the process will be affected should Mr Cebekulu return home to give evidence against her, as he has indicated through his lawyer in Lusaka he is prepared to do.

Police may be charged over Daveyton deaths

STAR 2M | 11 | 91

331

By Susan Smuts

Members of the SAP could be charged with murder or culpable homicide following the death of 12 ANC members who died when police opened fire on a crowd in Daveyton in March, according to an inquest verdict returned in the Rand Supreme Court yesterday.

Mr Acting Justice B O'Donovan, who presided at the inquest into the death of Lance-Sergeant Jan Petrus van Wyk and 13 residents of the East Rand township on March 23, also found an unnamed group of six people were responsible for Sergeant van Wyk's death.

It was not possible to make a finding about who was responsible for the death of a small girl, Cynthia Matsolo, who was walking down the street at the time. The bullet which struck her did not match the ammunition used by the police, the judge found.

The judge ordered the report to be sent to the Attorney General's office in Pretoria.

Summing up the evidence, the judge said the police arrived at the scene after being told that an unlawful gathering was taking place.

A group of between 100 and 200 residents had gathered. They claimed they had assembled to protect themselves from an attack by Inkatha members who were attending a rally.

The police gave them 10 minutes to disperse, warning that if they disobeyed they would be "more roughly treated", the judge said.

Stormed

The police then decided to form a cordon and search the crowd for weapons.

According to the police, two shots were fired before the cordon was formed, and the crowd stormed the police.

The police claimed that the crowd attacked Sergeant van Wyk.

He was placed in an Nyala vehicle and the police left the scene, firing into the crowd which was still attacking them.

This version failed to explain why it was necessary for the police to fire nore than 250 rounds of ammunition in self-defence, the judge said.

"It appears the police involved in this incident were guilty of excessive fire power in their defence and exceeded the limits of self-defence laid down by the court," the judge said.

Although they were taking decisions under pressure, the "slaughter exceeded the limits of self-defence".

The judge said he took a more unfavourable view of the residents' version of events, describing it as inherently unlikely.

Not a single resident of the closely knit community was prepared to admit he recognised the people who attacked Sergeant van Wyk.

"This disclaimer of any knowledge of the attack on Sergeant van Wyk simply cannot be true."

The judge rejected an argument that all residents attending the gathering had acted with common purpose to kill Sergeant van Wyk. He also found evidence pertaining to the sprinkling of "magic" water as having no factual or legal relevance to the matter.

Mamelodi shootings: woman gets R260 000

By Mckeed Kotlolo
Pretoria Bureau

A 25-year-old victim of the Mamelodi shootings, Marjorie Thoko Mahlomuza, who still has a bullet lodged in her head, is to receive R260 150 in damages from the Minister of Law and Order.

This was confirmed yesterday by Ms Mahlomuza's legal representative, Benedicta Monama of the Legal Resources Centre in Pretoria.

Ms Monama said her client was shot in the head on November 21 1985 — the day thousands of Mamelodi residents took part in a protest march against high monthly rentals and called for the resignation of local councillors.

Ms Mahlomuza, who is unemployed, was a Std 9 pupil at Mamelodi High school at the time of the incident.

A letter from the office of the State Attorney in Pretoria, dated October 29 1991, confirmed the settlement, stating that she is to receive R260 150 "in full and final settlement of her claims, without prejudice and without admitting liability".

Ms Mahlomuza had claimed R389 552 in damages.

She claimed R20 000 for pain, suffering and shock; R80 000 for disability and loss of amenities of life; and R1 250 for special damages in respect of past and future medical expenses. For past and future loss of earnings, alternatively loss of earning capacity, she claimed R43 374 and R244 928 respectively.

Boy tells of terror over gunmen

B/Day 28/11/91

MARITZBURG — A 12-year-old boy hid under a blanket in terror and tried to shield his young brother when gunmen burst into a house at Trust Feeds and opened fire on the occupants holding a funeral vigil there in December 1988, the Supreme Court heard yesterday.

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Giving evidence before Mr Justice Wilson and two assessors at the trial of seven SA policemen and former special policemen the child, who cannot be identified, said he was sleeping in a room with other children after the service ended at about 2am when he heard the sound of a vehicle and a knock at the door.

Own Correspondent

He heard people say they were from the police. Then the shooting started. "One thing I can remember is these people who were shooting said: 'There is a head rising. Strike it.' And they shot," he said.

The boy said two of the attackers entered the room where he was and the shooting continued.

The boy said he had also heard gunfire outside.

Another witness, senior Natal pathologist Prof Jan Botha, testified that he estimated that the shots were fired at the victims of the massacre at distances of between 1m and 3m.

The hearing continues.

Appeal Court rejects Nofomela application

BLOEMFONTEIN — The Appeal Court yesterday rejected an appeal by former security policeman Almond Nofomela to lead evidence in mitigation of a death sentence for a murder unrelated to his police work.

Sapa reports that the court's ruling means Nofomela's appeal against the death sentence for the murder of Johannes Hendrik Lourens in the Brits district on September 1 1986 must fail and the sentence be confirmed.

Nofomela and Johnny Abraham Mohane were convicted and sentenced to death for Lourens's murder by the Transvaal Supreme Court in September 1987. Both lost appeals to the Appeal Court in May 1989.

Mohane succeeded in a petition to the President and his death sentence was commuted. Nofomela's petition did not succeed and he has now exhausted all procedures open to him for an appeal or review.

On October 19 1989 — the day before he was to be executed — Nofomela made an affidavit in which he denied he had killed Lourens, but made a series of sensational disclosures, including that he had been briefed by senior police officers to "eliminate" Durban attorney Griffiths Mxenge and that he had been involved in about eight other assassinations as a member of a hit squad.

He was granted a stay of execution and subsequently gave evidence to the Harms commission of inquiry into certain alleged murders. In his evidence there, Nofomela admitted for the first time that he had killed Lourens and that his previous denials had been false.

This confession was repeated in the submissions made on his behalf to the review panel, established under the Criminal Law Amendment Act of 1990.

Attached to the submissions to the panel was a report by clinical psychologist Lloyd Vogelman, which stated that Nofomela "presents a positive prognosis for his rehabilitation and possible reintegration, at some future date, into society."

Remitted

The panel considered that had the amended Act been in force at the time of Nofomela's trial, the death sentence would probably have been imposed. The sentence had to be reconsidered by the Appeal Court under the provisions of the present law.

At the appeal, Nofomela's counsel submitted that the death sentence should be set aside and that the matter should be remitted to the trial court for it to consider the new material that had emerged since his trial.

Mr Justice Nienaber said: "He (Nofemela) has told so many lies, for so long, and on so many occasions, that little if any credence can be attached to his most recent version of what happened on the day of the murder. There is nothing in the record or in any subsequent document to support his version that the deceased taunted and threatened the appellant before the latter stabbed him five times — his co-accused gave no evidence to that effect, then or now, and the probabilities, far from supporting it, point the other way."

The judge said it was no excuse for Nofomela to say that he was trained and taught to kill; he was not trained to prey on elderly innocent people. Arrogance was not a mitigating factor. That he was a policeman was a distinctly aggravating factor.

The judge also doubted whether there was a realistic possibility that the trial court would find, if all the evidence was placed before it, that a maverick policeman who killed an elderly farmer in a planned robbery, and who confessed to eight other cold-blooded murders, was promising material for rehabilitation.

WILSON ZWANE reports that Lawyers for Human Rights national director Brian Currin said lawyers would petition President F W de Klerk to commute Nofomela's death sentence.

"I am disappointed in the Appeal Court's finding. Nofomela should have been given an opportunity to lead such evidence (in mitigation)," Currin said.

ANC spokesman Gill Marcus said: "We have called for a moratorium on executions. That a person who has exposed hit squads should hang is a poor reflection of what is happening in the country."

ANC probes Pro Jack murder claim

THE ANC has begun internal investigations after four Youth League members were charged in the Athlone Magistrate's Court with the murder of fellow activist, Pro Jack, and has threatened disciplinary action against guilty members. (33)

The ANC added it was concerned because it appeared that three of those charged with the murder were not even in the country at the time.

Meanwhile, the ANC (Western Cape) has rejected a call by Democratic Party MP Jan van Eck to suspend those ANC members arrested.

"We cannot suspend our members on the mere say so of the police as we have seen in the past that they have brought spurious charges against ANC members for political reasons," the ANC said.

14/2/91

Nofomela plea for more evidence 'cannot succeed'

STAR 29/11/91.

331

BLOEMFONTEIN — The Appeal Court held that an application by Almond Nofomela, former security policeman who allegedly murdered Durban attorney Griffiths Mxenge, to lead further evidence in mitigation of the death sentence for a murder unrelated to his police work, cannot succeed.

It followed that his appeal against the death sentence for the murder of Johannes Hendrik Lourens, in the Brits district on September 11 1986, must fail and that the death sentence must be confirmed.

Nofomela and Johnny Abraham Mohane were convicted in the Transvaal Supreme Court on September 18 1987. Both were sentenced to death and lost appeals in the Appeal Court in Bloemfontein on May 22 1989.

Mohane's petition to the State President succeeded and his death sentence was commuted. Nofomela's petition did not.

On October 19 1989 — the day before he was to be executed — he made an affidavit persistantly denying he killed Mr Lourens, but he also made sensational disclosures, including that he had been briefed by senior officers to "eliminate" Mr Mxenge and that he had been a hit squad member involved in about eight other assassinations.

He was granted a stay of execution and subsequently gave evidence to the Harms Commission of Inquiry into Certain Alleged Murders. In his evidence before the commission Nofomela admitted for the first time that he had killed Mr Lourens and that his previous denials had been false.

This confession was repeated in his submissions before the Review Panel, established under the Criminal Law Amendment Act of 1990.

The panel considered that had the amended Act been in force when Nofomela was on trial, the death sentence would probably have been imposed.

The sentence, therefore, had to be reconsidered by the Appeal Court under the present law.

At the appeal Nofomela's counsel submitted that the death sentence should be set aside and that the matter be remitted to the trial court for it to consider the new material that had emerged.

Mr Justice Nienaber said the purpose of the new legislation was to give an accused the benefit "ex post facto" of the new test. Therefore the proposed evidence must have a bearing on how the accused would have conducted his case if the new test had been in place when sentenced.

He said the evidence that Nofomela was anxious to place before the trial court could be grouped as including: evidence that he was provoked, that he lost his temper and that the stabbing was not premeditated; that he has become "desensitised to violence" as a result of the brutalising experiences to which he was exposed as a member of a "hit squad" of the South African Police; the opinion of a psychologist that he is capable of rehabilitation, when regarding his behaviour since sentence was passed on him; such "further evidence" as may have a bearing on mitigation of sentence.

Mr Justice Nienaber said it was no excuse for Nofomela to say that he was trained and taught to kill. That he was a policeman was a distinctly aggravating factor.

The judge also doubted whether there was a realistic possibility that the trial court would find that a maverick policeman who killed in a planned robbery and who confessed to eight other cold-blooded murders was promising rehabilitation material.

Mr Justice Hefer and Mr Justice Preiss (acting judge of appeal) concurred. — Sapa.

Killer laughed as he shot victims

331 Cl/Pres 11/12/91

By MARTIN NTSOELENGOE

A RAND Supreme Court judge heard this week how a man laughed while firing a semi-automatic rifle at screaming mourners.

This gruesome tale unfolded before Judge Daniels, in the case of five alleged members of the Inkatha Freedom Party who are facing 13 counts of murder, 17 of attempted murder, one of housebreaking with intent to kill, and possession of arms and ammunition.

The witness, who may not be named for fear of reprisals, said he and other mourners were sitting on a mattress when they were ambushed by the laughing killer.

The witness added that the man fired a volley of shots. When mourners started screamimg, he laughed at them. The witness said he recognised the man as Gibson Mbatha, an IFP leader in Alexandra. He could see Mbatha from a light in the kitchen.

The two men left the bedroom but later came back and the man with the rifle started shooting again.

The five accused have all pleaded not guilty to all the charges, and are all in custody. Appearing before judge Daniels are Gibson Mbatha, 28, Derrick Majosi, 21, Christopher Mbatha, 30, Petrus Buthelezi, 31, and John Zakwe, 56, all of Alexandra.

The State alleges that the five men ambushed mourners at the night vigil of Jane Ramokgola on March 27, and started shooting at the mourners who were sitting on a mattress in the bedroom.

Another witness broke down and wept this week as she told the court of how the singing of hymns turned into screams in the early hours of March 27.

The hearing continues.

...an election-monitoring group will oversee the procedure. JOE SLOVO

Amnesty members arrive to probe SA political killings

Sowetan 5/2/91

331

FOUR members of the Amnesty International yesterdasy began a two-week investigation into political killings and allegations of security force complicity.

At a Press conference in Johannesburg yesterday, the team said Amnesty International had expressed concern that in some cases, members of the security forces appeared to be directly implicated in the killings.

"In other cases the police and other authorities appear to have failed to take appropriate action to bring those responsible to account."

The organisation had noted there had been positive developments in the human rights situation in South Africa since February 1990.

"However, Amnesty International is gravely concerned at the deterioration in other areas of human rights."

Political and human rights activists and others had died as a result of assassinations, large-scale armed attacks on whole communities, attacks on black commuters, funeral mourners and others, assault and torture of prisoners in police custody, the police misuse of lethal force against demonstrators.

They said they would also be looking at the effectiveness of structures created under the National Peace Accord, including the implementation of a code of conduct for the police.

The delegation is led by Mr Stephan Owe, Ombudsman for British Columbia in Canada. Other delegates are former director of the Dutch Police Academy Dr Piet van Reenen, Mary Reyner of the United Kingdom and Mr Joseph Gitari of Kenya. - *Sapa*

ER STORE
REF: N6

SA asks for 'missing witness'

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Political Correspondent

THE South African government has approached the Zambian foreign ministry about the possible repatriation of Mr Katiza Cebekhulu, the "missing witness" in the Winnie Mandela trial.

Mr Cebekhulu, who has been held without charge in Lusaka Central Prison since May, last week reportedly told the new Zambian president, Mr Frederick Chiluba, that he had been kidnapped by the ANC in February.

A spokesman for the SA foreign ministry said yesterday: "We have sent inquiries to the Zambian foreign ministry and we are still awaiting replies."

Zambian Minister of Home Affairs Mr Newstead Zimba said recently that the authorities would start looking at the case of Mr Cebekhulu and other prisoners this week.

British Conservative Party MP Mrs Emma Nicholson said last week that Mr Cebekhulu told the Zambian president in her presence recently that he (Mr Cebekhulu) had been kidnapped by the ANC. CT 5/12/91

"He told the president that ... he woke up in his home and watched a man (in the same room) being stabbed to death. He was just whisked away." He named the names and his implication was that it was Mrs Mandela personally who had organised the kidnapping."

Earlier this year Mrs Mandela was sentenced to six years' imprisonment after being convicted on eight charges of kidnapping and complicity in assault. She is appealing.

Evidence of 'third force'

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AN East Rand resident yesterday gave evidence supporting the existence of a "third force".

Mr Prince Mhlambi, vice-president of the Phola Park Residents Committee, gave evidence to a committee of the Commission of Inquiry into the Prevention of Public Violence and Intimidation.

The committee has been investigating the causes of violence in Tokoza, on the East Rand since September 8. Sowetan 5/12/91

Mhlambi said he suspected a "third force" because traditionally conflict between Zulus and Xhosas was not as intense as today. He believed someone or some organisation was recruiting Zulus to attack Xhosas.

Mutilated body

Also supporting the notion of an outside force were the finding of Caspir tracks next to the mutilated body of Mr Cecil Mhludi on October 5 and the smashing of windows by policemen, Mhlambi said.

He further criticised the South African Police and South African Defence Force for failing to coordinate their activities in Pola Park.

He questioned the arrest of residents on September 27 and October 1 for alleged possession of firearms.

The SAP was ignoring an earlier agreement that no searches would be undertaken in the area without consulting the Pola Park Advice Centre, Mhlambi said.

After his testimony, counsel for the SAP asked for cross-examination to be postponed until they had time to check on the numerous allegations. Committee chairman Mr Solly Sithole granted a postponement until early next year.

The hearing continues today.

Inkatha youth jailed for murder

331

Sowetan 11/12/91

AN Inkatha youth leader who was under 18 years of age when he shot a policeman and killed two men, was jailed for 18 years by Mr Justice McLaren in the Maritzburg Supreme Court yesterday.

Bhekeyakhe Shelembe (20) of Haza Township near Edendale, was jailed for six years for the attempted murder of Sergeant Johannes Wolfaard by wounding him with shotgun pellets on the night of December 21 1989.

He was sentenced to 12 years on each of two murders by shooting father and son, Mr Sibusiso Ntshangase and Mr Amon

Own Correspondent

Ntshangase, at their home at Haza on January 3 1990.

These 12-year sentences are to run concurrently with each other.

The offences were committed against a background of rife violence. The judge said the duties which Wolfaard was carrying out were aimed at reducing the violence.

A policeman in his position was entitled to the protection of the law, which included severe sentences upon conviction.

An attack upon the Ntshangase home in which the two men were shot dead was planned and carried out by a group of armed men, of whom Shelembe seemed to be the leader.

The judge said it appeared that the attack was politically motivated as it was probable that the Ntshangases were members or supporters of the ANC.

If it was politically inspired, the object seemed to be to drive the Ntshangases out of the area populated mainly by Inkatha supporters.

On the other hand the attack might have been to avenge some act for which Shelembe and others blamed the ANC and its supporters.

The judge said the members of those communities should realise the value of human life.

TOTALITARIANISM - POLITICAL TRIALS

1992

JANUARY — MARCH.

Watching death creep closer

C/Pren 5/1/92

331

In his New Year message ANC president Nelson Mandela expressed concern that although the peace process was underway, the continued incarceration of political prisoners remained a major problem.

Mandela's mention of Mthetheleli Mncube and Mzodelelelli Nondula revived memories of one of South Africa's most sensational political trials which in 1988 culminated in Mncube receiving four death sentences and co-accused Nondula six.

The sensational "terror" trial which took place in Messina in the far northern Transvaal, lasted from October 26 1987 to May 5, 1988.

REVELATION NTOULA, who covered the trial for City Press, recalls events leading up to and following the trial.

WRECKED ... The remains of a Buffel military vehicle blown up by a landmine in the "low-intensity war".

Great 'terror' trial recalled

WRITING to me from his Pretoria Central Prison death cell, Mthetheleli Mncube (then 28) and MK codenamed Caesar, said: "Brother Rev, up to this very moment the words of the judge (Acting Justice J de Villiers) are still sounding in my head: 'You will hang by the neck until you are dead'.

"I did expect it, but to be told it is worse ...

"From the soldier suffering from the Death Row," signed Thethe Ka Mncube, in a letter stamped May 30, 1988 by prison authorities.

"Brother, to sit and wait in the death row is very painful. I think it is better to die in the battle field rather than wait and watch death coming closer and closer and being defenceless. Oh! it is very cruel," says Mncube in his letter.

Mncube, whose birthday is the same as Nondula's, wrote: "You know, May has been my brightest and darkest (birth and death sentence month) in life. On the 19th I turned 28 and my co-accused (Nondula) turned 25."

The Messina Terror Trial, as it was dubbed, started on the thorny issue of whether or not a low-intensity war situation existed on the Zimbabwean-South African border at the time of the series of landmine explosions in the "war zone" between the Zimbabwean border and a large slice of the South African farming section bordering Zimbabwe.

Defence advocate Rodney Black argued that the whole Mncube-Nondula episode had to be viewed against the background of a low-intensity war situation, especially because the ANC had officially declared war on the South African regime at the time.

Black's assertion – which subsequently had a bearing on Mncube's insistence that his involvement in the terror activities must be viewed in the context of a soldier fighting for a just cause – was to become a dominant feature of the six-month trial.

The trial, which involved 10 counts of murder, several of attempted murder, illegal possession of ammunition and high treason, was held at the height of guerrilla warfare between MK and the SADF.

From the ANC side, it marked a new dimension of landmine attacks, which were hitherto unheard of.

This seemingly new tactic, particularly in areas bordering Zimbabwe, had led to a large concentration of South African Security Forces in the Transvaal areas bordering Zimbabwe.

Another side effect of the MK offensive had led to the formation of boer commandos and heavy arming of white farmers bordering Zimbabwe.

It was in the context of this "low intensity war situation" that defence advocate Black maintained that the Mncube-Nondula trial had to be viewed.

Throughout the trial, Mncube maintained that he ought to be treated like a Prisoner of War or had to be tried, not by a criminal judge, but as a soldier under the Geneva Convention to which the ANC is a signatory, although not the South African Government.

Mncube's view was later supported by internationally renowned lawyer Prof John Dugard of Wits University's Centre for Applied Legal Studies. Dugard pointed out that Mncube, when arrested, carried arms, wore a uniform and was subject to MK military discipline.

When the Messina Trial started on October 26, 1987, it was different from all the then so-called treason or terrrorist trials.

The little Messina dorpie near the Beitbridge border post suddenly hit the international headlines as the world media, the SADF and the SAP focused on the hitherto little-known country town.

As if the Messina police cells, coupled with all the available security forces, would be a security risk, the two "terrorists" were transported daily between the Potgietersrus Prison and the Messina Court each day.

A unique feature of the trial was that trialists appeared in court in leg chains throughout the proceedings. Also, from time to time they were paraded in front of the media for photographic sessions. Pictures were even taken in court as long as it was not during proceedings.

Court exhibits which included AK-47s and hand-grenades could also be photographed freely.

There were more security police in court than spectators, most of whom were relatives and friends of the accused.

After advocate Frans Roets had read the lengthy indictment and asked the accused to plead, both refused to do so, maintaining that the court had no jurisdiction over them, particularly because they regarded themselves as MK soldiers and not ordinary criminals.

The court, however, entered pleas of not guilty for both accused, and the sensational trial began.

Several State witnesses ranging from top security policemen, farmers and other civilians told how eight people were killed by landmines in the Messina area between 1984 and 1986.

Two security policemen had allegedly been mown down by Mncube after he had been captured by a large contingent of security forces.

leagues had been killed by the security forces during a skirmish after the heavily armed men had been spotted by a farmer.

This resulted in a hot pursuit which finally led to the killings and Mncube's capture after the MK men had dropped some of their weapons and food.

Recalling the day of his capture and the killing of three of his MK colleagues, Mncube said they had been pursued by security forces for over 40 km. The forces used helicopters, Casspirs and every available vehicle.

After the five (one escaped) had been cornered by the security forces at a koppie near the Zimbabwean border, three of them were shot dead. Mncube said he decided to drop his AK-47 in surrender.

He said his captors stripped him naked, tied his hands with shoelaces and forced him to lie down while the bodies of his three colleagues were piled on top of him.

Later in the day, he was loaded on to an open bakkie with the five AK-47s the security police had captured. His captors were two security policemen who occupied the cab as they drove to Louis Trichardt.

Mncube said he managed to untie his hands during the journey, got hold of an AK-47 rifle and shot and killed his guards through the back window of the cab.

This started a nine-day ordeal during which he wandered around naked, without food and water and armed with an AK-47.

Lack of food and water, according to medical evidence, had caused between 10 and 15 percent dehydration in Mncube.

He was finally recaptured by the security forces and eventually brought to the Messina trial.

Nondula said in his evidence that he had been arrested by Bophuthatswana Police near Mafikeng and was later handed over to the South African security forces. He said he was handcuffed and his legs were chained.

Finally, on April 25, 1988, Judge de Villiers found Mncube and Nondula guilty on 38 counts out of a total of 41.

The escort girl, the spy and the Uzi

Fuming wife Sue goes in to bat for axed captain Clive

By GWEN GILL

MY old man is no old man! That's what Sue Rice, the woman who should know more than any selector about the physical and mental well-being of dumped South Africa Test captain Clive, has to say to critics who've called her husband "old" and "past it".

"He's as fit as the fittest 25-year-old. He can still wear trousers he bought 20 years ago," said the skipper's wife who is as shocked as the thousands who've signed petitions to get her man into the World Cup squad.

Outspoken Sue, 39, is fuming. The day that she and husband Clive have longed for — South Africa's return to international cricket — has dawned.

But, apart from a few brief hours of glory during the rushed Indian three-game series, it's twilight for the 42-year-old all-rounder, as well as his long-time team-mates Jimmy Cook and Peter Kirsten.

□ □ □

"They're saying Clive, Cook and Kirstie are too old. Let me tell you my husband is young at heart, young in body and young in attitude," said Sue, who played Premier League hockey for Old Johannians at the age of 38 last year and swims the Midmar Mile annually, with daughter Jackie, 10.

And she's not the only one with strong opinions on the matter.

In an hour at the Rice's large family home overlooking Huddle Park Golf Course, Johannesburg, this week, the phone rang six times as the fans and the faithful called to give support.

"Not even the death of my parents shocked me more than Clive being dropped," said Sue. "Lindsay Cook, who has lost her father, said the same."

The phone rings again. It's a devastated supporter from Uitenhage saying it's a crying shame Clive has been dropped.

"It's quiet now. But we've had calls from Barry Richards, who was in a state of shock, and Tony Greig . . . from fans everywhere. Everyone is as flabbergasted as we are.

"And I know the Cooks have had hundreds of calls from England.

"The English team must be thrilled that Jimmy, who topped the batting averages there last year, has been dropped.

"He knows about all the current overseas Test players.

"I keep thinking it's a bad dream and I'll wake up to find it's just been a nightmare."

It's the phone again. "How can we support our B-team in Australia," asks another shaken member of the Clive Rice fan club.

"No matter what the selectors say, the public are right behind him. He's lost nothing but his hair since I met him when I was 17.

"He's got phenomenal energy. He's never abused his body with booze, cigarettes or late nights. I defy anyone, even his young team-mates, to be fitter than him.

□ □ □

"He's got mental fitness too — the ability to take the pressure.

"If ever there was pressure it was on the Indian tour in November when the whole world watched."

Sue's phone beeps again. This time it's yesterday's man himself, calling from Cape Town where he's leading Transvaal against Western Province.

"The Sunday Times is here," Sue tells him. "They want to know if you're really an old man.

"I promise I wasn't too personal about your physical performance . . . "

the Uzi

THE riddle of the escort agency woman, the CCB man and the Uzi machine gun is being investigated by police.

The woman, Carol Ann Burton, 30, appeared in court in connection with illegal possession of the weapon, which was allegedly found in her flat by police.

Her boyfriend, Christopher Human, 30, claimed the Uzi had been left there by former Civil Co-operation Bureau agent Ferdi Barnard, a key figure in the Harms Commission.

It was also claimed in court that Barnard tried to recruit the couple as spies.

Witwatersrand Attorney-General Mr Klaus von Lieres und Wilkau said this week that an investigation of theft of the Uzi from the police was under way.

However, it was too early to say whether prosecutions would result.

Miss Burton and Mr Human appeared in the Johannesburg Magistrate's Court last month charged with unlawful possession of the Uzi and ammunition.

They were not asked to plead.

Miss Burton was granted bail of R2 500.

However, the state opposed Mr Human's bail application.

Unhappy

Giving evidence during the application for bail, Mr Human told the court that Mr Barnard had tried to recruit him and Miss Burton to spy on certain people and organisations.

This was despite the fact that the CCB has apparently been disbanded.

Mr Human said Mr Barnard still worked for Military Intelligence, although the claim was previously denied by the South African Defence Force.

Mr Human was released on bail of R2 500.

The couple are due to appear in court again on January 13 when a trial date is due to be set.

Interviewed in their attractively furnished Berea flat, Miss Burton and Mr Human said they had spent an unhappy Christmas and New Year because of the pending court case.

By CATHY STAGG

They said they were concerned about the high legal costs of defending themselves.

Miss Burton said she had known Ferdi Barnard for several months as a business associate.

Mr Barnard could not be contacted for comment this week.

During the Harms Commission inquiry, Mr Barnard testified that the four affidavits he gave the police about the CCB contained varying degrees of truth and untruths.

He claimed he wrote all the affidavits under pressure and had said: "Give me some paper and I'll testify that I shot Webster and Lubowski."

He was referring to assassinated left-wing figures David Webster and Anton Lubowski. Mr Barnard subsequently denied knowledge of the assassinations.

He also declined to give certain evidence to the Harms Commission on the grounds that he might incriminate himself.

During the inquiry Mr Barnard testified that he had received R7 000 expenses for investigations into journalist Gavin Evans and human rights lawyer Dullah Omar.

Enemies

He was also involved in the surveillance of SACC general secretary Frank Chikane, he said.

Mr Barnard told the commission he had been charged with and found guilty of murder and theft. The murder charges followed the deaths of drug runners, he said. He spent three years in jail until December 1987. In April 1988 he joined the CCB which was set up to fight "the enemies of South Africa".

Air controllers meet

FOR the first time in nearly 30 years, the South African Air Traffic Controllers' Association will host a three-day international conference in Durban.

Ten executive members of the International Federation of Air Traffic Controllers' Associations from Europe, Egypt, Australia and central America will meet in three weeks to discuss local aviation safety, international affairs and meet SAA and Directorate of Civil Aviation bosses.

SAATCA president Rob Purkiss said the conference indicated a new acceptance of the SA association.

ET faces second charge

By DAN DHLAMINI C/Press 12/11/92

RIGHTWING strongman Eugene Terre'Blanche is embroiled in a bizarre allegation that he forced a black motorist off the road at night and beat him up.

Barely nine days before his trial for assaulting a 70-year-old black farm labourer, Afrikaner Weerstandsbeweging (AWB) leader Terre'Blanche has been accused of allegedly assaulting yet another black man.

Terre'Blanche will appear before a Ventersdorp magistrate on Thursday to face charges relating to the assault of the elderly William Mashiya and malicious damage to his property on March 9 last year.

Western Transvaal police spokesman Lieutenant Petrus Ramatsoele said the rightwing leader is alleged to have badly assaulted Spoornet employee Robert Shingange at the entrance of Ventersdorp's Tshing township on Tuesday night.

Terre'Blanche allegedly smashed Shingange's car windscreen with a stone, causing damage estimated at R1 000.

Shingange alleged that Terre'Blanche, who was accompanied by three other white men in a bakkie, had followed him at 9.30 pm he drove towards Tshing township.

He alleges that Terre'Blanche intercepted him and without any provocation, started punching him in the face with his fists before shattering his car's windscreen with a stone.

Terre'Blanche was unavailable for comment.

Meanwhile, rumours of a rightwing threat to blacks in the town is diverting black traffic from the town – especially at night.

Black motorists interviewed this week said the once sleepy dorp had turned into "the Wild West".

MK men in court on arms charges

TWO Umkhonto weSizwe members made their sixth brief appearance in the Vanderbijlpark Regional Court this week.

Shaka Januarie Radebe, 26, of Evaton and Leshoane David Kamolane, 36, of Sebokeng were not asked to plead and their case was postponed to March 6.

They were arrested on August 12 last year for possession of arms and ammunition.

They were each released on R3 000 bail and are to report daily at the police station.

I didn't hide weapons in car – Khoza

STAR 17/11/92

By Melody McDougall
Vereeniging Bureau

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Inkatha's Transvaal Youth Brigade leader, Themba Khoza (32), yesterday denied any knowledge of firearms, ammunition and an explosive device allegedly found in his car after violence at the Sebokeng Hostel in September 1990.

Mr Khoza was testifying at the trial against him in the Vanderbijlpark Regional Court.

He is facing charges of illegally possessing firearms, ammunition and explosives, and has pleaded not guilty before magistrate F W Strydom.

It is alleged that the weapons and ammunition — including five machine guns — were found under a blanket in the back of his car at the hostel on September 4 1990.

It is further alleged that a homemade explosive device was also found in the boot of the car, as well as a 9 mm pistol in his possession on the day in question.

17/11/92

More than 30 people were killed and many injured in violence at the hostel that day.

In his evidence in chief Mr Khoza yesterday told the court he was at his Soweto home when he received a call about "friction between the ANC and Inkatha" at the Sebokeng hostel early on the morning of September 4.

Trouble

He said that, in a bid to stop the trouble, he drove to the hostel in his car and parked next to a police Casspir at the hostel entrance.

After briefly speaking to the police he went into the hostel courtyard where a number of Inkatha members were trapped.

A large ANC crowd had assembled outside the courtyard. Mr Khoza explained that while he was trying to organise some sort of settlement, he was requested by the police to move his car away from the entrance.

He moved the vehicle into the courtyard and continued the peace negotiations.

The car was subsequently moved by someone else once or twice again "out of fear for damage" after petrol bombs and stones were flung into the courtyard by the crowd outside.

At no stage had the car been locked. Later that morning the police asked to search Mr Khoza's car and found the firearms and ammunition in the vehicle and arrested him.

Mr Khoza denied any knowledge of the find, insinuating he would not have parked next to the police if he had firearms in his car.

He also denied evidence given that he had handed a pistol to a policeman after his arrest.

Asked by Mr Strydom at what stage he thought the weapons had been placed in his car, Mr Khoza replied it must have been while the car was parked inside the courtyard.

Speculating, he added the firearms could have been placed there by the police, the ANC or maybe even Inkatha members.

Referring to the pistol allegedly found in his possession, he stated this was not true and that the gun had been lodged between the driver's seat and console in his car when he saw it and handed it to a policeman.

The trial continues today.

Ronel van Aswegen is prosecuting and Morris Basslian is appearing for the defence.

Acquittal for IFP's Khoza

(33 1)

STAR 18/1/92.

VANDERBIJLPARK — Inkatha Freedom Party Youth Brigade leader Themba Khoza was acquitted of charges of possession of firearms, ammunition and explosives yesterday. The magistrate said Mr Khoza'a story was coherent while State witnesses' were contradictory. — Sapa.

LET'S SHAKE ON IT . . . AWB leader Eugene Terre Blanche greets Paulos Mofekeng, an old acquaintance, during an adjournment Picture: JUHAN KUUS

'Friendly' Eugene the court jester

Sitimes 19/1/92. 331

By CATHY STAGG

WHAT do you call an AWB man in a suit? The accused!

This was the joke Eugene Terre Blanche shared with journalists who were covering his trial in Ventersdorp this week.

Mr Terre Blanche was in the dock in the Ventersdorp magistrate's court on Friday, where he was acquitted of eight charges including assault and malicious damage to property.

It had been alleged that he assaulted Mr William Mashiya, 71, and six other people during a dispute over stolen sheep.

Mr Terre Blanche claimed he went to make a citizen's arrest. Although he took the alleged culprits to the police, he found himself on trial. "It's the double standards that get me," he said during an adjournment.

There was none of the usual AWB grandstanding during the trial. There were no stormtroopers, no fiery oratory, no menacing atmosphere.

And inside the court there was no racial tension. During a break in the trial, a black man, wearing a grey safari jacket covered in medals, crossed the well of the court to shake hands with Mr Terre Blanche, who teased him about not knowing how to grow mealies.

Mr Paulos Mofekeng said he had known Mr Terre Blanche for years. He lived on a neighbouring farm. There was no hostility as they chatted amiably. Mr Terre Blanche asked if it was Paul Kruger or King George who had given Mr Mofekeng a big silver medal.

Mr Mofekeng smiled, but did not reply.

Necklacing: seven policemen in court

331

By S'BU MNGADI

SEVEN policemen will appear in the Pinetown Magistrate's Court tomorrow in connection with the necklacing of a local youth while under interrogation.

Chief prosecutor E van Tonder said a charge had been laid, but nobody had been formally charged.

Mvusi Phiri, 19, is in a serious condition in King Edward VIII Hospital. C/Pmen 19/11/92

Phiri laid a charge with the SAP on January 19. He said he had been detained for interrogation in connection with illegal possession of firearms.

He alleged that, during questioning, a tyre was placed around his neck and that SAP members threatened to set the tyre alight if he did not provide them with more information.

When he refused to co-operate, the tyre was allegedly set alight. C/Pmen 19/11/92

According to Durban SAP public relations officer Captain Bala Naidoo, the seven policemen were not officially charged in court because they did not have sufficient time to arrange for their defence.

He said, while a charge had been laid by Phiri and the SAP investigation was continuing, the policemen had still not been officially charged.

ET go home, says magistrate

TERRE'BLANCHE ... Was allowed to sit next to his lawyer in court instead of in the dock.

CP Pre 19/1/92

By DAN DHLAMINI

331

THE Afrikaner Weerstandbeweging (AWB) leader, Eugene Terre'Blanche, spent the better part of his trial for assault and malicious damage to property this week sitting next to his lawyer instead of in the dock.

His acquittal around midnight on Friday was received with mixed feelings by spectators in the small Ventersdorp Magistrate's Court.

Terre'Blanche sat about a metre away from the witness box, staring into the faces of the witnesses, who looked away from him in apparent fear as they testified against him.

Interpreter Mongi Huma had to repeatedly tell the witnesses to look in the direction of the magistrate.

Magistrate CM Erasmus told City Press that Terre'Blanche's legal representative, F van Vuuren, a Conservative Party (CP) MP for Ventersdorp, had made a special application for his client to sit next to him for purposes of further consultation during the trial. The State did not object.

A handful of Terre'Blanche's loyal supporters, including his wife, clapped, while about the same number of blacks displayed anger after Erasmus acquitted the rightwing leader on seven counts of assault and one of malicious damage to property.

The alleged assault victims included a 14-year-old boy and a 71-year-old man.

When City Press informed the 71-year-old complainant, William Mashiya, who was not in court on Friday night, that Terre'Blanche had been acquitted, he said he was shocked.

Mashiya said after the court case that he was disappointed and feared he would now not have any protection against further harassment.

Terre'Blanche, who described his appearance in his hometown magistrate court as a humiliation, was facing charges relating to an incident on March 9 last year at a Klipplaatsdrift plot.

He was alleged to have assaulted William Mashiya, 71; Albert Mashiya, 14; Evelyn Mashiya, 25; Louis Korong, Doreen Sebotho, Margaret Visagie and Angelina Mothobi.

He was also alleged to have broken Mashiya's furniture and crockery, causing damage estimated at R220.

Acquitting Terre'Blanche on all charges, the magistrate said not one of the four State witnesses – William, Albert and Evelyn Mashiya and Louis Karong – had impressed him.

The magistrate said the witnesses contradicted themselves and William and Albert Mashiya had exaggerated their versions of the occurrences that day.

Earlier, prosecutor J van Tonder had argued that Van Vuuren had misled State witnesses.

He argued that Terre'Blanche had advised his lawyer on each question he asked, but when confronted with his earlier statements shifted responsibility to the lawyer, saying he did not ask him to state as fact some of the assumptions.

Terre'Blanche told the court that 14 of his sheep, including his adopted daughter's pet sheep, which ate chips and biscuits with her, had been stolen and sent to Johannesburg as meat.

Terre'Blanche told the court he had information that Mashiya was the mastermind behind a spate of livestock thefts in the area, which was why he visited Mashiya's home.

Terre'Blanche, who wore a grey suit for the two days of his trial, denied assaulting any of the complainants or causing damage to property.

There was a heated exchange of words between Terre'Blanche and prosecutor Van Tonder, who had said it was his duty to discredit the right wing leader.

Terre'Blanche said it was tragic that a man of Van Tonder's calibre, who knew his culture, could label him a liar.

The magistrate had to intervene as the cross-examination turned into a heated argument with Terre'Blanche shouting loudly and waving his hands in the air.

When he was asked by Van Tonder about his mood when he went to Mashiya's residence, Terre'Blanche confirmed he was angry but said he had no intention of ~~hurting of~~ hurting anyone.

He said that as a former warrant officer in the police, with no bad record and entrusted with the safety of the life of the country's Prime Minister (John Vorster) after premier HF Verwoerd's assasination, he knew his rights as a citizen and had wanted to carry out an arrest, but desisted from doing so when Mashiya became aggressive.

Terre'Blanche said he later received co-operation from Karong regarding livestock theft.

Assault, property damage charges turfed out

MASHIYA ... Disappointed with the outcome of the case after AWB leader Eugene Terre'Blanche was cleared on seven counts of assault and one of malicious damage to property.

IFP's Khoza gets off arms charges

THE Transvaal leader of the Inkatha Freedom Party Youth Brigade, Themba Khoza, was this week found not guilty in the Vanderbijlpark Magistrate's Court on charges of possessing illegal arms. (331) Citizen 19/11/92

Themba Khoza had earlier pleaded not guilty to posessing a cache of arms, a homemade bomb and magazines.

Police fired first shots, says AWB

JONATHON REES

PRETORIA — The AWB will testify to the Goldstone Commission that police were first to open fire, using live ammunition, when they clashed with right-wingers in Ventersdorp last year, and claims to have visual evidence to back its allegations.

And AWB leader Eugene Terre'Blanche said yesterday a charge of kidnap might be laid against Law and Order Minister Hernus Kriel after police allegedly used trickery to arrest, kidnap and assault an AWB commandant last week.

He told a media briefing yesterday the AWB believed government and the NP were using the SAP as a private army.

Terre'Blanche rejected appeals by Kriel for right-wing leaders to renounce terror attacks, saying it was up to government and the police not to create "revolutionary conditions" that gave rise to attacks.

Screened

AWB secretary-general Piet Rudolph said he had told police the AWB was prepared to testify before the Goldstone Commission, and had video footage.

The video will be screened to the media at an AWB exhibition in Ventersdorp on February 1.

The AWB claims police acted unlawfully when they arrested Piet Judeel and Dirk Hattingh last Wednesday in connection with a recent spate of explosions.

Plainclothed members of the former security police allegedly arrived at Judeel's Brits home and told him they were from a secret AWB unit and that he was wanted for an urgent meeting with Rudolph in Pretoria.

Judeel accompanied the alleged imposters who later allegedly blindfolded and beat him.

Policemen are legally obliged to identify themselves, describe charges and inform a suspect of his legal rights before an arrest is made.

SOWETAN Monday January 20 1992

Inkatha youth leader acquitted

331

Sowetan 20/1/92

INKATHA Freedom Party Youth Brigade leader Mr Themba Khoza was acquitted on charges of illegal possession of firearms, ammunition and explosives on Friday.

Khoza told the Vanderbijlpark Regional Court that since his car was unlocked and had been moved several times, anyone could have planted the weapons in it.

He said he would not have been so stupid as to park a car filled with illegal arms and ammunition next to policemen.

Khoza was arrested on September 4 1990 after arriving at the scene of a massacre of a number of dwellers at Sebokeng Hostel.

Khoza said he had gone to the hostel "to assist with attempts to stabilise the position and to reduce the tension that had developed".

In passing judgment the magistrate, Mr FW Strydom, said the Khoza's evidence was coherent while that of the State witnesses stories was contradictory.

The magistrate said Khoza's willingness to open his car for the police search was also a factor.

He said it was unlikely that Khoza would have gone to the hostel with a car full of illegal ammunition knowing the police would be present. - *SA Press Association.*

Suspect denies getting MK training

STAR 22/1/92 (331)

By Melody McDougall
Vereeniging Bureau

Judgment in a bail application for one of two suspects arrested after a young policeman was shot dead during a robbery at a wholesaler in Vanderbijlpark last month will be handed down by the Vanderbijlpark Magistrate's Court on Monday.

Tsepo Lengwati (27) is facing charges of murder, attempted murder and robbery with aggravating circumstances, along with his co-accused in the case, Arthur Mali (35).

Neither has yet been asked to plead to the charges.

The pair were taken into custody shortly after a Vanderbijlpark policeman, Constable Sakkie Janse van Rensburg (21), was shot dead during a robbery at Price Club on December 30 last year.

Mr Lengwati's bail application has been opposed by the investigating officer on the case, Detective Sergeant Pedro Peens. One of the many reasons given was that he would not stand trial if released.

According to evidence led by Sergeant Peens on Monday, Mr Lengwati had also informed him after his arrest that he was a member of Umkhonto we Sizwe, the ANC's military wing.

Giving evidence yesterday, Mr Lengwati denied he had told Sergeant Peens that he had received training internally and externally as a member of Umkhonto we Sizwe.

He also denied saying to the policeman that he had been instructed by Umkhonto to carry out the robbery.

Presenting the State's closing argument yesterday before magistrate Jan van Staden, prosecutor Johan Lamprecht said all probabilities were that Mr Lengwati would not stand trial if granted bail.

He owned no fixed property and could flee the country with the help of ANC contacts.

Taking into account his previous convictions — which involved the shooting of two Soweto policemen — and another robbery charge pending against him in Mondeor, Mr Lamprecht said the accused displayed criminal tendencies.

Counsel for Mr Lengwati, advocate Avrille Maier, argued that her client would in all probability attend his trial.

She said Sergeant Peens's objections to the bail application were based on hearsay. The detective was also a prejudiced witness as Mr Lengwati had laid an assault charge against him.

In addition to this, her client was prepared to hand in his passport, report to the SAP daily and restrict his movements to the Johannesburg area.

4 men on Southern sabotage charges

23/1/92

(33T)

By DON SEOKANE

FOUR alleged members of the Azanian National Liberation Army have appeared in the Potgietersrus Regional Court on charges of sabotage.

The case, heard on Monday and Tuesday, has been postponed to April 22.

The State alleges that Mr Alexander Palagangwe, Mr Cornelius Kekana, Mr Phuthi Mothoagae and Mr Samuel Maluleke - all of Mahwelereng township - burnt two trucks and a petrol pump at a Transvaal Provincial Administration camp outside Potgietersrus on February 10 last year.

They allegedly overpowered two watchmen, placed tyres and gas bottles under the trucks and fired at the bottles.

Maluleke is also charged with murdering a policeman and terrorism resulting from a skirmish between Azanla and security forces at Mahwelereng.

Youth leader goes free

w\mail 24/11-30/11/92 (331)

Weekly Mail Reporter

INKATHA Youth Brigade leader Temba Khoza was acquitted of charges of illegal possession of firearms, ammunition and explosives in the Vanderbijlpark Regional Court on Friday.

Khoza had pleaded not guilty to the charges which were related to an attack on Sebokeng's hostels on September 16 1990.

Khoza said he had gone to a hostel to help reduce tension and stabilise the situation. He said his car had remained unlocked during the morning and had been moved by several people, so the weapons could have been planted.

In passing judgment, the magistrate said it was not probable that Khoza would have driven with a car full of weapons to a scene of conflict, knowing there would be police present. He said Khoza's evidence has been coherent while the state witnesses had been contradictory. He added it could not be proved beyond reasonable doubt that Khoza was aware of the cache in his car.

● *The Weekly Mail* mistakenly reported that Khoza was facing charges of murder. We apologise for the error.

Rightwingers get bail of R3 500 each

STAR 24/1/92

Pretoria Correspondent

Four rightwingers held in connection with bomb blasts at Cosatu House on December 19, Hillview High School on July 21 and the Lyttelton post office on January 2 this year appeared in court yesterday.

Bail was set at R3 500 each for Dries Kriel, Dirk Hattingh, A C Odendaal and Petrus Jacobus Judeel in the Pretoria Regional Court.

Conditions of bail include Mr Odendaal surrendering his passport and that all four of the accused report daily to police stations.

They may not leave the magisterial districts of Pretoria or Brits.

B Bisschoff, who is appearing for the men, said all four had made statements before a magistrate and that they had been "intimidated into making these".

He said Mr Judeel and Mr Hattingh had claimed they were assaulted by the police.

Stompie lawyer pulls out

By CATHY STAGG

AN attorney representing the "coach" of the Mandela United Football Club, Jerry Richardson, has withdrawn from the case because of a lack of funds.

Attorney Kathleen Satchwell confirmed she was no longer representing Richardson, 43, who has been on death row since August 1990. He was convicted for his part in the murder and kidnapping of Stompie Seipei.

Miss Satchwell said she had withdrawn as Richardson's attorney last Thursday after approaching several organisations and being told there were no funds. ST Times 26/11/92

She said she had intended to use the funds to brief an advocate to argue Richardson's appeal. The state will now appoint a *pro deo* advocate.

Miss Satchwell expects a lack of funds will also affect the representation of Xoliswa Falati and John Morgan, each sentenced to six years' jail for their part in Stompie case.

Rightwinger forfeits bail in bomb trial

Sowetan 28/11/92 331

ONE of the rightwingers allegedly responsible for the Bloed Street bomb, Dr Lood van Schalkwyk, has provisionally forfeited his R5 000 bail after failing to appear in the Pretoria Supreme Court yesterday.

Van Schalkwyk, along with two co-accused who were treated at the HF Verwoerd Hospital last year after they had embarked on a hunger strike, was to face criminal prosecution.

His co-accused, Mr Adrian Hendrickus Maritz (43) and Mr Henry Guy Martin (49) - believed to have fled to London - estreated bail in October last year.

Mr Justice Roos yesterday provisionally withdrew Van Schalkwyk's bail following a request by Mr Paul Fick for the State.

If Van Schalkwyk fails to report within 14 days, his bail and R5 000 bail money will summarily be forfeited.

The criminal proceedings against the men stem from the Bloed Street, Pretoria blast, and from a parcel bomb explosion in Durban last year in which a computer consultant was killed.

Bloed Street bomb suspect not in court

STAR 28/1/92

Pretoria Correspondent

One of the rightwingers allegedly responsible for the Bloed Street bomb, Dr Lood van Schalkwyk, has provisionally forfeited his R5 000 bail after failing to appear in the Pretoria Supreme Court yesterday.

Dr van Schalkwyk, along with two co-accused who last year embarked on a hunger strike, faced prosecution over the August 1990 bombing.

His co-accused, Adrian Hendrickus Maritz (43) and Henry Guy Martin (49), forfeited bail in October, and warrants were issued for their arrest.

Mr Justice Roos yesterday provisionally withdrew Dr van Schalkwyk's bail following a request by prosecutor Paul Fick.

Dr van Schalkwyk, who was granted permission to visit relatives in the Carolina area subject to reporting to the police there, failed to adhere to this bail condition on January 22.

Rightwingers in court

Sowetan 29/1/92

SA Press Association

AFRIKANER Weerstandsbeweging leader Mr Eugene Terre'Blanche and nine other rightwingers were released on bail of between R50 and 100 after a brief appearance in the Ventersdorp Magistrate's Court yesterday.

The 10 were arrested in a pre-dawn swoop on charges of public violence allegedly stemming from riotous incidents which marred President FW de Klerk's address at a public meeting in Ventersdorp last year.

Charges

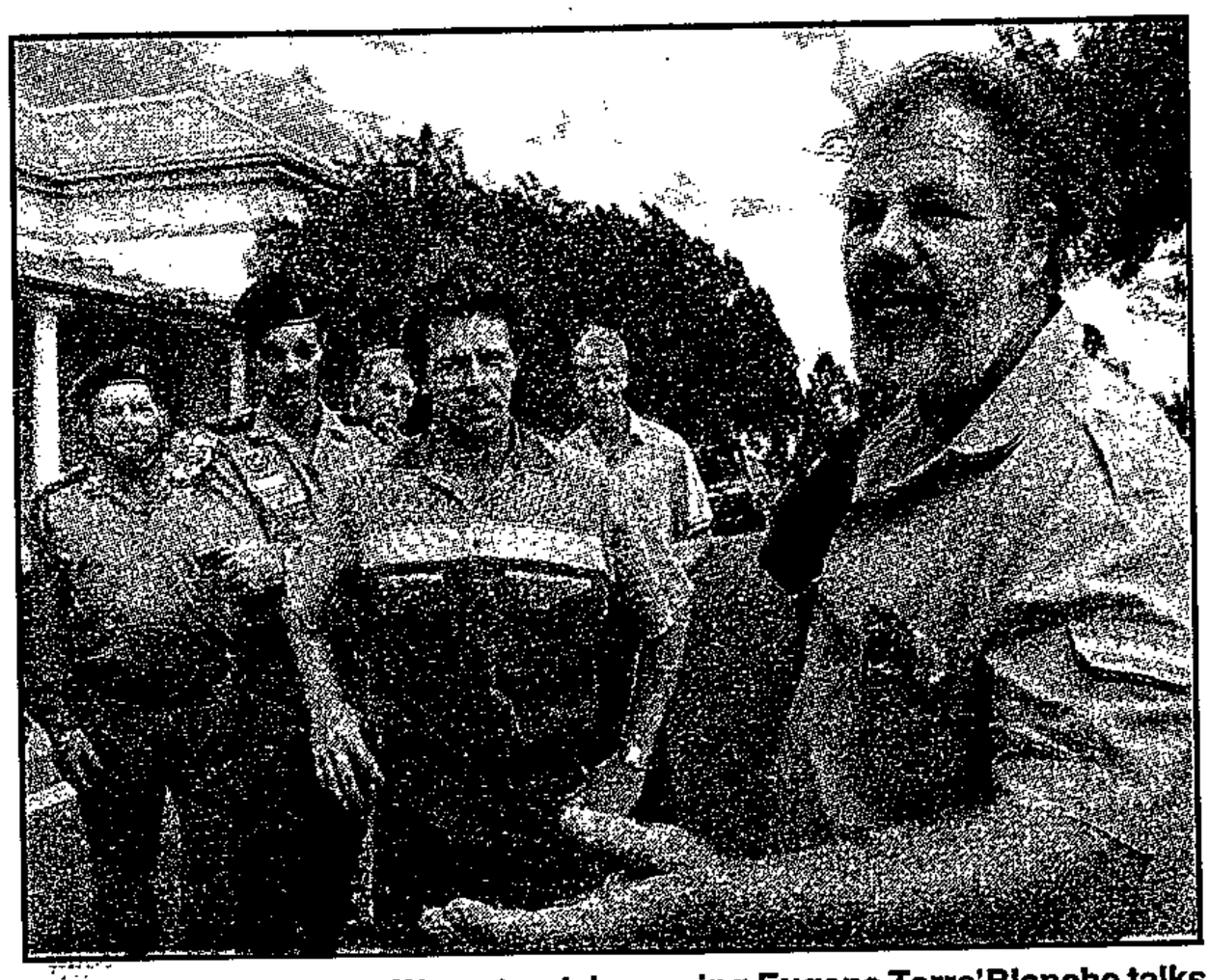
No formal charges were put to the men when they appeared before Mr Frik van Tonder. The case was postponed to March 9.

The men were released on R100 bail each, except for Mr Piet "Skiet" Rudolph who was granted R50 bail after he had pleaded poverty.

After his court appearance, Terre'Blanche said the pre-dawn arrests demonstrated the State's insincerity in trying to get public political figures to participate in the Convention for a Democratic South Africa.

Rudolph said this was what one should expect in "a police state."

The magistrate said the court did not know at this stage how serious the charges would be.



Leader of the Afrikaner Weerstandsbeweging Eugene Terre'Blanche talks to the Press outside the Ventersdorp Magistrate's Court yesterday after being granted bail yesterday.

Rightwingers in court

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Leader of the Afrikaner Weerstandsbeweging Eugene Terre'Blanche talks to the Press outside the Ventersdorp Magistrate's Court yesterday after being granted bail yesterday.

EC lifts SA ban

Sowetan 29/1/92

BRUSSELS - European Community member states have lifted their last economic sanctions against South Africa on imports of gold coins and iron and steel products.

Community Ministers formally approved the ending of sanctions without debate on Monday after Denmark stopped blocking the decision first taken in April last year.

The sanctions were imposed in 1986 in protest against apartheid.

The EC wanted to lift them in recognition of President FW de Klerk's moves to scrap apartheid laws, but opposition parties with a majority in the Danish parliament objected that reforms had not gone far enough.

Copenhagen lifted its veto earlier this month.

United Nations sanctions on crude oil exports and arms trade with Pretoria remain in force. - *Sapa-Reuter.*

ILO to I

A THREE-MAN fact-find sion from the Internationa Organisation will arrive Africa next week to inve complaint by Cosatu against the Government i

The ILO's Fact Finding ciliation Commission, wh be in the country from Febr 23, will also "deliberate" labour-related matters.

The term of reference w ened after the Governmer to this.

Eugene Terre'Blanche and supporters outside the Ventersdorp court yesterday. Picture: AP

Right-wingers released on bail in Ventersdorp

B/Day 29/1/92

VENTERSDORP — AWB leader Eugene Terre'Blanche and nine other right-wingers were released on bail of between R50 and R100 from the Ventersdorp Magistrate's Court yesterday.

The 10 appeared briefly after they were arrested on public violence charges in pre-dawn police swoops throughout the western Transvaal and Pretoria, Sapa reports.

No charges were put to the men by State prosecutor Chris Nel.

Magistrate Frik van Tonder released the right-wingers on R100 bail each, except for Piet "Skiet" Rudolph who was granted R50 bail after he pleaded poverty and requested that his bail be lowered.

The eight other men are: Cornelius de Beer, 46, from Krugersdorp; Leon van der Merwe, 34, of Ventersdorp; Andre Smit, 33, of Welkom; Piet van Rooyen, 36, from Koster; Stephanus Terre'Blanche, 36, of Theunissen (said by police to be Terre'Blanche's nephew); Petrus Hamman, 44, of Lichtenburg; Piet Barnard, 47, from Potchefstroom; and Andries Terre'Blanche, 47, the AWB leader's brother.

After his court appearance the AWB leader said the arrests demonstrated the state's insincerity in trying to get public political figures to participate in Codesa.

He said all the men would have been prepared to report to court, or the police could have called on them at their offices, and that pre-dawn arrests had been uncalled for.

Rudolph said after his appearance: "This is what one should expect in a police state."

The arrests stemmed from the violence in Ventersdorp last year when President F W de Klerk addressed a public meeting.

The case was postponed to March 9.

Our political staff reports from Cape Town that the CP hit out at the arrests, but De Klerk said there was "no political bias in the application of the law".

CP law and order spokesman Moolman Mentz said the decision to arrest "one of best known people in the country during the midnight hours" was "inexplicable" and "humiliating".

He said the arrest was in connection with an incident that had taken place six months ago. An ordinary warning to appear in court would "without doubt" have been sufficient, said Mentz.

The CP had no objection to the law taking its course, but the manner of Terre'Blanche's arrest gave rise to indignation.

De Klerk said the arrests had come as "news to me". They had not been discussed with him by the National Security Council or the Law and Order Minister.

"It was not a political arrest," he said, adding that government would continue to apply the law in a "legal manner".

Woman 'unaware of fraud trust'

SUSAN RUSSELL

A 74-year-old woman told the Rand Supreme Court yesterday she had had no idea that a trust described as the ultimate controlling body of the Inteiboard companies allegedly used by Ed Dutton to commit forex fraud involving R144m, had been formed in her name.

Mary Gibbs was the first State witness at Dutton's trial on 14 counts of fraud. He has pleaded not guilty on all counts.

Her former son-in-law, Nick Thomas, had told her he had been asked to form a trust and needed three signatures. She signed without having read the document.

She said she had never heard of any of the people named as beneficiaries of the trust, nor had she known of any companies which would be formed by the trust. "I

Policeman suspected of massacre

Own Correspondent

MARITZBURG — A police captain who led the initial investigation into the massacre of 11 people at a funeral vigil at Trust Feeds in Natal on December 3 1988 yesterday told the Maritzburg Supreme Court that he had suspected early on that another police officer had been involved in the killings.

Capt Patrick Wattrus was testifying before Mr Justice Wilson and two assessors at the trial of New Hanover station commander Capt Brian Mitchell and six other policemen and former special policemen.

Wattrus said he had handed over the investigation to Brig Christo Marx on December 14 1988 as he regarded the case as extremely serious and felt senior police officers should take over. He strongly suspected that Mitchell might have been involved.

Wattrus said he was not aware of any cover up in the investigation. He said he had headed a special investigation unit established to investigate unrest in the area at the time.

Const Dirk Odendaal, formerly of New Hanover, told the court he had found a black spent shotgun cartridge in a police bakkie on December 13 1988, and had handed it over to Wattrus.

The hearing continues today.

Gwala 's personal guard granted R2 000 bail

(331)

Sowetan 29/11/92.

TWO high-ranking members of the ANC in the Natal Midlands made a brief appearance in the Richmond Magistrate's Court on Monday.

ANC regional secretary Mr Sifiso Nkabinde and Mr Mondli Zuma, a personal security guard of Natal midlands ANC chairman Mr Harry Gwala, are charged with the illegal possession of a firearm in an unrest area. Zuma has been granted bail of R2 000 and Nkabinde was released on warning. The case was postponed to January 29. - *Sapa*

Winnie, 15 others in the clear

Sowetan 30/11/92 (331)

CHARGES against Mrs Winnie Mandela and 15 others of obstructing traffic and hindering police in their work were withdrawn in the Johannesburg Magistrate's Court yesterday.

The 16 were arrested during an ANC Women's League demonstration in central Johannesburg on May 22 last year.

Mandela and two co-accused, Mrs Baleka Kgositsile (41) and Mrs Lindiwe Maseko (32), each paid a R50 admission-of-guilt fine for a charge of obstructing traffic during a second demonstration on the same afternoon.

The State dropped charges against Mandela, Kgositsile and Maseko, of hindering police after their afternoon arrest.

The Attorney-General's decision to withdraw charges followed submissions to the Minister of Justice by the defence and the State. - *Court Reporter*

Probe team's curbs lifted

By DAN DHLAMINI

THE bail condition that barred a Carletonville branch leader of the ANC and a member of the Independent Board of Inquiry into Informal Repression from coming within 500 m of the Carletonville Magistrate's Court and the police station has been relaxed.

Dan Ndzeku of the ANC and the IBIIR's Sally Sealy, who are facing a charge of intimidation, had been working closely with a police team led by Major General Ronnie van der Westhuizen which investigated atrocities allegedly committed by members of the Welverdiend-based police riot unit.

Ndzeku and Sealy's involvement in the investigation led to the suspension and subsequent arrest of 11 members of the riot unit.

Khutsong residents had alleged that detained youths had been tortured by members of the Welverdiend riot unit.

The State later charged that Sealy and Ndzeku intimidated constable Ephraim "Fente" Rampete on September 24 at the Carletonville Magistrate's Court.

Carletonville Regional Court Magistrate LP Vertue this week lifted the bail condition and postponed the case to March 11.

Top cops clam up in court

By S'BU MNGADI 331

A POLICE general and a major this week halted proceedings in the Trust Feed mass murder trial as they feared their evidence might incriminate themselves. Citizen 2/2/92

After giving evidence in the Maritzburg Supreme Court for two hours, Major Joseph van Zyl, who, with Pretoria-based Major-General Christo Marx, is a former investigating officer in the murders, refused to answer further "incriminating questions" without representation.

Captain Brian Mitchell, Captain Jacobus van den Heever, Sergeant Neville Rose and four former special constables face 11 counts of murder and eight of attempted murder in the trial.

Natal Attorney-General Mike Imber told Justice Wilson the Commissioner of Police had instructed that a senior counsel should represent police witnesses.

Marx was also called to the witness box and confirmed he had been advised to seek legal advice.

Granting the request, Wilson said it was the first time in his experience that senior police officers were not prepared to testify for the State without legal representation.

Van Zyl earlier admitted that he had not spoken to civilians at the scene of the crime, had not watched the police video, and had not read the investigation diary written by his predecessor, Captain Patric Wattrus.

The hearing resumes tomorrow.

Goldstone probe seeks wider scope

(331)

STAR 3/2/92

By Esther Waugh
Political Reporter

CAPE TOWN — The Goldstone Commission into Political Violence and Intimidation cannot investigate certain urgent issues because its terms of reference are to narrow, it was revealed on Friday.

In its first interim report, tabled in Parliament, the commission recommended amendments to the Prevention of Public Violence and Intimidation Act which requires committees, appointed by the commission, to have at least three members, one of whom must be one of the five commission members.

"All the members of the commission are at present serving on committees and consequently the commission at this stage is unable to inquire into several situations of violence which require its urgent attention," Mr Justice Goldstone said.

The commission recommended that the requirement that a minimum of three people be appointed to committees and that a member of the commission should serve on every committee be removed.

Mr Justice Goldstone said it was too early to draw conclusions from information which had come to the attention of the commission. There was, however, no doubt that the existence of the commission served an important purpose.

"The fact that there is an independent body which can receive and ask for information in an area which has hitherto been one of secrecy, in which rumours have abounded, is itself encouraging," he said.

Since it was established in October, the commission had appointed four committees:

● A committee into violence in Tokoza was established in October. The hearings were still in progress and the commission said it would be premature to comment on them at this stage.

● A second committee was established in November to inquire into the violence and murders at the President Steyn gold mine in Welkom. The hearings had not been concluded.

● A committee was also set up to look into aspects of "mass action". On January 13 it heard evidence in Mooi River on violence and killings in the area in December. An interim report on urgent aspects of the Mooi River situation would be submitted to the commission today.

● A fourth committee was set up last month to probe violence related to public transport.

The commission heard evidence in December on an alleged conspiracy involving two policemen in the abduction and murder of the chairman of the civic association in Schweizer-Reneke. It decided there was prima facie evidence implicating the policemen.

Azapo and the PAC had been invited to discuss the commission's concern about the organisations' attitudes to violence relating to the Paul Simon tour and murder of policemen.

The commission would begin hearing evidence tomorrow on allegations that the SADF instigated township violence.

Policemen on trial over Sebokeng deaths

STAR

Vereeniging Bureau 4/2/92

The nine policemen charged with murder in connection with the Sebokeng shootings on March 26 1990 are to stand trial in the Vereeniging Circuit Court from June 1 to 19.

The charges against the policemen, all from the Vaal Triangle and Krugersdorp areas, followed a report by the Goldstone Commission of Inquiry appointed to investigate the shootings.

The policemen are: Lance-Sergeant Sean van Rhyn (26), Constable Willem Joseph John van der Walt (22), former Constable Gideon Johannes Joubert (22), Detective-Sergeant James van der Mescht (21), Assistant Constable Samuel Lesikara (28), Assistant Constable Oujan Mohoboko (22), Assistant Constable Peter Khumalo (31), Assistant Constable Immanuel Ratomo (26) and Assistant Constable Samuel Cekiso (29).

All are facing six counts of murder, one of attempted murder and an alternative charge relating to the negligent use of a firearm. None of them has pleaded to the charges yet.

The shootings were sparked after a 50 000-strong UDF gathering, which intended marching to Vereeniging on March 26 two years ago, was halted by police.

Piet 'Skiet' denies charge

STAR 5/2/92

By Gien Elsas
West Rand Bureau

331

"My actions were clearly aimed at the State and not against the court," Piet "Skiet" Rudolph (53) stated when he appeared in the Krugersdorp Magistrate's Court yesterday on a charge of contempt of court.

The charge follows an earlier appearance for a traffic violation when Mr Rudolph refused to appear in front of a coloured magistrate and be prosecuted by a black prosecuter last year.

He was eventually acquitted on the charge of exceeding the speed limit when he appeared at a "white" court.

Mr Rudolph was charged with contempt for "illegally and purposefully eroding the dignity, esteem and authority" of magistrate Joseph Jason, who had presided in that court, by demanding that Mr Jason recuse himself from the case because, Mr Rudolph claimed, he was an alien to South Africa.

He said his actions were a form of criticism against the political authorities and their policy and this could not be classified as contempt. He said that a large element of doubt had to exist at the court if his actions had, indeed, been contemptuous and against the law.

At no time had he doubted the professional ability of Mr Jason as a magistrate. Nor had he doubted the ability of the prosecutor. He had merely refused to stand in front of them as he could not be tried by "aliens".

News of arrests shocked police captain

MARITZBURG — Trust Feed trial accused Capt Jacobus van den Heever was visibly shocked when told two special constables sought for the 1988 murders had been arrested last August, the Supreme Court was told yesterday.

Investigating officer Capt Frank Dutton also gave evidence that Van den Heever, who was the officer in charge of special constables, had tried to prevent him seeing personal files of the six special constables concerned at Riot Unit 8 in Maritzburg.

Own Correspondent

At that point he had no reason to suspect Van den Heever, he said.

Dutton, who took over the investigation last July, said when he told Van den Heever he had arrested former special constables Khambule and Ndwalane on August 2 "he went white and all expression fell from his face.

"He said: 'Jy jok. Dit kannie wees nie' (You lie. That cannot be)," Dutton testified.

The hearing continues today.

Probe told of Black Cats' terror reign

STAR 7/2/92

331

Own Correspondent

CAPE TOWN — A member of the "Black Cats" — an Inkatha vigilante group — told the Goldstone Commission on Public Violence yesterday of a reign of terror unleashed on the black township of Wesselton, near Ermelo.

The youth, who may not be identified, said one attack was carried out on a lawyer's office at the suggestion of a policeman stationed in Ermelo.

Another man, known as Sugar, who claimed to be a KwaZulu policeman, had trained and supplied the group with arms and taken part in attacks on ANC supporters.

Feared

The youth said in his evidence-in-chief, which was read into the record by J J du Toit, an advocate for the commission, that a policeman, one Van Zweel, suggested they burn the office of lawyer Steve Ngwenya.

Questioned by Mr Du Toit, he said he longer took part in the Black Cats' activities.

Asked why he did not go to the police, he said: "In fact, I feared if I made any report to the police, before the end of the day people in the community would know I had been there. Police would simply inform the Black Cats."

The youth, who arrived at the hearing in the NGK Synod Hall wearing a balaclava, said the Black Cats started as an anti-crime "campaign" in Wesselton in 1990.

Some Black Cats began robbing people they were searching and leaders of the Wesselton Action Committee called on them to stop their activities.

In the middle of 1990 members sought refuge in the Ermelo offices of the Inkatha-aligned trade union, Uwusa.

"An Uwusa official, Isaac Hlatshwayo, promised Black Cats leader Chris Ngwenya that we would be given help in our fight against Civic supporters if we joined Inkatha."

Mr Hlatshwayo also arranged for a group of Inkatha men to come from Ulundi to "attend and protect" the funeral of a Black Cat held on the same day as that of an ANC member.

"The ANC was shot at by the Ulundi men, including Nhlanhla, Cyril, Chief Nthungwa and Themba Zulu."

Two people were killed. One, Jabu Sibanyoni, was shot at close range by Nhlanhla.

Thirty-two Black Cats were taken by Inkatha to Zululand for training in August 1990. They stayed at Ulundi for a while before moving to Mkuze training camp which was run by Daluxulo Luthuli, Jay Mtetwa and Peter Msane.

Inkatha officially launched itself in Wesselton in February last year — soon after the group returned to the township.

The Black Cats, who had since become Inkatha members, continued fighting "the comrades" in Ermelo.

"We used pangas, knives and homemade guns as well as various firearms brought in by the man known as Sugar. Sugar carried an SAP card and a KwaZulu police card."

He said Sugar trained Black Cats members to use automatic firearms.

"Sugar and other Black Cats carried out attacks on civic leaders and comrades, often with guns . . ."

He said the Black Cats got the upper hand in Wesselton, where they forcibly evicted people from hostels and replaced them with Inkatha supporters. They also assaulted and tore clothing off people wearing ANC emblems.

Questioned by David Soggot, representing the ANC, Cosatu and the SACP, he said he knew that Sugar was a KwaZulu policeman.

"But he carried a SAP identity card. He used to tell us he was a KwaZulu policeman operating in Natal. But we did not believe this because he had two IDs."

Commission told list of elite recruits 'missing'

BDay 7/2/92

CAPE TOWN — The list of about 200 recruits chosen for highly specialised training in Caprivi — considered vital for the security of the KwaZulu government — had gone missing, KwaZulu deputy police commissioner Brig Sipho Mathe told the Goldstone Commission yesterday.

And in a day of high drama "Mr A", an unidentified member of the Black Cats — a gang allegedly involved in anti-ANC violence in Wesselton, Ermelo — entered the commission room in a balaclava to give evidence. He spoke of living under threat of death if his identity became known.

Mathe disclosed that no individual files were opened for the recruits and no records had been kept of activities engaged in from 1986 to 1989 by those members of the group who were not initially absorbed into the KwaZulu police force.

Mathe said he was in the process of compiling a list of recruits and undertook to provide it and trainees' current positions by Tuesday.

A joint memorandum submitted to the commission by the Weekly Mail, ANC, SACP, Cosatu, Media Defence Trust and Laywers for Human Rights alleges that the group of 200 took part in hit squad activities, fomenting violence and murdering people in the townships around Maritzburg.

LINDA ENSOR

Legal representive for these organisations, David Soggot SC, suggested it was "inconceivable" that the list of names of a specially selected unit vital for KWaZulu security was unfiled and that individual files on each recruit were not opened.

Mathe said the need for training arose due to the "dramatic intensification of ANC revolutionary activity" in 1985.

It was decided to send a group of about 200 "loyal young Zulus" (mostly Inkatha members) for training in VIP protection services. The KwaZulu police did not have sufficient funds to provide this training but Buthelezi's personal assistant M Z Khumalo said he would arrange sponsorship by a private company for them to be trained at a Caprivi camp.

Guerrilla

Mathe said Khumalo kept the details secret but he learnt subsequently that SADF Military Intelligence had provided the funds and training, presumably because "they were sympathising with us". He had made a "slip" in his affidavit when he said a Namibian security company had trained the recruits.

Mathe said he would be surprised to learn that the recruits were trained in demolition and urban guerrilla warfare. As far as he knew they were taught skills in VIP protection.

After being trained some were immediately used as bodyguards, others turned out to be "rotten potatoes" and were dismissed and the majority were kept at a camp in Mkhuze until they could be trained for absorption into the KwaZulu police force.

Mathe emphatically denied they were kept at the camp for training as "hit squads", saying their main activity was to defuse school boycotts.

Soggot pointed to an anomaly that while there was a desperate need for specially trained bodyguards to ward off a revolutionary threat, it took about four years for the trainees to be absorbed into the police force. During this time they did almost nothing while receiving salaries of R900 a month paid in cash provided by Military Intelligence.

The Black Cats witness said 32 members of the gang had been trained at Mkhuze by Inkatha and thereafter launched attacks on the Comrades, eventually gaining the upper hand in Wesselton. They were still led by Ermelo's Inkatha Youth brigade chairman Chris Ngwenya.

Mr A alleged the office of a local laywer Steve Ngwenya was set alight at the suggestion of Eremelo SAP member Van Zweel. He said he did not report the Black Cats to the police as they would inform the gang.

ENTEK INVESTMENTS LIMITED

(Formerly: First National Tea & Coffee Factories Limited)
55/01133/06

NOTICE TO SHAREHOLDERS

Declaration of Dividend No 28

Notice is hereby given that the Board of Directors has declared a dividend of R1,15 (1991: R1,00) per ordinary share of R2 for the current financial year, payable to holders of ordinary shares registered as such in the books of the Company on 21 February 1992.

The dividend has been declared out of the profits of the current financial year

Sabotage of investigation suspected, policeman says

BDay 7/2/92 (331)

Own Correspondent

MARITZBURG — The investigating officer into the 1988 Trust Feed murders, Capt Frank Dutton, admitted under cross-examination in the Maritzburg Supreme Court yesterday that he had considered the possibility that senior police officers from Pretoria may have tried to sabotage the renewed investigation last year.

Replying to a question by defence counsel Robin Palmer concerning friction in the investigation, Dutton said the involvement of Gen van der Westhuizen and Col Langenhoven from the special investigation unit in Pretoria had put him in a difficult position.

It seemed at times as if they were taking over the investigation, he said.

Asked if he suspected they were trying to sabotage the investigation, he said he had considered it.

It also emerged from Dutton's evidence yesterday that the special constables implicated in the killings who joined the KwaZulu Police after the incident were given security clearance by security police in Maritzburg in April 1989. Warrants of arrest were issued for two of the special constables on January 6 that year.

The court was also told that it had been said at a meeting attended by Dutton and the former investigating officer, Major Joseph van Zyl, with General van der Westhuizen in Pretoria, that the case against Capt Brian Mitchell and the special constables was based on circumstantial evidence. Dutton was asked to ensure that one counsel was appointed for all the accused so there were no conflicting versions.

News of arrests shocked police captain

MARITZBURG — Trust Feed trial accused Capt Jacobus van den Heever was visibly shocked when told two special constables sought for the 1988 murders had been arrested last August, the Supreme Court was told yesterday.

Investigating officer Capt Frank Dutton also gave evidence that Van den Heever, who was the officer

Own Correspondent

in charge of special constables, had tried to prevent him seeing personal files of the six special constables concerned at Riot Unit 8 in Maritzburg.

At that point he had no reason to suspect Van den Heever, he said.

Dutton, who took over the investigation last July, said when he told Van den Heever he had arrested former special constables Khambule and Ndwalane on August 2 "he went white and all expression fell from his face.

"He said: 'Jy jok. Dit kannie wees nie' (You lie. That cannot be)," Dutton testified.

The hearing continues today.

Fighter home from asylum

By THEMBA KHUMALO

MONTY Motloung, one of the first three ANC guerrillas to be infiltrated into the country soon after 1976, has been released from a mental asylum.

He was arrested in 1977 after the Goch Street shooting, in which two white men were killed in a warehouse on the western fringes of Johannesburg's city centre.

Motloung was part of the squad led by Solomon Mahlangu, one of the best known ANC guerrillas, who was sentenced to death as a result of the shootings and hanged in 1979.

Motloung has been reunited with his mother, Martha Masilela, and the rest of the family, 16 years after the Goch Street incident in Fordsburg.

He was declared a State President's discretion patient in 1977 and could not stand trial with Mahlangu.

The third guerrilla in the group disappeared on the day of the shootings and has not been seen since. His identity is unknown to this day.

Motloung was released in December last year and spent Christmas with his family for the first time since 1977.

Masilela said that after his arrest she was allowed to see her son in hospital, where he was admitted to a psychiatric ward.

"I asked for an explanation for his state of mind but no one knew what happened, including the police. They only told me that they arrested him with guns, that's all. When he left he was normal and he wanted to study motor engineering."

The Monty now back with his family is a different man.

"When he was released he had lost weight and he was moody. Up to now he keeps to himself and says virtually nothing to us. We often have to ask him if he is hungry and he responds by either shaking his head or nodding," Masilela said.

When City Press spoke to his mother, Motloung sat motionless, staring outside.

"It's a legacy of long spells of solitary confinement," said Aitken Ramudzuli, publicity and office administrator of the Association of Ex-Political Prisoners (AEPP).

Ramudzuli said he spoke to Motloung for two hours after his release. His impression of him afterwards was that life came to a standstill an hour before he and Mahlangu were arrested.

"As far as Motloung is concerned Mahlangu is still alive. He hasn't passed the trauma of his arrest and his experience in detention. His memory wanders back to 1977," Ramudzuli said.

Motloung's behaviour has forced AEPP to ask social workers at Wits Trauma Clinic to treat him. But Motloung has flatly refused to co-operate with the social workers by refusing to attend counselling sessions at the clinic. However, the social workers have agreed to treat him at home, said Ramudzuli.

He said: "We are doing our best to help our comrade to recover. We've donated R7 768 to his family to meet his basic needs.

"The ANC branch in Duduza plans to start a trust fund for him. We appeal to anyone sympathetic to Motloung's plight to contribute generously to his trust fund."

Masilela said since his release there was a slight improvement in her son's condition.

AT LAST ... Monty Motloung at home in the care of his mother. Now she hopes he will recover fully. ■ Pic: SIPHIWE MHLAMBI

9/2/92 Cmarks

331

as FLIP and BOOTV-1, attack files, the partition table of the hard disc or boot sectors of diskettes.

"We have heard rumours of these viruses appearing

ware company Lionsoft.

SA's isolation had previously protected local systems to a large degree but increasing communication with the outside world

the world, but there was also suspicion that they were a new form of industrial espionage by companies eager to disrupt competitors.

KwaZulu link in Trust Feeds trial

331

DURBAN — Special constables including some of the accused were brought to the home of KwaZulu Chief Calalakubo Khawula at Hibberdene in an official KwaZulu government vehicle shortly before their arrests last year, the Trust Feeds murder trial yesterday heard.

Khawula, who is an assistant chief whip in the KwaZulu government, testified that when police arrived at his home on July 31 last year, he was under the impression that all the special constables concerned had left, but he invited police to search the premises. One of the accused, Dumisani Ndwalane, was arrested in a building at the back of the property.

Khawula said four men had been brought to his home by one of the official drivers at Ulundi, a Mr Cele, who asked him to provide accommodation for them.

They travelled in an official vehicle. He could not remember all the names but two accused — Ndwalane and David Khambule — were among them, he said.

Chief Khawula said he had not been

Own Correspondent

aware that warrants of arrest had been issued for Ndwalane and Khambule.

In his testimony earlier in the trial investigating officer Capt Frank Dutton said Khambule and Ndwalane had alleged that prior to their arrest they were warned by one Cele and Const Malinga of KwaZulu to go into hiding as the Trust Feeds investigation had been reopened. It was alleged they acted on instructions from a Col Mzimela.

The station commander of the KwaZulu Police at Mpumulanga, Lt M H Mbele, also testified yesterday that all four special policemen, who joined the KwaZulu Police and are now implicated in the Trust Feeds murders, were stationed at Mpumulanga from July 1989.

No one from the SAP had ever told him they were looking for any of the special constables, Lt Mbele said. Had they done so he would have assisted the SAP to find them.

Inkatha witness 'should face rap'

c/pren 16/2/92 331

By FRED KHUMALO

AN Inkatha leader who was a high-profile witness in the Trust Feed mass murder trial should have been charged for his role in circumstances leading to the massacre.

This was the opinion of Warrant Officer Wilson Magadla, testifying this week in the packed Maritzburg Supreme Court. He was referring to Jerome Gabela, an Inkatha chairman in the Trust Feed area.

Seven policemen – including three white senior officers – are in the dock facing 11 murder charges and eight charges of attempted murder.

Warrant Officer Magadla, a member of the SAP's crack Special Investigations Unit – which arrested the policemen for the murders that took place on the morning of December 3, 1988, in Trust Feed,

He said of Gabela: "I was for him being charged. He was of no use to us as a witness ... he was evasive."

The court has heard that at the height of political violence in Natal, Gabela sought help from the police in order to purge Trust Feed of UDF supporters.

When New Hanover station commander, Captain Brian Mitchell, then lieutenant, relented to Gabela's demand and brought six special constables to Trust Feed, they were harboured by Gabela and another Inkatha member, Ngqafithi Ndlovu.

On the morning after the massacre, Gabela discovered to his shock that Inkatha members had been killed during the attack in which 11 people were murdered and eight seriously injured. An 18-month-old baby was also injured.

Gabela told the court that he had gone to Mitchell to ask how it had come about that "our people" had been killed, and not UDF supporters.

The lieutenant, Gabela said, told him that a mistake had happened; and that he should keep quiet about it.

When an investigation into the massacre started a few days later, Gabela indicated to the police that he suspected the attack was the work of the UDF.

The matter was adjourned until tomorrow, when the State will close its case.

ANC gave me gun for protection – Marcus

STAR 19/2/92

331

By Anna Louw and Julienne du Toit

ANC spokesman Gill Marcus who was convicted of illegal possession of a Makarov pistol and ammunition in the Vosloorus Regional Court on Monday, said in a statement to the court that she was given the Russian-made firearm by the ANC after receiving death threats.

Marcus pleaded guilty to two charges before Mr Jan Jonck.

She was fined R1 000 or 250 days' jail for possession of an unlicensed firearm and a further R500 or 125 days for being in possession of the ammunition.

In a statement handed to the court by her legal representative, Marcus said she received death threats after the distribution of pamphlets which said that she was a member of Inkatha.

The firearm was found in the possession of an occupant of a car which was stopped by police in Katlehong on December 17.

After being questioned the man said the gun belonged to Marcus.

● Marcus told The Star the police had victimised her by putting her in the limelight of a threatening issue. The issuing of her licence had taken 11 months, whereas it usually took three to four weeks.

Because she felt so threatened, she had obtained the Makarov pistol for her own protection, but only after speaking to officials in high positions about the delay in the issuing of the gun licence.

She said she spoke to the Minister of Law and Order and to the Divisional Commissioner of police for the Witwatersrand, Major-General Gerrit Erasmus, but no licence was forthcoming.

It was granted only in November, a month after she had obtained the Makarov pistol.

Marcus said police wrongly said she had lent the pistol to another man. It had been in her car, and police had questioned her driver when they searched the car.

Another aspect of the police's victimisation of her was that they had issued a statement to all newspapers on the court case, she said.

"Have the police become court reporters? There is no independent judiciary in the country. This shows police have a vested interest here."

Witwatersrand police spokesman Captain Eugene Opperman, through whom the statement was issued, said they supplied the information after being approached on the matter by a newspaper he would not name.

Inkatha members will be called on to argue their case at today's meeting, after present because worker rights under a new constitution would be discussed, he said.

will be used by the Friends of the Johannesburg Art Gallery to improve the gallery facilities. Picture: BRIAN HENDLER

Commission told of incitement to war

LINDA ENSOR

CAPE TOWN — The SAP, Inkatha and municipal officials in Ermelo played a key role in inciting war between the alleged Black Cat hit squad and a civic association in Ermelo's Wesselton township, the Goldstone commission heard on Friday.

The allegations were made by two alleged Black Cat members, identified as Mr A and Mr B, in evidence before a committee of the commission chaired by Mr Justice Richard Goldstone. The committee is investigating allegations that the SADF funded front organisations to instigated violence in black townships.

Mr B said Black Cat members had been housed at municipal offices in Ermelo where a municipal sports organiser, Noah Mghobokazi, incited them to attack the houses of civic members and supplied them with a 9mm pistol, pangas and knives.

"The Black Cats then attacked members of the civic, assaulting them, injuring many people and stoning their houses," Mr B said.

He said Mghobokazi also provided the gang with three hand grenades and a limpet mine. After this, a truck owned by a civic member and a business owned by an ANC supporter were bombed.

Mr B alleged that there was close collaboration between three members of the Ermelo SAP — one whom he identified as Det WO James van Zweel and one as Botha — and Chris Ngwenya, identified as the leader of the Black Cat gang and the Inkatha Youth Brigade chairman in Ermelo.

He said that in August 1990 eight Inkatha men came from Ulundi on the day of a funeral of a civic member. He saw two of them shooting at the crowd of mourners, some of whom were killed and many were injured. The Inkatha men also allegedly attacked houses with hand grenades. Afterwards the SADF arrested members of the Black Cats and Inkatha but they were later released.

Previously Mr A testified that the Black Cats were taken by Inkatha to a camp at Mkhuze for training.

Detective Warrant Officer James von Zweel, testifying before the commission, denied allegations that he had incited the Black Cats to set alight the offices of local lawyer, Steve Ngwenya.

Police Act clause goes

Political Staff

CAPE TOWN — Section 27(b) of the Police Act, which restricted reporting on police activities, was effectively scrapped on Friday when the Police Amendment Act Bill was passed at a joint sitting.

Opposing the Bill, Cehill Pienaar (CP Heilbron) said his party could not support the Bill as it contained proof of government's desire to please the ANC.

Jannie Momberg (DP Simon's Town) said Parliament owed those who had been prosecuted under the clause an apology.

PAC leader refuses to discuss Apla

By Thabo Leshilo
Political Staff

STAR 18/2/92

The Pan Africanist Congress is bracing itself for a showdown with the Goldstone Commission after PAC president Clarence Makwetu's refusal to appear and give an account for the activities of the Azanian People's Liberation Army (Apla).

The main reason for Mr Makwetu's refusal is that he says he is not responsible for the activities of Apla — the PAC's armed wing.

Addressing a press conference yesterday, PAC secretary general Benny Alexander said the organisation's National Working Committee had told Mr Justice Goldstone that it did not know of "specific acts" carried out by Apla and had referred the commission to Apla headquarters in Dar es Salaam.

The PAC has persistently refused to condemn Apla for its actions, which include the recent killing of policemen.

In a letter delivered to Mr Makwetu last week, Mr Justice Goldstone said the PAC should declare its support or opposition to the Apla policy.

"This is a matter which concerns the PAC whether or not it has control over the policies of Apla," he said.

Mr Justice Goldstone said the commission was an independent body, not a creation of Codesa as alleged by the PAC.

Mr Makwetu was also requested to discuss a report in which the PAC president is alleged to have said commissions probing violence were a "waste of time".

"The criminal can never investigate his own activities," Mr Makwetu allegedly said.

This, Mr Justice Goldsone said, was a serious reflection on the integrity of the commission.

He warned Mr Makwetu to reply within 14 days to his invitation or be subpoenaed.

If he fails to appear before the commission, Mr Makwetu could be charged with contempt of court and either spend a year in jail or be fined R4 000.

Mr Alexander said that Mr Makwetu and the PAC were not afraid of prison and dared the commission to have them arrested.

Mr Alexander said other reasons for Mr Makwetu's refusal to appear were:

- The commission was appointed by an "illegitimate" regime.
- The activities of Apla did not constitute "public violence. and intimidation", but were part of a just struggle for democracy.

ANC's Marcus guilty

Sowetan 19/2/92

AFRICAN National Congress spokesman Gill Marcus was found guilty of illegal possession of a Makarov pistol and ammunition when she appeared in the Katlehong Magistrate's Court yesterday.

Marcus was fined R1 000 (or 250 days in jail) for being in possession of the Russian-made firearm and a further R500 for being in possession of the ammunition.

The case was related to an incident in Katlehong on December 17 last year when police stopped a vehicle and found a man in possession of the Makarov.

deteriorate in future, legal steps can still be taken.

(2) Messrs Thor Chemicals SA (Pty) Ltd.

Mercury-containing substances imported

*23. Mr R F HASWELL asked the Minister of Trade and Industry:

Whether a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply, imported any mercury-containing substances in 1991; if so, (a) under which import codes and (b) what is the name of the company in question?

B137E

The MINISTER OF TRADE AND INDUSTRY:

Although two import permits have been issued in favour of the company concerned, the Department of Trade and Industry cannot confirm whether the permits were utilised.

(a) Import code 2620.90

(b) Thor Chemicals (Pty) Ltd

New questions:

AK 47 rifles seized/surrendered

*1. Mr A J LEON asked the Minister of Law and Order:

(a) How many AK 47 rifles have been (i) seized in the course of police action and (ii) voluntarily surrendered to the South African Police for reward since 1 January 1990 and (b) in respect of what date is this information furnished?

B120E

The MINISTER OF LAW AND ORDER:

(a) (i) 1 075

(ii) 241

(b) 1 January 1991 until 24 January 1992.

Right-wing organizations: members guilty of acts of terrorism (331)

*2. Mr P H P GASTROW asked the Minister of Justice:

Whether any members of right-wing organizations were convicted of committing acts of terrorism during the period 1 January 1991 up to the latest specified date in 1992 for which figures are available; if so, (a) how many, (b) of which organizations did they claim to be members and (c) of which acts of terrorism were they convicted? (331)

B122-3E

The MINISTER OF JUSTICE:

No.

(a), (b) and (c) Fall away.

Working group on education

*3. Mr R M BURROWS asked the Minister of National Education:

(1) Whether he, any members of his Department and/or any other Ministers were involved in a working group on education which sat between March and July 1991; if so, (a) which persons were involved and (b) what were the dates of the meetings of the working group;

(2) whether the group devised a draft report on its activities; if not, why not; if so,

(3) whether any party, group or individual repudiated the report in any way after it had been drafted; if so, what are the relevant details;

(4) whether a final report was accepted?

B138E

The MINISTER OF NATIONAL EDUCATION:

(1) Yes.

(a) Persons involved:

Dr C J van der Merwe:	Minister of Education and Training
Adv L A Pienaar:	Minister of National Education and Environment Affairs
Mr P G Marais:	Deputy Minister of Education and Development Aid.
Dr J B Z Louw:	Director-General, Department of Education and Training
Dr J G Garbers:	Director-General, Department of National Education
Mr J Samuel:	Head, ANC Education Desk

continued

Prof N C Manganyi:	Vice-Chancellor, University of the North
Dr N J McGurk:	SA Association of Independent Schools
Mr S M Ramokgopa:	AZAPO
Mr I Rensburg:	General Secretary, National Education Co-ordinating Committee (NECC).

(b) 9 March 1991
28 March 1991
20 April 1991
17 and 18 May 1991
14 June 1991
17 July 1991

(2) Yes.

(3) No.

(4) No. The report was however accepted by the working group. The working group originated after a meeting between the State President and a delegation lead by Mr Mandela on 25 February 1991 regarding education matters. At a follow-up meeting on 19 August 1991 the contents of the report were noted.

Recognition of two teacher bodies

*4. Mr R M BURROWS asked the Minister of National Education:

(1) Whether he has recognised, for the purposes of negotiation in education, two teacher bodies, the names of which have been furnished to the Minister's Department for the purpose of his reply; if not, why not; if so, (a)(i) when and (ii) under what conditions were they so recognised and (b) what number of teachers does each represent;

(2) what are the names of these two bodies;

(3) whether he will make a statement on the matter?

B139E

The MINISTER OF NATIONAL EDUCATION:

(1) No, because the applications are still being considered.

(a) (i) Falls away.

(ii) Falls away.

(b) Final, verified membership numbers of the two bodies are not yet available.

(2) The names of the bodies are:

(i) South African Democratic Teachers' Union (SADTU); and

(ii) National Professional Teachers' Organisation of South Africa (NAPTOSA).

(3) No.

Financial institutions: deposit insurance

*5. Mr D H M GIBSON asked the Minister of Finance:

(1) Whether, in the light of the recent failure of certain financial institutions, the Government is considering (a) the introduction of deposit insurance for financial institutions in South Africa and (b) giving assistance to investors in a certain financial institution, the name of which has been furnished to the Minister's Department for the purpose of his reply; if so, (i) what conditions are being contemplated in regard to such insurance and (ii) what assistance to such investors is being contemplated; if not, why not, in each case;

(2) whether it is the intention to give such assistance in the future; if so, what assistance;

(3) what is the name of the financial institution referred to in paragraph (1) above?

B144E

The MINISTER OF FINANCE:

(1) (a) No; Not withstanding the cost burden which would be placed on the industry, deposit insurance would lead to an undermining of management efficiency and risk management in financial institutions;

(b) No; Investors voluntarily contracted with the institution concerned to invest their investments as agent and according to the agent's discretion. The Government or regulatory authorities cannot be held responsible for the business decisions of investors, given the fact that the aforementioned investors without coercion and by agreement granted a

continued

Marcus 'lacked interest in licence'

STAR 20/2/91

331

By Anna Louw
East Rand Bureau

Police yesterday said the delay in issuing ANC spokeman Gill Marcus with a firearm licence was not caused by police inefficiency but was "solely the result of her own apparent lack of interest".

The SAP's directorate of public relations in Pretoria reacted in a statement to Ms Marcus' accusation that the police had taken 11 months to process her firearm licence application.

She was convicted in the Vosloorus Regional Court on Monday for illegally possessing a Makarov pistol and ammunition.

Police said Ms Marcus attempted "to discredit police to excuse herself for being unlawfully in possession of an unlisensed firearm. The impression is created that police were responsible for her predicament."

Police said her licence application was received at John Vorster Square on May 24 last year.

An appointment was made with her and nine other members of the ANC to obtain information regarding certain omissions on their forms.

On June 28 two senior police officers went to the ANC's offices at Shell House and were informed that Ms Marcus was not in.

The application forms were left in the hands of the ANC chief of security with the request that the forms be completed by the applicants.

The application forms were received by police at John Vorster Square on August 6. Ms Marcus was finger-printed two days later and was granted a licence on October 31. She took possession of the licence three weeks later.

Ms Marcus obtained a firearm from the dealer on December 3, and on December 17 an unlicensed firearm was found on a man when a vehicle was searched at a road block at Kathehong.

In a statement which Ms Marcus's legal representative handed to the court, she said the Makarov pistol was given to her by the ANC after she had received death threats.

PAC threat to judge who heads violence commission

STAR 20/2/92

A man claiming to be a "field political commissar" of the Azanian People's Liberation Army (Apla), military wing of the Pan Africanist Congress, yesterday issued a warning to Mr Justice Goldstone that he would be held responsible for any action against PAC president Clarence Makwetu.

"Apla wishes to put it on record that Goldstone himself will personally be held responsible for bloodshed as a result of his provocative and irresponsible actions," the man, who called himself Tafara Rafara, said by telephone.

The warning came only a day after Mr Makwetu himself vowed he would rather go to jail than testify on reported attacks on police by Apla operatives before the Goldstone Commission of Inquiry into the Prevention of Public Violence and Intimidation.

The commission is headed by Mr Justice Goldstone.

The caller purporting to be Mr Rafara warned: "The commanders of Apla will in no way restrain forces on the ground from taking any action they deem fit in defence of president (Clarence) Makwetu and the PAC leadership."

There was no immediate comment from the Goldstone Commission or the PAC.

The PAC's secretary for foreign affairs, Patricia de Lille, said by telephone: "I can't help you on this issue. I can only refer you to PAC's external headquarters where you can contact Apla."

Police said that at this stage they were not in a position to comment on the warning against Mr Justice Goldstone.

Mr Rafara said Apla supported the PAC's position that "an illegitimate and illegal regime cannot set up a legitimate commission and issue legal orders to our leader".

Mr Rafara also warned government on possible action against Mr Makwetu.

"Apla wishes to warn the South African regime that any action taken by the Goldstone Commission against Comrade Makwetu will not be taken lying down by Apla forces and the people of Azania.

"We of Apla can assure the racist regime that any action of humiliation against Comrade Makwetu will be too costly in terms of human life as it is bound to trigger the uncontrollable anger of the oppressed and humiliated people of this land."

Mr Rafara said the only solution to violence lay with the oppressed demonstrating their ability to defend themselves.

He added that attacks on police were Apla's main campaign.

A police spokesman said attacks on their men would not be tolerated. — Sapa.

PAC raises a row over Goldstone commission

South 20/2 - 26/2/92

By Sabata Ngcai

A MAN claiming to be a "field political commissar" of the Azanian People's Liberation Army (APLA), military wing of the PAC, this week threatened Mr Justice Goldstone that he would be held responsible for any action against PAC president Mr Clarence Makwetu.

Makwetu refuses to testify before the Goldstone Commission of Inquiry into Public Violence, even if subpoened.

APLA has distanced itself from the threats, saying the man was unknown to them and it was not their policy to target civilians.

"APLA wishes to put it on record that Goldstone himself will personally be held responsible for any blood that will be shed as a result of his provocative and irresponsible actions," the man, identifying himself as Tafara Rafara, said.

"The commanders of APLA will in no way restrain the forces on the ground from taking any action they deem fit in defence of president Makwetu and the whole PAC leadership."

The commission has appealed to Makwetu to testify or be subpoenaed about alleged violent activities of the PAC's military wing.

It is alleged that APLA killed a number of policemen in the last few months.

In their statement dismissing the threats to Goldstone, APLA's chief of information, Mr Johnny Majozo, admitted responsibility for the killings.

Makwetu, however, denied allegations that APLA was involved in violence.

He said in Cape Town this week he could not expect justice from the commission "as it is an institution created by the racist illegitimate regime".

If he was threatened with imprisonment, his answer would be "I have suffered many years of imprisonment for my beliefs".

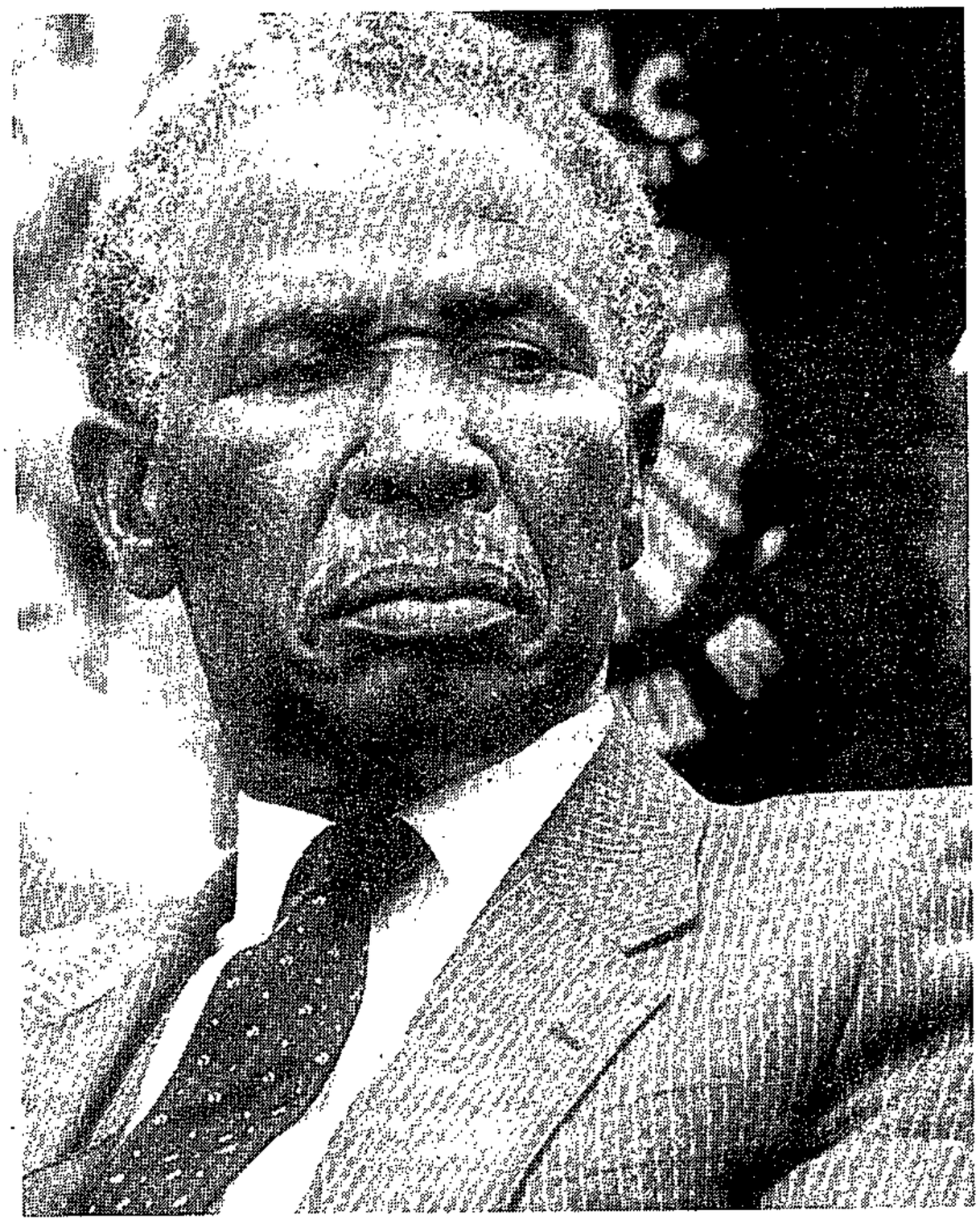
"The liberation of my people from 'baaskap' is an aim which I cherish, it is an ideal for which I am prepared to pay the price of incarceration."

Makwetu said it was clear that the principal perpetrators of violence had neither been questioned nor arrested.

"Does Judge Goldstone have plans to summon the Commander-in-Chief of the SADF, Mr FW de Klerk, to answer widespread allegations that his army is engaged in the most notorious activities against my people?

"Is Judge Goldstone about to summon the Commissioner of Police to account for the SAP's possible involvement in the train massacres on the Reef?

"Are the presidents of the principal organisations involved in the violence being invited to testify why violence rages although they solemnly signed the Peace Accord?"



DEFIANT: PAC president Mr Clarence Makwetu

R630 500 payout for paraplegic

Soweten 21/2/92

By MONK NKOMO

A SOWETO man, who is a paraplegic after being shot by police and mauled by their dogs at a night vigil last year, has been awarded R630 500 damages in an out-of-court settlement by the Pretoria Supreme Court.

Pan Africanist Congress member Mr Harold Ntsoso Hlatshwayo (24) of Mofolo Village, Soweto, was seriously injured during a night vigil for the organisation's late president, Mr Zeph Mothopeng, outside Uncle Tom's Hall in the early hours of November 3 1990.

Shot by police

Hlatshwayo initially demanded R1 115 032 from the Minister of Law and Order after being unlawfully and wrongfully shot by the police.

In summons served on the Minister, Hlatshwayo said as he lay injured on the ground, police set their dogs on him while they swore and laughed.

He is now a paraplegic after sustaining a spinal cord injury, gunshot wounds in the buttocks, chest, right thigh and ankle. He also sustained wounds to his arms, hands and ankle after being bitten by the police dog.

Hlatshwayo's attorney, Mr Willie Seriti, yesterday confirmed that the matter was settled out of court shortly before the matter was to be heard before Mr Justice van der Walt in the Pretoria Supreme Court on Wednesday afternoon.

Expert witnesses

Seriti said lawyers representing the Minister had offered to pay Hlatshwayo R630 500 in damages, the costs of two advocates and payment of qualifying fees for nine expert witnesses who were subpoenaed by him and his partners.

Hlatswayo was represented by two advocates, Mr Dikgang Moseneke and Mr Mojanku Gumbi, who were instructed by Seriti, Mavundla and Partners.

The offer was made an order of court by Mr Justice van der Walt.

Hlatswayo was arrested shortly after he was shot and seriously wounded.

Mr Ntuso, with his mother Mrs Malereko Ntuso, Mr Isaac Hlatswayo (with goggles), and an onlooker after being awarded R630 500 damages by the Pretoria Supreme Court.

ne body of a family member found dead at Nancefield Station in Soweto
Picture: Joao Silva

Goldstone request to meet Azapo leader withdrawn

STAR 21/2/92

By Thabo Leshilo
Political Staff

The Goldstone Commission has withdrawn its request to Azapo president Pandelani Nefolovhodwe to come before it and discuss the alleged involvement of its youth wing, Azayo, in violence associated with the recent Paul Simon tour.

Mr Nefolovhodwe refused the request by the commission investigating violence and intimidation this week after the matter was discussed by a meeting of the organisation's central committee.

In a letter turning down the invitation, Azapo's secretary-general Don Nkadimeng told Mr Justice Goldstone that Azapo and its presi dent were in no way linked to any acts of violence. Consequently the organisation "saw no need to involve themselves at this stage".

He also stated that responsibility for the handgrenade blast at PA Sounds, the company that provided sound during the tour, had been claimed by the exiled Azanian National Liberation Army.

In his letter, delivered to Azapo on Wednesday, Mr Justice Goldstone said: "In view of your assurance that Azapo and its president were in no way linked to the activities in question, the commission will take the matter no further."

Meanwhile, the commission this week renewed its request to PAC president Clarence Makwetu to come before it and account for activities of the Azanian People's Liberation Army (Apla).

Mr Makwetu has refused the invitation, saying he was not responsible for the actions of Apla — the PAC's armed wing — which included killing policemen.

Winnie's witness goes missing again

331
C 22/2/92

LUSAKA. — Mr Katiza Cebekhulu, the co-accused in the Winnie Mandela kidnap and murder trial, has mysteriously disappeared from a Lusaka prison.

Mr Cebekhulu was inexplicably detained by former President Kenneth Kaunda's government early last year.

The independent Weekly Post reported yesterday that the Danish government, which had offered Mr Cebekhulu refuge, denied knowledge of his whereabouts.

It quoted Danish ambassador Mr Mark Jensen as saying that the UN High Commission for Refugees (UNHCR) in Lusaka had requested that his government grant Mr Cebekhulu's asylum in Copenhagen, but had been turned it down for security reasons.

The Weekly Post reported that Mr Cebekhulu vanished from Kabwata prison without the knowledge of the immigration department — responsible for for his detention.

Immigrations PRO Mr Paul Mulu was quoted as saying: "I strongly believe he is not there (Kabwata) and do not know anything about latest developments concerning him."

Home Affairs Minister Mr Newstead Zimba was equally in the dark.

A UNHCR official contacted for comment referred all queries to the immigration department.

When the movement for Multi-Party Democracy won the 1991 election it promised to transfer Mr Cebekhulu to a neutral country, but these efforts have hit security snags.

Britain and Denmark declined to grant him asylum due to security risks his presence would create. It is feared that a hit squad may be after Mr Cebekhulu to prevent him from testifying in the Mandela trial.

One strong theory was that he might have been secretly smuggled out of Zambia to a Western country for fear of exposing the fugitive's whereabouts to his enemies.

Mr Cebekhulu was quoted by the same newspaper last year as saying he had been abducted by ANC officals and smuggled into Zambia via Mozambique and Angola to keep him from testifying in the trial. — Sapa

...ovt, 2.04 pm today

Cebekhulu is 'gone' from Lusaka jail

STAR 22/2/92

HANS-PETER BAKKER, Africa News Service

LUSAKA — Mystery continues to surround the fate of Katiza Cebekhulu, a co-accused in the Winnie Mandela trial.

A Lusaka newspaper, the Weekly Post, reported yesterday that Mr Cebekhulu had "disappeared" from the Kamwala prison. Police said they were trying to verify the accuracy of the report.

Last month it was reported that Mr Cebekhulu had been moved from Kamwala to Lusaka Central Prison as it was thought he would be better protected there from any assassination attempt.

It was not clear whether he had been moved back to Kamwala, as suggested by the Weekly Post report, or whether he had been taken out of the country.

Mr Cebekhulu (23) was one of four co-accused who went missing before the start of Mandela's trial on charges of assault and kidnapping. He has been held "for his own safety" for almost a year.

Denmark has become the fourth country, after the United States, Britain and Sweden, to reject UNHCR appeals to grant him political asylum.

In January 1991, weeks before the case was heard, Mr Cebekhulu claimed that his co-accused, realising that he intended to stand trial, tried to kill him.

331

Shot

Just before the trial on February 4 he was seen with wounds on his head and an injured right arm.

He said he had been doused with boiling water and shot in the arm.

Then he disappeared.

A month later Zambian journalists traced him to a Lusaka hotel. There, still bearing the scars of the attack, he told of how he had been smuggled out of South Africa and said he feared for his life.

The interview meant the end of his "protective custody" in a hotel.

He was moved to Kamwala prison and then, in May 1991, to Lusaka Central Prison.

Former President Kenneth Kaunda, interviewed in Lusaka recently, said: "If we had a better way of doing it, we would have done so. This was really to protect him.

"I know many people will think this is the wrong way of protecting anyone, but I am not sure we had any choice in this matter.

"One did not know who was for him or against him. Did the government want him alive or did the ANC want him alive? We didn't really know.

... hope that as you sort out things in your own ... future of the young man will also be ...

... ongly denied that his government imprisoned

● TO PAGE 2.

Cebekhulu

● FROM PAGE 1.

STAR 22/2/92

Mr Cebekhulu to protect Mandela. "It was to protect the young man himself. He was in danger and still is, in my opinion — unless new evidence comes up."

The new Zambian government will not discuss Cebekhulu, despite the fact that its president, Frederick Chiluba, met him in December to discuss his plight.

Foreign Minister Remmy Mushota claimed that "all we know is that the UNHCR is handling the matter. The Zambian government has nothing to do with it except that the Central Prison authorities are working with the UNHCR on the matter". 331

The government had no intention of getting involved with the affair, he said.

The UNHCR's representative in Lusaka, Stefan Berglund, said: "This office knows the whereabouts of a certain Mr Cebekhulu, and has no further comment."

It is clear that high-level dealings are taking place. But it is just as clear that no one wants to assume responsibility for the affair.

Eight guilty of horror killings

C/Press 23/2/92

331

By DAN DHLAMINI

SPINE-chilling events at the Mshenguville squatter camp in Odendaalsrus, where four whites were murdered and set alight, unfolded this week in the Virginia Circuit Court.

Judge DJ Lombard sitting with two assessors heard how a white woman was stripped naked and begged for mercy while her eyes were gouged out with a knife and one of her breasts cut off, before her private parts were chopped with an axe.

This was the evidence against Phillip Matela, 25; Mandlakapele Dlamini, 28; Dick Nhole, 18; Monare Moikabi, 26; Thami Hlobo, 26; Justice Segopa, 28; and three 16-year-old youths, by State witnesses whose identities were protected following a successful application by the prosecutor, Advocate Andre Becker.

The accused, who are defended by advocates Mike Naidoo and Essop Patel, chose not to give evidence under oath and eight of them were found guilty on all four counts of murder.

In convicting the eight accused, Justice Lombard said the manner in which the four Odendaalsrus whites were murdered in Kutlwanong township, was atrocious and barbaric.

He convicted Matela, Dlamini, Nhole, Moikabi, Hlobo, Segopa, and two 16-year-old youths, all of Kutlwanong, on all four counts of murder.

Matela, Dlamini, Nhole and Segopa were also found guilty of malicious damage to property following the burning of the victims' car.

Another 16-year-old youth, who was not seen by any of the State witnesses at the scene of crime, was found guilty of common assault following his own confession, that he was under duress when he sjamboked one of the whites.

Cornered

The incident occurred on September 29, 1990, at Mshenguville squatter camp where the accused and others cornered Shelly Erica Basson, Anthony Marc Casey, Johannes Petrus van Niekerk and Michael Frederick Belelie and started assaulting them for no reason.

Initially, 33 accused, mostly youths, and a woman had been charged.

A male witness said he saw Dlamini and Segopa hold the white woman while Moikabi gouged her eyes with a knife while she screamed in agony.

He said she was still alive when Dlamini cut off one of her breasts and Segopa chopped her private parts with an axe before they hurled her body on top of a burning car.

He said another witness tried to help the driver of the car escape but the driver tripped and fell and was set alight by the mob.

Advocate Becker told the court he would oppose the defence application for extension of bail pending sentence.

Advocates Patel and Naidoo told the court they would call an expert witness to testify in mitigation of sentence tomorrow. Patel told City Press he was going to appeal against the conviction.

New chapter in the life of Winnie's co-accused: is he being harboured by the West?

Invisible man moves on

Argus 23/2/92 (331)

By LEN KALANE

KATIZA Cebekhulu, probably South Africa's most wanted man, has reportedly gone missing again – this time from his cell at Kamwala Prison in Lusaka, Zambia.

Cebekhulu, one of the four bail-jumpers in the Winnie Mandela trial, slipped out of South Africa shortly before the start of the "Stompie Moeketsi" trial in February last year.

He was supposed to be the co-accused alongside Winnie Mandela.

Last month it was reported that Cebekhulu had been moved from Kamwala to Lusaka Central Prison as it was thought he would be better protected from assassination.

Just before the trial on February 4, he was seen with wounds on his head and an injured right arm.

He then disappeared, to be traced later in the Zambian capital.

He was later quoted as saying ANC officials were responsible for his abduction.

This week the Azanian People's Organisation (Azapo) called for his return, saying they needed his help in the commission of inquiry into the death of its leader, Dr Abu-Baker Asvat.

It is thought Cebekhulu could help with important information regarding Asvat's mysterious death.

Asvat was gunned down in his Soweto surgery on January 27, 1989, by two men pretending to be patients. The motive was said to be robbery but to this day Azapo still believes the killing was political.

Azapo said Cebekhulu had also made serious allegations claiming he knew those responsible for Asvat's death.

The independent weekly newspaper *The Weekly Post* reported on Friday that the Danish government, which had offered Cebekhulu refuge, denied knowledge of his whereabouts, according to Sapa.

The newspaper quoted Danish ambassador Mark Jensen as saying the United Nations High Commission for Refugees (UNHCR) in Lusaka had requested his government grant Cebekhulu's asylum in Copenhagen, but had been turned down for security reasons.

The Weekly Post reported that Cebekhulu vanished from Kabwata prison without the knowledge of the immigration department – which was responsible for his detention.

Immigrations spokesman Paul Mulu was quoted as saying: "I strongly believe he is not there (at Kabwata) and I do not know anything about the latest developments."

Home Affairs Minister Newstead Zimba was equally in the dark: "I don't know anything about that matter."

A UNHCR official contacted for comment referred all queries to the immigration department, saying: "Refugees under detention are not our responsibility."

One strong theory was that he might have been secretly smuggled to a Western country.

Political comment and newsbills by K Sibiya, headlines and sub-editing by S James, both of 2 Herb Street, Johannesburg.

commuters will be ... one ticket for use on all modes of ... tions would be sought from central ... mentation of the system ...

Court asked to stop hotel group's gambling operations

A VANDERBIJLPARK casino owner yesterday asked the Rand Supreme Court to restrain Karos Hotels Ltd from opening and running casino operations at the group's hotels countrywide.

Gary Van der Merwe, owner of various legal casino operations in Rivonia, Sandton, Cape Town and Durban, at which the card game of skill known as Ace Hi is played for money stakes, sought urgent interim relief against the hotel group.

Court papers claimed Karos MD Selwyn Hurwitz failed to honour an agreement between him and Van der Merwe to set up casino operations at Karos hotels in partnership with Van der Merwe; that Hurwitz instead used Van der Merwe's ideas and expertise to open gambling establishments.

Brian Pinkus, representing Van der Merwe, asked for a rule nisi calling on Karos Hotels to show cause why, pending the outcome of an action to be instituted by Van der Merwe for a declarator and ancillary relief, the hotel group should not be interdicted and restrained from continuing the casino already under operation at the Capital Towers Hotel in Maritzburg.

He also asked for a provisional

Business Day Reporter

order to restrain Karos from opening up any further casino operations at any other hotels in the Karos group.

Mr Justice R Zulman postponed the matter to Friday February 28 for legal argument. BDay 26/2/92

Van der Merwe's gambling operations received a legal go-ahead in July last year when a Vanderbijlpark regional court found that Ace Hi was a game of skill, not a game of chance.

In an affidavit supporting his application yesterday, Van der Merwe said he had met Hurwitz at the Karos Indaba Hotel on October 23 last year, where Van der Merwe discussed his casino operations.

Hurwitz indicated at the time that he was extremely impressed with Van der Merwe's operation at Rivonia, the affidavit said.

Asking for interim relief, Van der Merwe said that it would be extremely difficult for him to assess his damage in as much as he would have no knowledge as to what each separate casino in the Karos group would earn in profit, or what profits would have been generated had the joint venture come to fruition.

ANC man guilty of bombing hotel

THEO RAWANA (33D)

UMKHONTO we Sizwe operative Jeremy Seeber was found guilty yesterday of bombing Johannesburg's Devonshire Hotel and of attempted murder in 1986.

Seeber, 25, of Lyttelton, had earlier pleaded guilty to placing a mini-limpet mine in a cloakroom near a bar inside the hotel on September 26 1986.

The mine exploded and injured three people. BDay 26/2/92

Magistrate J J Esterhuizen convicted Seeber of attempted murder and unlawfully causing a limpet mine explosion.

In a statement handed into court, Seeber said he committed the act in pursuance of the ANC's military strategy.

Pleading in mitigation, he said the bar of the Devonshire Hotel had been chosen as a target because it was frequented by the business community, especially people from SAB and Liberty Life.

The act was intended to send a message to the business community to work for a new SA, Seeber said. He was "carrying out instructions in a state of war".

Evidence in mitigation continues today.

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ANC bomber tells of blast at city hotel

STAR 26/2/92

331

By Philip Zoio

ANC member Jeremy Seeber, yesterday convicted on charges of attempted murder and unlawfully causing an explosion, told the Johannesburg Magistrate's Court that he was acting on instructions of an ANC military commander when he planted an explosive device in a Johannesburg hotel in 1986.

Seeber (25) told the court how his desire for democracy in South Africa drew him into active involvement in the ANC's armed struggle.

In a written explanation of his plea of guilty on both charges Seebers said he had placed a mini-limpet mine in a towel dispenser in a men's cloakroom of the Devonshire Hotel in Braamfontein on September 26 1986.

The device exploded, causing slight injuries to Michael Paulson, Richard Zuma and Henning Snyman and R80 000 damage.

In his plea explanation Seeber said he was following ANC military strategies at a time when the ANC and its armed wing, Umkonto we Sizwe, were banned.

Questioned by prosecutor J van der Bijl, Seeber said the victims were unfortunate casualties of a war situation.

"I regret that I had to go to such an extent to demonstrate my opposition for the Government as it was then," he said.

Seeber testified that his parents had brought him up on principles of democracy and racial equality.

In 1986 he was introduced to MK members in Swaziland through a close friend, a black political activist and fellow University of the Witwatersrand student. There he enlisted and underwent military training.

In September he was given instructions by his commander, whom he knew only by his codename, Jabu, to examine targets in the business community for "armed propaganda", Seeber said. Jabu told him to set explosives in the upstairs bar at the Devonshire Hotel after Seeber reported it was accessible and frequented by many SA Breweries and Liberty Life employees.

The operation was later described by MK commanders as successful, Seeber said.

Mr van der Bijl said the act had been unnecessary and caused only fear and destruction.

Seeber was arrested in August 1990. He said that while in custody he had many discussions with rightwingers, particularly Orde Boerevolk chief-of-staff Leonard Veenendal, who is still wanted by Namibia in connection with the sabotage of a United Nations base in 1989.

Seeber's lawyer Gilbert Marcus told magistrate J Esterhuizen that the most recent application for indemnity in terms of the Pretoria Minute had not yet been considered. No reasons were given for the previous refusal, he said.

Arguments in mitigation of sentence continue.

Crowd dispersed at court

STAR 26/2/92

By Julienne du Toit (331)

KRIEL — Police dispersed about 30 indignant black people who had gathered at the Kriel Magistrate's Court to catch a glimpse of a man accused of killing two blacks during a shooting rampage last month.

Johannes Wilhelm Saunders (20) of the Eskom single quarters in Kriel, who pleaded guilty last month to stealing a pistol and killing two people, was to have appeared in court again yesterday.

However, a court official said Mr Saunders had been brought before the court for a postponement of the case last Friday to avoid any racial incidents.

A prosecutor said the court had heard there might be trouble at court yesterday, the official date set for his appearance.

The crowd that gathered outside the court just before 11 am was dispersed by policemen.

People in the crowd said they were family and friends of the two people Mr Saunders has pleaded guilty to killing.

"We don't want to cause trouble. I just wanted to see this man who killed my boyfriend," said Josephina Mphila.

The case has been postponed to March 10. Mr Saunders admitted at the start of the trial on January 27 that he had stolen a pistol to shoot blacks. He is on bail of R3 000.

Lying was part of job – ex-IFP man

STAR 26/2/92

331

A former assistant national organiser of the Inkatha Youth Brigade said he had oberved Inkatha to be a murderous Mafia, but in spite of this, he went on TV and radio saying the opposite.

Cross-examination of Mbongeni Khumalo, a top Inkatha official who resigned from the party, began when the Goldstone Commission of Inquiry resumed in Pretoria yesterday.

Proceedings of the special committee, chaired by Mr Justice R J Goldstone, investigating allegations of violence and intimidation by people trained in camps set up and funded by the SADF, continued yesterday.

Mr Khumalo, who admitted during questioning by Louis Visser, for Inkatha, that "at times I am honest, and at times not", said that despite this statement he assured the committee that his evidence before the inquiry was honest. Mr Visser asked him in what circumstances he was not honest.

"For instance, I observed that Inkatha was a murderous Mafia, but I went on TV and radio saying the opposite. I was working — it was my job," Mr Khumalo said.

The special committee was appointed this month after a memorandum was handed to the commission by several parties, including the ANC and the Weekly Mail, claiming current and recent funding by the SADF of "front organisations".

Mr Khumalo, who labelled himself as a "very active Inkatha organiser with initiative" who had received assignments that would not be given to just any party supporter, told the inquiry that his ideological views at that time were different

Another witness, Captain Andre Marais, Ermelo area commander of the SAP Crime Intelligence Service, gave evidence yesterday about a shooting at Wesselton. In the incident on August 11 1990 between ANC and Inkatha supporters attending two separate funeral processions, two men were killed.

Captain Marais said two men — an Inkatha organiser and a KwaZulu police reservist — were arrested, but after ballistics tests failed to connect them to the murders, they were released. During an SAP investigation the same day, more firearms were seized.

Some of the firearms had SAP markings, but Captain Marais explained they were weapons given to the KwaZulu police force.

In his evidence, senior KwaZulu policeman Brigadier Sipho Mathe said a group of 78 from a total of about 200 trainees allegedly given training at an SADF camp in the Caprivi Strip had been appointed aides to KwaZulu Chief Minister Mangosuthu Buthelezi or had been sent to Inkatha regional offices before being absorbed into the KwaZulu police. — Own Correspondent-Sapa.

Hani justifies MK bomber's actions

Sowetan 27/2/92 3331

Sowetan Correspondent

UMKHONTO we Sizwe chief of staff Mr Chris Hani yesterday told the Johannesburg Magistrate's Court that he did not believe MK member Mr Jeremy Seeber should be punished for bombing a hotel in Braamfontein, Johannesburg, in 1986.

Hani said the struggle between the then-banned ANC and the Government had escalated to total war. "We had to hit back with everything at our disposal," he said.

The business community became targets of MK attacks because they were seen as Government accomplices through their willingness to collaborate in arms manufacture.

Seeber (25) said yesterday he had placed a limpet mine in a towelling dispenser at the upstairs bar of the Devonshire Hotel on September 26 1986 after establishing that it was frequented by many SA Breweries and Liberty Life employees.

The device exploded, causing slight injuries to Mr Michael Paulson, Mr Richard Zuma and Mr Henning Snyman and R80 000 damage.

Seeber was found guilty on a charge of attempted murder and one of causing an explosion.

Prosecutor Miss J van der Bijl, for the State, told Hani that the bar was frequented by many University of the Witwatersrand students who may have sympathised with the ANC.

Questioned by Van der Bijl, Seeber said the victims were unfortunate casualties of a war situation.

"I regret that I had to go to such an extent to demonstrate my opposition to the Government as it was then," he said.

Seeber said he joined MK in 1986 after telling a close friend at Wits University that he wanted to play a more active role in the struggle against the Government. After undergoing military training he was given instructions by his commander to place a bomb in the Devonshire Hotel.

The operation was later described by MK commanders as successful, Seeber said.

Seeber was arrested in August 1990. He said that while in custody he had many discussions with rightwingers, particularly Orde Boerevolk chief-of-staff Mr Leonard Veenendal, who is still wanted by Namibia in connection with the sabotage of a United Nations base in 1989.

Seeber's counsel, Mr Gilbert Marcus, told the magistrate, Mr J Esterhuizen, that the most recent application for indemnity in terms of the Pretoria Minute had not yet been considered. No reasons were given for the previous refusal, he said.

The case continues.

Policeman ordered Trust Feed killings

Own Correspondent

MARITZBURG — Former New Hanover station commander Capt Brian Mitchell admitted yesterday that he instructed special constables in Trust Feed to attack "comrades" on the night of December 2/3 1988, resulting in the deaths of 11 people holding a wake in a house.

Last year Mitchell and co-accused Capt Jacobus van den Heever, Sgt Neville Rose and four former SAP special policeman pleaded not guilty to 19 charges of murder and attempted murder. But on Tuesday Mitchell's advocate gave notice that he would amend his plea.

Giving evidence before a stunned courtroom, Mitchell said he had regarded himself as a soldier engaged in a civil war in a situation where the comrades (UDF supporters) were enemies of the state. "I saw myself as being on the side of the government. I sympathised with Inkatha ... they never made the areas ungovernable and they supported the government."

He said he was "shocked" when he arrived at the scene of the killings the next day and found women and children among the victims. He had told the Riot Unit head, the late Maj Deon Terblanche, 90% of what had happened — enough for him to have realised that he (Mitchell) was responsible.

Mitchell said the view that the situation amounted to civil war in which the UDF was the enemy was held by many policemen at that time. Police had become targets for attacks.

The Star Thu

Evidence inconsistent,

Goldstone tells brigadier

STAR 27/2/92 (331)

A senior KwaZulu policeman was yesterday told by the chairman of the Goldstone Commission of Inquiry into Public Violence and Intimidation, Mr Justice Goldstone, that his evidence was inconsistent and contradictory.

Brigadier Sipho Mathe was giving evidence in Pretoria to the committee of the commission investigating alleged SADF funding of front organisations sponsoring violence.

He provided details about a group of 200 people trained at a military camp in the Caprivi Strip. He said 78 of the 200 trainees had been issued with KwaZulu Police (KZP) identity documents on their return to KwaZulu although they were not "fully fledged" members of the force.

Twenty-eight of them had been issued with firearms because they protected the chief minister. None of the other trainees had been given arms.

Mr Justice Goldstone pointed out to Brigadier Mathe that during the sitting of the committee in Cape Town earlier this month he had testified that all 200 trainees had received KZP ID cards.

"How could you make that mistake? Why did you give this evidence?" he asked. The brigadier was unable to explain.

Asked if it were possible that other trainees could have been issued with firearms by the KZP without his knowledge, the brigadier said: "It might be so. We are in the high ranks of the police. We do not know what is happening in the lower ranks."

He said it would be irregular if weapons had been issued against his orders. Other trainees were not issued with weapons because he had not seen any need to arm them.

Mr Justice Goldstone said his replies were not consistent. The brigadier had said earlier that the reason for the trainees not receiving firearms was that they were not fully fledged members of the KZP.

Later the judge pointed out contradictory statements by the brigadier on the number of trainees incorporated into the KZP by June 1989.

Brigadier Mathe said he had had "no idea" what was going on at the sitting in Cape Town.

He had not had any legal representation there and had tried to help the commission by giving information at his disposal.

"I was not guessing but telling the commission what I knew or thought I knew," he said.

Counsel for the ANC, SACP and Cosatu, David Soggot, put it to Brigadier Mathe that the "postmaster in Ulundi would have done better".

The brigadier also came under fire from Mr Justice Goldstone for not providing the commission with information he had been asked for concerning the whereabouts and activities of those trained in the Caprivi Strip in 1986.

The brigadier said he did not remember the request. — Sapa.

Chris Hani . . . imprisonment of anti-apartheid activists an obstacle to reconciliation.

Don't punish hotel bomber, Hani tells court

STAR 27/2/92

By Philip Zoio (331)

The continued imprisonment of anti-apartheid activists such as Umkhonto we Sizwe (MK) member Jeremy Seeber would be a serious obstacle to reconciliation, MK chief of staff Chris Hani told the Johannesburg Magistrate's Court yesterday.

Seeber (25) was convicted on Tuesday of attempted murder and of unlawfully causing an explosion after bombing a hotel in Braamfontein, Johannesburg, on September 26 1986.

Mr Hani said Seeber should not be punished for the crime. His actions should be viewed in the context of a struggle between the then-banned ANC and the Government, which had escalated to total war.

After many civilians were killed during the mid-1980s in SADF cross-border raids on ANC bases, MK could no longer observe so closely the distinction between hard and soft targets.

"We had to hit back with everything at our disposal," Mr Hani said.

The business community became a target of MK attacks as it was seen as a Government accomplice because of its willingness to collaborate in arms manufacturing.

Seeber said he had placed a mini-limpet mine in a towelling dispenser at the upstairs bar of the Devonshire Hotel after establishing that it was frequented by SA Breweries and Liberty Life employees.

The device exploded, causing light injuries to Michael Paulson, Richard Zuma and Henning Snyman and R80 000 damage.

Prosecutor J van der Bijl told Mr Hani that the bar was frequented by many University of the Witwatersrand students who might have sympathised with the ANC.

Clinical psychologist Graeme Friedman testified that it was very unlikely that Seeber would become a danger to society.

Questioned by Ms van der Bijl, he denied that the anger that motivated Seeber's action implied a predisposition to violence.

Seeber, a teacher at a pre-university college for black matriculants, said earlier that he was now committed to the declarations of Codesa.

If the political situation regressed, he would support violence only after deep soul-searching.

Mr Hani said the armed struggle would not be resumed unless all other avenues of political expression were closed.

Ms van der Bijl is expected to lead evidence today from bomb victim Mr Snyman.

Police captain admits ordering killings

PIETERMARITZBURG — South African Police Captain Brian Mitchell admitted in the Supreme Court yesterday he had ordered special constables to kill United Democratic Front members in Trust Feed in December 1988.

Captain Mitchell, who was testifying in his own defence, said his instruction had meant to convey to them that they were to attack groups of UDF members, and not to break into a house and attack women and children.

Although he had not specified exactly where the UDF members would be, he said he thought the special policemen would have got information as to which were UDF areas in Trust Feed from the local Inkatha leader, Jerome Gabela, with whom they were staying. He denied he had ever pointed out any house for the special policemen to attack.

He told the court that on the morning of December 3 1988, when he saw who they had in fact shot, he was shocked.

Revolutionary

The attack allegedly resulted in the death of 11 people attending a funeral vigil. Captain Mitchell, two other policemen and four special constables are facing eleven charges of murder and eight of attempted murder as a result of the massacre.

Describing the politics of the area in which he was embroiled, Captain Mitchell said he saw himself as a soldier fighting in a civil war and he was on the side of the government. He also sympathised with Inkatha because they never made areas ungovernable and he did not perceive them to be part of the "revolutionary onslaught".

When the judge asked him if, as station commander at New Hanover, he considered it proper to use special policemen to kill UDF members, Captain Mitchell said he felt he was a soldier at the time of a civil war.

Asked if special policemen were trained to carry out the orders of a senior officer, he replied: "Not unlawful orders." — Sapa.

MK cadre to stand trial over murder

331

Sowetan 28/2/92

A MEMBER of Umkhonto we Sizwe, who allegedly murdered a taxi driver and robbed him of his minibus, will stand trial in the Pretoria Supreme Court on July 27.

Mr Sipho Mabena (31) of Mamelodi appeared before Mr M Killian in the Pretoria Magistrate's Court on Wednesday on charges of terrorism, murder and robbery.

His appearance followed the death of Mr David "Kimberley" Shongwe (33) whose bullet-riddled body was found in Brits on July 28 1990.

The minibus he was driving before he was murdered was later found at Hallmark Parkade in Vermeulen Street, Pretoria, packed with explosives.

Mabena was yesterday not asked to plead. Killian told him that the trial would be held in the Pretoria Supreme Court on July 27. His bail of R30 000 was extended.

By MONK NKOMO

The magistrate warned him to be in court at 8.30am, failing which a warrant for his arrest would be issued.

A police spokesman recently confirmed that Mabena had applied for indemnity from prosecution through the ANC and said he could be indemnified on charges of terrorism but not on the murder and robbery charges.

Shongwe, of Lesitlakoa Street, Saulsville, was allegedly robbed of the minibus taxi while operating in the township on the night of July 26.

His body was found next to the Pelindaba-Hartbeestpoort Dam Road about 5pm on July 28. He had a bullet wound in the head.

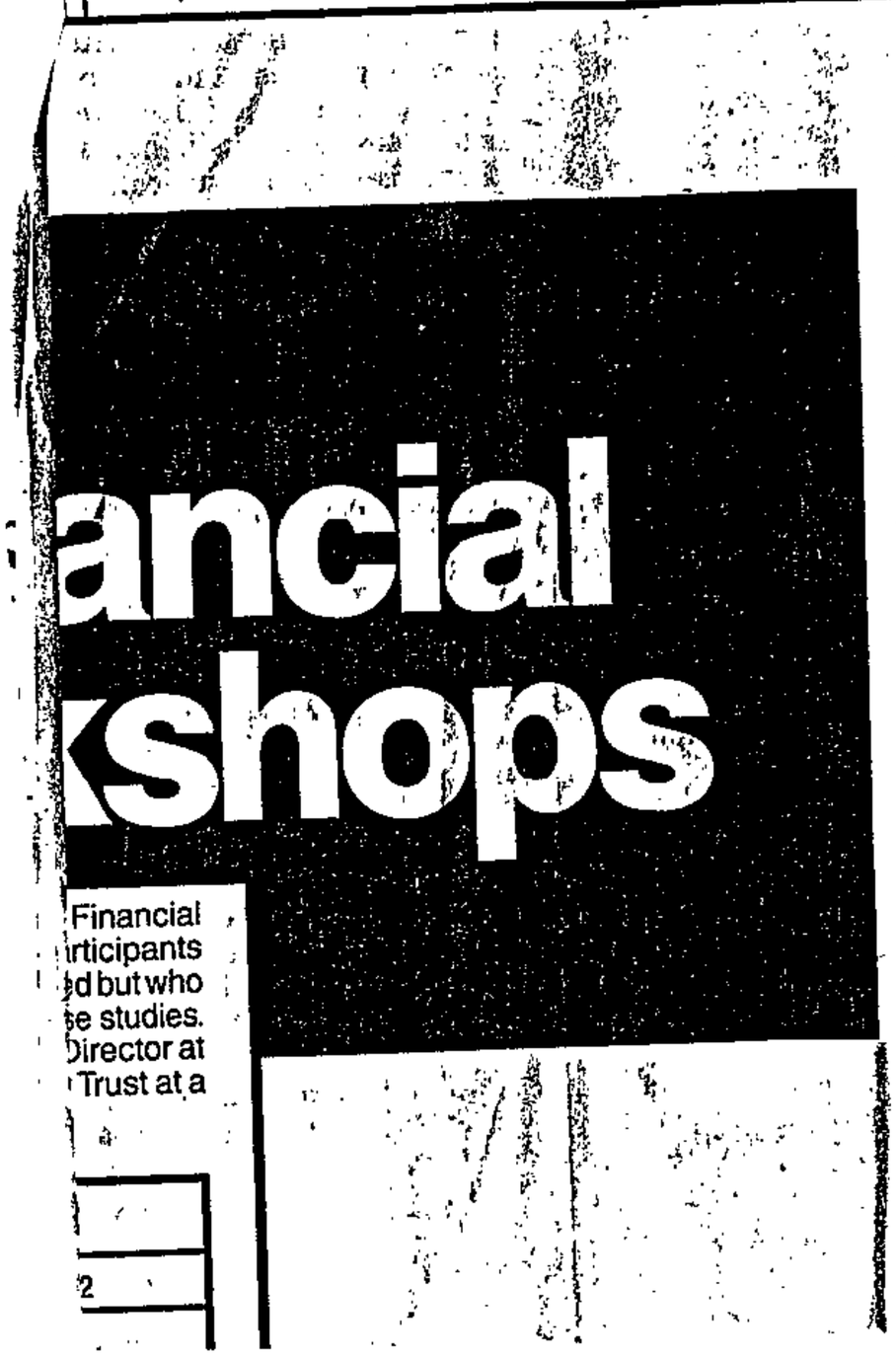
Security now a top priority among whites

ONE in five whites in SA metropolitan areas took security measures last year, a Markinor poll shows. B12 aug 28/2/92.

In the Durban-Maritzburg area, nearly one in three installed some form of security measure. Port Elizabeth and East London residents followed with 22% installing systems. Next was Cape Town at 18%, followed by the PWV area at 17% and Bloemfontein at 3%.

"The results reflect white South Africans' response to escalating burglaries and violent crime," Markinor director Peter Scott-Wilson said yesterday.

"One in 10 people plan to install security items in the current year. Over the past two years, one third of the white population has either installed or has planned to install some form of security." — Sapa.



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Killers to die

VIRGINIA — Two men were sentenced to death yesterday for the murders of four people in the Mshenguville squatter camp in 1990. (331)

Philip Mathela, 25, and Phami Hlobo, 26, were sentenced in the Circuit Court in Virginia in the Free State, for killing four Odendaalsrus residents, Anthony Marc Casey, Johannes Petrus van Niekerk, Michael Frederick Belelie and Shelly Erika Basson. B1 aug

Three other men, Mnandla Kapele Dlamini, 28, Jeremia Moikabi, 26, and Justus Segopa, 26, were each sentenced to 25 years in jail on the same charges.

Three youths were sentenced to five years, suspended for five years.

In sentencing, Mr Justice D J Lombard said the murders had been brutal, bloodthirsty and inhuman.

Their participation in crime, despite warnings to stop, and lack of remorse, had served as aggravating evidence. — Sapa. 28/2/92

Makwetu adamant on refusal to testify

BILLY PADDOCK

CAPE TOWN — PAC leader Clarence Makwetu yesterday rejected the second appeal to testify before the Goldstone Commission of Inquiry into political violence and intimidation, and said he would rather go to jail.

"I reject the invitation to the Goldstone Inquiry. If coerced by way of an order, I will refuse to attend. If I am threatened with imprisonment because of my actions, my answer must be that I have suffered many years in prison for my beliefs," he said at a news conference.

He said he did not doubt Mr Justice Richard Goldstone's personal integrity but the PAC regarded the laws of the country as illegitimate. It was also clear the principal perpetrators of the violence had not been brought to book.

The Harms Commission of Inquiry into the activities of the CCB and hit squads was a farce and Makwetu wanted to know if Mr Justice Goldstone was going to summon "the Commander-in-Chief of the SADF, President F W de Klerk, to answer widespread allegations that his army is engaged in the most notorious activities against my people".

He also wanted to know if the SAP Commissioner would be summoned to explain the train massacres, the possible involvement of his staff and why violence continued despite the SAP signing the peace accord.

Makwetu's comments come just after Apla, the PAC's military wing, admitted ambushing and killing three municipal policemen in Katlehong on Monday.

Apla chief information officer Johnny Majozi was reported yesterday as saying that Apla would continue to target security force members until a constituent assembly was established.

Makwetu said his organisation had never disassociated itself from Apla, and called for the immediate establishment of a constituent assembly through proper elections.

Makwetu denied the patriotic front was moribund and said planning was still on track for the review meeting of the 92 organisations at the end of April. No definite date had been set.

He said the PAC was still working with the ANC and other organisations to plan patriotic front meetings despite some of these organisations' participation in Codesa.

Sapa reports Makwetu's response to attacks on white teachers at Katlehong was that he condemned them if the teachers were attacked because they were white. There may however have been unknown "other reasons" for the attacks, he said.

"The PAC is not anti-white, it is just anti-white baaskap," he said.

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Farmers 'shoc
action' after s

ADRIAN HADL

FREE State farmers have conv
next week to discuss security afte
farmer by armed intruders in
yesterday morning.

Thys Martins, 46, a farmer liv
the Free State, was shot dead afte
burglars in his kitchen.

The slaying, the sixth violent
farm since December, had shoc
munity into action, said Orange
Union representative Gerald St

The union has called a specia

Born-again cop reveals 'truth' at murder trial

331

Sowetan 28/2/92

TRUST Feeds murder accused Captain Brian Mitchell yesterday told the Maritzburg Supreme Court that he had turned to Christianity while in prison.

He also said he intended to become a church minister.

Mitchell and six other policemen, including four special constables, are facing 11 charges of murder and eight of attempted murder following a shooting incident at Trust Feeds in Natal in 1988.

Theology

His decision to turn to Christianity had made it necessary for him to tell the truth, Mitchell said.

A stunned gallery heard that Mitchell was trying to get funds to study theology and to minister in prison.

He said he was also conducting church services in prison.

Under cross-examination earlier, Mitchell said he had gained the impression that attacks by the Inkatha Freedom Party at Trust Feeds on the night of December 3 1988 had been planned by the organisation's Elandskop leader, Mr David Ntombela, and a police riot unit headed by Captain Deon Terblanche.

Attacks

The two men had instructed Trust Feeds IFP's leader Mr Jerome Gabela to launch the attack.

He conceded that the special constables were brought into the area specifically to be integrated into the IFP and to kill people.

On the night of December 3, he had spontaneously decided to go to Trust Feeds to find out if the special constables had been involved in any attacks and to cover up evidence if necessary.

Reserve Constable Stuart van Wyk and Constable Jason Burton, as well as two special constables, had accompanied him.

Mitchell said he had dropped them off all at Mbongwa's store, where he had made the decision to use the special constables to kill United Democratic Front supporters in the area.

A "crime prevention operation" earlier that day, in which 11 UDF people were arrested, was launched so that the organisation's members in the area would be caught off guard by the attack.

Denied

Mitchell said he informed Terblanche of the attack the following morning.

He denied he had pointed out "terrorists" to the special constables or that he had assisted them in the attack.

The trial continues today.- *Sapa.*

Bid to show court videos blocked

THEO RAWANA

THE defence in the trial of Umkhonto we Sizwe operative Jeremy Seeber yesterday successfully blocked the State's attempt to screen videos showing scenes of bombing incidents in SA over the past few years. (331)

Seeber was found guilty in the Johannesburg Regional Court this week of attempted murder and contravening the Explosives Act. Bday 28/2/92

Seeber pleaded guilty to placing a mini limpet mine in the cloakroom of the Devonshire Hotel in Johannesburg on September 26 1986, causing an explosion which injured three people and damaged property worth R80 000.

In argument during the defence's plea in mitigation, prosecutor Johanna van der Bijl had applied for State witness Capt Charles Zeelie to screen videos of scenes of the bombs aimed at a Roodepoort bank and magistrates' courts in Krugersdorp and East London.

Defence advocate Gilbert Marcus objected, saying he had seen the videos and they were gruesome, showing injured people and mutilated bodies. He said the videos were irrelevant to the point at issue.

"The videos are irrelevant because the events are not related to this case. They can only create an atmosphere and be prejudicial to my client. If we examine this, we can go on for ever. If we go ahead and show the videos, we might also need to show videos of SADF attacks in neighbouring countries."

After an adjournment magistrate J J Esterhuizen ruled the videos inadmissible, saying: "I am doing so because they would do very little to assist me in coming up with a sentence."

The case continues today.

Trust Feed witness tells of conversion

B1 Day 28/2/92. (331)

MARITZBURG — SA Police Capt Brian Mitchell yesterday told the Supreme Court he had decided to tell the truth about his involvement in the 1988 murders of 11 people at Trust Feed because he had become a Christian while in prison.

Mitchell also told Mr Justice Wilson and two assessors he wanted to study to become a minister and was in the process of negotiating for funds. He hoped to establish a ministry for prisoners in jail.

While awaiting trial he had become involved in a Bible study group and organised church services for fellow inmates.

Last year Mitchell and co-accused Capt Jacobus van den Heever, Sgt Neville Rose and four former SAP special policeman pleaded not guilty to 19 charges of murder and attempted murder. But on Tuesday Mitchell's advocate gave notice that Mitchell would amend his plea.

Mitchell agreed during cross-examination yesterday that he had known that the special constables who arrived in Trust Feed on November 30 were there as a "backup force" for Inkatha leader Jerome Gabela, with the aim of eradicating the UDF elements in the area. In effect he knew they were there to "kill people", he said.

He deduced this from an earlier conversation with the head of the riot unit, the late Maj Deon Terblanche, who told him about "certain elements" within the unit that assisted Inkatha to take over UDF areas and defend Inkatha areas by "unlawful means".

Similar remarks were made by Gabela after a meeting at Marawa House in Pietermaritzburg involving Maj Terblanche, well-known Inkatha member David Ntombela, and the three Trust Feed Inkatha leaders (Gabela, Johan Nxumalo and a Mr Majozi).

Own Correspondent

He believed Gabela was instructed at the meeting to act more "forcefully" against his opponents at Trust Feed as a result of a report by him (Mitchell) that Gabela was a "weak" Inkatha leader who had no backbone. It was his belief at the time that the UDF was gaining the upper hand in Trust Feed and making the area ungovernable.

Mitchell also testified that a so-called prevention of crime operation carried out by the riot unit the day before to the massacre was aimed solely against members of the UDF. In his opinion, the aim of the operation was to remove a number of young men from the so-called UDF fighting force and to seize weapons belonging to UDF supporters so that the UDF would be vulnerable to attacks from Inkatha that night. He believed the special constables had been brought in to assist Inkatha with these attacks.

He testified that he had been drinking heavily before leaving for Trust Feed on the night of the massacre. He had no intention at that stage of ordering an attack by the special constables. This idea had only come to him while he was in the area. He then instructed two special constables to attack or kill UDF members, expecting them to seek out groups of comrades who may have gathered in the area.

"I didn't expect the specials to just shoot indiscriminately into a house ... I didn't desire the killing of women and children."

The hearing continues today.

Police ultimatum in Cape taxi war

B1 Day 28/2/92

CAPE TOWN — Police have flown in reinforcements from Pretoria and given rival Cape taxi organisations a week to end violence which has claimed 25 lives this year.

Both groups had agreed to consider a suspension of services while a unified body was formed, an ANC spokesman said. The ANC western Cape region yesterday met the Western Cape Black Taxi Association and the Langa, Guguletu and Nyanga Association in an attempt to resolve the conflict.

Eighteen civilians and 14 policemen have been injured in the fighting which has caused an estimated R1m damage, mostly to minibus taxis.

Police had flown in 150 policemen and deployed more than 500 personnel in the main trouble spots of KTC squatter camp, Khayelitsha, Nyanga and Crossroads, according to regional internal stability head Brig Frik Kellerman.

Five permanent SAP checkpoints have been set up around the Nyanga taxi rank. Kellerman said the rank would be closed if the violence continued.

Police have met representatives of both organisations, who undertook to convey the seriousness of the situation to their supporters.

Three policemen were injured on Wednesday when shots were fired at their vehicle as they patrolled KTC.

The ANC has organised a peace march through the troubled areas for Saturday. — Sapa.

Key IFP figure to testify before inquiry

331

Sowetan 28/2/92

FORMER personal assistant to Inkatha Freedom Party president Chief Mangosuthu Buthelezi will testify for the first time before a committee of the Goldstone Commission of Inquiry into Public Violence and Intimidation today.

The evidence of Mr MZ Khumalo, who resigned from the IFP following exposures last July of police funding of Inkatha rallies and other irregularities, may prove central to the committee's findings.

Khumalo's name has been raised by at least two witnesses to the committee which is investigating alleged SA Defence Force funding of front companies fostering violence.

He has been linked in evidence before the commission to a group of 200 IFP members allegedly trained by the SADF in a military camp in the Caprivi Strip, as well as to Inkatha hit squads.

Former Inkatha Youth Brigade organiser Mr Mbongeni Khu-malo said during cross-examination yesterday that, apart from Buthelezi, MZ Khumalo was the most powerful political figure in KwaZulu.

"The resignation of Khumalo in July was not a resignation in total. He retains a working relationship with and an influence over Inkatha," said Mbongeni Khumalo.

He said he suspected that MZ Khumalo still received a salary from Inkatha.

Mbongeni Khumalo admitted under cross-examination by counsel for the IFP and the KwaZulu government that he had no "personal experience" of the training of hit squads at these camps. - *Sapa.*

Hotel blast left emotional scars, victim tells court

STAR 28/2/92

By Philip Zoio (331)

A businessman yesterday told the Johannesburg Magistrate's Court of physical and psychological damage he had suffered since a limpet mine exploded several metres from his seat in a Braamfontein hotel bar.

Henning Snyman was testifying in aggravation of sentence in the trial of Umkhonto we Sizwe member Jeremy Seeber, who was convicted on Tuesday on a charge of attempted murder and of unlawfully causing an explosion.

Mr Snyman said that after twice losing consciousness after the Devonshire Hotel blast at 1.30 pm on September 26 1986, he was taken to the Johannesburg Hospital with injuries to the right thigh and upper arm, ankle and back.

He later discovered he had suffered compression fractures on the seventh and tenth vertebrae. Doctors told him that spinal degeneration would be accelerated.

Mr Snyman, a contracts manager at Medicredit SA, said his painful back condition prevented him from playing sport. For 18 months Mr Snyman was unable to fulfil his conjugal duties. He had also developed a great fear of bars and public places.

Captain Charles Zeelie, formerly of the SAP's Security Branch, testified that because limpet mines could explode immediately if not handled carefully by the operator, they were usually programmed for detonation in the privacy of toilets.

Seeber's lawyer, Gilbert Marcus, objected to this evidence, saying it had never been put to Seeber, who earlier testified that he had planted the limpet mine in the toilet to minimise damage.

Prosecutor J van der Bijl withdrew an application to have video footage of other bomb blasts ruled admissible as evidence in aggravation of Seeber's sentence.

Mr Marcus, who objected to the evidence as irrelevant, had just threatened to make a similar application in respect of "equally gruesome" material depicting the aftermath of SADF raids on South Africa's neighbouring states.

Magistrate J Esterhuizen said he would have rejected the State's application anyway, as it would not have helped him decide on an appropriate sentence.

The trial continues.

Trust Feed trial accused says he's become religious

STAR 28/2/92

331

MARITZBURG — Trust Feed murder accused Captain Brian Mitchell told the Supreme Court here yesterday he had turned Christian while in jail and intended to become a minister.

Captain Mitchell, two other policemen, and four special constables are facing 11 charges of murder and eight of attempted murder as a result of a shooting massacre at Trust Feed in Natal in 1988.

A stunned gallery heard he was trying to find funds to study theology, intended to minister in prison, and was conducting church services in Maritzburg prison.

Earlier, under cross-examination, Captain Mitchell said he had gained the impression that Inkatha attacks at Trust Feed on the night of December 3 1988 had been planned by police Riot Unit head Captain Deon Terblanche with Elandskop Inkatha leader David Ntombela.

These two had instructed Trust Feed Inkatha leader Jerome Gabela to launch the attack, backed by special constables, he said.

He conceded that the special policemen had been brought into the area specifically to be integrated into Inkatha and to kill people.

On the night of December 3 he had spontaneously decided to go to Trust Feed to find out if the special policemen had been involved in any attacks and to cover up evidence if necessary.

Reserve Constable Stuart van Wyk and Constable Jason Burton, and two special policemen had accompanied him.

Evidence

He said he had dropped them at Mbongwa's store where he had made the decision to use special policemen to kill UDF people in the area.

A crime prevention operation earlier that day, in which 11 UDF people had been arrested, was launched so that UDF members in the area would be caught off-guard by the attack.

Captain Mitchell said he had informed Captain Terblanche of the attack the next morning. After that, he had never contacted him again.

He denied he had pointed out "terrorists" to the special policemen or that he had assisted them in the attack.

The trial continues. — Sapa.

N.M.C.

Goldstone to test blame for killings

STAR 28/2/92 (331)

Statements made by the African National Congress and the Inkatha Freedom Party blaming each other for the killing of four mini-bus passengers in Katlehong on Tuesday will be tested today by the committee of inquiry established by the Goldstone Commission, it was announced last night.

Mr Justice R J Goldstone said in a statement issued by the National Peace Committe that if the ANC and IFP statements were unsubstantiated and unsupported by fact, they were irresponsible and calculated to cause more violence.

The publication of such allegations by the press was also "highly questionable".

Mr Justice Goldstone said because of the tense situation in Thokoza, the committee decided to find out from IFP and ANC leaders the basis for their statements.

"They will be examined by the committee in public, in the boardroom of the Perm Building, corner of Cress Avenue and Main Reef Road, Edgardale, Johannesburg, at 11 am on Friday (today)."

Since December 1991, the committee has been hearing evidence on violence at Thokoza. Its members are S Sithole, Lilian Baqwa and Bob Tucker.

The ANC's Witwatersrand region spokesman, Ronnie Mamoepa, said his organisation welcomed Mr Justice Goldstone's announcement and would present the evidence asked for at today's hearing.

● A former personal assistant to Inkatha president Mangosuthu Buthelezi will testify for the first time before a committee of the Goldstone Commission today.

The evidence of M Z Khumalo, who resigned from the Inkatha Freedom Party after the exposures in July last year of SA Police funding of Inkatha rallies and other irregularities, may prove central to the committee's findings.

Mr Khumalo's name has been raised by at least two witnesses testifying at the committee.

He has been linked in evidence before the commission to a group of 200 IFP members allegedly trained by the SADF in a military camp in the Caprivi Strip, as well as to Inkatha hit squads.

Former Inkatha Youth Brigade assistant organiser Mbongeni Khumalo said during cross-examination yesterday that except for Chief Buthelezi, M Z Khumalo, despite the latter's "resignation", remained the most powerful political figure in KwaZulu. — Sapa.

Policeman falsified statement

S Times 1/3/92

By TERRY VAN DER WALT

A POLICE captain who opposed communism and saw himself as a "soldier in a civil war" falsified statements to protect himself, the police and the government, a court heard this week.

Captain Brian Mitchell was one of seven policemen charged with 11 counts of murder and eight of attempted murder following a shooting at a home in Trust Feed near Maritzburg more than three years ago.

Eleven men, women and children taking part in a night vigil were gunned down on the night of December 3 1988, but no arrests were made until late last year when Captain Mitchell and the other accused were rounded up by police acting on the findings of an inquest.

By the end of a week in the Maritzburg Supreme Court dock, Captain Mitchell had reduced his replies to three formats: "It can be seen in that light," "I cannot comment on that," and, "I can't recall."

On Wednesday, his defence counsel, Mr Ettienne du Toit, surprised the court by announcing his client would make admissions regarding certain "important matters".

Captain Mitchell admitted instructing special constables to attack the United Democratic Front, which resulted in the massacre. Earlier, witnesses had testified the victims were, in fact, Inkatha supporters.

Reading between the lines of evidence files over the last three months and questioning Captain Mitchell on dozens of issues produced interesting results for prosecutor Anthony Irons.

Captain Mitchell and his co-accused, Captain Jacobus van den Heever, Sergeant Neville Rose and special constables Roy Ndwalane, Cyprian Ngubane, Thabo Sikhosana and Marshall Khambule, have all pleaded not guilty.

Captain Mitchell admitted to taking sides with Inkatha as he believed the IFP supported the government and was not involved in the "revolutionary onslaught".

He regarded the UDF, under whose banner the Trust Feed Crisis Committee worked, as "enemies of the state".

Captain Mitchell admitted to having discussions with Inkatha leader Jerome Gabela about forming an Inkatha-based organisation to counter the TCC. The aim of the raid on December 3 was to "dislodge the UDF" from the area.

Captain Mitchell also admitted to falsifying a police report following the massacre to conceal his part in it and throwing cartridge shells into the bush to conceal the fact that he had transported special constables into Trust Feed that night.

The trial was adjourned until tomorrow.

Picture: ROBERT BOTHA

Assault appeal: court finds for three unionists

B/Day 24/3/92

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SUSAN RUSSELL

TRADE unionists Jay Naidoo, Moses Mayekiso and Sydney Mafumadi yesterday won an appeal in the Rand Supreme Court against their conviction and sentence for the assault of a security policeman in August 1990.

However, Judge R van Schalkwyk, with Judge J Labuschagne concurring, dismissed their appeal against a second charge of kidnapping security policeman Monge Maleka.

The three were sentenced by Johannesburg Magistrate O Rautenbach in October last year to a fine of R2 000 each (or one year imprisonment), plus a further one year in prison for kidnap and assault.

Cosatu general secretary Naidoo, assistant general secretary Mafumadi and Numsa general secretary Mayekiso were found guilty of kidnapping and assaulting Maleka on August 28 1990 after they found him keeping the Cosatu head office under surveillance from the street opposite.

Later that day Naidoo presented Maleka to the media at a news conference before the police came to remove their colleague at about 5pm that afternoon.

Van Schalkwyk said the State had not proved beyond reasonable doubt that the three were present or involved in the assaults on Maleka.

There was no evidence, the judge said, of a common purpose between them to assault Maleka or cause anyone else to assault him.

Naidoo's evidence, on the contrary, was that he had been distressed to discover that Maleka had been made to undress at one stage and had immediately given instructions for this to be remedied.

Turning to the kidnapping charge, Labuschagne said the matter had to be seen against the intimidation, harassment and threats to which Cosatu, its affiliates and office bearers had been subjected at times.

He rejected, however, the defence submission that against this background the three did not know their action in apprehending Maleka was unlawful and believed they were entitled to act as they did.

Van Schalkwyk also rejected Naidoo's contention that he would not have apprehended Maleka if they had known he was a policeman.

Part of the defence case, the judge said, was that some of those involved in harassing and intimidating Cosatu were policemen themselves.

The judge accepted State evidence that Naidoo had instructed Maleka not to tell the media how he had been brought to the Cosatu offices.

Van Schalkwyk agreed with a submission by the State that presenting Maleka to the media at the Cosatu offices had been an audacious act from which they had sought to derive maximum benefit.

From their point of view, he said, the unionists occupied a position of righteous indignation and perceived themselves as victims.

Van Scalkwyk rejected a counter-application by the State to increase the sentence for kidnapping to an effective prison term.

An application for leave to appeal to the Appellate Division against the court's decision on the kidnapping will be heard today.

Hani charges dropped

331

CHARGES against SA Communist Party leader and Umkhonto weSizwe chief-of-staff Chris Hani and 19 other ANC members, for an alleged illegal gathering near parliament last year, have been withdrawn in the Cape Town Magistrate's Court.

Hani and the 19 others were arrested in May while demonstrating for the release of hunger strikers. Citizen 1/3/92

Court told of plot to kill UDF members

Sowetan 2/3/92

THE Supreme Court in Maritzburg on Friday heard of a plan by the police and members of Inkatha to establish a rival organisation at Trust Feed to oppose the existing Crisis Committee.

Under cross-examination by Mr Anthony Irons, for the State, Captain Brian Mitchell agreed with him that the aim of the organisation was to allow the State to have some control of the Trust Feed area.

Mitchell and six other policemen face 19 charges of murder and attempted murder. The charges relate to the death of 11 men, women and children who were shot while holding a wake at Trust Feed on the night of December 2/3, 1988.

The prosecution alleges that after being approached by Inkatha leader Mr Jerome Gabela in November 1988, Mitchell and the late Riot Unit head, Major Deon Terblanche, and some Inkatha members held discussions during which it was agreed that police would carry out an attack to kill members of the United Democratic Front.

The Crisis Committee to which Gabela and other Inkatha members were opposed, worked closely with the local Development Board. (35) (359) (331)

The Development Board did not suit Gabela and the KwaZulu government.

C

FW grandson plot: 2 in court

Crime Staff STAR 2/3/92

Two western Transvaal right-wingers have been charged with conspiracy to kidnap President de Klerk's grandson. (331)

Petrus Johannes Bester (32) of Fochville and Johannes Etienne Wichman (26) of Orkney appeared in the Brakpan Regional Court on Friday.

Both men were members of the Boereweerstandsbeweging in 1988 when the plot to kidnap Frederick de Klerk emerged.

Both men were granted bail of R1 000 and their case was postponed to March 25.

Applause as Braamfontein hotel bomber gets suspended sentence

STAR 2/3/92

(331)

By Philip Zoio

Family and friends of Umkhonto we Sizwe (MK) member Jeremy Seeber could not contain their relief on Friday after he received a wholly suspended 10-year prison sentence for bombing Braamfontein's Devonshire Hotel in 1986.

Loud applause was heard outside the Johannesburg Magistrate's Court after Seeber (25) was sentenced to six years, suspended for five years, for a charge of attempted murder, and a further four years, also suspended for five, for unlawfully causing an explosion.

Magistrate J Esterhuizen found Seeber's youth a mitigating factor. He also said that although attempted murder and causing an explosion were both serious crimes, they were "coloured by political circumstances".

Although political conditions had since changed dramatically, the incidence of attempted murder was on the increase.

"Adequate steps had to be taken to stop you from committing a similar offence," Mr Esterhuizen told Seeber before passing sentence.

During earlier argument, defence lawyer Gilbert Marcus told the court that it would be unfair to treat Seeber any differently from other political criminals who had been granted indemnity or pardon for more serious crimes.

Mr Marcus said the defence had proved that Seeber was acting on behalf of the ANC when he planted a mini limpet mine in a Devonshire Hotel toilet on September 26 1986.

Mr Marcus, who recommended a suspended sentence, said a consideration of Seeber's political motives was essential in assessing his moral culpability.

Mr Marcus said the State had not disputed evidence that Seeber was acting under instructions from MK commanders and that the intensification of a war between the ANC and the Government had caused a "blurring of the distinction between hard and soft targets".

He said it was clear Seeber had joined the ANC to express his "acute sense of the injustice which pervaded every facet of South African life".

The fact that he had committed a violent act against apartheid did not prevent him from being a useful member of society.

Given the ANC and Government's commitment to peaceful change, and Seeber's changed personal circumstances, it was very unlikely that Seeber would return to violence, Mr Marcus said.

Prosecutor J van der Bijl had asked for an effective prison term.

She had argued that the authority of the court would be undermined if it allowed itself to be swayed by the decisions of political institutions.

All members of society, regardless of political inclination, demanded protection from violence perpetrated for political ends, she said.

Ms van der Bijl described Seeber's planning and execution of the crime as cold-blooded. His regret "that he had to go to such extent" did not constitute remorse. He chose freely to join MK and was aware of possible consequences when he did so, she said.

Right-wingers in court

TWO right-wingers have been granted bail after appearing in court on a charge of conspiring in 1990 to kidnap the grandson of President F W de Klerk.

Piet Bester and Hansie Wiechmann are alleged to have plotted to kidnap the infant Frederick de Klerk from his parents' home in the western Transvaal.

REPORTS: Sapa-AFP-Reuter, Own Correspondent

B/Day 2/3/92

(331)

'No more political trials'

Own Correspondent

JOHANNESBURG. — The case of Devonshire Hotel bomber Jeremy Seeber should be the last "political" trial in South Africa, the ANC has said.

Seeber, 25, was sentenced on Friday to six years for attempted murder and four years for contravening the Explosives Act. Both sentences were suspended for five years.

Seeber, a member of the ANC's armed wing, pleaded guilty to planting a mini-limpet mine in the cloakroom of the hotel on September 26, 1986, causing an explosion which injured three people.

He told the court he had acted as a soldier of the ANC.

ANC spokesman Ms Gill Marcus welcomed the fact that Seeber would not be jailed, and said the sentence was in line with the process of releasing political prisoners and indemnifying political offenders.

"There should be no more political trials. This should be a cut-off point.

"It would be inequitable to treat Seeber more harshly than others who have been either granted indemnity or pardoned."

(33) OCT 23 92

ANC calls for an end to all 'political' trials

B1day 2/3/92

(331)

THEO RAWANA

THE case of Devonshire Hotel bomber Jeremy Seeber should be the last "political" trial in SA, the ANC said at the weekend.

Former Wits University student Seeber, 25, was on Friday sentenced to six years for attempted murder and four years for contravening the Explosives Act. Both sentences were suspended for five years.

Seeber, a member of the ANC's armed wing, Umkhonto we Sizwe, had pleaded guilty to planting a mini limpet mine in the cloakroom of the Devonshire Hotel in Johannesburg on September 26 1986, causing an explosion which injured three people and resulted in R80 000 damage.

He told the court he had acted as a soldier of the ANC, working under instructions from his commander in MK.

Witwatersrand Attorney-General Klaus von Lieres, reacting to speculation that Seeber's would the last political trial in SA, said it was premature to make such claims.

"There are still a number of outstanding cases — men on the run who could either be indemnified or brought to court," said Von Lieres.

ANC spokesman Gill Marcus said the organisation welcomed the fact that Seeber would not be jailed, and said the sentence was in line with the process of releasing political prisoners and indemnifying political offenders.

"There should be no more political trials. This should be a cut-off point in line with what had been agreed upon."

In his argument in mitigation, defence lawyer Gilbert Marcus said imprisoning Seeber, who was a soldier acting under instruction from his commander, would serve only to create an obstacle to negotiations and could trigger calls for recriminations against the SADF.

The offence was committed at a time of war and was part of resistance to apartheid, which was internationally regarded as a crime against humanity, said Marcus.

"It would be inequitable to treat Seeber more harshly than others who have either been granted indemnity or pardoned."

R150m forex fraud trial

Trust Feed record not kept — captain

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STAR 3/3/92

Own Correspondent

MARITZBURG — The former station commander of the New Hanover police station, Captain Brian Mitchell, did not record the presence of the special constables who were taken to Trust Feed to "jerk up" a local Inkatha leader in December 1988 because he knew it was unlawful, the Supreme Court heard here yesterday.

Captain Mitchell was giving evidence for the fourth day in the trial of seven policemen who are facing 19 charges of murder and attempted murder.

The charges relate to the death of 11 men, women and children who were shot while holding a wake at Trust Feed on the night of December 2/3 1988.

The six other accused are Captain Jacobus van den Heever, Sergeant Neville Rose and special constables Roy Ndwalane, Cyprian Ngubane, Thabo Sikhosana and Marshall Khambule.

They have all pleaded not guilty.

Captain Mitchell told Mr Justice Wilson and two assessors that he did not record the presence of the special police constables because he saw that to be unlawful.

Asked if he recorded the fact that he was at Trust Feed on December 2 1988, Captain Mitchell said he did not and could not recall why he did not do it.

The court also heard how a photographer who was in the area on the day had had his film confiscated by the police.

Captain Mitchell said he saw Bryan Pearson in the vicinity of Trust Feed, but he did not see him take pictures.

He said Captain van den Heever spoke to Mr Pearson while he (Captain Mitchell) sat in a minibus.

Asked why it was necessary to stop Mr Pearson, Captain Mitchell said he had seen him earlier and warned him to leave the area.

He said he again saw Mr Pearson when he (Captain Mitchell) was with Sergeant Neville Rose and Captain van den Heever.

The press was not allowed in the area because it had been declared an unrest area, Captain Mitchell said.

The hearing continues.

FW DE KLERK

Two on kidnap charge

TWO Western Transvaal rightwingers have been charged with conspiracy to kidnap the grandson of State President FW de Klerk.

Police spokesman Captain Piet van Deventer confirmed that Mr Petrus Johannes Bester (32) of Fochville and Mr Johannes Etienne Wichman (26) of Orkney appeared in the Brakpan Regional Court on Friday.

Both men were granted bail of R1 000 and their case was postponed to March 25. They have to report to a police station every Friday.

Van Deventer said Bester was arrested at his home on Friday morning and Wichman handed himself over at the Klerksdorp police station.

Van Deventer said both were members of the Boereweerstandbeweging when the plot to kidnap Frederich de Klerk emerged.

Prosecution rejects new Mitchell plea

B|Day 3|3|92

331

Own Correspondent

MARITZBURG — Trust Feeds trial accused Capt Brian Mitchell yesterday formally changed his plea in connection with 11 murder charges to one of guilty to culpable homicide.

The plea was not accepted by the prosecution.

Mitchell's amendment to his plea came at the end of his three-day testimony in which he admitted instructing special constables at Trust Feeds to attack or kill UDF members in the area in December 1988, but said he did not expect or intend them to shoot women and children attending a funeral vigil inside a house.

His evidence was challenged yesterday by his co-accused, Kehla Ngubane, the first of four former SA special constables charged in the case to testify.

Ngubane denied Mitchell instructed them to shoot members of the UDF but said he had pointed out the house in question and ordered them to shoot at "terrorists" inside. Ngubane said he fired two shots into the house through a back window. "We couldn't see inside," he told Mr Justice Wilson and two assessors.

He alleged Mitchell had also fired a shot into the house through a window.

Ngubane said when he and the other special policemen were fetched after the shooting, he alleged they were told to conceal their firearms and lie down in the kombi.

He was told by some of the other special constables that they had been instructed not to return to work until further notice.

The hearing continues.

Some CP supporters in Brits will be saying 'yes'

B|Day 3|3|92

SCAN

REFERENDUM

The voters' mood

In the run-up to SA's most crucial vote, Business Day is taking the pulse of white voters in towns and cities across the country. For the second article in the series, **DARIUS SANAI** spoke to residents of Brits.

"I VOTED CP in the last election, but I'll be voting 'yes' in the referendum. I don't agree with what De Klerk is doing, but it's impossible to go back now. It's too late."

"I am a CP supporter, and I will vote 'no' in De Klerk's referendum. The referendum stinks to high heaven. If I have to fight in a civil war to protect my land, I will do so."

Thus speak the two voices of Brits: one is conservative but resigned to what is happening in SA; the other is conservative but radically so, paradoxically willing to sacrifice all in a battle to save what remains of a white state.

The first voice belongs to Estelle, who works in a video shop on the town's main throughfare, Murray Avenue. Estelle has been a CP supporter, and says she agrees in principle with what the CP demands. "But it is unrealistic to want that now," she says. "We would all like to have what we had before, but it is not possible anymore."

Estelle says many other CP supporters — her family members included — think the same way as her. They don't agree with the reforms, but they will vote "yes". They will vote "yes" because there is no other way, because they say they are frightened about what a reversion to economic and political isolation could do to SA.

If De Klerk had held a referendum on whether to embark on his reforms soon after the last election, would she have voted "yes" then? "No. I think what has happened has been bad for the white people. We aren't ready for these sort of changes. I don't think we ever will be."

Heleen works in a boutique 20m down the road — a pretty, lively young woman who speaks English with a faltering enthusiasm. "I agree with half of what De Klerk has done, but I disagree strongly with the other half. He musn't allow the ANC to tell him what to do. He musn't allow the black people to dictate to us."

Heleen will vote "no" in the referendum. "We need to have the right to live in white areas, to send our children to white schools. They (black people) keep to themselves: we want to keep to ourselves too.

"We're different." She shakes her head. "We're very different."

I ask Heleen if she thinks attitudes like hers could provoke a civil war. "Yes, we will have many problems if there's a 'no' vote. There will be a hell of a fight, but I am prepared to fight. It's not just the blacks who need satisfaction, you know."

Didn't she agree with democracy? "Yes, of course a democratic system is the best. But we have a problem here: there are more blacks than whites. Perhaps," Heleen mused, "why not have a system where 10 black votes equal one white vote? Then it would be even."

Many Brits residents appear convinced of the unbreachable barricade between black and white, of a difference between races which, if not exactly biological, is entrenched so deeply it can never be overcome. Most interviewed said they would vote "no" more or less because of this conviction: but a significant minority concurred with Estelle.

Some locals will be voting "yes" out of conviction rather than resignation. One, Marie, described herself as a "typical local housewife" as she spoke to me outside a supermarket. "No-one's really happy with the situation at the moment," Marie said, "but unless we give De Klerk a chance the door that has been opened will be closed for good."

Marie has friends who are CP supporters who will be voting "no", but she says: "Treurnicht is not a leader as far as I'm concerned." She voted NP in the last election, and agrees with what De Klerk has done. "There was no other way out for SA. He is a very brave man."

But a significant section of the Brits populace speaks with the voice of defiance. Mainly young, and male, they say they are prepared to fight for the future of what they see as their land. "If the 'no' vote wins, we will fight. If the 'yes' vote wins, we will also fight — in whatever way we have to," one heavy young man said.

Piet, one of the man's friends, said it was his generation, the young, poor white people, who would be voting "no" en masse, and who would be fighting with the greatest militancy. "It's our future, and he's giving it away to the blacks. And we can't buy ourselves into a smart area where there are no blacks — so we're going to fight for our town, and for our land," he said.

But the streets of Brits gave their own answer to the white militants. More black people were buying goods at the shop counters than whites. For every white schoolgirl in a pony tail clutching a bag of sweets or a soft drink, there were three black schoolgirls doing the same.

Accused tells court of attack

STAR 4/3/92

Own Correspondent

MARITZBURG — Trust Feed trial accused and former SAP special constable, Kehla Ngubane, denied yesterday that he was a member of Inkatha and said he and the other special constables were trained not to be involved with politics.

Mr Ngubane is one of seven policemen and former special policemen charged with 11 counts of murder and eight of attempted murder in connection with an incident in which men, women and children were shot dead while attending a funeral service in a house at Trust Feed during the night of December 2/3 1988.

Mr Ngubane alleged yesterday that former New Hanover station commander Captain Brian Mitchell had instructed him and three other special policemen to attack a house with "terrorists". He denied evidence by Captain Mitchell that he instructed them to attack and kill members of the United Democratic Front.

He admitted he was resident in an Inkatha stronghold, Woody Glen at Hammarsdale.

Mr Ngubane has told the court he personally fired two shots "blindly" into the house. He could not see inside because it was dark.

Survivors of the massacre testified during the State case that some of the attackers had entered the house with torches.

Mr Ngubane said Captain Mitchell had pointed out the house and told them to shoot.

Mr Ngubane said he and co-accused Dumisane Ndwalane and Captain Mitchell went to the back of the house.

"I heard a knock ... then I heard a voice asking 'Who is that?' Another voice responded 'We are the police.' The lamp was then put out. A gunshot went off, then gunshots went off all over, also in front."

Mr Ngubane said Captain Mitchell fired a shot through a window into the house, then handed the gun back to Mr Ndwalane and left.

"I fired two shots through the back window. Mr Ndwalane also fired ..."

Afterwards they picked up the cartridges as instructed.

The hearing continues.

But he says De Klerk's reforms are bound to end in chaos. "He is trying to do something unnatural, to make us all live together. And he will fail, because we will never do that."

Anita Erasmus owns a small biltong shop in the centre of Pietersburg. She says she becomes angry even when she thinks of the referendum, but that she will vote in the "only way possible" — "no".

"I agree with nothing De Klerk has done," Anita says. She acknowledges there will be problems if there is a majority "no" vote because reforms have gone so far already. "But there will be problems whichever way the vote goes.

"We can't say 'yes', because this is the last chance for white people in this country." She had started to say "Afrikaners", but changed to "white people": did she think whites were

in particular.
DARIUS SANAI reports.

now a community?

"Yes, of course we are. We must live under our own government and they must live under theirs."

Erasmus, like most of the women I spoke to in Pietersburg, said she was not the type of person to fight in a civil war, but said she would do whatever she had to to stop what she saw as the inevitability of an ANC government. "I don't hate the blacks. If there's someone I hate it's De Klerk. And we are going to stop him."

The men who live and work in Pietersburg, compared with those on nearby farms, tend to be less conservative. An estate agency owner, a restaurateur and an accountant all told me they would vote "yes". But all get things more organised." Their "yes" votes would be conditional.

Hans Pieterse, who owns a local car dealership, echoed Bert and Sophie's sentiments by complaining about the mess SA was in. But he went on to say he would be voting "no" — and claimed most of his clients, local farmers, would vote "no" too.

His comments were very similar to those of a Pietersburg gun shop owner: "Things have got to change; we can't go back. But the CP knows better what to do for us during the change: De Klerk is just giving everything to the blacks."

The older, less affluent generation seems to be what unites Pietersburg and Tzaneen: the "no" generation that will vote to fight against what they see as a betrayal of the volk.

Report by D Sanai, TML, 11 Diagonal St, Jhb.

Film body slams telecommunications move

GOVERNMENT's decision to establish a Commission for Telecommunications paid lip service to the process of negotiations at Codesa, the Film and Allied Workers' Organisation (Fawo) said yesterday.

Fawo general secretary Willie Currie said in a statement that Home Affairs Minister Gene Louw seemed hell-bent on proclaiming legislation regardless of what Codesa might decide about the future of broadcasting in a transitionary period.

"If the Minister recognises that a process of negotiation is taking place in SA, he should not merely inform Codesa of a government decision."

According to Fawo there had been broad consensus for over two years that government's authoritarian control over broadcast regulation should be transferred to an independent regulatory body.

It said government's own commission outside of Codesa or interim government processes would have no credibility.

Government should make it clear whether the decision-making forum on the future of broadcasting and telecommunications was Codesa or the Department of Home Affairs, Currie said. — Sapa.

● Comment: Page 8

The best boss

KATHRYN STRACHAN

THE search is on for SA's top boss as nominations open for the Best Boss Award.

Organisers Edilcom Personnel Consultants and Career Success magazine say they are again looking for a "special boss who, apart from his or her specific skills in the business world, also excels in relations with employees".

Minister Pik Botha.

Trust Feed accused sketches attack

Own Correspondent

MARITZBURG — Trust Feed trial accused and former SAP special constable Kehla Ngubane denied yesterday that he was a member of Inkatha and said he and the other special constables were trained not to associate themselves with politics.

Ngubane is one of seven policemen and former special policemen charged with 11 murders and eight attempted murders in connection with an incident in Trust Feed where men, women and children were shot dead while attending a funeral vigil during the night of December 2, 1988.

Ngubane alleged that former New Hanover station commander, Capt Brian Mitchell, instructed him and three other special policemen to attack a house with "terrorists" at Trust Feed that night.

Ngubane said he and co-accused Dumisani Ndwalane were woken at about 1.30am by an "aggressive" Mitchell who instructed them to get their firearms and follow him. He dropped them at a junction near Mbongwe's Store and later returned with two other special constables, Thabo Sikhosana and David Khambule.

They then proceeded to house 83 in Trust Feed. Ngubane said he, Ndwalane and Mitchell went to the back of the house.

Mitchell took Ndwalane's firearm. "I heard a knock ... Then I heard a voice enquiring: 'Who is that?' Another voice responded: 'We are the police.' The lamp was then put out. A gunshot went off, then gunshots went off all over, also in front."

Ngubane said Mitchell fired a shot through a window into the house, then handed the gun back to Ndwalane and left.

"I fired two shots through the back window ... Ndwalane also fired at the same window ... I don't know how many shots." Afterwards they picked up the cartridges as they had been instructed to do.

The hearing continues.

Ex-CE Walter Pugh on fraud charges

SUSAN RUSSELL

FORMER East Rand Colliery CE Walter Pugh appeared in the Rand Supreme Court yesterday on charges of fraudulently obtaining R14,3m in finrands, which he allegedly used to buy and export gold in contravention of exchange control regulations.

Pugh, 57, of Craighall Park, Johannesburg, and co-accused Ian Meadows, 45, of Parktown North, Johannesburg, are both charged with 28 counts of fraud and exchange control contraventions.

Neither was asked to

Pugh's counsel Max Hodes SC was unavailable because he was busy with the finrand fraud trial of former Interboard chairman Ed Dutton.

Pugh also needed time to prepare his defence, which included consultations with people overseas.

The judge urged Meadows, who appeared without

Murder rap 6 hear argument

By MARTIN NTSOELENGOE (1982) (331)

FIVE men sat stone-faced in court this week hearing argument why they should be punished for the murder of five colleagues who refused to join an illegal strike two years ago. Also on trial is an alleged hit man.

This was during advocate Chris van Vuuren's argument in the trial of Richard Khazamula Ngobeni, 38, Jeffrey Sipho Mtshali, 34, Malvert Ngubane, 40, Malan Khumalo, 42, Samuel Kgosiekgolo Molepo, 39, and 24-year-old alleged hitman Joseph Mdumiseni Bhengu. C1Pnews 8/3/92

The men appeared before Judge du Plessis and two assessors at the Rand Supreme Court. They have pleaded not guilty to five counts of murder, nine of attempted murder and two of arson.

Van Vuuren argued that the six men had conspired to murder their colleagues in October 1989 during an illegal strike at a well-known engineering firm in Cleveland, Johannesburg.

Van Vuuren said five of the men were employed by the engineering company, while Bhengu was a hired hit man. He said Ngobeni played a leading role in all the crimes.

He said one of the State witnesses, who may not be named, claimed he was ordered by Ngobeni and Khumalo to hunt down strike-breakers.

Defence advocate Modise Khoza asked for the acquittal of the five accused men, saying they had watertight alibis.

Both the State and defence have called 180 witnesses since the trial started in August 1991. At that stage the accused had already spent 22 months in detention.

The murders followed an illegal strike allegedly initiated by members of the National Union of Metal Workers of South Africa at the Cleveland engineering firm.

The hearing continues tomorrow.

Political comment and newsbills by K Sibiya, headlines and sub-editing by S James, both of 2 Herb Street, Johannesburg.

C

"We have become pawns" . . . Eugene Terreblanche outside the Ventersdorp Magistrate's Court yesterday, where he arrived with Iron Guard members and a full AWB cavalry regiment. Picture: Karen Fletcher.

Rightwingers have become Govt pawns – Piet Skiet

By Bronwyn Wilkinson

VENTERSDORP — Rightwingers charged with public violence arising out of a clash with police at Ventersdorp in August have become pawns in the Government's referendum show, AWB secretary-general Piet "Skiet" Rudolph told Ventersdorp Magistrate's Court yesterday.

Mr Rudolph, who was representing himself, was reacting to a decision by the magistrate to postpone the case against him and 11 other accused to Potchefstroom on May 4.

Clash

Earlier, the State withdrew its case against 16 of the 28 people accused of public violence after three rightwingers were killed during a clash at a NP meeting addressed by President de Klerk.

The remaining 11 accused include AWB leader Eugene TerreBlanche.

Magistrate C J Nel refused Mr Rudolph's submission that the charges against him be dropped until the date was set for a hearing.

Mr Rudolph complained that the case against him and his co-accused had already dragged on since August.

Mr Nel reminded Mr Rudolph that he and Mr TerreBlanche had only been arrested in January.

Mr TerreBlanche arrived for the hearing on horseback, flanked by two Iron Guard members and a full AWB cavalry regiment.

Inside, scores of men and women in full AWB regalia packed the court.

Remarks by the magistrate and by the defence attorney for 10 of the accused, Fanie van Vuuren (CP MP for Ventersdorp), were greeted by mutters of "hoor-hoor" or occasional hissing from the public.

Some AWB men filed back into court to hear the State drop its public violence charges against three farmers in connection with a clash between police and right-wingers at the Goedgevonden farm near Ventersdorp on May 10.

The charges arose when attempts were made to evict squatters from the land.

● Two AWB members and a youth appeared briefly in the Vereeniging Regional Court yesterday in connection with alleged teargas attacks on the local National Party offices and two houses in the town last year.

Charges

Johannes Frederick Hendrik Kearns (36), of De Villiers Avenue, Andries Barend Heynecke (24), of Pierre de Villiers Avenue in Roodstuine, and the 17-year-old youth are all facing charges of assault, malicious damage to property and unlawful possession of teargas.

None of them has been asked to plead yet and no evidence was led at the hearing yesterday.

The case was postponed for trial on July 13 and 14.

Mr Kearns and Mr Heynecke are out on bail of R100 each.

The teenager was released into the custody of his mother shortly after his arrest.

Man's questioning 'vigorous'

B10 au 10/3/92

(33)

MARITZBURG — The investigating officer into the 1988 Trust Feed massacre, Capt Frank Dutton, admitted in the Maritzburg Supreme Court yesterday that he had "reservations" about the manner in which accused Thabo Sikhosana was interrogated by a Pretoria colonel before making a statement to a magistrate last year.

The interrogation was carried out by a Col Langenhoven in the presence of Gen van der Westhuizen, a Capt Kritzinger, as well as Dutton while W/O Wilson Magadhla acted as interpreter.

Counsel for Sikhosana, Robin Palmer, contended his client's statement was not made freely and voluntarily, and should not be admitted as evidence.

Dutton agreed that he told State advocate Anthony Irons a day after the statement was taken by the

Own Correspondent

magistrate that Irons should obtain another statement from Sikhosana because he felt undue pressure might have been exerted on Sikhosana.

Dutton described the interrogation of Sikhosana as "vigorous". Langenhoven was angry about certain aspects of Sikhosana's statement concerning events at House 83 Trust Feed where the killings took place, and suggested Sikhosana was lying.

Dutton said he had reservations about an incident where Langenhoven admonished Sikhosana not to lie and, pointing to Van der Westhuizen, told him he was in the presence of a general and should not be untruthful. He agreed that Sikhosana's version of events changed "in certain respects" during the interrogation.

He said before Langenhoven interrogated him, Magadhla had said Sikhosana was prepared to make a statement to a magistrate but Langenhoven decided to question him first.

Dutton admitted that he had regarded this as "unwarranted interference" on the part of the colonel.

He had also been unhappy that Van der Westhuizen had paid a visit to accused Capt Brian Mitchell. He felt it was not the correct procedure.

He denied suggestions by Sikhosana that other policemen also took part in the interrogation resulting in his becoming "confused" and said Sikhosana never conveyed to him that he was "fear stricken" and could not speak freely before being taken to the magistrate.

The hearing continues.

From Page 1

Man's questioning 'vigorous'

B10 au 10/3/92 (331)

Own Correspondent

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He denied suggestions by Sikhosana that other policemen also took part in the interrogation resulting in his becoming "confused" and said Sikhosana never conveyed to him that he was "fear stricken" and could not speak freely before being taken to the magistrate.

The hearing continues.

Accused told to 'run away and hide'

STAR 10/3/92

331

MARITZBURG — Former Special Constable Thabo Sikhosana told the Supreme Court in Maritzburg yesterday that about a week after he took part in the attack on a house in Trust Feed in which 11 people were killed his firearm was taken away and he was told to "run away and hide".

Mr Sikhosana is one of seven policemen appearing before Mr Justice Wilson and two assessors, charged with 11 counts of murder and eight of attempted murder arising out of the attack on December 3 1988. All seven have pleaded not guilty.

With Mr Sikhosana are: Captain Jacobus van der Heever, Captain Brian Mitchell, Sergeant Neville Rose, Special Sergeant Dumisane Ndwalane and Special Constables Kehla Ngubane and Marshall Khambule.

Mr Sikhosana, who was giving evidence in his defence, told the court that Sergeant Rose had gone to his house to fetch his (Mr Sikhosana's) firearm.

Sergeant Rose told him the firearm was being taken from him so that it could be checked.

Sergeant Rose advised him to run away and hide. He believed at the time that the sergeant had said this "because they wanted to cover themselves as they might be implicated".

Mr Sikhosana said he did not go into hiding.

Replaced

Sergeant Rose and Captain van den Heever had brought him and the other special policemen who had taken part in the attack in Trust Feed back to Hammarsdale.

At Hammarsdale Sergeant Rose had replaced the ammunition they had used at Trust Feed.

The investigating officer into the massacre, Captain Frank Dutton, admitted yesterday that he had "reservations" about the manner in which Mr Sikhosana was interrogated by a Colonel in the SA Police from Pretoria before making a statement to a magistrate last year.

The interrogation was carried out by a Colonel Langenhoven in the presence of General van der Westhuizen, a Captain Kritzinger, as well as Captain Dutton while W/O Wilson Magadhia acted as interpreter.

Counsel for Mr Sikhosana, Robin Palmer, contends the statement concerned was not freely and voluntarily made and should not be admitted as evidence.

Exerted

Captain Dutton agreed yesterday that he told State advocate Anthony Irons the day after the statement was taken by the magistrate that he (Mr Irons) should obtain a 119 statement from Mr Sikhosana as soon as possible because he felt undue influence may have been exerted on Mr Sikhosana to make the original statement to the magistrate.

Capt Dutton described the interrogation of Mr Sikhosana by Colonel Langenhoven as "vigorous" and said the colonel shouted and became angry. Colonel Langenhoven was angry about certain aspects of the version related by Mr Sikhosana concering the actual events at House 83 Trust Feed where the killings took place and suggested to Mr Sikhosana that he was lying.

Captain Dutton said he was concerned when at one stage Mr Sikhosana said he feared he might be assaulted although he was reassured immediately by Colonel Langenhoven.

He agreed that Mr Sikhosana's version of events changed "in certain respects" during the interrogation.

The hearing continues.

Massacre accused tells of 'disturbing' interrogation

STAR 11/3/92

331

Own Correspondent

MARITZBURG — Whenever he tried to tell the truth about what happened at Trust Feed on the night of the massacre of 11 people, a police officer interrogating him interrupted and told him he was lying, former special constable Thabo Sikhosana told the Supreme Court in Maritzburg yesterday.

Mr Sikhosana, one of seven policemen appearing before Mr Justice Wilson and two assessors on 11 counts of murder and eight of attempted murder arising out of the massacre, was giving evidence in his defence.

He told the court that because of the interrogation by the officer, a Colonel Langenhoven, he was disturbed, and as a result a statement he later made to a magistrate contained untruths.

The statement was handed in to court as evidence yesterday after Mr Justice Wilson ruled that it was admissable.

Mr Sikhosana — who has told the court he took part with other special policemen in the attack on the Trust Feed house in which 11 people died on December 3 1988 after being told there were terrorists inside — was questioned about the statement which is in conflict with his evidence in chief.

Cross-examined by Francois van Zyl, counsel for one of the other accused, Captain Jacobus van den Heever, Mr Sikhosana said he had told untruths to the magistrate because he had been "disturbed" as a result of the prior interrogation by Colonel Langenhoven.

When interrogated by Colonel Langenhoven he had attempted to outline what had happened at Trust Feed, but the colonel kept interrupting him and telling he was lying.

He said Colonel Langenhoven became angry when he (Mr Sikhosana) said Captain Brian Mitchell, the local station commander — also one of the accused — had been with the special policemen when they went to the house. He had said that was a lie.

Appearing before Mr Justice Wilson are Captain van den Heever, Captain Mitchell, Sergeant Neville Rose, Special Sergeant Dumisane Ndwalane, and Special Constables Kehla Ngubane, Marshall Khambule and Mr Sikhosana. They have all pleaded not guilty.

The trial continues.

Blast suspects fail to appear in court

Pretoria Correspondent

Warrants have been issued for the arrest of two rightwingers, allegedly responsible for sabotaging post offices, who failed to appear in court yesterday.

Only two of the four men allegedly responsible for blasts at post offices in the Transvaal appeared before Pretoria Regional Court magistrate B J O van Schalkwyk.

Failed

Prosecutor T Viljoen told the court that Andries Stefanus Kriel (47), of Kaallaagte Street, Waverley East, Pretoria, and Andries Cornelius Odendaal (27) of Mamba Street, Brits, who failed to appear yesterday, had apparently not kept their bail conditions since February.

Miss Viljoen said these conditions included reporting to the police daily, not leaving the magisterial district of Pretoria and notifying the investigating officer of any change of address.

Petrus Jacobus Judeel (33), formerly of Kraanvoeol Street, Brits, and Dirk Jan Hattingh (52) also of Brits, were present.

Mr Judeel said he had changed address and asked that he be allowed to move around the whole PWV for working purposes.

"Is that work to put up posters?" Mr van Schalkwyk asked. A voice from the public gallery replied: "Part of it is".

Granted

According to Mr Judeel, he erects thatch lapas.

Mr van Schalkwyk granted the alteration to Mr Judeel's bail conditions.

The case was postponed to March 31.

The R3 500 bail of Mr Judeel and Mr Hattingh was extended.

Senior ANC man denies Cape taxi war charges

LINDA ENSOR

CAPE TOWN — ANC regional executive comittee member Mxolisi Petani, who appeared with two others in the Cape Town Supreme Court yesterday on charges of murder and attempted murder related to Cape Town's taxi war, claimed he had been framed.

He refused to enter a plea, saying the trial was an abuse of the legal system and that in fact it was the ANC which was on trial.

Petani's advocate Siraj Desai read out a statement by Petani saying at 2pm on October 18 1991, the day the crimes had been committed, he was at the Unisa examination centre in Goodwood writing an exam.

"I accordingly could not have been physically present at the scene where the alleged offences were committed. I deny any involvement whatsoever in the commission of the offences referred to in the indictment," Petani said in his statement.

The court entered a plea of not guilty for Petani. His two co-accused, policeman Tutuse Gubeni and Lagunya Taxi Association member Honey Kupiso, also said they were not at the scene of the crime and denied guilt.

The three men are accused of shooting dead Zwelmzima Ntanyama in Nyanga on Friday October 18 and with attempting to kill Ralph Kaleni, Stanford Mangali, Ellen Nondumiso Ncinane and Clifford Ntyikwe by shooting at them at the same time and place.

The State alleges the accused were members or supporters of the Lagunya Taxi Association. On Friday afternoon on October 18 they allegedly approached a parked taxi belonging to the rival Western Cape Black Taxi Association (Webta) at the Nyanga bus terminus.

"The accused were armed with fire-arms which included automatic rifles and a shotgun. Upon nearing the taxi, the accused opened fire on the occupants killing the deceased. The other occupants of the taxi were able to hide in the taxi or escape and were not injured," the summary of substantial facts said.

The accused also allegedly opened fire on the occupants of a nearby hut used by members of Webta, injuring four people. They were also alleged to have fired on the occupants of nearby stationery taxis belonging to Webta resulting in two of these taxis being destroyed by fire and two others being severely damaged.

Mr Justice Fagan and two assessors were on the bench.

Numsa accused await their fate

FIVE former members of the National Union of Metal Workers of South Africa (Numsa) and an alleged hired hitman, charged with five murders, nine attempted murders and two of arson, will know their fate tomorrow. C|Press 15/3/92

This is when Judge du Plessis and two assessors will tell the six whether they are guilty or not of the charges against them. (331)

On trial are Richard Khazamula Ngobeni, 38; Jeffrey Sipho Mtsali, 34; Malvert Ngubane, 40; Malan Khumalo, 42; Samuel Kgosiekgolo Molepo, 39; and 24-year-old alleged hired hitman Joseph Mdumeseni Bhengu.

AWB nine in court

331
Sowetan 16/3/92

By MATHATHA TSEDU

NINE members of the AWB, who allegedly assaulted Sunday school children in a Louis Trichardt park in November 1990, are to stand trial in the Pietersburg regional Court today.

The nine are Lucas Beyers (32), Bernard Jordaan (25), Jeffrey Sculliard (39), William Schaap (32), Christoffel Wolvaard (46), Gerhardus van der Linde (26), Bernard Terblanche (49), Stephanus Jacobs (41), and Jan Beyers. They are to face charges of public violence.

The children, whose ages ranged from six years to 15, were on a church outing when they were attacked with sjamboks, fan belts, sticks and metal-spiked knobkieries by men wearing khaki uniforms who also set dogs on them.

Some of the children had to be taken to hospital as a result of the beatings.

At their first appearance in court senior AWB and CP members, including Eugene Terreblanche and Dr Willie Snyman, were in attendance.

Witness tells of massacre horror

Own Correspondent

MARITZBURG — A witness in the Trust Feed trial sobbed yesterday when she told the Supreme Court here what she had found when she arrived at a house in which 11 people were massacred.

Defence witness Gertrude Mgwaba said she had gone to the house the night before with a friend to join the people taking part in a funeral vigil there.

Although there was singing in the house, no one opened when they knocked. Mr Mgwaba said she and her friend, a Mrs Mkhize, spent the night at Mrs Mkhize's sister's home nearby.

Explosions

During the night, she heard explosive sounds from the direction of the vigil house. Next day, she went to the house when she heard a woman screaming.

Mrs Mgwaba was overcome with emotion when trying to tell the court what she found at the scene. After drinking some water and wiping away tears, she said she was able to see through the open door into the house where the bodies of dead people lay.

Mrs Mgwaba was called as a witness for Thabo Sikhosana, one of seven policemen charged with 11 counts of murder and eight of attempted murder arising from the massacre on December 3 1988.

The trial continues.

Trust Feed accused tells of threat to life

STAR 18/3/92 (331) (892)

Own Correspondent

MARITZBURG — Former special sergeant Dumisane Ndwalane told the Supreme Court yesterday that some time after taking part in the Trust Feed massacre of 11 people, an officer, Captain Jacobus van den Heever, threatened to shoot and kill him for refusing to go into hiding.

He also told of an incident when he was attacked by two people who looked like policemen he knew: Constable Willem de Wet and a Constable Steenkamp. hey fired at him, but he escaped with an injured leg after he struck a rock when he fell.

Later he came to believe this attack had been carried out in error as he had heard that Constable de Wet had told other special constables he had thought at the time he was chasing someone else.

Mr Ndwalane, with Captain van den Heever and five other policemen — Captain Brian Mitchell, Sergeant Neville Rose and special constables Kehla Ngubane, Marshall Khambule and Thabo Sikhosana — is appearing before Mr Justice Wilson charged with 11 counts of murder and eight of attempted murder arising out of the attack on a house in Trust Feed on December 3 1988.

All the accused have pleaded not guilty.

Mr Ndwalane said the threat on his life by Captain van den Heever was made at Mpumalanga on an occasion when the officer and Sergeant Rose had arrived in a BMW.

Previously, Sergeant Rose had come to visit him several times and had kept urging him to go into hiding, saying the situation was bad.

On this occasion Captain van den Heever had said the "only thing he was going to do, because I did not listen, was he was going to shoot and kill me", he said.

Mr Ndwalane told the court the reason he and the others had decided not to go into hiding was because they believed it was not necessary since, in taking part in the attack, they had only followed the instructions of Captain Mitchell, station commander at New Hanover, who had told them terrorists were inside the house.

The hearing continues.

Arson killed children, says analyst

STAR 18/3/92

By Bronwyn Wilkinson

An independent investigation into the fire which gutted Pretoria's Elim Church and killed eight street children last week has contradicted police claims that the fire was not started deliberately, the children's guardian said yesterday.

Jeremy Kruger, director of the Youth Initiative Project, which housed the 22 children in the building, claimed police were covering up.

Police forensic reports on Monday ruled out arson, saying white men seen in the area before the fire started were "streakers who had nothing to do with the blaze".

But Mr Kruger said an independent analyst checked the building before it was demolished. "He concluded for six or seven reasons that the fire was caused by arson."

Witness to attack on FW punched

STAR 18/3/92

Crime Staff

A female student at the University of the Orange Free State (UOFS) was assaulted and warned at the weekend not to testify about last week's tear gas attack on President de Klerk in the university cafeteria.

Students' Representative Council chairman Coenraad Jonker said the woman told him she had received a note on Saturday night, which enticed her out of the hostel.

Outside, a man punched her in the face and warned her not to testify about the attack.

She has since been moved from the hostel to a place of safety and says she is too frightened to make a statement to the police.

Several other students also allegedly received threatening notes after the attack.

The police investigation into the March 9 tear-gassing, which has been condemned by the UOFS Board of Trustees, was "advancing rapidly", a police spokesman said yesterday.

Rightwinger admits parcel bomb killing

STAR 18/3/92

Rightwinger Lood van Schalkwyk yesterday pleaded guilty to murdering a Durban computer consultant with a parcel bomb, to attempting to kill two people with a bomb in Pretoria's Bloed Street, and to two counts of malicious damage to property.

Mr Justice Curlewis is expected to sentence him soon in the Pretoria Supreme Court.

Dr van Schalkwyk, who claims to have embarked on a hunger strike, arrived at court in a wheelchair.

Last year, Dr van Schalkwyk and two co-accused, Henry Martin and Adrian Maritz, went on a disputed "hunger strike" in an attempt to force the authorities to grant them indemnity from charges related to the Bloed Street and Durban blasts.

Mr Martin and Mr Maritz fled the country last October and are now in Britain.

Dr van Schalkwyk admitted that on October 2 1990 he murdered Nicholas James Elvin Cruise, a trainee computer consultant, with a bomb hidden in a computer.

He also confessed to the attempted murder of George Baloyi and James Allan Petrus Barton in Bloed Street, Pretoria, on August 11 1990. The men were injured when a bomb, with a timing device, exploded next to a taxi rank.

A total of 20 charges were withdrawn against him in terms of the Government's indemnity arrangements for certain types of crime.

Police investigations revealed that commercial explosives, used for mining, had caused both explosions. — Sapa-Pretoria Correspondent.

Stand down, Botswana's government is urged

STAR 18/3/92

GABORONE — Botswana's opposition yesterday called on President Quett Masire's government to resign within six months and call an election.

They also called on President Masire to clear himself of association with several allegedly corrupt companies.

At a joint news conference, Kenneth Koma, leader of the Botswana National Front, and Knight Maripe, leader of the Botswana People's Party, condemned Cabinet Ministers Peter Mmusi, Daniel Kwelagobe and Micahel Tshipinare who resigned over allegations of land deal irregularities.

The two leaders called on President Masire to dismiss them from Parliament.

They also called for a purge of civil servants implicated in the scandals and for the cancellation of a R60 million contract for the construction of new headquarters for the Botswana Housing Corporation.

Boy tells court of assault at Sunday School outing

Sowetan 18/3/92

By MATHATHA TSEDU

A SIX-YEAR-OLD boy described in the Pietersburg Magistrate's Court this week how he was knocked down when men who appeared to be AWB members allegedly attacked black children on a Sunday School outing.

Vuledzani Lukhwareni told the court that after being knocked down by the van driven by a white man he fell on a stone, injuring his head. He was about four years old at the time.

Vuledzani was one of 334 children of the Apostolic Faith Mission from Dzanani, Venda, who travelled to Louis Trichardt on November 24 1990 on a church outing.

Fifteen men are standing trial on charges of public violence and assault with intent to do grievous bodily harm. They all pleaded not guilty before Mr WJ Fourie at the start of the trial on Monday morning.

Yesterday the presence of an armed AWB marshal in full uniform inside the courtroom caused a stir among black spectators, with a wide berth left between him and other people in court.

Vuledzani said they had been playing in a park waiting for the Rev George Muhali, who had gone to see the local priest of the AFM, when a group of whites with sjamboks, fan belts and other weapons arrived.

He said a van drove into the group of children, causing them to flee in all directions, as they left for the bus stop at Eltivillas.

"The van knocked me in the leg and I fell on a stone and injured my head. I know the car and I saw the driver but I cannot remember him now. It is long ago," the boy said.

A few minutes later Thizwilondi Denga (23), a paralysed man, hobbled into court amid giggles from the accused.

Denga said he was assaulted with sjamboks by more than one person and sustained injuries as a result. He too could not identify the assailants.

Denga's assaults had been earlier described by insurance broker Mr Dokotela Makhado, who said he was so touched by what he saw that he abandoned the vehicle he was driving in the middle of the road to rescue the disabled man.

"I ran towards the two men who had cornered Denga beating him in a manner that was very painful. When I got close to them, they left Denga and came for me and he ran away, trying to scale a fence.

"I slowly walked back to lure the men away and succeeded. When they were close to me and about to hit me, a policeman shouted at them not to do anything to me," Makhado told the court. Other evidence was that police, including the former security police chief in the town, a Captain Dreier, were present all the time the assaults took place.

Of the 34 witnesses who testified on Monday, only four could identify at least two of the accused as having been present at the scene.

The two are Mr Bernard Tereblanch (46) who was identified as the leader of the group, and Mr Phillip Tereblanch.

The other accused are Lucas Beyer, Bernard Jordaan, Jeffrey Sculliard, William Schaap, Christoffel Wolvaard, Gerhardus van der Linde, Stephanus Jacobs, Jan Beyers, Albertus Pretorious, Ignatius Terreblanche, Johan Nagel, Johan Kruger and Stephanus Boshoff.

The trial continues today.

There was no need to hide, claims Trust Feed accused

B Day 18/3/92

Own Correspondent

TRUST Feed trial accused, former special sergeant Dumisani Ndwalane, yesterday told the Maritzburg Supreme Court he saw no need to go into hiding after the killings as he and his companions had "done nothing wrong" in attacking terrorists who were the enemies of government.

He told Judge Wilson and two assessors that when he read an article in Ilanga newspaper concerning the deaths of people at Trust Feed soon after the incident, he did not connect it to the attack in which he and three other special constables took part because the article did not refer to "terrorists".

It was suggested to him during cross-examination by defence advocate Francois van Zyl (for Capt Jacobus van den Heever) that his saying he (Ndwalane) was told by former Maritzburg Riot Unit head Maj Deon Terblanche and New Hanover station commander Capt Brian Mitchell that they were to attack terrorists was untrue.

Ndwalane denied this.

The seven policemen and former special policemen — Van den Heever, Sgt Neville Rose, Mitchell, Kehla Ngubane, Thabo Sikhosana, Ndwalane and David Khambule — are charged with the murders of 11 men, women and children at a funeral vigil in House 83, Trust Feed, during December 1988.

Ndwalane denied yesterday that there was candlelight in the house at the time of the attack.

He also denied that some of the gunmen had entered the house and fired shots inside; that he knew exactly who he was shooting at; and that the victims were not terrorists.

He has testified that he shot into the house — which was in darkness — through a window.

Van Zyl suggested to Ndwalane that "the only way" the victims could have been shot "so accurately" was if there had been enough light for the attackers to see where and what they were shooting.

Ndwalane said yesterday that he did not recall hearing any sounds coming from the house before, during or after the shooting.

Referring to medical evidence that several victims would have taken some time to die after the injuries were inflicted, the judge said he found this to be "incredible".

Ndwalane was challenged during cross-examination on a number of differences between his latest testimony and his statement to a magistrate when he made his first court appearance.

The hearing continues.

Right-winger pleads guilty to murder

PRETORIA — Right-winger Lood van Schalkwyk pleaded guilty yesterday to murdering a Durban computer consultant with a parcel bomb, attempting to murder two people with a bomb in Pretoria's Bloed Street, and two counts of malicious damage to property.

Judge D J Curlewis of the Pretoria Supreme Court is expected to pass sentence soon.

Van Schalkwyk, who arrived at court in a wheelchair, had been rearrested in Bronkhorstspruit last month after failing to meet his bail conditions.

Last year Van Schalkwyk and two co-accused, Henry Martin and Adrian Maritz, went on a hunger strike in an attempt to force the authorities to grant them indemnity from all charges arising from the blasts. Martin and Maritz fled the country last October.

Van Schalkwyk admitted that on October 2 1990 he murdered Nicholas James Elvin Cruise, a Durban trainee computer consultant, with a bomb hidden in a computer. He also admitted to the attempted murder of George Baloyi and James Allan Petrus Barton in Bloed Street on August 11 1990. The two men were injured when a bomb exploded next to a busy taxi rank.

Commercial explosives, used in mines, were used in both explosions.

A total of 20 charges, including 10 attempted murder charges, were withdrawn against Van Schalkwyk in terms of government's indemnity arrangements. — Sapa.

Van Schalkwyk should be jailed for life, court told

STAR 19/3/92

B31

Pretoria Correspondent

Rightwing bomber Lood van Schalkwyk should be jailed for life, the Pretoria Supreme Court has been told.

Van Schalkwyk was yesterday found guilty of one charge of murder, two charges of attempted murder and two of malicious damage to property following the Bloed Street bomb and a bomb which killed a Durban computer consultant, Nicholas Cruise.

Both blasts occurred in October 1990 and Van Schalkwyk (53) pleaded guilty when his trial started on Tuesday.

He was initially charged with Adrian Hendrickus Maritz (43) and Henry Guy Martin (49), but his other accused jumped bail and fled the country.

Van Schalkwyk — who chose not to testify — was yesterday found guilty by Mr Justice Curlewis and will be sentenced today.

State advocate P Fick, assisted by M Werner for the State, conceded Van Schalkwyk did not commit the crimes for personal gain, but for poltical motives.

He conceded "the death sentence was not the only suitable penalty" for Van Schalkwyk, but asked for life imprisonment.

Mr Fick argued that the crimes had all been planned in such a manner that it held great danger for the public which was not involved in the row Van Schalkwyk had with the State President.

He rejected a statement by Van Schalkwyk that he had abandoned violence, and added that his actions led to financial damage of R65 000.

C More, pro deo defence counsel, said in mitigation Van Schalkwyk acted with strong political convictions and had "played a minor role".

"He only obtained the explosives and did not manufacture the bombs."

"It was clear the people sitting overseas (referring to Maritz and Martin) were responsible for the preparation," Mr More said.

He added Van Schalkwyk acted on instruction of Maritz and Martin.

"The initiative came from them and not my client."

A former police constable, Steyl Abrie, who testified on Tuesday that he assisted Van Schalkwyk to dispatch the parcel, has been granted indemnity from in terms of the Criminal Procedures Act.

Azanla man in court for arms possession

(33)

By MONK NKOMO

A MEMBER of the Azanian National Liberation Army, the military wing of Azapo, appeared in the Potgietersrus Magistrate's Court this week on charges of possessing sub-machineguns and explosives.

Mr Samuel Maluleka, of Mahwelereng, was not asked to plead and the case was postponed to May 25.

Maluleka was arrested during a shootout with police inside a church at Mahwelereng in May last year, according to his attorney, Mr Moss Mavundla.

The State alleges he was in possession of three sub-machineguns and magazines, six handgrenades, explosives and 52 bullets. Sowetan 19/3/92

His bail of R2 000 was extended by the magistrate, Mr A Bouwer.

Policeman 'purposely fired low'

STAR 19/3/92

Own Correspondent

MARITZBURG — One of seven policemen charged with the murder of 11 people and eight counts of attempted murder at Trust Feed on December 3 1988 told the Maritzburg Supreme Court yesterday that he had purposely fired low during an attack on a house because he knew the "terrorists" inside would lie on the ground to avoid being shot.

Former Special Sergeant Dumisane Ndwalane said he had intentionally done so to kill whoever might be lying low.

Under cross-examination, Mr Ndwalane reiterated earlier testimonies by two of the special constables that no one entered the house at Trust Feed during the attack.

He also said he could not hear anyone in the house before, during or after the attack even though Mr Justice Wilson reminded him that the medical evidence showed "some of the people took a long time to die".

Mr Ndwalane earlier said he was "surprised and afraid" when he was woken by Captain Brian Mitchell during the night and told "we are going to the house where the terrorists are".

He said he did not ask Captain Mitchell what they were going to do because he seemed to be in "a very aggressive mood".

Mr Ndwalane said Captain Mitchell had told them to surround the house, shoot and pick up all their spent cartridges.

In reply to a question from Francois van Zyl, defence counsel for Captain Jacobus van den Heever, Mr Ndwalane said he did not know what procedure the other special constables followed and did not know how many rounds they fired.

He said he followed Captain Mitchell to the back of the house where Captain Mitchell broke a window with the barrel of a gun and fired two shots into the room.

Mr Ndwalane was unable to tell the court the exact number of shots he had fired into the room and which windows he fired into.

Mr van Zyl suggested to Mr Ndwalane that because of the accuracy of the shooting, there was a light on in the house, that he could see the people he was shooting and that he consequently knew they were not terrorists.

The hearing continues.

4 acquitted of beating black kids

Sowetan 20/3/92

331

FOUR of the 15 whites accused of assaulting black children in Louis Trichardt were yesterday acquitted after the State closed its case.

Pietersburg Regional Court magistrate Mr WJ Fourie said there was insufficient evidence against Mr Bernard Jordaan, Mr Stephen Jacobs, Mr Albertus Pretorius and Mr Ignatius Terblanch.

Earlier, the court had heard that the white rightwingers who attacked black children had also assaulted an off-duty policeman with knobkerries.

Constable Basani Mahlatji said when he identified himself to his three white attackers as a policeman, one of them told him: "Polisieman se moer" and hit him three times without provocation.

By MATHATHA TSEDU

Mahlatji was testifying in the trial of 15 alleged AWB members who are facing charges of public violence and assault with intent to do grievous bodily harm.

The State alleges they assaulted black Sunday School children of the Louis Trichardt Apostolic Faith Mission in November 1990 with sjamboks, sticks, knobkerries, fan belts and other weapons. They had all pleaded not guilty to all charges.

In further testimony yesterday Captain Pieter Andries Dreyer, head of the security branch in the town, said some of the accused had driven into the crowd of children in their vehicles at high speed. One vehicle had knocked down a child.

He also saw a rottweiler dog running among the screaming children, biting them. He identified Mr Barend Terblanch, as the man who had insulted him and told him he was talking "s . . . t" when he told the rightwingers to move away.

"He told me the AWB was in charge," Dreyer said.

Terblanch later allegedly assaulted a youth with a stick in his presence and ordered other policemen to arrest him.

"I was later told that Nagel, accused No 13, had stopped them from effecting the arrest," Dreyer said.

Earlier evidence was that Nagel, a former policeman, had told a policeman he would assault him if he carried out the arrest.

Dreyer said the rightwingers chased the children, beating them at random, all over the area.

The court also heard that one of the accused will testify that he, a policeman and another man had sprayed teargas on the children and laughed before the assaults began.

This submission was made by defence attorney Mr O de Meyer.

The remaining accused are Mr Lucas Beyer, Mr Feffrey Sculliard, Mr William Schaap, Mr Christoffel Wolvaard, Mr Gerhardus van der Linde, Mr Bernard Terblanch, Mr Jan Beyer, Mr Phillip Terblanch, Mr Johan George Nagel, Mr Johan Frederrick Kruger and Mr Stephanus Hendrik Boshoff.

The case was postponed to June 8.

Court told of men's attack on children

STAR 20/3/92

By Dirk Nel
Northern Transvaal Bureau

PIETERSBURG — There was "absolute chaos" in a Louis Trichardt park when a group of white men assaulted black Sunday-school children with sjamboks, batons and sticks on November 24 1990, a policeman yesterday told the Pietersburg Regional Court.

Security Branch officer Captain J Dreyer was testifying during the trial of 15 men charged with public violence and assault. The accused have pleaded not guilty.

Captain Dreyer said that in his opinion the men had taken the law into their own hands by trying to remove the large group of schoolchildren and their guardians from the park.

He said he was summoned to the park at about 3 pm. He found a large group of black children, under the supervision of a few adults, who told him they were on their way to a church in the town.

They said their bus had broken down and they had been unable to contact the person who had a key to the church.

He asked the church group to leave the park, as the gathering constituted an illegal meeting.

While he was talking to them, a number of white men arrived in cars. Captain Dreyer spoke to one of the men, whom he identified as one of the accused.

When told that the police had the situation under control, the man swore at him. Moments later, the church group scattered as several of the cars were driven straight at them.

One of the vehicles knocked a child down. Occupants of the vehicles jumped out and assaulted children and adults.

Captain Dreyer said he ordered policemen who had arrived on the scene to erect roadblocks to separate the white men from the church group, while he gathered the remaining members of the church group together and accompanied them on foot towards the outskirts of the town.

As the men broke through the roadblocks, or drove round them, he felt his main concern was the safety of the children.

During the three-hour chaos, a child with a serious head injury was brought to him.

Eventually, the children and their guardians were loaded into minibuses 2 km away from the park, and they left.

Captain Dreyer said all 15 accused were at the scene of the alleged violence.

Earlier he had been involved in discussions with a white vigilante group that had threatened to take action if a planned protest march by blacks was allowed in the town. The whites had been informed that permission for the march had been refused.

The accused are Lucas Beyers, Jeffrey Scullard, Barend Jordaan, Willem Schaap, Christoffel Wolfaardt, Gerhardus van der Linde, Barend Terblanche, Stephanus Jacobs, Jan Beyers, Philip Terblanche, Albertus Pretorius, Ignatius Terblanche, Johan Nagel, Johan Kruger and Stephanus Boshoff.

The trial continues.

Right-wing bomber gets death sentence

STAR 20/3/92

Pretoria Correspondent (331)

Right-wing bomber and former hunger striker Lood van Schalkwyk has been sentenced to death for murder.

Van Schalkwyk was calm and showed no emotion when Mr Justice Curlewis, the deputy judge-president, sentenced him for the murder of Durban computer consultant Nicholas Cruise, who was killed by a parcel bomb in October 1990.

Before passing sentence, Mr Justice Curlewis described the crime "as the work of a coward".

He said the murder was coldbloodedly planned. Mr Justice Curlewis said Van Schalkwyk knew the computer would explode as soon as Mr Cruise started working on it.

The accused knew there would be other people in the house to which the bomb was delivered, and it was only "luck" that other people were not harmed.

Mr Justice Curlewis said it was clear from the evidence that the crimes were committed for political gain and the court did take this into account.

Van Schalkwyk was sentenced to 10 years' imprisonment on two charges of attempted murder, which arose from the Bloed Street, Pretoria, bomb in August 1990, and six years' imprisonment on each of two charges of malicious damage to property.

Van Schalkwyk will appeal.

C

Death sentence for right-wing bomber

B|Daily 20/3/92

PRETORIA — Former right-wing hunger striker Lood van Schalkwyk was sentenced to death yesterday for the murder of a Durban computer consultant in 1990.

He was also sentenced in the Pretoria Supreme Court to 12 years imprisonment for malicious damage to property, as well as 10 years for attempted murder.

Van Schalkwyk, 54, is to appeal against the death sentence.

The case stems from a blast at a taxi rank in Bloed Street, Pretoria, in August 1990, and a parcel bomb explosion that killed Nicholas James Cruise in Durban.

Judge D J Curlewis said the court noted the crimes had a political aim, but said the murder had been committed by a coward and Cruise had been killed in a cold-blooded and sly manner. (331)

Van Schalkwyk and two co-accused, Henry Martin and Adrian Maritz, embarked on a hunger strike last year in an attempt to gain indemnity from charges arising from the two explosions.

The three jumped bail, but Van Schalkwyk was rearrested. His two co-accused fled to the UK. — Sapa.

I was urged to hide – accused policeman

MARITZBURG — Special constable Dumisane Roy Ndwalane was questioned closely yesterday on his testimony that he had been told to go into hiding by another accused, Sergeant Neville Rose, after 11 people had been killed at Trust Feed in 1988.

Under cross-examination by counsel for Sergeant Rose, Mr Ndwalane said although Sergeant Rose had said the special policemen involved in the attack should hide, he felt they had not done anything wrong and that they were being victimised.

Asked by Mr Justice Wilson if he thought Captain Brian Mitchell, another accused, was getting away with it, Mr Ndwalane agreed this was what he had thought.

Initially he had thought only Captain Mitchell was involved in the matter, but he later realised Sergeant Rose and Captain Jacobus van den Heever were too.

He said, however, that if the special policemen had gone into hiding, it could be said they had carried out the attack without instructions from anyone.

He felt that if they were arrested, Sergeant Rose should have been arrested as well, as he had contributed to the planning of the attack.

Mr Ndwalane is one of seven policemen on trial for 11 charges of murder and eight of attempted murder following the December 1988 attack on a house in Trust Feed. All the accused have pleaded not guilty to the charges.

The trial continues today. — Sapa.

Ndzeku, Sealy charges dropped

CIPRESS 22/3/92

By DAN DHLAMINI (331)

THE charge of intimidation against Carletonville ANC branch leader and an official of the Informal Board of Inquiry into Informal Repression (IBIIR) has been dropped after six months.

The ANC's Dan Ndzeku and IBIIR's Sally Sealy, whose involvement in the investigations conducted by senior police officers led to the suspension and arrest of 11 members of the Welverdiend Unrest Unit, could not believe it when Carletonville Regional Magistrate PS Janse van Vuuren told them the Attorney-General had declined to prosecute.

The two were charged with intimidating the much feared constable Ephraime "Fente" Rampete on September 24 last year at the Carletonville Magistrate's Court.

They had been released on bail of R500 each. One of the bail conditions was that they should not come within 500 m of the Carletonville Police Station and the Magistrate's Court, except on their trial date.

Khutsong residents hailed the withdrawal, saying they hoped most of the cases involving their missing children would now be brought to light.

Ndzeku and Sealy said the charge against them had been fabricated to scare them off the Welverdiend police probe and to divert public attention from the alleged police brutality.

The pair vowed to work even harder to get those implicated in the alleged tortures brought to book.

Lawyers suspect police cover-up

Sowetan 23/3/92

331

LAWYERS for Human Rights said at the weekend they suspected a cover-up in police investigations into a Pretoria church fire which claimed the lives of eight children.

By ALINAH DUBE and Sapa

LHR executive director Mr Brian Currin told a Press conference on Friday that, contrary to the police version that arson was not the cause of the fire, their independent investigation had found otherwise.

The children were burnt to death in the Elim Church, Sunnyside, east of Pretoria, early on March 12 and the church building was completely destroyed.

Following police conclusions that no arson was suspected, LHR appointed a forensic expert who, assisted by two experts from the Sunnyside Fire Brigade, searched the building for clues.

In their investigations, the three established that the pattern of the fire suggested it was caused deliberately.

Currin said he was concerned about a "clear police cover-up".

"What I find disconcerting is a different approach by authorities in the administration of justice to black and white incidents.

"There is no doubt that if eight white children had died there would be a long list of experts - the best in the country - and assurances from the police that they would turn every brick of the building to get to the bottom of the fire and bring the culprits to book," he said.

Northern Transvaal police spokesman Colonel Frank Alton yesterday emphatically denied there was any cover-up by the police.

"A premature statement by the investigating officer based on a preliminary forensic report did not originally exclude arson as the possible cause of the fire. Continued investigations have indicated that arson cannot be summarily ruled out," he said.

Currin said it was surprising that after the police's subsequent conclusion that there was no arson and a directive had been issued for the demolition of the church, the police forensic team decided to join the LHR's appointees in their work.

The LHR's forensic team also found that: The fire spread with "extraordinary rapidity" through the building, far too quickly for a normal fire to spread;

The fire was burning simultaneously on all the floors, with the possible exception of the top floor where there appeared to be normal fire spread;

The fire burned for between 20 to 30 minutes as indicated by the amount of charring which was remarkably even throughout different parts of the building;

The fire pattern on the front door strongly indicated a liquid accelerant burning on the right-hand side of the door;

The soot-stained lintels gave credence to the spread of the fire. Seven of the children were buried separately at the weekend.

Those who were buried on Saturday and Sunday were Charlie Aphane, Enoch Mabunda, Seuntjie Mnisi, James Makwinda, Jacob Sibande, Magoa Makou and Eric Napho.

The eighth, David Mokoena, will be buried in Garankuwa this week.

Cosatu trio lose court appeal bid

Sowetan 24/3/92

331

By SONTI MASEKO

THREE Cosatu officials convicted in the Johannesburg Regional Court last year of kidnapping yesterday lost an application to have their convictions set aside.

Mr Justice RT van Schalkwyk, assisted by Mr Justice JC Labuschagne, confirmed the findings against Cosatu general secretary Mr Jay Naidoo, assistant general secretary Mr Moses Mayekiso and senior officer Mr Sydney Mufamadi on charges of kidnapping.

But he set aside their convictions on charges of assault on the basis that the two offences arose from the same incident.

The judge also threw out a counter-application by the State for the court to set aside sentences of R2 000 for each of the men for kidnapping and replace them with more severe sentences.

Ms A van der Walt, for the State, said kidnapping was a serious offence and that a prison term would be a more appropriate sentence.

Naidoo, Mayekiso and Mufamadi were convicted of kidnapping a policeman, Sergeant Monge Maleka, on August 28 1990.

Maleka was found spying outside the National Acceptance House in Johannesburg, which houses the offices of Cosatu and the SA Communist Party.

They appealed on the grounds that they did not have knowledge of the "wrongfulness of their conduct."

However, Justice Van Schalkwyk said their application had to be viewed against their educational background and their intellect.

He said it was clear from Naidoo's evidence that he was an intelligent and articulate person.

He said the trio's submission that they did not have a wrongful state of mind at the time of the kidnap could not be sustained.

Rejecting the application for a more severe sentence, the judge said the appellants perceived themselves to have been under siege at the time the crime was committed and that there was a conflict between Cosatu, its affiliates and the security police.

He said the sentences were appropriate.

He said the parading of Maleka at a Press conference was an audicious act.

The judge added the appellants knew that they took the chance by holding the conference knowing that it was not likely to get them in any greater difficulty with the law than they were already in.

At the end of the judgment, Trengrove gave notice that he would apply for leave to appeal at the Appellate Division.

New evidence in Alex killings

331

50 wef-a 24/3/92

THE discovery of an AK-47 rifle at the Alexandra Hostel was a breakthrough in the police investigation into the fatal shooting of 13 people at a vigil in the township on March 27 last year, the Rand Supreme Court was told yesterday.

Constable Peter Bothma was testifying before Mr Justice H Daniels in a trial-within-a-trial to determine the admissibility of a statement made by one of the accused, Mr Christopher Mbatha.

Bothma said the weapon find was a breakthrough for the SA Police. Further weapon finds and five arrests followed, he added.

Mbatha's defence counsel told the court he had no knowledge of the AK-47 rifle and would argue the rifle might have been brought into the hostel by police or by another dweller.

The five accused are members and supporters of the Inkatha Freedom Party. They face 13 charges of murder and 17 charges of attempted murder as well as one count of housebreaking.

The State has alleged that at the funeral vigil of Mrs Jane Ramokgole on March 27 last year, the five men sprayed mourners with a volley of bullets from an automatic rifle, leaving 13 dead and scores of others injured.

They are Mr Gibson Mbatha (28), Mr Derick Majozi (21), Mr Mbatha (30), Mr Petrus Buthelezi (31) and Mr John Zakwe (56)—all of Alexandra.—*Sapa.*

Naidoo's abduction conviction upheld

331

JOHANNESBURG. — The Rand Supreme Court yesterday acquitted Cosatu general secretary Jay Naidoo on a conviction of assault, but upheld his conviction for abduction.

The court found that the state could not prove beyond any reasonable doubt that the doctrine of common purpose existed in the assault charges against Mr Naidoo and his two co-accused. CT 24/3/92

The two were Moses Mayekiso, a central committee member of the SA Communist Party, and Sydney Mufumadi, an ANC national executive council member.

Spying

The three men were convicted last year by the Johannesburg Regional Court on charges of kidnapping and assaulting a police constable who was alleged to have been spying on Cosatu.

They were fined R2 000 (or one year) with another year in jail, suspended for three years, for the abduction.

The Supreme Court yesterday rejected a state application to increase the sentence.

The defending advocate said they would appeal against the abduction conviction.

The application for leave to appeal would be heard in the Supreme Court today, Cosatu officials said yesterday. — Sapa

Trio's kidnap convictions upheld

331

By Susan Smuts STAR 24/3/92

Assault convictions against three Cosatu officials were overturned in the Rand Supreme Court yesterday, but a magistrate's finding that Jay Naidoo, Sydney Mufamadi and Moses Mayekiso had kidnapped a security policeman in August 1990 was upheld.

The unionists are expected to ask for leave to appeal to the Appellate Division against the kidnapping conviction.

They were fined R2 000 or one year in jail, with another year in jail suspended for three years, after being convicted in October last year of abducting Monge Maleka.

A fourth accused, Baba Schalk, was acquitted.

Mr Maleka, who was watching National Acceptances House where Cosatu and the South African Communist Party had their offices, was found with a two-way radio and a photograph of SACP official Geraldine Fraser.

Naidoo, Mayekiso, Mufamadi and a man named Lazarus apprehended Mr Maleka and all except Naidoo held him until they were in the building.

Mr Maleka had claimed he had been assaulted several times in the Cosatu offices and at a press conference called later that day by Naidoo. The unionists denied they had been present during the assaults.

Jay Naidoo . . . assault conviction overturned.

Moses Mayekiso . . . expected to ask for leave to appeal.

Although the degree of force used in Mr Maleka's abduction constituted an assault, it was part of the act of kidnapping and the unionists could not be convicted of assault and kidnapping in this instance, Mr Justice R T van Schalkwyk found, with Mr Justice J C Labuschagne concurring.

Regarding the further assaults, the judges found Mr Maleka's evidence had been contradictory and that the unionists should be given the benefit of the doubt.

The judges rejected an argument that they had acted in common purpose with those who had assaulted Mr Maleka.

Naidoo's evidence had been that he had become "distressed" when he was told Mr Maleka had been forced to strip, and he instructed other union officials "not to let it happen again".

The background of harassment suffered by the union during that time was central to the kidnapping charge, but could not uphold the unionists' claim that they were entitled to abduct Mr Maleka, the judges found.

They said that calling the press conference was an "audacious act" which they used for "maximum political benefit" and which elicited sympathetic press reports.

"They took a chance because it was not likely to get them into any greater difficulty. They presented the situation with righteous indignation and perceived themselves as the victims," Mr Justice van Schalkwyk said.

The judges rejected a State application to have the sentence on the charges increased.

Goldstone inquiry urged to quiz Vaal blast survivor

STAR 24/3/92

331

By Jo-Anne Collinge

The Goldstone Commission has been asked to interview one of the survivors of the grenade blast which claimed the life of Saul Tsotetsi, a church worker and branch executive member of the ANC and SA Communist Party in the Vaal area.

The family's attorney, Caroline Heaton-Nichols, said her firm had requested this intervention because police had refused the Tsotetsis' legal representatives direct access to John Nhlapo, whom they regard as a vital witness.

Mr Tsotetsi and two other men, Elias Motloung and Alfred Yika, were killed in the blast in the early hours of Sunday morning near Mr Tsotetsi's house in Sebokeng.

Enoch Khaiye and Mr Nhlapo were hurt and admitted to hospital.

The PWV branches of the ANC and SACP, and Cosatu's western Transvaal region, made it plain yesterday that they regarded the death as an assassination.

They stated: "Saul's death brings to seven the number of anti-apartheid activists killed in a space of three weeks in the Vaal complex.

"A clear pattern of orchestrated attacks by unknown death squads who continue to elude the police continues to emerge."

Evidence gathered from various sources pointed to a five-person attack on Mr Tsotetsi as he approached his home, the ANC/SACP/Cosatu statement read. "In the ensuing struggle a hand grenade exploded."

Since the killing, police have accused the ANC of interfering with potential witness Dan Dlamini.

The ANC grouping has charged that the police have arrested at least one witness. Both parties deny the actions they are accused of.

Police spokesman Lieutenant-Colonel Dave Bruce made it clear that an ANC probe was not welcome.

"There is only one police force and only that force is entitled to investigate this case." But if the Goldstone Commission were to intervene "we would welcome it".

Ms Heaton-Nichols and Bavumile Vilakazi, of the ANC's PWV executive, said Mr Tsotetsi had spoken on Friday and Saturday of his fear of assassination. In his role as a church fieldworker he had been investigating various leads on political violence.

The organisations strongly disputed an alleged police comment, carried in a Johannesburg morning newspaper, that the death was a case of suicide. The grenade apparently went off while in Mr Tsotetsi's hands.

Colonel Bruce also described the conclusion of suicide as "absolute nonsense".

He said police were keeping their options open and conducting an inquiry in terms of the Inquest Act. As far as he knew, no murder docket had been opened.

Mr Tsotetsi, a two-time Robben Islander, was due to lead the ANC delegation to the launch of the Vanderbijlpark Dispute Resolution Committee today. Until hours before his death he had been partying with political associates in the wake of the ANC's Sharpeville rally.

Cosatu trio can appeal against kidnap conviction

By Susan Smuts

Three Cosatu officials yesterday got leave to appeal to the Appellate Division against a kidnapping conviction.

Jay Naidoo, Sydney Mufamadi and Moses Mayekiso successfully applied in the Rand Supreme Court on Monday to have an assault conviction overturned, but Mr Justice R T van Schalkwyk, with Mr Justice J C Labuschagne concurring, upheld the kidnapping conviction.

The trio were convicted in a Johannesburg Magistrate's Court in October last year of assaulting and kidnapping security policeman Monge Maleka, who had watched Cosatu and SACP offices.

Naidoo told the trial court he would not have made Mr Maleka go to the Cosatu offices if he had known Mr Maleka was a policeman.

Yesterday the judges rejected Naidoo's reasoning. But the judges granted leave to appeal.

Fire threatens Cape wine estates

STELLENBOSCH — Forestry officials who had battled since early morning to stop a fire from destroying winelands near Stellenbosch saw their efforts go up in smoke when farm workers started to backburn at Delheim and Simonsberg farms shortly before midday yesterday.

District forestry officer Braam du Preez said firefighters who went to the top of Kanonkop to stop the blaze reaching the plantation saw smoke coming from the other side of the mountain.

"It seems someone on the other side panicked and decided to backburn to prevent the fire from reaching Delheim. This led to someone at Simonsberg, next door to Delheim, also starting a fire and now we fear a chain reaction from other farmers," he said.

Du Preez said this meant the people on the mountain could be caught in a pincer movement of fire coming around the mountain and back into the plantation.

"We thought we were winning against this fire, but now things are getting out of hand. If the wind comes up we will have to get our men out of this area because they are our main concern."

The fire started on Rhodes Fruit Farms about midnight when an electricity pylon was blown down by wind and set grass alight. Du Preez said the fire had not reached winelands or orchards, but was racing along and up the mountain, threatening 200ha of plantation.

He said nature conservation firefighters had tried to stop the blaze but the vegetation was too dry and dense and firefighters were forced to retreat before 30m high flames. — Sapa.

Unionists win leave to appeal on kidnapping

SUSAN RUSSELL

A RAND Supreme Court judge yesterday granted trade unionists Jay Naidoo, Moses Mayekiso and Sydney Mafumadi leave to appeal to the Appellate Division against their conviction on a charge of kidnapping a security policeman in August 1990.

Cosatu general secretary Naidoo, assistant general secretary Mafumadi and Numsa general secretary Mayekiso were sentenced to fines of R2 000 each (or one year's imprisonment), plus a further one year's imprisonment suspended for three years after they were found guilty of kidnapping and assaulting Monge Maleka.

An appeal against conviction and sentence on both charges was heard in the Rand Supreme Court on Monday.

Judge R van Schalkwyk, with Judge J Labuschagne concurring, set aside their conviction on the assault charge, but upheld the conviction and entire sentence in respect of the kidnapping.

The judges also rejected an appeal by the State to impose a prison term for the kidnapping.

Yesterday both the State and counsel for the unionists applied for leave to appeal to the Appellate Division against the judges' decision on Monday.

The unionists apprehended Maleka after they caught him keeping the Cosatu head office in Johannesburg under surveillance.

They appealed on the basis that they had not known they were acting unlawfully.

Maleka had denied he was a policeman when caught with a two-way radio and taken into the Cosatu offices.

It was also argued that given the history of harassment and intimidation to which Cosatu, its affiliates and office bearers had been subjected, the three had a bona fide belief they were entitled to act as they had.

Naidoo, who was the only one of the three to testify before the magistrate who convicted them in October last year, also said they would not have arrested Maleka if they had known he was a policeman.

On Monday the judges set aside their conviction on the assault charge after finding that the State had not proved that Naidoo, Mafumadi or Mayekiso were present or involved in the assaults on Maleka while he was at the Cosatu offices.

The judges upheld the conviction of all three on the kidnapping, reasoning if they would not have arrested a policeman, they must have known that their action was unlawful.

The court upheld the sentence handed down by the magistrate for both convictions, effectively increasing the penalty imposed on the three for the kidnapping.

The court granted leave to appeal to the Appellate Division on the grounds that another court might come to a different conclusion on Naidoo's evidence.

Court told of constable's terror

STAR 25/3/92

Own Correspondent (331)

DURBAN — Former special constable Marshall Khambule told the Supreme Court in Maritzburg yesterday he had been "terribly frightened" taking part in the attack on house TF83 in Trust Feed where 11 people were shot dead.

It was because of this fear that he decided to open fire "to defend himself".

Mr Khambule, who was giving evidence in his defence before Mr Justice Wilson, is the last of the seven policemen on trial to testify.

In his evidence on the attack in the early hours of December 3 1988, he said he and the three other special policemen had been taken to the house by Captain Brian Mitchell, station commander at the New Hanover police station.

They had walked to within about 20 metres of the house — there was light coming from inside — where Captain Mitchell repeated what he had told them earlier: that this was the house with the terrorists and that they were to surround it and attack it. They were to pick up their spent cartridges afterwards.

He and Thabo Sikhosana went to the front of the house. The other three went to the back.

He was leaning against the wall next to the window and heard Mr Sikhosana knock at the door. He heard a man's voice ask: "Who is there?"

Mr Sikhosana had responded that it was the police. Immediately the lights inside went out and he heard two gunshots.

He said the shots had sounded as if they might have come from inside the house. He saw the curtain move and he fired.

He said he had been terribly frightened at the time. Playing on his mind was having met during the morning before an injured man who had told them a handgrenade had been thrown into his house.

Also, they had met Constable Willem de Wet who had warned them that the situation was bad and that they should be careful.

And when Captain Mitchell had woken them he was in an angry mood as if something serious had taken place and he had told them about the presence of terrorists.

"With all this on my mind, I was so terribly frightened that I believed the only way I would survive was by the mercy of God," Mr Khambule said. "Then I realised to defend myself I should shoot."

He fired several shots through the window.

A few days after the attack, when he read in a newspaper that the dead people killed had included women and a child as young as four, he had been "spiritually upset".

Also appearing before Mr Justice Wilson charged with 11 counts of murder and eight of attempted murder are Captain Jacobus van den Heever, Captain Mitchell, Sergeant Neville Rose, Special Sergeant Dumisane Ndwalane and Special Constables Kehla Ngubane and Thabo Sikhosana.

All seven men have pleaded not guilty to the charges.

The hearing continues.

Activist's death sentence is commuted

Anxiety disorder saves man from the gallows

Sowetan 25/3/92 (331)

THE Appeal Court has substituted imprisonment of 25 years each for the double death sentence imposed on a Mbekweni political activist for two murders committed on a Paarl farm in 1986.

The court ordered that the two sentences imposed on Philman Gqibile Maxam are to be concurrent with each other and with his sentence of 10 years for housebreaking.

Maxam was convicted by the judge-president of the Cape Supreme Court, Mr Justice G G A Munnik, on December 11 1990. The conviction related to the murders of a domestic servant, Miss Rholian Anne Foster, and a gardener, Mr John Geyser, who were shot on the farm on April 15 1986.

After the trial judge weighed both the aggravatory and mitigatory factors, he imposed the death sentence for each murder after he held that this was the only proper sentence.

According to a confession made to a magistrate after Maxam's arrest in July 1989, he had gone with a gang from Mbekweni township to the farm.

He testified in his defence that the group had gone to the farm in response to a "widely disseminated instruction by the president of the then banned African National Congress'' to look for firearms to use in confrontation with the police.

He was the only member of the gang who was armed.

Apart from Maxam's account of his possession of the pistol, the trial court rejected his evidence and held that, while the finding of firearms would have been a "bonus'', the burglary had been aimed at goods and valuables in general.

Justified

On Monday Mr Justice Howie (acting judge of appeal) held that the trial court was justified to find that Maxam was the leader of the gang. Not only was he about five years old than the others, but evidence given in mitigation depicted him as a prominent member in the Mbekweni community.

It was common cause that Maxam was a leading political activist in Mbekweni, which township had been racked by serious political unrest for some months before the crimes were committed.

Mr Justice Howie said that, although the crimes were of exceptional seriousness, the seriousness of a case as a whole - assessed by way of the comparative evaluation of the aggravating and mitigating factors - was reduced to a material extent by Maxam's anxiety disorder.

When that conclusion was considered with other aspects of the character evidence, it seemed to the judge that it could not be said that the death sentence was the only appropriate sentence.

Maxam's clean record, stable employment history and sound personal qualities pointed to favourable prospects of his reformation. That, in turn, made it inappropriate to impose life imprisonment.

All the purposes of sentence would be achieved by the imposition of a very long term of imprisonment on each count.

Mr Justice E M Grosskopf and Mr Justice Smalberger concurred. - *South African Press Association.*

Top Cosatu men win appeal against sentence

By SONTI MASEKO

COSATU secretary general Mr Jay Naidoo yesterday won an application to appeal against his conviction for kidnapping.

Two Supreme Court judges, Mr Justice TR van Schalkwyk and Mr Justice JC Labuschagne, who had earlier confirmed the convictions for kidnapping on Naidoo and two other officials, conceded that a different court might come to a different conclusion.

The other two are Cosatu assistant secretary general Mr Moses Mayekiso and senior officer Sydney Mafumadi.

The court also allowed them to take their appeal to a higher court.

A counter-application by the State to appeal against their sentence - a R2 000 fine each - was refused for the second time by the judges yesterday.

Mrs A van der Walt, for the State, had submitted that the court had over-emphasised the mitigating factors.

Naidoo, Mayekiso and Mufamadi were convicted last year for kidnapping a policeman.

On Monday the judges set aside the assault convictions but upheld the kidnap finding, rejecting submissions by Mr Wim Trengrove, SC, that the men did not have a guilty state of mind at the time of the offence.

Trengrove filed another application to appeal to the Appellate Division arguing that the judge upheld the conviction by inference and also through faulty logic.

He submitted the finding by the court that the men were in a guilty frame of mind was not the only inference that could be made and that a different court could have arrived at a different conclusion.

ANC cadre Mthetheleli Mncube's parents, George and Winnie, are angry over the commuting of his sentence to life term. Pic: MBUZENI ZULU

Parents demand:

FREE THEM

Sowetan 25/3/92

THE parents of ANC cadre Mthetheleli Zephania Mncube greeted his Death Row reprieve yesterday with little glee.

Mncube and another ANC cadre Mzondeleli Euclid Nondula were among 16 Death Row prisoners who were granted a reprieve yesterday and given alternative sentences ranging from 15 years to life imprisonment.

Nondula (30) and Mncube (31), were sentenced to death for landmine blasts in Messina in 1988.

Their sentences have now been commuted to life imprisonment.

By ISMAIL LAGARDIEN and THEMBA MOLEFE

Yesterday's announcement brings to 35 the total number of death penalty prisoners who have had their sentences commuted.

Reacting to her son's reprieve, Mrs Winnie Mncube said it was not enough for him to be removed from Death Row.

"Why should my son spend his whole life in jail for being an ANC soldier while its leaders are free and talking to the Gov-

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P.T.O.

MK two to spend life in jail

From page 1

ernment they sent him to fight?'' she asked.

''Mthetheleli was a soldier, a freedom fighter at war with apartheid.

''It is not enough that he is being moved from Death Row. He should be released.''.

''I'm going to meet the ANC leaders and ask them to intervene. When he was arrested my son was acting on their orders and as such deserves justice.''

Mncube and Nondula received multiple death sentences in the Messina Circuit Court in May 1988, after Mr Justice JPO de Villiers had convicted them of terrorism charges after eight whites and two blacks were killed in the attacks.

Throughout the seven-month trial, Mncube and Nondula refused to plead and insisted they were not terrorists but soldiers of the ANC.

ANC spokesman Mr Saki Macozoma said the question of the death penalty had been referred to Codesa, ''but only as a matter of principle''.

The ANC demanded the release of all political prisoners on death row, he said.

DP MP Mr Peter Soal welcomed the latest reprieves, saying: ''Obviously the cases are being treated on merit. I'm not suggesting you must release criminals on to the streets willy-nilly.

''If people have committed heinous crimes then they must be punished, and remain in jail forever.''

The 14 other prisoners granted reprieve together with Mncube and Nondula (with new sentences in brackets) are E Hanana (30 years) MS Mavela (25 years) JT Ledula (20 years) I Tsotesi (15 years) SD Mabine (life) JN Masango (30 years) B Maseko (life) MZ Mnune (life) JN Mosuwe (25 years) S Phungula (25 years) NL Zibonda (25 years) P Dlemnyango (30 years) A Ngidi (Life) and A Generals (30 years).

Court confirms MK member's double death sentence

STAR 27/3/92

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BLOEMFONTEIN — The Appeal Court in Bloemfontein yesterday reconfirmed the double death sentence of Umkhonto we Sizwe (MK) member Oupa Alex Seheri, of Soweto, for two murders at Zola 3 on the night of January 24/25 1987.

Mlando Michael Ngubeni and Xola Ashley Colen Mokhaula were shot with weapons that had been collected from Winnie Mandela's home, the court heard. This was done after Seheri had been dispossessed of a Scorpion machine pistol in an argument at a shebeen.

Seheri was convicted by Mr Acting Justice B O'Donovan in the Witwatersrand Local Supreme Court on February 3 1989. The double death sentence was confirmed by the Appeal Court on June 1 1990.

Seheri's case was reconsidered by the Review Panel, established under the Criminal Law Amendment Act of 1990. The panel found that the trial court would probably have imposed the death sentences if the amended Act had been in force at the time of the trial.

Yesterday Mr Justice Smalberger said the main factor advanced as mitigation for Seheri was that his conduct, when he committed the murders, was affected by a mental condition.

The trial court had found, however, that Seheri's condition, whatever it was, did not influence his conduct on the night in question.

Mr Justice Smalberger said the trial court's reasons for this conclusion were cogent and compelling and were not only accepted, but were also further supported by the Appeal Court in its earlier judgment.

There were serious aggravating factors present, he said.

Seheri armed himself with an AK-47 rifle which, as his later conduct revealed, he was prepared to use to achieve his purpose regardless of the consequences. He fired indiscriminately on people outside Mr Mokhaula's house. The shooting of Mr Ngubeni, who posed no threat to him, was totally unnecessary and uncalled for.

After he deliberately shot and wounded Mr Ngubeni, he callously left him to bleed to death.

The cold-blooded and brutal execution of Mr Mokhaula was clearly done with the intent to kill. Moreover, it was callously and deliberately performed in full view of Mr Mokhaula's sister, Faith, and her mother.

Mr Justice Smalberger said it was, in his view, relevant that Seheri killed not once, but twice — in separate but related incidents.

The earlier killing of Mr Ngubeni in no way deterred him from later killing Mr Mokhaula. "The appellant's conduct reveals him for what he is — a ruthless killer," said the judge.

The aggravating circumstances substantially outweighed the mitigating factors.

By any civilised and decent standards this was a case of exceptional seriousness in which the death sentence was imperatively called for on both counts as the only proper sentence.

Mr Justice Milne and Mr Justice Kumleben concurred. — Sapa.

'Trust Feed shots were a shock'

STAR 27/3/92 331

Own Correspondent

MARITZBURG — Former special constable and Trust Feed trial accused David Khambule yesterday said a spent cartridge from his shotgun must have been ejected through a window into the house where 11 men, women and children were killed in 1988.

He said he had shot through a window, and denied under cross-examination that he ever entered the house where the massacre took place in the early hours of December 3 1988.

Four special policemen, Mr Khambule, Cyprian Ngubane, Thabo Sikhosana and Roy Ndwalane; and three other policeman, Captain Jacobus van den Heever, Captain Brian Mitchell and Sergeant Neville Rose, are charged with the killings.

The four special policemen have denied entering the house and said they were unaware the victims included women and children. They claim they believed they were attacking terrorists on the instructions of former New Hanover station commander Captain Mitchell.

Mr Khambule was questioned as to why he had found it important to mention in his testimony that he (Khambule) wore canvas shoes that night. He denied that the reason was that he remembered the evidence of survivors that some of the attackers seen inside the house had worn boots.

Mr Khambule said he and his colleagues did not discuss the shooting and he did not inquire from the others immediately afterwards what they had done. He said he was in a state of shock and stricken with fear.

Even though he had not fired at anybody, the gunshots that went off at the scene had shocked him, he said.

Mr Justice Wilson said he could have understood that Mr Khambule was shocked if he had entered the house and realised that he had been tricked into shooting women and children, and by the sight of dead people inside. "I cannot understand how someone who is trained in the use of shotguns claims that because some 15 shots were fired in his vicinity, he was in a state of shock for the rest of the night."

Mr Khambule replied that not everyone "thinks the same way".

The hearing continues.

Callously left his victim to die

Seheri's death sentence verified

Soweton 27/3/92 331

THE Appeal Court in Bloemfontein yesterday reconfirmed the double death sentence of Umkhonto we Sizwe member Oupa Alex Seheri.

Seheri of Emdeni South, Soweto, was condemned for two murders at Zola III on the night of January 24 and 25 in 1987.

Mr Mlando Michael Ngubeni and Mr Xola Ashley Colen Mokhaula were shot with weapons that had been collected from the house of Mrs Winnie Mandela, the court heard. This was done after Seheri had been dispossessed of a Scorpion machine pistol in an argument at a shebeen.

Seheri was convicted by Mr Acting Justice B O'Donovan in the Witwatersrand Local Supreme Court on February 3 1989. The double death sentence was confirmed by the Appeal Court on June 1 1990.

Seheri's case was reconsidered by the Review Panel, established under the Criminal Law Amendment Act of 1990. The panel found that the trial court would probably have imposed the death sentences if the amended Act had been in force at the time of the trial.

Mitigation

Yesterday Mr Justice Smalberger said the main factor advanced as mitigation for Seheri was that his conduct, when he committed the murders, was affected by a mental condition from which he suffered.

The trial court had found, however, that Seheri's condition, whatever it was, did not influence his conduct on the night in question.

Mr Justice Smalberger said the trial court's reasons for this conclusion were cogent and compelling and were not only accepted, but also further supported, by the Appeal Court in its earlier judgment. Even if the judges in the present appeal were free to differ from the earlier findings in this regard, there would be no sound reason to do so.

There were serious aggravating factors present, said the judge.

The whole operation to recover the Scorpion was well planned and executed.

Seheri armed himself with an AK-47 rifle which, as his later conduct revealed, he was prepared to use to achieve his purpose regardless of the consequences. He fired indiscriminately on people outside Mokhaula's house. The shooting of Ngubeni, who posed no threat to him, was totally unnecessary and uncalled for.

After he deliberately shot and seriously wounded Ngubeni, he callously left him to bleed to death.

Direct intent

Even if Seheri did not have the direct intent to kill Ngubeni, he must subjectively have foreseen, and by inference did foresee, his death as a strong possibility. In the circumstances Seheri's intent, at the very least, bordered on "dolus directus".

The cold-blooded and brutal execution of Mokhaula was clearly done with the intent to kill. Moreover, it was callously and deliberately performed in full view of Mokhaula's sister Faith and her mother.

Mr Justice Smalberger said it was, in his view, relevant to have regard to the fact that Seheri killed not once, but twice - in separate but related incidents.

The earlier killing of Ngubeni in no way deterred him from later killing Mokhaula.

"The appellant's conduct reveals him for what he is - a ruthless killer," said the judge.

The aggravating circumstances substantially outweighed the mitigating factors. No self-respecting community could countenance Seheri's appalling conduct.

By any civilised and decent standards this was a case of exceptional seriousness where the death sentence was imperatively called for on both counts as the only proper sentence.

Mr Justice Milne and Mr Justice Kumleben concurred.

- *Sapa*

Seheri death sentence stands 331

THE Appeal Court in Bloemfontein on Thursday reconfirmed the double death sentence of Umkhonto we Sizwe member Oupa Alex Seheri, of Emdeni South, Soweto, for two murders at Zola on January 24 and 25 in 1987.

Mlando Michael Ngubeni and Xola Ashley Colen Mokhaula were shot with weapons that had been collected from the house of Winnie Mandela, the court heard. CIPRESS 29/3/92

Seheri was convicted in the Witwatersrand Local Supreme Court on February 3, 1989 and the double death sentence was confirmed by the Appeal Court on June 1, 1990.

Seheri's case was reconsidered by the Review Panel, established under the Criminal Law Amendment Act of 1990. The Panel found that the trial court would probably have imposed the death sentences if the amended Act had been in force at the time of the trial.

Molekane on bail for arms charge

ANC Youth League secretary-general Rapu Molekane was released on R5 000 bail this week charged with illegal possession of weapons. (331)

The bail was conditional that Molekane surrender his passport, report between 6 am and 6 pm daily at Hillbrow police station, not leave the Johannesburg magisterial district with permission, and not interfere with witnesses.

Molekane was arrested at his house on Tuesday after a hand-grenade and a semi-automatic rifle were allegedly found in his possession.

He appears in the Protea Magistrate's Court on April 15. C|PRESS 29|3|92

C

Judgment hinges on suspects' statements

STAR 31/3/92

331

By Susan Smuts

Murder, attempted murder and arson attacks on workers and scab labourers formed the background to a strike at Haggie Rand's Jupiter factory in October 1989, the Rand Supreme Court heard yesterday.

Summing up the evidence in a marathon trial which started in August, Mr Justice B R du Plessis said witnesses had told how the "rats" who refused to join the strike were identified and shot by members of the National Union of Metalworkers and an alleged hitman.

Richard Khazamula Ngobeni (38), Jeffrey Sipho Mtshali (34), Malvert Ngubane (40), Malan Khumalo (42), Joseph Mdumiseni Bhengu (25) and Samuel Kgoshiekgolo Malepo (39) have pleaded not guilty to two counts of arson, nine of attempted murder, five of murder, and illegal possession of arms and ammunition.

The State's case rests mainly on confessions and admissions made to the police after the men were arrested and the evidence of an alleged co-conspirator who turned State witness.

Tortured

During a trial-within-a-trial, the six men had claimed the police tortured them to force them to make statements. The police denied this, saying they had made the statements volun tarily.

The judge said the evidence the accused gave during the trial-within-a-trial showed they were "without exception liars". He said he had allowed for the possibility that they might have been subjected to minor assaults when they were arrested, but did not find this as a fact. Such assaults would in any case not have induced them to make the statements.

In the statements, the men told how they had singled out workers who refused to strike as well as temporary workers hired during the strike, then petrol-bombed their victims' homes and shot them.

The evidence of the alleged co-conspirator had to be treated with caution where his evidence was not corroborated, because he was a single witness, the judge said.

Judgment is expected to be given today.

Ivory trading 'not justified'

B10 aug 31/3/92

ZIMBABWE's resumption of ivory trading was not justified unless it was guaranteed not to become a conduit for illegal ivory trade — a guarantee Zimbabwe could not provide, Wildlife Society of Southern Africa executive director Tony Ferrar said yesterday.

However, Zimbabwe did have too many elephants.

The country had a moral obligation to other ivory-producing countries to ensure controls against the introduction of illegal ivory into any of the phases of its transactions.

It was vital to openly demonstrate income derived from ivory sales was passed directly to conservation agencies and rural communities. — Sapa.

Murder trial judgment begins

B1 day 31/3/92

331

SUSAN RUSSELL

JUDGMENT in the murder trial of five Numsa members and a man they allegedly hired to help with an intimidation campaign against non-striking colleagues at Haggie Rand, in which five people were killed, began in the Rand Supreme Court yesterday.

Shop stewards' chairman Richard Ngobeni and worker representatives Jeffrey Mtshali, Malvert Ngubane, Malan Khumalo and Samuel Malepo, have pleaded not guilty to five counts of murder, nine counts of attempted murder, two counts of arson and one count each of unlawfully possessing firearms and ammunition.

Joseph Bhengu, allegedly hired as a "hit man" by leaders of the intimidation campaign, also pleaded not guilty on all 16 counts.

Ngobeni and the other Numsa members on trial were dismissed after an illegal strike in October 1989.

Judge du Plessis, sitting with two assessors, said it was most probable that the gatherings of dismissed workers during the dispute were organised by a workers' representative group known as the "committee of 10" as claimed by Abram Keele, an alleged accomplice of the six who turned State witness.

Ngobeni, the judge said, was clearly a member of the committee or intimately involved with it. As committee members, the other Numsa members would have been regarded as leaders by co-workers.

All the victims except one worked in the wire mill section. The one exception had been in the company of an employee from that section when he was attacked.

"This common factor renders the possibility that the attacks were individually planned remote," Du Plessis said. "Furthermore it indicates the attacks were planned by people opposed to the continual working of the victims."

Judgment will continue today.

Railways police set to return

A SECURITY force similar to the disbanded SA Railways Police could soon be patrolling trains and railway stations if high-level talks between the SA Rail Commuter Corporation and the SAP are successful.

This was disclosed yesterday by MD J J Nel, who said the carnage on the trains since July last year had led the corporation to investigate all possible means of ending train violence. B1 day 31/3/92

The Railways Police was integrated into the SAP in 1986.

"The corporation and the SAP are investigating the possibility of a dedicated security force to concentrate on the security of commuters and their environment, such as railway stations and trains," Nel said.

Police stations are also planned for railway property. — Sapa.

PAC 11 in court over Ennerdale clashes

STAR 31/3/92 (331

The public-violence case against PAC general-secretary Benny Alexander and 10 others was postponed to May 11 following their brief appearance in the Vereeniging Magistrate's Court yesterday.

The group was arrested in Ennerdale on January 27 after clashes erupted between residents and the police during a meeting at a local stadium to discuss rent and tariff issues.

Mr Alexander and the other 10 men were released on bail of R50 each. They face charges of public violence but have not yet been asked to plead.

STAR
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No money for co-accused in Winnie trial

A co-accused in the Winnie Mandela trial for kidnapping and assault, Xoliswa Falati, may have to go to jail because she has no money for the appeal against her conviction.

Falati (38) was sentenced to six years' jail for kidnapping Kenneth Kgase, Thabiso Mono, Gabriel Mekgwe and 14-year-old Stompie Seipei.

Her lawyer, Kathleen Satchwell, said the legal fees of Falati and another co-accused, John Morgan, were paid by the International Defence and Aid Fund, but it had been closed down.

Concerning the R1 million Falati claimed had been donated by Libya, Ms Satchwell said she knew only what she had read in the press.

If the two could not raise the fees, she said, they would "obviously have to serve their sentence". — Own Correspondent.

Plan to exclude TBVC states during transition

Sowetan 31/3/92

THE Government dropped the bombshell last week at Codesa by suggesting that the four independent homelands be excluded from the transitional government that would be entrusted with drafting a constitution.

A source within Codesa said this declaration was made to the steering committee of Working Group Three and Four.

The source said the Government would only be prepared to agree that the Transkei, Bophuthatswana, Venda and the Ciskei be included in the transitional government once they had renounced their independence.

The source said only Transkei, Venda and Ciskei had agreed to renounce their independence, but did not know which procedures to follow.

ANC official Mr Matthew Phosa said the Government's moves were totally unacceptable because they would automatically exclude more than 10 million people from being party to the drafting of a new constitution.

He said what the Government actually wanted was

By IKE MOTSAPI

tantamount to saying to inhabitants of these homelands: "We will draw a constitution for you and later ask you to join us once it is ready."

Phosa said the Government seemed to be bent on introducing the old apartheid in a new form, because "we will still be having bantustans who will be excluded from the transitional government once it is installed".

The ANC found it disturbing that the Government should order the TBVC states to scale down their activities at Codesa.

"Although the ANC welcomed that homelands who are not independent would take part in the transitional government, we are going to fight hard to have the TVBC states to be part of such a structure," Phosa said.

He said the ANC's concern was that most of their members were in some of these independent states. Another *Sowetan* source said the Government's moves had apparently stalled progress at Working Group Four.

Case against Alexander and 10 others postponed

Sowetan 31/3/92

331

THE public violence case against Pan Africanist Congress general secretary Mr Benny Alexander and 10 others has been postponed to May.

They appeared briefly in the Vereeniging Magistrate's Court yesterday.

The group was arrested in Ennerdale, Johannesburg, on January 27 after clashes erupted between residents and the police during a meeting at a local stadium to discuss rent and tariff issues.

Alexander and the other 10 men were released on bail of R50 each later the same day. They are facing charges of public violence.

None of them has been asked to plead and no evidence has been led. The case was postponed to May 11.

UNIVERSITY OF CAPE TOWN

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Falati has no money for appeal on April 30

Sowetan 31/3/92

By RUTH BHENGU

XOLISWA Falati, who was convicted with Winnie Mandela for kidnapping and assault, may have to go to jail because she has no money to appeal against her conviction.

The appeal is due to be heard by the Appellate Division on April 30.

Falati (38) was sentenced to six years for kidnapping Kenneth Kgase, Thabiso Mono, Gabriel Mekgwe and 14-year-old Stompie Seipei.

Her lawyer, Ms Kathleen Satchwell, said Falati and another co-accused, John Morgan's legal fees were paid by the International Defence and Aid Fund but it had recently closed down.

Concerning the R1 million Falati claimed had been donated by Libya, Satchwell said she had read about it in the Press and did not know anything more.

"All I know is that there are no funds for Falati to lodge an appeal. As it is I cannot even afford to pay for the records of the trial, let alone instruct an advocate and pay for air fares."

Asked what would happen if Falati and Morgan could not raise the fees, Satchwell said they would "obviously have to serve their sentence".

She said the case would cost close to R70 000.

The case arose from the kidnapping and assault of four youths.

Kgase and Mono testified that they were sjambokked, kicked, punched and dropped on a cement floor.

Stompie's body was found in a veld near Soweto on January 6 1989. Kgase escaped on January 7 and the other two were later handed over to community leaders.

Six men on murder charges

By SONTI MASEKO

JUDGMENT in the trial of five former employees of Haggie Rand and another man, who have all been accused of murdering five non-strikers during an industrial action in 1989 and 1990, continues in the Rand Supreme Court today.

In the first day of judgment yesterday, Mr Justice BR du Plessis, assisted by two assessors, accepted as admissible confessions made by some of the accused and evidence of an accomplice who testified under warning.

The judge also accepted evidence by the State that the accused themselves pointed out various areas where the offences were committed.

The six men are Mr Richard Ngobeni (39), Mr Jeffrey Mtshali (35), Mr Malvert Ngubane (41), Mr Malan Khumalo (44), JMr oseph Bhengu (26) and Samuel Malepo (40).

They have been charged with five counts of murder, nine of attempted murder, two of arson and two of illegal possession of firearms.

The State alleges that the men embarked on an intimidation campaign against Haggie Rand employees and scab labourers during a strike in 1989 and 1990.

As the industrial action continued, the accused - with the exception of Bhengu - decided to identify workers who did not go on strike.

TOTALITARIANISM — POLITICAL TRIALS

1992

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They lied -

murder accused tells trial

Sowetan 1/4/92

ONE of the accused in the Trust Feed massacre trial said on Monday that residents of a house in Trust Feed, which was attacked on December 3 1988 leaving 11 dead and eight seriously injured, were lying when they said someone had "kicked open the door of the house".

Former special constable Mr Marshall Khambule said in the Maritzburg Supreme Court that although he had only been about three or four paces away from the door during the attack he could not see anything because it was so dark and he was concentrating on protecting himself.

All four former special constables accused of murder and attempted murder have told the court they shot into the house from the outside and never entered the house.

Assistant to the Attorney-General, Miss Rita Blumrick, asked him to explain how there was "an almost remarkable similarity" between the number of rounds used by him and his three colleagues and the number of wounds received by people inside the house, "considering it was so dark you could not even see three paces in front of you".

Khambule said he had realised after the attack that the house was very small and the people were crowded together.

He said he had not known this at the time of the attack and had left the scene with the others without bothering to check if they had killed or injured anyone.

The four have testified they left the house without reloading their weapons even though they were convinced they were attacking a UDF stronghold.

Khambule said that at no time did he hear Captain Brian Mitchell, who ordered them to attack and surround the house in Trust Feed, use the word "kill".

He said he fired at the house when he heard shots because he felt his life was threatened as he had thought the shots were coming from inside the house.

Blumrick then told the court that in an earlier statement Khambule had not been sure where the shots were coming from - inside or outside the house.

Khambule told the court he had not considered whether the shots might not have been fired by his colleagues as their stated intention was to attack the house.

Earlier in the day Khambule said he had been taught to listen to the commands of a superior officer at all times and that while he was serving in the SAP he would have even obeyed an order to shoot an innocent person walking across the street.

Dangerous

Miss Blumrick asked him if he would obey an order to shoot women and children even if he knew it was an illegal order.

Khambule said he had not known any better while serving in the SAP.

Asked by Mr Justice Wilson if he would shoot a little child if he was told to do so and if this was what he had been taught while training at Koeberg in the Cape, Khambule said children were different from an adult because they were not dangerous.

"A woman can sometimes be dangerous but a child is never dangerous," he said.

The six other policemen charged in the Trust Feed trial are Captain Jacobus van den Heever, Captain Brian Mitchell, Sergeant Neville Rose, Special sergeant Mr Dumisane Ndwalane, Mr Kehla Ngubane and Mr Thabo Sikhosana.

Proceeding. - *Sowetan Correspondent.*

Haggie Rand six guilty of murder

331

Sowetan 1/4/92

By SONTI MASEKO

SIX men were yesterday found guilty of murdering five people and attempting to murder seven others who had refused to join a strike at East Rand engineering company Haggie Rand in 1989.

Mr Justice RB Du Plessis in the Rand Supreme Court rejected submissions by the men that they did not take part in the crimes between November 1989 and April 1990.

A total of 18 crimes, including murder, attempted murder, arson and the illegal possession of firearms were committed.

The trial was postponed to June 1 to hear evidence in mitigation. The convicted men, Richard Ngobeni (39), Jeffrey Mtshali (35), Malvert Ngubane (41), Malan Khumalo (43), Joseph Bhengu (26) and Samuel Malepo (40) are in custody.

The men, except Bhengu, were dismissed by Haggie Rand following an industrial dispute in October 1989.

The court found that they engaged in acts of intimidation to force workers to strike.

The judge found Ngobeni, Mtshali and Khumalo guilty on charges of attempted arson. They were also convicted on two counts each of attempting to murder the two employees and occupants of the houses.

Several other workers were shot. Five died and nine survived.

Students want teachers back

BIDay 1/4/92

ABOUT 50 Katlehong students and their parents have threatened to go on a hunger strike if Education and Training Minister Sam de Beer does not reinstate white teachers at schools in the East Rand township.

The 49 chanting demonstrators, most of them members of the Congress of SA Students (Cosas), yesterday continued an overnight sit-in at the Katlehong Town Council boardroom to demand the return or replacement of 19 white teachers withdrawn from the township by the Department of Education and Training (DET) following the death of a white colleague earlier this year.

Kathorus College of Education teacher Schalk Dippenaar died in hospital last month after he was beaten and set alight in January by students demanding white teaching posts be vacated for unemployed black teachers.

A third meeting on the issue on Monday night between students and DET officials made no progress and demonstrators would continue their sit-in, Cosas national president Moses Maseko said.

He said the DET, in the two earlier meetings with Cosas, had agreed to provide temporary teachers and he charged that the deparmtment was dragging its feet.

The safety of teachers was guaranteed as the majority of students and parents were supporting their return, reporters were told. — Sapa.

● Comment: Page 12

Numsa members guilty of murder

BIDay 1/4/92 (331)

SUSAN RUSSELL

FIVE Numsa members at Haggie Rand, who took part in armed attacks against co-workers who refused to join an illegal strike in 1989, were found guilty in the Rand Supreme Court yesterday on various counts of murder and attempted murder.

Joseph Benghu, who was hired as a "hit man" to assist in the attacks on non-strikers was also found guilty of murder and attempted murder.

Five Haggie Rand employees were murdered and nine others wounded during the intimidation campaign against non-strikers on the Witwatersrand from November 1989 to April 1990.

Judge Du Plessis, sitting with two assessors, yesterday found that shop stewards' chairman Richard Ngobeni and workers' representatives Jeffrey Mtshali, Malvert Ngubane, Malan Khumalo and Samuel Malepo had played a leading role in the campaign of violence.

The five were dismissed by Haggie Rand before the initimidation campaign was launched.

The court accepted State evidence that the five had been members of, or intimately involved with, a workers' representative group known as the committee of 10.

There was no doubt, the judge said, that the attacks were planned and carried out by the committee.

Ngobeni was found guilty on four counts of murder, eight counts of attempted murder, two counts of attempted arson and the unlawful possession of a firearm.

Mtshali was convicted on one count each of murder and attempted murder. Ngubane was found guilty on one count of murder, two counts of attempted arson, seven counts of attempted murder as well as the unlawful possession of a firearm and ammunition. The court convicted Khumalo on all 16 counts.

Bhengu was found guilty of murdering two non-strikers and attempting to murder four others. He was also found guilty of unlawfully possessing a firearm and ammunition.

Malepo was convicted on one count of murder and two of attempted murder. An accomplice of the six men, Abraham Keele who turned State witness, was given indemnity from prosecution.

Judge Plesssis discharged Keele from prosecution at the request of the State, saying he had answered all questions factually and honestly.

The case was postponed to June 1 for evidence in mitigation.

Ivory Coast Foreign Minister Amara Essy is greeted by ANC deputy president Walter Sisulu at the ANC's Johannesburg offices. Essy held brief talks with Sisulu and ANC secretary-general Cyril Ramaphosa at the office yesterday. Picture: BRIAN HENDLER

Ivorian foreign minister in local talks

BIDay 1/4/92

ANC deputy president Walter Sisulu said he briefed visiting Ivory Coast Foreign Affairs Minister Amara Essy on the SA situation during their meeting in Johannesburg yesterday.

Essy said the fact that ANC president Nelson Mandela had lent his support to President F W de Klerk in the March 17 referendum proved dialogue could solve problems.

Earlier, after meeting Foreign Affairs Minister Pik Botha, Essy said they had "a thorough discussion on African affairs and bilateral matters relating to our countries". (RM) (355)

He said his visit was aimed at strengthening the two countries' relations.

Essy also held talks with De Klerk at Tuynhuys where he delivered President Houghouet-Boigny's message "on the outstanding referendum victory". — Sapa.

Five unionists, hitman found guilty

By Susan Smuts (331)

STAR 1/4/92

An unofficial workers' committee had planned and carried out attacks on non-striking workers and scab labour during the 1989 strike at Haggie Rand's Jupiter factory, a Rand Supreme Court judge said yesterday as he found five National Union of Metalworkers of SA members and a hired hitman guilty of numerous counts of murder and attempted murder.

The "committee of 10" had identified workers who had not joined the strike as "rats", and had petrol-bombed their homes and shot them.

The chairman of the committee of 10, Malan Khumalo (42), was found guilty on five counts of murder, nine of attempted murder, two of attempted arson, and illegal possession of arms and ammunition. He was the only one to be found guilty on all charges.

Mr Justice B R du Plessis said Khumalo was a liar who claimed he had stayed at home every night during the relevant period.

Shop steward Richard Khazamula Ngobeni (38) was found guilty on four counts of murder, eight of attempted murder, two of attempted arson and one of illegal possession of a firearm.

Ngobeni had lied about his leading role among the dismissed workers and the function of the committee of 10.

Joseph Mdumiseni Bhengu (25), who had been hired to carry out attacks, was found guilty on two counts of murder, four of attempted murder, and illegal possession of arms and ammunition.

Malvert Ngobane (40) had given "evasive answers" and replied with "quibbling subtleties" in his evidence. He was found guilty on one count of murder, seven of attempted murder, two of attempted arson, and illegal possession of arms and ammunition.

Samuel Kgoshiekgolo Malepa (39), "a liar who coloured his evidence with fatuous remarks", was found guilty of one count of murder and two of attempted murder.

Jeffrey Sipho Mtshali (34), who "ascribed evidence not in his favour to the sinister intention of others", was found guilty on one count of murder and one of attempted murder.

The trial was postponed to June 1 for argument in mitigation of sentence.

'Feed' trial postponed

Sowetan 3/4/92

331

ARGUMENT in the Trust Feed murder trial - which is estimated to have cost taxpayers more than R2 million - was concluded in the Pietermaritzburg Supreme Court yesterday.

Proceedings were adjourned until April 21 for judgment by Mr Justice Wilson and two assessors.

The trial commenced on October 15 last year and has lasted for more than 80 working days.

The seven advocates representing the accused were all appointed by the State. *Sapa.*

Trust Feed trial adjourned for judgment

Own Corresponden

MARITZBURG — The Trust Feed trial in which three policemen and four former special policemen are facing 11 murder and eight attempted murder charges, in connection with an incident in which a group of mourners were gunned down in December 1988, has been adjourned until April 21 for judgment.

About 80 witnesses have been called to testify at the trial before Mr Justice Wilson and two assessors in the Maritzburg Supreme Court over a six-month period.

During closing argument, Natal Attorney-General Mike Imber, SC, called for the conviction of former New Hanover station commander Captain Brian Mitchell as well as four former special policemen on murder charges.

He submitted that the State had proved Captain Mitchell took part in the planning and ordered the attack in which the victims died.

However, Captain Mitchell's counsel has contended that he should be found guilty of culpable homicide. Captain Mitchell testified that he ordered the special policemen to attack UDF members and had not expected them to attack a house of mourners and indiscriminately shoot women and children.

In response to claims by the former special policemen that they were acting under what they believed to be the lawful order of a superior officer (Captain Mitchell) to attack a house containing terrorists, Mr Imber said the actions of the special policemen in executing the massacre far exceeded what had been required of them. He submitted that their presence at Trust Feed that night clearly had an unlawful purpose.

ARG 4/4/92

Winnie's co-accused vanishes after her SOS call

JOHANNESBURG — Police say they have no concrete evidence that Xoliswa Falati, a co-defendant in the kidnap and assault trial of Winnie Mandela, has disappeared.

Falati apparently disappeared from the Mandela-owned home in Orlando West, Soweto, on Thursday after a frantic call to the Johannesburg newspaper, the Sowetan, in which she said she was "not feeling safe" and had to talk to someone urgently.

The newspaper reported that Falati had asked for a reporter to come to the house urgently as "something serious was happening". She did not elaborate.

When the Sowetan reporter arrived at the house, a neighbour told her that Falati had left in a car with several men.

The incident follows Falati's eviction from the house by Mrs Mandela on Saturday after a reported altercation between the two women. African National Congress president Mr Nelson Mandela apparently intervened and Falati was allowed to return.

Sowetan day editor Thami Mazwai said the newspaper had not heard anything more from Falati after her disappearance.

Soweto police spokesman Captain Govindsamy Mariemuthoo said police could not follow up the incident unless a report was filed.

"If she (Falati) was feeling threatened she should have phoned the police, not a newspaper.

"The incident has not come to the attention of the police from any other source but the Sowetan."

Falati and Mandela were last year each sentenced to six years' jail for the kidnap and assault of four youths in Soweto. Both women are out on bail pending an appeal.

The African National Congress would not comment on Falati's apparent disappearance.

ANC spokeswomen Gill Marcus said it was a matter concerning the Mandela household and she doubted the ANC would make any statement. — Sapa.

6 guilty of murdering scabs

By MARTIN NTSOELENGOE

SIX men stood grim-faced this week as a Rand Supreme Court judge found them guilty of five murders, nine attempted murders, arson and the illegal possession of firearms.

Judge R du Plessis, assisted by two assessors, described the gruesome murders and intimidation of co-workers who refused to join an illegal strike at Haggie Rand on the East Rand.

The judge said this this happened after five Numsa members embarked on an intimidation campaign, enlisting the services of a hired hitman, after they were fired when their strike misfired.

The six were found guilty of the murder of Bernard Marekane, Dugmore April, Meshack Bhekuyise Mabizela, James Mothokoa and Samuel Ntshuntsha. They attempted to murder Seth Mwenda, Abraham Mbatha, Peter Maponya, Mack Thabo, Johannes Mabaso, Elias Ntsibanyoni, Lawrence Maseko, Abel Matsabo and John Themba.

Richard Khazamula Ngobeni, 38, of Naledi, was found guilty of four counts of murder, eight of attempted murder, two of attempted arson and the illegal possession of a 9 mm pistol.

Jeffrey Sipho Mtshali, 34, of Moroka, was found guilty on a charge of murder and one of attempted murder.

Malvert Ngubane, 40, of George Goch hostel in Benrose, was found guilty on one charge of murder, seven of attempted murder, two of attempted arson and charges of illegal possession of a firearm and ammunition.

Malan Khumalo, 42, of Orlando East, was found to have participated in all five murders, nine attempted murders, two cases of attempted arson and possession of a 9 mm pistol, a 375 magnum revolver and ammunition.

Samuel Kgosiekgolo Malepo, 39, of Katlehong, was convicted on a count of murder and two of attempted murder.

Coming to the hired hitman, Joseph Mdumiseni Bhengu, 25, of Nancefield hostel, the judge said he was guilty of two murders,

Doubts about Falati mystery

By DESMOND BLOW

THE disappearance of Xoliswa Falati this week, after her fall-out with Winnie Mandela, is seen – by people who know Falati – as a sinister attempt by her to cast suspicion on the ANC president's wife for her disappearance.

A police spokesman said they were not investigating Falati's disappearance. "If her life was in danger she should have come to the police and not a newspaper."

Falati was the catalyst that began the tragic incidents that led to the death of 14-year-old activist Stompie Seipei when she made a report to Winnie about alleged sexual abuse of youths at the Orlando West Methodist manse.

Winnie supporters have always maintained that she had been hoodwinked by a shrewd Falati, but up to and during the trial Winnie rejected this.

However, there has been a change in Winnie's attitude recently.

The trial of Falati was paid for by the International Defence and Aid Fund, which recently closed down.

Recent reports said President Gaddafi of Libya had donated R1-million for the appeal of Winnie Mandela, but that none of this money would be used for the defence of Falati.

The appeals are due to be heard on April 30. Falati's attorney, Kathy Satchwell, said Falati would have to serve her sentence if no funds for her appeal could be found.

Mrs Falati still 'alive and kicking'

(331)

JOHANNESBURG. — Mrs Xoliswa Falati, who allegedly went missing from Mr Nelson Mandela's home last week, contacted a Johannesburg newspaper yesterday to end speculation that she might have been abducted.

A reporter at the Sowetan newspaper told Sapa: "She said we should know that she is alive and kicking, but she would not talk to any of us any longer than that."

This followed weekend reports that not only had Mrs Winnie Mandela had a massive fallout with her co-accused in the "Mandela United Football Club" trial, but that the Mandelas were about to separate over new allegations about her involvement in kidnappings, murder and assassination plots.

Reports in British newspapers yesterday follow statements attributed to Mrs Falati that she was driven out of the Mandela house by Mrs Mandela in a row about the funding of their appeals and feared for her life.

Yesterday the ANC declined detailed comment on a report that Mr and Mrs Mandela were to separate. "I don't think it would be proper for the ANC to comment on these matters. Mr and Mrs Mandela are entitled to a private life," said ANC information director Mr Pallo Jordan.

Ms Gill Marcus, an ANC National Executive Committee member, said: "It's for the Mandelas to decide how to handle this. At the moment neither of them has indicated they will be making any announcement."

An old friend of Mr Mandela, Mrs Amina Cachalia, said yesterday that she had not heard anything of the Mandelas splitting up.

Ms Marcus confirmed Mrs Falati had seen intelligence officers and "the ANC is looking at what she had to say".

In Britain yesterday reports in the Sunday Times and Sunday Express said that Mrs Falati told ANC officials that:

- She had lied to provide Mrs Mandela with an alibi in the case of Stompie Moeketsi, the 14-year-old who was murdered.
- Mrs Mandela had ordered the murders of other people in Soweto, including a black journalist, and had drawn up a "hit list" of five assassination targets, including ANC secretary-general Mr Cyril Ramaphosa and Mr Murphy Morobe, who had condemned her activities and those of the football club in 1989.

CT 6/4/92

The Rev Paul Verryn, accused by Mrs Mandela of homosexual relationships with boys involved in the football club case, had also been on the list.

The Sunday Times and Sunday Express also reported allegations of Mrs Mandela's love affair with Mr Dali Mpofu, 27, a "flamboyant lawyer who shares Winnie's birthday".

Citing an ANC official, the Sunday Times said Mr Mandela had telephoned home while on an overseas trip to be told that his wife was in the United States. When he had rung her hotel room in the US "Mpofu answered". — Sapa-Reuter

Winnie Mandela stirs trouble again

Sowetan 7/4/92

(331)

By JOHN BATTERSBY

WINNIE MANDELA, wife of ANC president Nelson Mandela is again at the centre of controversy and faces new allegations about her past and present activities.

Last week a co-defendant in the Mandela case, Xoliswa Falati, threatened to reveal damaging information about Mrs Mandela including circumstances surrounding the death of a prominent Soweto physician, Dr Abu-Baker Asvat.

Another co-defendant, Mr Katiza Cebekhulu, said last autumn in an interview for the *Monitor* in Lusaka, Zambia, that Mrs Mandela was responsible for the Asvat death and he would be willing to so testify in court.

The allegation has twice been presented to Mr Ismail Ayob, the Mandela family lawyer, for response.

He said they would make no direct comment on the accusation while her appeal on the other case was pending.

In a November 1991 statement responding to this and allegations raised by others, the lawyer, said: "An attempt is being made to resuscitate allegations against Mrs Mandela which were canvassed and in many respects rejected by the Supreme Court."

Since last fall, the *Monitor* and *Southern News* of Toronto have conducted an investigation during which Mrs Mandela's name has been linked by others to the Asvat case, in which two black men were convicted of murder and armed robbery.

The *Monitor* also found that a statement was made to the police by one of Asvat's convicted killers, Thulani Johannes Dlamini, in which he said that the other man responsible for his death was to have received payment from Mrs Mandela once the murder was carried out.

That statement was never submitted as oral argument at the trial, according to State prosecutor Mr Jannie van der Merwe, because it was at odds with the police investigation.

The *Monitor* has a copy of the statement and has discussed the issue with the prosecutor in the Asvat case. Van der Merwe told the *Monitor* and *Southern News* in an exclusive interview that he did not believe the true motive of the doctor's murder had been revealed.

He indicated that it is his belief there is a connection between Mrs Mandela and the Asvat death.

"My gut feeling all along was that there was something very strange," he said. "It was just too much of a coincidence . . . I just had the feeling that this was not an armed robbery or murder - but an assassination. But we never had any hard information."

Towards the end of the trial, Van der Merwe began a line of questioning exploring the possibility of a link. But the police investigating officer said under oath that he could find no connection between Mrs Mandela and the Asvat death. Van der Merwe said in the interview he was not convinced the police had explored every avenue.

There is widespread disquiet in anti-apartheid circles about Mrs Mandela's past and present conduct.

Beginning in 1987, according to reports in *Frontline* magazine published that year, she operated as a self-appointed arbiter of "people's justice" in Soweto by deciding on punishments for individuals in the community that were then meted out by her bodyguards, a group of township youths called the Mandela United Football Club.

Her conviction last May on kidnapping and assault charges came in the case of Stompie Moeketsi Seipei, a 14-year-old Soweto activist who was one of four youths assaulted in her home in December 1988. Stompie was later found dead, and Jerry Richardson, then head of her bodyguard, is serving a 19-year jail sentence for the murder.

Asvat, who had a long professional association with Mrs Mandela, had reportedly been called to her home to examine Stompie after the beatings.

But according to a number of sources, Asvat refused to treat the youth, recommending that he be taken to hospital. Two weeks after the visit, Asvat was killed in his consulting room.

Two lawyers close to the Mandela trial (but not on her team), anti-apartheid activists, former friends of Mrs Mandela and the Asvat family, as well as the State prosecutor, are among those who say they believe she had a hand in Asvat's murder.

Mr Mandela's pivotal position in negotiations makes him indispensable to an evolutionary transition in the country, political scientists and diplomats say.

But new allegations about Mrs Mandela are causing concern among senior ANC officials over Mr Mandela's own judgment in continuing to protect his wife and the damage this could do to him and the ANC in a crucial stage in the negotiation process.

Friends say Mr Mandela has felt an overwhelming obligation to his wife and a sense of guilt about the ordeal she suffered at the hands of authorities during his 27 years in jail.

But friends say the bond between them has been strained to the limits by recent events, and they have been living apart for some months.

The two confidants making the allegations against Mrs Mandela, Mr Katiza Cebekhulu and Ms Xoliswa Falati, were once very close to her and say she has betrayed them.

Cebekhulu was associated with her bodyguard and lived for some time in her home.

His claim was made five months ago from a jail cell in Lusaka, Zambia, where he has been held as a prohibited immigrant.

Cebekhulu said he was spirited out of South Africa at Mrs Mandela's request days after their trial began in February 1991.

He claimed Mrs Mandela offered exile or death.

Ayob told the *Monitor* repeatedly that he thinks Cebekhulu "is not the kind of person you could rely on for anything at all".

Since December Cebekhulu's whereabouts have not been known but he is thought to be in a safe house in Lusaka under the care of the UN High Commission for Refugees.

South African authorities appear indifferent to the prospects of his return.

The Transvaal Attorney-General has said that the state has no plans to apply for extradition.

Cebekhulu's credibility in making his accusations can be questioned.

He was charged in the Stompie assault and therefore had good reason to leave the country.

He could also be trying to strike back at Mrs Mandela.

Although an examination deemed Cebekhulu mentally fit to testify in court, some sources say he at time suffered from psychological problems.

But the Zambian human rights lawyer who interviewed Cebekhulu said although he was a person of humble education, he was clearly intelligent.

(The lawyer handled the interview because the *Monitor* reporter was denied entry into Lusaka Central Prison.)

Falati's threats were made to a reporter on the *Sowetan* after Mrs Mandela evicted her from the Mandelas former home on Sunday March 29, at gunpoint, according to neighbours.

Falati was later returned to the home, where she has been living, following the personal intervention of Nelson Mandela.

Falati told *Sowetan* after her dispute with Mrs Mandela last week that the latter was breaking their relationship now that Falati had served her purpose.

"I can't believe that she is dumping me after all I have done for her," Falati said.

"I have been instructed not to speak to journalists by the ANC president... by ANC security and ANC intelligence", Falati told the *Monitor*.

On Thursday, after visits from ANC security officials, Falati left, accompanied by four men in a car, and has not been seen since.

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NELSON MANDELA

United States newspaper claims link to death of

Soweto doctor

AIRG 7/4/92 (331)

Winnie in new s

The Argus Correspondent

JOHANNESBURG. — Winnie Mandela is again at the centre of international media attention following a report in the Christian Science Monitor linking her to the death of Dr Abu-Baker Asvat.

In a report filed from here by Monitor correspondent John Battersby yesterday, the prosecutor in the Asvat case said he belived it was not "an armed robbery or murder — but an assassination". He said, in his belief, there was a connection between Winnie Mandela and Dr Asvat's death.

British and South African newspapers at the weekend reported on speculation that the Mandela marriage was on the rocks and that ANC president Mr Nelson Mandela wanted to make the separation formal.

Dr Asvat, a prominent Soweto doctor, was murdered in his Soweto surgery in 1989.

Mandela and one-time close friend Xoliswa Falati, who last week had a serious fallout, were convicted last year of kidnapping and assaulting four youths, including teenage activist Stompie Seipei, and were each sentenced to an effective six years' jail.

Their appeal hearing is scheduled for April 30.

The trial followed the conviction of Mandela's bodyguard, Jerry Richardson, for the murder of Seipei.

Dr Asvat, who had a long professional association with Mandela, was reported to have been called to her home to examine Stompie after beatings.

But the Monitor claims that a number of sources said Dr Asvat refused to treat the boy and recommended that he be taken to hospital.

Two weeks after the visit, Dr Asvat was killed in his consulting rooms.

ANC 'safe house'

Falati last week disappeared from the Mandela home just days after Winnie Mandela tried to evict her.

She is understood to be staying at an ANC intelligence unit "safe house" somewhere in Johannesburg.

The Christian Science Monitor says Falati and Mr Katiza Cebekhulu, a co-defendant who never stood trial, were prepared to present damaging evidence regarding Mandela and the Asvat case.

The Monitor said that since last autumn, it and Southern News of Toronto, Canada, had conducted an investigation during which Mandela's name had been linked by several sources to the Asvat case, in which two men were convicted of murder and armed robbery.

The Monitor also found that a statement was made by one of the convicted killers, Thulani Johannes Dlamini, in which he said that his co-accused was to have received payment.

That statement was never submitted as oral argument at the trial, according to State prosecutor Jannie van der Merwe, because it was at odds with the police investigation.

The Christian Science Monitor said it had a copy of the statement and had discussed the issue with the prosecutor.

Mr Van Der Merwe told the newspaper he did not believe the true motive of the doctor's murder had been revealed.

He indicated that, in his belief, there was a connection between Mrs Mandela and the Asvat case.

Mr Van Der Merwe told the Monitor that towards the end of the trial he began a line of questioning exploring the possibility of a link, but the police investigating officer said under oath that he could find no connection between Mandela and Dr Asvat's death.

Mr Van Der Merwe said he was not convinced the police had explored every avenue.

A brother of Dr Asvat, Ebrahim Asvat, said yesterday he would consult lawyers today to inquire about the possibilities of getting the case reopened.

The Sowetan reported yesterday that it was known that Mr Mandela and his wife had been living apart since last November.

Soweto doctor

storm

Mrs Falati reports to police station

331 CT 7/4/92

MRS Winnie Mandela's co-accused in the Stompie kidnapping trial, Mrs Xoliswa Falati, feared abducted or on the run at the weekend, reported to Soweto's Orlando police station yesterday in line with her bail requirements.

Yesterday a smiling Mrs Mandela laughed off questions about her apparently troubled marriage and refused to comment on Mrs Falati's whereabouts.

Last week Mrs Falati contacted a Soweto newspaper and said she was "not feeling safe" after she had been evicted from the Mandela home in Soweto.

A reporter who went to the home saw her leaving in a car with several men.

But speculation of another twist in the Stompie Sepei saga was dismissed yesterday when a Soweto police spokesman said last night "she is complying with her bail conditions".

Mrs Mandela was in Port Elizabeth to attend a rally for Solomon Mahlangu, an ANC cadre hanged in 1979.

Dressed in her trade-mark militant green beret, snug green jacket and black skirt, she laughed off every attempt to speak to her.

"I am here to celebrate Solomon Mahlangu," Mrs Mandela said merrily amid an entourage of about 30 admirers.

In London the Mandela marital rift made headline news in most British newspapers yesterday. At least five major London-based papers carried lengthy stories on what many said was a "looming divorce".

The Independent devoted an editorial entitled "Mandela's necessary loss" to the rift, which it described as "a great relief".

The newspaper said that upon his release Mr Nelson Mandela was "wilfully blind" to what his wife and her bodyguards were doing.

The source reportedly said Mr Mandela knew of his wife's affairs while he was in jail but had forgiven her because he was away from her for so long.

"Now that she has been carrying on the same way ever since he was freed — that he cannot forgive," the source added. — Staff Reporter, Own Correspondent

Winnie linked to Dr Asvat's death

CT 7/4/92

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Own Correspondent

WASHINGTON. — A key figure in the Mrs Winnie Mandela kidnapping case has claimed the ANC president's wife was linked to the death of Soweto doctor, Dr Abu-Baker Asvat.

In a report published in the Christian Science Monitor, Mr Katiza Cebekhulu expresses his willingness to testify in court.

'MISSING' FALATI REPORTS TO COPS

See PAGE 2

Mr Cebekhulu was named as a co-defendant with Mrs Mandela in her trial on kidnapping charges last year.

The Monitor report is based on a five-month investigation.

Mr Cebekhulu made the charge late last year from a prison cell in Lusaka where he was interviewed on the newspaper's behalf by a human rights lawyer, the Monitor said.

Dr Asvat, the Monitor said, had refused to treat Stompie Moeketsi Sei-

To page 3

From page 1

pei, one of the four youths beaten in Mrs Mandela's home in December 1988. The report said the doctor had recommended he be taken to hospital.

Two weeks later Dr Asvat was killed.

The Monitor said it was also in possession of a statement to police by Thulani Johannes Dlamini, one of the men convicted of killing Dr Asvat, in which he claimed his accomplice was to have received payment once the killing was carried out. (331)

The state prosecutor in the case, Mr Jamie van der Merwe, reportedly told the Monitor the statement was not pursued because it conflicted with the police investigation. CT 7/4/92

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US paper tells of alleged link in death of Soweto's

Shock reports over Winnie

Dr Asvat

STAR 7/4/92

Staff Reporters

Winnie Mandela is once again at the centre of international media attention after a report in yesterday's Christian Science Monitor implicating her in the death of Dr Abu-Baker Asvat.

In a report filed from Johannesburg by Monitor correspondent John Battersby, the prosecutor in the Asvat case was quoted as saying he believed it was not "an armed robbery or murder — but an assassination". He said that, in his belief, there was a connection between Mrs Mandela and Dr Asvat's death.

Winnie Mandela . . . marriage on rocks?

British and local papers at the weekend reported on speculation that the Mandela marriage was on the rocks and that ANC president Nelson Mandela wanted to make the separation formal.

Dr Asvat, a prominent Soweto doctor, was murdered in his Soweto surgery in 1989.

Mrs Mandela and one-time close friend Xoliswa Falati, who last week had a serious fallout, were last year convicted of kidnapping and assaulting four youths (including teenage activist Stompie Seipei) and were each sentenced to an effective six years' jail. Their appeal hearing is scheduled for April 30.

The case followed the conviction of Mrs Mandela's bodyguard, Jerry Richardson, for the murder of Stompei.

Dr Asvat, who had a long professional association with Mrs Mandela, had reportedly been called to come to her home to examine Stompie after beatings.

But the Monitor claims that a number of sources said Dr Asvat refused to treat the boy and recommended that he be taken to hospital.

Two weeks after the visit, Dr Asvat was killed in his consulting rooms.

Mrs Falati last week disappeared from the Mandela home just days after Mrs Mandela tried to evict her.

She is understood to be staying at an ANC intelligence unit "safe house".

The Christian Science Monitor says Mrs Falati and Katiza Cebekhulu, a co-defendant who never stood trial, were prepared to present damaging evidence regarding Mrs Mandela and the Asvat case.

The Monitor said that since last autumn, it and Southern News of Toronto, Canada, had conducted an investigation during which Mrs Mandela's name had been linked by several sources to the Asvat case, in which two men were convicted of murder and armed robbery.

The Monitor also found that a statement was made by one of the convicted killers, Thulani Johannes Dlamini, in which he said that his co-accused was to have received payment from Mrs Mandela once the murder had been carried out.

That statement was never submitted as oral argument at the trial, according to state prosecutor Jannie van der Merwe, because it was at odds with the police investigation.

The Christian Science Monitor said it had a copy.

Mr van der Merwe told the newspaper and the Southern News in an exclusive interview that he did not believe the true motive of the doctor's murder had been revealed.

He indicated that, in his belief, there was a connection between Mrs Mandela and the Asvat case.

"My gut feeling all along was that there was something very strange," he said. "It was just too much co-incidence . . . I just had the feeling that this was not an armed robbery or murder — but an assassination. But we never ever had any hard

● To Page 2

Winnie: shock reports

STAR 7/4/92

● From Page 1

information."

Towards the end of the trial, Mr van der Merwe began a line of questioning exploring the possibility of a link, but the police investigating officer said under oath that he could find no connection between Mrs Mandela and Dr Asvat's death.

Mr van der Merwe said in the interview he was not convinced the police had explored every avenue.

A brother of Dr Asvat, Ebrahim Asvat, told the Sowetan yesterday that he would consult lawyers today to inquire about the possibilities of getting the case reopened.

"We have always believed that Abu-Baker was assassinated."

The Sowetan reported yesterday that it was known that Mr Mandela and his wife had been living apart since last November.

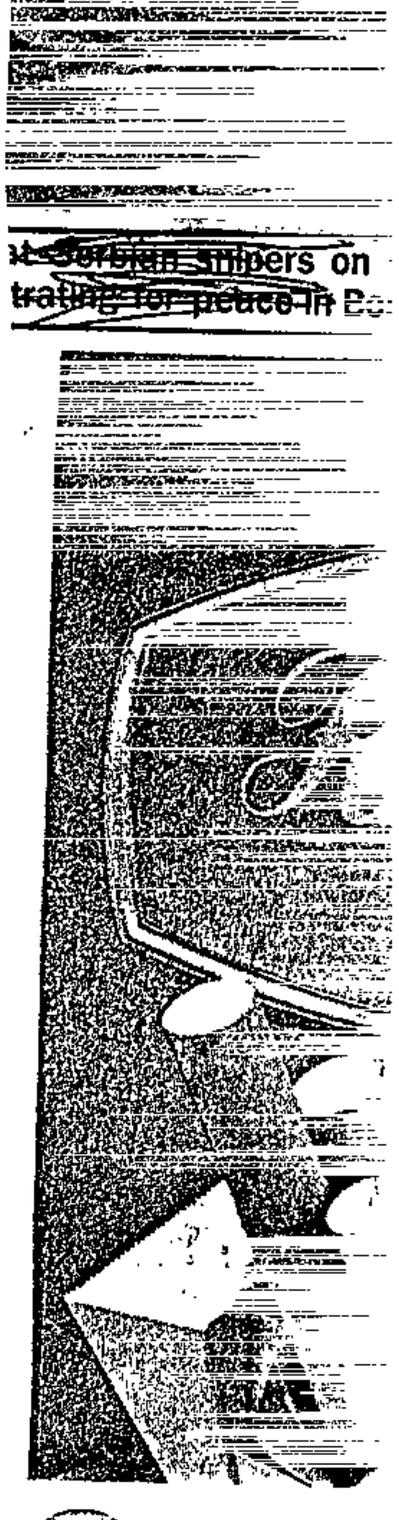
Mr Mandela is reported to now own a house in the northern suburbs of Johannesburg, although he moves residence from time to time for security reasons.

Mrs Mandela is continuing to live in the family's Orlando West house in Soweto.

The Sowetan reported that one of the reasons for the separation was said to be the fact that a young lawyer, Daluxolo Mpofu, had been romantically linked to Mrs Mandela.

The Monitor report said friends of Mr Mandela say he has felt an overwhelming obligation to his wife and a sense of guilt about the ordeal she suffered during his 27 years in jail.

But the friends report that the bond between the Mandelas had been strained to the limit by recent events.



Cops dig into Asvat's murder

Sowetan 8/4/92

331

SOWETO detectives are re-examining the murder docket of Dr Abu-baker Asvat, civil rights campaigner and senior member of the Azanian Peoples Organisation.

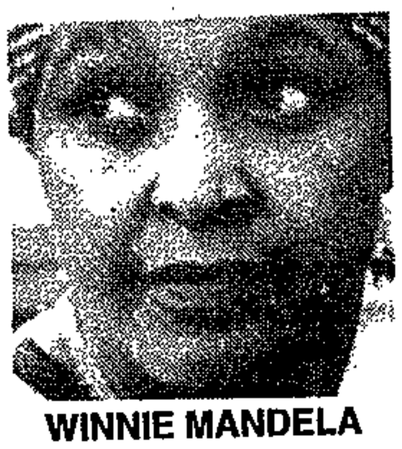
Police sources said yesterday the docket was being "closely scrutinised".

They said once the evidence had been re-evaluated, the docket would be referred to the Attorney-General who would decide whether or not to re-open the murder investigation.

Accomplice

The Star, Sowetan's sister paper, is in possession of two affidavits alleging Mrs Winnie Mandela's involvement in the death of Asvat and teenage activist Stompie Seipei.

ABU-BAKER ASVAT



WINNIE MANDELA

According to the affidavits, made to the police, but not tested in court:

One of Asvat's murderers told police that his accomplice claimed to have been offered R20 000 by Mrs Mandela to commit the murder.

Mr Thulani Johannes Dlamini swore an affidavit two days before their murder trial in 1989. But it was not used in oral argument.

Prosecutor in the case, Mr Jannie van der Merwe, has been quoted as saying the Dlamini statement was at odds with police investigations.

Both men were convicted of the robbery and murder of Dr Asvat.

Mr Katiza Cebekhulu, who disappeared on the eve of Mrs Mandela's trial for kidnapping last year, told police that "Dr Asvat came to Winnie's house and investigated Stompie.

'Come clean'

"While Dr Asvat examined Stompie, I saw that he shook his head. He spoke to Winnie in English. I could not hear what they said. I heard Dr Asvat say the word 'hospital'." Dr Asvat then drove away.

"Winnie, Jerry, Themba and Sonwabo put paper in Stompie's mouth. They put a rag around his mouth and tied it behind his head.

"They tied his hands and feet with a rag as well. Stompie could do nothing.

"Jerry and Sonwabo put Stompie in the boot of a red car ... Stompie was still alive. They drove away ..."

About five hours later the three men - Jerry, Themba and Sonwabo - came back to Mrs Mandela's house, Cebekhulu told the police, adding: "I heard them talk to Winnie and say, 'It is finished with Stompie'."

Neither Mrs Mandela nor Mr Nelson Mandela have commented on the new claims.

'People's doctor' examined Stompie at Mandela home

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ARG 8/4/92

The Argus Correspondent

JOHANNESBURG. — Katiza Cebekhulu, a co-accused with Winnie Mandela who disappeared on the eve of her trial for kidnapping last year, told police Dr Abu-Baker Asvat examined Stompie Seipei in Mandela's Soweto home shortly before he and Stompie were murdered.

Mr Cebekhulu, who surfaced in Zambia after disappearing, told a police officer after he was arrested for questioning in connection with murder of the 14-year-old Stompie that Dr Asvat shook his head after examining the teenager.

His hitherto unpublished statement anticipated many of the allegations he later made from jail in Zambia.

Mr Cebekhulu's allegations have acquired a added relevance through the publication of new information linking Mrs Mandela to the murder of Dr Asvat in his Soweto surgery early in February 1989.

The information has not been tested in court, although Mr Cebekhulu told the Christian Science Monitor he would be willing to testify in court in South Africa.

In his statement to the police Mr Cebekhulu described how Dr Asvat — known as the "people's doctor" — visited Mrs Mandela's house in Soweto after four people, three young men and Stompie, were taken there and beaten up.

"Dr Asvat came to Winnie's house and examined Stompie," said Mr Cebekhulu, who, like the kidnap victims, had at one stage lived in the Methodist manse in Soweto.

"While Dr Asvat examined Stompie I saw that he shook his head. He spoke to Winnie in English. I could not hear what they said. I heard Dr Asvat say the word hospital."

Dr Asvat then drove away.

"Winnie, Jerry, Themba and Sonwabo put paper in Stompie's mouth. They put a rag around his mouth and tied it behind his head. They tied his hands and feet with a rag as well. Stompie could do nothing.

"Jerry and Sonwabo put Stompie in the boot of a red car. Stompie was still alive. They drove away."

About five hours later the three men — Jerry, Themba and Sonwabo — came back to Mrs Mandela's house, Mr Cebekhulu told the police, adding: "I heard them talk to Winnie and say, 'It is finished with Stompie'."

Senior ANC man escorts Falati

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ARG 8/4/92

The Argus Correspondent

JOHANNESBURG. — ANC intelligence chief Terror Lekota has been seen with Mrs Xoliswa Falati, once a friend of Mrs Winnie Mandela, and whose allegations concerning the Mandelas' marriage and the murder of a Soweto doctor have made international headlines.

Mr Lekota confirmed that ANC personnel had stepped in to ensure that Mrs Falati was "accommodated" after her recent fallout with Mrs Mandela.

Mrs Falati, who seemed tense and reluctant to move too far ahead of Mr Lekota, answered most questions with "no comment".

She would not indicate how she felt about her personal safety nor would she state whether she considered the reports published in the international media to be a fair reflection of the interviews she had given to journalists.

Mr Lekota emphasised that Mrs Falati was free to speak to the Press and free to move around.

It is understood that Mrs Falati had considered addressing a Press conference convened yesterday by Mrs Mandela's lawyer, but this idea had been dropped.

Police request Asvat murder docket after allegations over Winnie

POLICE have asked for the case docket on the 1989 murder of Soweto physician Dr Abu-Baker Asvat and are investigating allegations in the media of Winnie Mandela's possible link with the death.

The allegation was strongly denied by Mandela yesterday and dismissed by her as a "rehash of gossip" inspired by a desire to harm her and the ANC.

Mandela instructed her attorney, Ismail Ayob, to call a news conference yesterday, which she did not attend. Ayob read out a statement which he said she had drafted and which Nelson Mandela had approved.

Ayob also denied that the Mandela marriage was breaking up.

"They (the Mandelas) are not living apart. However, the impression could have been created by the great pressures put on them by ANC commitments and by security arrangements."

Soweto police spokesman Capt Joseph Ngobeni said in a statement police had taken note of the allegations and had asked for the Asvat case docket.

"Only the investigating officer can best explain the position of the case," Ngobeni said, adding the officer was not available.

STEPHANE BOTHMA

However, sources confirmed that the Criminal Investigation Department in Soweto was investigating the allegations.

Dr Ebrahim Asvat, brother of the deceased, said yesterday his family was examining the allegations and would push for a reopening of the investigation if concrete new evidence came to light.

"We have never accepted robbery as the motive (for the murder) and we were never satisfied with the result (of the trial)."

He would meet lawyers today to discuss reports claiming that at the time of the Asvat murder trial, the State had been in possession of a statement by one of the murderers that his co-accused would have received payment of R20 000 from Winnie Mandela once the murder was carried out.

Thulane Dlamini and Cyril Mbatha were sentenced to death in the Asvat case.

The State prosecutor in the trial, Jannie van der Merwe, has been reported in the foreign media as acknowledging the existence of such a statement. He reportedly said it had not been pursued because it conflicted with the police investigation. He was also quoted as saying he believed Asvat's killing was "an assassination".

Sources said that Van der Merwe had left SA on a scholarship shortly after the completion of the Asvat trial in 1989 and had not yet returned.

Azapo, to which Asvat belonged, yesterday demanded that the State reopen the case. Spokesman Gomolemo Mokae said Azapo was convinced a conspiracy existed to cover up the truth about the killing.

"This, we believe, is done to save so-called negotiations, by preventing evi-

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Asvat

☐ From Page 1

dence that might leave egg on the face of some participants in these negotiations."

Denying allegations that Mandela was linked to the Asvat killing, Ayob said this allegation was based mainly on a statement made during an interview with a foreign newspaper by Kenneth Kgase (the key State witness in the Stompie Moeketsi Seipei case). Ayob said Kgase was well remunerated by the paper.

In the interview Kgase claimed Asvat examined Seipei at the Mandela home less than two weeks before Seipei's body was identified.

Kgase's evidence was rejected by the Supreme Court and the evidence was clear that neither Asvat nor any other doctor had seen any of the people kept at the Mandela house, Ayob said.

Referring to claims made last week by Xoliswa Falati, a co-accused of Mandela in the Seipei trial, Ayob said Falati had given evidence under oath in two trials and that her recent allegations were inconsistent with her testimony.

"Mrs Mandela helped Falati and her daughter before the events which led to her trial. Falati seems to feel that Mrs Mandela owed her a living for the rest of her life. She was assisted on humanitarian grounds for long enough."

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Asvat murder docket to be re-examined

By PATRICK COLLINGS

JOHANNESBURG. — Police are to re-examine the case docket dealing with the 1989 murder of Soweto physician Dr Abu-Baker Asvat despite yesterday's rejection by Mrs Winnie Mandela of allegations implicating her in his murder.

Soweto police liaison officer Captain Joseph Ngobeni said police hoped to receive the docket later today, but declined to comment further until it had been discussed with the investigating officer.

"Only the investigating officer can best explain the position of the case," he said.

Mrs Mandela's lawyer, Mr Ismail Ayob, issued a statement yesterday on her behalf rejecting recent allegations that she was involved in the murder as "false" and a "rehash of earlier gossip".

Speaking at a crowded press conference, he said the allegations were no doubt "inspired by a desire to harm Mrs Mandela and the ANC".

Referring to weekend media speculation that the Mandela marriage was in trouble, Mr Ayob said Mrs Mandela was appealing to the "media not to concern itself with nor speculate about her personal relationship with her husband which has endured despite 27 years of imprisonment and many years of exile".

Mr Ayob declined to add to the seven-paragraph statement.

Mrs Mandela was not present at the press conference.

On Monday the Christian Science Monitor reported a co-defendant in Mrs Mandela's 1991 trial for kidnapping and assault, Mr Katiza Cebekhulu, as linking her to Dr Asvat's death.

Speaking from a Lusaka prison cell, Mr Cebekhulu claimed he was spirited out of South Africa shortly after the start of the trial, which saw Mrs Mandela receive a six-year prison sentence on charges of kidnap-

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ping four people and being an accessory after the fact to their assault.

The article also quotes the prosecutor in the Asvat case, Mr Jamie van der Merwe, as saying he did not believe it was armed robbery or murder but an assassination, and it was his belief there was a connection between Mrs Mandela and Dr Asvat's murder.

Captain Ngobeni said the case docket of Dr Asvat's murder had been requested although the case had been "disposed of in 1989 and the accused were both sentenced to death and imprisonment on the charges of murder and robbery respectively".

Mr Ayob yesterday labelled the allegations that Dr Asvat was murdered, after refusing to treat one of the youths assaulted at Mrs Mandela's home, a rehash of gossip prevalent before her trial.

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He said the rumour was based on the evidence of state witness Mr Kenneth Kgase who was "well remunerated by an overseas newspaper".

Mr Kgase's evidence that Dr Asvat saw the assault victims at the back of the Mandela house was later rejected by the Rand Supreme Court.

● The Azanian People's Organisation demanded yesterday that the state reopen its investigation into the death of Dr Asvat, a prominent Azapo member.

(331) 8/4/92 ARG

Colonel says Asvat died in 'ordinary robbery'

The Argus Correspondent

JOHANNESBURG. — Lieutenant-Colonel Henk Heslinga, the man who led the police investigation three years ago into the murder of Dr Abu-Baker Asvat, remains convinced that the killers had "nothing to do with politics or Winnie Mandela".

An SAP investigator on the Goldstone Commission, Colonel Heslinga, then a captain attached to the Soweto Murder and Robbery Squad, said yesterday he remembered the accused, Zakhele Mbatha, 21, and Thulani Dlamini, 20, as "plain tribal trust people who came from the farms to Soweto".

The colonel was reacting to allegations, published this week, by the State prosecutor in the 1989 murder trial, Mr Jannie van der Merwe, that he believed the killing of Dr Asvat was not "an armed robbery or murder, but an assassination".

On November 3 1989, Mbatha and Dlamini were sentenced to death in the Rand Supreme Court for the murder of Dr Asvat in his surgery on January 27.

They also received effective 12-year sentences for stealing R135 from Dr Asvat's consulting rooms and of robbing a man in Nongoma, Natal, in June 1988 of R550, cigarettes and a wristwatch.

In September 1991 the Appeal Court in Bloemfontein changed Dlamini's death sentence to 20 years. Mbatha was refused leave to appeal and is still on death row, waiting for his case to be heard by a review panel.

"I'm convinced it was ordinary robbery — I'm 100 percent convinced," said Colonel Heslinga.

He said intense questioning of Dlamini and Mbatha by members of the uniformed branch on their arrest at a Soweto hostel and later by detectives had failed to produce any evidence of their alleged links to Mrs Mandela.

Colonel Heslinga said prior to one of their initial court appearances, one of the accused — he believes it was Dlamini — made a confession to a magistrate that he had received R35 000 from Mrs Mandela, "but after thorough investigations we found the confession was not the truth".

The prosecutor accordingly did not use the confession in court, Colonel Heslinga said.

A later visit to the pair on death row reinforced his belief that they were common criminals.

"I gave them a last opportunity. I said 'come clean now'. Both of them told me separately that they stuck to their story — they were never involved with Winnie Mandela or politics."

Winnie not involved – lawyer

Police study Asvat docket

STAR 8/4/92

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Staff Reporters

Soweto detectives are re-examining the murder docket of slain Soweto doctor Abu-Baker Asvat, while Winnie Mandela's lawyer yesterday denied allegations that she was implicated in the doctor's death.

Police sources told The Star late yesterday that the docket of the slain Azapo health secretariat chief was being "closely scrutinised".

They said that once the evidence had been re-evaluated the docket would be referred to the Attorney-General who would decide whether or not to reopen the murder investigation.

The Star has gained possession of two affidavits alleging Mrs Mandela's involvement in the deaths of Dr Asvat and teenager Stompie Seipei.

According to the affidavits made to police, but not tested in court:

● One of the killers of Dr Abu-Baker Asvat told police that his accomplice claimed to have been offered R20 000 by Mrs Mandela to commit the murder.

Thulani Johannes Dlamini swore an affidavit two days before their murder trial in 1989 — but it was not used in oral argument.

● Katiza Cebekhulu, a co-accused with Mrs Mandela who disappeared on the eve of her trial for kidnapping last year, told police that "Dr Asvat came to Winnie's house and investigated Stompie.

"While Dr Asvat examined Stompie, I saw that he shook his head. He spoke to Winnie in English. I could not hear what they said. I heard Dr Asvat say the word 'hospital'. Dr Asvat then drove away.

"Winnie, Jerry, Themba and Sonwabo put paper in Stompie's mouth. They put a rag around his mouth and tied it behind his head. They tied his hands and feet with a rag as well.

"Jerry and Sonwabo put Stompie in the boot of a red car ... Stompie was still alive. They drove away ..."

About five hours later the three men — Jerry, Themba and Sonwabo — came back to Mrs Mandela's house, Mr Cebekhulu told the police, adding: "I heard them talk to Winnie and say, 'It is finished with Stompie.'"

Neither Mrs Mandela nor Nelson Mandela has commented on the new claims.

Mrs Mandela dropped out of sight yesterday, but her lawyer, Ismail Ayob, said at a press conference that the allegations that she had been connected with the death of Dr Asvat in 1989, and other murders, were untrue.

He said: "The allegations made against Mrs Mandela are a rehash of the gossip that was prevalent before the trial, and based mainly upon the statement of (State witness) Kenneth Kgase, who was well remunerated by an overseas newspaper.

"His evidence was rejected by the Supreme Court."

On claims that the Mandela marriage had fallen apart, the statement issued at the press conference said:

"Mrs Mandela appeals to the media not to concern itself with, nor speculate about her personal relationship with her husband, which has endured despite 27 years of imprisonment and many years of exile."

The current furore follows claims made by Mrs Mandela's kidnapping co-accused, Xoliswa Falati. Their appeals against six-year jail sentences are pending.

Mrs Falati would offer no comment yesterday after weekend reports that she and Mr Cebekhulu would give damaging evidence about Mrs Mandela and Dr Asvat's death.

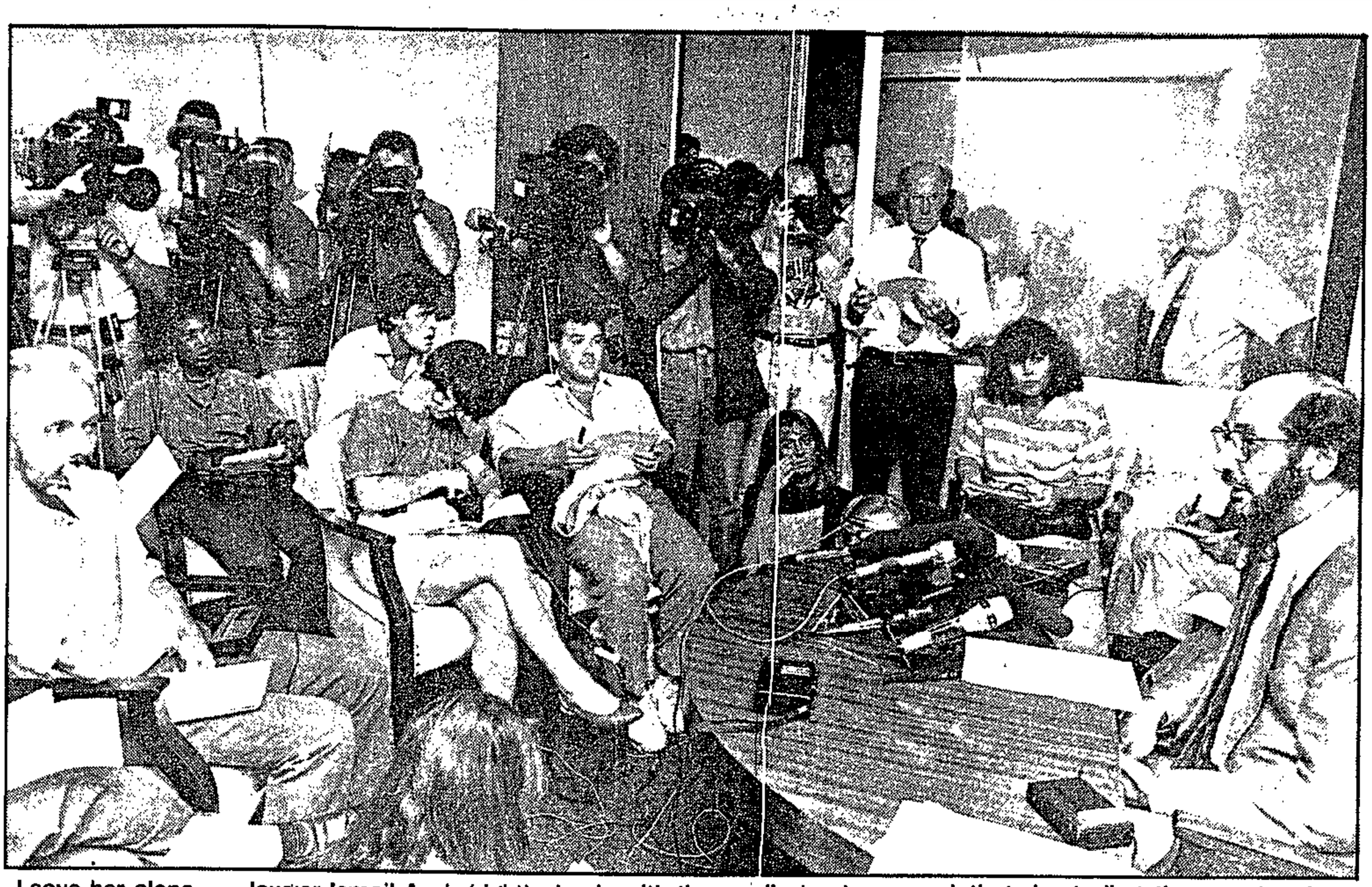
She said yesterday that ANC president Nelson Mandela would pay the bill — estimated at R70 000 — for her appeal.

Mrs Falati said she was "somewhere in Johannesburg". Yesterday she was seen with ANC intelligence chief Patrick Lekota.

Fallout . . . Winnie Mandela (left) and one-time friend Xoliswa Falati, whose claims gave rise to the latest furore.

● 'Asvat shook head over injured Stompie'

Plus more reports — Page 2



Leave her alone . . . lawyer Ismail Ayob (right) pleads with the media to stop speculating about allegations against Mrs Mandela, or the Mandela marriage. Picture: Alf Kumalo

New allegations untrue, says Ayob

STAR 8/4/92

By Peter Wellman (1600/331)

Winnie Mandela's lawyer, Ismail Ayob, yesterday said fresh allegations that she had been connected with the death of Soweto doctor Abu-Baker Asvat in 1989, and other murders, were untrue.

At a crowded press conference in his Johannesburg office, he read a statement on her behalf, and said Nelson Mandela had also approved it.

Mrs Mandela was not present, and Mr Ayob said his instructions were to take no questions beyond the scope of the statement, except for clarification.

He also referred to Mrs Mandela's pending appeal against a six-year sentence for kidnapping teenage activist Stompie Seipei and three other youths, and appealed for an end to speculation because of the sub-judice rule. Her ex-bodyguard, Jerry Richardson, was convicted of murdering Stompie.

According to one of Mrs Mandela's co-accused, Katiza Cebekhulu, Dr Asvat saw the injured Stompie before he (Asvat) was himself murdered.

The statement said: "The allegations made against Mrs Mandela are a rehash of the gossip that was prevalent before the trial, and based mainly upon the statement of (State witness) Kenneth Kgase, who was well remunerated by an overseas newspaper.

"His evidence was rejected by the Supreme Court. The evidence was clear that neither the late Dr Asvat, nor any other doctor, saw any of the people who were at the back of her house."

This reference concerns allegations that Dr Asvat also saw other kidnap victims among others, and the implication is that he was killed because he knew too much.

Mr Ayob continued: "Mrs (Xoliswa) Falati — (who was given the same sentence as Mrs Mandela) — gave evidence under oath in two trials. Her allegations now published in the media are inconsistent with her evidence.

"Mrs Mandela helped Mrs Falati and her daughter before the events which led to her trial. Mrs Falati seems to feel that Mrs Mandela owed her a living for the rest of her life. She was assisted on humanitarian grounds for long enough. Her allegations came forth when the assistance ceased.

"Mrs Mandela's appeal is still pending. This appeal is not about to be heard as heads of argument are being prepared.

"The sub judice rule has been ignored to her prejudice. Some respect has to be shown to the interests of justice by the media for this time-honoured rule.

"Mrs Falati's new allegations about Mrs Mandela being involved in murders and having hit lists are false.

"They are no doubt inspired by a desire to hurt Mrs Mandela and the ANC.

"Mrs Mandela appeals to the media not to concern itself with, nor speculate about, her personal relationship with her husband, which has endured despite 27 years of imprisonment and many years of exile."

Mr Ayob said Mrs Falati — who left the Mandela house after hinting at threats against her, and is now being protected by ANC security men — had now been told to leave the house. Her own home had been damaged in an attack two years ago, and Mr Ayob asked how long it took to repair a house.

Mrs Falati was quoted this week as saying Mrs Mandela had threatened her with a Makarov pistol. "I have never seen Mrs Mandela with a Makarov," retorted Mr Ayob.

Apart from saying the Mandelas were still living together, he stuck to the single paragraph about their relationship. "My instructions are to read this statement to you," he said, adding: "They never make statements about their personal lives."

Later, asked about speculation that the marriage was on the rocks, he said: "There have been security problems ... perhaps there has been a misunderstanding (by the media)."

Mr Ayob said he expected the kidnapping appeal to be heard around the middle of the year.

● Mr Mandela yesterday refused to comment on the Asvat allegations.

Senior cop to probe Asvat case

CT 9/14/92 (331)

By PATRICK COLLINGS
Johannesburg Bureau

POLICE have appointed a senior officer to "examine afresh" allegations implicating Mrs Winnie Mandela in the 1989 murder of Soweto physician Dr Abu-Baker Asvat.

Acting attorney-general of the Witwatersrand Mr Chris Human, SC, yesterday confirmed his office had requested the Soweto police to investigate allegations that Mrs Mandela had ordered the murder.

Mrs Mandela's lawyer Mr Ismail Asvat has rejected the allegations as "false" and a "rehash of earlier gossip".

Mr Human said the outcome of the investigation would not affect the original investigation into Dr Asvat's death which resulted in Thulane Dlamini and Cyril Mbatha being sentenced to death.

However, he said if evidence emerged that somebody had instructed the murder of Dr Asvat a new murder docket would be opened.

Reports say that at the time of the Asvat trial the state had been in possession of a statement by one of the murderers that his co-accused would have received payment of R20 000 from Mrs Mandela once the murder was carried out.

Mr Human said Mrs Xoliswa Falati would be required to make a statement regarding her reported allegations about Mrs Mandela being involved in murders and compiling hit lists.

Mrs Mandela and Mrs Falati were both sentenced to six years imprisonment last year following the 1988 kidnapping of four people from a Soweto church manse and their subsequent assault at the Mandela home.

Both are out on bail pending appeals against their convictions and sentences.

The ANC yesterday pledged financial support for Mrs Falati's appeal against her conviction and sentence to ensure that she received a proper hearing. Mrs Falati's original funding for her appeal dried up when the international organisation supplying the funds closed down.

ANC secretary-general Mr Cyril Ramaphosa yesterday urged the media to refrain from subjecting Mrs Mandela to a "trial by media".

...weeks of fierce campaigning by the Conservative and Labour parties. Picture: AFP

points (2 percent) lower.

'Let law take its course'

Staff Reporters

For the first time, the ANC yesterday commented on the furore surrounding Winnie Mandela, and called for the law to take its course.

It was also learnt yesterday that a senior detective has been appointed to head a new probe into the murder more than three years ago of Soweto "people's doctor" Abu-Baker Asvat.

These developments come after four days of international headlines about the alleged break-up of the Mandela marriage and claims of Mrs Mandela's involvement in the murder of Dr Asvat.

On Tuesday, Mrs Mandela issued a denial through her lawyer that she and ANC president Nelson Mandela were separating, and described the allegations as a "rehash of gossip".

Soweto police liaison officer Captain Joseph Ngobeni yesterday confirmed the appointment of a police officer to "look afresh at the circumstances of Dr Asvat's death, following the allegations".

Captain Ngobeni declined to name the officer, but it is understood he is a high-ranking member of the Soweto Murder and Robbery Squad.

ANC speaks on Winnie drama

STAR 9/4/92 (331)

He also refused to confirm directly whether Mrs Mandela's kidnapping trial co-accused, Xoliswa Falati and Katiza Cebekhulu, both of whom have made accusations, would be questioned.

"The police will investigate all persons concerned during the course of the investigation," he said.

ANC secretary-general Cyril Ramaphosa yesterday accused the media of conducting a "press trial" of Mrs Mandela.

After a meeting of the ANC national working committee (NWC), Mr Ramaphosa reiterated the movement's view that the law should take its course in the case against Mrs Mandela.

"A trial was held, and an appeal is still pending. This means that the time-honoured sub judice rule applies and should be upheld."

The NWC urged the press to refrain from conducting a trial by the media which would undermine the judicial process.

Mr Ramaphosa said: "We recognise that such a campaign is not only directed at an individual, but is part of creating an unfavourable image of the ANC, and particularly its president, Nelson Mandela.

It was clear that "forces hostile to the ANC" were continuously looking for ways to discredit, weaken and, if possible, destroy the organisation.

"We appeal to the media not to lend itself to these mischievous purposes," said Mr Ramaphosa.

In an affidavit made to the police, but not tested in court, Mr Cebekhulu, who disappeared on the eve of Mrs Mandela's kidnapping trial last year, said Dr Asvat had examined Stompie Seipei at Mrs Mandela's home shortly before the teenage activist's death.

Mrs Falati, who was convicted with Mrs Mandela last year of kidnapping and assaulting four youths, including Stompie, refused to comment after weekend reports that she was also willing to present damaging evidence about Mrs Mandela and Dr Asvat's death.

She and Mrs Mandela had a serious fallout last week.

The women's appeals against six-year jail sentences are pending.

The Asvat family, in a statement released by lawyers to Sapa yesterday, said they were "most gratified" to hear that police were re-examining the murder docket.

"We trust that Falati and Cebekhulu will be interviewed and that whatever facts they have in their possession will be investigated."

The family's statement added: "More than anything, we would like the truth to emerge — whatever (it) is."

● Saga fascinates Fleet Street — Page 3

ANC official in court over firearm charge

(331) STAR 9/4/92

By Clyde Johnson
Lowveld Bureau

NELSPRUIT — Eastern Transvaal ANC Secretary Joseph Harold Nkuna (27), appeared in the Nelspruit Regional Court yesterday on charges of being in possession of an unlicensed firearm and ammunition.

His appearance follows the discovery of a 9 mm Makarov pistol and ammunition in Mr Nkuna's car during a service at a White River garage in January.

Appearing with him on similar charges was Stanley Mavebo Sekgobela (37), who was with Mr Nkuna when he delivered the car to the garage.

The men were not asked to plead, no evidence was led and the hearing was postponed to May 13.

The mechanic who had worked on the car said the pistol fell out during a test drive on a bumpy road.

The matter was reported to the police.

After collecting his car, Mr Nkuna phoned the workshop manager and allegedly threatened to call a boycott of the garage unless his firearm was returned. He also allegedly threatened to bomb the garage and kill the workshop manager.

When it came to postponement, Mr Nkuna and Mr Sekgobela said May 13 did not suit them because they had plans to leave for Britain to further their studies.

Magistrate W J Wilken requested proof and gave them until 2 pm to produce it.

They were unable to come up with any documents and the hearing was postponed.

Both men are free on their own recognisances.

'Vanished' Mandela witness is back in SA

W1Mail 10/4 – 15/4/92

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By TONY KARON

PELO MEKGWE — the Winnie Mandela state witness who "disappeared" before her trial — is back in South Africa and will be consulting his lawyers this weekend.

This was confirmed to *The Weekly Mail* by Mekgwe's attorney, Geoff Budlender, who said he had a tentative arrangement to see his client at the weekend.

It is understood from other sources close to Mekgwe that he has now been in the country for more than two months, that he is being looked after by members of the Congress of South African Students, and that he is in close contact with African National Congress Youth League members in Klerksdorp.

The Weekly Mail has also managed to piece together an account of how the ANC spirited him out of the country on February 10 last year.

According to ANC Western Transvaal Youth League members Patrick Nono Moloi and Salivi Molapsi "the usual ANC underground routes were used to get him out". He was driven out of SA in a Mercedes Benz.

Is there any truth among the lies?
When unreliable witnesses start to talk, how much can we believe?
PAGE 3

Moloi and Molapsi (who lived with Mekgwe in the Soweto home of Methodist minister Paul Verryn and say they assisted him in his escape) said that he left because he did not want to "betray" the ANC by giving evidence that would contribute to the state's case against Mandela.

They, and other sources close to Mekgwe, have said that there was no physical duress involved in persuading him to leave, but that the consequences of being a state witness in her trial were explained to him by the ANC.

Several sources, including senior members of the ANC, have told *The Weekly Mail* that the man responsible for organising and co-ordinating Mekgwe's escape was a senior member of the ANC's National Executive Committee and of Umkhonto we Sizwe, who is close to both Nelson and Winnie Mandela.

However, because none of them were prepared to name him "on the record" it has been decided not to release his name.

The man concerned denied he was involved, said he had never heard of Mekgwe and claimed not to have been in the Transvaal at the time Mandela's trial started. *The Weekly*

•• Continued on PAGE 2

Two affidavits that contradict

●From PAGE 3

is Mandla Ekwanyana, and stays at Nancefield Hostel. After that he sat down on a chair.

"After a while he was called by the doctor into his consulting rooms. The doctor closed the door and the door was now locked. I then heard the shots in the consulting rooms. There were two shots. Mandla then came out and he had the firearm in his hand. He said, 'Let's go.' We then left and drank at number 14 shebeen. We then walked to Johannes' girlfriend at Kliptown. We sat there and Johannes changed his clothes. I then went back to Marafi Hostel by taxi.

"Later I saw photographs of myself and Johannes in the newspaper. Johannes and I then went to hide in Sebokeng. I came back on Wednesday and on Thursday I was caught. When we came back on Wednesday, Johannes said he must go and fetch the money from Winnie Mandela on Friday. The money was R20 000. Then I was arrested on Thursday."

THE following are sections of the statement made to the police by Cyril Mbatha (it is edited for length):

"During December 1988 at Kliptown, I met a man named Johannes for the first time ... On January 25 1989 he took me to Rockville. He took me to the consulting rooms of Dr AB Asvat. We stood in the street and he showed me with his eyes where the doctor's consulting room was.

"I said to Johannes that he had brought me and that if he did not open the door I was going to shoot him. I tried again whereupon I saw the nurse through the bars. I pointed the gun at her and said that if she moved I would shoot her."

Just before 1.00 the doctor drove in there with the Cressida. We saw he had a briefcase in his hand ... He said the case was full of money. He returned there again the following day ... He said I must go inside. I must tell the doctor I am seriously ill.

"Johannes and I went inside and sat together on a sofa in the consulting room. You must first sit and then write in your details and then sit again until they call you ...

"After that Johannes said we must go and find food at the shop. At the shop Johannes told me that with the card they would allow me through. We stayed in the consulting rooms where the nurse told us the doctor had been looking for us. When we got to the consulting room Johannes had already given me the firearm. The doctor called me in and I went into the doctor's room after he opened the door ...

"When the doctor turned round I already had the firearm pointed at him. When the doctor saw the gun, he screamed a lot. I told him I wanted the money. The doctor jumped at me and grabbed my right wrist. The gun was in my right hand and I fired one shot at the doctor's thighs. Then I saw someone trying to open the door, it was my friend, he could not get in and then I thought I must do the shooting myself. When the doctor saw that Johannes was trying to get in, he jumped up and wanted to grab me again. I shot him once in the chest.

"The door had now opened and my friend had come in, kicked the doctor and said to him, 'Where is the money?' The doctor went to lie on one side and my friend took something out of the drawer. I don't know if there was money inside. He opened another drawer and took out something else because money fell out. I then tried to open the door but could not open the door. I said to Johannes that he had brought me and that if he did not open the door I was going to shoot him. I tried again whereupon I saw the nurse through the bars. I pointed the gun at her and said that if she moved I would shoot her. Suddenly the door opened whereupon I called my friend.

"We then ran away. After that we walked to Mafolo Roooms ... I gave the firearm to Johannes, he threw the loose money on the ground. There was R135.00 altogether. He gave me R60 and took R60 for himself. He said he was going to buy more bullets with the remaining R15."

TWO DIFFERENT ACCOUNTS FROM THE MEN WHO MURDERED ASVAT

By GAVIN EVANS

THE Weekly Mail yesterday received the police confession of the second man convicted for the murder of Dr Abu-Baker Asvat three years ago.

The statement by Zakhele Cyril Mbatha appears to corroborate sections of the statement by Thulani Nicholas Dlamini — widely quoted in the press this week — but clearly contradicts others. Dlamini alleges that Winnie Mandela paid R20 000 for Asvat's murder, but Mbatha makes no mention of her.

The statements were supplied to *The Weekly Mail* by British journalist Emma Gilbey who is completing an unauthorised biography of Winnie Mandela. Gilbey has been working for two years on a book to be published early next year by Jonathan Cape.

The strange aspect of the statements is both Dlamini and Mbatha use the name "Johannes" to refer to each other.

Nicholas Dlamini to Lieutenant Gert Petrus Zeelie on February 18 1989 in Johannesburg:

"It was Thursday 12 o'clock in January 1989. On that date Johannes Ndlovu came to me at 273 Marafi Hostel. Johannes said we must go to Rockville together. he said we are going to Dr Asvat's surgery together. Then I went with him. We took a taxi from Marafi Hostel to Rockville and then we walked. We got out at Rockville then walked to Dr Asvat's consulting rooms. There Johannes told me the story: 'Look, I've been bought by Winnie Mandela and I must go and shoot Dr Asvat dead.' He showed me the weapon — a 9mm short. He then took out the magazine and I counted six live bullets.

"He said he would first give his name to the nurse so that he could get to see the doctor in his surgery. He went in and I went in with him. He gave his name to the nurse and told the nurse he

• Continued on PAGE 5

examination that they had known Richardson prior to their trial. However, what later emerged was they were being held in the same awaiting trial cell as Richardson, and they said they had both been beaten up by him.

What is clear from Dlamini's statement is he was protecting himself by claiming no direct involvement in the crime, which is contradicted by eye-witness accounts of what took place. This is probably the reason it was not used by the prosecution.

Mbatha claims that it is possible Mbatha's statement may in fact refer to two "Johanneses" — the first may be the man involved in the commissioning of the crime and the second may be Dlamini. It is clear from evidence in the trial that neither Mbatha nor Dlamini had visited Asvat's surgery previously, whereas the first "Johannes" in Mbatha's statement clearly had a detailed knowledge of the surgery.

She says several people connected with the investigation into the murder speculated the first "Johannes" could be Jerry Richardson — Winnie Mandela's "football coach", who was later convicted of the murder of Soweto activist Stompie Seipei.

Both Dlamini and Mbatha denied under cross-

THE following statment was made by Thulani

Winnie Mandela's one-time comrades turn on their protector ...

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W/Mail 10/4 - 15/4/92

331

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w/m

By GAVIN EVANS

GAVIN EVANS disentangles the web of accusations and counter-accusations

THE first person to claim that Dr Abu-Baker Asvat was the victim of a political assassination linked to the Stompie Moeketsi Seipei case was none other than Winnie Mandela.

Asvat was gunned down in his Soweto surgery hours after *The Weekly Mail* and *Guardian* first exposed the story of the disappearance of 14-year-old Soweto activist Seipei from Mandela's home in January 1989.

Soon afterwards Mandela was quoted in several newspapers as saying that Asvat was murdered because he was a key witness who could prove that Seipei and the other youths abducted from the Soweto Methodist manse had been sexually molested. Three months later the allegation was repeated in the Rand Supreme Court by Xolisa Falati, Mandela's now-estranged friend. Both hinted strongly there was a link between the murder and the Methodist church.

At the time another allegation was doing the rounds in activist circles — one which finally burst into the open this week: that Asvat had seen the severely assaulted Seipei at the Mandela home, refused to give him piecemeal treatment and insisted that he needed to be sent to hospital immediately, otherwise he would die. Seipei was murdered by Mandela's "football coach" Jerry Richardson to prevent evidence of his assault and kidnapping coming out, and Asvat was murdered because he was the key witness, so the speculation went.

Richardson was duly sentenced to death for murder, while Mandela and Falati were later sentenced to six years imprisonment for their role in the kidnapping and assaults.

But in the Asvat case the Rand Supreme Court did not consider either of the competing assassination theories, and instead found that the motive of murderers Thulani Nicholas Dlamini and Zakhele Cyril Mbatha was robbery.

Falati's evidence was rejected while both of the accused denied they had known Richardson prior to the trial (though it was subsequently claimed he had assaulted them while sharing their pre-trial cell).

The Asvat family was not satisfied with this conclusion. Neither was the Azanian People's Organisation (whose health secretariat Asvat headed). Nor was the state prosecutor in the case, Jannie van der Merwe, who said last week he believed Asvat's murder was not "an armed robbery but an assassination". Nor for that matter were many in the African National Congress and related circles.

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●From PAGE 3

member. Five hours later they returned and told Mandela: "It is finished with Stompie".

According to the *Sowetan*, Falati has now implicated Mandela in Asvat's murder. And earlier this week a statement made to the police by one of the men convicted in the trial, Nicholas Dlamini, was published.

Dlamini claimed his co-accused, "Johannes" (Cyril Mbatha), had informed him he had been commissioned by Mandela to murder Asvat and had later been told to collect R20 000 from her for having carried out the job.

Mandela's lawyer Ismail Ayob this week rejected the allegations, claiming rather strangely that they were based on gossip arising from a statement by state witness Kenneth Kgase, whose "evidence was rejected by the supreme court". In fact Kgase had nothing to say about the Asvat murder.

Other points made by Ayob, however, have more bearing on the possibility of murder dockets being opened against Mandela in the Asvat and/or Seipei cases. It is also worth noting that the state is barred from preventing new evidence in Mandela's appeal against assault-complicity and kidnapping convictions.

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What Ayob pointed out was that the neither Falati nor Cebekhulu were credible. And the same might be said about Dlamini's statement.

Cebekhulu jumped bail before his alleged abduction, and has been widely described as mentally unstable. At least some of the claims made in interviews from Zambia — such as that Mandela kept a jar of severed human fingers in her fridge for muti purposes — seem far-fetched, to say the least. Furthermore, his evidence with respect to Asvat is largely circumstantial.

Falati's latest claims directly contradict sworn evidence made in two trials. It is also questionable whether she will continue along her present anti-Winnie path, now that her bill for legal fees and living expenses is being footed by the ANC.

Dlamini's statement is a clear attempt to clear his own name, and is contradicted in part by a statement made by co-accused Mbatha.

The opinion of several lawyers spoken to by *The Weekly Mail* is that without fresh evidence (from, for example, "disappeared" Mandela state witness Pelo Mekgwe, who is now back in the country) it is unlikely that there is sufficient evidence for an indictment against Mandela in at least the Asvat case.

and make headlines around the world.

s hidden among the lies?

wlmail 10|4 – 15|4|92 (331)

Doing the Falati flip

XOLISWA Falati emerged from hiding last night to deny flatly the allegations attributed to her about plots by Winnie Mandela to murder leading members of the ANC.

In her second complete turnabout, Falati now denies she had ever been interviewed by the London Sunday Times journalist who wrote a sensational weekend report. She stuck by her alibi in the so-called "Stompie Moketsi case" and denied any knowledge of Mrs Mandela's involvement in the murder of Dr Abu-Baker Asvat.

Falati spoke in a telephone interview and seemed to be reading most of her remarks from notes.

"I know nothing about a hit-list," she said, referring to reports quoting her saying that Mrs Mandela had targetted ANC leaders.

She also denied that she was being held against her will. "I am staying with ANC people," she said. "I was never detained by anybody." She said she was taken away from the Mandela home by people in the ANC who were "sympathetic".

Falati said she had been assured by Nelson Mandela in the immediate aftermath of last year's trial. "The president said, 'Don't worry about that, I am going to tell my lawyers to fix everything.'"

Asked if she still respected Winnie Mandela, Falati laughed.

"My thought was that she knew that my appeal was not sponsored, so she decided to throw me out before I would know what was going to take place. So that when the time comes (to go to jail) the police would take me without my knowing anything. She wanted to take me by surprise."

"My hands are clean. I never assaulted any children. I never touched any children. I never kidnapped any children."

And Mrs Mandela? "I don't know," she said.

What Mandela claimed in her trial was that, as her lawyer Ismail Ayob put it this week, "neither the late Dr Asvat nor any other doctor saw any of the people who were at the back of her house".

Her alibi was that she was in Brandfort at the time. This was neither accepted nor rejected by the court in her trial, but the judge found that the prosecution had failed to prove beyond reasonable doubt that she was indeed at home when the assault and disappearance occurred.

Potential witnesses who may have been able to shed more light on this question (such as Asvat's nurse, Albertina Sisulu) were never called.

The *Christian Science Monitor* last year commissioned an interview with one of Mandela's co-accused, Katiza Cebekhulu (who was allegedly abducted from the country during the trial), which gave fresh impetus to the allegation that Winnie was directly involved in both the Seipei and the Asvat murders.

And in his statement to the police after his arrest, Cebekhulu directly contradicted Mandela by saying that Asvat visited her home and "investigated Stompie" shortly after the assaults.

"While Dr Asvat examined Stompie, I saw that he shook his head. He spoke to Winnie in English. I could not hear what they said. I heard Dr Asvat say the word hospital."

After this, he said, Mandela and three "football team" members tied up and gagged Seipei, after which he was put in the boot of a red car and driven away by Richardson and another team

• Continued on PAGE 5

●From F

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Investigator not identified

B1pay 10/4/92

POLICE have refused to name the senior officer appointed to conduct the new investigation into the 1989 murder of Soweto physician Dr Abu-Baker Asvat.

The investigation was launched after allegations linking Winnie Mandela to the slaying were published this week.

Lt-Col Johan Mostert said yesterday the investigating officer would not be identified to prevent the media from pestering him and hampering the investigation.

The police said all media inquiries about the matter would be handled by police headquarters in Pretoria.

In 1989 Thulane Dlamini and Cyril Mbatha were sentenced to death for murdering Asvat during a robbery.

But there were allegations this week in

STEPHANE BOTHMA

the US newspaper, The Christian Science Monitor, that the state was in possession of a statement claiming Mandela had offered to pay R20 000 to one of the murderers after the doctor's death.

Mostert said the new investigation would involve studying statements made by the two murderers.

But it was not known at this stage if personal interviews with them would be conducted.

Both men were currently being held in Pretoria Central Prison, said Mostert.

Statements about the events would also be obtained from others, Mostert said. On completion, the docket would be handed to the Attorney-General for a decision.

Key witness in Mandela trial returns to SA

B1pay 10/4/92 331

A KEY State witness in the 1991 Winnie Mandela kidnap and assault trial, Gabriel Pelo Mekgwe, who was "kidnapped" the day before he was to testify, is back in SA.

Mekgwe was allegedly abducted from the Soweto Methodist Church manse in February last year, resulting in the postponement of the trial and the initial refusal to testify of two other key witnesses, Kenneth Kgase and Thabiso Mono.

STEPHANE BOTHMA

Police sources confirmed Mekgwe was in the country, but said they were not investigating the matter because Mekgwe had not laid a charge of kidnapping.

At the time of the alleged kidnapping, media reports claimed Mekgwe was abducted by ANC members.

He was allegedly later traced to an ANC "safe house" in Harare but was moved to Zambia after SA asked for his repatriation.

New Cape MEC sparks outcry

CAPE TOWN — Newly appointed Cape MEC Peter Marais was in hot water yesterday over his assertion that it would be unfair for squatters to enjoy the same voting rights as ratepayers. B1pay

Marais, a former Nationalist member of the President's Council, was promoted two weeks ago to MEC for Works, Transport and Traffic Control after President F W de Klerk fired Labour Party members from the provincial executive. 10/4/92

Marais' first major speech in his new post caused an outcry among opposition MPs and embarrassment among his Nationalist colleagues this week. Speaking during the Cape provincial debate, Marais said he could not support a one man, one vote system in which illegal squatters enjoyed the same voting rights in an election for a future city council "as homeowners

Political Staff

with properties worth R200 000 or more".

He asked whether fellow MPs would be satisfied with a situation where "those that live in motor car wrecks on an open piece of land got control of the city council because they are in the majority" and could then prescribe how much tax should be paid and how it should be spent.

DP spokesman for provincial affairs Jan van Eck said yesterday that Marais should be made to retract his "insulting" statements about squatters, or be fired.

"We cannot have a person with such a hostile attitude towards a large percentage of people in the Cape in such a position of responsibility. It will undermine all faith among squatters towards the Cape Provincial Administration."

Mandela marriage break up

Sowetan 14/4/92

From page 1

friends and political colleagues including Mr Oliver Tambo, Mr Walter Sisulu and Mr Alfred Nzo, who sat silently on either side of him throughout his address.

He said his marriage to "Comrade Nomzamo Winnie Mandela" had in the past endured hardships but tensions between the two in recent months had led them to mutually agree "that a separation would be best for each of us".

However, Mandela spoke about his admiration and affection for his wife, to whom he referred as "an indispensable pillar of support and comfort" during the three decades of his imprisonment as a political prisoner.

"My love for her remains undiminished," he said.

Decision

In his statement he told of his marriage, which he said was contracted "at a critical time in the struggle for liberation in our country".

He spoke of the pain of their having tried to sustain a marriage while remaining committed to the ANC and the struggle to end apartheid.

"Despite these pressures our love for each other and our devotion to our marriage grew and intensified."

Mandela said throughout their marriage they were unable to enjoy a normal family life.

The announcement yesterday ended months of speculation about problems in the Mandela marriage.

Mandela said the announcement was not prompted by the current allegations levelled against his wife in the media.

He assured his wife of his "unstinting support during these trying moments in her life".

Tracing the roots of the break up of their marriage to April 1961, when he went underground, living the life of a fugitive until he was arrested in 1962, Mandela said his life was the result of a decision arrived at "consciously by myself and Comrade Nomzamo that we should not live our lives together as husband and wife for the foreseeable future, and that we should not have any children".

"Comrade Nomzamo and I agreed that we should not bring children into the world to live our kind of life."

He said they had agreed to "live apart and to lead our own lives" and that "

Mandela witness returns to SA

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• Continued from PAGE 1

Mail checked on this and found that he was indeed in Johannesburg when the trial started.

The police are no longer investigating Mekgwe's departure because no-one has alleged that he left under duress. It is understood that he is not likely to be charged for absconding.

Prior to the trial Mekgwe was regarded by the state as a key witness, whose evidence would have greatly assisted in securing a conviction on both the assault and the kidnapping charges against Winnie Mandela.

His departure coincided with that of Katiza Cebekhulu, who was allegedly abducted from the country in February 1991, two months after breaking the terms of their bail agreement.

Cebekhulu had made a statement to the police directly implicating Winnie in the murder of Stompie Moeketsi Seipei. It is believed he is still being held in a Zambian jail, and has been denied amnesty in several other countries.

Three other co-accused, Joseph Jabu Sithole, Mpho Gift Mabelane and Sibusiso Brian Mabuza also disappeared in December 1990.

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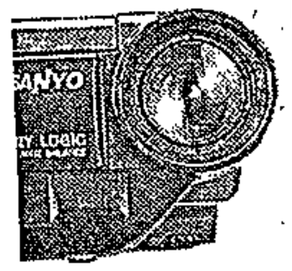
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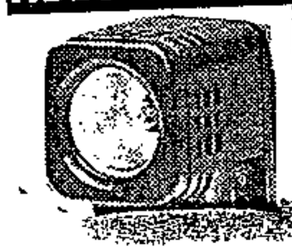

'Kidnap victim' returns

CT 10/4/92

Own Correspondent

JOHANNESBURG. — A key state witness in the 1991 Winnie Mandela kidnap and assault trial, Mr Gabriel Pelo Mekgwe, who was "kidnapped" the day before he was to testify, is back in South Africa.

Mr Mekgwe was allegedly abducted from the Soweto Methodist Church manse in February last year, resulting in postponement of the trial and the initial refusal to testify of two other key witnesses, Mr Kenneth Kgase and Mr Thabiso Mono.

Police sources confirmed that Mr Mekgwe was in the country, but said they were not investigating because he had not laid a charge.

He was allegedly later traced to an ANC "safe house" in Harare but was moved to Zambia after SA government officials asked for his repatriation.

● Winnie: Police decision in days? — Page 2

BUSINESS BRIEF

Gold (Ldn) (close) $338.15

Peace summit as 1 300 die

CT 10/4/92

Own Correspondent

JOHANNESBURG. — A high-level national peace summit will be held later this month in an attempt to boost the flagging peace process.

A source close to the national peace committee yesterday said the national peace secretariat and the chairmen of all the regional dispute resolution committees would meet in Johannesburg today to discuss violence and set a stage for the meeting of political leaders.

Invitations would be sent to President F W de Klerk, ANC president Mr Nelson Mandela and Inkatha president Chief Mangosuthu Buthelezi and others who had signed the initial peace accord last September, the source said. The meeting was expected to be held on April 30.

More than 1 300 people have been killed in political violence since the peace accord was signed.

Police said yesterday that 105 people had died in unrest in the first eight days of April.

Train violence

National peace committee chairman Mr John Hall recently said there were obstacles to ensuring peace, not the least being that political leaders had not given the accord their fullest support. They signed it and attended meetings, but they were "not driving it with enough vigour".

Key members of dispute resolution committees set up under the accord have questioned the commitment of Inkatha and the ANC to peace.

Mr Barry Jammy, chairman of the Greater Soweto dispute resolution committee subcommittee on train violence, has said his committee was not making much headway in reducing violence because Inkatha and the ANC were not demonstrating total commitment to peace.

Both organisations have repeatedly stated their commitment to the accord.

The ANC claimed yesterday that one person was killed and at least 100 injured on Wednesday night when SADF members "ran amok" in the East Rand Phola Park squatter camp.

ANC PWV spokesman Mr Ronnie Mamoepa claimed in a statement that members of the army's 32 Battalion had also raped several women during their raid.

● Rape claims after SADF raid on squatter camp — Page 2

Xoliswa Falati

Co-accused says she lied during 'Stompie' hearing

Winnie case set for re-trial

10 APR 1992

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ARC 6/4/92
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The Argus Correspondent

JOHANNESBURG. — While reports persist that the marriage of ANC president Mr Nelson Mandela is over, new moves are reported to be in progress to re-open the "Stompie trial" of Winnie Mandela, say lawyers.

This dramatic move follows allegations by one of her co-accused, Xoliswa Falati, that she lied to the court to try to save Mandela from being convicted.

At the end of the "Stompie trial" last year Mandela was found guilty of assault and kidnapping and sentenced to six years in jail.

Falati, who is also free on bail pending appeal on the jail sentence, allegedly said Mandela had ordered the torture of Stompie Moeketsi, 14, of four youths assaulted in her home in December 1988.

Stompie, an ANC activist, was later killed by Mandela's chief bodyguard, Jerry Richardson.

The chances that Mandela will be imprisoned — following reports that a split from her husband is imminent — have accordingly increased.

According to a Sunday newspaper, Falati told ANC intelligence officers that Mandela drew up a hit-list of five ANC officials she wanted killed.

These allegations proved "the final straw" for Mr Mandela, who will shortly announce that he is separating from his wife, the newspaper said.

It is an open secret inside the ANC that they have been living apart.

If a separation is announced, it may not be until a date is set for Mandela's appeal.

By law, the appeal will be premised on the notion that the evidence in the trial was true.

One critical piece of evidence that the judge believed, was Mandela's alibi, corroborated by Falati, that she was not at home when the youths were savagely assaulted.

The judge found Mandela to have been morally responsible on account of the authority she held in her household.

If Falati now comes forward and admits she perjured herself, that Mandela was indeed present during the beatings, then the chances of Mandela going to jail would increase substantially.

The new evidence, lawyers said, ought to be judicially retested, but that hinged on the zeal of the Supreme Court to get to the truth.

"The public outcry certain to be generated following these latest allegations will put pressure on the Attorney General to call Falati in to testify," one lawyer said.

In Mandela's favour, however, is the perception created during the trial that Falati was an eccentric and far from credible witness.

Her allegation, as reported yesterday, that Mandela had drawn up a hit list of senior ANC officials — including its General Secretary, Mr Cyril Ramaphosa, and constitutional negotiator Mr Murphy Morobe — had become virtually common knowledge.

Falati, who allegedly disappeared from the home of the ANC president last week just days after a dispute with Winnie Mandela, has acted to dispel speculation that she was abducted.

Yesterday, a woman who said she was Falati telephoned The Sowetan newspaper.

"She said we should know that she is alive and kicking," said the reporter who took the call.

Falati indicated that she would report at a Soweto police station today.

Winnie: Cops will decide 'in days'

(331)

CT 10/4/92

Own Correspondent

JOHANNESBURG. — Police hope to make, within days, a decision on the validity of allegations implicating Mrs Winnie Mandela in the 1989 murder of Soweto physician Dr Abu-Baker Asvat, police spokesman Lieutenant-Colonel Johan Mostert said yesterday.

Mrs Mandela is alleged to have promised payment for the assassination of Dr Asvat, who refused to treat an injured boy — one of four people kidnapped from a church manse in 1988 and taken to the Mandela house, where they were assaulted.

Police have also declined to disclose the identity of the senior officer appointed to look "afresh" into the allegations, to protect him from interruptions by media requests for information.

It is understood the investigating officer is a major attached to the Soweto police.

Colonel Mostert said police would interview people reported to have made the allegations as well as other witnesses.

He did not know whether police would speak to the two men — Thulane Dlamini and Cyril Mbatha — sentenced to death for the murder of Dr Asvat. They had made statements before their trial alleging Mrs Mandela's involvement.

Reports say the statements were not used during the trial as they conflicted with the police investigation.

Colonel Mostert said that if facts were found to support the allegations the police docket would be submitted to the acting attorney-general of the Witwatersrand for a decision.

Falati rejects Winnie's claims

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Sowetan 10/4/92

By RUTH BHENGU

XOLISWA Falatí, traced to a hideout in Zola, Soweto, last night, rejected claims by co-accused Winnie Mandela that she "wished to harm the ANC".

Falati, who said she was under the protection of the ANC, however, denied claims attributed to her linking Mrs Mandela's name to the death of Soweto doctor Abu-Baker Asvat.

Mrs Mandela has strongly denied the allegations.

Falati has been the centre of the controversy the past two weeks after she was evicted, reinstated and evicted again at the Mandelas old house in Vilakazi Street, Orlando West.

In a lengthy interview, Falati claimed Mrs Mandela had during the same weekend she was evicted, had also "thrown out the clothes" of her step daughter-in-law, Zondi, who occupies the main house in Vilakazi Street.

She also claimed she was fired as a housekeeper at the Mandelas new house known as the "Parliament".

She denied she had tried to "blackmail" Mr Nelson Mandela to pay to legal costs of her appeal.

● See full story — page 5

Police seek to probe Falati's claims

STAR 10/4/92 (331)

Staff Reporters

Although there is still a warrant of arrest out for Katiza Cebekhulu, a co-accused in the Winnie Mandela kidnap trial, the Government has not applied for his extradition from Zambia.

Police reopening the investigation into the murder of Soweto "people's doctor" Abu-Baker Asvat are trying to contact another co-accused in the trial, Xoliswa Falati, about allegations against Mrs Mandela, said SAP headquarters spokesman Colonel Reg Crewe yesterday.

"Obviously the police would like to talk to Mrs Falati and others about the allegations they have made. We are still trying to find them," he said.

Colonel Crewe added that if police had not managed to contact Mrs Falati before Monday, when she is due to report to the Orlando police station in terms of her bail conditions, they would try to talk to her then.

Mr Cebekhulu (23) forfeited his bail when he failed to turn up for the trial in February last year.

Shortly afterwards, he was traced to a Lusaka hotel and was later held in protective custody in a Lusaka jail. He claimed he was taken to Zambia by ANC members before he could stand trial.

Mr Cebekhulu is now understood to be in the care of the United Nations High Commissioner for Refugees in Zambia.

The Azanian People's Organisation (Azapo) and Dr Asvat's family have demanded that Mr Cebekhulu be brought from Zambia for questioning into allegations that Mrs Mandela was involved in the slaying of the doctor, who is reported to have examined injured youths at her Soweto home two weeks before his death.

A spokesman for the Ministry of Justice said yesterday the State had not applied for extradition.

The police have reopened the case of Dr Asvat and would have to send a docket to the Attorney-General before a decision on extradition could be taken, the spokesman said.

The Azanian Peoples' Organisation has demanded the return of Mr Cebekhulu.

Spokesman Dr Gomolemo Mokae said Azapo was pleased that police were to reinvestigate Dr Asvat's killing.

"To that end Azapo demands (Katiza Cebekhulu's) immediate return to the country and a guarantee of his safety by both the Government and its agencies and the ANC," he said.

under the Department of Environment Affairs.

become a heated one on the West Coast. The owners of small boats subsidiaries and branches of the big companies often get quotas as well."

State destroying trial documents

South 11/4 - 16/4/92.

(2009) (331)

By Sabata Ngcai

THE ANC has raised its voice over allegations that the state is destroying political trial documents, saying material "crucial to building a full record of South Africa's history" should not be lost.

The ANC released the statement after it had discovered that the state was destroying these documents.

This is in contrast to countries such as the former Soviet Union where such material is kept for public view and posterity.

At the time of going to press, a spokesperson for the Ministry of Justice said more time was needed to comment on the controversy.

The ANC said: "Although the destruction of trial records after a period of five years is a regular procedure, we urge that the practice be halted until such time as their historical merit has been independently ascertained."

It called for a moratorium on the destruction of all trial records and for the appointment of an independent body of historians to assess the value of such documents.

The statement said the country could not afford to lose other material "as too many valuable South African documents have already been destroyed".

PAC publicity secretary Mr Barney Desai said: "An attempt by the state to destroy documents is to cover up nefarious deeds commited in the past."

The documents were highly esteemed and should not be destroyed, he said.

Winnie case: Cop the same

Johannesburg Bureau (231)

JOHANNESBURG. — Police yesterday revealed that the detective investigating allegations implicating Mrs Winnie Mandela in the murder of Dr Abu-Baker Asvat was the same man whose work resulted in Mrs Mandela's conviction last year.

Soweto Murder and Robbery detective Captain Fred Dempsey led the investigation into the abduction of four people in December 1988 and their subsequent assault at the Mandela house.

Mrs Mandela was found gu lty in the Rand Supreme Court last May on charges of kidnapping and of being an accessory after the fact to assault. She was sentenced to six years in prison and is presently out on bail pending her appeal, expected to be heard some time later this year.

Recent allegations have implicated Mrs Mandela in the murder of Dr Asvat after he allegedly refused to treat one of the badly-beaten kidnap victims at the Mandela house, saying the youth needed to be hospitalised.

Mrs Mandela's lawyer Mr Ismail Ayob has rejected the allegations as "false" and a "rehash of earlier gossip". CT 11/4/92

Exclusive: Stompie case driver's shock allegations

HOW I LIED TO SAVE WINNIE

A SECOND co-accused of Winnie Mandela in the Stompie kidnap trial has admitted he lied to protect her. Mrs Mandela's former driver, John Morgan, 64, told the Sunday Times in an exclusive interview this week that:

● Mrs Mandela ordered him to remove the body of murdered teenage activist Stompie Seipei from her house and "dump the dog";

● She was not in Brandfort on December 29 1988, when Stompie and three other youths were assaulted in a back room of her house in Diepkloof, Soweto, but was present and led the assault on them.

By DAWN BARKHUIZEN

Mr Morgan has instructed a lawyer to seek indemnity and protection from the state in return for "telling the truth".

Acting on his instructions, the lawyer has consulted Mr Jan Swanepoel, the Witwatersrand deputy attorney-general, who was also the prosecutor in Mrs Mandela's trial.

In terms of the Criminal Procedure Act, Mr Morgan could file an application for the reopening of his trial on charges of assault and kidnapping to present the evidence he has withheld until now.

His claims cast an entirely new light on the case, in which Mrs Mandela was sentenced to six years after being found guilty of kidnapping and being an accessory to assault.

She claimed she was in Brandfort on the night in question and Mr Justice Stegmann found that this was reasonably possibly true.

Mr Morgan, who is in hiding in fear of his life, claims that he has never before disclosed the information about Stompie's body "because I was ashamed that I did not report it to the police at the time".

His claims follow those of another co-accused in the trial, Mrs Xoliswa Falati, who told a British newspaper last week that she had lied at the trial — though she later denied making the statement.

Her outburst came after an angry clash with Mrs Mandela, with whom she was lodging, over the funding of Mrs Falati's appeal.

Blood

Mr Morgan, who was convicted of kidnapping in the case, claims:

"One morning I got to the house early and I was told by Winnie to pick up the dog and dump him. I looked through the window of the back room and saw him (Stompie) lying there. I told Winnie I would never do something like that and went inside the house.

"I knew he was dead because he had already been stabbed and had blood on his neck."

He also alleges that:

● He drove the bus in which four youths were transported from the Orlando West Methodist Church manse on the night of the assault because Mandela United soccer club coach Jerry Richardson told him, "Mummy said you must go." Mrs Mandela had been in her living room at the time, watching a soap opera on TV;

● The youths were visibly frightened when Richardson, Mrs Falati, her daughter Nompumelelo and three members of the Mandela United football club marched them on to the bus.

"They got on to the bus toyi-toyiing and singing with the others, but I could see their faces. The four boys, they were scared.," says Mr Morgan;

● On their return to Mrs Mandela's house they went into a back room, where a bitter argument erupted between Mr Morgan — who had taken a seat on the only chair in the room — and Richardson, who said the chair was reserved for "mummy";

● The contents of a statement made to the police after his arrest in February 1989 implicating Mrs Mandela in the assault were for the most part true, and not fabricated by the police, as Mr Morgan's defence claimed in court.

In the statement, Mr Morgan said Mrs Mandela struck the first blows by slapping 14-year-old Stompie three times in the face and then watched the mass assault that followed.

Punched

This week, Mr Morgan gave a fuller account of events that night and in the days that followed, claiming:

"Mrs Mandela came into the room and started asking the boys, 'Why do you sleep with a European, a reverend ... do you let him f*** you, you dogs?' "

He says that in addition to slapping Stompie, she punched Stompie and Kenny Kgase. "Then everybody started to hit them — Xoliswa, Nompumi, Jerry and the guys from the soccer club joined in.

"They were in a circle around the boys. Winnie hit them with a sjambok, not choosing one target, but hitting whoever was in front of her. They started doing 'breakdown' (lifting the boys above their heads and dropping them on to the ground). Before they hit the ground there were already many kicks in their faces."

The beating continued for about 45 minutes, and Mrs Mandela left the room shortly before the assault ended. She did not hear Richardson tell the boys to wipe the walls, which were covered in blood, Mr Morgan claims.

He says testimony about the assault given by kidnap victims Kenny Kgase and Thabiso Mono during Mrs Mandela's trial — which conflicts with that given by Mrs Mandela and Mrs Falati — was essentially correct.

Mr Morgan says that when he returned to the house the morning after the assault to run his custom-

□ To Page 2

Driver: I lied to save Winnie

From Page 1

ary errands, the youths were in the back yard and Mrs Mandela was preparing to go to her office.

"The boys were sitting outside. Stompie's face was like a pumpkin, and his hands so swollen that he could not lift a cup of coffee," he says.

Mr Morgan says that after he was arrested and charged with the murder of Stompie, Mrs Mandela visited him in prison, brought him "a couple of rand" and told him not tell anyone what had happened.

"She said she would see me right later," Mr Morgan claims.

Nine months after his arrest, Mrs Mandela paid his bail, and on the day of his release, hosted "a big party at her house and killed a sheep".

Throughout the day, she kept telling me to say she was in Brandfort on December 29. She never threatened me, but I knew what happened to the other boys. I was afraid. I didn't lie," Mr Morgan says.

Ten days ago Mr Morgan went into hiding, fearing reprisals once it became known that he was going to tell his story.

He decided to do so after Mrs Mandela and lawyer Dali Mpofu — a member of her defence team — turned down his request for funding of legal costs for his pending appeal against the kidnapping conviction.

"I approached Mrs Mandela for funds two weeks ago, but she refused and directed me to the ANC offices to see Dali Mpofu. He said my case was not important and refused to give me money," Mr Morgan says.

Shortly afterwards he received a letter from his lawyer, Katherine Salchwell, saying she had been unable to raise money to fund his appeal and could no longer act as his legal representative.

"I want to clear my name. People call me a child-beater. I am battling to feed my daughters and two grandchildren. Winnie used me and dumped me," he says.

Mr Morgan was never called to testify during the trial. In a "trial within a trial" on the admissiblity of his statement, his defence claimed it had been made under duress.

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MAN WHO GOT AWAY WITH MURDER

GUNMAN . . . Louis van Schoor, killer of 41 people

POLICE hailed him as "a bloody efficient security guard". A court prosecutor said East London needed more like him. "Give him a medal" suggested a member of the public. Bumper stickers proclaimed: "I Love Louis."

SPECIAL REPORT
by DOMINIC JONES and BILL KRIGE

ST Times 12/4/92

But on Thursday, Mr Justice Melunsky found that former policeman Louis van Schoor had an "apparent disregard for the sanctity of human life" and was "not a respecter of truth".

Van Schoor, a high school dropout, joined the SAP at the age of 16 and remained a constable for almost 13 years before quitting to become a freelance burglar-alarm investigator.

Quickly earning himself a reputation in the business, Van Schoor opened Flash Security in 1985.

CONTRACT

At that stage he had killed twice — once as a policeman in 1978 and again on a neighbour's farm in 1983.

But on May 9 1986, shortly after being awarded a R10 000-a-month contract to investigate silent alarms, his career as a killer started with the death of housebreaking suspect Wankise Boy Jack behind a clothing store.

By the end of October 1989, Van Schoor's victims numbered 41. Thirty-nine were shot dead in the space of 30 months — an average of one every three weeks.

Investigators say Van Schoor, 40, married four times and the father of six children, also wounded at least 64 others. All his victims were black, at least five no older than 16, and one man was in his 60s.

By contrast, security companies in larger centres reported that if one of their guards killed once in his career, it was a lot.

Customarily dressed in shorts and a T-shirt, Van Schoor always carried a gun, sometimes loaded with deadly hollow-nosed bullets. Faced with a fleeing suspect, he never hesitated to draw his firearm.

He never fired warning shots. As a policeman, he had been trained to aim low. But, as a security guard, his victims were mostly hit in their upper bodies. Often, he shot them more than once and, in at least three cases, more than six times.

After each shooting, Van Schoor would summon the police — usually members of the CID. He knew most force members in the city.

Of the hundreds of policemen who carried out initial investigations into the Van Schoor shootings, only one appears to have done a thorough job.

The others admit they never treated Van Schoor as a suspect in a possible crime, despite the fact that people were killed. Police officers often showed disregard for the lives of the victims. One has admitted that he did not bother to check if two of Van Schoor's victims were still alive because he did not want to dirty his uniform. The men died.

Police did nothing to test Van Schoor's version of events, which was either that he had fired in self-defence or that he was forced to shoot to prevent the suspect escaping arrest.

EVIDENCE

According to evidence, Van Schoor's statements about what had occurred were often not compiled according to procedure and not made under oath.

Yet on the basis of these unlawful, scanty and unchallenged statements, inquest court magistrates cleared Van Schoor of culpability, without ever placing him under oral examination.

There has been evidence that survivors claimed as early as 1987 that Van Schoor had attempted to murder them. Their claims fell on deaf ears.

Evidence has also been heard that throughout Van Schoor's killing spree, he was never criticised or even cautioned by a single policeman, court official or magistrate.

But it was the disturbingly high number of people killed that prompted former East Cape attorney-general Dr Jan d'Oliveira to launch an investigation of all 41 killings and 64 shootings. That investigation, preceded by a wave of press reports almost three years ago, bore fruit this week when Van Schoor was found guilty of seven murders and two attempted murders.

He was acquitted of 23 other charges.

On most of the counts, Van Schoor based his defence on Section 49 (2) of the Criminal Procedure Act, which allows the shooting of suspects who are trying to flee the scene of a serious crime if there is no other reasonable way to prevent escape.

Mr Justice Melunsky said Van Schoor was "experienced in giving evidence and sufficiently well-versed in the law and intelligent enough to appreciate the niceties of this case".

Outside the court, the 1,88m-tall, powerfully built Van Schoor dodged a small crowd of mainly black onlookers gathered near a bakkie sporting a rear window sticker bearing his portrait and the words: "I Love Louis."

The court noted factors concerning Van Schoor's conduct brought to its attention by the prosecution, including his apparent failure to contact the police at the earliest opportunity at break-ins; his willingness to enter premises and confront suspects; the fact that he was not averse to using hollow-point bullets; his propensity for firing shots in rapid succession; and his usual failure to fire a warning shot.

Mr Justice Melunsky also commented on the defence's submission that, except in one count, Van Schoor's conduct was not queried, that he was never told he had acted incorrectly and had thus deemed his actions lawful.

AMBIT

He said Van Schoor's background, including the fact he spent 12 years in the police force, suggested he could "hardly contend that he thought he was protected by Section 49 . . ."

It was true his actions were hardly ever queried, but as far as the court could judge this was because, in his statements to the police, Van Schoor had attempted to bring himself within the ambit of a legitimate and legal defence.

There was not a shred of evidence to suggest Van Schoor misunderstood the legal position or that he had thought he acted correctly.

Van Schoor's bail of R15 000 was extended until sentencing, which was postponed pending a criminologist's report in mitigation.

GRIM DOSSIER OF KILLER GUNMAN

ST Times 12/4/92

SYBRAND "LOUIS" VAN SCHOOR's convictions are for the following murders:

● Count 17, April 26 1987: Thembesile Sambato, shot in the vicinity of Marley Sales, Magnolia Road. Mr Sambato died of a bullet wound which damaged his left lung and heart.

The court found that Mr Sambato was not trying to escape when shot and that Van Schoor's version of the events was a lie.

● Count 21, July 26 1987: Edward Soenies shot when Van Schoor found him "trespassing" on the premises of Simba Quix in Magnolia Road on a Sunday afternoon.

● Count 25, July 14 1987: Mbulelo Masiza shot inside the Stirling High School. Mr Masiza sustained three wounds, two in the chest.

The court rejected as a fabrication Van Schoor's contention that he shot Mr Masiza in the chest while he was running backwards along a corridor.

● Count 29, July 11 1988: Liefie Pieters, 12, and a 16-year-old companion found by Van Schoor inside a Wimpy Bar on the Esplanade. He shot and killed Liefie, claiming the two had attacked him with knives. Mr Justice Melunsky condemned the shooting of a child and found that Van Schoor had claimed to have been injured by one of the two teenagers to justify having shot boys of that age.

"It is quite clear the accused knew they were children ... we doubt (the boys) stabbed the accused or tried to do so."

Testifying on what happened that night, John Swartbooi, 16, said he and Liefie had scaled a wire cage which housed gas bottles to break into the Wimpy Bar.

The boys found the till empty. Swartbooi, whose demeanour in the witness box was described by the judge as "impressive", saw a torch light outside and the youths ran from the restaurant section and hid.

About 10 minutes later, the toilet door behind which he was hiding was kicked open and Van Schoor told him: "Bushy, come out." He did so and was joined by his young friend.

He claimed Van Schoor ordered them to turn around and face the sea. He was then shot three times. Twice he heard Van Schoor telling him to "get up". He did once but couldn't the second time and then he lost consciousness.

He spent two months in hospital. Liefie Pieters died of a single bullet wound in the back which fractured a rib and penetrated his liver.

The court dismissed Van Schoor's account of an apparent scuffle inside the restaurant, calling him an astute person with a nimble mind who had the opportunity to arrange the scene if he wanted to.

● Count 37, January 29 1989: Ntozeliziwe Paliso shot on the premises of National Food Distributors in Wilsonia.

The court found Van Schoor had made no attempt to shoot at the lower part of Mr Paliso's body.

● Count 38, April 23 1989: Sontica Casamba shot inside Perks (Amper) Sons Auctioneers in Caxton Street. The court rejected Van Schoor's version of this incident as manufactured and false.

● Count 40, May 28 1989: Nkosiyabo Ntsiniso, shot at the premises of Mike's Tavern, Marina Glen, East London. Van Schoor had fired one or two shots at the fleeing man, who was only seven or eight paces from him. Mr Ntsiniso was hit twice.

The attempted murder convictions are:

Count 14, January 18 1987: Bongani Mila, shot after breaking into a house in Vincent Gardens. Van Schoor saw Mr Mila inside the house and fired at him from outside.

Count 30: John Swartbooi, 16, wounded during the Wimpy Bar incident.

Van Schoor — who will be sentenced on June 15 — had pleaded not guilty to 19 murder and 21 attempted murder charges.

invented their plans for an ... gress was made towards ... Cabinet. ... and how we will have to fill ... their areas of jurisdiction.

Driver: I lied to save Winnie

□ From Page 1

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By DE WET POTGIETER and CHRIS CHITANDA

AMID renewed calls for the extradition of Mrs Winnie Mandela's co-accused, Katiza Cebekhulu, from Zambia this week, his whereabouts were unclear.

Mr Cebekhulu disappeared on the eve of Mrs Mandela's trial last year and was subsequently reported to be in a Lusaka prison.

Two week attempts to see him there failed when a prison warder said he was a "special asset" and was not allowed visitors.

Zambia's Deputy Minister for Home Affairs, Lieutenant-Colonel Chanda Sosala, refused to comment on Mr Cebekhulu's whereabouts, referring inquirers to the immigration department, which was "aware of Cebekhulu's latest position".

However, chief immigration officer Clement Mbangweta said: "This is not our case. The ministry knows in whose hands he is."

Examined

An affidavit by Mr Cebekhulu, never tested in court, is being examined after the reopening this week of a police investigation into the murder of Soweto activist Dr Abu-Baker Asvat, shot dead in his Moroka surgery in 1989.

Mr Cebekhulu claims that Dr Asvat examined slain teenage activist Stompie Seipei at Mrs Mandela's house after he had been assaulted by members of the Mandela United Football Club.

Mr Cebekhulu says Dr Asvat "shook his head" while examining the youth and "spoke to Winnie in English" but, apart from the word "hospital", he could not hear what they said.

Then, he claims, "Winnie, Jerry, Themba and Sonwabo put paper in Stompie's mouth, put a rag around his mouth and tied it behind his head. They tied his hands and feet with a rag as well.

"Jerry and Sonwabo put Stompie in the boot of a red car. Stompie was still alive. They drove away ..."

About five hours later, Mr Cebekhulu claims, Jerry, Themba and Sonwabo came back to Mrs Mandela's house and told her: "It is finished with Stompie."

One of the men convicted of Dr Asvat's murder, Thulani Dhlamini, has told police in an affidavit that he and his accomplice were to have been paid R20 000 by Mrs Mandela for murdering the Azapo health secretary.

Both the Asvat family and Azapo have called for Mr Cebekhulu to be extradited.

In other developments this week:

- Mrs Mandela's co-accused, Xoliswa Falati, refused to comment on last weekend's reports in which she was quoted as saying that she and Mr Cebekhulu would give damaging evidence about Mrs Mandela and Dr Asvat's death.
- Police reopened their investigation into Mrs Mandela's alleged involvement in the disappearance of two Soweto youths from their homes in 1988.

Lolo Sono, 21, of Zone 10, Meadowlands, was last seen with members of the Mandela United Football Club on November 13.

Mystery shrouds Winnie trial man

Leaders called on to work for peace

By EDYTH BULBRING
Political Reporter

NATIONAL Peace Committee chairman John Hall plans to ask President FW de Klerk, ANC leader Nelson Mandela and Inkatha's Mangosuthu Buthelezi to address joint rallies in violence-torn areas.

Mr Hall said yesterday he wanted the leaders to get down to grassroots-level and demonstrate to their supporters that they are committed to peace.

A recommitment to peace by the signatories of the Peace Accord was crucial, he said.

Invitations have gone out to leaders of all parties and organisations that signed the Peace Accord to attend a meeting at which the new strategy to address violence would be discussed.

More than 1 300 people have been killed in political violence since the Peace Accord was signed.

Mr Hall said he wanted party leaders to recommit themselves to a clause in the Peace Accord dealing with political tolerance.

On Tuesday, it will be six months since the National Peace Accord was signed in a grand display at the Carlton Centre in Johannesburg.

"Another September 14 jamboree is not what we have in mind," Mr Hall said.

What was needed was for the leaders to be seen by the man-in-the-street to be taking the commitment to peace seriously, he said.

Mr Hall said a series of mass rallies could be held in violence-torn areas like Soweto and Natal to take the national leaders' message of peace to their grassroots supporters.

Cop attacked and killed

A POLICEMAN was killed and an SADF member injured in seven attacks on policemen and soldiers around the country late this week, police said.

Four civilians were killed and three injured in unrest incidents.

Hijacked beer truck smash

THE driver of a beer delivery truck smashed hundreds of bottles when he deliberately overturned his truck while trying to escape from hijackers yesterday on the Durban-Maritzburg highway.

The hijackers escaped and the driver was not injured.

An SRC spokesman said Mr I Khan of Stanger was in a crowd of more than 5 000 when he was struck.

SINUSITIS
ASTHMA, ALLERGIES

"I feel like a new person. I have

Winnie steals the limelight in US media

Winnie Mandela has become world famous in the wake of her husband's famed martyrdom. The mere rumour – which has been denied – that she and Nelson Mandela are experiencing marital problems has led to a spate of articles in the US and Canadian press, reports FREEK SWART from Washington.

THE usually charming Winnie Mandela had, according to those who have known her for years, even as a child displayed an unpredictable temper that led her to display a completely different personality.

So writes Jonathan Manthorpe, southern African correspondent of Canada's largest publication house, *Southam News*, in a report which appeared this week in the group's daily newspapers.

Manthorpe is based in Harare and has for the past five months done an extensive investigation of Winnie's controversial activities.

Under the headline "For Winnnie Mandela, the dream falls apart", he wrote that while Mandela was once revered as "The mother of the nation" in SA, "she was not always made of the stuff that political dreams are made of".

He said that behind Winnnie's public image there was a different reality.

He wrote: "One loyal colleague of hers told *Southam News* of an incident that took place during her banishment to the Free State town of Brandfort.

"Two children, boys of five and seven, got hold of a ball that belonged to one of Mandela's grandchildren in the street. They started playing with it. When Mandela got to hear of it, she sent bodyguards to fetch the children and to question them.

"Not happy with their explanation, she took off the belt around her waist and hit the seven-year-old repeatedly against the head, until blood started flowing. Friends, according to the colleague, had to intervene physically to stop her."

In the report Manthorpe wrote that "young thugs" and street children became her spontaneous bodyguards who enforced her "People's Courts" in Soweto after her return from Brandfort.

"There are well-documented reports of incidents of murders, torture, assaults and arson committed by the (Mandela Football) club in the 1980s.

"The spirit in which the club had acted was determined by Winnie Mandela when she expressed her support on a public platform in 1986 to the gruesome practice of "necklacing" – murdering suspected police informants by burning them with car tyres doused in petrol."

This week the US television news network, CNN, mentioned in an exceptionally long broadcast that Nelson Mandela is looking tired after this week's uproar about his marriage.

While film extracts of Zinzi's engagement party were shown, a commentator mentioned that the "rigidness and distance between the ANC leader and his First Lady" was showing.

The network also broadcast scenes from the days when Winnie and Xoliswa Falati, her co-accused in last year's court trial, were still good friends.

It reported that Falati now alleged that Winnie was drunk – and had a gun in her hand – when she ordered her out of the Mandela's home.

It also reported that Falati said she was no longer prepared to defend "that ungrateful woman" and that she would now tell the truth about Winnie's alleged involvement in the death of Dr Abu-Baker Asvat.

According to CNN, Winnie is now being "vilified by many black people as a result of the series of scandals involving her, and which are causing embarrassment to her husband and the ANC hierarchy".

Nelson Mandela, who has remained loyal to the woman who supported him during his 27 years in prison, now accepts her – "eventually and reluctantly" – as being a political burden, according to CNN.

"What the ANC is concerned about is whether the latest revelations and allegations will be detrimental to Nelson Mandela's image and credibility in the constitutional negotiations process."

The wide coverage the newspapers and TV gave to allegations and the denials that the Mandelas would get divorced made Winnie the favourite topic of discussion in America this week.

DR IBRAHIM, I PRESUME

MAGIC TOUCH ... Abdullah Ibrahim performs a solo after receiving his degree, while outside protesters slam their chancellor.

Note of discord as angry students brand chancellor a 'hanging judge'

C/Times 12/4/92 331

By S'BU MNGADI

ABDULLAH Ibrahim received an honorary doctorate from the University of Natal this week, but it was not a harmonious affair.

Outside the hall where the graduation ceremony was taking place, angry students branded their chancellor a "murderer" and "a hanging judge".

Students were protesting against Justice Ramon Leon, retired judge and chancellor of the University of Natal, for passing five death sentences against Umkhonto we-Sizwe guerrilla Andrew S'busiso Zondo, hanged in Pretoria in 1986 for bombing an Amanzimtoti shopping centre. Five people were killed in the blast.

Shortly before jazz pianist Ibrahim received an honorary doctorate in music, five students stormed in carrying placards charging "Justice Leon killed Zondo" and "Leon is a murderer".

It was later announced that the chancellor was not participating in the ceremony because of ill health.

Medical Students' Representative Council president Maidi Teffo took to the platform denouncing the administration and those students who were taking part in the ceremony.

Ibrahim later played a piano solo.

Earlier, ANC president Nelson Mandela informed the university that "for reasons of state" he wouldn't attend yesterday's ceremony where he was to receive a doctor of law degree.

This in spite of the fact that Mandela's office confirmed earlier this week that he would be present.

It is believed that many ANC branches and allied organisations in Natal did not want Mandela to be capped by the former judge. So popular was Zondo, of KwaMashu, that one of the ANC branches in the township has been named after him.

This week's row has thrust into the spotlight the 1986 multiple-murder trial which culminated in Zondo being sentenced to death five times.

Unlike other political trials, Zondo, 19, was not charged for membership of the then banned ANC, treason or anything related to internal security.

Instead Zondo, who was recruited to the ANC at the age of 15, was charged with five counts of murder – charges he pleaded not guilty to, although he admitted he had placed a limpet mine in a refuse bin at the Sanlam Centre in Amanzimtoti.

After his conviction, Zondo – who came from a deeply religious family – gave evidence in mitigation of sentence. He said he had targeted South African Airways offices intending to blow them up, but not to hurt anyone, in retaliation for a SADF raid in Maseru.

"I knew the people were innocent and had nothing to do with the government. I hoped I would not injure them, but hoped it would bring the government to its senses," Zondo said.

He said after placing the bomb he had tried to warn the centre, but all the telephone booths were occupied – a statement Leon later described as "preposterous".

The judge and his two assessors were unanimous in finding no extenuating circumstances which, in South African law, meant the death septence.

"What makes the crime appalling," Leon said, "is that he put the public at risk indiscriminately ... he could have selected an arm of the government."

Zondo was executed on September 12 1986, five months after receiving the death sentence.

Leon, who was on the Bench for 20 years, went on to speak out against capital punishment.

In numerous speeches and interviews he spoke of being caught between his oath of office and his personal feelings about the death sentence.

The judge said the time he had been obliged to pass the death sentence had been the most stressful in his career.

Speaking in November 1988 at the relaunch of the Society for the Abolition of the Death Penalty, he said he had been responsible for the judicial killing of a number of people ... "I don't know how many, possibly not less than 12 and possibly as many as 20".

TO CAP IT ALL ... Nelson Mandela announces this week he will not be present to receive his honorary degree from the university.

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AZAPO ENTERS WINNIE ROW

WINNIE MANDELA

CP Reg 12.14.92.

CP Reg 12/4/92

Mystery over Mandela report

331

CP Reporter

AZAPO has for the first time entered the saga over the death of their popular health secretary, Dr Abu-Baker Asvat.

The organisation yesterday called on the ANC, Cosatu and SACC secretary general Rev Frank Chikane to make public the findings of the commission of inquiry instituted by the Mandela Crisis Committee (MCC).

Azapo said the MCC, which among other things investigated the burning down of Mandela's Orlando West home in 1988, could shed light on Asvat's killing.

It said the commission also investigated the activities of the notorious Mandela Football Club which disbanded after the death of teenage activist Stompie Moeketsi Seipei who was murdered in 1989 after having being removed from the Mandela home.

Azapo said given the notoriety of the Mandela FC and the circumstances surrounding Asvat's killing, the possibility could not be dismissed that the club might have had a hand in the murder.

Azapo president Pandelani Nefolovhodwe said he found it strange that up to now Cosatu and the SACC had not seen fit to table the findings of the commission "even to an organisation to which Dr Asvat belonged".

Nefolovhodwe said the ANC might claim they were not involved in the probe, which included members of the now disbanded UDF, but added that as the UDF had been absorbed "lock stock and barrel" into the ANC "the latter cannot claim to be unaware of the findings".

"The Mandela FC was commonly suspected of having engaged in abductions of men and women, rapes and killings. Who knows, they may also be implicated in Abu's killing," said Nefolovhodwe.

He pointed out that it was the MCC which had called on the public to distance itself from Winnie Mandela.

"They must have had reasons for taking this stance and the public, we believe, is entitled to know why it was called upon to shun her during the outcry over Stompie's death."

Asvat, who had a professional relationship with Winnie, was allegedly called to the Mandela home to examine an apparently ill Stompie. He allegedly refused to treat him and suggested Stompie be taken to hospital.

Stompie was killed later in the day and two weeks later Asvat was mysteriously gunned down in his Rockville surgery in Soweto. Mandela FC coach Jerry Richardson was subsequently convicted and sentenced to death for murdering Stompie.

The Azapo call comes in the wake of the police announcement this week that they were taking "a fresh look" at the Asvat docket.

"We have taken note of the allegations linking Mrs Winnie Mandela to the death of Dr Asvat who was gunned down in his surgery in 1989," Capt Joseph Ngobeni of the Soweto police said in a statement.

London Press reports last weekend alleged Winnie was linked to Asvat's death and that one of the murderers had sought payment from her for the killing.

Asvat's family said this week they were "most gratified" to learn police were studying his murder docket once more – but said they did not wish to engage in speculation or gossip.

The family, in a statement released by lawyers, said they had been inundated with enquiries from reporters and a concerned public "about their reaction to recent allegations published in the press locally and abroad".

"The family is most gratified to learn that police are studying the murder docket. From press reports it would appear that the police investigation must include interviews with Xoliswa Falati and Katiza Cebekhulu.

"We trust that these individuals will be interviewed very soon and that whatever facts they have in their possession will be investigated," said the family's statement.

It added: "More than anything, we would like the truth to emerge – whatever the truth is.

"We do not wish to engage in speculation or gossip and we reply to the police witnesses and anybody who may have information about the late Dr Asvat's murder to ensure that the truth emerges."

■ Chikane told City Press that the task of the MCC had not been to investigate the circumstances surrounding the burning down of the Mandela home or to investigate the Mandela FC.

"Our (task) was to intervene in a conflict situation which had the potential of worsening," he said, adding that the job of investigating these matters had been left to the police.

Chikane said he was not aware of any Azapo request to the MCC to make its findings public, adding he was "prepared to be as helpful as possible".

BALL FOR ALL . . . SA's national soccer team made an unimpressive "debut" yesterday against the NSL ALL Stars team at the FNB Stadium, which ended in a 1-1 draw. ■ See Back Page.
■ Pics MIKE MZILENI

FW kisses roadshow goodbye

ANC in a crisis over Winnie Mandela affair

(331) (315) ARGS 13/4/92

Staff Reporter and
The Argus Correspondent

THE ANC faced its worst crisis today after a second accused in the Stompie Seipei kidnapping trial turned against Mrs Winnie Mandela, wife of president Mr Nelson Mandela.

Mrs Mandela's former driver Mr John Morgan said in newspaper and television interviews yesterday that he lied in court to protect Mrs Mandela and alleged she gave a false alibi.

There is strong speculation that Mr Mandela will have no choice but to announce a separation.

Mrs Mandela, Mrs Xoliswa Falati and Mrs Morgan are on bail pending an appeal against kidnapping and assault convictions.

Mrs Falati has also claimed she lied in court.

Mrs Mandela faces six years in jail if the appeal fails. But she could find herself in the dock on new charges.

The Criminal Procedure Act provides for an accused to apply for a trial to be reopened, in this case Mr Morgan or Mrs Falati.

The State can also apply for a case to be reopened if it can bring new evidence of sufficient weight.

Police headquarters in Pretoria said last night all allegations were being investigated and would be sent to the Attorney-General for possible action.

The allegations would have little bearing on the appeal because it was based on the record of facts presented at the trial, said Mr Brian Curren of Lawyers for Human Rights.

He warned that since Mrs Falati and Mr Morgan made their previous statements under oath, their allegations could be untrue.

Mr Morgan told a Sunday newspaper and the M-Net programme *Carte Blanche* last night that Mrs Mandela was not in Brandfort on December 29 1988 when the assault on four youths took place at her home. She had started the assault which killed Stompie.

In the TV interview he said Mrs Mandela *"klapped"* Stompie in the face and then hit all four boys with a sjambok. The beating continued for about 45 minutes.

He said he was instructed by Mrs Mandela to remove Stompie's body.

Allegations 'won't affect Winnie appeal'

STAR 13/4/92

By Michael Sparks (331)

Allegations against Winnie Mandela made by her two co-accused in the last week will have no direct effect on her pending appeal against kidnapping and assault charges, but could result in further investigation by the Attorney-General, lawyers said yesterday.

Both co-accused, Xoliswa Falati and John Morgan, have, according to newspaper reports, claimed over the past week that they lied in court in an attempt to protect Mrs Mandela.

"An appeal is based on the record of facts presented at the trial," said Brian Curren of Lawyers for Human Rights.

But he added that it was possible the Attorney-General could investigate the incident further.

Mandela was found guilty of kidnapping and being an accessory to assault and was sentenced to six years in jail.

Winnie Mandela . . . her former driver now claims she was present during the assault.

Mr Curren warned that since co-accused Falati and Morgan had made their previous statements under oath, their new allegations could be untrue.

"Their credibility is at stake," Mr Curren said.

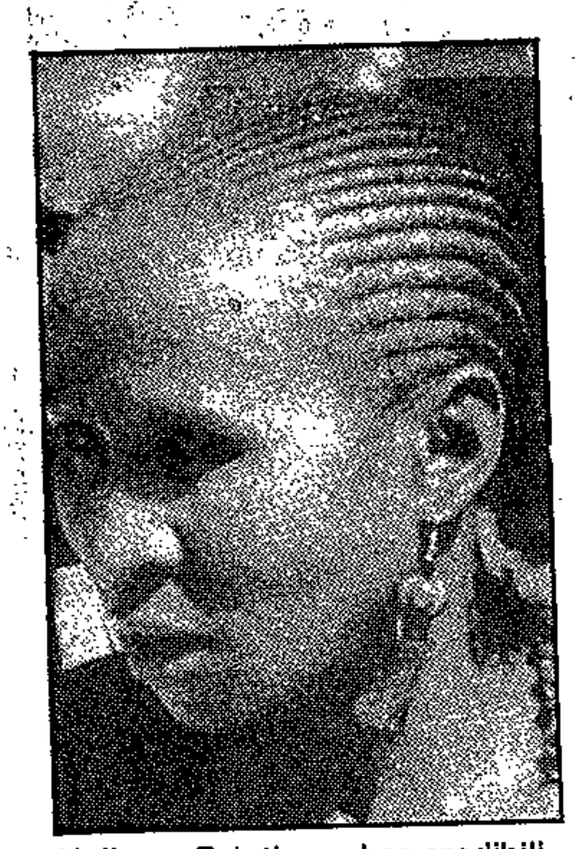
He added that South Africa had "a history of people turning State witness in order to get indemnity from prosecution and so secure their own safety".

John Morgan, who was Mandela's driver, told the Sunday Times that she was not in Brandfort on December 29 1988 when the assault on four youths took place at her home and she had in fact led the assault which left Stompie Seipei (14) dead.

Members of the Mandela United Football Club, who served as her bodyguards, had continued the beating.

Mandela then told Morgan to dump the body, the newspaper reported.

It also reported that he had driven the minibus that had transported the four youths from the Orlando West Methodist Church to Mandela's house in Diepkloof, Soweto. She questioned them there about alleged homosexual activity with a white Methodist minister at the church. It was then that the beatings began.



Xoliswa Falati . . . her credibility is at stake after giving contradictory versions of events.

The newspaper reported that Morgan claimed he had lied out of fear and was ashamed for not reporting the incidents to the police.

Morgan had changed his mind and come forward with the information because he claimed Mandela would not help pay for the appeal against his kidnapping conviction arising from the incident.

Morgan was sentenced to one year in prison for his role.

The newspaper also reported that Morgan had instructed a lawyer to seek indemnity and protection from the State in return for his "telling the truth".

According to the newspaper, Morgan was in hiding.

No ANC spokesmen could be contacted for comment.

Mr Curren added that because of the suspect nature of the evidence from the two co-accused, the Attorney-General would have to find other supporting evidence before Mandela could be charged again.

Democratic Party spokesman on law and order Tony Leon said that since Mandela had been found guilty, there was no problem with further investigation.

(33) ARG 14/4/92

Police question Mrs Falati as Winnie's case reopens

JOHANNESBURG. — Mrs Winnie Mandela's co-accused, Mrs Xoliswa Falati, was questioned by police when she reported to the Orlando police station in Soweto in terms of her bail conditions.

This comes in the wake of an announcement that a senior officer of the Soweto Murder and Robbery Unit would head police investigations into three cases of kidnapping and one of theft against Mrs Mandela.

Captain Fred Dempsey is to lead the reopened investigation arising from allegations against Mrs Mandela made by Mrs Falati and Mr John Morgan.

Asked if allegations of involvement in the death of Soweto activist Dr Abu-Baker Asvat against Mrs Mandela would be investigated, Pretoria police liaison headquarters spokesman Colonel Johan Mostert said yesterday this would be decided only on completion of the current investigation.

"Investigations into the existing cases are continuing and it will be decided by the Attorney-General on available evidence."

Earlier yesterday a spokesman said police were trying to obtain statements from everyone who could assist them in their investigations.

This was also applicable to allegations attributed to Mrs Falati.

The spokesman said appeals were lodged in both the Dr Asvat murder and the kidnapping and death of 14-year-old Stompie Seipei, and that these matters were still with the Appeal Court in Bloemfontein.

The legally prescribed procedures would be ahdered to in the event of witnesses seeking protection, the spokesman said.

● The Argus Correspondent in Johannesburg reports that Mrs Mandela's co-accused, Mr John Morgan, would not have disclosed his sensational allegations against her had it not been for a serious fall-out over money for his coming appeal on April 30.

Asked if he would have taken his secret to the grave, Mr Morgan said: "Sure. Wouldn't you? Nobody can live without money. If someone looks after you, will you come out against her?"

He admitted he was bitter because: "Nobody would pay my appeal money. They said I must see how I come through."

The former Mandela Football Club driver came out of hiding yesterday to speak at his Orlando West home.

He said he was bitter at having been "dumped" by the woman he had idolised for his whole life and for whom he had been prepared to lay down his life.

"I want her to suffer like me".

It emerged during the interview that Mr Morgan's fall-out with Mrs Mandela came after she and the ANC president had failed to lend him R15 000 to start a business.

The grandfather-of-three repeated his dramatic story, told at the weekend, that he had lied to the Supreme Court to protect Mrs Mandela.

He reiterated his allegations that Mrs Mandela had been present when Stompie and three others were beaten up at her house in Diepkloof. Mrs Mandela, he said, had led the assault.

Jerry Richardson, Mrs Mandela's bodyguard, was sentenced to death for the child's murder.

Winnie: New claims 'have no effect on her appeal'

Sowetan 14/4/92

331

Sowetan Correspondent

ALLEGATIONS against Winnie Mandela made by her two co-accused in the last week will have no direct effect on her pending appeal against kidnapping and assault charges, but could result in further investigation by the Attorney-General, lawyers said yesterday.

Police headquarters in Pretoria last night said "all the allegations" around Mrs Mandela were being investigated and the information would be forwarded to the Attorney-General for a decision on whether any further action would be taken.

Both Mrs Mandela's co-accused, Xoliswa Falati and John Morgan, according to newspaper reports, have claimed over the past week they lied in court in an attempt to protect her.

"An appeal is based on the record of facts presented at the trial," said Mr Brian Currin of Lawyers for Human Rights. But he added it was possible the Attorney-General could investigate the incident further.

Mrs Mandela was found guilty of kidnapping and being an accessory to assault and was sentenced to six years.

However, Currin warned that since co-accused Falati and Morgan had made their previous statements under oath, their allegations could be untrue again.

John Morgan, who was Mrs Mandela's driver, told the *Sunday Times* that she was not in Brandfort on December 29 1988 when the assault on four youths took place at her home and she had in fact led the assault which left Stompie Seipei (14) dead.

Members of the Mandela United Football Club had continued the beating. She then told him to dump the body, the newspaper reported.

It also reported that he had driven the minibus that had transported the four youths from the Orlando West Methodist Manse to Mrs Mandela's house in Diepkloof, Soweto.

There she questioned them about alleged homosexual activity with a white Methodist minister at the manse. It was then that the beatings began.

The newspaper reported that Morgan claimed he had lied out of fear.

Morgan had changed his mind and come forward with the information because he claimed Mrs Mandela would not help pay for the appeal against his kidnapping conviction arising from the incident. Morgan was sentenced to one year in prison for his role.

The newspaper also reported that Morgan had instructed a lawyer to seek indemnity from the State for his "telling the truth".

No ANC spokesmen could be contacted for comment.

John Morgan, who was Mrs Mandela's driver, told the *Sunday Times* that she was not in Brandfort on December 29 1988 the truth''.

No ANC for commen

Falati refuses to make a statement

(331)
Sowetan
14/4/92

By RUTH BHENGU

MISS Xoliswa Falati yesterday refused to give the police information relating to the Winnie Mandela kidnap trial when she reported at Orlando police station in terms of her bail condition.

A furious Falati told investigating officer Captain Fred Dempsey she would not be intimidated and would only give a statement to her lawyer.

"I will not be intimidated by the police'', Falati fumed. The only person I am prepared to talk to about this case is my lawyer,'' she said.

Dempsey, who had been waiting at the police station, apparently gave Falati three options.

She could either make the statement to him, infront of a magistrate or to her lawyer.

A Soweto police spokesman said Falati was free to consult her lawyer.

The investigation by a senior officer into fresh allegations being made against Mrs Mandela was continuing, he said.

Police widen probes linked to Winnie

STEPHANE BOTHMA

POLICE have widened investigations relating to Winnie Mandela to include three charges of kidnapping and one of theft, additional to her alleged involvement in the deaths of Soweto phycisian Dr Abu-Baker Asvat and Stompie Moeketsi Seipei.

The kidnapping and theft charges relate to two incidents in 1988 during which Mandela was allegedly part of a group which abducted three people before assaulting them at her Orlando West home.

On September 26, Mandela allegedly abducted two people and then assaulted them by lifting them up and dropping them and by having plastic bags pulled over their heads. On November 13, Mandela was allegedly involved in the abduction of a 21-year-old Soweto man who disappeared after being assaulted at her home.

During Mandela's 1991 Rand Supreme Court trial, State advocate Jan Swanepoel SC applied to lead evidence of the two alleged incidents. Judge Stegmann said at the time the "similar fact evidence" could be put before court, but Swanepoel then decided not to.

Police said last night they were investigating kidnapping and theft charges, and were attempting to obtain statements from anyone who could assist.

● Comment: Page 6

Winnie dumped me, says driver

Winnie Mandela's co-accused John Morgan would not have revealed his sensational allegations against her had it not been for a serious fall-out over money for his coming appeal on April 30.

Asked if he would have taken his secret to the grave, Mr Morgan said: "Sure! Wouldn't you?

"Nobody can live without money. If a person looks after you, will you come out against her?" he asked reporters.

He admitted that he was bitter because: "Nobody would pay my appeal money. They said I must see how I come through."

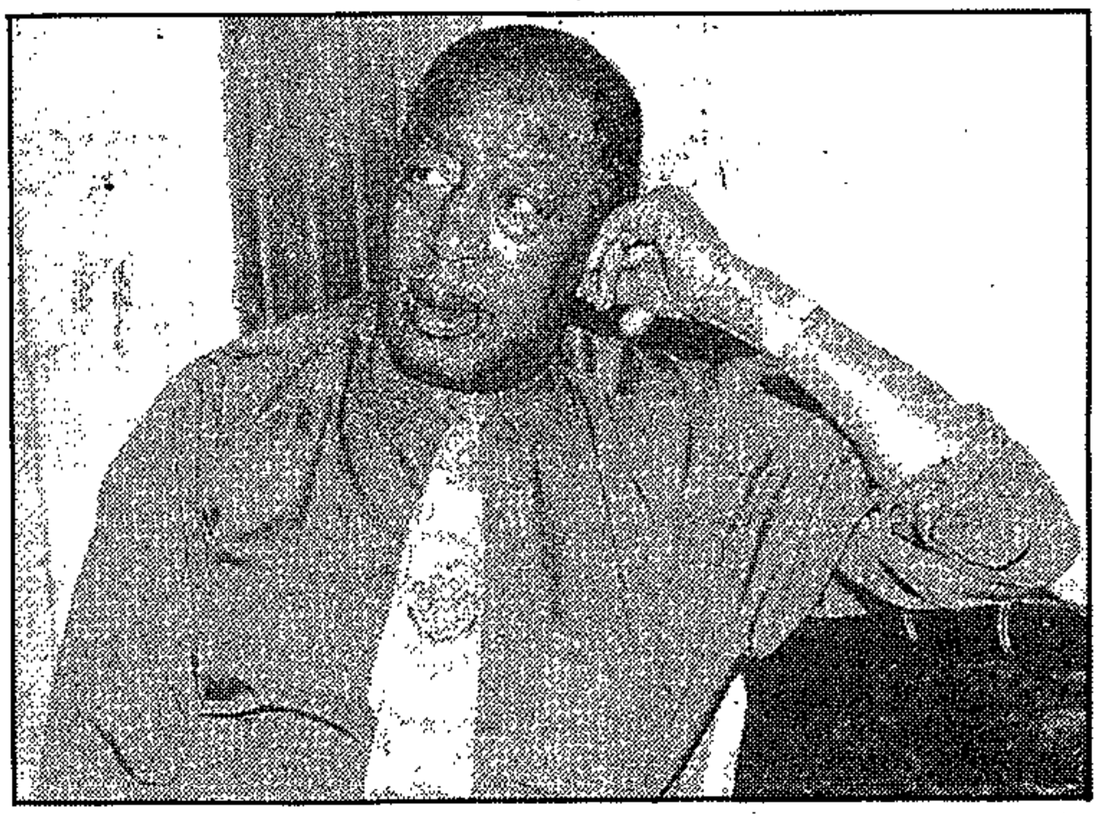
The former Mandela Football Club driver came out of hiding yesterday to speak to The Star at his Orlando West home.

He admitted that he was bitter at having been "dumped" by the woman he had idolised his whole life.

It emerged during the interview that Mr Morgan's fall-out with Mrs Mandela came after she and the ANC president had failed to lend him R15 000 to start a business.

The grandfather of three repeated his dramatic story told at the weekend that he had lied to the Supreme Court to protect Mrs Mandela.

He reiterated his allegations that Mrs Mandela had been present when Stompie and three others were beaten up at her house in Diepkloof. Mrs Mandela, he said, had led the assault.



Bitter . . . John Morgan wants Winnie Mandela "to suffer like I did". Picture: Peter Mogaki

STAR 14/4/92 (331)

Mr Morgan said Mrs Mandela had ordered him to remove Stompie's corpse and dump it.

He appeared disappointed that The Star was not going to pay for his story, alleging other journalists had paid him.

● Xoliswa Falati yesterday refused to give the police information relating to the Winnie Mandela kidnap trial when she reported at Orlando police station in terms of her bail condition.

She told investigating officer Captain Fred Dempsey she would not be "intimidated" and would only give a statement to her lawyer.

Captain Dempsey apparently gave Mrs Falati, who has claimed she has damaging evidence, three options: she could either make the statement to him, in front of a magistrate or to her lawyer.

Asked if allegations against Mrs Mandela that she was involved in the death Dr Abu-Baker Asvat would be investigated, Pretoria police liaison headquarters spokesman Colonel Johan Mostert said this would be decided on completion of the current investigation. — Staff Reporters, Sapa.

'We falsely implicated ourselves'

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By Philip Zoio STAR 14/4/92

Orde Boerevolk rightwingers Leonard Veenendal and Darryl Stopforth yesterday said they had falsely implicated themselves in a bombing attack on a United Nations base in Namibia in 1989 because they were afraid that the real culprits would be identified.

The two men, who appeared with German national Horst Klenz, said at their extradition hearing at the Johannesburg Magistrate's Court that they helped prepare for the attack but did not carry it out.

They believed that further police investigations, in lieu of written admissions, would expose their accomplices — Namibian rightwingers.

The men also said they had agreed to make the statement after they had been threatened that they would be held under section 29 of the Internal Security Act on suspicion of murdering Witwatersrand University academic David Webster.

In the statements the two men claimed they and Mr Klenz were solely reponsible for the attack on the Untag base, in which a watchman was killed.

In court Mr Veenendal and Mr Stopforth said that the bombing itself was conducted by contacts of Mr Klenz.

Mr Stopforth said that he, Mr Veenendal, Mr Klenz and two others had driven with the weapons to Outjo in Northern Namibia. On the night of the attack their vehicle was taken over by local rightwingers.

About 30 to 45 minutes later the vehicle was returned and they acted as decoys during the search for the culprits.

Mr Veenendal and Mr Stopforth were later arrested by South African police.

They said that the attack had been aimed at intimidating Untag and destabilising the election process, not at killing anyone.

Mr Veenendal said the three men helped carry out the attack because they believed that Untag had been biased towards Swapo during the run up to the Namibian independence elections.

Mr Veenendal and Mr Stopforth said they had been indemnified from prosecution for various politically-motivated crimes allegedly committed in South Africa.

Why Winnie may not be charged again

do weltan 15/4/92

331

THE possibility of Mrs Winnie Mandela being re-ried for her role in the events which led to the death of Stompie Moeketsi Seipei must surely be causing her some anxious moments.

There is no shortage of controversy surrounding Mrs Mandela at a stage when she is particularly vulnerable in the light of her pending appeal against a six-year sentence for kidnapping and assault.

Before her appeal has even been heard, fresh allegations have come to the fore of her involvement in the death of Dr Abu-Baker Asvat, who was ostensibly murdered in the course of a robbery but coincidentally, after he had allegedly refused to treat Stompie.

Co-accused

Mandela's co-accused are now alleging that they lied to protect her in the Stompie case. Most startling is the allegation by Mr John Morgan, her ex-driver, that Mandela was not in Brandfort when Stompie was assaulted but was actually present and ordered the disposal of his body.

It is not surprising then, that the question on everybody's lips is "Will Mandela be retried? What will the court do? And the even more difficult question for the media "Aren't all these allegations *sub judice*?

The irony is that Mandela is no stranger to the complicated legal principles involved in the possibility of a retrial.

Mandela was herself an accused in the leading South African law case which laid down the principles determining whether a retrial is competent and it may be that this very case will be her saving grace when investigations into the allegations have been completed.

Mandela will surely remember when she and 18 others, including

FOCUS

Several organisations have asked for the retrial of Winnie Mandela following claims by her witnesses that they lied, and new allegations being made. PAUL JENKINS and CARSTENS MPHELO of Webber Wentzel, give a legal insight into the controversy.

Mr Ndou (by which the case is known) were charged with offences under the Suppression of Communism Act, in 1970.

After the trial had been in progress for some time, the Attorney General appeared in court in person and stopped the proceedings without giving reasons. The accused accordingly were found not guilty by the court and discharged.

It subsequently transpired that the reason for this dramatic step by the State was that the security police had arrested a member of the ANC and had extracted information from him.

Based on that information, the Attorney General wished to charge the accused with more serious offences under the Terrorism Act, but essentially for the same activities which were already the basis of charges in the first trial.

When the matter came before the court for a second time, the court quashed the charges, the reason being that in both trials, the charges were based on the same activities of the accused as members or supporters of the ANC, and in the first trial they had already

WINNIE MANDELA

been found not guilty.

The matter was appealed and the Appellate Division laid down the definitive tests for determining whether a person can be charged a second time and in what circumstances.

Bare essentials

According to the Appellate Division, in the case of State v Ndou, the facts of which are set out above, if the offences with which an accused is charged in the two trials are substantially the same (the so-called substantial identity test), even though the offence alleged in the second trial would not have been a competent verdict in the first trial, a plea of *autrefois acquit* would be upheld.

Reduced to its bare essentials, the principles of law which must be applied in determining whether Mandela is safe from reprosecution in the Stompie case are the following:

- The law will not allow an accused to be subject to double jeopardy ie to be charged twice for the same offence or a similar offence which is based on the same facts;
- It is in the general interests of the administration of justice that there should be finality in criminal cases; and
- Public policy requires that persons should not be punished twice in respect of one and the same offence.

Having set out the legal principles which must be applied in determining the answer to our difficult question, it would be unfair to Mandela and contrary to the sub judice rule, to embark upon an analysis of the evidence.

It does, however, bear saying that if the evidence shows that the death of Stompie was unrelated to the assaults on him and that Mandela had any involvement in later new events, for which Mr Jerry Richardson has already been convicted of murder, then the substantial identity test may be of less assistance to Mandela.

The appeal court will not hear any new evidence to be led. The prosecution is not allowed to bring any new charges against the accused at an appeal stage and the accused is also not allowed to raise a defence which was not raised at the trial.

The matter before the appeal court in Mandela's trial will be confined to the evidence which has already been led and the Appeal Court will not be able to take any notice of the new allegations by Mandela's co-accused or any other persons.

A review of the proceedings does not appear to be possible. A review occurs when the fairness of the proceedings at the trial stage are in question. Where such proceedings are not in accordance with justice, the proceedings and any conviction may be set aside and the case may be retried before a different judge.

There is, however, no reason to believe that the trial of Mandela and her co-accused was irregular or not in accordance with justice.

Bombing justified, court told

STAR 15/4/92

By Philip Zoio (331)

Orde Boerevolk (OB) leader Nic Strydom told the extradition hearing of Leonard Veenendal and two other OB members yesterday that he condoned the bombing of a United Nations base in Namibia in 1989.

The objectives pursued by rightwingers in Namibia at the time — to reverse the process of transition to independence and to establish safeguards to protect white property — justified the use of violence, said Mr Strydom, whose son Barend is serving a life sentence for murdering eight blacks in 1989.

He told a Johannesburg magistrate that members of the movement had been issued a general order to support, through violence when required, white Namibians who opposed the implementation of UN Resolution 435.

OB cells operated independently and were authorised to commit actions without the knowledge of the organisation's central authority, he said.

Afrikaner Weerstandsbeweging leader Eugene TerreBlanche yesterday told the court that it would be the "greatest shock" if Mr Veenendal, Darryl Stopforth and Horst Klenz were extradited to Namibia.

Mercenaries

It would be tragic if the men were sent to face charges in an independent country with a new government, while ANC political criminals had been not only pardoned, but allowed to take part as leaders in South Africa, he said.

Herstigte Nasionale Party leader Jaap Marais said he had actively supported the rightwingers in Namibia because he had believed the country had always been part of SA.

The United Nations Task Group, which supervised the Namibian elections, was a force of merceneries whose presence in Namibia had never been legitimate, he told the court.

Daan Mostert, a lawyer who gave up his practice in Namibia in 1990 after becoming disillusioned with the changes in the judicial system after independence, said that he did not believe that the three men would be given a fair trial in Namibia.

The extradition hearing is continuing.

● Two right-wing members of the Church of Creation appeared in a Pretoria Regional Court yesterday in connection with charges of armed robbery.

The case against Cornelius Johannes van Wyk (21) and Jean Prieur du Plessis (21), both of Sunnyside, Pretoria, was remanded to July 2.

Damning report held for 3 years

w\m art 16/4-23/4/92. (331)

Dramatic evidence implicating Winnie Mandela directly in the assaults that were the subjects of her 1991 trial has finally come to light.

By **GAVIN EVANS**

GABRIEL Pelo Mekgwe, the state witness who "disappeared" shortly before Winnie Mandela's trial in 1991, provided the Mandela Crisis Committee with dramatic evidence three years ago implicating her directly in the assaults which were the subject of her trial.

This is contained in a confidential five-page report to former African National Congress president Oliver Tambo, drawn up by the Mandela Crisis Committee (MCC) in January 1989 and suppressed by the ANC for more than three years. It was leaked to *The Weekly Mail* earlier this week.

The report was one of three potentially damning developments for the "Mother of the Nation" which emerged yesterday. The others were:

●An investigation of potential corruption and mismanagement of funds is being carried out by the ANC into Winnie Mandela's welfare department, senior ANC sources acknowledged.

●The Azanian People's Organisation announced at a Johannesburg media conference that it could provide a new witness who would back up reports that she was personally involved in the murder of Dr Abu-Baker Asvat.

None of the MCC members — who included Sydney Mufamadi, Cyril Ramaphosa, Frank Chikane, Beyers Naude, Aubrey Mokoena and Sister Bernard Ncube — was called by the state to testify in the 1991 trial, while Mekgwe was spirited out of the country by members of the ANC's Special Projects department, to avoid potentially damning evidence against her.

Mandela is appealing against her conviction on charges of kidnapping and of being an accessory after the fact to kidnapping. She was sentenced to six years' imprisonment and is out on bail.

It is understood by *The Weekly Mail* that Naude has been pressing the other MCC members to reveal all they know about the murders of Stompie Moeketsi Seipei and Asvat. Naude and Chikane were out of the country at the time the confidential report was compiled.

The document, which was based on investigations by Mufamadi, Ncube and Mokoena, stated: "Both Gabriel (Mekgwe) and Thabiso (Mono) said at the meeting (of Soweto-based organisations and the MCC) that they were heavily assaulted by the Football Club. They allege that Winnie herself also took part in assaulting them...

"According to both Gabriel and Thabiso, they were told what to say to the committee (when interviewed earlier that month). At that stage they obliged because they were still captive. They withdrew almost everything they had told us, including the allegation that the Rev Paul Verryn sodomised them."

Mekgwe and Mono were released "following instructions from yourself (Tambo) and Comrade Madiba (Nelson Mandela)", according to the report. They had earlier been instructed to say that "they left the mission house voluntarily and went to Winnie for protection against Verryn's sodomy".

The report also revealed that one of Mandela's co-accused, Katiza Cebekhulu, who joined her "football club" after being abducted, admitted that he was a former state agent.

"When we interviewed Cebekhulu ... we gained the impression that he is a maverick. This prompted us to concentrate on additional issues. We broke him. Consequently, we established the following from him:

"1. That both Gabriel and Thabiso were heavily assaulted. Stompie and Kenny (Kgase) were also assaulted.

"2. That he (Katiza) was instructed to contribute in assaulting the four (youths).

"3. He believed that Kenny had escaped but he suspected that Stompie was dead.

"4. He, before running away from Hammarsdale, was working with the CR Swart Security Branch. He maintains that he did this because of poverty. He was, according to him, rejected by both the United Democratic Front and Inkatha. He reckons both organisations were after him and he therefore decided to leave the area (Hammarsdale)."

Shortly after the meeting of Soweto community organisations decided to call for Mandela's isolation, the MCC informed Winnie Mandela of the resolutions taken.

"Her immediate response was to demand a list of the people who were at the meeting. She seems to think she is above the community! She shows contempt for both the Crisis Committee and the community.

"When we insisted on demanding Stompie, she said that we must leave this to the police."

The report noted that Winnie Mandela had said she was sending Xoliswa Falati and Cebekhulu to Lusaka, and added that Falati "seems to be very close to both Winnie and the Football Club".

It asked Tambo whether the MCC should continue and requested him to "redefine the new terms of operation designed to meet this new ghastly situation that is developing before our very eyes".

The committee also saw no possibility "at the moment" of "reintegrating Winnie into the community".

I didn't murder Asvat, says man on Death Row

STAR 16/4/92

By Jo-Anne Collinge (331)

In the face of renewed speculation about the murder of Soweto doctor Abu-Baker Asvat, the man condemned to death for his killing, Zakhele Mbatha, is sticking steadfastly to his claim that he did not carry out the murder.

Mbatha, on Death Row in Pretoria, has twice been visited by his legal representatives since the publication last week of a three-year-old statement by his co-accused, Thulani Dlamini.

Dlamini swore before a police officer that he had been informed by a certain Johannes that Winnie Mandela was to have paid R20 000 for the killing of Dr Asvat.

It is understood that Dlamini's statement has been shown to Mbatha during the course of the last week and that he has rejected its content.

"Our client sticks to his position that he was not involved in the crime," said Jody Kollapen of Lawyers for Human Rights.

Dlamini is no longer on Death Row as his appeal against sentence was upheld in September and a jail term substituted.

Mbatha's appeal failed but his case has been put to a review committee which may substitute an alternative sentence. The decision of the committee is pending.

At the time Mbatha and Dlamini were tried, police were in possession of at least two partially conflicting statements made by the two accused just a day apart, soon after their arrest in February 1989.

The prosecution chose only to place Mbatha's alleged confession before the court.

This made no reference to Mrs Mandela or to the accused being hired killers.

Mbatha strongly contested the admissibility of the statement, alleging that the contents were untrue and the statement had been extracted by torture. He said he was subjected repeatedly to electric shocks, suffocated, and threatened with being thrown into a swimming pool while his hands and ankles were cuffed.

Since Dlamini's statement was never tendered in court there was no trial within a trial concerning its admissibility.

However, during cross-examination, Dlamini also told the court he had been assaulted and instructed to make a statement at Brixton police station.

Lawyers have ventured the opinion that, in the light of all the developments before, during and since the trial, "not too much should be read into Dlamini's statement at this stage".

Although Mbatha denies guilt for the murder there is no doubt he was at Dr Asvat's rooms on the day of the murder.

He presented himself as a patient and left his thumb print on the medical record card made out for him. However, he used the name Mandla Nkwanyane on his medical record.

Namibian bombing was 'right-wing revenge'

STAR 16/4/92

By Philip Zoio (331)

A German national, wanted in Namibia for allegedly bombing a United Nations base in the country in 1989, told the Johannesburg Magistrate's Court yesterday the attack was first discussed for a week after he and other rightwingers had brought an arms cache into the country.

Horst Klenz said that the attack was in part an angry response of rightwingers to an incident in which Kenyan soldiers from the United Nations Task Group destroyed cameras belonging to tourists who had taken pictures of them.

He thought that Leonard Veenendal, a co-respondent in the extradition hearing, had suggested the targets — the United Nations office and the Kenyan soldiers barracks in Outjo, northern Namibia.

A stolen car, painted with Untag colours and identification markings and fitted with false number plates, was used for the bombing.

Mr Klenz, a liaison officer of Contra Action 435, a group set up to resist Namibian independence, said he was not present during the attack.

Mr Klenz, Mr Veenendal and the other respondent, Darryl Stopforth, who were not known by authorities in the area, afterwards took over the falsely marked car because "it was essential to protect the members of the small (white) population" who conducted the bombing.

Earlier, Conservative MP Chris de Jager said Mr Veenendal, Mr Stopforth and Mr Klenz should not be extradited.

Mr de Jager, the CP's justice spokesman, told the court that the motive for the attack had clearly been political and that South African political criminals had been indemnified.

Questioned by State advocate P van Staden on whether indemnification in South Africa could apply in Namibia, Mr de Jager said at the time of the alleged crime, Namibia was still a mandate of South Africa although also under UN control.

He said during 1989, criminals there still had the right of appeal to the Appellate Division in Bloemfontein.

The hearing continues.

Ex-cop who made killing his business

By Claire Keeton

LIEFIE PETERS IS DEAD. Thembisile Sambato is dead. Edward Soenies is dead. Mbulelo Masiza is dead. Ntozeliziwe Paliso is dead. Sontica Casamba is dead. Nkosiyabo Ntsiniso is dead.

Murdered by Sybrand Louis van Schoor.

And another 30 people from East London, all black, died at the hands of the killer security guard and former policeman.

Last week an impassive Van Schoor was found guilty in the East London Supreme Court of the seven murders above and of two attempted murders.

He was found not guilty on another 12 counts of murder and 11 counts of attempted murder in one of the biggest murder trials in South African history.

For most of the counts on which he was acquitted, Van Schoor found protection under section 49 (2) of the Criminal Procedures Act, which deems the killing of a suspect at the scene of a crime in certain circumstances "justifiable homicide".

Section 49 allows the shooting of a suspect if he or she is found at the scene of a crime — including petty theft — where trespassing is involved and the suspect flees or resists arrest.

On July 11, 1988, Liefie and a 15-year-old friend broke into a Wimpy Bar outlet.

Inside, the boys saw a torchlight on the wall. Van Schoor had arrived at the restaurant armed with a gun. The boys, trapped, hid in the toilets. But Van Schoor found them and ordered them to face the sea.

Liefie was shot in the back. He fell down.

His friend moved nearer and Van Schoor shot him in the right leg. He fell but Van Schoor ordered him to stand up. When the boy struggled to his feet, Van Schoor shot him in the right buttock. He collapsed again and was told to stand up again. He could not and lost consciousness.

Later he was found outside the building with a third gunshot wound in his chest. He was taken to Frere hospital.

Liefie died.

In his defence, Van Schoor claimed two people lunged at him and then fled down a passage. He said he shouted at the intruders to stop but they split up and he chased the one closest to him.

Van Schoor claimed he was wounded by a steak knife in the wrist and that he had been having back problems. He said his assailants were running away and he fired a few shots at them to stop their escape.

Passing judgment, Mr Justice Lionel Melunsky said there was "no doubt the accused knew he was shooting at young boys" and that he fabricated evidence to cover up this knowledge.

"I have difficulty in accepting that the boys attempted to stab the accused," said the judge.

"One boy was 12 and the other barely 15. Both were slightly built while the accused is powerfully built and physically fit.

"He pretended it was dark because he did not want to admit he knowingly shot at young children."

The judge accused Van Schoor of inventing a back injury to justify shooting the youths.

Melunsky concluded that Van Schoor had not shown that the death of Peters was justifiable homicide nor that it was necessary to shoot the boys to prevent their escape.

Prior to this marathon trial, initially involving 19 counts of murder and 21 counts of attempted murder, an inquest into Peters' death cleared Van Schoor.

The magistrate ruled that the shooting was justified under section 49.

Van Schoor wounded up to 100 people from May 1986 to August 1989, when he worked as a self-employed security guard contracted by various companies.

But police and prosecutors testified his actions were correct in inquests into 25 of the deaths.

In April 1990 — after 39 deaths — an inquest ruled he was criminally liable for the death of Ntozeliziwe Paliso.

Now he has been found guilty of multiple murders. His sentencing has been postponed until June 15 to allow a criminologist to prepare expert evidence in mitigation.

The judge said the postponement was "highly undesirable" but unavoidable. Meanwhile Van Schoor's R15 000 bail has been extended despite fierce opposition from the state. **Elnews**

Washington's purge on perks going too far

STAR 18/4/92

JUREK MARTIN reports on the ridiculous spectacle inspired by the growing public anger in the United States over the privileges enjoyed by government officials: a self-righteous orgy of purging the perks.

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WASHINGTON — In 1977, when Jody Powell first came to Washington as President Jimmy Carter's press secretary, he was asked if he intended to have a phone installed in his car, a decrepit VW beetle. "Nah," he drawled, "it couldn't stand the extra weight." Everybody laughed.

Today, nobody is laughing at the weight that is dragging Washington's name through the mud.

Washington is accused of being so stuffed with the perquisites of office that it has lost all touch with reality in the lives of average Americans.

This kind of puritanism is not new.

Sherman Adams, President Eisenhower's right-hand man, had to resign for accepting a free fur coat.

Mr G-man himself, J Edgar Hoover, got into trouble for having free window pelmets installed.

The fall of John Sununu, President Bush's chief-of-staff, was pretty much sealed when it became known last year that he had used government aircraft like lesser mortals used taxis.

Some administrations have tried to set an honourable example. Others have not even bothered.

The sleaze factor was notorious in the Reagan years, even to the point of First Lady Nancy soliciting contributions for the upkeep of her ballgowns.

But this year Washington's unpopularity knows no bounds. Now there has emerged the extraordinary spectacle of a self-righteous orgy of "purging the perk".

It should be funny, and sometimes is, if it were not taken quite so seriously.

Congress is the most defensive because it appears to be the main offender. All the little things that make congressional life easier are under scrutiny.

They include subsidised restaurants, haircuts and health clubs, free potted plants and subscription drugs, gratis parking at the Capitol and local airports, the fixing of any traffic tickets and wholesale price gifts and knick-knacks.

In the aggregate, they do not appear to amount to anything that is not commonly provided for executives in the corporate sector.

But abuses were inevitable. Last year, for example, it emerged there were $300 000 in unpaid bills at House restaurants — a little steep for facilities that are in reality little more than canteens.

Tom Foley, Speaker of the House, finally decided he had had enough of these assaults on an institution he loves. He has ordered an investigation into the perks enjoyed by the executive branch, and it looks as though it will not spare even the President.

George Bush's perks are not insubstantial. They run to a $7,26-million annual operating budget for the White House, covering nearly 100 domestic employees — including five florists spending $200 000 a year on displays, and five calligraphers, presumably deciphering the presidential scrawl.

There are also in the official residence a bowling alley, cinema, swimming pool, putting green, tennis courts, a basketball court and horseshoe pit — and a free box at the Kennedy Centre for Performing Arts.

There are Camp David and, of course, Air Force One — actually two of them, specially modified Boeing 747s — and a constant supply of helicopters.

This obsession with scrutinising perks, however, completely misses the point. There is something wrong with the governance of America, but it is not simply because those who govern have grown fat and greedy.

The root causes are complex, but must include the unrealistic personal standards asked of public figures and the decline in the controlling influence of the two main parties.

The two causes have led to the absence of leaders of quality and a fragmentation of the body politic.

The system is not working. Real issues are being ducked. If it were, and they were not, no one would be wailing over free potted plants and floral displays. — Financial Times.

FIVE-STAR DETENTION

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Citizen 19/4/92

By DAN DHLAMINI

ONE night spent at the Klerksdorp police cells by 66 National Union of Mineworker members in 1987 has cost the state R66 000.

This follows the miners' successful lawsuit against former Law and Order Minister Adrian Vlok for unlawful arrest and unlawful detention. The incident occurred on August 12, 1987, at the height of NUM's strike when police raided their Klerksdorp office, arresting 68 shaft stewards.

Moses Gladile and Charles Mapeshoane were charged and the state dropped charges against the other 66.

This week, State Attorney Paul Vacanagh and NUM lawyer Igbal Motala agreed out of court to pay each claimant R1 000 for their inconvenience.

Motala is asking the claimants to contact him within three months at (018) 462-9807 to get their claims.

The claimants are; Matodone Bece, Lazarus Nakedi, Marcus Mlungisi, Sibongile Njomboni, Shadrack Tina, Alfred Buso, Thami Meyi, Zwelinzima Mkunkula, Oliver Sokhanyile, Tshoeu Molefe, Steven Lehanya, Andrew Kgositau, Makwekwana Zwelibanzi, Lungile Jamane, Tangu Allan, William Qutoyi, Solomon Rasfeni, Justice Cingo, Monwabisi Ncetani, Elias Moabi, Michael Makhambe, Speelman Jonas, Nelson Mokwatle, Elias Seleso, Mbuzeli Ngonyana, Sydney Molaioa, Lazarus Khumoitsile Matsime, Piet Lenkoane, Gordon Sanbou, David Jamane, Moyekeni Jongo, Arthur Ndumbane, Richard Nxosana, Mbuyiselo Mtshotshisa, Moses Rantshobe, Phelibong Tendu, George Salogwagwa, William Dyani, M Ranthopo, Nkone Kgang, M Montshi, Victor Tlhadile, Leonard Tsosane, Motseke Moleko, Jabulani Dhlamini, Petrus Sakoane, Paulus Ncankobane, P Thakangwaga, Joseph Vavi, Kameel Mohase, Rodney Nkwanyane, Mawethu Nilebi, Samuel Mathinishe, Khosi Mamkeli, Amos Mlungwana, Makda Morena, Johannes Khaibe, Professor Mkosane, Wellington Dukwe, Elias Matsau, Edward Sinyono, Clement Mashalane, Mthuthuzeli Cala, Eric Goniwe, Hubert Nthabeni, Runny Khomane, Ncekelela Nyakombi and Jeffrey Magida.

Asvat medical records cast doubt on 'ou

out of town' alibi

FRESH SHO

SCHOCK

IN WINNIE

CASE

By DAWN BARKHUIZEN and FRED BRIDGLAND

FRESH doubts have been cast on Winnie Mandela's testimony at her trial by medical records that indicate she was in Johannesburg on the day she claimed to be in Brandfort.

A medical logbook handed to the police last year corroborates a record card from Dr Abu-Baker Asvat's surgery which shows that Mrs Mandela's co-accused, Mr Katiza Cebekhulu, consulted Dr Asvat in Soweto on December 30 1988 — and not on December 29, as Mrs Mandela testified in court.

The date was a crucial aspect of Mrs Mandela's alibi. She claimed that she went to Brandfort after taking Mr Cebekhulu to Dr Asvat's surgery on December 29, and could therefore not have been present when Stompie Seipei was assaulted in her back room. She said she returned on December 31.

Dr Asvat was later murdered and Mr Cebekhulu was kidnapped and taken to Zambia, where he is being held in prison. However, records kept by Dr Asvat's surgery show the date of Mr Cebekhulu's visit as December 30 1988.

This confirms the account of events given last week to the Sunday Times by Mrs Mandela's former driver, Mr John Morgan, which placed her at her Soweto home rather than in Brandfort on December 29 1988.

The medical card, of which the Sunday Times has a copy, was referred to only briefly during Mrs Mandela's trial, and Mr Justice Michael Stegmann accepted her alibi as "reasonably possibly true".

Shot

He found her guilty of being an accessory to the assault in the back rooms of her house, not of the assault itself.

But the medical card, on which Dr Asvat entered: "Mentally confused, occ (occasionally) cries, occ hyst (hysterical). Insomnia." is dated December 30.

Dr Asvat — who was called to Mrs Mandela's house a few days later to examine child activist Stompie Seipei, who was later murdered — was shot dead three weeks later, on January 27 1989.

Dr Ebrahim Asvat, elder brother of the murdered physician, told the Sunday Times this week that there was no possibility that the card had been tampered with.

"I saw the card at the time, shortly after my brother was killed, and there have been no changes to it. The police took possession of it," he said.

Willing

He added that during the trial last year a police officer, Captain Fred Dempsey, took from him a logbook that recorded the date of Mr Cebekhulu's first visit to the surgery as December 30 1988. This book was used to record the first visits of all new patients.

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However, the logbook was never presented in court.

Material witnesses to the murders of both Dr Asvat and Stompie were never called to testify at the subsequent trials. In some instances, prominent churchmen and political figures who were involved in attempts to extricate the youths being held hostage at the Mandela home were

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Stompie case: new shock

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□ From Page 1

never even questioned by police.

Had they been subpoenaed, some would have been quite willing to give evidence, sources close to the now defunct Mandela Crisis Committee told the Sunday Times yesterday.

Included in this group were Mr Sydney Mufamadi, Mr Cyril Ramaphosa, the Rev Frank Chikane, the Rev Beyers Naude, Mr Aubrey Mokoena and Sister Bernard Ncube.

A key witness in the Stompie case, Mrs Mandela's co-accused Mr Cebekhulu, was spirited away before the case began and emerged several months later in Zambia.

Recent attempts to trace the youth have failed, but in November last year he told Zambian president Frederick Chiluba and British Tory MP Emma Nicholson that he had been abducted from South Africa on Mrs Mandela's orders and put in an ANC safe house in Lusaka.

Mrs Nicholson has a tape-recording of a conversation between Mr Cebekhulu and a Zambian human rights lawyer on November 15 last year, in which he says:

"Winnie was deciding (sic) to kidnap me because I knew all about the scandal about Winnie ..."

He also says that on February 8 1991, four days after Mrs Mandela's trial started, "Winnie was fighting with me in the shebeen. She was saying to me, 'Do you want to die now or do you want to go into exile? If you go into exile, I'll give you a car, a house, money and everything, education.'

"Winnie Mandela assaulted Stompie himself (sic). Asvat was checking Stompie before he died. Dr Asvat told Winnie Stompie could die at any time. Winnie Mandela told Asvat to say white man was raping me. She told Asvat to write in the book that this white man was raping me. This white man didn't rape me. It was a plan between me and Winnie to destroy this priest."

Mr Cebekhulu says of Dr Asvat's refusal to record medical evidence that he had been sodomised that it was "the reason why Winnie Mandela killed him".

He says: "I showed two men where Asvat was ... Winnie Mandela herself telling two men to kill Asvat ... reason Mrs Mandela killed Dr Asvat is because he was checking Stompie before he died."

World waits for outcome of Trust Feed murder trial

DAY OF JUDGMENT

Cttpress 19/4/92

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By FRED KHUMALO

INTERNATIONAL media interest will focus on the Maritzburg Supreme Court on Tuesday where judgment will be passed on seven policemen facing 11 charges of murder and eight of attempted murder.

When the trial started last year, it attracted the world's attention, not only because the murders emerged from ANC-Inkatha political conflict, but because among those accused were three white senior officers, one of whom allegedly masterminded the murders.

In the dock are Captains Brian Mitchell and Jakobus van den Heever; Sgt Neville Rose; special constables Cyprian Ngubane, Thabo Sikhosana, David Khambule and Special Sergeant Roy Ndwalane.

They have all pleaded not guilty.

The trial – which has cost the State R2-million in court documents and court officials' fees – took a dramatic turn when Mitchell admitted in court that he had ordered the accused black special constables to kill UDF supporters in Trust Feed, a black reserve near New Hanover on December 3 1988.

The killings had allegedly been planned by Mitchell in conjunction with Jerome Gabela, chairman of Inkatha in Trust Feed.

Mitchell told the court that on December 2, police besieged Trust Feed and raided houses known to be inhabited by UDF members, took possession of all weapons they found and detained 11 members of the organisation.

This was to make the UDF stronghold vulnerable to Inkatha attacks, Mitchell testified.

However, on December 3, Mitchell himself decided to go to Trust Feed to make sure the "job" had been done.

He then ordered the constables, whom he fetched at the home of IFP leader Jerome Gabela, to go and kill the UDF.

But this plan to eradicate the UDF in Trust Feed took an unexpected turn when 11 people were killed – including members of Inkatha. Among the victims were children aged four and nine, while most of the others were elderly women.

Court officials and journalists were shown a video taken by the SAP video unit showing corpses of those killed, some with their intestines protruding.

The court has heard how Mitchell, with the help of the late Major Deon Terblanche, tried to cover up and botch the investigation into the murders.

An initial investigation, headed by Capt Patrick Wattrus, was later handed over to Major Johan van Zyl, but it did not bear fruit as no suspects could be found.

Justice Andrew Wilson, the presiding judge, has been vocal in dismissing some aspects of the investigation as a cover-up attempt.

The special constables have alleged that after finishing the job, they were whisked out of Trust Feed, taken home to Mpumalanga and told to hide.

They later joined the KwaZulu Police and were stationed in the township near Hammarsdale where Van den Heever was stationed at the SAP base.

The judge expressed shock when he learnt that the security police withheld information to the KZP relating to the fact that the special constables, who had applied for jobs with the homeland force, were being sought by the SAP in connection with the murders at Trust Feed.

In 1991 when the second investigation headed by Capt Frank Dutton started, the special constables were again instructed by their seniors in Ulundi to hide and were taken to Chief Calalakubo Khawula in Umzumbe, the court has been told.

Dutton's investigation finally led to their arrest.

The special constables have alleged that when they attacked a house in Trust Feed, they had been acting under Mitchell's instructions and had been told to kill terrorists in the house.

During their training the constables were told to obey orders from their seniors and could not tell an unlawful command from a lawful one, they had said in court.

They said they had been used as pawns by the forces fighting to maintain the status quo on the one hand and forces opposed to the government on the other.

As Mitchell said in his testimony: "I felt as a soldier, at that time, in a civil war . . . I felt entitled to kill the UDF."

The cover-ups mentioned during the trial also point to the fact that the war against those perceived as enemies of the State had been sanctioned by officers high up in law enforcement structures – officers like Terblanche who took information and many secrets with him to the grave.

Mandela crisis body denies any cover-up

STAR 20/4/92.

Staff Reporter (331)

As fresh doubts were cast this weekend on Winnie Mandela's alibi that she was in Brandfort on the night when several youths were assaulted in her home, the Mandela Crisis Committee (MCC) rejected statements that it had attempted to cover up facts related to the deaths of Stompie Seipei and Dr Abu-Baker Asvat.

In a statement, the MCC said it wished to place on record that at no stage was an attempt ever made to "contemplate conniving at any 'covering up' of facts related to the deaths" of Stompie and Dr Asvat.

The Azanian People's Organisation last week called on the members of the MCC to "come out clean" on what they knew about the murders.

In response, the MCC said: "It is regrettable that some organisations have elected to deal with these matters (including the speculation about the role played by the then Mandela Crisis Committee) through the media rather than approaching us directly."

The MCC maintained that the main thrust of its involvement in the Stompie affair was "to ensure that the young men were not deprived of their liberty".

The committee members said they were not as such "investigating crime" as the matter would correctly be investigated by the police.

"After the young men had left the Mandela home in Diepkloof we saw no role for ourselves. We assumed that the young men would themselves assist the relevant authorities when the investigations were conducted," the committee said.

Lied

The last two weeks have seen a spate of fresh allegations regarding Winnie Mandela's alleged involvement in the assault on Stompie and his group and the murder of Dr Asvat who was health officer of Azapo.

At the centre of the damaging evidence against the fallen "mother of the nation" is Xoliswa Falati, who threatened at the weekend to drop a bombshell "which will drive the final nail into Winnie's coffin".

Falati and another co-accused, John Morgan, have stated recently that they lied in court to protect Winnie Mandela.

Both now maintain she was at her home on the night of the vicious assaults on Stompie and his "comrades" — effectively casting serious doubts on her alibi that she was away at the time.

Statements this weekend by Winnie Mandela's key defence witness have also lent some credence to Falati and Morgan's allegations.

Despite testifying in court that Winnie Mandela was in Brandfort on the night of the assault, Nora Moahloli said this weekend she "could not remember" the day and date on which the ANC's leader's wife had been there.

The Star tried unsuccessfully to reach Falati yesterday to establish what the "bombshell" is she intends disclosing.

Winnie Mandela yesterday continued to do her political work unhindered, despite the growing allegations against her.

She addressed a press conference in Sharpeville after eight people were killed in the area following renewed political violence in the Vaal Triangle township.

On Friday, she led a delegation of the ANC's PWV region to the Power Park squatter camp, outside Orlando in Soweto, after residents had allegedly clashed with police.

Winnie: Group denies cover-up

JOHANNESBURG. — The Mandela Crisis Committee (MCC) said it had never "contemplated conniving at any covering up of facts" relating to the deaths of ANC activist Stompie Moeketsi Seipei and Azapo-aligned Dr Abu-Baker Asvat.

The MCC released a statement at the weekend following renewed allegations about the involvement of Mrs Winnie Mandela in the deaths of Seipei and Dr Asvat.

Insinuations that the MCC had known more of the circumstances surrounding the deaths were evident in media reports following allegations made by Mrs Mandela's co-accused, Mrs Xoliswa Falati and Mr John Morgan, and Dr Asvat's family.

The MCC statement said it had met on Friday to consider the insinuations against it.

Except for Mr Cyril Ramaphosa, all members of the committee were present at the meeting — the Rev Frank Chikane, Mr Sydney Mufamadi, Dr Beyers Naude and Sister Bernard Ncube.

Detailing events leading to its formation in August 1988, the committee said Mr Chikane asked some community leaders to join him so they could stop escalation of violence between members of the Mandela United Football Club and pupils of Daliwonga High School.

The conflict had already resulted in the burning of the Mandela home in Orlando West, Soweto.

In December 1988 the Methodist Church leadership asked the MCC to secure the release of Seipei, Gabriel Mekgwe, Thabiso Mono, Kenneth Kgase and Katiza Cebekhulu, who had been taken from the Orlando West Methodist manse to the Mandela home in Diepkloof, Soweto.

The MCC said that on one hand it was claimed that the young men were removed from the manse against their will.

On the other hand there were claims that they willingly joined those who offered to take them away because that would end the sexual abuse to which they were subjected at the manse.

Mono and Mekgwe had maintained that they went to the Mandela house willingly and were not assaulted.

"A confidential letter sent to the then ANC president, Mr Oliver Tambo, does indicate that, save for Katiza Cebekhulu, the other two maintained this position until they left the Diepkloof house."

Following claims by Mrs Mandela, Mrs Falati and others of sexual abuse at the manse and that Dr Asvat had seen the young men, Mr Mufamadi, Mr Aubrey Mokoena and Sister Ncube went to his surgery on January 14, 1989, to ascertain whether the men had been sexually abused and assaulted.

Dr Asvat denied having seen the men. — Sapa

(33) ET 20/4/92

Mzimhlophe, Soweto, the house of 65-year-old Mr Patrick Mnguni was petrol-bombed about 3am yesterday.

Man in court over Free State murders

By SONTI MASEKO

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THE trial of a Free State man who allegedly killed four whites and said he wanted to "cut off the hand of apartheid" begins in the Bloemfontein Supreme Court today. Sowetan 21/4/92

Mr Gabriel Mahakoe (42) allegedly murdered a white farmer, a Mr Engelbrecht, and three members of his family in Verkeerdevlei on December 22 last year.

He has pleaded guilty.

Mahakoe will be represented by a black pro deo counsel from Johannesburg after he rejected the services of a white advocate.

At an earlier hearing, Mahakoe admitted to breaking into the home of the Engelbrechts.

"I went to sit in the holy (front) room, where a kaffir is not allowed to sit, and waited. The devil helped me and they came.

"I wanted to cut off the hand of apartheid. Unfortunately I only cut off the fingers. That day I wanted to kill 20 to 50 people," he said.

SOWETAN Tuesday April 21 1992

Trust Feed ruling to be passed today

Sowetan 21/4/92 331-

JUDGMENT will be passed today on the most significant prosecution the State has brought in the history of South Africa's so called "black-on-black" violence.

The testimonies and the evidence of seven policemen charged with murdering 11 people in Trust Feed in Natal not only shed light on what happened in the tiny rural township three years ago, but also exposed covert forces behind the political violence which has plagued Natal for years.

The judgment will not only deal with the seven accused policemen in the dock but is also expected to focus on evidence highlighting the existence of a "third force" which has transformed South Africa's social landscape into a hotbed of violence, political double-talk and lawlessness.

The trail told of a massive cover-up which let the alleged killers roam free.

It also told of apparent attempts by senior ranking criminal investigation officers to sabotage the investigations when they were taken on by a team of rank and file detectives in August 1991.

What is Mr Justice Wilson going to say about all of this? Will he order more investigations?

What is more important, is what clout will his judgment have?

What will happen to the team of detectives which, it is believed, could play a crucial role in ending the political violence and bring to book those who created this legacy?

What will happen to KwaZulu MP Mr David Ntombela who, according to evidence, took part in the planning of the security operation in Trust Feed?

He has been implicated in the killings before, and prosecuted.

If the accused policemen are convicted and sentenced to long terms in jail, will they be released after serving a fraction of their sentences?

Trust Feed judge calls for inquiry

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STAL 22/4/92

Own Correspondent and Sapa

MARITZBURG — Mr Justice Wilson yesterday began delivering judgment in the trial of seven Natal policemen facing charges arising from the the killing of 11 people at Trust Feed, near Maritzburg, in December 1988.

The judge criticised much of the evidence led by the accused and their witnesses as "unsatisfactory".

He also called for a public inquiry into an alleged cover-up of the case by senior policemen.

Mr Justice Wilson told a packed courtroom there had been sufficient evidence in early investigations into the massacre to arrest former New Hanover station commander Captain Brian Mitchell.

"This in itself would call for some form of public inquiry."

The judge said officers involved held ranks as high as brigadier and said they should all be subject to "some form of inquiry".

Earlier yesterday, Mr Justice Wilson said the public should be made aware that regulations broken by the police in the past "will no longer be condoned".

The seven policemen on trial are: Captain Jacobus van den Heever, Sergeant Neville Rose, Captain Brian Mitchell, Special Sergeant Dumisane Ndwalane and Special Constables Kehla Ngubane, Thabo Sikhosana and Marshall Kambule.

The State alleges that Captain van den Heever and Sergeant Rose were involved in planning an attack on residents of Trust Feed while Captain Mitchell was present in the area when the special policemen carried out the killings on the night of December 3 1988.

The attack was aimed at United Democratic Front supporters in an attempt to get them out of the Trust Feed area, to strengthen Inkatha support there, evidence has shown.

On the night of the massacre, however, a house was chosen which Captain Mitchell said he believed was in UDF-supporting territory but was in fact a group of people (some of them Inkatha supporters) mourning the death of a family member.

All the policemen have pleaded not guilty to murder.

Mr Justice Wilson said much of the evidence led by Captain Mitchell pertaining to the night of the murder was not true.

He referred to contradictions in his evidence and said these were totally unacceptable.

He will continue judgment today. A verdict is expected this afternoon or tomorrow.

'No negotiations over Cebekhulu'

STAR 22/4/92

331

Star Africa Service

LUSAKA — The Zambian government yesterday denied that it was engaged in secret negotiations with the South African authorities over the extradition of Katiza Cebekhulu, a co-accused of Winnie Mandela, who has been languishing in a Zambian jail for almost a year.

The Zambian Deputy Minister of Home Affairs, Lieutenant-Colonel Chanda Sosala, said in an interview yesterday that he was "not aware" of any negotiations with the South Africans.

"You have to be very careful when issuing these statements because our ministry is sensitive," the Minister reluctantly said.

Colonel Sosala confirmed that Mr Cebekhulu, who was put in "safe custody" by the then Unip government, was still in Zambia, although he could not say exactly where he was being held, he said.

"Mr Cebekhulu is supposed to be here. He is not out of prison.

"I should have known if he had left the country," Colonel Sosala added, quashing speculation that Mr Cebekhulu may already be back in South Africa.

Colonel Sosala indicated that his government would hold a news conference this week to clarify its position on the matter.

Several attempts by The Star's Africa Service correspondent in Lusaka to speak to Mr Cebekhulu last week through local lawyers proved fruitless.

Nobody is allowed to see Mr Cebekhulu and his exact whereabouts are not known, although he is believed to be in one of the prisons in Lusaka.

Zambian chief immigration officer Clement Mbangweta told the Weekly Post newspaper on Friday that he thought the continued detention of Mr Cebekhulu was unjustified because he was not an illegal immigrant.

Mr Mbangweta said he had written to the Home Affairs Ministry to ask for Mr Cebekhulu's release but so far he had received no response.

The Zambian government has been tight-lipped over the Cebekhulu saga and refuses to say why he is still being held, or even where he is being kept.

Cebekhulu discussed

THE governments of SA and Zambia are negotiating the return of a co-accused in the Winnie Mandela trial, Katiza Cebekhulu, who disappeared last year soon before he was to appear in court on kidnapping charges. Police spokesman Lt-Col Reg Crewe said yesterday the matter was being discussed at a "fairly high level".

Business Day 22/4/92

(331)

Man defies 'Boer judge'

Sowetan 22/4/92

(252) 331

By SONTI MASEKO

THERE was pandemonium in the Bloemfontein Supreme Court yesterday when a man accused of the murder of four whites refused to be tried by a "Boer judge".

Mr Gabriel Mahakoe (42), who earlier confessed to have killed four whites "to cut off the hand of apartheid", told Mr Justice DA Kotze that he wanted a black judge, a black prosecutor and a black defence counsel.

An application, filed by his defence counsel Mr Dennis Mosupye, to have the judge and two assessors and the prosecutor to recuse themselves, was rejected by the court.

When the judge ruled that the trial would have to proceed as there were no black judges in South Africa, Mahakoe shouted at him: "You white man, I said I do not want to speak to you. I do not want to hear anything from you. That's all."

He then walked down the stairs to the cells below the courtroom, shouting he respected the court but "Ek is baie, baie, baie jammer (I'm very, very, very

To page 4

Man defies 'boer judge'

Sowetan 22/4/92 (331)

From page 1

sorry)".

Mosupye was called from the Pretoria Bar after Mahakoe had rejected a white pro deo counsel.

The proceedings resumed before lunch when charges of murder, attempted murder and robbery with aggravating circumstances were read to Mahakoe.

But he closed his ears with his fingers and refused to plead. The judge entered a plea of not guilty.

Mahakoe has also forbidden his defence counsel from participating in the proceedings by cross-examining witnesses.

The judge advised Mahakoe to think seriously about his decision and reminded him that he was facing very serious charges.

Mahakoe retorted by telling the judge that he was wasting his time.

Police cover-up 'must be probed'

Sowetan 22/4/92

331

THE judge presiding over the Trust Feed massacre trial in Maritzburg yesterday called for a public inquiry into an alleged cover-up of the case by senior policemen.

Mr Justice Wilson began his judgment yesterday into the alleged involvement of seven policemen - two captains, a sergeant and four special policemen - in the killing of 11 people attending a night vigil in Trust Feed, near New Hanover in December 1988.

Justice Wilson told a packed courtroom there had been sufficient evidence in early investigations into the massacre to arrest former New Hanover station commander Captain Brian Mitchell.

"This in itself would call for some form of public inquiry."

The judge said officers involved held ranks as high as brigadier and said they should all be subject to "some form of inquiry".

He also said inquiries should be carried out in other cases where members of the SAP were involved in unlawful offences.

Justice Wilson said the public should be made aware that regulations broken by the police in the past "will no longer be condoned".

He criticised initial investigations into the massacre, saying these had not been done properly.

The seven accused men are Captain Mitchell, Captain Jocobus van den Heever, Sergeant Neville Rose, Special Sergeant Dumisane Ndwalane and special constables Kehla Ngubane, Thabo Sikhosana and Marshall Khambule.

The State alleges that Van den Heever and Rose were involved in planning an attack on residents of Trust Feed while Mitchell was present in the area when the special policemen carried out the killings on the night of December 3 1988.

The judge said evidence had shown that the attack was aimed at United Democratic Front supporters in an attempt to rid them from the Trust Feed area, and to strengthen Inkatha Freedom Party support there.

On the night of the massacre, however, Mitchell pointed to a house which he said he believed was in UDF supporting territory.

But people in the house were in fact a group of mourners, some of them Inkatha supporters, who were mourning the death of a family member who had died of natural causes.

All the policemen have pleaded not guilty to murder.

Justice Wilson spent most of yesterday on evidence led by Mitchell and said much of it was not true.

He constantly referred to previous statements and later contradictions by Mitchell, and said much of these were totally unacceptable and highlighted his complete disregard for the truth.

The judge also remarked that much of the evidence led by the accused and their witnesses was unsatisfactory.

He will continue his judgment today and a verdict is expected this afternoon or tomorrow. - *Sapa.*

Judge again critical of massacre probe

(331) STAR 23/4/92.

Own Correspondent

MARITZBURG — Mr Justice Wilson reiterated his strong criticism of the police investigations into the 1988 Trust Feed massacre during a judgment hearing in the Maritzburg Supreme Court yesterday.

There was a deplorable lack of co-operation between the KwaZulu and South African Police, the judge said during the second day of his judgment.

He was referring to incidents after the massacre on December 2 and 3 1988 when four special policemen and their personal files had disappeared without trace.

Subsequent to the killing of 11 people at a funeral vigil at Trust Feed, about 40 km outside Maritzburg, the four special policemen had joined the KwaZulu Police (KZP).

The investigating officer at the time, Captain Frank Dutton, had been unable to trace the men's personal files however, despite repeated attempts to do so. After eventually tracing the four constables, Captain Dutton managed to obtain their files only after personally travelling to Ulundi. This illustrated a "deplorable lack of co-operation between the KZP and the SAP", Mr Justice Wilson said.

The seven policemen on trial are: Captain Jacobus van den Heever, Sergeant Neville Rose, Captain Brian Mitchell, Special Sergeant Dumisane Ndwalane and Special Constables Kehla Ngubane, Thabo Sikhosana and Marshall Kambule.

All the policemen have pleaded not guilty to murder.

Mr Justice Wilson said the video unit from the police had filmed the scene, but did not seem to want to help the investigation. For instance, they did not film broken windows or the walls or the floors or the curtain which divided the room to see where the gunshots went, but concentrated on the bodies of the deceased — which had all been carried out of the house.

He said, therefore, the photographs and videos were "completely useless" as evidence.

Referring to Lieutenant Patrick Wattruss, who was in charge of the initial investigation, Judge Wilson said he was either "totally incompetent" or just not interested in investigating the case.

Referring to a police witness, Captain J P van Zyl, the judge said that during the court case Captain van Zyl had asked if he could be represented by a police attorney.

"I have never, in all my years on the bench, experienced a police officer calling for legal representation in this way. In my view it seemed Captain van Zyl had obviously been covering up evidence before the court."

He added that during Captain van Zyl's investigation from December 1988 to Julu 30 1991 there were things that Captain van Zyl did not do. For example, he did not enter evidence of spent cartridges which were found in the house and which were found to be SAP issue.

When Captain Frank Dutton took over the investigation it took him two days to arrest two of the special constables and two weeks to arrest all four.

The judge's final decision is expected today.

Judge is critical of cop probe

Sowetan Correspondent

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Sowetan 23/4/92

MR JUSTICE Wilson reiterated his strong criticism of the police investigations into the 1988 Trust Feed massacre during a judgment hearing in the Maritzburg Supreme Court yesterday.

Referring to the role of the seven accused, he said it was hard to believe that policemen did not take steps to guard the house where the massacre had occurred and prevent the public from having access to the bodies.

The seven policemen on trial are Captain Jacobus van den Heever, Sergeant Neville Rose, Captain Brian Mitchell, Special Sergeant Dumisane Ndwalane and Special Constables Kehla Ngubane, Thabo Sikhosana and Marshall Kambule.

Mr Justice Wilson said it was clear that numerous people were in and out of the house where the massacre had taken place, even before the police arrived. He said the video unit from the police had filmed the scene, but did not seem to want to help the investigation. They did not film broken windows or the walls or the floors or the curtain which divided the room to see where the gunshots went, but concentrated on the bodies of the deceased.

These bodies had all been carried out of the house and were lying in a straight row and mostly covered by blankets.

Mr Justice Wilson said it was obvious from survivors' accounts of the massacre that at no time during the pandemonium could the dead people have laid themselves out in a neat row during or after the shooting.

He said therefore the photographs and videos were "completely useless" as evidence.

Investigation

Referring to a police witness, Captain JP van Zyl, he said that during the court case Van Zyl interrupted his testimony and asked if he could be represented by a police attorney.

Said the judge: "I have never in all my years on the bench experienced a police officer calling for legal representation in this way. In my view it seemed Van Zyl had obviously been covering up evidence before the court."

He said that during Van Zyl's investigation, from December 1988 to July 30 1991, he was satisfied that Van Zyl had obtained a list of names and addresses of the special constables. He had also requested accused No 1, Van den Heever, to get the special constables' firearms for ballistics tests.

However, there were things that Van Zyl did not do. He did not read the investigative diary when he took over the case. He did not make any entries until December 26 1988. He did not question accused No 2, Rose, who was in charge of the special constables, or accused number one, who was their commanding officer.

He did not enter evidence of spent cartridges which were found in the house and which were later discovered to be South African police issue. He did not ask the KwaZulu Police for their assistance in finding the four special constables who openly lived in Mpumalanga. He did not question officers connected with payment of wages and finally did not find out the whereabouts of the special constables.

When Captain Frank Dutton took over the investigation it took him two days to arrest two of the special constables and he had arrested all four in two weeks.

Proceeding.

Talks on accused confirmed

PRETORIA. — High-level discussions between South Africa and Zambia are continuing to secure the extradition of Mr Katiza Cebekhulu, who is still in "safe custody" in Zambia, according to SA Police spokesman Lieutenant-Colonel Reg Crewe. (331)

Mr Cebekhulu was a co-accused of Mrs Winnie Mandela in their kidnap and assault trial. He has been in a Zambian jail for more than a year. CT 23/4/92

In recent interviews, he claimed he was abducted and taken out of South Africa by an African National Congress unit to prevent him from giving evidence against Mrs Mandela.

He was reacting to Zambian Home Affairs deputy minister Lieutenant-Colonel Chanda Sosala's denial on Tuesday that his government was involved in discussions with South Africa over Mr Cebekhulu. — Sapa

"When I get Kepler, the game is mine. Bad luck man — and come again."

son) and the boys fought back, and it augurs well for West Indian cricket."

the grass, shaking his head. "I still don't believe it," he said, again and again.

Face of defeat . . . Mike Pr

Trust Feed police guilty of murder

STAR 24/4/92

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Screams did not stop attack – judge

Own Correspondent

MARITZBURG — Five of the seven policemen charged with murdering 11 people in the Trust Feed massacre were found guilty in the Maritzburg Supreme Court yesterday.

Former New Hanover police station commander Captain Brian Mitchell led four special policemen in the attack on the house in Trust Feed, Natal, where 11 people, including seven women and two children, were killed in December 1988, the court found.

He had given the signal for the attack to start by firing two shots into the house.

Mr Justice Wilson and two assessors convicted Mitchell (34) and the four former SAP special policemen, Kehla Cyprian Ngubane (21), Thabo Petros Sikhosana (29), Dumisani Roy Ndwalane (27) and David Marshall Khambule (26), of 11 counts of murder and two of attempted murder.

Evidence in mitigation will be led on Monday.

Two other policemen in charge of special policemen at the time, Captain Jacobus van den Heever and Sergeant Neville Rose, were acquitted after the court found the State had not proved the case against them beyond a reasonable doubt.

There was a strong police presence at the court yesterday and members of the public were searched before being allowed to enter the public gallery.

Mr Justice Wilson rejected evidence by Mitchell that he merely dropped two special policemen in Trust Feed with instructions to join two colleagues and attack groups of "comrades" (UDF supporters) at large in the area.

The judge said there was no evidence, nor did it seem probable, that Mitchell desired the death of the actual victims (mourners holding a funeral vigil). The fact that the victims might not have been the people he believed them to be, however, did not affect his guilt.

The court accepted the evidence of the special policemen that Mitchell pointed out the house and participated in the attack.

The judge said the original defence by the special policemen, that they had been following "superior orders" to attack a house containing terrorists, would be an "extremely difficult one to believe in the circumstances of this case". It was clear this defence could only be applicable where such orders were legal.

The four were intelligent men and despite their statements that they believed they were attacking terrorists, the court did not believe they could ever have thought that they were justified in opening fire at night on people in a house who were doing them no harm.

The court found that at least two of them had entered the house and deliberately shot people in it after they were pointed out by torchlight. "We are satisified that there was screaming and groaning from the women and children, and that all the special constables must have been aware of it. Despite this they persisted with the attack at a time when they could no longer have believed — if they ever did — that it was terrorists they were attacking".

The judge acquitted Mitchell and the special policemen on six of the eight counts of attempted murder, in which survivors were not wounded. He said the court was satisfied the attackers had aimed at their victims and that it was not a "general shooting at random".

● Commissioner of Police General Johan van der Merwe said yesterday SAP headquarters had taken note of the judgment, reports Sapa.

In a statement, General van der Merwe said he had already instructed Lieutenant-General Johan Swart, divisional chief of the Internal Stability Division, to thoroughly investigate Riot Unit 8.

Regarding calls by Mr Justice Wilson earlier this week for a public inquiry into the investigating officers in the case who had acted irregularly, General van der Merwe said: "As regards the initial investigation into the Trust Feed case, I have instructed Lieutenant-General Basie Smit to launch a thorough investigation into this matter with the view to possible criminal and/or departmental steps.

"I will not tolerate or condone unprofessional investigations or any attempts at a so-called 'cover-up'."

'Racist' trial protest

STAR 24/4/92

331

BLOEMFONTEIN — Riot police were called to quell a protest by about 300 blacks outside the Bloemfontein Supreme Court yesterday after they were refused entry to the building to attend a racially-motivated murder trial.

The crowd demanded to be allowed in to support Verkeerdevlei resident Gabriel Mahakwe (43) who allegedly killed four whites "to cut off the hand of apartheid".

"You people are saying the book of apartheid is closed. But why are you refusing us entry to the court, while allowing white people?" one man shouted at police.

The crowd eventually dispersed.

Earlier this week, Mr Mahakwe told Mr Justice Kotze he wanted a black judge and prosecutor. The judge informed Mr Mahakwe that there were no black judges in the country and that the Attorney-General had the authority to appoint whoever he preferred to prosecute.

The hearing continues. — Sapa.

MK leaders testify before commission

By Mckeed Kotlolo
Pretoria Bureau

Two senior Umkhonto we Sizwe (MK) commanders on Wednesday denied allegations that an MK meeting on March 25 had decided to attack four Inkatha Freedom Party hostels in the Transvaal.

But they admitted the ANC's military wing did not have absolute control over its members.

MK political commissar Oupa Monareng and PWV chief of personnel Sydney Mpilo were testifying before the Goldstone Commission in Pretoria following allegations by two police informers who had earlier claimed they had attended an MK meeting at the ANC's head office in Johannesburg where a decision had been taken to attack the IFP hostels.

Mr Monareng said members at the meeting did suggest that MK should attack the hostels because they felt their lives were threatened.

However, the suggestion was turned down by the leadership because the armed struggle had been suspended and MK had become more involved in mass action.

Mr Monareng, however, told the commission that members "could do their own thing" without the mandate of the leadership.

The commission also heard that the PWV regional headquarters was not empowered to take such decisions. Only the national leadership had such powers.

Mr Mpilo said MK was bound by the Groote Schuur and Pretoria Minutes and the D F Malan Accord to the suspension of the armed struggle.

He said MK had no right to commit soldiers to action that would be detrimental to these.

Control of cadres 'not guaranteed'

STEPHANE BOTHMA

SENIOR members of the ANC's military wing, Umkhonto we Sizwe, told the Goldstone commission yesterday they could not guarantee absolute control over cadres.

Testifying about a meeting last month at Umkhonto's PWV regional headquarters, at which it was alleged a plan was hatched to attack Inkatha-occupied hostels, political commissar Oupa Monareng admitted that such a suggestion had been made but denied that any decision had been taken on it.

"Anybody can do his own thing without the mandate of the leadership," Monareng told the commission.

Monareng was among those asked to testify about events at the meeting after police supplied the commission with two written statements made by informants.

The informants said it was decided at the meeting that Umkhonto would attack Inkatha hostels in four Transvaal areas.

The two informants feared for their lives and therefore refused to disclose their names to the commission, Judge Richard Goldstone said.

A judge links police to murder

w/mail 24/4 - 29/4/92.

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After this week's milestone Trust Feed verdict, claims of state-sponsored violence can no longer be dismissed as rumour

IN this week's landmark judgment in the Trust Feed case, the court accepted that security forces played a central role in driving a peaceful community into violence and lawlessness.

Until now, the government has dismissed the mounting evidence from around the country of security forces provoking and planning violence.

But Mr Justice Andrew Wilson's hard-hitting findings this week should put an end to that. The court ruled that senior policemen had worked with Inkatha warlords to plan and execute the attacks.

It became clear during the trial that Trust Feed was not an isolated case. "The specials (riot police) had been used before," one of the central witnesses said repeatedly.

The Pietermaritzburg police also engineered an elaborate cover-up which would have succeeded if not for the determined efforts of a detective who stumbled across the evidence while working on another case.

PAGES 2 and 3

P.T.O.

The man who turned a haven into hell

W Mail 24/4 - 29/4/92.

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Keeping the peace was never Captain Brian Mitchell's objective when he arrived at Trust Feed. By **FRED KOCKOTT**

TRUST FEED was once a peaceful haven. That was before the arrival of Lieutenant Brian Mitchell in early 1988.

A residents' association, the Trust Feed Crisis Committee (TCC), had successfully resisted government plans to develop Trust Feed into a whites-only residential area. It worked closely with the regional planners and, among other things, established a clinic for the area.

It had won recognition as the representative of the community. This did not suit an Inkatha landowner in the area, Jerome Gabela, nor kwaZulu government officials. They wanted control and sought the assistance of the Joint Security Management System, a central government security network, to establish an organisation to take over Trust Feed.

Mitchell, promoted to captain, who had close ties with the security police and was centrally involved in the Joint Security Management System, was transferred to the district to take command of the local police station in New Hanover.

The court heard how Gabela was used as a pawn to establish a Landowner's Association in opposition to the TCC.

Mitchell conceded that this was a security strategy. "In other words," remarked prosecuting attorney Anthony Irons, "you set up an organisation which supports the government of the day and you oust the one which would not follow the same principles."

"That is what happened," Mitchell responded.

And so began a power struggle. The court heard how a community, ostensibly living at peace, was torn asunder by squabbles which eventually took on a political overtone. The TCC became labelled "UDF" — a front for the then outlawed African National Congress.

Mitchell told the court Gabela had lacked backbone in dealing with the "UDF" and he had decided to "jack him up and get him to be more forceful". "Can we take it you mean a little more violent?" Irons asked. "In other words he must conduct attacks to oust the UDF in the area?"

"That's what eventually happened. That's correct," said Mitchell.

The court heard that Mitchell took Gabela and two other Inkatha members from Trust Feed to a meeting with the former head of Pietermaritzburg's Riot Unit, the late Major Deon Terblanche, and kwaZulu MP David Ntombela.

At the meeting it was decided that six special policemen would be dispatched to Trust Feed to act as an "assistance force" for Gabela.

Riot Unit officers (accused numbers one and two) Captain Jacobus van den Heever and Sergeant Neville Rose made the arrangements.

The arrival of the special policemen was not recorded. They were posted in civilian clothes at the homes of three Inkatha members. Police declared Trust Feed an operational area and barred journalists from entering Trust Feed.

In a massive police operation the next day, Friday, December 2 1988, all the young men of Trust Feed were rounded up, gathered on a sports field, and 11 supporters and members of the TCC detained. Police searched the homes of people perceived to be UDF-supporting and confiscated any weapons that could be used to ward off attacks.

"So, those capable of defending the area were detained and Gabela was left to use the special constables to launch an attack. The aim was to make it easy for Inkatha to wipe out the UDF once and for all," the presiding judge, Mr Justice Wilson, said.

"Yes," Mitchell replied.

According to residents, a curfew was also declared that night and people warned to stay indoors as police would be operating in the area.

The deputy Inkatha chairman, John Nxumalo, said he went to bed that night "feeling quite happy". Before he got into bed, he noticed that the local shop belonging to the chairman of the TCC had been set alight.

The homes and properties of all but two of the 11 people detained were razed that evening. No one was killed in these attacks. Most residents had already fled. But at the Sithole home, house TF 83, a group of 19 people had gathered to hold a wake for an old man who had died of natural causes.

"People were preaching in turn," said Francisco Mathonsi.

"There was praying and singing," said Phillip Makhoba.

The service ended after midnight, and people made arrangements to sleep. The men bedded down in the first room, women and children in the second and third. In accordance with Zulu custom, the candles remained burning in respect for the deceased. It was this house that was attacked by four of the special policemen, at 3am. Mathonsi and Makhoba lived to testify.

They were not at the Sithole home when the room-to-room killings took place. They heard gunshots — lasting several minutes — but did not know exactly where the shootings were taking place.

At daylight, as they walked to the Sithole home, they saw a crazed person running away from the house, zigzagging in a funny manner.

At first they thought he was the local lunatic. But as Mathonsi lowered his eyes from the roof of the house to the entrance, he saw a human head protruding from the front door. Half the man's head had been blown away by a shotgun blast. Inside the house, bodies lay all over the place.

As they picked their way across the floor, thick with blood, they heard a groan. Makhoba's wife, Ida, sat pressed against the wall, her forehead leaning on the face of a dead friend. She was trapped under bodies which had fallen on top of her and saved her life. Nearby, another woman lay dead, a shotgun cartridge stuck in her nose, protruding from her nostril.

Two little boys also lay dead, lying next to each other, curled up in the foetal position. "There were many *doppies* (spent shotgun

● Continued on PAGE 4

Five found guilty of murder

THREE years after the event, Captain Brian Mitchell and four special policemen were yesterday convicted of 11 murders and two attempted murders at a Trust Feed home.

"Mitchell not only pointed out the house but gave the signals for the attack to start," said Mr Justice Andrew Wilson.

He said it was perhaps a mistake that this house was pointed out but when Mitchell gave instructions his intention was that all the occupants be killed.

Mitchell and the special policemen were convicted of 11 counts of murder and two counts of attempted murder. Charges of attempted murder related to six survivors, who were not injured, were dropped.

The two Riot Unit "operational officers", Captain Jacobus van Heever and Sergeant Neville Rose, who arranged for the special policemen to be taken to Trust Feed, were acquitted as the state had not proved beyond reasonable doubt that they had known of the plans to kill people.

P.T.O.

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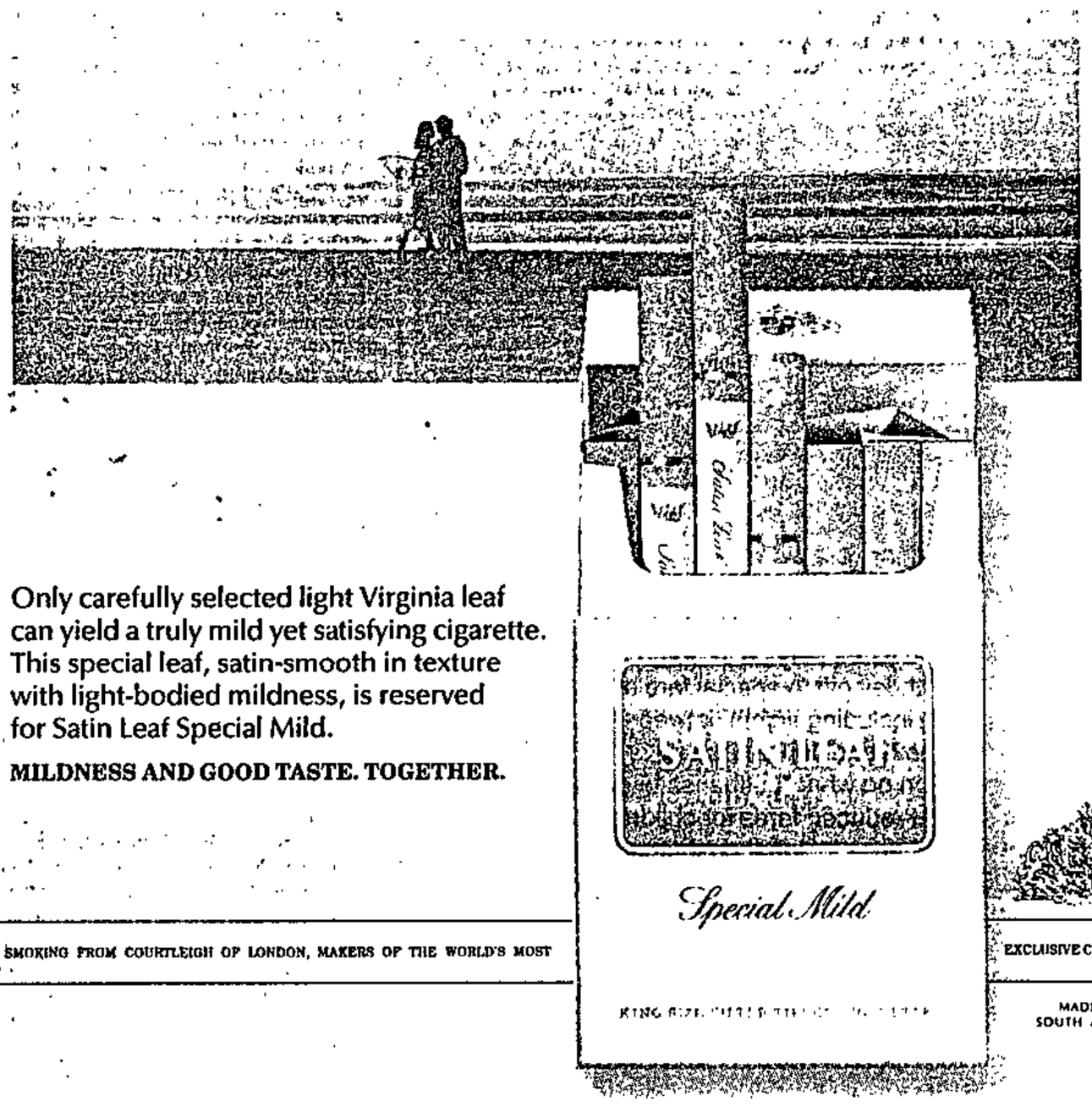

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CRS 30EU

The Weekly Mail will be published a day early — April 30 — next week as May 1 is a public holiday.

He turned a haven into hell

w/mail 24/4-29/4/92. (331)

●From PAGE 3

cartridges)," said Mathonsi. At some stage unclear to the court, such evidence implicating the police was cleared away from the scene.

A contingent of policemen met in Trust Feed that day, including the head of Natal's Criminal Investigation Department, Major General Christo Marx, and the head of Pietermaritzburg Riot Unit, Major Terblanche. Arrangements were made for the special policemen to be furtively ferried out of Trust Feed.

A police video, more appropriate for a piece of propaganda about blacks killing blacks than for documenting evidence, was also filmed. Relatives and friends of the deceased were made to carry out the bodies and lay them before a camera to allow a policemen to finger and probe the wounds while he talked into the microphone.

Medical evidence indicated that the wounds were all caused by shotgun blasts fired from point blank range. The court learned that most victims were in fact Inkatha members ...

Why was this house attacked? Mitchell said it was a mistake. He said he had gone into Trust Feed after midnight to see whether the special policemen had done their job and wiped out the "UDF". He said when he arrived, he was not satisfied that enough had been done. He subsequently picked up the special policemen, dropped them off in the area, instructing them to attack the UDF.

"I did not expect the specials to attack and kill groups of comrades ... When there is violence, women and children normally flee. Women and children are not enemies of the state."

Such was Mitchell's testimony. He took the rap for the killings and said it was a spur of the moment decision to use the specials. "I thought: They have been used before. Why not use them here."

However, the state prosecution argued that Mitchell was covering up, and the attack on the Sithole home was deliberate and part of a security strategy to disrupt the community.

"It was a specific target which you attacked," Irons told Mitchell. "You have said that Gabela lacked backbone, and that he needed to increase violence in the area. Would an attack on an Inkatha household at an Inkatha wake not have fired him up and achieved your desired purpose? Would that not have pushed him into action and forced the crisis committee out of the area?

"You see those special constables attacked only one house. They went straight up and attacked a particular home. No other attacks were carried out. Were they not acting under your instructions directly?"

"I don't know why they went and attacked that house," Mitchell responded. The court was told that the day after the massacre, Gabela and Nxumalo called a meeting in which they blamed the chairman of the TCC for the attack.

Trust Feed was never the same again. From that day onwards, residents who could not produce Inkatha membership cards were not welcome. Many were too scared to enter Trust Feed, even if it were just to collect their belongings. Their homes were subsequently looted and many were destroyed.

In terms of what was set out to achieve, the operation was a success. Inkatha gained control of Trust Feed. To this day, members and supporters of the residents of the TCC have never returned to their homes.

Landmark verdict links the police to killings

W/Mail 24/4 - 29/4/92

The hard-hitting judgment convicting five policemen who were involved in the Trust Feed massacre should put an end to official denials of security force instigation of 'black-on-black' violence. **FRED KOCKOTT** *reports*

The position of the bodies in the second room — Photo: Court records

A DRAMATIC court case in Pietermaritzburg has proven — with evidence strong enough to be accepted by a judge — that the security forces have played a central role in transforming parts of Natal into hotbeds of violence and lawlessness.

Convicting a police station commander and four "special" policemen of 11 murders and two attempted murders in the rural Natal township of Trust Feed, Judge Andrew Wilson said this week that the 1988 massacre was the final event in a planned security force operation to disrupt the community, oust an established residents' association and give Inkatha control of the area.

Until now, the government has denied the validity of evidence of security forces provoking and planning violence and taking sides in local conflicts. But Judge Wilson's hard-hitting findings this week — at the end of a five-month trial — should put an end to that. In a detailed three-day judgment, he showed that senior policemen had worked with Inkatha members to plan and execute the killings, and had then engineered an elaborate cover-up.

It also became clear during the trial that such activities were commonplace. "The special policemen had been used before," one of the central witnesses said repeatedly.

Judge Wilson said it was clear that the planning of the operation involved at least the head of Pietermaritzburg's Riot Unit, the late Major Deon Terblanche; the head of Inkatha in Pietermaritzburg, kwaZulu MP David Ntombela; and station commander Lieutenant Brian Mitchell, who worked closely with the security police and had "considerable experience in working with riot units". Mitchell was also a key member of the Joint Management System, a central government network responsible for national security.

The judge also said the plans resulted in a special force being furtively dispatched to Trust Feed in late November 1988 to assist an Inkatha member, Jerome Gabela, in taking control of the area. Gabela had already been set up as chairman of a "landowners' committee" in opposition to the existing residents' association, a legal body recognised by regional planners.

In a subsequent security operation on December 2 1988, members of the residents' association were targeted and detained. That night a curfew was declared and their homes were razed.

In the early hours of the next morning, Mitchell picked up four special policemen armed with pump-action shotguns surrounded a house where 19 people had gathered to hold a religious service. The policemen opened fire through the back windows and front entrance of the home, killing women and children. Then two of them went inside and, aided with a torch, conducted a room-to-room killing to finish off the occupants.

The incident was then covered up and the residents' association blamed for the attack. Members and supporters of the association could never set foot in Trust Feed again, and Inkatha took over the township.

Mitchell was subsequently promoted to the rank of captain and was transferred to Ladysmith. The special policemen were given security branch clearance and joined the kwaZulu Police force.

In time the matter appeared buried and, like most stories of Natal's war, bound to be forgotten.

But then, in July last year — almost three years after the event — a rank-and-file team of detectives stumbled upon information about the massacre. Within two days of taking on the investigation, Captain Frank Dutton and his team had started arresting policemen.

And so began the most significant prosecution in the history of South Africa's so-called "black-on-black" violence. More than 80 witnesses testified, including residents of Trust Feed, survivors of the massacre and numerous policemen, among them top-ranking CID officials implicated in the original cover-up.

Viewed in totality, the testimonies not only shed light on what happened in Trust Feed three years ago, but also on a security strategy to divide communities and planned violence to disrupt communities.

From Mitchell, the court heard that members of the Riot Unit had previously assisted Inkatha by unlawful means to take over areas. He said the entire force of special policemen was created as part of a counter-revolutionary strategy.

"The specials played an important role," he told the court. "They were taken from the community and placed back in the community to act as a wedge against the comrades." In other words, said Judge Wilson, to act against the United Democratic Front and African National Congress.

The court heard evidence that special policemen were recruited for the police by Inkatha leaders in each area. They were often posted at homes in the townships and dressed in civilian clothing. There were more than 100 such policemen under the command of Captain Jacobus van den Heever.

The judge found that the records pertaining to the duties of the special policemen were unreliable and that the people who recorded where they were stationed had no personal knowledge of this. In other words, no accurate records were kept of their whereabouts.

Judge Wilson also expressed doubt about other police documents, including affidavits submitted by the police.

"A distressing feature of the trial was that as it progressed it became clear that the evidence of senior policemen could not be accepted, and that official records produced from the file were suspicious or wholly unreliable," he said.

"It causes us great distress that we can no longer accept semi-formal documents provided by the police. In the past such documents had been accepted as reliable."

Of most concern to Judge Wilson was the cover-up of events in Trust Feed. He said that from the very first day a wealth of evidence pointed to the possibility that policemen were involved. Yet the original investigating officer, Captain Patrick Wattruss, had made no record of the evidence, including the discovery of a spent shotgun cartridge of the kind specifically manufactured for the police. "No exhibits whatsoever," the entry read on the investigation diary.

Wattruss testified that he had never seen a cartridge of that kind before. Despite this, said Judge Wilson, he had made no inquiries about it or attempted to establish who the manufacturer was.

A week later, when two more similar cartridge cases were found in the vehicle that Mitchell had been using on the night of the massacre, Wattruss put them in his briefcase. "I attached no significance to them," he said.

The court heard that on December 20 1988, police reservist Stuart van Wyk had approached Wattruss to find out whether any progress had been made in the investigation. When Wattruss replied that no progress had been made, Van Wyk told him that he and a constable, Jason Burton, had spent the night of December 2 drinking with Mitchell and had later accompanied him to Trust Feed.

They saw Mitchell pick up two special policemen from Gabela's home and drop them near a burning shop. The two special policemen disappeared into the darkness and Mitchell drove off in another direction, leaving Burton and Van Wyk at the store. Minutes later, at about 3am, they heard gunshots from the direction above the store.

Mitchell returned shortly thereafter, as well as a special policeman carrying a torch. While returning to the police station, Burton and Van Wyk saw spent cartridges lying on the floor of the police van. Mitchell subsequently threw these out of the vehicle window. When they returned to Trust Feed at daylight, they discovered that there had been a massacre at the Sithole home, above the burnt store.

Burton and Van Wyk said they had decided to make statements. Wattruss immediately reported to Brigadier Christo Marx, head of the CID in Natal. The dockets and statements were handed over and the investigation was taken out of his hands.

Judge Wilson said "no efforts whatsoever" were made to get in touch with the special policemen, who were at home all this time and in contact with the riot police. There was a complete lull in the investigation and nothing was recorded on the investigation diary for several days.

Brigadier Marx, his deputy, Colonel Willem van Zyl, and Greytown's CID commander, Captain Joseph van Zyl, all denied that they were in possession of the dockets. Marx said Colonel Van Zyl had it. Colonel Van Zyl said Captain Van Zyl had it. Captain Van Zyl did not know who had it.

"We are driven to the conclusion that Brigadier Marx was seeking guidance elsewhere at the time," said Judge Wilson.

Marx subsequently made a statement in March 1989, in which he gave reasons for accepting a statement by Mitchell and rejecting those of Burton and Van Wyk, and outlined difficulties facing a prosecution. Judge Wilson said this appeared to have been designed to bring an end to the investigation and cause an inquest to be held, at which the verdict would be that the massacre at the Sithole home was committed by unknown persons.

Only two more entries were ever made on the investigation diary: "Obtained a list of names and addresses of special constables" and "Instructed Captain Van den Heever to obtain their firearms".

After a ballistic report positively connected two of the special policemen to the massacre, the case was quashed.

Although warrants for their arrest were issued, these were not circulated as required. In due course clearance was given by the Pietermaritzburg security branch for the special policemen to be recruited into the kwaZulu Police force, where they remained until they were arrested by Dutton in August last year.

The court also heard that there were attempts by the country's most senior CID officials to sabotage Dutton's investigations.

It took just one honest cop

W/Mail 24/4 - 29/4/92

THREE years after the Trust Feed massacre, the police investigation had got nowhere. Until Captain Frank Kennan Dutton was called in.

"By the first weekend I had become very suspicious that there'd been a cover-up," he said.

The trail started when a team of rank-and-file detectives were investigating the alleged crimes of a member of the kwaZulu Legislative Assembly and came upon evidence of murderers being hidden within ranks of the kwaZulu Police (KZP). They also stumbled upon information about the whereabouts of the special policemen implicated in the Trust Feed killings three years previously. They had not "disappeared". They were also in the KZP.

Dutton took up the Trust Feed connection. A gentlemanly cop in his early forties, Dutton was one of that increasingly unusual crowd — the straightforward, honest policeman interested in capturing the criminals wherever they were.

In taking on the investigation, Dutton ended up battling against unknown elements in the underground security establishment. There were also apparent attempts from the highest level of the Criminal Investigation Department (CID) to sabotage his investigations and there were times when he and his team feared for their lives.

During the trial, it emerged that Dutton was suspected to be on a hitlist. A detective, Captain Clifford Marian, who was formerly involved in political investigations, was asked whether he had warned Dutton about this.

Marian remained silent for a while, then answered: "I can't remember."

Yet, within weeks Dutton had arrested and brought to trial not only the special policemen who carried out the attack, but the man who instructed them as well as two riot unit "operational officers" who made arrangements for the special policemen to be transported to Trust Feed.

Now there is a question-mark over the future of Dutton's unit and fears that it — the one group with a chance of getting to the bottom of Natal violence — is already being disbanded. All the detectives have already been moved from the base from where they were conducting their investigations.

The MP for the area, Pierre Cronje, has raised the matter with the minister of law and order, but is still awaiting clarification.

Natal academic Mary de Haas, who is closely associated with the community, has written to the commissioner of police about the matter. She says she has learned that investigations were being taken from Dutton's team and given to the Greytown CID branch which handled — and bungled — the original Trust Feed investigation.

THE WEEKLY MAIL

Published by M&G Media, Pty Ltd, 104 Frederick and Smal streets, Johannesburg.
Printed by Caxtons, cnr Bloomberg and Commando roads, Industria.
Editorial comment in this issue by Anton Harber. Newsbills by Irwin Manoim. Headlines and editing by Laura Yeatman. All of 104 Frederick Street, Johannesburg.
Phone: Editorial: 334-2400
Fax: 334-2905
Advertising fax: 334-0747

Winnie rallies for the no-win battle

W/Mail 24/4 – 29/4/92

Winnie Mandela the fighter came out smoking this week — and the possibility that she will form a hardline alliance is giving some African National Congress leaders the jitters. By **PHILLIP VAN NIEKERK** *and* **GAVIN EVANS**

WINNIE MANDELA this week began what must surely be her final attempt at a political comeback.

For much of the nation, its erstwhile "mother" has become an untouchable — but this has not stopped her from launching her return in the venue she knows best: the streets. Here, released from her admittedly limited restraints of marriage and public office, she is emerging as a giant-sized headache for the leadership of the African National Congress.

A week after being written off as a has-been, she has made a tactically impeccable and characteristically courageous bid to prove her detractors wrong and salvage her plummeting political career.

Almost every day she has been present at the aftermath of township violence, slamming the role of state security forces and Inkatha. And she is mouthing the rhetoric that one hears less and less from the elder statesmen of the ANC who are locked into the negotiations at the Convention for a Democratic South Africa (Codesa).

Last Friday she castigated police in Power Park and accused the government of being terrorists.

On Sunday she was in Sharpeville after the assassination of eight ANC members. Later she gave an interview during which, contrary to the ANC's call for the creation of a new defence force, she said that Umkhonto weSizwe would never be disbanded. "It is the future democratic army of this country," she said.

On Monday she produced the most vivid example of her support base at a rally in Richmond, in the heart of the Natal war zone, where she shared the stage with two of her most vocal backers, Natal Midlands leader Harry Gwala and youth leader Peter Mokaba. Thousands of militant youths cheered tumultuously as she appeared on the stage and launched into a vicious attack on President FW de Klerk and Mangosuthu Buthelezi.

She made references to "shadowy people in the ANC who are whispering to the press and asked: 'Is it better for a leader to be trusted by the editor of a newspaper or by the people?'"

This was vintage Winnie — the arch-populist, unbowed, unrepentant, unforgiving.

It was also not unlike her earlier comebacks from previous falls from grace. And though with each fall the recovery that inevitably seems to follow has less steam than the last, it is also true that each comeback presents more of a headache for the ANC hierarchy.

By ensuring that she stays in the public eye, she has again sought to shrug off claims that her political identity stems purely from her relationship with her husband.

She has tried to show she is a force in her own right; that, no matter how much dirt about corruption, marital infidelities or alleged torture and murder surfaces about her, thousands of the "masses" still adore Winnie Mandela the fighter.

What Mokaba, Gwala and Winnie Mandela have in common is their support base: the angry, jobless and uneducated township youth who have no stake in the system and even less in the negotiations and compromises at Codesa.

The prospect that an alliance between the three could emerge as a hardline grouping at variance with the increasingly moderate stance of the leadership has made some top ANC leaders jittery.

In their own way, each of the three needs each other. Mokaba's partial recovery from the persistent allegations about his past was largely due to Winnie's interventions. And Gwala, the 72-year-old Stalinist "warlord", needs as many allies as he can muster outside his own battlezone. A kidnapping here and there is hardly the stuff to make him blink.

Winnie still commands substantial support within the ANC and the South African Communist Party — and a fair measure of sympathy. As one middle-level SACP activist put it: "You shouldn't kick her while she's down. What she did, she did at a time when we were at war."

Winnie remains a member of the ANC's national executive committee (NEC) — an elected position. Several ANC sources have told *The Weekly Mail* that if the NEC were to vote on her expulsion, it would split right down the middle.

Further underlining this ongoing support is the fact that, according to sources in the ANC Women's League, she has been renominated for the post of chairperson of league in the Witwatersrand by almost all branches.

For now at least, the ANC appears hamstrung. Because its first and last word has always been that she remains innocent until proven guilty, the ANC will find it hard to act with finality against her unless her conviction during her 1991 trial is confirmed on appeal.

However, with fresh allegations emerging almost daily, the embarrassment of the scandal continues to fester. It has been eased somewhat by her marital separation from Nelson Mandela and her ousting from the ANC's social welfare department post.

But in the crucial political battle with the National Party and others for the middle ground, Winnie Mandela has become an extraordinary political liability for the ANC. The NP's relish for the prospect of smearing the ANC with the Winnie brush during a constituent assembly/interim government election is almost palpable. If Winnie is still on the NEC in a year's time, that's what the ANC can expect.

Most of the movement's top officials would prefer the entire matter to disappear quietly, along with Winnie. But she has shown this week that she is unwilling to allow that to happen.

What is certain is that she will fight, and that she will be defeated. But it could well be a longer and bloodier battle than it appeared a week ago.

ANC Youth League leader Peter Mokaba

ANC Natal Midlands leader Harry Gwala

Winnie Mandela

Cebekhulu question still unanswered

W/Mail 24/4 – 29/4/92

What is being done to get Katiza Cebekhulu back to South Africa? Not much, writes **GAVIN EVANS**

KATIZA Cebekhulu remains an unwelcome guest of the Zambian government and no one — least of all the government and the police — is doing much to get him home.

This much is apparent from the pass-the-buck run-around given by various government and state departments this week. And the distinct impression one gets is that their tardiness dovetails neatly with that of the Zambian government and the African National Congress — neither of whom is making any effort to secure the return to South Africa of the man who has alleged that Winnie Mandela was responsible for the 1989 murders of Stompie Seipei and Dr Abu-Baker Asvat.

The Weekly Mail's quest to find out exactly what the state is doing in the Winnie Mandela investigation started with the Witwatersrand Acting Attorney General Chris Human, who said it was "a bit early to say" whether his department wanted to interview Cebekhulu.

He'd heard allegations that the former Winnie Mandela co-accused was back in the country, but could not confirm these.

He said at the moment the investigations into the renewed allegations against Mandela were in the hands of the police.

Police spokesman Colonel Reg Crewe said Captain Fred Dempsey (the chief investigation officer) had "spoken to certain people" in connection with the investigation, but he was unable to provide details because "these first have to be presented to the attorney general".

Earlier in the week police spokesman Captain Burger van Rooyen said investigations into allegations by Winnie Mandela's former driver, John Morgan, "had reached an advanced stage", but it is not clear who else has been interviewed.

None of the six members of the Mandela Crisis Committee have been questioned — either prior to Winnie Mandela's trial or subsequently — despite having spoken to both Dr Asvat and to four of the youths assaulted in the Mandela home in January 1989.

Crewe said he had heard nothing about Cebekhulu being back in South Africa, and that it was alleged he was still in prison in Zambia.

"I have been told that high level discussions are taking place on the issue," he said.

If such high level discussions are taking place then it is clear that neither the South African nor the Zambian government is aware of this.

Department of Foreign Affairs official Stephen Grundlingh said the government has "lodged no formal requests" for Cebekhulu's return.

"We have raised the matter informally several times with the Zambians. Before the conclusions of official diplomatic ties a few weeks ago, they did not take up the issue, but from now on things may be different.

"However, until Foreign Affairs receives a formal request from either the South African Police or the Department of Justice for us to approach the Zambians for Cebekhulu's extradition, we cannot do any more than raise the matter informally, purely from the point of view that he is a South African citizen. Until now we have received no such request from either the police of the Department of Justice."

Department of Justice official Amanda Haasbroek said, "we are not busy with any extradition request at the moment", and referred *The Weekly Mail* to a newspaper report quoting Colonel Crewe as saying that the South African and Zambian governments were negotiating about Cebukhulu's return.

But Colonel Crewe said he'd been misquoted, and that he had no knowledge of such negotiations — and added he had no knowledge of any police intention to request the Department of Foreign Affairs to secure the return of the one-time security police informer-cum-Mandela United Football club member.

The Zambian government in turn has denied that any negotiations are taking place with the South Africans about the issue, but has confirmed that Cebekhulu is still being held in one of its prisons for "safe custody". They are not saying where he is being held, and are not allowing him any visitors.

African National Congress information director Dr Pallo Jordan said he was "not aware" of any attempts by the ANC to get the Zambians to release Cebekhulu, but referred *The Weekly Mail* to the movement's Department of International Affairs — who in turn referred *The Weekly Mail* back to Jordan's information department.

Cebukhulu, who claims he was abducted from the country by members of the ANC shortly before Winnie Mandela's trial last year, has implicated Winnie Mandela in the Seipei and Asvat murders, both in a statement made to the police in 1989 and in an interview from Zambia last year.

Trust Feed five found guilty

(331)

MARITZBURG — Five of the seven policemen charged with murdering 11 people at Trust Feed in December 1988 were found guilty in the Maritzburg Supreme Court yesterday. Bloom 24/4/92 (282)

Judge Andrew Wilson acquitted Capt Jacobus van den Heever and Sgt Neville Rose on all charges, saying the State had failed to prove beyond doubt that they had been directly involved in the killings.

The five convicted are former New Hanover police station commander Capt Brian Mitchell, Special Sgt Dumisane Ndwalane and Special Consts Kehla Ngubane, Thabo Sikhosana and Marshall Khambule. All were found guilty on 11 counts of murder and two counts of attempted murder.

Referring to Mitchell, the judge said he did not accept the policeman's evidence that he had not taken part directly in the attack; instead he accepted the evidence of the special policemen that Mitchell had fired the first two shots into the house.

Wilson said there was no evidence that Mitchell had desired the deaths of the specific people inside the house, but "we are satisfied he desired the death of people in the house he pointed out".

Referring to the special policemen on trial, the judge rejected their arguments that they had carried out the attack while acting on legitimate superior orders.

Such a defence could be applicable only

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Trust Feed Bloom 24/4/92 (331) (282)

when the orders were legal.

The special policemen must have known that what they were doing was wrong. "We do not believe they could ever have believed it was justified to open fire on a house of people doing them no harm."

The judge was satisfied that at least two of the special policemen had entered the house and deliberately shot the people. They had continued shooting even though they were aware of the screaming and groaning coming from the women and children inside.

"Despite this, they persisted in the attack. This at a time they could no longer believe, if they ever did, it was terrorists they were attacking," the judge said.

Delivering his judgment, Wilson said there had been a clear attempt by senior policemen to interfere with the administration of justice in the case.

He said two of the special policemen facing charges had given statements to a magistrate. After their arrest, the pair had been visited in prison and further statements were taken from them by two senior police officers — contrary to instructions issued by the attorney-general.

"This is a clear attempt to interfere with the administration of justice which I trust will be properly investigated with the assistance of the attorney-general." — Sapa.

Cops called to quell court demo

331

Sowetan 24/4/92

RIOT police were called to quell a protest by about 300 blacks outside the Bloemfontein Supreme Court yesterday after they were refused entry into the building to attend a "racially-motivated" murder trial.

The crowd demanded to be allowed into the court building in Fountain Street to support Verkeerdevlei resident Mr Gabriel Mahakoe (43), who allegedly killed four whites "to cut off the hand of apartheid".

"You people are saying the book of apartheid is closed.

"But why are you refusing us entry to the court, while allowing white people?" one of the crowd shouted at the policemen.

"We are aware that by not allowing us to enter you are intending to destroy the vibrant spirit of Mahakoe," he added.

The protest ended without incident and the crowd eventually dispersed.

For two days in succession this week Mahakoe interrupted his trial to tell Mr Justice D Kotze he wanted a black judge and a black prosecutor.

Kotze adjourned the proceedings to allow Mahakoe to confer with his lawyer, after telling him there were no black judges in the country and that the Attorney-General had the authority to appoint whoever he preferred to prosecute.

The trial was postponed to next month. - *SA Press Association.*

[redacted]

MASSACRE:

5 cops guilty

Sowetan 24/4/92

331

FIVE of the seven policemen charged with murdering 11 people at Trust Feed in December 1988 were found guilty in the Maritzburg Supreme Court yesterday.

Mr Justice Andrew Wilson acquitted Captain Jacobus van den Heever and Sergeant Neville Rose on all charges.

Justice Wilson said the State had failed to prove beyond doubt that they had been directly involved in the killings.

The five convicted were former New Hanover police station commander Captain Brian Mitchell, Special Sergeant Dumisane Ndwalane and special constables Kehla Ngubane, Thabo Sikhosana and Marshall Khambule.

They were all found guilty on 11 counts of murder and two counts of attempted murder.

Death of people

Referring to Mitchell, the judge said he did not accept the policeman's evidence that he had not directly participated in the attack.

Instead the judge had accepted the evidence of the special policemen that Mitchell had fired the first two shots into the house where the massacre had been carried out.

He said there was no evidence that Mitchell had desired the deaths of the specific people inside the house but "we are satisfied he desired the death of people in the house he pointed out".

He said the fact that those who died in the shooting might not have been supporters of the United Democratic Front, as Mitchell had thought them to be, did not affect the police officer's guilt.

Referring to the special policemen on trial, the judge rejected their arguments that they had carried out the attack while acting on legitimate superior orders.

Self-defence

Justice Wilson said the fact that two of the special constables had amended this argument during their trial, to suggest that they were acting in self-defence during the shooting, had made his verdict easier.

The judge added that it was clear that a defence on the grounds of acting under superior orders could only be applicable when such orders were legal.

The special policemen could never have believed that what they were told to do and the circumstances under which the killings took place, were legal.

The judge said the special policemen must have known that what they were doing, was wrong.

From page 1

Cops found guilty

Sowetan 24/4/92

From page 1

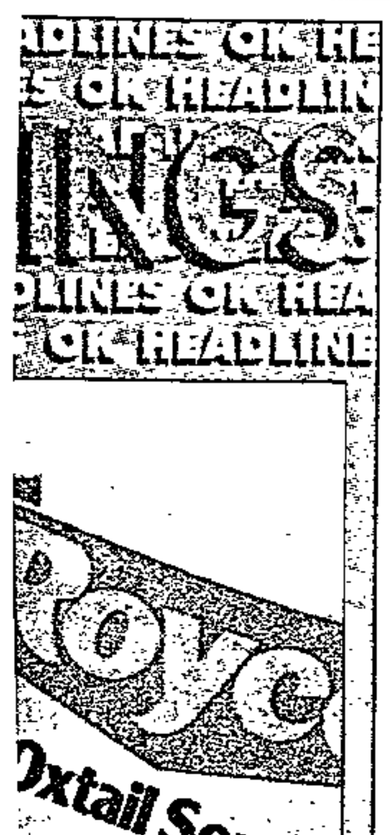
"We don't believe they could ever have believed it was justified to open fire on a house of people doing them no harm." 331

He said he was satisfied that at least two of the special policemen had entered the house and deliberately shot the people inside.

The special policemen had continued shooting even though they were aware of the screaming and groaning coming from the women and children inside.

"Despite this, they persisted in the attack. This at a time they could no longer believe, if they ever did, it was terrorists they were attacking," the judge said.

He was referring to evidence that Mitchell had told them the house was occupied by terrorists.



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Cipher 26/4/92

Under veil of 'secret ops' a judge finds murder and deceit!

Cipher 26/4/92

By FRED KHUMALO

FORMER SAP special constable David Khambule shook his head then bowed it as Maritzburg Supreme Court judge Andrew Wilson found him and his four colleagues – one a senior white officer – guilty of multiple murder.

The "specials" (riot cops) murdered 11 times and attempted to twice, the judge found.

Two cops were acquitted on all counts.

Most of the dead were elderly women, but they included a four-year-old and a nine-year-old. An 18-month-old infant was also seriously injured.

Khambule was reacting to Judge Wilson's verdict on the Trust Feed massacre on December 3, 1988.

The guilty are: Capt Brian Mitchell, special constables David Khambule, Cyprian Ngubane, Thabot Sikhosana and special sergeant Roy Ndwalane.

Wept

As the judge made his finding, Mitchell's mother wept quietly in court.

Capt Jakobus van den Heever and Sgt Neville Rose, accused number one and two respectively, were acquitted: the State could not prove its case beyond reasonable doubt.

Were they lucky? We will probably never know.

The case – a monumental saga – cost taxpayers over R2-million in legal fees and dragged on for seven months.

But what a chilling and detailed insight into the Natal violence it provided!

This was a story which plunged below the murky surface of the SAP's covert operations.

The public caught a rare glimpse of members of the SAP actively stoking up violence between Inkatha and the ANC.

Sentencing is on Tuesday.

Judge Wilson was nothing but scathing on judgement day.

He said Capt Mitchell had shown disregard for the truth and and several aspects of his evidence were rejected as "grossly improbable" – in spite of his sudden conversion to Christianity during the trial.

Earlier this year Mitchell stood in the witness box and piously announced that he was studying to be a priest and "with the grace of God" was going to tell all the truth.

But Judge Wilson found that Mitchell gave his counsel "deliberately false" evidence.

Mitchell told the court that during the early hours of December 3 1988, he had indeed taken the constables from a house in Trust Feed and instructed them to go and kill members of the United Democratic Front elsewhere.

He denied being at the scene of the massacre or that he took a part in the room-to-room shooting of mourners – many of them Inkatha members – attending a vigil for an man who died of old age.

Mitchell's tale was rejected. Instead, Judge Wilson accepted the evidence of the constables who had said Mitchell pointed out a house he had selected, [illegible]ly perhaps – then gave the signal to start the attack by firing the first two shots into the house.

Judge Wilson rejected the claim of the constables that they were only following orders.

He said as "highly intelligent people ... who read newspapers regularly" they should have known that the instruction was illegal and should have refused to carry it out.

Judge Wilson found it remarkable that the accused could deliver such vastly conflicting accounts and that they seemed highly determined to obtain each other's conviction.

But, what was most disturbing about the case was Judge Wilson's findings on the role of the SAP in the violence – generally acknowledged to have reached warlike proportions in Natal at the time.

Some members, it emerged, were the perpetrators of what has come to be called "third force" violence – massacres and assassinations carried out by unknown forces.

The police evidence had also revealed how force members were only too willing to cover up – to lie – about their secret activities.

Mitchell told the court that his late superior Major Deon Terblanche, the head of the Maritzburg Riot Unit, had told him that there were members of the police force who operated clandestinely, helping Inkatha in its fight against the UDF.

The pair had seen the UDF as an enemy of the State.

He and Terblanche had devised the "operation".

Judge Wilson was disturbed enough by police behaviour shown up in the case to call for a public inquiry.

It had been a matter of grave concern that, in spite of mounting evidence in the Trust Feed massacre against Mitchell, he was transferred to a position of higher responsibility and was promoted to the rank of lieutenant.

Senior officers had known Mitchell was lying.

Yet Judge Wilson was still able to find a batch of honest cops.

He commended Capt Frank Dutton's team of detectives who took over after the failure of the first team to secure convictions.

It had taken the new team only two days to start making arrests and two weeks to finish the job.

After judge blows lid off massacre scandal

COPS GAGGED IN COVER-UP

THE SAP has gagged all police officers involved in the Trust Feed massacre cover-up.

Even Captain Frank Dutton, the brave detective who defied death threats to bring seven of his colleagues to trial, was refused permission to speak to the Sunday Times, although he said yesterday he was willing to do so.

Also gagged were the three senior officers implicated by a judge in the cover-up.

Capt Dutton, 42, began investigating police involvement in the massacre of 11 people on December 2 1988 after stumbling across evidence early last year. Contacted yesterday at Wartburg, Natal, where he heads the Riot Investigation Unit, Captain Dutton said he was willing to be interviewed "provided it's been cleared by Pretoria".

But SAP liaison officer Colonel Reg Crewe refused permission after consulting public relations chief Colonel Bernie Mostert.

Earlier, Col Crewe had said the only people who could approve interviews were Lieutenant-General Basie Smit, head of the Crime Combating Unit, or Police Commissioner General Johan van der Merwe, but that neither of them was available this weekend.

The cover-up was highlighted by Mr Justice Andrew Wilson in the Maritzburg Supreme Court this week when he convicted SAP captain Brian Mitchell and four special constables of murdering 11 people at the Natal Midlands settlement of Trust Feed.

THE TRUST FEED TRAVESTY Page 7

The behaviour of three senior police officers who took part in the early stage of the investigation was questioned by Mr Justice Wilson.

The judge has called for a public inquiry into the actions of the three men, all of whom have since been promoted.

Retired

● Lieutenant Patrick Wattrus is now a captain with the detective branch at Greytown;

● Captain Joseph van Zyl has been promoted to major and is commander of the detective branch in Moroka, Soweto;

● Brigadier Christo Marx, former head of the CID in Natal, was promoted to lieutenant-general on January 1 last year and transferred to Pretoria, where he retired before giving evidence at the trial.

On Friday, General Van der Merwe said he had instructed Lt-Gen Smit to probe the initial police investigation into the Trust Feed case with a view to possible criminal or departmental steps.

General Van der Merwe did not indicate whether the investigation would extend to the role of SAP officers who attempted to sabotage Capt Dutton's case.

Giving evidence in the Maritzburg Supreme Court in February, Capt Dutton

□ To Page 2

Police gagged

□ From Page 1

said he had been instructed to go to Pretoria on July 30 last year to meet General Ronnie van der Westhuizen, former head of the SAP's special investigation units. Also there were Brig Marx and Capt Van Zyl.

Captain Dutton told the court that General Van der Westhuizen had said he felt that the case against Capt Brian Mitchell, who ordered the massacre of the women and children, and the special constables who assisted him, was based on circumstantial evidence.

In his view there was very little chance of a successful prosecution — especially if the accused were defended by a capable advocate, Capt Dutton testified.

But Capt Dutton persevered with his inquiry. Later, when he reported back to Capt Van Zyl that two of the special constables had confessed to taking part in the attack on Mitchell's orders, Capt Van Zyl responded: "Hell, that's bad."

After that, a Colonel Langenhoven from Pretoria and General Van der Westhuizen personally involved themselves in the case, Capt Dutton told the court.

Under cross-examination, he said: "I had superior officers assisting me ... in fact they were more than assisting me. At times they were taking the investigation over."

Asked if he had gained the impression they were trying to sabotage his investigation, Capt Dutton replied: "I considered that a possiblity."

Capt Dutton came up against unknown elements in the security establishment and he and his team feared for their lives, the court was told.

In February, Capt Clifford Marian, who previously investigated political cases, was asked while testifying whether he had warned Capt Dutton that he was on a suspected hit-list.

Capt Marian remained silent for a while and then answered: "I can't remember."

Riot cops in court after unit probed

Cipher 26/4/92

By DAN DHLAMINI

A PROBE into the notorious Welverdiend Police Riot Unit resulted in the appearance this week of three of its members in the Carletonville Magistrate's Court.

Const Petrus Matolo, 33, of Tladi, Soweto, and Det Serg Ephraim Buli Nkosi, 32, of Ikageng, Potchefstroom, briefly appeared before magistrate JJP le Grange, charged with theft and with pointing a firearm.

They were not asked to plead and the case was postponed until May 6.

The assault charge case of Const Samuel Nkambule, 28, of Khutsong, was postponed to May 12.

Other policemen attached to the unit are also expected to appear on May 12.

Their appearance follows an investigation by the SAP – assisted by the Independent Board of Inquiry into Informal Repression and the ANC's Carletonville branch – following allegations of assault, attempted murder and torture.

'Wolf' refus-

Mass killer demands black judge

Cipres 26/4/92 (331)

By DESMOND BLOW

SELF-CONFESSED killer Gabriel Mahakoe, 42, dubbed the "Swart Wolf", told a Bloemfontein judge this week he was a fool and to "voetsak, f . . , off (you) and your court".

Mahakoe refused to be tried by a "Boer judge" and demanded a black judge and a black prosecutor. He also refused to sit in the dock.

He sat on the stairs of the court with his fingers in his ears so as not to hear the proceedings.

Mahakoe was dubbed the "Swart Wolf" because he is alleged to be a killer of whites – similar to "Wit Wolf", Barend Strydom, a killer of blacks.

This week 300 riot cops were called to control 300 black protestors outside the Bloemfontein Supreme Court after they were refused entry into the building.

Strydom went on a killing spree in Pretoria in November 1988, gunning down 24 blacks – eight of whom died – saying he did not regard blacks as people, and adding he would have killed more.

Mahakoe too said he did not regret what he had done. He admitted killing four whites, but said he had wanted to shoot 20 to 50.

'I wanted to chop off the hand of apartheid, but I only chopped off the fingers," he said.

Mahakoe said he was helped by the devil and he wanted to kill the "kaffir, baboon, dog that we are called"

Earlier Mahakoe told the court he had told his victims when he killed them on 23 December 1991: "You will forgive me, because I am not killing you but that thing."

Kaffir

He admitted to four murders and one attempted murder, but denied robbing the family of a vehicle and goods valued at R22 000.

"How can I rob people who are dead? I did not rob them, but went to kill them."

Earlier Mahakoe told the court he had gone into the farm homestead Grootstry and found a rifle beside a bed.

He loaded the rifle and fired a shot to bring everyone into the house.

He then went into the "holy room where a kaffir is not allowed to sit, and waited for them" – farmer Willie Engelbrecht, 71, his wife, Bettie, 69, their daughter Lena Smit, 39, and their two granddaughters Michelle, 11, and Lizelle, 14.

When they came into the house Mahakoe said he shot them, saying: "Africa must come back!"

Afterward he saw that Lizelle, lying under her mother, was not dead.

"I hit her with the butt of the rifle."

This week Lizelle told the court how she survived.

She said she had pulled her sister into a wardrobe after her grandparents were shot, but the door would not close.

"I heard my mother plead. 'Please, we have small children. I will give you the keys to the cars and money'."

Mohakoe replied: "Missus, let go of your handbag."

Her mother was then pushed into the wardrobe and they were shot.

She felt a bullet crease her hair and they fell out.

Later, Lizelle staggered three kilometres to a neighbour who alerted the police who tracked Mahakoe down by helicopter.

When he was picked up near Bloemfontein, Mahakoe said: "This is a political crime. I must be arrested."

On Wednesday Judge BA Kotze halted the trial to send Mahakoe for mental observation.

...sp...

...ri...

Judge wants Gabela charged for his role in mass murders

By FRED KHUMALO

THE name of IFP leader David Ntombela cropped up again during judgment in the Trust Feed mass murder trial, raising suspicions that he might be called in as a witness if Jerome Gabela is charged for his role in the conspiracy that led to the death of 11 people.

"He (Gabela) was clearly an accomplice and was warned accordingly," Judge Andrew Wilson said this week as the trial neared its end.

Gabela is an IFP chairman in Trust Feed and the court has not only raised its suspicions about his role in the massacre, but it labelled him an "unreliable witness" who lied to protect himself from being implicated.

Judge Wilson said he was of the opinion that Gabela was an unsatisfactory witnesss, and like W/O Wilson Magadla who testified for the state earlier on, he was for Gabela being charged.

The conspiracy against the UDF in Trust Feed, the court heard, had been engineered at Marawa House, the IFP headquarters in Maritzburg, in the presence of Ntombela, Gabela, his vice-chairman Johan Nxumalo, Capt Brian Mitchell and the late Major Deon Terblanche.

Not only was it felt that Gabela should be "jerked up" during the discussions, it was also agreed that his house was going to be used as a launching pad for the attack on the UDF, the court heard.

But in his testimony, Gabela did his utmost to hide his role in the conspiracy, saying he had not been present during the discussions where it was agreed that special constables were to be brought to his house to help him in his fight against the UDF.

Nor was he aware that the special constables had attacked a house on December 3 1988, he testified.

Gabela's testimony was riddled with contradictions. At one stage, after telling the court he had not been aware police were behind the attack on a house in which 11 people were killed, he told the court that after learning of the massacre, he had gone to Mitchell to ask how it had come about that "our people" – meaning IFP members – had been killed, and not UDF supporters.

Many other names of prominent IFP people have been cropping up during the trial, linking them to a concerted campaign to crush the UDF in Trust Feed.

Among those mentioned during the trial were prominent leader Ben Jele, KwaZulu deputy minister of works Velaphi Ndlovu and former KwaZulu legislative member for Hopewell Pius Shange.

Gabela told the court he had been informed by Ntombela that there were members of the SAP involved in covert operations to aid the IFP against the UDF.

The court accepted this part of the evidence as it tied in with what had been said by Mitchell on the role of some members of the police force in clandestine pro-IFP operations.

SENIOR COPS TRIED TO SABOTAGE INVESTIGATION

ST Times 26/4/92

EVIDENCE that was led earlier in the 80-day trial also suggested there were attempts by the country's most senior CID officials to sabotage the investigation by Captain Frank Dutton and that was he was on a hit-list.

Captain Dutton came up against unknown elements in the security establishment and he and his team feared for their lives, the court heard.

In February, Captain Clifford Marian, who once investigated political cases, was asked in court whether he had warned Captain Dutton that he was on a suspected hit-list.

Captain Marian remained silent for a while and then answered: "I can't remember."

Among some of the amazing things Mr Justice Wilson heard over the months in court were:

● A witness, New Hanover Reserve Constable Stuart van Wyk, told the court threats had made him uneasy about giving evidence;

● An initial investigator in the case, Captain Patrick Wattrus, did not bother to follow up leads in his investigation, view the video of the massacre or question Captain Mitchell, because he had not suspected him;

● A 16-year-old survivor of the massacre told the court she had not been questioned by the police about the attack and another survivor was not asked his name or address when he reported the incident that day to the Wartburg police station.

Another dramatic turn in the case came in February, when another initial investigator, Captain Joseph van Zyl, took advantage of the court teabreak to telephone the SAP legal services department in Durban to get legal counsel. Brigadier Marx also received assistance.

Granting their request, Judge Wilson said it was the first time in his experience that senior officers were not prepared to give evidence for the state without legal representation.

● Captain Van Zyl admitted he had not spoken to any civilians at the scene of the crime and had not watched the SAP video made by the investigation team;

● Neither had he read the investigation diary written up by his predecessor, Captain Wattrus.

Captain Van Zyl could also not explain why he had made no record of a conversation with a group comprising one of the accused, Captain Mitchell, Captain Wattrus and another person, while trying to establish the whereabouts of the constables.

He said the decision not to record the meeting had been his own.

Mr Justice Wilson then said: "In other words, a cover-up."

Captain Van Zyl went on to say he had also not let Brigadier Marx know about visits to the Riot Unit and to the Mpumalanga police station while making inquiries about the whereabout of the special constables. Mr Justice Wilson retorted: "This is incredible."

Days later, Captain Dutton told the court that Captain Van den Heever, who was in charge of Riot Unit 8, "was visibly shocked" when told two special constables under his command had been arrested.

Captain Dutton said at that point he did not suspect Captain Van den Heever and asked him for the personal files of the six special constables involved.

The investigating officer said Captain Van den Heever told him he no longer had them and they had been "destroyed".

Captain Dutton insisted he knew Captain Van den Heever had them in his office, but was then told other detectives had them.

Captain Dutton said: "I told him this was not true as I had seen some of them.

"I walked towards the office and he accompanied me. I went in first and there were two or three black administrators present.

"I asked one of them for the file on Khambule. I noticed he was not looking at me, but past me. I turned around and caught Captain Van den Heever shaking his head. The administrator then told me he did not have the file.

"I went to the cabinet and drew the file of Khambule myself and said I wanted the rest. The administrator then drew them all."

REPORTS: TERRY VAN DER WALT

The cover-up

IN HIS judgment in the Trust Feed massacre trial this week, Mr Justice Andrew Wilson accused the police of covering up both the murder of 11 people and police involvement in the killings. These are the points he made:

● "A distressing feature of the trial was that, as it progressed, it became clear that the evidence of senior policemen could not be accepted, and that official records produced from the files were suspicious or wholly unreliable";

● Referring to the fact that in January 1989 Lieutenant Brian Mitchell told Natal's top CID officer, Brigadier Christo Marx, that he was not prepared to make a statement or answer any questions relating to the incident, and was not suspended from the force as a result, Mr Justice Wilson said: "This, in our view, would, in itself, call for some public inquiry into the conduct of the officers concerned";

● It was "surprising" that Mitchell, an officer who had "deliberately concealed things from his seniors" should then be promoted to captain in April 1991;

● The judge found it difficult to believe Brigadier Marx's insistence that there was no need to investigate the police as there was no evidence to suggest their involvement. Evidence in court had shown that the attackers had announced themselves as police, and police-issue weapons had been used;

● Regarding the initial investigation, Mr Justice Wilson said he was at a loss to understand why, when statements from witnesses were made available on December 14, the police investigators were not instructed to get the identities of the special constables involved;

● Brigadier Marx was on leave between December 12 and 23 that year but statements from witnesses were brought to his house and he gave instructions to his second in command, Colonel Willem van Zyl, Greytown CID chief Captain Joseph van Zyl and a Lieutenant Myburgh of the Murder and Robbery Squad that the case must be "carefully investigated". But the judge "found no evidence to suggest it was";

● He asked why Mitchell was not questioned immediately on the discrepancies in his reports about the incident and why there was a "complete lull" in the investigation between December 14 and 19, and nothing recorded in the investigation diary for several days.

Brigadier Marx, Colonel Van Zyl and Captain Van Zyl all denied having the docket at that time.

"We can think of no valid or legitimate reason for this and are driven to the conclusion that Brigadier Marx was seeking guidance elsewhere at this time," Mr Justice Wilson said, without elaborating;

● Only on December 30 did Brigadier Marx get a statement from Sergeant Neville Rose of Riot Unit 8 in Maritzburg, who was not a suspect at the time. (Sergeant Rose was acquitted this week of any part in the killings.)

Even though the special constables were attached to this unit, Brigadier Marx made "no efforts whatsoever" to find out where they were or how they could be traced — and all the while they were at home and in contact with the unit, said the judge;

● It took almost four months before a statement was taken from Mitchell. When Mr Justice Wilson asked Brigadier Marx why there had been such a long delay, the brigadier said it was because he had spent time tracing the special constables.

"This appears to be grossly improbable," the judge said;

● "On January 1 1991, Brigadier Marx was promoted to lieutenant-general and tranferred to Pretoria. He spoke with Captain Frank Dutton (who eventually cracked the case) and it would appear that he did not mention to the investigating officer that Riot Unit members were stationed in Trust Feed at the time of the crime," Mr Justice Wilson said;

● A ballistics report which connected two of the special policemen to the shooting was never followed up;

● Warrants for their arrest were issued but these were not circulated according to police procedure, the judge said;

● Police clearance was gained for the special constables to be recruited by the Kwazulu police after the massacre, and "apparent attempts were made to interfere with the course of justice".

These related to a shadowy Kwazulu colonel who told one of the accused, Mr Marshall Khambule, to go into hiding late last year because the investigation had started up again;

● Mr Justice Wilson questioned the lack of co-operation between the SAP and the Kwazulu Police in investigating the case.

THE TRUST FEED TRAVESTY

The massacre

ST Times 26/4/92

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TRUST Feed is a small black community near Greytown in the Natal midlands — the scene of ongoing political violence.

On the night of December 2 1988 a police curfew was in place. The local store had been set on fire and a resident injured in an earlier attack. But in tiny shack TF 83, the Sithole household was concerned only with an all-night vigil for patriarch Alfred Sithole, who had died of natural causes.

As is the Zulu custom, candles were lit in all three rooms where the 19 men, women and children were huddled on the floor with blankets pulled over them.

In the early hours of the morning there was a bang on the door and, when one of the men asked who was there, the reply came: "We are the police!"

The door was smashed open and two special constables burst in, shooting as they moved among the mourners.

Widow Mrs Sidedewu Sithole, 68, wailed: "Look, my children, there has been a death in the family ... my old husband has died!" She was shot dead.

Running

There was loud screaming from the women and children. Mrs Ida Hadebe, 47, recalls that it was so loud, in fact, it was "even bursting through the roof".

A woman shouted forlornly: "Here I am dying with my children!"

Everyone was running around not knowing where to hide as shots were fired by the two constables inside the house and two others positioned outside the windows.

Mrs Hadebe had been sleeping under a window when she was shot, and landed on top of 25-year-old Miss Fikile Zondi, who was also wounded.

When Mrs Hadebe tried to move a gunman said: "There is another one moving" and a shot rang out, hitting her in the left leg.

"There is a head rising, strike it!" and another shot exploded, hitting another living target.

As quickly as it happened it ended and all went quiet.

One of the attackers said in Zulu: "We have struck the dogs, we have finished off the dogs" before leaving the house.

Fikile Zondi then made a mistake which cost her her life. She said to Ida Hadebe, who was still slumped on top of her: "Move, they have already left."

Hearing this, one of the attackers stalked back into the house and opened fire on the two women, killing Fikile and wounding Ida three times in the shoulder. Daybreak revealed the true horror of what had happened. There were bodies all over the place, blood was everywhere and there was even a bullet wound in the stomach of the dead man to whom they had all come to pay their respects.

Two little boys, Musi Shangase, 4, and nine-year-old Nkanyene Shangase, were among the dead, who included seven women and two men. Ida was taken to hospital with another injured victim, Mrs Nomagoli Zulu, 50.

Captain Brian Mitchell — the man who had not only ordered the attack, but who fired the first shots at the targeted house — set about destroying evidence and trying to distance himself from events.

The special constables were sent home but still received pay cheques for a month, and in some cases two months, afterwards.

In court this year Captain Mitchell finally told the shocking truth: he had planned the operation to help Inkatha oust the United Democratic Front-based Trust Feed Crisis Committee (TCC).

Testified

He said it was a "mistake" that the special constables had attacked an Inkatha household, that he had wanted them to "attack and kill the UDF", whom he regarded as "enemies of the state".

Two days before the massacre, six special constables were posted at the homes of three Inkatha members and were in civilian clothes. Two of them, who did not take part in the attack, testified against their colleagues.

Police declared the area an "operational zone" and barred journalists from Trust Feed. The next day, the day before the massacre, police carried out a massive operation, detaining 11 supporters and members of the TCC and confiscating weapons from homes.

Mr Justice Wilson told the court that this was clearly intended to remove those who could defend the community against an attack planned by Captain Mitchell.

When the special constables gave evidence, their defence was that they were acting on orders, but the court rejected this on the basis that they would have had to be legal orders. In this instance, they were clearly not.

The trial resumes for pleas in mitigation tomorrow.

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Trust Feed trial resumes

MARITZBURG — Argument in mitigation of sentence in the Trust Feeds massacre trial was expected to begin in the Supreme Court in Maritzburg today.

Last week, Mr Justice Wilson found former New Hanover police station commander Captain Brian Mitchell, Special Sergeant Dumisane Ndwalane and Special Constables Marshall Khambule, Thabo Sikhosana and Kehla Ngubane guilty of 11 counts of murder and two counts of attempted murder. — Sapa.

Cops' trial goes on

The Maritzburg Supreme Court will today hear evidence in mitigation of sentence of the five policemen convicted last week of murdering 11 people during an attack at a house in Trust Feed, Natal. 331

The five include former New Hanover police station commander, Captain Brian Mitchell, and four former SAP special constables, Khehla Cyprian Ngubane (21), Thabo Petrus Sikhosana (29), Dumisani Roy Ndwalane (27) and David Marshall Khambule (26).

Mr Justice Wilson and two assessors found that Mitchell led the attack where the 11 dead people, mourners who were holding a night vigil were massacred, in Trust Feed on December 28. Sowetan 27/4/92

Seven of the victims were women and two were children. The five were also convicted on two counts of attempted murder.

The court also dismissed the original defence of the four special constables that they had followed orders of their superiors to attack a house containing terrorists. The judge said this defence could only be applied where such orders were legal. - *Sowetan Correspondent.*

'Killer' sent for mental observation

Sowetan 27/4/92 331

One settler, one bullet, Mahakoe tells judge

By SONTI MASEKO

SELF-confessed multiple killer Mr Gabriel Mahakoe was last week ordered by a Bloemfontein Supreme Court judge to undergo mental observation following days of his open defiance and confrontations with the judge.

Mr Justice DA Kotze, sitting with two assessors, decided on Thursday that Mahakoe (42), who confessed to having killed four whites "to cut off the hand of apartheid," should be examined by a panel of two psychologists, one of them an independent practitioner.

On Thursday Mahakoe, who had expected to be sentenced, shouted at the judge: "...of jy gee my tien of jy gee my a honderd hangpale, ek gee nie om nie, laksman" (Whether you sentence me to death 10 or a hundred times, I don't care, hangman)."

From the first day of his trial, Mahakoe has demanded that he be tried by a black judge and a black prosecutor. He has rejected the judge and his assessors as "Boers".

The ruling by the court that the Bench would not recuse itself and that there was no black judge in the country brought the worst out of Mahakoe last week.

He protested throughout his trial and refused to remain in the dock and shouted abuse at the judge, telling him to "Go to the sea."

'Hard-headed'

At one stage, he tore up an entire album of photographs of evidence and threw the pieces of paper into the air.

Mahakoe became very angry when the court found him to be "hard-headed," and was led out of the court shouting at the judge: "Moenie sê ek is taaikop, jy is self 'n taaikop, jy is die taaiste, laksman." (Don't say I'm hard-headed, you too are hard-headed, you are the hardest).

His behaviour, plus aspects of evidence before the court, made the judge change his earlier ruling that Mahakoe was competent to stand his trial.

The judge said he found Mahakoe's behaviour, in the face of such serious charges, to be like that of a naughty boy.

"It is hard to believe that an adult person, a man in his right mind can act in such a senseless manner," Justice Kotze said.

However, despite all the disruptions, the court heard the evidence of State witnesses. The prosecution has closed its case.

Much is still unknown about Mahakoe, whose outbursts in court have attracted attention: Who is he and what prompted his actions?

Were, as Mahakoe claims, the deaths of the Verkeerdevlei farmer, Mr Willem Engelbrecht, his wife, daughter and granddaughter political murders?

Was he consciously aware that he was killing people or, as he says: "I was killing apartheid".

What the court has, which does not amount to evidence, is a chilling confession he made before a magistrate shortly after he was arrested.

Enigma

Mahakoe remains something of an enigma.

Hopefully, psychologists' reports may throw more light on Mahakoe.

He tells the court he went into the house of the Engelbrechts, scattered things around in their bedroom to lure them. The Engelbrechts were not at home at the time.

He found a firearm in the house, which he loaded and, to test it, fired a shot through a window.

He then waited for the family in the living room. "My purpose was to kill", Mahakoe said in a statement to the magistrate.

The prosecutor, Mr Tim McNally, said Mahakoe was an ordinary criminal. He went into the house to steal and when the owners arrived, he killed them and then drove away in their car.

State witness Elizabeth Smit, a 14-year-old girl who survived the attack, did not confirm Mahakoe's statement that as he shot his victims, he told them he was killing apartheid.

However, Mahakoe in his statement pleaded guilty to four counts of murder, and one of attempting to murder Smit, but denied the charge of theft.

As for the man himself, he continued to shout at the judge during the three days of the trial last week, he said even if he was sentenced to death "blacks will continue to kill whites, we will not stop there, we will burn you in your houses as long as the situation in South Africa does not change.

"If you won't go to the sea, then I say to you "One settler, one bullet."

Mr Gabriel Mahakoe has been sent for psychiatric observation.

Azayo 12 held at court

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Sowetan
27/4/92

By MATHATHA TSEDU

POLICE detained 12 members of the Azanian Youth Organisation who took part in a picket against a political trial in Potgietersrus on Friday.

The protest followed a ruling by a magistrate in the trial of four alleged members of the Azanian National Liberation Army that a confession made by one of the accused, Mr Samuel Maluleke, was made freely and was admissible as evidence. The ruling was made by Mr AGH Bouwer.

The demonstrators displayed placards decrying the testimony. Some of the placards read: "Down with Racists Courts", "Liberation Now", "War against Azanla is war against Azayo".

The 12 include Azayo's national secretary-treasurer, Mr Jeffrey Mogale, Miss Constance Monisi, Mr Kgadi Kekana, Mr Aubrey Maloma, Miss Naome Pole, Mr Stephen Sebelebele, Mr Mpho Mpande, Mr Collins Maluleke, Mr Mfana Kekana and Mr Ati Machochoane.

The group was rounded up by police and taken away in police vans, witnesses said. They were released on R100 bail each on Saturday and would appear in court today.

Meanwhile the trial of four alleged Azanla members, Mr Alexandra Palagangwe, Mr Cornelius Kekana, Mr Phuti Mothoagae and Maluleke, has been postponed to July 20.

The postponement followed an application by defence lawyer Mr M Mavundla. The four have pleaded not guilty to four charges of sabotage and illegal possession of firearms and ammunition.

The State alleges that the four had, as part of the military activities of Azanla, attacked a provincial administration outpost near the town in February last year.

Maluleke's confession was the subject of a trial-within-a-trial in which he disputed its contents, alleging that he was tortured by police with electric shocks and his head dunked in water to force him to make the statement.

He faces a separate charge of murder for the killing of a policeman in shoot-out with another unit of Azanla.

Talks over Cebekhulu continue

STAR
Crime Staff 28/4/92

Top-level discussions between the SAP and Zambian authorities over Winnie Mandela's co-accused, Katiza Cebekhulu, are continuing, but an extradition bid is not likely in the short term, police said yesterday.

"At this stage we merely want to talk to him.

"We want to see what Mr Cebekhulu can tell us," said police spokesman Lieutenant-Colonel Reg Crewe.

If the negotiations are successful, Soweto Murder and Robbery detectives are likely to interview Mr Cebekhulu in Zambia, where he has been jailed "for his own safety".

Colonel Crewe said he understood that Mr Cebekhulu was still in protective custody.

Reports last week that the negotiations were centred on an attempt by the SAP to secure Mr Cebekhulu's extradition were denied by Zambian Home Affairs Deputy Minister Lieutenant-Colonel Chanda Sosala.

Mr Cebekhulu, a co-accused with Mrs Mandela in their kidnap and assault trial, skipped bail and fled South Africa in February 1991.

Earlier this month the Azanian People's Organisation claimed to have a witness who could corroborate allegations made by Mr Cebekhulu that Mrs Mandela was involved in the death of Soweto "People's Doctor" Abu-Baker Asvat.

Trio in court at hearing on sabotage

STAR 28/4/92

By Clyde Johnson
Lowveld Bureau

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NELSPRUIT — Three men again appeared briefly in the Nelspruit Regional Court yesterday on a provisional charge of attempted sabotage.

Pieter Stephanus Albertus Nel (35), Lambertos Nieuhof (19) and Albertus Johannes Schwan (32) were not asked to plead.

No evidence was led and the hearing was postponed to August 5, pending the Attorney-General's decision.

Their appearance follows the discovery of an explosive device at Nelspruit's Calvary Assembly Church on January 16. Investigators found about 20 kg of explosives linked to a timing device.

Experts defused the mechanism less than four hours before 42 children arrived for classes.

The Calvary Assembly Church, which is used as a school during the week, is nonracial. There were, however, no black pupils attending the school at the time.

Bail of R3 000 for each of the men was conditionally extended.

A number of uniformed AWB members attended the hearing.

Cop had 'planned Trust Feed killings'

Sowetan 28/4/92

331

THE Maritzburg Supreme Court yesterday rejected a criminologist's report which described Captain Brian Mitchell as a dedicated policeman who felt remorse for the Trust Feed massacre.

Mitchell and four special policemen were last week found guilty of murdering 11 people and attempting to murder two others at a night vigil in Trust Feed in December 1988.

Giving evidence yesterday, Mrs Irma Labuschagne of the University of South Africa, said Mitchell was a "normal, caring, respectable" person and a dedicated policeman.

She said he had regarded himself as a soldier in a war situation when he carried out the attack.

Mitchell had told the criminologist he saw the United Democratic Front as a communist front and an enemy of the State.

He had wanted to attack a house of UDF supporters in an attempt to bolster Inkatha Freedom Party in Trust Feed.

Labuschagne added Mitchell was under the influence of alcohol on the night of the massacre and had acted on the "spur of the moment".

She said his heavy drinking that night, coupled with his frustration at the UDF and his experience of the violence that organisation had perpertrated, were the main reasons for his actions.

During and after cross-examination by State prosecutor Mr Anthony Irons, Mr Justice Andrew Wilson said evidence during the trial had shown Mitchell had not acted on the spur of the moment.

He said he had planned the attack beforehand.

Labuschagne's report said Mitchell had accepted full responsibility for his action and had not tried to blame anyone during his inteviews with her.

Mr Justice Wilson said, however, that for the first six months of the trial, Mitchell had tried to escape blame. Only after several witnesses had heavily implicated him did he begin to change his view.

"Even now we don't find him a truthful witness. He is still trying to play down his involvement."

Commenting on Labuschange's findings that Mitchell had shown great remorse for his actions, Mr Justice Wilson said: "I don't recall any remorse for those he intended to kill".

of the 10 people who died in est incidents on Sunday were ed by police who returned fire r being attacked in three inci-ts.

ensure that Katina P captain Trifon Kalatzaikis and five crewmen be returned to Mozambique to assist with an official commission of inquiry into the incident.

A spokesman for the Department of Foreign Affairs could not be reached for comment.

Alliances 'may strengthen teachers'

Bday 28/4/92

NEW alignments among teachers' associations that cut across racial and ideological lines might strengthen the position of teachers in future, the SA Institute of Race Relations said in a publication released yesterday.

Monica Bot, author of The Politics of Teacher Unity, said in the SAIRR publication important developments over the past few years had been the formation of the SA Democratic Teachers' Union and the National Professional Teachers' Organisation, and the government's acceptance of a single education system.

She said the willingness on the part of teachers' associations to co-operate and form alliances was crucial, because it involved associations which until recently operated along racial lines.

Another advantage of such co-operation was that "teachers will have to compromise on certain differences and to accept the inevitability of others, which will lead to moderation", Bot said. — Sapa.

Mitchell 'indoctrinated'

Bday 28/4/92

Own Correspondent

MARITZBURG — Indoctrination of former SA Police captain Brian Mitchell during his police training regarding the dangers of communism was cited yesterday as a motivating factor in the 1988 Trust Feed murders.

This emerged from a report by a senior criminologist from Unisa, Irma Labuschagne, who gave evidence in mitigation of sentence on Mitchell's behalf before Judge Andrew Wilson and two assessors yesterday.

Labuschagne said at the time Mitchell joined the SAP in 1976, recruits were confronted with the "total onslaught" ideology.

"This perception (whether right or wrong) was ingrained in young and susceptible minds. Communists were the enemy — to be fought by any means."

The hearing continues today.

'Send killer captain to Death Row'

STAR 29/4/92

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Trust Feed constables face jail

Own Correspondent

MARITZBURG — The four former SAP special constables convicted of the 1988 Trust Feed massacre will not face the death sentence, but the State has called for the ultimate penalty to be imposed on former SAP captain Brian Mitchell (34), who gave the orders for the massacre.

Indicating yesterday that he will not impose death on former special policemen Kehla Ngubane, Thabo Sikhosana, Dumisani Ndwalane and David Khambule, Mr Justice Andrew Wilson said they could consider themselves very lucky that all they faced was a long period of imprisonment.

That they acted under the orders, albeit unlawful orders, of a commissioned officer did make a difference, he said.

He also commented on the brief police training given to special constables, saying that to send people into the field with lethal weapons after only six weeks of training showed a sad lack of judgment.

Sentence will be passed at 10 am tomorrow.

Mitchell's advocate, Mr Etienne du Toit, SC, pleaded with Mr Justice Wilson not to impose the death sentence on the former station commander.

Referring to strong emotions witnessed during the trial and to "emotional press reports", he said "judicial aloofness" would bring about the realisation that the destruction of an individual was not called for in this case, in spite of the brutality of the offence.

The political motive behind the killing was mitigating, as well as the fact that

DP seeks independent Trust Feed probe — Page 2

Mitchell was not naturally aggressive or wicked.

Mitchell, also, did not seek the death of women and children holding a funeral wake, he said.

Mr du Toit was asked by the judge how it could be mitigating that Mitchell had gone to the "wrong" house and whether it was less heinous to kill "comrades" (UDF supporters), as Mitchell had intended, than to kill anyone else.

Mr du Toit responded that in Mitchell's perception the comrades were the enemies of the State, and that it would be morally less blameworthy than shooting women and children.

"He believed that the people in the house had to be killed in the interests of the country, however distorted that belief may be when objectively viewed," Mr du Toit said.

Mr du Toit also submitted Mitchell did not play a major "physical" role in the attack.

The judge, however, said that in his view it was not mitigating that Mitchell had left the special policemen to "do the dirty work" and face the risks while he walked away. "It was a cowardly act". He regarded the fact that Mitchell was a policeman in charge of the special constables as aggravating.

Calling for the death sentence for Mitchell, State advocate Anthony Irons said that according to the court's findings, the violence in the Trust Feed area at that time was largely due to Mitchell's own doing.

It was also aggravating that he had abused his position of trust and the power and influence that went with it and misused people under his control.

After the attack he had simply walked away, returning only hours later.

His subsequent involvement in covering up the incident was an indication that he felt no remorse at that stage, although he was then aware of the identity of the victims, added Mr Irons.

DP seeks independent Trust Feed probe

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CAPE TOWN — The Democratic Party has rejected the internal police inquiry into police involvement in the Trust Feed massacre and has demanded an independent probe.

DP law and order spokesman Peter Gastrow said Law and Order Minister Hernus Kriel's appointment of an internal inquiry was a "totally inadequate response to a matter which fundamentally affects the credibility of the police in the eyes of the public".

Mr Gastrow disclosed that the Speaker of Parliament, Eli Louw, had turned down a request by DP chief whip Roger Burrows for the Trust Feed case to be debated in Parliament. The grounds Mr Louw gave were that the case should remain sub judice until sentence had been passed.

Mr Kriel said no other mechanisms were available and that throughout the world, police investigated police. — Political Correspondent.

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Death penalty call in Trust Feed case

Bloay 29/4/92 (331)

MARITZBURG — The four former SAP special constables convicted of the 1988 Trust Feed massacre will not face the death sentence, but the State has called for the ultimate penalty to be imposed on former SA police captain Brian Mitchell, 34, who gave the orders for the killings.

Indicating yesterday that he would not impose the death sentence on former special policemen, Kehla Ngubane, Thabo Sikhosana, Dumisani Ndwalane and David Khambule, Judge Andrew Wilson said they could consider themselves "very lucky" that all they faced was a long period of imprisonment.

Sentence will be passed at 10am tomorrow.

Mitchell's advocate, Etienne du Toit, SC, pleaded with Judge Wilson not to impose the death sentence on the former station commander for the sake of retribution alone.

The political motive behind the killing was mitigating as well as that Mitchell was a first offender and did not pose a future danger to society. He was not naturally aggressive or inherently wicked and did not seek the death of women and children

Own Correspondent

holding a funeral wake, he said.

Du Toit was asked by the Judge how it could be mitigating that Mitchell had gone to the "wrong" house and whether it was less heinous to kill "comrades" (UDF supporters), as Mitchell had intended, than to kill anyone else. Du Toit responded that in Mitchell's perception the comrades were the enemies of the State and it would be morally less blameworthy than shooting women and children asleep in a house.

Du Toit also submitted Mitchell did not play a major "physical" role in the attack. The judge, however, said in his view it was not mitigating that Mitchell had left the special policemen to "do the dirty work".

Du Toit said Mitchell was heavily intoxicated and his level of aggression was increased due to the alcohol.

Calling for the death sentence for Mitchell, State advocate Anthony Irons said according to the court's findings the violence in the Trust Feed area at that time was largely due to Mitchell's own doing. It was also aggravating that he had abused his position of trust and the power and influence that went with it.

Kriel covering up, says Gastrow

Bloay 29/4/92

CAPE TOWN — Law and Order Minister Hernus Kriel was trying to cover up the Trust Feeds massacre because he refused to appoint an independent inquiry, DP spokesman and newly appointed member of the multiparty police board Peter Gastrow said yesterday.

In a statement he said Kriel's response of appointing a departmental inquiry was "totally inadequate".

The public had lost confidence in closed departmental inquiries where

BILLY PADDOCK

the police investigated the police and where findings were not made public. The DP therefore called for an inquiry headed by a person of integrity from outside the police.

Gastrow also slammed the way the sub judice rule was used in Parliament, saying the Speaker had turned down numerous requests to urgently discuss the Trust Feeds case.

ANC urged to explain arrests

STEPHANE BOTHMA

THE NP and Inkatha joined yesterday in calling on the ANC to explain why two of its senior members were armed and wearing police uniforms when arrested at the scene of an alleged murder at the weekend. Bloay

NP secretary-general Stoffel van der Merwe said the arrest of Mandla Mazobuko, vice-chairman of the ANC's Evaton branch, and ANC member Sitembiso Radebe called the organisation's integrity into question. 29/4/92

Mazobuko and Radebe were dressed in police uniform jackets and armed with a Russian-made handgrenade and a 9mm pistol when they were arrested by police in Sebokeng on Friday.

The arrests took place after shots were fired at a private car, resembling an official SAP vehicle. The shooting left one man dead and another injured.

Mockery

A third man, carrying an AK-47 rifle, escaped from the scene.

The NP called on the ANC to investigate and to tell the people of SA why their operatives were impersonating policemen.

Inkatha Youth League leader Themba Khoza said the arrests made a mockery of a "third force" theory as propagated by the ANC.

He said the arrests exposed the myth that the ANC had nothing to gain from perpetrating acts of violence. It also exposed ANC allegations of collusion between the IFP and security forces in destabilising SA as lies.

ANC information and publicity director Pallo Jordan said the matter was being investigated. "If the allegations are true, the matter is in the hands of the courts."

The plot that led to the Trust Feed massacre

Sowetan 29/4/92

The Trust Feed trial, documenting one of the most brutal slayings in Natal's five-year history of violence, has reached its climax in the Maritzburg Supreme Court. For the first time evidence was led to show police complicity in the violence and attempts to establish, even by violence, a rival organisation to the existing United Democratic Front-aligned Trust Feed Crisis Committee. Last Thursday, Mr Justice Andrew Wilson declared that former New Hanover station commander Captain Brian Mitchell and four special constables were guilty of 11 counts of murder and two of attempted murder. The trial lasted 80 working days and cost the taxpayer more than R2 million. Mr Justice Wilson took four days to deliver judgment. Mitigation and sentence is to follow. Sowetan Correspondent VASANTHA ANGAMUTHU looks back on the case that took four years to solve.

DECEMBER 5 1988: Newspapers report that 11 people, including six women and two children, were gunned down in a house in Trust Feed near New Hanover over the weekend.

The attack happens at the height of violence which had swept the area since November 1988. The victims were at a prayer vigil when they were brutally gunned down. They are identified as four-year-old Muzi Shangase, Nkanyeni Shangase (9) Mrs Zetho Shangase (29) Mrs Dudu Shangase (36) Mrs Mahadebe Ntuli (40) Mrs Sikile Zondi (25) Mrs Marietha Xaba (45) Mrs Sara Njoka (66) Mr Alfred Zitha (44) Mrs Sdedewu Sithole (60) and Mr Mseleni Ntuli (60).

Police refuse to allow media access to Trust Feed.

Power

December 7: Chief Mhlabunzima Maphumulo (who was gunned down in 1989) tells mourners at the funeral of the Trust Feed 11 that the South African Police have the power to end the violence in the area.

Police bar journalists from the funeral after a foreign television crew is chased out of the area by a group of vigilantes.

December 9: An Inkatha lawyer claims the victims were members of Inkatha.

October 23 1989: An inquest magistrate rules that police might have been involved in the massacre and once again refers the papers to the Attorney-General, who initially declined to prosecute.

New Hanover magistrate Mr A Freese said there was circumstantial evidence placing suspicion on Special Constable David Khambule and Special Sergeant Dumisani Ndwalana and "possible complicity" on the part of Lieutenant Brian Mitchell, the former station commander of New Hanover.

August 3 1991: The two former SAP special constables charged with the murder of the Trust Feed 11 tell the New Hanover Magistrate's Court that the station commander at New Hanover, a Lieutenant Mitchell, had instructed them to attack a house where "terrorists" were hiding.

The court was told that after the incident the special constables were told to disappear and they then joined the KwaZulu Police. A newspaper reports that a white SAP captain is arrested in connection with the massacre.

September 14: Seven former policemen are indicted to the Supreme Court to stand trail on 11 counts of murder and eight of attempted murder in a case in which the State alleges assassinated riot unit commander Major Deon Terblanche was also implicated.

Appearing briefly in the New Hanover Magistrate's Court on September 13 were Lieutenant Jacobus van den Heever, Mitchell, Sergeant Neville Alexander Rose, Ndwalane, Kehla Ngubane, David Khumbule and Petros Sikhosana.

The State alleges that during November 1988, Inkatha leader Jerome Gabela and Mitchell discussed the possibility of obtaining police assistance in killing members of an opposing group in the area.

In Maritzburg, discussions took place between Mitchell, Terblanche and members of Inkatha in which it was agreed that members of the police would carry out the envisaged attack.

Thereafter Terblanche or some other SAP member instructed Lieutenant Van den Heever, who was the officer in command of certain special policemen, to arrange for special members of the police force to carry out the attack.

Attack

It is alleged that Van den Heever, who was the officer in command of certain special policemen, was to arrange for special members of the police force to carry out the attack.

It is alleged that he in turn instructed Rose, who was a section sergeant, to find six special policemen for the operation and on November 30 instructed Ndwalane to select five special constables to assist him in "doing duties" at Trust Feed. (Terblanche was shot dead by one of his staff, Constable Roy Ngcobo in March 1990. Ngcobo was later shot dead by a member of the Maritzburg Murder and Robbery Unit).

October 15: World attention is focused on the Maritzburg Supreme Court when seven policemen - including two captains - go on trial for the 1988 murder of 11 people at Trust Feed before Mr Justice Andrew Wilson and two assessors.

October 16: All seven accused plead not guilty. The AG remains adamant - Captain Brian Mitchell will not be granted bail despite his offer to be placed under virtual house arrest.

October 17: The four special constables claim they took part in the attack under the command of Mitchell and felt obliged to carry out his instructions.

October 18: Inkatha leader Jerome Gabela testifies, claiming that Mitchell threatened to kill him if he talked about the "accident". Gabela said that all the people killed had been Inkatha supporters and since Mitchell had offered to help Inkatha, he went to speak to him about the incident.

Gabela said in 1988 he

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Cops accused of a cover-up at Trust Feed

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asked Mitchell for help in solving political problems between landowners and tenants in the area. Mitchell, he said, had said that it would not help to arrest anyone because the police would simply release them and it was better for them to be killed.

Gabela, a state witness who has been indemnified from prosecution, said he understood the constables were going to launch an attack on the home of the Mbongwa (a key member of the UDF-aligned Trust Feed Crisis Committee) family.

October 21: Gabela gives details of the political conflict in the Trust Feed area at the time of the killing, confirming that the community was broadly divided into the Inkatha-aligned Landowners Association and the UDF-leaning Trust Feed Crisis Committee.

He said that he had asked Mitchell for help in getting firearm licenses for defence against attacks by the UDF and the TFCC.

October 22: Mr Justice Wilson remarks more than once that he had the impression that Gabela was attempting to minimise his own role when testifying against the seven policemen.

October 28: A former SAP special constable alleges that four of his colleagues, now on trial for murder, told him that they had fired shots into a house pointed out to them by Mitchell.

State witness Mr Selby Mkhize said that he was one of six special constables taken to the Trust Feed area and asked to do guard duty at a home on December 3. That night he heard gunshots.

Mkhize said that he was advised to hide by Sergeant Neville Rose. He said they were picked up from the area the following day by Captain van den Heever and Rose and ordered to hide their firearms and lie down on the seats and, when they were dropped off at their homes, leave their firearms in the vehicle.

November 8: An SAP reservist, Constable Stuart van Wyk, tells the court that Mitchell was drunk hours before the massacre, that he did not appear shocked at the discovery of the bodies and that he threw shotgun cartridges out of a police van window just before the bodies were discovered.

Armed men

He said Mitchell went to Gabela's house for a meeting where they met two armed men described as special constables. At a burning shop two armed men disappeared.

Mitchell disappeared and Van Wyk and a Constable Burton stayed at the blaze. About 15 minutes later the two constables heard three powerful gunshots followed by a series of muffled ones. When they asked Mitchell if he had seen the smoke or heard the gunshots, he said they were imagining things, Van Wyk testified.

November 20: Mr Justice Wilson calls for an investigation of possible "gross abuse of power" under the state of emergency by certain policemen in 1988.

November 22: Two survivors of the massacre describe their terrifying ordeal when gunmen opened fire on the house.

Victim Mrs Ida Hadebe, who was on crutches, said she heard the attackers enter the house and move from room to room shooting the occupants. She had covered herself with a blanket.

At about 3am she heard a knock at the door. People inside asked who was there. She said the response was "we are the police", followed by another knock and then the sound of gunshots. Another survivor, Mrs Nomagoli Zulu, said that her husband and sister died in the attack.

November 26: Shocking video footage of the bodies blasted by shotguns in the massacre are shown in court and prompts Mr Justice Wilson to express his horror at the way dead men, women and children were exposed to the public.

A police unit video recording depicted the victim's blood-spattered bodies, first lying sprawled across the floor of the house and then being carried outside in blankets and put on the grass outside where their exposed wounds were filmed.

The judge apologised to family and relatives at the "heartless way" the victims had been taken out in full public view.

November 27: Chief pathologist for Natal and university professor Jan Botha testifies that the wounds on the bodies of the 11 dead showed that most of the shotgun rounds had been fired at distances ranging from one to three metres from the victims. Most had been killed outright, but some had remained alive for some time before they died, he said.

January 24 1992: An SAP investigating officer who said in court that he left no stone unturned in his investigation of the Trust Feed massacre is questioned closely about the irregularity of the investigation he conducted.

Same morning

Captain Patrick Wattruss, who arrived at the house on the same morning of the attack, said he found no substantial evidence in the house which could be linked to the shootings. Mr Jutsice Wilson remarked that it was evident there was a cover-up in regard to the evidence found in the house of the killing.

January 30: General Christo Marx and Major Joseph van Zyl, an investigating officer in the Trust Feed murders, halt proceedings when they are advised by the SAP not to continue with their evidence for fear of incriminating themselves.

February 4: SAP captain Frank Dutton tells the court that he kept records of his daily investigations because he suspected a cover-up in the case. Dutton is appointed investigation officer after Van Zyl was taken off the case. He also said that Van den Heever was visibly shocked when he learned of the arrest of the special constables who allegedly carried out the attacks on the house.

February 17: Van den Heever denies that he accompanied Rose to Trust Feed to pick up the special constables after the December 3 attack.

February 27: Mitchell says he has turned to God and has decided to tell the truth. He takes the rap for having given instructions to special constables to attack the UDF.

He told the court of a plan by the police and local Inkatha members to establish, even by violence, a rival organisation to the Crisis Committee. However Mitchell says he ordered the special constables to find UDF members and that he did not desire the death of women and children.

March 2: Mitchell changes his plea to guilty of culpable homicide.

Firing blindly

March 3: Special constable Kehla Ngubane said he and other special policemen had been firing blindly into a darkened house at the time of the attack, even though most of the victims were accurately shot in the chest or head.

March 31: Attorney-General Mr Mike Imber announces that the Commissioner of the SAP will institute a departmental inquiry into the initial police investigations into the Trust Feed massacre. Justice Wilson describes the special constables as "deliberately scheming witnesses".

April 2: The trial is estimated as having cost the taxpayer more than R2 million.

April 23: Justice Wilson delivers his verdict. Mitchell and the four special constables are found guilty on 11 counts of murder and two of attempted murder. Rose and Van den Heever are found not guilty.

Massacre: Do not hang Mitchell, lawyer urges

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SO wefan 29/4/92

COUNSEL for former New Hanover police station commander Brian Mitchell closed evidence in mitigation of sentence in the Trust Feed trial yesterday.

Mr Etienne du Toit, SC, called for a lengthy jail term to be imposed on the policeman, instead of the death sentence.

He urged Mr Justice Andrew Wilson not to simply take the severity of Mitchell's crime into account when he passes sentence later this week, but to consider the circumstances under which Mitchell acted on the night he and four special policemen killed 11 people at Trust Feed.

Du Toit said Mitchell was not an inherently bad person but saw himself as "a soldier of war" on the night of the attack.

He said Mitchell was a first offender and would never repeat his crime and it was therefore unnecessary to execute him.

He said mitigating circumstances in the case outweighed the aggravating circumstances and he called for a lengthy jail term rather than the death sentence.

Justice Wilson, however, interrupted him saying evidence had shown that at the scene of the event on the night of December 2 1988 "he certainly acted wickedly and viciously", adding he had planned a deliberate operation to kill people.

Du Toit said Mitchell's motive was politically inspired and should thus serve as a mitigating factor.

The judge again interrupted saying: "There wasn't a political motive, there was a belief that what he was doing was in the interests of the country."

Evidence in mitigation of sentence of the four special policemen will continue. - *Sapa.*

Kidnap by 'comrades' described

STAR 30/4/92

(331)

By Susan Smuts

A man who was set free by a "people's court" told the Rand Supreme Court yesterday how he and two of his friends were assaulted by a group of about 40 panga-wielding "comrades", forced into a vehicle and later locked in a garage. His friends were killed and set alight.

Oupa Job Selepe was giving evidence in a trial in which 16 men, including one youth, have pleaded not guilty to three charges of kidnapping and two of murder.

He told Mr Justice J C Labuschagne and two assessors he had been drinking with a group of friends in a deserted house when a group of men armed with pangas and axes arrived.

The three men were allegedly taken to the Motloung district in Kathehong, where they were locked in a garage.

"After a while the comrades opened the door. They said I knew nothing and could go. They took Mashilo (Tshabalala) and Bhuti (Mokoena) outside and David Motsweni (one of the accused) hacked them on the head with a panga."

Mr Selepe, Mr Tshabalala and Mr Mokoena were allegedly kidnapped on December 26, 1990. Mr Tshabalala and Mr Mokoena were allegedly set alight. Mr Tshabalala died of head injuries and burns, and Mr Mokoena of lung failure and head injuries.

The trial continues.

Botha linked to AWB case

Sabotage: CP outcast in court

STAR 30/4/92

Pretoria Correspondent

One of the Conservative Party's two expelled MPs, Koos Botha of Wonderboom, yesterday appeared in the Pretoria Regional Court in connection with several acts of sabotage and possession of explosives.

Mr Botha was picked up by police at his home at about 12.35 pm and appeared in court at 3 pm.

He was not asked to plead and was released on R1 500 bail. The case was postponed to June 3.

Among the incidents being linked to his arrest are blasts at the old Hillview School in central Pretoria, at Cosatu House and at two post offices in the PWV area.

Mr Botha told reporters from his home in Wonderboom before his arrest that he was waiting to appear in court.

"I am sitting here with my wife, making arrangements, and would not like to have the press around now.

"But," he added, "the case against me involves, among other incidents, the Hillview blast."

A police spokesman confirmed that Mr Botha's arrest was connected to an existing case in which several acts of terror were being investigated.

Koos Botha . . . forced to hand in passport and must report to police daily.

Mr Botha's name was added as the fifth accused in the trial against four members of the Afrikaner Weerstandsbeweging — Andries Stefanus Kriel, Andries Cornelius Odendaal, Dirk Jan Hattingh and Petrus Jacobus Judeel.

The four were earlier released on R3 500 bail each and warned to appear in court on June 3.

However, Mr Kriel and Mr Odendaal have since disappeared and warrants for their arrest have been issued.

A condition of Mr Botha's bail was that he hand in his passport. He must also report daily to the Wonderboompoort police station between 6 am and 5 pm, must not leave his residential address, and must not leave the Pretoria or Pretoria North magisterial districts without the permission of investigating officer Major H Prinsloo.

Mr Botha was kicked out of the CP two weeks ago after a controversial speech in Parliament. He had apparently contravened party discipline by speaking in favour of a "drastically reduced" volkstaat.

He was last seen publicly when he took part in a debate on an interim government at the University of Pretoria on Tuesday.

● The Star's Political Correspondent reports from Parliament that there was a general feeling of disbelief among MPs last night that the mild-mannered Mr Botha could be involved in sabotage.

However, some MPs pointed out that Mr Botha had appeared on a public platform with the AWB in the past.

National Party MPs said they thought the incident would embarrass the Conservative Party, while others said they believed that the CP might have expelled Mr Botha earlier this month because it got wind of what he had done.

CP sources would not comment.

Trust Feed killer 'showed no remorse'

Weekly Mail Reporters and Sapa

THE Natal Supreme Court this week came down hard on the argument that South African Police members involved in political killings could still be regarded as dedicated policemen.

In a trial that set a new benchmark in the independence of the judiciary from the police, the court made it clear that an example had to be made of senior officers who conspire to defeat the ends of justice.

The training of special policemen for six weeks before sending them into the field was also raised as a matter of concern.

Mr Justice Andrew Wilson on Monday firmly rejected evidence in the Pietermaritzburg Supreme Court that Captain Brian Mitchell, leader of the Trust Feed massacre, was a "normal, caring, respectable" person and a dedicated policeman.

Mitchell and four special policemen were last week found guilty of murdering 11 people and attempting to murder two others at a funeral wake in Trust Feed, near Pietermaritzburg, in December 1988.

Judge Wilson was responding to evidence in mitigation by University of South Africa criminologist Irma Labuschagne. Her 35-page report emphasised Mitchell's situation during the time of the attack when he regarded himself as a soldier fighting against the threat of communism.

The judge also rejected various other elements of the criminologists' assessment, including assertions that:

- Mitchell was under the influence of alcohol on the night of the massacre.
- He had acted on the "spur of the moment".
- He had been known as a "negotiator".
- He had accepted full responsibility for his action.
- He was a caring and respectable person and had shown great remorse for his actions.

"I don't recall any remorse for those he intended to kill," the judge said.

State prosecutor Anthony Irons said it was difficult to find mitigating circumstances in Mitchell's case other than his clean criminal record and the fact that he was under the influence of alcohol on the night of the massacre.

Aggravating factors included the violence in the Trust Feed area which was largely his own doing.

Argument in mitigation of sentence in the Trust Feed trial closed on Tuesday with the state calling for the death sentence to be imposed on Mitchell and life imprisonment for the four special policemen.

Irons said that, although it was Judge Wilson's final decision on Mitchell's fate, the aggravating factors in his case outweighed the mitigating ones. It was his "unfortunate duty" to submit that the only sentence that should be imposed was death.

Referring to special policemen David Khambule, Dumisani Ndwalane, Khehla Ngubane and Thabo Sikhosana, Irons said the mitigating factors in their favour called for a "lengthy, if not life" imprisonment.

Evidence led during the trial and subsequent judgment found that Mitchell had actively supported the Inkatha Freedom Party in the Trust Feed area and had waged a campaign to oust United Democratic Front supporters — whom he regarded as communists — from the area. "He was in a position of trust, he had power and influence and he abused it," said Irons.

Mitchell had caused the special policemen to be in the area at the time of the massacre, had misused them and had directly participated in the attack by firing the first two shots at the house where the massacre took place.

The former station commander had then left the "specials" to continue the killings "while he callously continued destroying houses in the area".

He returned to Trust Feed several hours later to cover up his involvement and showed no remorse at that time, Irons added.

Irons said mitigating factors in favour of the specials included their ages at the time of the attack and the fact that they were carrying out orders — although not legal — by a commissioned officer.

He said their fairly low standards of education and the extremely short period of their training as policemen also had to be taken into account.

●To PAGE 3

No remorse...

●From PAGE 2

Judge Wilson interjected at this stage that the training of special policemen for six weeks before sending them into the field was a matter of concern.

In earlier mitigation, a psychologist who delivered a report on the four "specials" said the SAP had been negligent in selecting two of them as policemen.

Counselling psychologist Frederick Toerien said he had conducted tests on the four and found that the abilities of two of them were too low to allow them to perform police duties.

"The selection and screening procedures of the SAP were, therefore, in my opinion, so poor in this case that it amounts to negligence, and some of the responsibility therefore rests on the poor selection procedures."

Defence counsel for Mitchell, Etienne du Toit, SC, urged the judge to take Mitchell's circumstances into account when passing sentence as he had regarded himself as a "soldier of war" at the time and had wanted to eliminate UDF members in the interests of his country.

He closed evidence in mitigation by calling for a jail term to be imposed instead of the death sentence.

Du Toit said Mitchell was a first offender and would never repeat his crime and it was therefore unnecessary to execute him. Mitchell was not a violent, aggressive or inherently wicked person, he said.

Judge Wilson, however, interrupted him saying evidence had shown that at the scene of the event on the night of December 21 1988, "he certainly acted wickedly and viciously", adding he had planned a deliberate operation to kill people.

Du Toit said Mitchell's motive was politically inspired and should thus serve as a mitigating factor.

The judge again interrupted, saying: "There wasn't a political motive; there was a belief that what he was doing was in the interests of the country."

- Law and Order Minister Hernus Kriel's appointment of a departmental inquiry into irregular conduct by policemen in the Trust Feed massacre case was a totally inadequate response to a matter which fundamentally affected the credibility of the police in the eyes of the public, the Democratic Party said in a statement on Tuesday.

DP law and order spokesman Peter Gastrow said the least that could have been done was to appoint credible people outside the police force to take part in the investigation.

"The public has lost confidence in closed departmental investigations where the police investigate the police, and where the findings are not made public."

The DP called for an inquiry to be headed by a person of integrity from outside the police force with the findings to be made public.

Kriel had said on Monday night that an experienced police investigation team had been appointed to conduct "a thorough investigation into any unlawful conduct or other irregularities by members of the police connected with this matter".

The team would consider "all aspects in view of possible criminal and/or departmental steps — irrespective of who might be involved.

"The law will take its course and the investigation will be conducted in close consultation with the attorney-general's office," Kriel said.

CP MP in court over explosives

Soweftan 30/4/92 331

WONDERBOOM CP MP Mr Koos Botha appeared in the Pretoria Regional Court yesterday in connection with alleged sabotage and possession of explosives.

He was not asked to plead and was released on R1 500 bail. The case was postponed to June 3.

His appearance relate to an earlier appearance by four members of the AWB on charges stemming from a number of bomb explosions at schools and post offices in the Transvaal.

Botha's name was added as the fifth accused in the trial against Mr Andries Stefanus Kriel, Mr Andries Cornelius Odendaal, Mr Dirk Jan Hattingh and Mr Petrus Jacobus Judeel.

The four had been released on R3 500 bail. They will also appear in court on June 3.

Kriel and Odendaal have, however, since disappeared and warrants for their arrests have been issued.

Botha was ordered to report to the Wonderboom Poort police station once a day between 6am and 7pm.

Should he want to leave the magisterial district of Pretoria or Pretoria North, he would have to get written permission from the investigating officer.

He was also ordered to surrender his passport.

Why lack of action against Winnie Mandela, asks DP

S/Times 3/5/92 (331)

By MIKE ROBERTSON: Political Correspondent

THE Democratic Party this week will demand that the government explain its "remarkable passivity" when it comes to prosecuting alleged crimes involving Mrs Winnie Mandela.

Justice Minister Kobie Coetsee will be asked whether the state plans to reopen the criminal case against Mrs Mandela following recent allegations by her former driver Mr John Morgan and Mrs Xoliswa Falati that they lied in court to protect her.

Mr Morgan told The Sunday Times Mrs Mandela was in Soweto on the night that young activist Stompie Sepei was murdered and not in Brandfort, as she had stated in court.

Mrs Falati told a British newspaper she, too, had lied to protect Mrs Mandela but later denied making the statement.

Mr Lester Fuchs (DP Hillbrow) has asked Mr Coetsee whether, following the allegations made by the two, he intends to invoke the provisions of the Criminal Procedures Act to reopen the case against Mrs Mandela.

He will also ask Mr Coetsee whether attempts have been made to take statements from Mr Morgan and Mrs Falati.

In another question, he has asked Mr Coetsee whether an investigation has been conducted into the disappearance of Mr Katiza Cebekhulu and Mr Pello Mekgwe and their failure to attend Mrs Mandela's trial.

He has asked Mr Coetsee to say whether the state will prosecute any persons or political parties suspected on reasonable grounds of having been responsible for the two not being present at the trial.

Mr Fuchs has also asked Foreign Minister Pik Botha to state whether any steps had been taken to secure the release of Mr Cebekhulu, who is believed to be in a Zambian prison, so he can give evidence against Mrs Mandela.

Both Ministers will give their replies this week.

DP chief spokesman on justice Tony Leon said it was not only the ANC that had to answer questions in regard to Mrs Mandela, but also the state.

The prosecution of Mrs Mandela in relation to the death of Stompie Sepei, he said, could only be described as "laconic".

But, in addition to this, he said, the state had also been remarkably passive on the question of prosecuting Mrs Mandela on a range of other actions on which the police had evidence.

Mr Leon and Mr Fuchs said they intended asking questions on these matters as well.

These included evidence given in a case in which a certain Sibusiso Chili was convicted of the murder of Mr Maxwell Madondo.

During the trial, the defence informed the prosecution it intended to introduce evidence from Mr Cebekhulu, who had been with Mr Madondo when he was killed.

The prosecution, rather than call Mr Cebekhulu to court, agreed to a statement the defence placed on record.

It said: "The admission the state will make is that . . . a decision was made by Mrs Mandela and the football club to kill accused No 1, Chili, and accused No 6, Ikaneng."

The DP MPs say it remains a mystery why no action had been taken by the state pursuant to these allegations made by Mr Cebekhulu. They want Mr Coetsee to explain why.

They also want Mr Coetsee to explain why no action appears to have been taken in connection with the disappearance of a youth, Lolo Sono, whose father said he last saw him in the company of Mrs Mandela and, at the time, he appeared to have been badly beaten up.

The Director . . . Document 8

AWB 14 charged for rally 'battle'

Cipher 3/5/92

331

By DAN DHLAMINI

FOURTEEN AWB members including AWB leader Eugene Terre'blanche, 47, and the estranged leader Piet 'Skiet' Rudolf, 56, – are to appear in the Potchefstroom Regional Court tomorrow on charges of public violence.

Their appearance follows the bloody "battle of Ventersdorp" on August 9 during which the accused are alleged to have violently disrupted a political rally called by President FW de Klerk.

Trapped

Death, blood, bullets and bitterness were the order of the day last year when two groups of whites clashed while a few blacks were trapped in the crossfire.

At the height of the clash De Klerk had to be driven to safety in the back of a police truck.

Three AWB members died and 58 people were injured – including 15 blacks, seven white cops and 12 AWB members.

Those killed were Jaobus Conradie of Klerksdorp, Andries Badenhorst of Randfontein and Gerhard Koen of Bloemhof.

Burial

Blacks caught in the crossfire were Bantwana Pandle, Tyekezi Mayake and Gogogo Qutho – who were escorting the body of their miner cousin Dikayise who was to be buried in the Transkei.

Rightwingers allegedly pumped his coffin-encased body full of lead after the bakkie transporting the coffin was fired at and overturned.

SAA's AFF
TO DURB
OFFER

Govt to be quizzed on Winnie case

THE government will this week be questioned on steps it has taken to re-open investigations into Mrs Winnie Mandela's role in the death of activist Stompie Seipei.

Mr Lester Fuchs (DP Hillbrow) has tabled a question to Justice Minister Mr Kobie Coetsee on statements made by Mr John Morgan and Mrs Xoliswe Falati in the media. He wants to know whether Mr Coetsee intends invoking the provisions of the Criminal Procedure Act of 1977 to re-open the case against Mrs Mandela, as well as whether any attempt has been made to take statements from the two.

Foreign Affairs Minister Mr Pik Botha will be questioned by Mr Fuchs on the steps the government has taken to secure the release of Mr Katiza Cebekhulu from a Zambian jail to give evidence in Mrs Mandela's trial.

Daisy de Melker; Douglas Bailer and Jack the Ripper and Winston Churchill and Rudolf Hess. [Interjections.]

†The MINISTER: Mr Chairman, with respect, I think the joke which the hon member tried to make about a very serious matter, does not belong here at all. [Interjections.] I did not try to link together these people with other prisoners who were regarded as political prisoners. These people committed crimes. In terms of the provisions of the Corrective Services Act the Minister of Correctional Services is, however, empowered to take action. He exercised his powers with the necessary responsibility.

There were also political prisoners who qualified in terms of rules which were laid down and which were agreed upon with the ANC. Those people were released. [Interjections.]

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament.

Release of person from Zambian prison

*5. Mr L FUCHS asked the Minister of Foreign Affairs:

(1) Whether he has taken any steps to secure the release from a Zambian prison of a certain person, whose name has been furnished to the Minister's Department for the purpose of his reply, to give evidence in a criminal case involving Mrs Winnie Mandela; if not, why not; if so, what are the relevant particulars;

(2) what is the name of the person in question;

(3) whether he will make a statement on the matter?

B569E

The MINISTER OF FOREIGN AFFAIRS:

(1) No, not for the purpose mentioned by the hon member in his question. As in the case of any South African citizen who is detained in a foreign country, my Department has made enquiries into the well-being of the person.

(2) Mr Katize Cebekhulu.

(3) No, not at the present time.

HOUSE OF ASSEMBLY

Reopening of criminal case against Winnie Mandela 331

*6. Mr L FUCHS asked the Minister of Justice:

(1) Whether, with reference to recent statements in the media by two persons whose names have been furnished to the Minister's Department for the purpose of his reply, he intends to invoke the provisions of the Criminal Procedure Act, No 51 of 1977, to reopen the criminal case against Mrs Winnie Mandela; if not, why not; if so, what are the relevant details;

(2) whether, with reference to the trial of Mrs Winnie Mandela, attempts have been made to take statements from certain persons whose names have also been furnished to the Minister's Department; if not, why not; if so, what are the relevant details;

(3) whether he will furnish the names of the persons referred to in paragraphs (1) and (2) of this question; if not, why not; if so, what are their names? B570E

The MINISTER OF JUSTICE:

(1) and (2) In view of the pending appeal, the matter is *sub judice*. The requested information can therefore not be furnished. In addition the South African Police is investigating certain allegations and the required information may affect the outcome of the investigation.

(3) A list of the names of the persons who may be involved or may become involved has not been finally established and the furnishing of such a comprehensive list may in any event infringe upon the *sub judice* rule.

Number of applications for SA citizenship

*7. Mr R R HULLEY asked the Minister of Home Affairs:

How many persons (a) applied for and (b) obtained South African citizenship during the period 20 February to 17 March 1992? B572E

The MINISTER OF HOME AFFAIRS:

(a) and (b)

Altogether 24 487 naturalizations were approved. It has however not been possible to verify to date whether all applications lodged within the relevant period were finalized timeously. It is quite likely that applications submitted during the two or three days prior to 17 March 1992 were not finalized timeously. Presently only accurate statistics of approvals are readily available. If the hon member, however, insists on statistics of the number of applications submitted during the period in question, a survey will have to be made at all the offices of the Department. I can merely add that no applications that complied with requirements were turned down.

Constitutional future of Doornkop

*8. Adv J J S PRINSLOO asked the Minister of Local Government and National Housing:†

(1) Whether the Government intends taking any steps in respect of the constitutional future of Doornkop, in the district of Roodepoort; if not, why not; if so, (a) what steps and (b) when;

(2) whether he will make a statement on the matter?

B573E

The MINISTER OF LOCAL GOVERNMENT AND NATIONAL HOUSING:

(1) (a) and (b)

Yes. The Cabinet has already granted permission for the purchase of Doornkop agricultural holdings No 239 IQ. A decision on the constitutional future and use of the land will be determined in due course.

(2) No.

South African Rail Commuter Corporation: personnel transfers

*9. Adv J J S PRINSLOO asked the Minister of Transport:†

(1) Whether a former chairman and managing director of the South African Rail Commuter Corporation Limited were recently transferred from these posts; if not, what are the relevant details; if so, why;

(2) whether he will make a statement on the matter?

B574E

The MINISTER OF TRANSPORT:

(1) Yes. It was done in the light of investigations into events surrounding investments done with the Cape Investment Bank which has since been liquidated and important changes in the field of urban transport. I suffice with the media statement issued on 7 April 1992, my contribution to the interpellation which took place in the House of Assembly on 29 April in which case this matter was debated, and the discussion on the Transport vote on the same date.

(2) No.

Black schools: amount needed to replace textbooks

*10. Mr J CHIOLÉ asked the Minister of Education and Training:†

(1) What total amount is needed to replace textbooks that were not returned in Black schools at the end of 1991 and 1990, respectively;

(2) whether there are any Black schools where in 1991 fewer than 25% of the textbooks that had to be returned were in fact returned; if so, (a) which schools and (b) what steps are envisaged in this regard?

B575E

The MINISTER OF EDUCATION AND TRAINING:

(1) The information is not available.

The Department supplied textbooks and prescribed books to the value of R60 140 094,00 and R66 731 270,00 for the school years 1991 and 1992, respectively. The books were supplied to provide for the increase in the number of pupils and the replacement of worn-out and lost books.

(2) No, (a) and (b) fall away.

cont →

HOUSE OF ASSEMBLY

Kriel broadens probe into Trust Feed case

B|Day 6/3/92.

BILLY PADDOCK

CAPE TOWN — Law and Order Minister Hernus Kriel has bowed to public opinion that an internal police inquiry into the Trust Feed case was insufficient.

He has appointed former Regional Court president Willem Krugel to oversee the investigation into alleged irregularities in the police investigation into the massacre. Krugel will report to the Minister.

But Kriel has still not opened the investigation, as called for by politicians, to a full independent judicial inquiry.

The presiding judge in the Trust Feed case, Judge Andrew Wilson, called for an inquiry into an alleged cover-up by senior police of police involvement in the murder of 11 people at a vigil.

Kriel said he had made his decision after Lt-Gen Basie Smit, who headed the team investigating the alleged irregularities, had held talks with the Natal attorney-general, and after he, the Minister, had seen the relevant portions of the judgment.

"I decided to appoint a retired Regional Court president to analyse all the aspects that arise in the investigation as well as the evidence discovered during the investigation and then to inform and advise me of the necessary further steps I should take," Kriel said.

Krugel takes up his appointment today and the investigating team has instructions to afford him all the necessary assistance. Use will be made of all the usual powers in terms of the Criminal Procedure Act and the Police Act to obtain the relevant evidence.

Kriel said: "Mr Krugel will compile an extensive report at the end of the investigation and, with the exception of those areas where further legal action may be taken, the report will be made public."

Sapa reports that Krugel is at present a consultant with Unisa's criminal and process law department.

Stompie case 'being probed'

(331) CT 7/5/92

By BARRY STREEK

THE police were investigating "certain allegations" made in regard to the criminal prosecution of Mrs Winnie Mandela.

This was said by the Minister of Justice, Mr Kobie Coetsee, yesterday. However, he refused to say whether he intended invoking the provisions of the Criminal Procedures Act to reopen the criminal case against Mrs Mandela which followed the kidnapping and death of child activist Stompie Seipei.

He also declined to say whether statements had been taken from Mrs Mandela's co-accused, Mrs Xoliswe Falati, and Mrs Mandela's former driver, Mr John Morgan, who recently admitted they had perjured themselves in her original trial.

The Minister of Foreign Affairs, Mr Pik Botha, said yesterday his department had not taken any steps to secure the release of a scheduled witness in the original trial, Mr Katize Cebekhulu, to give evidence in the criminal case against Mrs Mandela.

Mr Cebekhulu disappeared before he could give evidence in the trial and it was subsequently established that he was in a jail in Lusaka.

Mr Botha said that as in the case of any South African citizen who was detained in a foreign country, his department had made inquiries into the well-being of Mr Cebekhulu.

The two ministers were quizzed on the issue in Parliament yesterday by the Democratic MP for Hillbrow, Mr Lester Fuchs.

He also asked whether, with regard to the trial of Mrs Mandela, attempts have been made to take statements from certain people.

Mr Coetsee replied: "In view of the pending appeal the matter is sub judice. The requested information can therefore not be furnished. In addition the police are investigating certain allegations and the required information may affect the outcome of the investigation."

Winnie recovering in Soweto clinic

JOHANNESBURG. — Mrs Winnie Mandela is recovering in a Soweto private clinic after being admitted on Monday night suffering from an undisclosed infection.

Dr S Essa, who is treating Mrs Mandela at Lesedi Clinic, said her condition had improved yesterday, although she was still feverish.

"She is better today (Wednesday). Although still feverish, she had a good night's sleep."

Dr Essa said Mrs Mandela could be released from the clinic before the weekend.

Mrs Mandela was re-elected chairwoman of the ANC Women's League PWV region last weekend after her political career had taken a nosedive following her recent separation from her husband, ANC president Mr Nelson Mandela, and her relinquishing of her post as ANC social welfare head. — Sapa

ANC duo in court

(33)

TWO ANC leaders who allegedly masqueraded as policemen at the scene of a shooting in Sebokeng a fortnight ago, will appear in the Sebokeng Magistrate's Court tomorrow.

No formal charges have been laid yet against Mr S'thembiso Radebe, regional organiser of Cast, and Mr Petros Mazibuko, vice-chairman of the Evaton's branch of the ANC. Sowetan 7/5/92

They were allegedly found wearing police jackets at the scene of a shooting.

Mr Zacharia Makhefana, who was a passenger on a yellow Mazda 323 car, was shot dead in the incident.

Exiles fraud returnee fund

JOHANNESBURG. — The National Co-ordinating Committee for the Repatriation of exiles (NCCR) yesterday said it was being defrauded of funds by returnees collaborating with relatives.

331 CT 8/5/92

At a media briefing here, NCCR national co-ordinator Mr Moss Chikane said 30 returnees and collaborators were using forged indemnity documents to defraud the organisation.

The NCCR caught a 17-year-old schoolgirl as she collected a cheque for an R800 grant by using forged indemnity documents belonging to her brother, who had recently returned from exile. The brother, who had accompanied the schoolgirl to the offices, disappeared.

State backs old faithful for Trust Feed inquiry

SI Times 10/5/92.

By PETER MALHERBE

THE Broederbonder chosen to head the Trust Feed probe, former magistrate Willem Krugel, has a long record of serving the state in sensitive positions.

The Minister of Law and Order, Mr Hernus Kriel, announced this week that Mr Krugel, retired Northern Transvaal regional court president, would oversee the investigation into the alleged police cover-up of the Trust Feed massacre in Natal.

The General Council of the Bar in South Africa has expressed reservations over the appointment, saying it would have preferred a judge to head the inquiry.

During a lengthy career in the state's employ, Mr Krugel served as:

● Chairman of the committee which investigated and ordered that former policeman Dirk Coetzee should resign from the police force with lowered rank for medical reasons. Mr Coetzee later made sensational disclosures about alleged police hit squads;

● An assessor in the Delmas treason trial in 1986 which resulted in the conviction of 11 United Democratic Front members three years later. At the time objections were raised about Mr Krugel's membership of the Broederbond, but they were rejected by Mr Justice Van Dijkhorst.

● Director of civil defence in South-West Africa in 1968 and 1969;

● Liquidator of 18 organisations which were declared unlawful in October 1977 in terms of the Internal Security Act. The action against the organisations came in the wake of the 1976 riots. All seized property and funds belonging to the organisations were administered by Mr Krugel.

Among the banned organisations whose assets and liabilities Mr Krugel administered in 1977 and 1978 were the Black Parents' Organisation, Black People's Convention, Black Women's Federation, the Christian Institute, National Youth Organisation, South African Students' Movement, South African Students' Organisation, Soweto Students' Representative Council, Black Community Programmes Ltd, the Union of Black Journalists and the Zimele Trust Fund.

Mr Krugel, 61, refused to discuss his Broederbond membership this week, saying that "all that needed to be said has been said".

In a book about the organisation, *The Super Afrikaners*, Mr Krugel is listed as being a member. His position is given as regional magistrate and the address given is that of his home in Pretoria.

Mr Krugel said he had been asked to serve on the Trust Feed inquiry after being "invited to tea" on Tuesday by the Commissioner of Police, General Johann van der Merwe.

NEWS IN BRIEF

MK official in court

331

UMKHONTO we Sizwe (MK) official Paul Ramalho appeared in the Protea Magistrate's Court in Soweto yesterday in connection with the illegal possession of a firearm. B1 Day 12/5/92

He was not asked to plead. The case was postponed to July 18 and bail of R5 000 was granted.

black-on-black violence to convince its allies rank and file," he said.

Minister invited to Malaysia

Sowetan 12/5/92

THE Minister of Administration and Tourism, Dr Org Marais, has been invited to Malaysia in what is regarded as a major diplomatic breakthrough.

Political Correspondent

He was formally invited this month by that country's Minister of Transport, Dato Seri Dr Ling Liong Sik.

Malaysia has traditionally supported the ANC and other liberation movements in South Africa over the past years.

Marais will visit Malaysia on May 22 this year. This visit will be part of his tour of South East Asian countries and the Far East. His tour will include Hong Kong, Japan, Singapore and Thailand.

The tour is apparently aimed at introducing South Africa to these countries as a tourist attraction. He will be accompanied by a high-powered delegation of 15 hoteliers including Mr Sol Kerzner, airline and civil aviation authorities.

Piet 'Skiet' cautioned

Sowetan 12/5/92

(331)

THE case in which 14 people - including Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche - are charged with public violence was postponed in the Potchefstroom Regional Court yesterday.

The case was postponed pending a possible urgent application by 12 of the accused for a further postponement in the Supreme Court. 12/5/92

The magistrate, Mr TJ le Grange, said only a Supreme Court ruling would prevent him from continuing with the case, which was a sequel to a confrontation between the police and rightwingers during a public meeting addressed by President FW de Klerk at Ventersdorp last August.

Their legal representative, Mr Jaap de Villiers, argued that he had not had enough time to consult his clients.

The accused appeared in court in the uniforms of the AWB, the Ystergarde and the Wenkommando.

One of the other accused, Mr Piet Rudolph, objected to the application.

Rudolph, who has since resigned from the AWB, requested that his bail money, which was paid by the organisation, be withdrawn and that he be cautioned and discharged. His request was granted. - *Sapa.*

improving your home, or buying a new one, it may be you have the confidence that you are dealing with

MK official in Soweto court

331

AN official of the African National Congress' military wing Umkhonto we Sizwe appeared in the Protea Magistrate's Court in Soweto yesterday in connection with the illegal possession of a firearm. Sowetan 12/5/92

Mr Paul Ramahlo's appearance is a sequel to an incident last Thursday when Soweto police searched a car and seized a Stechkin machine pistol.

He was not asked to plead and the case was postponed to July 18.

He was granted bail of R5 000. - Sapa.

(2) what other departments in academic hospitals (a) have been closed down since 1 April 1991 and (b) are to be closed down on 30 April 1992?

B598E

The MINISTER OF NATIONAL HEALTH:

(1) No;

(2) (a) none and

(b) none.

Importing of maize

*5. Mr W U NEL asked the Minister of Agriculture:

(1) Whether he will furnish information on the quantities of maize destined for South Africa and other Southern African countries that were imported and are to be imported through South African harbours during the six-month period ending 30 June 1992; if not, why not; if so, how many tons of such imported maize (a) arrived in South African harbours during the three-month period ended 31 March 1992 and (b) are scheduled to arrive in these harbours during the three-month period ending 30 June 1992;

(2) whether he will make a statement on the handling and distribution of such maize?

B599E

†The MINISTER OF AGRICULTURE:

(1) For the six months period until 30 June 1992, the following quantities of maize will be imported through RSA harbours:

Destination	*Ton*
South Africa	977 000
Zimbabwe	407 683
Zambia	20 000
Total	1 404 683

(a) No maize was imported during the three months period ended 31 March 1992.

(b) 1 404 683 ton.

(2) No. The following information is, however, supplied: The import programme is operated on three levels, namely a strategic level, a weekly business level and an operational level.

An Import Policy Co-ordination Committee, comprising representatives of the Maize Board, Spoornet and Portnet, was established during March and meets once a month to discuss strategy in order to ensure that the importation of maize takes place without any hitches.

The Co-ordinating Working Group meets every Wednesday and discussions between Spoornet and the administrations of the Maize Board and the other grain boards as well as the animal feed manufacturers takes place to co-ordinate the imports.

Further, an operational working group was established between the Maize Board, Spoornet and Portnet to monitor and co-ordinate the transportation situation.

Concerning the distribution of imported maize, the Maize Board will endeavour to consign as much of this maize as possible directly to buyers in order to save costs.

Winnie Mandela trial: disappearance of two persons

*6. Mr L FUCHS asked the Minister of Justice:

(1) Whether an investigation has been conducted into the disappearance of two persons, whose names have been furnished to the Minister's Department for the purpose of his reply, and their failure to attend the trial of Mrs Winnie Mandela; if not, why not; if so, what are the (a) relevant details and (b) names of the persons in question;

(2) whether he will prosecute any (a) persons and/or (b) political parties suspected on reasonable grounds to have been responsible in any way for the above-mentioned two persons' non-attendance at the said trial;

(3) whether he will make a statement on the matter?

B602E

The MINISTER OF JUSTICE:

(1) Yes.

(a) and (b) Mr K Cebekhulu failed to appear in court as an accused on 4 February 1991. A warrant for his arrest was authorized and his failure

to appear was immediately investigated by the investigating officer concerned. Indications are that he is currently being detained in Zambia.

Mr G Mekwe failed to attend the relevant court proceedings as a witness on 11 February 1991. His non-appearance was dualy investigated by the South African Police.

(2) (a), (b) and (3)

The hon member's attention is drawn to section 3(1)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977), in terms of which the Attorney-General has the authority to prosecute on behalf of the State. I caused enquiries to be made at the Attorney-General concerned and it appears that as far as Mr Cebekhulu is concerned, the South African Police were not able to gather any concrete, relevant and admissible evidence that on reasonable grounds tend to indicate the involvement of any political organisation and/or person, with Mr Cebekhulu's failure to stand his trial. No evidence exists at present on which a prosecution of any organisation or person for Mr Cebekhulu's non-attendance of court can be based.

According to the Attorney-General Mr Mekwe's attorney undertook to ensure that his client would attend the proceedings and Mr Mekwe was therefore not formally subpoenaed. Therefore there exists no basis on which he could be prosecuted for his non-attendance as a witness. There is also at the moment an investigation into his disappearance.

Mr L FUCHS: Mr Speaker, arising from the hon the Minister's reply, I should like to know whether his Department approached the Zambian authorities to try to obtain the release of Mr Cebekhulu as well as a statement from him.

The MINISTER: Mr Speaker, as far as the Cebekhulu situation is concerned, I should like to give the hon member the following facts. In order to have Mr Cebekhulu extradited, we have to decide on a specific charge. The question is whether this charge can be taken any further at this point in time. The Attorney-General has decided that such a charge will not be preferred since the matter cannot be taken any further in this way.

Whether any organisation is responsible for his removal is a matter of concern. I want to point out that an element of the media tended to be speculative in this regard. It was only when a certain gentleman, a correspondent of the *Christian Science Monitor*, alleged that the newspaper was in possession of a tape made in prison in Zambia that we became aware of the possible existence of certain evidence.

It now appears that we do not have the co-operation of this gentleman to make this tape available so that a decision can be taken. Despite repeated requests and messages in this regard he telephonically indicated on 6 May at approximately 05:15 that neither he nor his newspaper was prepared to make a copy of the said tape available to the investigating authorities.

I would therefore invoke the hon member's assistance, since he has exhibited so much interest in this regard, in exerting his influence on this gentleman to assist us in our investigations so that we may decide what to do next.

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament.

Payment to Sasol from Equalisation Fund

*7. Mr R R HULLEY asked the Minister of Mineral and Energy Affairs:

(1) With reference to the statement made in the Annual Report of the National Energy Council for 1989-90 to the effect that the payment Sasol received from the Equalisation Fund had been increased from 6 to 10 cents per litre and backdated to 1 July 1989, what was the backdated component of this payment;

(2) what formula is being used to determine this payment at present?

B600E

The MINISTER OF MINERAL AND ENERGY AFFAIRS:

(1) R80,7 million.

(2) The protection formula is based on a floor price of $23 per barrel of crude oil.

cont →

USED PHOTO EQUIPMENT BOUGHT FOR CASH!

by Ian Walker

Cameraland with branches in the City and Claremont are always on the lookout for quality brand name cameras, lenses, etc.

They offer the highest prices around for Nikon, Pentax, Olympus, Minolta cameras,

'No evidence' on missing accused

Political Staff CT 14/5/92

POLICE do not have "concrete, relevant and admissible" evidence pointing to the involvement of any political organisation in the disappearance of one of the accused in the Winnie Mandela trial, said Justice Minister Mr Kobie Coetsee. (331)

He told Parliament yesterday that a warrant of arrest had been issued after Mr K Cebekhulu failed to appear in court on February 4 last year.

"Indications are that he is currently being detained in Zambia," said Mr Coetsee, responding to a question from Mr Lester Fuchs (DP Hillbrow).

Mr Coetsee also revealed that Mr G Mekwe, who failed to turn up as a witness in the trial, could not be prosecuted.

His attorney had undertaken to ensure that Mr Mekwe attended the trial and he "was therefore not formally subpoenaed".

Mpofu hits out at ANC

JOHANNESBURG. — Lawyer Mr Dali Mpofu yesterday alleged his dismissal from the ANC's social welfare department was an unfair labour practice condoned by secretary-general Mr Cyril Ramaphosa. CT 14/5/92

Reportedly Mr Mpofu is planning to take legal action.

Mr Mpofu's claim follows Tuesday's report that he had been dismissed "for internal departmental matters".

Mrs Mandela was the previous head of the department. — Sapa

Desertion 'not linked to political party'

B Day 14/5/92

Political Staff (331)

CAPE TOWN — Police do not have "concrete, relevant and admissible" evidence pointing to the involvement of any political organisation in the disappearance of one of the accused in the Winnie Mandela trial.

Justice Minister Kobie Coetsee told Parliament yesterday that a warrant of arrest had been issued after K Cebekhulu failed to appear in court on February 4 last year.

"Indications are that he is being detained in Zambia," said Coetsee, responding to a question from DP MP for Hillbrow, Lester Fuchs.

Coetsee also disclosed that G Mekwe, who failed to turn up as a witness in the trial, could not be prosecuted.

His attorney had undertaken to ensure that Mekwe attended the trial and he "was therefore not formally subpoenaed". However, there was an investigation into his disappearance.

'No evidence' on missing accused

Political Staff CT 14/5/92

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"Indications are that he is currently being detained in Zambia," said Mr Coetsee, responding to a question from Mr Lester Fuchs (DP Hillbrow).

Mr Coetsee also revealed that Mr G Mekwe, who failed to turn up as a witness in the trial, could not be prosecuted.

His attorney had undertaken to ensure that Mr Mekwe attended the trial and he "was therefore not formally subpoenaed".

†The MINISTER OF LOCAL GOVERNMENT AND NATIONAL HOUSING:

(1) No, but a document which deals with the involvement of local authorities in the establishment and maintenance of schools did in fact serve before the Council for the Co-ordination of Local Government Affairs on 27 March 1992. The Council decided to appoint a committee, including representatives of education departments, to advise it in this regard.

(2) and (3) Fall away.

Disappearance of certain person

*3. Mr L FUCHS asked the Minister of Justice:

(1) Whether an investigation has been conducted into the disappearance of a certain person, whose name has been furnished to the Minister's Department for the purpose of his reply; if not, why not; if so, (a) what are the circumstances surrounding this person's disappearance and (b) what is his name;

(2) whether he will make a statement on the matter?

B610E

The MINISTER OF JUSTICE:

(1) Yes. The investigation by the South African Police is still continuing.

(a) Evidence regarding the circumstances surrounding the disappearance of Mr Sono is privileged and the particular Attorney-General is not prepared to disclose the evidence.

(b) Lolo Sono.

(2) No.

Mr L FUCHS: Mr Chairman, arising from the answer of the hon the Minister, the question I have asked has absolutely nothing to do with the present charges against Mrs Winnie Mandela. I would like to know from the hon the Minister on what basis he suggests that the evidence is privileged.

The MINISTER: Mr Chairman, I do not know whether the hon member is still practising, but I assume he has been away from his practice for some time, otherwise he would not have asked the question. [Interjections.] I would like to refer him to Van Niekerk, and I shall be translating as I proceed, to read what the author says about the matter in question in his book entitled, *Privileges in the Law of Evidence, First Edition*. Any investigation into crime and the identification of offenders indicates that the public—and that would also include members of Parliament—should co-operate. The identification of information concerning an offence and the identity of offenders should be made known to the SA Police, and the very identity of the people concerned needs protection and is protected.

The reason for the privileges is situate in the fact that if a person's identity, his circumstances or the possible content of evidence is made known, one may have retribution and intimidation, and the very purpose the hon member has in mind will be defeated.

If the hon member wants to argue against the case I would rather counsel him to consult these authorities.

Mr L FUCHS: Mr Speaker, further arising from the hon the Minister's answer, I should like to know whether the matter is still being investigated at the present time. When can we expect to see a conclusion to those investigations?

The MINISTER: Mr Speaker, it is difficult for me to say. I am not carrying out the investigation myself. It is in the hands of the Police. I would suggest that the hon member put this question to the people concerned.

Mr A J LEON: Mr Speaker, further arising from the hon the Minister's answer, could he indicate whether, as a result of answers given over a year ago by the hon the State President in this House, any attempt is being made to institute witness protection schemes? That is one of the reasons that is now adduced for the problems relating to witnesses in the Winnie Mandela case. Does the hon the Minister have any information in this regard?

The MINISTER: Mr Speaker, section 185(a) of the Criminal Procedure Act provides for such a scheme as the hon member has in mind. I can recall vividly that he supported that scheme.

Mr L FUCHS: Mr Speaker, further arising from the hon the Minister's reply, I should like to know whether he has asked the hon the Minister of Law and Order to investigate the matter. Is he prepared to ask the hon the Minister of Law and Order to do that?

The MINISTER: Mr Speaker, is the hon member suggesting that I should be his messenger or is he asking me because he is afraid of the hon the Minister of Law and Order? What is the purpose of his request?

Limiting of private practice: legislation

*4. Mr M J ELLIS asked the Minister of National Health:

Whether she intends introducing legislation limiting private practice for full-time hospital specialists; if not, (a) why not and (b) what is the position in this regard at present; if so, (i) when is it anticipated that such legislation will be introduced and (ii) what matters will be provided for in it?

B611E

†The MINISTER OF NATIONAL HEALTH:

No,

(a) the Public Service Act, 1984 (Act 111 of 1984), limits it sufficiently and

(b) measures have already been announced which enable registered medical practitioners, dentists and medical/dental specialists in the Public Service to participate in limited private practice;

(i) and (ii) fall away.

***The State vs Chili*: Winnie Mandela**

*5. Mr L FUCHS asked the Minister of Justice:

(1) Whether, with reference to a statement placed on record during the trial in the matter of *The State vs Chili*, particulars of which have been furnished to the Minister's Department for the purpose of his reply, he intends to (a) investigate and (b) charge (i) Mrs Winnie Mandela and/or (ii) any other persons or political organizations involved; if not, why not; if so, what are the relevant details;

(2) whether he will make a statement on the matter?

B613E

The MINISTER OF JUSTICE:

(1) (a) (i) and (ii)

The Attorney-General concerned has already requested the South African Police to investigate the allegations in the statement and report to him.

(b) (i) and (ii)

The investigation concerning the allegations has not yet been completed. As soon as the investigation is completed, all relevant evidence will be submitted to the Attorney-General for his decision

(2) No.

Harmful chemicals: Kommetjie

*6. Mr J H MOMBERG asked the Minister of National Health:†

(1) Whether her Department has taken or is going to take any steps with regard to the harmful chemicals recently washed ashore on the beach at Kommetjie; if not, why not; if so, (a) what steps and (b) when;

(2) whether her Department has inquired into the origin of the chemicals concerned; if not, why not; if so, with what result;

(3) whether she will make a statement on the matter?

B621E

†The MINISTER OF NATIONAL HEALTH:

(1) Yes,

(a) the Western Cape Regional Services Council was contacted in connection with the collection and disposal of the containers, and enquiries were made as to the origin thereof and

(b) immediately after news of the washing up of the containers was received;

(2) yes, the chemicals are used for the fumigation of grain and most likely originate from a ship transporting maize. The Maize Board has been requested to ask via its overseas suppliers that crew members exercise more care;

(3) no.

(R14,9bn), partly reflecting the performance of assets held during the year.

☐ To Page 2

Makarovs land Mayekiso in court

STEPHANE BOTHMA

TRADE unionist and civic leader Moses Mayekiso and three of his bodyguards have been arrested for the alleged illegal possession of two Russian-made firearms.

Mayekiso, the general secretary of the National Union of Metalworkers (Numsa), SACP leader and leader of the recently launched SA National Civics Organisation (Sanco), appeared briefly in the Wynberg Magistrate's Court in Sandton on a charge of possession of unlicensed firearms.

He was released on bail of R4 000, his lawyers confirmed.

Mayekiso was not asked to plead and his trial was postponed to June 1 for further investigation. His three bodyguards were released on bail of R1 000 each.

Police confirmed yesterday that Mayekiso was arrested in Alexandra township at 10.15pm on Tuesday by members of the Criminal Investigation Department "who noticed a suspicious-looking vehicle".

Mayekiso was in possession of two Makarov pistols, a Witwatersrand police liaison officer said.

Numsa called yesterday for the immediate dropping of all charges against Mayekiso. It said an application made on his behalf for a licensed weapon for his protection had not been granted.

Cosatu said yesterday the arrest was part of a concerted campaign by the police and government to strip Cosatu and its leaders of the ability to defend themselves.

Mayekiso out on bail after pistols found

By Monica Oosterbroek
Crime Staff

331

Prominent trade unionist and Alexandra community leader Moses Mayekiso and three other men appeared in the Alexandra Magistrate's Court yesterday after being arrested in the township on Tuesday.

The four men were charged with possession of illegal weapons.

Mr Mayekiso, national president of the Civic Associations of Southern Transvaal and general-secretary of the National Union of Metalworkers of SA, was released on bail of R4 000.

The other three suspects were released on bail of R2 000 each.

STAR 21/5/92

A Witwatersrand SAP spokesman said two policemen patrolling the area saw a suspicious-looking vehicle at about 10.15 am and investigated.

Police found two Makharov pistols and claim Mr Mayekiso admitted that the weapons belonged to him.

Cosatu and Numsa officials have demanded that charges be dropped against Mr Mayekiso, saying action against him would provoke a major reaction by Cosatu's 1,5 million members.

The Cosatu spokesman said the police had failed to act when Mr Mayekiso received death threats and his name appeared on hit lists.

Mr Mayekiso had been forced to take measures to defend himself, the spokesman said.

Cosatu viewed the arrest of Mr Mayekiso as a concerted campaign by the police and Government to prevent people opposed to apartheid from defending themselves.

A Numsa spokesman said an application for a licensed weapon for his protection had been made on Mr Mayekiso's behalf, but was not granted.

In a press statement, Numsa said the union had no faith in the will or ability of the SAP to protect Mr Mayekiso from assassination.

Numsa said numerous union members had been murdered or shot at, but the SAP had never taken any serious action.

STAR 21/5/92

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Demo accused in scuffle at court

Four men, who were among a group on trial in connection with a demonstration at a tennis tournament, were arrested as they walked out of a Johannesburg courtroom yesterday.

This happened after a woman security guard was allegedly threatened and and a policeman grabbed by his shirt.

Shortly after 1 pm at the Johannesburg Magistrate's Court — where 33 Azapo and PAC supporters were on trial in connection with a demo last November at the World Doubles Championships at the Standard Bank Arena — the guard asked some of the accused to leave the building as the courts were closed during lunch.

One of the men then allegedly swore at her. An argument developed in which the man allegedly insulted her and threatened to beat her up.

He allegedly told the woman he would "cut her throat".

Outside the court, another accused allegedly grabbed a policeman by the shirt.

The four men were arrested when their case was adjourned. — Court Reporter.

Court told of tennis match disruption

Sowetan 21/5/92

331

By SONTI MASEKO

THIRTY-TWO people who allegedly took part in a demonstration against an international tennis tournament at the Standard Bank Arena last year appeared in the Johannesburg Magistrate's Court yesterday.

The State is accusing them of disrupting a match played under the auspices of the Association of Tennis Professionals on November 20 last year by chanting, singing, dancing and throwing missiles into the court.

The accused, all defended by Mr M Mavundla, are mostly members or supporters of of the Azanian Peoples Organisation, the Pan Africanist Congress and the South African Council on Sports.

They include the PAC's secretary of sports and culture, Mr Fitzroy Ngcukana, Paso general scretary Mr Lawrence Nqandelani, and Sacos vice-president, Mr Stanley Gumede.

The accused have all pleaded not guilty before Mrs Z Moletsane.

Giving evidence, Constable Hendrik du Toit-Basson told the court that he was providing security for tennis stars on that day.

He said he heard a loud whistle and then saw people in three groups rise and come together.

He said about two bags containing tiny balls were thrown in the direction of the court.

When the bags landed on the turf, the demonstrators tore them open and released tiny balls.

He said he and a colleague immediately escorted the players to the suites.

Basson said the balls, when crushed, turned to a powdery and slippery substance.

The court had to be swept so that the match could continue.

The groups later merged into one big group and chanted, danced and sang while raising fists.

"One or two in the group would shout something and the rest would respond by raising fists and shouting: 'Viva, Viva'," he said.

He said the arena was almost full with spectators, who clapped hands apparently to drown out the chanting demonstrators.

'Demos' identified

FOUR people on trial for allegedly disrupting a tennis tournament at the Standard Bank Arena in November last year were yesterday identified by witnesses to have been among the demonstrators.

Policemen who testified that they were on duty at the tournament pointed out four of the accused before magistrate Mrs Z Moletsane. (331 S Sowetan 22/5/92

The four are Mr Antipass Sehlapelo, Miss Jacqueline van Staden, Mr Sipho Ncityane and Mr Moathlodi Molefe.

All the 32 accused have pleaded not guilty to a charge of public disturbance. Among the accused are Mr Stanly Gumede of the South African Council on Sport, and senior PAC officials, Mr Fitzroy Ngcukana and Mr Lawrence Ngqandela.

Constable Theo Fourie told of a crowd blowing whistles and chanting "Viva Azania, Viva Azapo!".

Journalist wins appeal

Sowetan 25/5/92

JOHANNESBURG journalist Mr Patrick Laurence on Friday won an appeal against his conviction and sentence for refusing to reveal the source of a story on a Winnie Mandela trial witness.

In the Rand Supreme Court Mr Justice Rex van Schalkwyk said the proceedings under which Laurence was convicted had been irregular and invalid. He set aside the conviction.

Laurence wrote a report published in *The Star* in February last year which stated Mr Gabriel Pello Mekgwe, who was to testify in the kidnapping and assault trial against Mrs Mandela, had left the country in the company of African National Congress officials.

He was then served with a subpoena under Section 205 of the Criminal Procedures Act and was sentenced to 10 days' imprisonment after he refused to name his source. On notice of intention to appeal he was released on bail of R500.

As a result of the disappearance of Mekgwe, two other witnesses in Mrs Mandela's trial had refused to testify out of fear that the same fate might befall them.

Van Schalkwyk remarked that Section 205 made severe inroads into the liberty of an individual, and that the court should always construe it as narrowly as possible, so as to impinge as little as possible on an individual.

It was plain that the common law rights of an individual had been impinged on. - Sapa.

Mauku - was justice served?

Sowetan 25/5/92 331

THE decision this week to convict and sentence Philemon Mauku was legally correct, his lawyer recognised. So was the decision to convict and sentence Nelson Mandela 28 years ago.

But in both instances a question remained: Was justice done?

Mandela was jailed for taking up arms in defence of his people. So was the 24-year-old Mauku. Neither of them ever actually fired a gun in anger.

Mandela's position today, viewed from the lofty vantage point of the negotiations in Codesa, is that "the armed struggle" belongs to the past.

Drawing a line between law and justice, a *Sowetan* correspondent reports on the jailing of a man who smuggled guns into South Africa.

Mauku's position, viewed from the crime and violence of Alexandra Township, is that bullets are the only argument to which the powers-that-be will listen.

Last Monday, at the magistrate's court in Brakpan, Mauku was sentenced to three years in jail for the illegal possession of two rifles.

His argument, which the court rejected, was that he needed them to defend his community, which has been in a virtual state of war with Inkatha hostel dwellers and - as he sees it - their police allies since March last year.

Mauku himself used to be a hostel dweller, one of 3 000, he estimated in an interview last week, forced out by the Inkatha warriors when they moved into the township last February.

The hostel then became a sort of military barracks from which the Inkatha men launched raids on the community. They killed, they assaulted, they robbed, they kidnapped schoolgirls and gang-raped them.

In September last year Mauku, who had moved to the house of a relative, decided to set up a self-defence unit.

He learnt he could obtain guns in neighbouring Mozambique, where military hardware is more freely available than food.

He bought two AK-47s at R1 600 each. On the way back he was arrested at a police road block.

Last week the "release Mauku" campaign was launched - not, however, by the ANC, but by a more radical group expelled from the ANC, called *Congress Militant.*

Tensions have now arisen between the ANC branch in Alexandra and Congress Militant which go to the heart of the ANC's biggest political dilemma: How to sustain support for peaceful negotiations among the grassroots when people in the townships are facing more death and uncertainty than when Mandela took up arms 31 years ago.

Sentiment in Alexandra is likely to be particularly militant in the light of the judiciary's response last year to an Inkatha leader arrested in possession of five AK-47s, a pistol, a home-made bomb and ammunition.

Themba Khoza was caught with the weapons in Sebokeng Township hours after a massacre in which 35 people died. He appeared in court and was acquitted. - *The Independent*

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Massacre case

THE trial of eight men allegedly involved in the massacre of 38 mourners at an ANC funeral vigil in Sebokeng last year was postponed yesterday. Sowetan 26/5/92

Mr Justice W Shutz adjourned the case until tomorrow because one of the accused failed to arrive for the hearing.

The judge also ruled that a warrant be issued for the arrest of Harry Mamato (19) after the Vereeniging Circuit Court waited several hours for him to show up.

The eight, believed to be members or supporters of the Inkatha Freedom Party, allegedly fired shots with an AK-47 rifle and threw a handgrenade at mourners at an ANC night vigil in Zone 7, Sebokeng, in January.

Thirty-eight people were killed and eight injured.

The accused, who are all out on bail, are Zebuse Khuzwayo (32), Aubrey Myeni (23), Aaron Mtshali (21), Daniel Mabote (22), Silwane Kubheka (37), Thomas Lokhozi (28), Hunter Ndlovu (18) and Harry Mamato (19).

They face 38 counts of murder, eight of attempted murder and unlawful possession of firearms and ammunition.

health of young children.

Vaal Triangle Air Pollution Health Study spokesman Dr

The health standards for particulate matter as set by

two periods of high pollution counts during the year — late summer and early spring.

tion's no-effect-exposure limit for particulate matter is 180

dustrial area) and Vereeniging during 1991.

Eviction biggest blow of all for disabled woman

By Michael Sparks

A 48-year-old Alberton resident managed to keep up her bond payments for 13 years — then tragedy struck and she could no longer work, or pay — now the bank is evicting her so that it can auction her house. STAR 28/5/92

Even though Joan de Preez has gone through incredible hardship recently, this most recent blow is, she believes, greater than all the indignities of the past lumped together.

Four years ago the osteoporosis which caused her bones to become porous and brittle resulted in her spine collapsing. Her slight and fragile-looking frame has been racked by agonising pain ever since.

Attacked

Just a few days before Christmas she was attacked and savagely beaten by three men who broke into her home.

But then came what she considers to be the ultimate indignity. Since she has been unable to work, she is now reliant on her R338 disability pension.

But this is not enough to keep up the R700 monthly bond repayments on the house she bought in 1978, particularly after interest rates hit 20 percent.

Bondholders United Bank have instituted legal proceedings for her to be evicted from her home so that it can be sold at public auction. This would enable the bank to recoup the outstanding R45 000 on her house.

She was unable to make it to court yesterday, and the case has been postponed until Tuesday next week.

She originally bought the house for R14 000 and increased the bond to R40 000 to fix it up.

She said she kept the bond paid up while she was working "except for the odd hiccup".

Jack Sherman, acting for United Bank, said outside the court: "It is a tragic story, but society at large is not duty bound to look after her. A debilitating disease is no grounds for defence."

Mrs du Preez said she put her house on the market even before she became ill, but there were no takers. "Now, since I have no money and I am unable to do anything, there is no one who would want to buy it," she said.

"I am in a Catch-22 situation because if I do manage to find work to pay the bond, then I have to declare it and welfare takes whatever I earn off my pension," she lamented.

United's assistant general manager of credit, Neil Dawson, said he was unable to speak about the particular case, but promised to look into it. He added: "The property sounds like it is worth more than the bond, and it is always better if the person sells the house themselves, rather than having it sold at auction."

Mr Dawson said he would look into the matter, but had no answer before going to press.

Indignity . . . Joan du Preez says that if people take away the things she has to live for, like her home, then all she is left with is pain. Picture: George Mashinini

Court acquits 41 over tennis demo

331

STAR 28/5/92

The 41 people charged with disturbing the public peace during an international tennis tournament in Johannesburg on November 20 were yesterday acquitted in the Johannesburg Magistrate's Court.

They had all pleaded not guilty to the charge.

The case arose from demonstrations, at the World Doubles Tennis Championship at the Standard Bank Arena, called for by Azapo and the PAC.

Giving judgment, magistrate Z Moletsane said the State witnesses had contradicted themselves, and evidence led in court had not been sufficient to prove the accused guilty.

Although he said two of the accused came across as blatant liars, he found them not guilty on the grounds that the court accepted the fact that it was not for the accused to prove their innocence beyond reasonable doubt. — Staff Reporter.

Church blaze: case postponed

Pretoria Bureau

The case of a man alleged to have caused a fire at a Pretoria church in which eight street children died in March was postponed to next month in the Pretoria Regional Magistrate's Court yesterday.

No charges were put to unemployed boilermaker Stephanus Vorster (33), who appeared before D V Z van der

ANC region backs mass action call | UNP to contest

Sebokeng massacre: delayed trial to begin on Monday

STAR

By Melody McDougall
Vereeniging Bureau 28/5/92

The ANC Sebokeng funeral vigil massacre trial will commence in the Vereeniging Circuit Court on Monday, whether or not all the accused are present, a judge agreed yesterday.

Yesterday one of the eight accused, Harry Mamato (19), for the second time failed to arrive for the trial, which has been postponed twice.

A warrant for his arrest was issued earlier this week, but police have not yet managed to trace him. (331)

Prosecutor F Roberts requested Mr Justice W Shutz to postpone the trial to Monday and then to proceed even if Mr Mamato was not present. If he later came to light he could be tried separately, Mr Roberts argued. STAR 28/5/92

His co-accused in the case — all allegedly members or supporters of Inkatha — are: Zebuse Khuzwayo (32), Aubrey Myeni (23), Aaron Mtshali (21), Daniel Mabote (22), Silwane Kubheka (37), Thomas Lokhozi (28) and Hunter Ndlovu (18).

They are facing 38 counts of murder, eight of attempted murder, as well as charges of illegal possession of firearms and ammunition.

The group was arrested after allegedly shooting at, and throwing a hand grenade among, mourners at an ANC night vigil in Zone 7, Sebokeng, in January last year.

Thirty-eight people were killed and eight injured during the incident.

● Shortly after the case was adjourned, police were called to the court complex after a fist-fight broke out between groups of people — presumably ANC and Inkatha supporters.

It is not known what sparked the confrontation and no arrests were made. Apart from one man, who suffered a slight head injury, no other casualties were reported.

Massacre trial to go on regardless

Sowetan 29/5/92

331

THE funeral vigil massacre trial would begin in the Vereeniging Circuit Court on Monday whether or not all the accused were present, a judge ruled on Wednesday.

One of the eight accused, Mr Harry Mamato (19) failed for the second time to arrive for the case, which has been postponed twice.

A warrant for his arrest was issued earlier this week but police have not yet traced him.

The prosecutor, Mr F Roberts, asked Mr Justice W Shutz to postpone the case to Monday and then to proceed even if Mr Mamato was not present.

If he was brought to court later, he could be tried separately, Roberts argued.

Sowetan Correspondent

The other accused in the case - all allegedly members or supporters of Inkatha - are: Mr Zebuse Khuzwayo (32) Mr Aubrey Myeni (23), Mr Aaron Mtshali (21) Mr Daniel Mabote (22) Mr Silwane Kubheka (37) Mr Thomas Lokhozi (28) and Mr Hunter Ndlovu (18).

They are facing 38 counts of murder, eight of attempted murder as well as charges of illegal possession of firearms and ammunition.

The group was arrested after allegedly shooting at, and throwing a handgrenade among mourners at an ANC night vigil in Zone 7 Sebokeng in January last year.

Thirty-eight people were killed and eight injured during the incident.

The trial is to be conducted before Mr Justice W Shutz and two assessors.

Soon after the hearing was adjourned on Wednesday, police were called after a fist-fight broke out between groups of people - presumably ANC and Inkatha supporters - in the court corridors.

It is not known what sparked the confrontation and no arrests were made.

Apart from one man, who suffered a slight head injury during the scuffle, no other casualties were reported.

Former AWB man sentenced

FORMER AWB member Michael Jacobs, 36, of Orkney, told a Klerksdorp Regional Court magistrate this week that he stole explosives to blow up tanks exporting petrol to neighbouring states.

Jacobs was convicted for theft and possession of explosives with an intention to destroy Spoornet property. On the theft charge, Jacobs was fined R2 000 or six months' jail and 12 months' imprisonment for possession of explosives.

Six guilty of killing scabs

Apress 31/5/92.

By MARTIN NTSOELENGOE (331)

THE marathon trial of six men found guilty on five counts of murder, nine attempted murders, arson and illegal possession of firearms, resumes in the Rand Supreme Court tomorrow.

The case has dragged on for almost a year, and the men have been in detention for about two years.

In finding the six guilty, Judge R du Plessis, assisted by two assessors, described the murders as gruesome intimidation of co-workers who refused to join an illegal strike at Haggie Rand on the East Rand in 1989.

The judge said this happened after five Numsa members embarked on an intimidation campaign, enlisting the services of a hired hitman, after they were dismissed when the strike misfired.

They were found guilty of the brutal slaying of Bernard Marekane, Dugmore April, Meshack Bhekuyise Mabizela, James Mothokoa and Samuel Ntshuntsha.

They attempted to murder Seth Mwenda, Abram Mbatha, Peter Maponya, Mack Thabo, Johannes Mabaso, Elias Ntsibanyoni, Lawrence Maseko Abel Matsabo and John Themba.

Guilty

Richard Khazamula Ngobeni, 38, of Naledi, was found guilty of four counts of murder, eight of attempted murder, two of attempted arson and the illegal possession of a 9 mm pistol.

Jeffrey Sipho Mtshali, 34, of Moroka, was found guilty on a charge of murder and one of attempted murder.

Malvert Ngubane, 40, of George Goch hostel in Benrose, was found guilty on one count of murder, seven of attempted murder, two of attempted murder, arson and illegal possession of a firearm and ammunition.

Malan Khumalo, 42, of Orlando East, was found to have participated in and to be guilty of all five murders, nine attempted murders, two cases of attempted arson and possession of a 9 mm pistol, a .357 magnum revolver and ammunition.

Samuel Kgosiekgolo Malepo, 39, of Katlehong, was convicted on a count of murder and two of attempted murder.

The hired hitman, Joseph Mdumiseni Bhengu, 25, of Nancefield hostel, was found guilty of two murders.

MOPPING UP ... Residents survey the damage in the aftermath of the past week's violence in the Vaal Triangle, described as worse than '76.

Black reporters threatened

Cipher 31/5/92

By STAN MHLONGO

SEVEN Inkatha members appearing in the Vereeniging Circuit Court on violence-related charges – including 38 counts of murder – allegedly threatened black reporters attending the trial.

A reporter, who requested not to be named, said: "I was told to make myself scarce from the court because they did not want to see their names in print."

(331)

Accused No 8 skips his trial

CP Press 3/15/92

CP Reporter (331)

TWICE this week Harry Mamato, accused number eight, failed to appear with his seven co-accused in the Vereeniging Ciruit Court to face 38 murder counts.

They also face six charges of attempted murder and three of illegal possession of AK-47s, ammunition and a handgrenade.

Names

Mamato, 19, Zebuse Khuzwayo, 38, Aubrey Mfanafuthi Myeni, 23, Aaron Nkosinathi Mtshali, 21, Daniel Mokhethi Mabote, 22, Silwane Kubheka, 27, Thomas Sipho Lukhozi, 28, and Hunter Ndlovu, 18 – all Inkatha Freedom Party members – started appearing in court on Monday.

The trial is a sequel to the fatal shooting with AK-47s of 38 mourners attending the funeral of ANC member Christopher Nangelembe on January 12.

Judge W Shutz adjourned the case until tomorrow and ruled that a warrant of arrest be issued for Mamato.

According to court documents, the 38 victims were shot at house number 11 472 Sebokeng Zone Seven while attending a night vigil for Nangelembe.

Court documents state that the attackers climbed out of cars and sneaked towards a tent in which 200 people were holding the night vigil.

A handgrenade was thrown into the crowd and the men opened fire with the assault rifles.

The accused then fled.

State advocate FC Roberts said all the accused have been released on R3 000 bail.

Those killed were: Mbongo David Ncube, Tebogo Golden Tsholobe, Vusi Meshack Nhlanhla, Percy Mpho Mbewu, Mashiane Gideon Mbewu, Jeremiah Mokoena, Mvikelelwa David Mandaweni, Michael Mawandile Ndlebe, Evelyn Vuyiswa Ndumo, Siphiwe Jacob Ndlovu, Nokulunga Lilian Kumalo, Fearth Lutshethu, Shadrack Mzimkhulu Mangethe, Sithembile Johannes Nombewu, Vuyelwa Rosie Thobela, Nonzwakazi Elsie Gadile, Howard Tsepong Mkwanazi, Edward Motlodisi, Malitaba Maggie Sibusi, Lesenyeho Sam Motsiri, Michael Mokoena, Lena Khali Sibeko, Samson Mokoena, Mandla Ephraim Tshabalala, Musa Thomas Masime, Tatana Ben Qhinebe, Elias Khatgatso Ntsheba, John Mkhalelwa Nhlapho, Lucky Theo Moeletsi Zuzani Mira, Albert Tshabalala, Maphile Abel Tsotetsi, Jabulani Paulos Setle, Mapontso Paulina Kubheka, Mbuyiselwa Andrew Maqwane, Godfrey abulane Ramothibe, Eddie Simon Thekiso and Elias Mthombeni.

Court told of vigil massacre

331

Sowetan 2/16/92

A WITNESS in the Sebokeng night vigil massacre, which claimed the lives of 38 people, told the Vereeniging Circuit Court yesterday of the night of the shootings.

Mr Albert Nongalembe said the shooting included single shots and rapid gunfire lasting about eight minutes.

He was testifying in the trial of seven men - all alleged members or supporters of the Inkatha Freedom Party - who are facing 38 counts of murder, eight of attempted murder and unlawful possession of firearms and ammunition.

All the accused have pleaded not guilty.

Giving evidence before Mr Justice W Schutz, Nongalembe said he was the brother of Sebokeng ANC organiser Christopher Nongalembe who was murdered the week before and for whom the vigil was being held.

About 200 mourners had assembled in a tent at his parents' home on the night of January 11 last year.

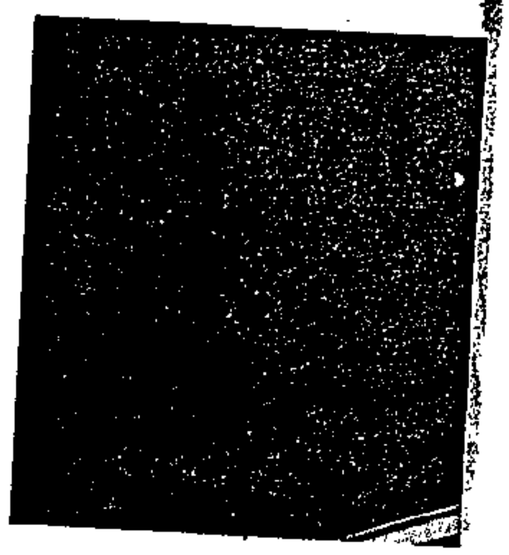
He became suspicious when a car drove past the house around midnight. Ten minutes later all the lights went off in the area.

After a while, the electricity supply was restored in most of the neighbourhood, but not at the Nongalembe home.

The mourners restored the power and the wake went ahead. Later he heard a shot from a passing car.

This was followed by more shots and people started screaming. A hand-grenade also exploded on the scene.

Earlier that day he had seen one of the accused - Mr Aubrey Myeni - driving past the house and pointing it out to occupants in a car.



Massacre trial told of prowling cars

By Melody McDougall
Vereeniging Bureau

The Vereeniging Circuit Court yesterday heard that three cars repeatedly drove past a Sebokeng house where a funeral vigil was in progress in January last year. Shots fired at mourners later that night killed 38 people.

This evidence was led by William Twala at the trial of seven men facing 38 counts of murder, eight of attempted murder as well as charges of unlawful possession of firearms and ammunition in connection with the massacre at the ANC night vigil.

They have pleaded not guilty to all charges before Mr Justice W Schutz and two assessors, and will deny any involvement in the incident.

The men are allegedly members or supporters of Inkatha. An eighth suspect was scheduled to be tried with the group, but was apparently shot dead during a robbery in Evaton last month.

Mr Twala told the court he was present at the wake in Zone 7 on the night of January 11 last year.

His task was to monitor "suspicious-looking" vehicles which passed by the house and to stand guard over the proceedings.

He said that during the course of the evening he noted several cars which aroused suspicion, and he jotted down their particulars. There were three cars which he regarded as particularly suspicious as they repeatedly drove past the house together.

Recognised

However, he did not pass this information on to anyone else, as he was only expected to do so if anything happened. He recognised two of the vehicles as belonging to two of the accused.

Mr Twala said that while he was standing outside a tent on the premises where the night vigil was being held, he noticed six or seven people approach the gate to the property on foot.

They had four "long" guns and one pistol with them, and without saying a word, suddenly started shooting at those in the tent.

Mr Twala continues his evidence today.

Family has proof Dr Asvat DID examine youth

By DESMOND BLOW

THE family of the late Dr Abu-Baker Asvat have produced documentary evidence that Asvat DID examine Katiza Cebekhulu after Stompie Seipei and other youths were kidnapped from the Methodist Church manse in Orlando West in December 1988.

They are questioning the statement by the defunct Mandela Crisis Committee that when Asvat was questioned before his death by members of the committee he denied having examined any of the youths.

But this week Dr Frank Chikane on behalf of the committee reiterated that Asvat had denied examining any of the youths.

A member of the family said: "There is a lie somewhere. Either Dr Asvat lied to the committee or the committee is lying to us.

"We cannot see any reason for Dr Asvat to have lied to the committee."

They produced a medical patient's card (card K569) from Dr Asvat's records in the name of Katiza Cebekhulu. It gives his age as 20 and his address as the Methodist Church Orlando West.

Dr Asvat has written the date as 1988-12-30 and his complaint as "Mentally confused – occasionally cries and occasionally has insomnia".

Claims

During the Winnie Mandela trial last year both Mandela and her co-accused Xoliswa Falati claimed that Mandela had taken Cebekhulu to be examined by Dr Asvat after he had claimed to have been indecently assaulted by the Rev Paul Verryn.

Both said that Asvat had asked them to bring Cebekhulu back in about 10 to 15 days' time, but he was apparently not taken back.

'Mentally sick'

But they gave the date as December 29 1988 and not the date recorded on the card – December 30 1988. Mandela, Falati and other defence witnesses claimed Mandela was in Brandfort.

Falati said Asvat examined Cebekhulu and said afterwards that Verryn was "mentally sick".

Winnie Mandela also told City Press on January 27 – the day Asvat was murdered – that she had taken Cebekhulu to see Dr Asvat about the allegations. She told City Press to speak to Asvat to confirm that he had examined him over allegations that he had been indecently assaulted by Verryn.

"Yet nowhere on the medical card is it recorded that Cebekhulu was examined for indecent assault," said a relative.

In April this year Azapo urged members of the MCC to divulge any possible evidence regarding the death of Asvat.

Azapo implied that the MCC, which investigated the activities of the Mandela Football Club who abducted the youths from the Methodist manse, had covered up certain facts.

Falati, who is no longer friendly with Winnie Mandela, made certain allegations concerning Asvat's death earlier this year and Azapo also claimed that they had evidence that Cebekhulu, now in hiding in Zambia, had information regarding Asvat's death.

Law and Order Minister Hernus Kriel told parliament on May 27 that a new investigating officer had been appointed to investigate the murder of Asvat.

AWB assault trial resumes today

331

Sowetan 8/6/92.

ELEVEN members of the Afrikaner Weerstandsbeweging who allegedly assaulted black children in Louis Trichardt in November 1990 are to stand trial in the Pietersburg Regional Court today.

The case resumes after being adjourned on March 19 when the magistrate, Mr WJ Fourie, acquitted four of the accused - Mr Bernard Jordaan, Mr Stephanus Jacobs, Mr Albertus Pretorius and Mr Ignatius Terblanch - due to insufficient evidence.

By DON SEOKANE

The children, whose ages ranged between six and 15, were on a church outing when they were attacked.

Some of the children had to be hospitalised as a result of the beatings.

The accused have all pleaded not guilty.

Security police chief in Pietersburg, Captain Andries Dreyer, testifying before the case was postponed, said some of the accused had driven into the crowd of children in their vehicles at high speed.

Dreyer said one vehicle knocked down a child. He had also seen a black Rottweiler dog running among the screaming children and biting them. He said he was also told by one of the accused, Mr Barend Terblanch, that the AWB was in charge.

The remaining accused are Mr Lucas Beyer, Mr Jeffrey Sculliard, Mr William Schaap, Mr Christoffel Wolvaard, Mr Gerhadus van der Linde, Mr Bernard Terblanch, Mr Jan Beyer, Mr Phillip Terblanch, Mr Johan George Nagel, Mr Johan Frederick Kruger, Mr Stephanus Hendrik Boshoff.

Apartheid killed environment - writers

Sowetan 8/6/92

A BOOK showing how apartheid in South Africa played a major role in environmental degradation and pollution in the world has been published to coincide with the Earth Summit being held in Rio de Janeiro, Brazil.

The book, entitled Restoring the Land, shows how the environment is emerging as a central issue as South Africa debates its political and economic future.

The writers examine key environmental issues across the region, from poor farming practices to energy policies, from the legacy of asbestos dumps to laws about conservation.

"We are fighting to free the land, the sky, the waters as well as the people. We are calling for the restoration of the land, the forest and the atmosphere: the greening of our country is basic to its healing," says Mr Albie Sachs, constitutional spokesman for the African National Congress. - *Sapa.*

Strike at Bara in balance

THE National Education Health and Allied Workers' Union will advise its members to resume work at the strike-affected Baragwanath Hospital, the hospital's PRO Mrs Annette Clear said yesterday.

At a meeting between the union and hospital authorities on Saturday, Nehawu received permission to hold a meeting with its members on the hospital's premises at 8am today.

Nehawu will also explain the hospital's Supreme Court order interdicting the workers to go back to work.

The union's members went on strike last Tuesday following a wage dispute and a demand for casual general workers to be employed permanently.

Today's meeting between Nehawu and its members will decide whether the strike will end or continue.

Sowetan 8/6/92

a top job . . .

CURTAINS

Escape wins

AWB men deny kids' rap

331

Sawetan 9/6/92.

By DON SEOKANE

ALLEGED AWB members on trial in the Pietersburg Regional Court yesterday denied assaulting black children who had gone on a Sunday School picnic at Louis Trichardt.

The case is a sequel to an incident in November 1990 when 15 alleged members of the AWB allegedly assaulted black schoolchildren. Four of the accused were acquitted on March 19 when the case was postponed due to insufficient evidence.

The men have all pleaded not guilty.

Testifying before magistrate Mr WJ Fourie, Mr Gerhardus van Linde said he did not see any of the co-accused assaulting the black children and that he did not assault anyone at the municipal park.

He revealed under cross-examination that he had gone to the park with a rottweiler dog which witnesses had earlier testified was seen biting some of the children.

Van Linde denied he was the owner of the dog and said he did not know who the owner was. He told the court that he found the dog walking along a street and took it with him to the park.

Told by the magistrate that a person did not just take a rottweiler along the street to a scene where he was told that there was trouble, he replied that he did not know the reason why he had taken the dog with him.

Another accused, Mr Willem Schaap, denied he had assaulted the children although he testified that he went to the park with a sjambok. He told the court that he always carried a sjambok in his car.

He could not say whether any of the accused were present at the park because when he arrived he saw a lot of black people going in different directions and did not know what was happening.

The case is continuing.

AWB kid-bashers get R3 000 fines

331

Sowetan 10/6/92.

By DON SEOKANE

FIVE members of the AWB were found guilty in the Pietersburg Regional Court yesterday on charges of public violence.

The charges relate to assaults on black children who were on a Sunday School outing in Louis Trichardt in November 1990.

The men were each fined R3 000 or 18 months imprisonment and a further 18 months imprisonment suspended for five years.

They are Christoffel Wolfaardt (45), Barend Terblanch (50), Phillip Terblanch (43), Johan Nagel (25) and Hendriek Boshoff (44).

At the beginning of the case, 15 men were charged but the cases against four of them were withdrawn on March 19. Six were acquitted yesterday after the court found there was insufficient evidence against them. In November 1990, a group of alleged AWB members armed with sticks and sjamboks attacked children from Venda who were having a picnic at a municipal park.

In passing sentence the magistrate, Mr WJ Fourie, said the State had to take into account that the accused were first offenders and that some of them had lost their jobs and their businesses because of the trial.

However, he said that during the assault, the accused were in charge of the situation and that when a policeman, Sergeant MR Botha, tried to arrest Bernard Terblanch, he was told that "die AWB is in beheer" (the AWB is in charge). He said the group of whites armed with sticks and sjamboks had pounced on the innocent children and that most of them had sustained injuries because of the beatings.

"A vehicle also knocked down a six-year-old child who had testified that after being knocked down by the vehicle he fell on top of a rock and sustained head injuries," said the magistrate.

Pleading in mitigation, defence counsel Mr Oeloef de Meyer argued that the case had to be seen in the circumstances that people who were at the park were not residents of Louis Trichardt and that a march had been organised by the African National Congress on that day.

He said people were tense about the proposed march.

The court should not find the accused guilty on a charge of public violence because there was a potential for danger because of the large number of people at the park. He submitted that the victims had suffered no grave danger.

Since the case resumed on Monday, the accused have denied having assaulted the children and Bernard Terblanch, who was reported to have been the leader of the group, admitted having carried a stick on that day. However, he denied assaulting anyone with the stick.

Nagel denied having told Botha that if he continued with arresting Terblanch he would be beaten up.

Witnesses who testified since the case began included a six-year-old boy, a paralysed Mr Thizwilondi Denga - who entered the court amid giggles from the accused - testified that he was beaten with sjamboks and sticks, Sergeant Botha and Captain Andries Dreier of the security police.

In one instance, a spectator dressed in the uniform of the Ystergaarde - the commando wing of the AWB - came into court fully armed.

MK man guilty of illegal arms charge

Sowetan Correspondent

A MEMBER of Umkhonto we Sizwe, convicted of illegally possessing firearms and ammunition, told the Supreme Court he had the weapons in his capacity as a member of the ANC.

David Dlali (32) yesterday pleaded guilty to illegally possessing a Beretta pistol, a Makarov pistol, an AK-47 machine rifle, four handgrenades, two limpet mines, 30 AK-47 bullets, 27 9mm bullets and 2 0.22 bullets.

In Dlali's plea explanation, he admitted the offences and said he was a member of the ANC, and particularly Umkhonto we Sizwe.

In 1989 he received instructions to accept the weapons and keep them in safe storage until further instructions. He buried them in Strandfontein.

Arms

In April he was informed that negotiations between the Government and the ANC in regard to MK and arms and ammunition had reached an advanced stage and he had to prepare to hand the weapons over to the joint command of the Government and the ANC.

He went to Strandfontein and retrieved the weapons.

Testifying in mitigation of sentence, Dlali said he visited Sweden and Norway last year to address groups who supported the South African struggle.

Under cross-examination by State advocate Mr J van Vuuren, he denied being an MK commander. He said he was an ordinary member.

Negotations

If negotiations between the Government and the ANC failed and he was instructed by his commander to take up arms, he would do so, he told the court.

Questioned by his counsel, Mr S Desai, he said he knew that the president of the ANC had said that there was no likelihood of the organisation returning to the armed struggle. He accepted that.

Mr Christopher Dlamini, national president of the Food and Allied Workers Union, told the court Dlali worked in the union's legal department.

Dr Vincent Maphai of the department of political studies at the University of the Western Cape testified that Dlali was a part-time law student in his department.

He was a very determined, open-minded and highly motivated student. With his labour experience he had brought a very important dimension to his class and had contributed to debates.

Spy Gerhardt seeks release from jail

331

PATRICK BULGER

LAWYERS acting for jailed Soviet spy Dieter Gerhardt intend applying to the Pretoria Supreme Court today for his release from prison.

The former Simon's Town naval dockyard commander is serving a life sentence in Pretoria Central Prison for spying for the Soviet Union.

The application will be brought by Lawyers for Human Rights (LHR) on the basis that Gerhardt is a political prisoner whose spying activities were motivated by a political goal.

LHR lawyers will argue that in terms of the Pretoria and Groote Schuur Minutes agreed to by government and the ANC on the release of political offenders, Gerhardt should be set free. They will argue also that the Indemnity Act provides for the release of political offenders.

The application will be accompanied by an affidavit from Gerhardt which may throw light on his motives for providing the Soviets with some of their best information on Western defences during the entire Cold War period. Gerhardt's 1983 trial was held in camera.

It is understood the state will argue, probably, he was motivated primarily by financial gain and did not qualify for release as a political prisoner.

The LHR said the case would test whether the state's interpretation of its agreements with the ANC was in fact correct.

Gerhardt, who has developed links with the ANC since his arrest, is one of 357 prisoners still held in SA jails and deemed to be political by human rights groups.

Death of two persons at Noenieput: inquest

*8. Adv J J S PRINSLOO asked the Minister of Law and Order:†

(1) Whether an inquest was held in respect of the death at or near Noenieput in the Kalahari in November 1991 of two persons, whose names have been furnished to the South African Police for the purpose of the Minister's reply; if not, why not; if so, (a) what was the result of this inquest and (b) what are the names of the persons concerned;

(2) whether he will make a statement on the matter?

B769E

The MINISTER OF LAW AND ORDER:

(1) No.

An inquest has not yet taken place. The docket has been forwarded to the Attorney General for his decision.

(a) Falls away.

(b) Jurgens Mattheus White and Johannes Jurgens Grobbelaar.

(2) No.

Drivers' licences in KwaNdebele: abuses

*9. Mr P G SOAL asked the Minister of Transport:

(1) Whether he has been informed of and/or has received any complaints on alleged abuses in the system of the issuing of drivers' licences in KwaNdebele; if so, what is the (a) nature and (b) extent of these abuses;

(2) whether he intends taking any action in this regard; if not, why not; if so, (a) what action and (b) when?

B773E

The MINISTER OF TRANSPORT:

(1) Yes. The Department of Transport is aware of complaints regarding alleged abuses in the system of the issuing of drivers' licences in self-governing territories.

(a) The complaints pertain to the issuing of drivers' licences to people on payment without those people undergoing the appropriate tests.

(b) The exact extent of abuses in this regard is unknown as self-governing territories, in terms of the Self-Governing Territories Constitution Act, 1971 (Act 21 of 1971), themselves exercise legislative and executive authority with regard to road traffic, including the licencing of drivers. The awareness of alleged abuses is solely based on complaints which are received and media reports in this regard.

(2) Yes.

(a) and (b)

In terms of Act 21 of 1971, the Department of Transport has no statutory authority to take action regarding the alleged abuses. All complaints received are currently referred to the South African Police for investigation. The resolution of this issue is, therefore, in the process of initiating discussions with all parties concerned to address this problem in a coordinated fashion. The strategy will be finalized shortly whereafter further announcements will be made.

Steps against taxpayers

*10. Mr D P DU PLESSIS asked the Minister of Finance:†

(1) What steps are taken against taxpayers who fail to pay personal income tax;

(2) whether at any time during the past five years it was decided not to take action against politicians who failed to pay personal income tax; if so, (a) when and (b) why?

B781E

The MINISTER OF FINANCE:

(1) If a taxpayer fails to submit a return of income, legal proceedings are instituted against him and a court may, upon conviction, impose a fine not exceeding R2 000 or a prison sentence not exceeding 12 months. Furthermore, the Income Tax Act authorizes the Commissioner for Inland Revenue to impose an additional penalty equal to twice the tax chargeable.

If, after furnishing a return of income, he fails to pay any tax due in respect of an assessment issued to him, civil judgement may be obtained against him.

(2) No.

Arms/ammunition caches: Umkhonto we Sizwe

*11. Adv J R DE VILLE asked the Minister of Law and Order:†

(1) (a) How many arms and ammunition caches of Umkhonto we Sizwe (MK) have been traced by the South African Police in the Republic since 2 February 1990 and (b) in respect of what date is this information furnished;

(2) how many of these caches were pointed out to the Police by MK itself?

B782E

The MINISTER OF LAW AND ORDER:

(1) (a) 12

(b) 11 June 1992

(2) In ten (10) of the abovementioned instances arms and ammunition caches were pointed out by MK members after their arrest.

Trial of persons: Operation Vula

*12. Adv J R DE VILLE asked the Minister of Justice:† 331

(1) Whether the trial of any persons charged as a result of Operation Vula has been completed; if not, why not; if so, how many such persons have been tried;

(2) whether he will furnish the names of those who have been tried; if not, why not; if so, what are their names?

B783E

The MINISTER OF JUSTICE:

(1) No. Indemnity has in terms of section 2(1) of the Indemnity Act, 1990 (Act No. 35 of 1990) been granted to nine of the persons who were involved in Operation Vula.

(2) Falls away.

Marriages between Whites and non-Whites

*13. Mr W L VAN DER MERWE asked the Minister of Home Affairs:†

How many marriages between Whites and non-Whites have taken place in the Republic since the repeal of the Prohibition of Mixed Marriages Act? B784E

The MINISTER OF HOME AFFAIRS:

3 775

The figure is for the period 19 June 1985 till 31 December 1990. Since then, statistics on the group context of persons who married after 31 December 1990, are no longer being kept.

Alleged actions of members at Roodepoort counting hall

*14. Mr W L VAN DER MERWE asked the Minister of Home Affairs:†

Whether he will disclose his source for the statements made by him in an interpellation debate in this House on 22 April 1992 on the alleged actons of the hon members for Roodepoort and Losberg on 18 March 1992 at the counting hall in Roodepoort; if not; why not; if so, who is the source?

B785E

The MINISTER OF HOME AFFAIRS:

The Department has at its disposal statements of persons who were involved with the counting of votes at Roodepoort on 18 March 1992. The information which my predecessor disclosed during the interpellation debate concerned was taken from those statements. The statements are available in the Parliamentary office of the Department for the hon member's confidential perusal if he so requires.

Companies/close corporations declared insolvent

*15. Mr J CHIOLÉ asked the Minister of Trade and Industry:†

(1) How many companies and close corporations were declared insolvent in the Republic during the latest specified 5-year period for which information is available;

(2) whether his Department has made any estimates or has any statistics on the number of job opportunities lost as a result of the above-mentioned insolvencies; if not, why not; if so, how many job opportunities were lost over the said 5-year period?

B786E

VAT mineworkers trial drags on

TEN mineworkers this week appeared in the Klerksdorp Regional Court charged with intimidation and assault. The appearance of the NUM members is a sequel to the national VAT strike at Buffelsfontein Gold Mine in November last year.

The State alleges the 10 intimidated Alfonso Mokebe to participate in the stay-away. They are also accused of attacking Joseph Lesia and Robert Seselane to force them to participate. The case was adjourned until July 28. (331) [redacted]

Citizen 21/6/92

Alleged Sebokeng killers freed

SEVEN members of the Inkatha Freedom Party have been acquitted of 38 counts of murder arising from the Sebokeng vigil massacre of January 12.

Mr Justice W Schultz acquitted the men, who also faced eight attempted murder charges and three of illegal possession of firearms, ammunition and a handgrenade. They had pleaded not guilty in the Vereeniging Circuit Court.

Handing down his judgment on Friday, Justice Schultz pointed out that State Prosecutor Mr FC Roberets had failed to prove the accused had been involved in the massacre. He further noted the accused made their confession under duress.

The men are Mr Zebuse Khuzwayo (38), Mr Aubrey Mfanafuthi Myeni (23), Mr Aaron Nkosinathi Mtshali (21), Mr Daniel Mokgethi Mabote (22), Mr Silwane Kubheka (27), Mr Thomas Sipho Lukhozi (28) and Mr Hunter Ndhlovu (18).

According to court records, a grenade was hurled at the tent in which more than 200 mourners held a night vigil for slain ANC organiser Mr Christopher Nangalembe in Zone 7 Sebokeng.

Van Schoor dodged the law for years

Sowetan 22/6/92

THE killer security guard Louis van Schoor, sentenced last week, had been able to "manipulate the law" to avoid prosecution for many years, according to the Black Lawyers' Association.

Van Schoor was sentenced to an effective 20 year jail term in the East London Supreme Court this week on seven counts of murder and two of attempted murder.

While working as a self-employed security guard between 1986 and 1989, he shot at least 39 suspected burglars dead.

The publicity secretary of the Black Lawyers' Association, Mr Dumisa Ntsebenza, said the BLA was "alarmed" at how Van Schoor had been able to manipulate the law, particularly the Criminal Procedure Act, to avoid prosecution for many years.

Van Schoor had pleaded justifiable homicide in terms of a section of the law which allows burglars to be shot if they attempt to escape. Earlier inquiries had exonerated him on these grounds.

Ntsebenza said there was a law for the poor, who were mainly black, and one for the rich, who were mainly white.

"If Van Schoor had been killing white kids at the rate he did (kill black kids), the mayhem would have been stopped almost immediately," he said.

Passing judgment this week, Mr Justice Lionel Melunsky also blamed official ineptitude for the number of fatal shootings.

FOCUS

331

He said if police investigations into the shootings had been conducted properly Van Schoor "could and should have been stopped in his tracks in 1987" and other lives would have been spared.

Concern has also been expressed whether Van Schoor will actually serve out his sentence.

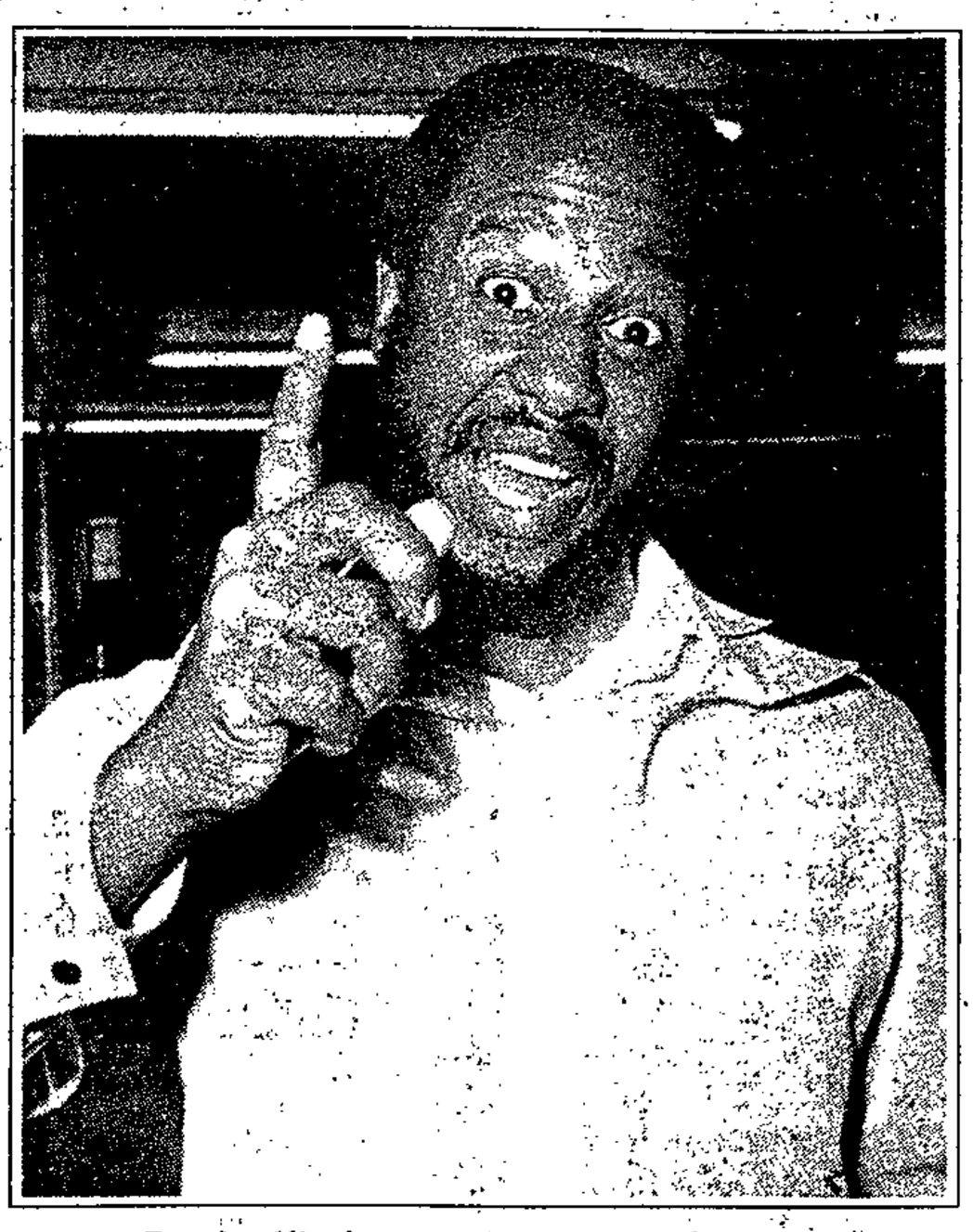
The head of the judicial reform project at Lawyers for Human Rights, Mr Jody Kollapen, said he hoped the sentence was carried out and that "some bureaucrat" doesn't decide in six months that Van Schoor should be released.

"We are concerned that he does in fact serve the effective sentence, given the complicity that existed before he was charged and him being an ex-police officer," Kollapen said.

The sentence has excited wide comment and interest. Some have said he should have been hanged, while others called the sentence too harsh.

The Border ANC's media officer, Mr Mcebisi Bata, said the ANC is opposed to the death sentence, but he believed that Van Schoor should have been given a longer sentence.

"Mr Mandela spent 27 years in jail and he never killed anyone, while Van Schoor killed at least seven people," said Bata.



Dumisa Ntsebenza ... law was manipulated.

The BLA's Ntsebeza said "the death penalty is never appropriate, even for people like Van Schoor" and they applauded the judge for not imposing it.

Democratic Party Member of Parliament, Mr Andre de Wet, said he thought it was a "just sentence". He said 20 years was not an excessive sentence for seven murders.

But a local AWB leader, Mr John du Toit, said Van Schoor should have been given a suspended sentence.

"I'm utterly disgusted," he said. "We need more people like him."

There have been sympathetic sentiments towards Van Schoor from some people in the community, with "I love Van Schoor" stickers published, but most people said they thought he deserved harsher punishment.

One taxi commuter said she thought Van Schoor should be hanged and then the death penalty abolished. - El News.

Political comment in this issue by Aggrey Klaaste and Joe Thloloe. Newsbills by Sydney Matlhaku. Sub-editing and headlines by Ivan Fynn. All of 61 Commando Road, Industria West, Johannesburg.
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Mahakoe back in court

Sowetan 23/6/92 331

SELF-CONFESSED murderer Mr Gabriel Mahakoe, who said he killed four whites "to chop off the hand of apartheid", will appear in the Bloemfontein Supreme Court today.

The presiding judge, Mr Justice DA Kotze, postponed the trial in April for Mahakoe (42) to be examined by psychologists.

Mahakoe caused a furore in court when he refused to be tried by a white judge.

He has admitted killing a white farmer, his wife, daughter and grand-daughter at

By SONTI MASEKO

Verkeerdesvlei farm in the Free State.

The prosecutor, Mr Tim McNally, SC, has closed his case.

Mahakoe is being represented by Pretoria lawyer Mr Dennis Mosupye.

Mahakoe, who shouted at the judge and abused white court officials, is also refusing to allow Mosupye to conduct his defence in support of his demand for a black judge.

89 women walk free

By Glen Elsas
West Rand Bureau

Charges of trespassing and disturbing the peace were withdrawn against 89 women in the Carletonville Magistrate's Court yesterday.

Their court appearance followed their arrest at a protest sit-in early last month at the Khutsong Council offices.

The women, accompanied by an ANC delegation headed by Winnie Mandela, sang and danced outside the court building before filing into the courtroom.

The Carletonville branch of the ANC Women's League said in a statement it appreciated the action taken by Boipatong residents when President F W de Klerk was chased out of the township on Saturday.

The statement said the Women's League was endorsing the suspension of talks with the Government as the ANC could not negotiate with the "racists and murderers of our people".

Mrs Mandela addressed the women before and after the court proceedings. The crowd then dispersed.

STAR 26/6/92

Saturday funeral for exile

Staff Reporter (330) STAR 2/7/92

The funeral for exiled South African musician Vernon "Mgababa" Molefe will be held on Saturday and not today, a family spokesman said yesterday.

Molefe, who was shot dead in his car while driving to work in Rochester in the United States last week, was supposed to be buried in Sharpeville today.

His brother, journalist Phil Molefe of The Star, said Vernon's body did not arrive as expected this week because of "a technical problem" with flights in the US.

He said the body was now expected tomorrow. The service will start at 10 am at the Christian Centre Church and the cortege will leave for the cemetery at 1 pm.

Molefe left the country in 1978 and held dual South African and US citizenship.

A graduate of the University of Brockport in New York, he was the chairman of the Nelson Mandela Scholarship Fund which offers bursaries to South African students for study at US universities.

PAC man's body flown in

By Kaizer Nyatsumba (330) STAR 2/7/92
Political Reporter

The body of Pan Africanist Congress member Vusimuzi Ndlovu, who died in Zimbabwe last week, was flown into South Africa yesterday, according to PAC assistant general-secretary Carter Seleka.

Mr Seleka said Mr Ndlovu (39), who died after a short illness in Harare last Tuesday, had been "a dedicated and talented comrade".

Mr Ndlovu, who left South Africa in 1975, was a popular journalist in Zimbabwe who had "strong ANC connections", according to his friend, Joyce Dube.

She said he worked for the Zimbabwean Broadcasting Corporation as a radio announcer, and was a martial arts expert who had coached the Zimbabwean national team in the sport.

He will be buried in Tembisa on Saturday.

89 women walk free

(331) STAN 26/6/92

By Gien Elsas
West Rand Bureau

Charges of trespassing and disturbing the peace were withdrawn against 89 women in the Carletonville Magistrate's Court yesterday.

Their court appearance followed their arrest at a protest sit-in early last month at the Khutsong Council offices.

The women, accompanied by an ANC delegation headed by Winnie Mandela, sang and danced outside the court building before filing into the courtroom.

The Carletonville branch of the ANC Women's League said in a statement it appreciated the action taken by Boipatong residents when President F W de Klerk was chased out of the township on Saturday.

The statement said the Women's League was endorsing the suspension of talks with the Government as the ANC could not negotiate with the "racists and murderers of our people".

Mrs Mandela addressed the women before and after the court proceedings. The crowd then dispersed.

Returning exiles helped to set up mini-businesses

330
ARG 8/7/92

KING WILLIAM'S TOWN. — Returning exiles in the Border area are being encouraged to set up small businesses.

Mr Joe Jongolo, the regional co-ordinator for the National Co-ordinating Committee for Repatriation (NCCR), said applications for loans of up to R6 000 were being considered.

The loans are administered by the NCCR in terms of an agreement with the Small Business Development Corporation (SBDC) which has made R1 million available for this purpose.

Mr Jongolo said 61 applications had been received by a screening committee, of which 27 had been approved and 13 applicants had already received money. The enterprises included taxis, hawking, trading, hair salons and importing and exporting businesses.

Support was in the form of a loan to develop a sense of responsibility and creativity.

The loan covers start-up costs such as initial stock, raw materials, tools and equipment.

"So far we have had strong interest from returnees as some of them have exhausted their grants," Mr Jongolo explained.

Former exiles had a wide range of educational backgrounds, ranging from professionals to skilled and unskilled workers. But most were members of Umkhonto we Sizwe (MK) and had no skills.

Most children had been placed in schools, said Mr Jongolo. — Ecna.

BUSINESS ● Helping to settle exiles ● Contact Kenya " a huge success" ● Mobil offers help

Market opportunities for exiles

Sowetan 10/7/92

■ BUSINESS OPPORTUNITIES

Loans available from repatriation committee help exiles start own 'businesses'

RETURNING EXILES in the Eastern Cape are being encouraged to set up small businesses.

Mr Joe Jongolo, the regional co-ordinator for the National Co-ordinating Committee for Repatriation (NCCR), said they were being given loans of up to R6 000.

This was in terms of an agreement with the Small Business Development Corporation (SBDC), which has made R1 million available for this purpose.

Jongolo said 61 applications had been received by a screening committee, of which 27 had been approved and 13 had actually received money.

The enterprises included taxis, hawking, trading, hair salons and importing and exporting businesses.

Support was in the form of a loan, in order to develop responsibility and creativity among the returnees.

The loan covers start-up costs like initial stock, raw materials, tools and equipment. "So far we have received strong interest from returnees as some of them have exhausted their grants," Jongolo said.

Returnees were encouraged to identify projects in which they had experience, or in which they had worked while in exile.

The committee was sensitive to the possibility of creating "hostility between the settled communities and those who are coming from exile".

The NCCR had dealt with about 2 000 returnees in the region since the start of the programme in January 1991.

Returnees had a wide range of educational backgrounds, ranging from professionals, to skilled and unskilled workers.

The majority were members of Umkhonto We Sizwe (MK), and had no skills, he said.

Jongolo said professionals like doctors, economists and lawyers were easily absorbed into the market.

He said the entire MK cadreship was unemployed and some would like to be placed in the military.

He said housing was the main problem. There was a massive shortage, and even long-time residents had difficulty in getting houses.

Jongolo said the next-of-kin of the returning exiles had helped by providing minimal accommodation.

Unemployment, of course, remained a serious problem.

The national information officer of the NCCR, Mr Mbulelo Musi, said it was difficult to say when the process of repatriation would be complete.

Loan boost for returnees

(Pres 12/7/92) (R537) (330)

RETURNING exiles in the Border area are being encouraged to set up small businesses.

Regional co-ordinator for the National Co-ordinating Committee for Repatriation (NCCR), Joe Jongolo, said applications for loans of up to R6 000 were being considered.

The loans are administered by the NCCR in terms of an agreement with the Small Business Development Corporation (SBDC). The SBDC has made R1-million available for this purpose.

Jongolo said 61 applications had been received by a screening committee, of which 27 had been approved and 13 had actually received money. The enterprises included taxis, hawking, trading, hair salons and importing and exporting businesses.

The NCCR was only able to give returnees small grants, and this was why the NCCR had become involved in income-generating projects, he said.

Returnees were encouraged to identify projects in which they had experience, or in which they had worked while in exile.

Jongolo said the committee was sensitive to the possibility of avoiding "hostility between the settled communities and those who are coming from exile".

The NCCR had processed about 2 000 returnees in the region since January 1991.

Jongolo said returnees had a wide range of educational backgrounds.

Professionals like doctors, economists and lawyers were easily absorbed into the market. The only problem was that sometimes their foreign qualifications were not recognised. There were about five doctors trained in Cuba and Bulgaria in the Border region. These doctors had previously practised in African countries, and in ANC camps.

Jongolo said the entire MK cadreship was unemployed. Some of the trained members would like to be placed in the military.

He said housing was the main problem area. There was a massive shortage, and even long-time residents had difficulty in finding housing.

Unemployment remained a serious problem.

Most children had been placed in schools, he said. Those under 15 who started schooling in exile were mainly placed in English schools due to language difficulties, and those who started in SA before they went into exile were able to attend schools in the townships.

"This was one of our most pleasing experiences. NCCR paid their fees and some of them are doing diplomas while others are in various universities."

Jongolo said the particularly "vulnerable" groups among the returnees were receiving extra assistance. These include single parents, senior citizens and handicapped people.

NCCR national information officer Mbulelo Musi said it was difficult to say when the process of repatriation would be complete. "We are more or less in the middle," he said.

He added that half of the total number of exiles were still outside the country. The situation in the country, including the violence, had caused many to delay their return. – Veritas

'Returnees' in city face disillusion

(336) ARGT 18/7 P12

■ Political returnees, who have been housed in Woodstock, are in a quandary as their "transit" centre closes at the end of August after the United Nation Humanitarian Relief Committee pulls out of the country.

VUYO BAVUMA
Weekend Argus Reporter

SIXTY political returnees accommodated at a "transit" centre in Woodstock will face an uncertain future when a United Nations-sponsored repatriation programme ends in August.

The returnees, including about 20 children who attend city schools, are housed at Woodstock as guests of the National Co-ordinating Committee for Repatriation (NCCR).

However, most of the former exiles are disillusioned because, they claim, promises of "houses and jobs once we got into the country" have not been fulfilled.

They arrived in South Africa last year and made their way to the NCCR centre because they had no other accommodation and were unable to trace relatives at addresses from years before.

Other returnees found accommodation in the Boland.

Among the stranded returnees at the Woodstock centre are a small group of women from neighbouring southern African states who were deserted by their husbands on their return to this country.

Others have yet to be reunited with children born in exile.

The centre, which started towards the end of 1990, is being run by counsellors who are facilitating the returnees' integration into society.

In December, the UN High Commissioner for Refugees (UNHCR) took control of the national repatriation programme and offered grants of R4 250 over six months to each returnee.

Returnees, who feared victimisation and asked not to be named, told Weekend Argus that local officials, claiming to act on behalf of the UNHCR, began to take R200 off each of the grants for adults and R50 off those for children in April. The returnees were allegedly required to pay for their weekend meals.

However, NCCR director the Rev M S Daba this week declined to comment on the alleged deductions, saying the matter was "controversial".

He said the main problem was that liberation movements had unfairly raised returnees' expectations.

"Most returnees said they were informed they would get jobs and houses as soon as they got here. Others believed they would get monthly grants of R800 and R500 for rent.

"But, we don't know where we are supposed to get the money. We don't exist outside the country so that we could tell the returnees what to expect from us."

He said some returnees experienced psychological problems when they discovered their expectations would not be fulfilled.

Mr Daba said the centre was supposed to accommodate returnees for five days only while the familes were being traced.

"We don't know what will happen to the returnees when the UN leaves. There are no funds to carry on."

Struggle for jobs

THE National Co-ordinating Committee for Repatriation (NCCR) says it is unable to find accommodation and employment for 13 000 returned exiles.

NCCR spokesman Mr Mbulelo Musi said returned exiles also faced attacks, and 13 had been killed since February.

The most recent victim was returned exile Mr George Mashele, who was killed by a handgrenade explosion at his Vosloorus home.

His mother, Mrs Lilly Magosha, was hit by five bullets in the attack and later died.

Musi said the NCCR yesterday met senior police officers who promised to investigate the attacks as well as a recent raid on the Sebokeng reception centre for returned exiles.

In Cape Town, the NCCR regional director, Reverend Mxolisi Ndaba, said about 70 returned exiles were housed daily at the NCCR offices in Salt River. - *Sapa.*

Sowetan
22/7/92

No jobs for exiles

THE National Co-ordinating Committee for Repatriation says it is unable to find accommodation and employment for 13 000 returned exiles.

A spokesman said returned exiles also faced attacks, and 13 had been killed since February.

REPORTS: Sapa-AFP

NEWS ANALYSIS *Thousands of qualified returnees are finding it hard to make ends meet*

"We have appealed to the Government to be sensitive. They are aggravating the situation instead of solving it"

Spokesman for the UNHCR

Jackie Selebi ... head of repatriation committee

FLASHBACK: There was joy all round when exiles started coming back home. But their joy was shortlived as many, especially the unskilled, are finding it hard to find jobs in the country as the unemployment rate continues to rocket. Even qualified people such as doctors and pilots, are walking the streets in search of work.

Returnees 'need another asylum'

Sowetan 27/7/92 330

Sowetan Correspondent

■ GRIM SITUATION *Highly-skilled people, including pilots, doctors, nurses, engineers and architects are finding it difficult to find jobs after returning home:*

JOBLESSNESS AND HOMELESSNESS have become the scourge of thousands of returned exiles in the PWV area.

Political violence and uncertainty have added to their predicament.

The United Nations High Commission for Refugees, National Coordinating Committee for the Repatriation of Exiles and the ANC have expressed grave concern about the situation.

Those who experience serious problems in finding jobs include highly skilled and qualified people like doctors, nurses, pilots, engineers, architects and accountants.

Twelve pilots who qualified in Ethiopia found it hard to penetrate what is traditionally a white monopoly sector. Some have been told to start training from scratch despite having flown recognised hours internationally.

Previously, people who had trained in Eastern Bloc countries had problems in getting their certificates recognised.

NCCR information officer Mr Mbulelo Musi said the hardest hit were the unskilled and the semi-skilled, who were the majority of those returning.

The Government had not played its part by contributing towards the intergration of returned exiles, except by providing three reception centres countrywide.

Spokesmen for the UNHCR, NCCR and the ANC said what made life even more unbearable for returnees was alleged police harassment - raids, arrests, detention and interrogation.

The hardest-hit area

Musi said there had been a displacement of many returnees in the Vaal Triangle, the hardest hit area. They were not able to live with their families and they had now become "internal refugees".

This grim situation affected mostly those between 17 and 25 years old, and they had become traumatised.

At least 13 returnees have died since February, most of them in the Vaal area. One returned exile has disappeared.

Musi said the Government now wanted to take back the Sebokeng reception centre by the end of August in spite of the acute housing problem and unemployment.

"We have appealed to the Government to be sensitive. They are aggravating the situation instead of solving it. There are over 300 people in Sebokeng and the place is becoming congested with the daily arrival of exiles. Some are unable to find their families," he said.

A great deal of apathy

Head of the ANC repatriation committee Mr Jackie Selebi said major employer institutions had demonstrated a great deal of apathy towards the welfare of returning exiles.

"Some of the doctors and pharmacists have had a hard time with restrictions placed on them by the South African Medical and Dental Council. It is demanded of them to write exams and go through stringent tests before they can be registered," he said.

the transition in SA will take place What is necessary is the establishment

Affirmative action alternative proposed

BIDAY 29/7/92

WILSON ZWANE

THE number of blacks and women in supervisory and management positions ought to be increased by 30% within the next 10 years, says a manpower planning and development consultant.

In an article to be published in next month's Institute of Personnel Management's People Dynamics, Andrew Olivier offers an alternative to affirmative action, which he describes as "racist, elitist and an excuse used by companies for poor manpower planning".

Olivier says in place of affirmative action broad-based succession planning, with limited but directed company intervention, should be designed.

Through interaction with mentors and managers, underutilised employees can be developed without preferential treatment.

"Each employee in the advancement programme will have customised development plans of his present and future positions. These will have been democratically agreed upon and worked into the forecasted strengths," says Olivier.

He adds that the eventual objective of such manpower planning development is a 30% increase of blacks and women in supervisory and management position within the next 10 years.

Returned exiles offer hope to black youth

BIDAY 29/7/92 (330)

THEO RAWANA

THREE returned exiles who fled SA in the wake of the 1976 Soweto riots, have launched a programme aimed at motivating township youths to improve themselves through education.

David Molapo, Abner Moriri, and Mamikie Molapo are using the programme to advise on the importance of individual responsibility and the limitations of the mob spirit.

The three, who are based at KwaThema in Springs, all obtained degrees from US universities during their exile in the late '70s and '80s.

Molapo, 29, has a doctorate in education. His wife Mamikie has a BA in human development and human resources management and an MA in home economics. Mariri holds a BSc in political science.

Together they started the SA Students Christian Association (Sasca) while in the US, under which they developed a personal improvement programme called ICAN.

"The 'I' stands for insight, the 'C' for commitment to improve oneself, the 'A' for assuming responsibility for one's own development, and the 'N' for never giving up," David Molapo said.

Shocked by the state of schooling in SA, as well as the disillusionment among local youth, they began using the ICAN programme on their return to SA to pass on their message of self-development.

Returned exiles, from left, Abner Moriri, Mamikie Molapo and David Molapo.

Funded by private sector companies, the ICAN programme "transforms dejected youths into people for whom life has meaning", Molapo said.

In the past year they have travelled extensively on the Reef, addressing students and teachers, student representative councils and student organisations such as Cosas.

The three, who recently started ICAN in Natal, have invited three black Americans to visit SA and assist with the programme from August 1.

They are Virginia Caples, president of the American Home Economics Association, Bernice Richardson, a family studies expert, and Leola Adams, also an authority on home economics.

Exiles' body meets

THE National Co-ordinating Committee for the Repatriation of South African Exiles holds its first annual general meeting today. (330)

NCCR national co-ordinator Mr Moss Chikane said yesterday the AGM would take place in Johannesburg and subjects for discussion included the "deteriorating protection situation for returnees", help with income generating projects and skills training for returned exiles.

"Of particular concern is the safety of returnees," Chikane said, adding that almost 13 000 exiles had returned home. Sowetan 31/7/92

Exile denies police links

JOHANNESBURG. — The chairman of the Returned Exiles' Committee, Mr Patrick Hlongwane, has denied an ANC allegation that he had been a policeman or that he had any relationship with South African security forces. CT 11/8/92

Mr Hlongwane said he was prepared to report the ANC's accusation, that he had killed a number of people as an alleged police agent, to the Goldstone Commission.

He challenged the ANC to name the people he had allegedly killed. — Sapa (331)

Winnie: 'No witnesses'

(331)
11/8/92

Johannesburg Bureau

THE police investigation into allegations that Mrs Winnie Mandela is involved in crimes of murder and abduction is foundering because potential witnesses are refusing to come forward and make statements.

Deputy Witwatersrand attorney-general Mr Chris Human said although there was no evidence that potential witnesses were being pressured into not making statements, that impression had come across during police investigations.

Richardson appeal: Judgment reserved

Sowetan 25/8/92 (331)

■ DEATH SENTENCE Former Mandela FC coach pleads against his conviction:

JUDGEMENT has been reserved by the Appeal Court in Bloemfontein in the appeal by Jerry Vusi Richardson, former coach of the Mandela Football Club, against his conviction and death sentence for the murder of teenage activist Stompie Moeketsi Seipei.

Richardson also appealed against his convictions for kidnapping Stompie and three other youths from the Methodist Church manse at Orlando West, Soweto, on December 29 1988.

He was convicted by Mr Acting Justice B O'Donovan in the Rand Supreme Court on May 6 1990.

On August 8 1990, apart from the death sentence for the murder, he was sentenced to five years for the kidnappings, to a total of five years for five assaults and to eight years for the attempted murder of Mr Andrew Ikaneng, a former member of the club.

The appeal was heard by Mr Justice Hefer, Mr Justice Nienaber and Mr Justice Kriegler (acting judge of appeal).

Mr HH Joubert, pro deo for Richardson, submitted the State had not proved that Mr Kenny Kgase, Mr Thabiso Mono, Mr Pelo Mekgwe and Stompie had been deprived of their liberty and movement.

He contended that the trial court erred when it found the treatment of the four at the manse, and subsequently, lent itself to no other conclusion than that they were deprived of their liberty.

On the assault on Stompie, he argued the summary of material facts merely alleged that he had been assaulted in Richardson's presence. The trial court was said to have erred to find that - at the time of the assault - Stompie was under the control of Richardson.

Joubert submitted the State had failed to prove that Stompie was killed on January 1 or 2 1989.

It was said the trial court had correctly found that the evidence against Richardson was solely circumstantial.

Mr LCJ van Vuuren, for the State, said the manner in which Richardson and his companions acted when Stompie and the others were taken from the manse indicated that it was an unlawful deprivation of freedom and movement. - *Sapa.*

Suspects in court

331

SOwetan 26/8/92

■ Case of informant Andre de Villiers' murder accused held in camera:

TWO men appeared in the Kirkwood Magistrate's Court yesterday in connection with the death of Addo businessman Mr Andre de Villiers.

The case, which was held in camera, was postponed to September 22.

A third man appeared in court on Monday. His case was also postponed to the same date.

None has been identified.

Police had applied to have the initial court appearances of the three men to be held in camera to protect their identities and also because they were still to take part in an identification parade.

Police have said two of the suspects have confessed to being members of the ANC's military wing, Umkhonto we Sizwe. - *Ecna*

Groups unite to combat Aids

STAR 27/8/92

Medical Reporter

The Government and the ANC have sat down — along with 32 umbrella organisations — to discuss a new national policy on Aids.

ANC department of health secretary Ralph Mgijima yesterday described the initiative as unique and vital.

"This is the first time we have people working together to fight Aids," he said.

"In the past, people working alone on individual programmes often duplicated work, and we hope the National Aids Convention of South Africa (Nacosa) will bring them together to share ideas and identify priorities in fighting the Aids pandemic."

Fledgling details of the new Aids policy emerged from a conference held in Johannesburg on Tuesday — the first time any body other than the Government has been involved in setting a national agenda for combating the disease.

The conference findings are a precursor to a national Aids conference planned for October at which a formal, national strategy comprising aims, actions and a timetable will be adopted.

The newly formed Nacosa will replace the Government's Aids programme as a policy-making body for Aids.

ANC department of health promotion and Aids prevention director Natalie Stockton yesterday said the ANC's commitment to work with the Government in formulating a new national Aids policy, despite political reforms not having yet reached fruition, was a giant leap forward in the battle against the disease.

According to Dr Mgijima the most valuable lesson learnt in the decade since Aids surfaced in South Africa was that all policy decisions taken should have the approval of the communities they were imposed on.

"Aids programmes of the past have been largely ineffectual because it ignored this important lesson," he said.

The formulation of a new policy involving a broad spectrum of the community would ensure it survived political changes in the future, he added.

● The steering committee of Nocosa comprises delegates from the ANC, the Department of National Health and Population Development, the Congress of South African Trade Unions, the National African Congress of Trade Unions, the National African Federated Chamber of Commerce, the South African Council of Churches, the South African Consultative Committee on Labour Affairs and the SA National Civics Association.

Indemnity sought for 'political murder'

STAR 27/8/92 (3)

Pretoria Correspondent

In the first court case of its kind, a fully trained unit commander of the ANC's military wing is attempting to obtain a Pretoria Supreme Court order forcing the State President to grant him unconditional indemnity for a "political murder" and three charges of attempted murder.

Jacob Rapholo turned to court yesterday with an application calling President de Klerk and Justice Minister Kobie Goetsee to show cause why the State President's refusal to grant him indemnity should not be reviewed or set aside.

This followed the postponement of his application on June 3 to allow the Attorney-General time for a decision on whether he had an interest in the matter and whether he should be joined as a respondent.

The A-G had indicated he did not deem it necessary to join the matter.

Mr Rapholo wanted unconditional indemnity for the murder of a security forces police constable, and three charges of attempted murder on two other policemen and a transport worker.

The hearing continues.

Two murders: pair get bail

Two Johannesburg men, charged with murdering a girl and her companion on August 16, were each granted R5 000 bail in the Johannesburg Magistrate's Court yesterday.

Andrew Mackay (38) and Donevinn Daniëls (27) allegedly shot Shayne Fourie and Therisa van der Merwe in Newlands earlier this month.

WHAT REALLY HAPPENED & M
CALL JANI ALLA
NOW
FOR JANI'S VIEWS ON
FOR JANI'S DIARY

African [illegible]

Swanieville massacre: 8 to be tried

STAR 1/9/92.

Eight men are to be tried in the Rand Supreme Court this week on 28 counts of murder following the Swanieville squatter camp massacre on May 12 1991.

Yumisani Majola (37), Sizw Majola (21), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Mzanywa Flash Sithole (44), Bhekowakhe Moffat Mdlalose (41), Begabantu Jali (23) and Pheyi Mlango (54) also face charges of public violence and illegal possession of a machine-gun, firearms and ammunition.

According to the indictment, the accused were among a group who armed themselves with a variety of weapons before entering the camp.

In the attack, 28 people were killed and many others assaulted and robbed. Houses were burnt and damaged, and scores of families fled their homes.

The State could call more than 235 witnesses — an indication that the trial could be lengthy. — Court Reporter.

Durban (031) 308-2022

Hostel men face massacre charges

SUSAN RUSSELL

THE trial of eight hostel residents who allegedly murdered 28 people during a dawn raid on the Swanieville squatter camp in Krugersdorp last year is due to begin this week.

Vumisani Majola, 37, Sizwe Majola, 21, Joseph Mphiwa Khanyile, 51, Bakers Dlamini, 32, Mzanywa Flash Sithole, 44, Bhekowakhe Moffat Mdlalose, 41, Begabantu Jali, 23 and Pheyi Mlango, 54, all appeared briefly in the Rand Supreme Court yesterday.

They were not asked to plead and the trial was postponed until this morning.

Seven of them lived at the Kagiso hostel in Kagiso at the time of the raid, while the eighth man lived at the Wattville hostel, Benoni.

The State alleges the eight were part of the armed group that raided the squatter camp during the early hours of Sunday May 12 last year.

Armed with firearms, spears, pangas, axes, kieries and other dangerous weapons, the group attacked squatter camp residents in their homes.

The group, which the State alleged included the eight accused, also set fire to homes, looted and robbed residents.

Many of the Swanieville residents fled during the attack. The 28 people allegedly murdered by the eight accused died at the scene.

Another 37 were injured.

Kriel 'still holding talks on cell deaths'

STEPHANE BOTHMA

LAW and Order Minister Hernus Kriel was discussing the issue of continued deaths in detention with Attorneys-General and magistrates, a Ministry spokesman said yesterday.

Reports on all cell deaths in the past two years were requested by Kriel earlier this year when independent pathologist Dr Jonathan Gluckman claimed police were involved in the killing of detainees.

Law and Order spokesman Craig Kotze said Kriel had "every intention" to make a statement about the reports, but was still involved in talks on the matter.

The statement was expected within the next two weeks, Kotze said.

Sapa reports that a police public relations spokesman said in Pretoria yesterday that 178 people had died in police detention since January 1 last year.

Meanwhile, DP southern Transvaal chairman Peter Soal said yesterday that while he welcomed the restructuring of the SAP announced last week by Kriel, the question of deaths in detention had not yet been finalised.

He told a meeting of the Union of Jewish Women in Johannesburg that after the publication of Gluckman's allegations, a "highly flustered" Kriel went on television promising a judicial inquiry.

"A few days later, after a death a day in detention that week, Justice Minister Kobie Coetsee writes to Dr Gluckman asking which inquests he is unhappy with.

"Mr Coetsee has missed the point, as there have been no inquests."

Soal said President F W de Klerk had to act with vigour to restore confidence in the police. Gluckman's allegations had to be investigated at inquests presided over by judges, not by magistrates.

"Allegations must be investigated quickly and any policemen found guilty of misconduct must be dealt with firmly."

There should be no cover-ups. The public should be reassured that government would act with all the energy it currently did not appear to possess. "Minister Kriel has left a lingering doubt about his intention in this regard and he and Mr de Klerk have to move quickly to reassure the public they are serious about the matter."

Winnie inquiry: New evidence

CT 2/9/92 (331)

Own Correspondent

JOHANNESBURG. — ANC-appointed lawyers investigating Mrs Winnie Mandela's suspension from the ANC Women's League national executive have been asked to re-open their inquiry to hear further evidence.

Attorney Mr Denis Davis of Wits University, who heard evidence together with Durban attorney Ms Linda Zama, said yesterday he was meeting ANC officials last night to discuss the request.

An ANC Women's League source said the commission's report had recommended disciplinary action be taken against Mrs Mandela and her supporters who in May staged a protest at the ANC offices in Shell House against her suspension from the Women's League executive.

The source said: "The report recommended that those who participated in the action planned to bring the ANC into disrepute, and that they should be suspended while a disciplinary hearing takes place."

Mr Davis said he and Ms Zama had been briefed "to investigate certain matters regarding the protest at Shell House".

"We heard evidence and presented our report. I thought we had finished," he said.

He said he was meeting ANC officials to clarify the situation. He said Mrs Mandela had not testified and he would not say what recommendations he had made.

However, the Women's League source said certain members of the league would insist that if there were new evidence it should be contained in a supplementary report.

Massacre accused's case dropped

STAR 3/9/92

331

By Susan Smuts

Charges against one of the accused in the Swanieville massacre case have been withdrawn because a witness in the case against him has disappeared.

Seven hostel dwellers pleaded not guilty to murdering 28 people, during the massacre in May last year, when the men appeared in the Rand Supreme Court yesterday.

Vumisani Majola (37), Sizwe Majola (21), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Bhekowakwe Moffat Mdlalose (41), Pheyi Mlango (54), all of Kagiso hostel, and Mzanya Flash Sithole (44), of Wattville hostel in Benoni, also pleaded not guilty to charges of public violence and illegal possession of a machine-gun and other firearms.

Charges against Begabantu Jali (23) were withdrawn as a witness in the case against him had disappeared.

Constable Remo Liut told Mr Justice C Botha and two assessors that policemen called to Swanieville at about 6.30 am on May 12 had encountered a group of about 200 armed men leaving the squatter camp. The men told the police they were going to the Kagiso hostel, near Krugersdorp. The men wore red headbands and armbands, and were armed with spears, axes, metal pipes and knobkerries, Constable Liut recalled.

Some carried televisions and wall clocks.

The group was joined by another crowd of about 800, similarly attired and armed, and also carrying booty. Among this group was Mr Khanyile, who was armed with an AK-47 rifle, said Constable Liut.

Four unarmed men climbed into Mr Sithole's taxi, which was later found at the hostel. Mr Sithole had complained to the police about two weeks earlier that he had been intimidated and driven out of Swanieville, the policeman testified.

The crowd headed for the hostel. Vumisani Majola, who was among the first to enter the hostel, was carrying a pump-action shotgun, Constable Liut said. The police used barbed wire to fence off the hostel before searching it. Three carloads of assegais, spears, axes and other weapons were confiscated. Pistols and an AK-47 were also found.

The men are on bail of R500 each.

The hearing continues.

'Illegal arms at KwaMadala'

RAY HARTLEY

RESIDENTS of KwaMadala hostel, who were implicated in the Boipatong massacre earlier this year, were still moving illegal firearms freely in and out of the hostel's premises.

In the latest incident, hostel residents fired about 30 rounds at police, who arrested six of them on Tuesday in connection with armed robbery and rape charges.

Iscor was not planning to improve security at the hostel, which is located on its property, company spokesman Ernest Webbstock said yesterday. He said additional security would be decided on by police.

He said existing security did not include metal-detecting equipment and no body searches were conducted, making it possible for residents to enter and leave the premises with firearms.

But East Rand police spokesman Capt Piet van Deventer said companies should take decisions about improving security on private property.

He said the police welcomed improvements in security made by businesses, if they contributed to a drop in crime.

Iscor spokesman Neels Howatt said about half the hostel had been demolished and the remaining portion had been fenced off and incorporated into Iscor works since the Boipatong attack.

"It is very difficult to control the possession of arms absolutely. You can't have raids on the hostels every minute of the day."

Howatt said weapons were freely available in the area, making control even more difficult.

Hostel seven appear on massacre charges

SUSAN RUSSELL

SEVEN hostel residents, who are alleged to have been part of an armed group which massacred residents of the Swanieville squatter camp near Krugersdorp in May last year, pleaded not guilty to 28 counts of murder in the Rand Supreme Court yesterday.

They also pleaded not guilty to one count of public violence and additional charges of unlawfully possessing two firearms and ammunition.

Counsel for the seven said their clients did not intend submitting statements in amplification of their pleas at this stage of the trial.

Six of the men, Vumisani Majola, Sizwe Majola, Joseph Khanyile, Bakers Dlamini, Bhekowakhe Mdlalose and Pheyi Mlango lived at the Kagiso Hostel at the time of the attack.

The seventh man, Mzanywa Sithole, lived at the Wattville Hostel, Benoni.

Charges against an eighth man, Begabantu Jali, were withdrawn by the State at the start of the trial yesterday.

The State alleges the seven remaining accused were part of an armed group that raided the squatter camp during the early hours of May 12 last year.

Armed with firearms, spears, pangas, axes and other weapons, the group swooped on the camp, killing 28 people and leaving 37 others injured.

The group also looted and set fire to shacks.

The trial continues today.

SA acts for Angola on air crash

Cebekhulu still in Lusaka jail

LUSAKA. — A co-accused in the Mrs Winnie Mandela kidnap and assault trial, Mr Katiza Cebekhulu, continues to be detained in Lusaka's central prison despite having been served with a deportation order. (331) CT 3/9/92

The Zambian authorities are considering whether to deport him to South Africa, where he is sought by police to answer certain criminal charges, or to release him.

Zambia's chief immigration officer Mr Clement Bangweta confirmed yesterday that Mr Cebekhulu had been issued with a deportation order, but declined to say why the order had not been executed.

Mr Cebekhulu claimed early last year that he had been smuggled out of South Africa by people linked to the ANC.

He disappeared from South Africa shortly before he was to stand trial with Mrs Mandela and six others on kidnap and assault charges.

Zambian High Court judge Mr Weston Muzyamba wondered aloud in the Lusaka High Court on Tuesday why Mr Cebekhulu was still in prison.

Zambia and South Africa have no extradition arrangement. — Sapa

It's a lie, policeman tells massacre trial

By Susan Smuts STAR 4/9/92

A policeman giving evidence in the Swanieville massacre trial in the Rand Supreme Court yesterday dismissed as "a blatant lie" allegations that white men in balaclavas and camouflage were among the 1 000-strong crowd who attacked the West Rand squatter camp.

Cross-examining Constable Remo Liut, defence counsel A Burger said the media had published allegations by residents that white men were among the marauders on May 12 last year. Constable Liut replied that the police viewed the allegations "in a serious light".

Vumisani Majola (37), Sizwe Majola (21), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Bhekowakwe Moffat Mdlalose (41), Pheyi Mlango (54) and Mzanya Flash Sithole (44) have pleaded not guilty to 28 counts of murder, and charges of public violence and illegal possession of an AK-47 rifle, firearms and ammunition. 28

Constable Liut, who identified Vumisani Majola and Mr Khanyile as carrying a shotgun and an AK-47 respectively, denied he had fabricated evidence that they were carrying the weapons. 331

Swanieville residents had also claimed a Casspir patrolled the squatter camp during the night and shortly before 5.30 am, when the attack began, Mr Burger said. Constable Liut replied it would not have made sense to dispatch policemen to the area if other policemen were already there. He added the police were alerted of a shooting only at 6.30 am.

Mr Majola would deny ever possessing a shotgun or knowing how to use one, and would say he was not present during the attack, Mr Burger said.

The court heard that Constable Liut had fired at Mr Khanyile because he thought Mr Khanyile was going to fire at the police. However, he had not retrieved the cartridges, which is standard police procedure every time a policeman uses his service weapon.

The trial continues.

Bruntville IFP to stop carrying weapons

MOOI RIVER — Inkatha supporters from Bruntville will stop carrying dangerous weapons in public from next week, a local IFP leader told a committee of the Goldstone Commission yesterday.

Bruntville IFP secretary Alex Sokhela told the committee that his party had taken the decision to lay down arms after an undertaking to the commission by the ANC on Wednesday that it would not attack Inkatha members in the township.

But he said the IFP would blame the commission's committee "should an IFP member be killed in attacks by the ANC in future".

Mr Sokhela's remarks came amid reports of the stabbing of ANC member Charlie Shabalala in Mooi River yesterday. Mr Shabalala is reported to be badly injured.

Witnesses told reporters that a group of men armed with spears had stabbed a man outside a bottle store.

Police have not yet confirmed the incident.

Local ANC leaders welcomed the IFP's decision on arms, but added that yesterday's stabbing made the undertaking hollow.

The carrying of weapons has come under severe criticism from the ANC and Mr Justice Richard Goldstone, who made recommendations that the issue be addressed urgently.

The hearing continues. — Sapa.

Police 'saw no white attackers'

331 SUSAN RUSSELL

ONE OF the first policemen on the scene of the Swanieville massacre in May last year denied in the Rand Supreme Court yesterday that there had been white men among the armed group leaving the camp as the police arrived. BIDAY 4/7/92

Allegations that white men were seen among the attackers who swooped on the camp during the early hours of Sunday, May 12 last year, were reported in the media shortly afterwards.

Const Remo Luit, who was in the Casspir sent to investigate a report of a shooting incident at the camp early that morning, said he did not see any white men in the group of about 1 000 hostel dwellers they encountered leaving Swanieville.

Luit was giving evidence at the trial of seven hostel dwellers who are alleged to have been part of the armed group which murdered 28 Swanieville residents and injured 37 others.

Vumisani Majola, 37, Sizwe Majola, 21, Joseph Mphiwa Khanyile, 51, Bakers Dlamini, 32, Bhekowakwe Mdlalose, 41, Pheyi Mlango, 54 and Mzanya Sithole, 44, have pleaded not guilty to 28 counts of murder.

Earlier Remo testified that two armed groups of 200 and 800 each had converged into one as the police Casspir approached.

The men in the group were wearing red armbands and headbands, Luit said, and were armed with spears, axes, knobkerries and assorted other weapons.

Luit told the court that the group had seemed to be about to go through Kagiso to get back to the hostel, and the police had wanted to divert them around the township instead, to prevent any further violence.

He said the group was escorted back to the hostel. No attempt was made to arrest any of them, to avert further bloodshed.

The trial continues before Judge C Botha today.

ANC to march on absent Gqozo's capital

BIDAY 4/7/92

PATRICK BULGER

THE ANC — preparing for a show of strength when it marches on the Ciskei capital of Bisho on Monday — has demanded the removal of Ciskei leader Brig Oupa Gqozo as head of state and the downgrading of the territory's independent status.

The ANC and its alliance partners, the SACP, Cosatu and the SA National Civic Organisation, aim to march on Bisho while Gqozo is in Pretoria at government's federalism conference.

In a memorandum yesterday, the alliance said the wave of violence and intimidation in the Ciskei had reached alarming proportions and it was vital to create a climate of free political activity.

The ANC said it had no interest in seizing power in the Ciskei.

Attackers escorted to hostel, trial told

Star 7/9/92

331

By Susan Smuts

In a bid to avert further bloodshed after the Swanieville massacre, the police escorted the attackers to a nearby hostel, the Rand Supreme Court heard on Friday.

Sergeant Tinus Botha told Mr Justice C Botha and two assessors that the police had encountered the crowd coming out of the West Rand squatter camp early on the morning of May 12 last year.

Sergeant Botha said the men, armed with a variety of weapons and sporting red headbands and armbands, had told the police they were on their way to Kagiso hostel.

Kagiso township lay between the hostel and the squatter camp, and the police had received a report that Kagiso residents were arming themselves and assembling in the township, Sergeant Botha said.

Fearing a confrontation, the police escorted the crowd to the hostel, which they then sealed off and searched, Sergeant Botha said.

He was giving evidence in a trial in which Vumisani Majola (37), Sizwe Majola (21), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Bhekowakwe Moffat Mdlalose (41) and Pheyi Mlango (54), all of Kagiso hostel, and Mzanya Flash Sithole (44) of Wattville hostel in Benoni have pleaded not guilty to 28 counts of murder as well as charges of public violence and illegal possession of an AK-47 rifle, firearms and ammunition.

The hearing continues.

Massacre: conspiracy denied

By Susan Smuts (331) STAR 8/9/92

A policeman giving evidence in the Swanieville squatter camp massacre trial yesterday denied being part of a conspiracy to fabricate evidence against some of the hostel dwellers accused of taking part in the incident.

Shotgun

Under cross-examination in the Rand Supreme Court, Sergeant Tinus Botha denied discussing his evidence with Constable Remo Liut, who gave evidence earlier.

Both men have identified Vumisani Majola as a man who ran into the Kagiso hostel carrying a shotgun after the attack on the West Rand squatter camp on May 12 last year.

Defence counsel A Burger said that the detail of the evidence given by the two policemen was "almost identical".

Sergeant Botha told Mr Justice C Botha and two assessors that he had discussed the events with Constable Liut, but said they had not discussed the court case, the statements they had made nor the evidence that they would give.

Mr Majola (37), Sizwe Majola (21), Joseph Nphiwa Khanyile (51), Bakers Dlamini (32) and Bhekowakhe Moffet Mdlalose (41), Pheya Mlango (54), all of Kagiso hostel near Krugersdorp, and Mzanywa Flash Sithole (44) of Wattville hostel in Benoni have pleaded not guilty to 28 counts of murder as well as to charges of public violence and illegal possession of an AK-47 rifle, arms and ammunition.

Ballistic

Mr Burger said that ballistic evidence showed that empty cartridges found at Swanieville did not match the AK-47 found in a room where Vumisani Majola, Sizwe Majola and Mr Khanyile were present.

He said this was evidence of fabrication in the case against the accused.

Another aspect of the investigation which emerged under cross-examination was that the police had conducted an internal inquiry into the inicident.

Sergeant Botha said he had not been asked to make a statement in this regard.

Mr Burger also said residents had estimated that between 80 and 200 people had attacked the squatter camp, whereas the two policemen had told the court that there were about 1 000 men.

The hearing continues.

Mandela FC coach escapes hangman

Star 9/9/92 331

BLOEMFONTEIN — The Appeal Court in Bloemfontein yesterday substituted life imprisonment for the death sentence imposed on former Mandela Football Club coach Jerry Vusimusi Richardson for the murder of teenage activist James "Stompie" Seipei.

The court dismissed his appeal against his convictions on various other charges.

Richardson, who had automatic leave to appeal against his conviction and sentence for the murder, was also granted leave by the Appeal Court to appeal against his convictions on four counts of kidnapping and five counts of assault with intent to do grievous bodily harm.

The complainants in three of the kidnapping and assaults charges, together with Stompie, lived in a Methodist Church mission house in Orlando, Soweto, in December 1988.

At the time Richardson lived in an outside room at Winnie Mandela's house in Diepkloof Extension, Soweto.

On December 29 1988 Richardson drove to the mission house and abducted Stompie and the others.

His decaying body was found on January 6 1989 in the veld about 6 km from the Mandela house. He had been stabbed to death.

Richardson was convicted by Mr Acting Justice B O'Donovan in the Rand Supreme Court on May 6 1990. — Sapa.

Richardson's death sentence commuted

BLOEMFONTEIN — The Appeal Court in Bloemfontein has substituted life imprisonment for the death sentence imposed on former Mandela Football Club coach Jerry Vusi Musi Richardson for the murder of teenager James "Stompie" Seipei.

The court dismissed his appeal against his convictions on various other charges.

Richardson, who had automatic leave to appeal against his conviction and death sentence for the murder, was granted leave by the Appeal Court to appeal against his convictions on four counts of kidnapping and five counts of assault with intent to do grievous bodily harm.

He did not seek leave to appeal against his conviction for the attempted murder of Andrew Lerotodi Ikaneng, a former member of the soccer club.

The complainants on three of the kidnapping and assault charges had, with Seipei, been accommodated in a Methodist Church mission house in Orlando, Soweto, in December 1988.

At the time Richardson lived in an outside room at Winnie Mandela's house in Diepkloof Extension.

On December 29 1988 Richardson and others drove to the mission house and abducted Seipei and the others. Seipei was last seen alive on the evening of January 1 1989.

His body was found on January 6 1989 in open veld about 6km from the Mandela house. He had been stabbed to death.

Richardson was convicted by Acting Judge B O'Donovan in the Witwatersrand Supreme Court on May 6 1990.

Yesterday Judge Hefer said that, subject to one qualification, the trial court's list of aggravating factors could not be faulted.

However, the judge did not agree that the case was entirely without any mitigating features. That Seipei was considered to be an informer who had betrayed his comrades, was the motive for the murder.

It might be accepted as a mitigating factor that Richardson did not kill Seipei to serve his personal interests.

What was of greater significance was the reasonable possibility that Richardson acted, if not on the express orders, then at least under the influence of Mandela.

The evidence as a whole did not exclude the reasonable possibility that Richardson acted under the influence of Mandela, whom Richardson idolised, and rather tended to confirm this.

The judge said that when only the aggravating features were taken into account, the death sentence would plainly be a proper one. But, allowing also for the mitigating factors, he felt Richardson should be imprisoned for life.

□ Meanwhile, imprisonment of 25 years has been substituted by the Appeal Court in Bloemfontein for the death sentences two UDF supporters received for the murders of two men accused of being Azapo members.

Gamlakhe Elliot Ngwegwe and Lindemna Lawrence Dada, contract workers who came from Uitenhage, were convicted by Judge D M Williamson in the Cape Supreme Court on March 11 1991. — Sapa.

Richardson was 'under Winnie's influence'

CT 9/9/92 (331) CT 9/9/92

BLOEMFONTEIN.— The influence of Mrs Winnie Mandela on former Mandela Football Club coach Jerry Vusi Musi Richardson must be seen as a mitigating factor, said Mr Justice Hefer in the Appeal Court yesterday.

The court substituted life imprisonment for the death sentence imposed on Richardson for the murder of teenage activist James "Stompie" Seipei.

"Obviously, the appellant must still be severely punished for an extremely heinous offence. He should, in my view, be imprisoned for life", said Mr Justice Hefer.

Mr Justice Hefer referred to the reasonable possibility that Richardson had acted, if not on the express orders, then at least under the influence of Mrs Mandela.

According to psychological evidence in the trial court Richardson was a somewhat unintelligent person, who was readily susceptible to the influence of others. Within the ranks of the men who frequented Mrs Mandela's house, however, he was no doubt a leader and a person in authority.

But it was quite clear, said the judge, that the chain of command extended beyond Richardson to the owner of the house whom, on all accounts, he and the others idolised. With her wishes he was ever ready to comply.

The evidence as a whole did not exclude the reasonable possibility that Richardson acted under Mrs Mandela's influence, and rather tended to confirm this.

It was significant that Mrs Mandela, although invited by Richardson's attorney, declined to testify for the defence. Her influence must, in the circumstances of the case be regarded as a mitigating factor.

The judge said that when only the aggravating features were taken into account, the death sentence would plainly be a proper one. But, allowing also for the mitigating factors, he did not regard it as the only proper sentence. — Sapa

Goldstone task force: Names soon

CT 9/9/92

Johannesburg Bureau

THE exact structure, as well as the names of the members, of the task force which would assist the Goldstone Commission in probing political violence may be announced by the end of the week, a spokeman for the commission said.

The spokesman, who asked not to be named, said yesterday the commission was still setting up the final structures and selecting the team.

The formation of the task force was announced on August 29 and was described by Justice Minister Mr Kobie Coetsee as one of the most important steps taken to counter political violence.

The team, which will be accountable to the commission, will be monitored by United Nations observers.

Pupils may choose to do 2nd-language

CT 9/9/92

Own Correspondent

JOHANNESBURG. — A decision to drop second-language courses as compulsory matric subjects could be taken this week by education officials.

A discussion document on reducing the number of compulsory subjects had been revised and would be submitted to the Committee of Heads of Education Departments (CHED) on Friday.

The document was drafted last year by the committee and recommended that matriculants write only five subjects for their final examination instead of the current six. The subject dropped is likely to be the second language, meaning students could choose to drop English or Afrikaans.

The initial document proposed second languages be compulsory up to Std 9 in the formerly whites-only schools of the Education and Culture Department. In Department of Education and Training schools, current legislation allows for black pupils to study Afrikaans up to Std 8, with an option to study an African language thereafter.

The revised document incorporates contributions and comments from a broad range of organisations. After it has been debated on Friday, the committee will decide whether to recommend changes suggested to National Education Minister Mr Piet Marais.

Last November, following proposals made by the committee on a new education system, the Federasie van Afrikaanse Kultuurvereenigings raised concerns about Afrikaans being left out of school curricula.

Mr Marais's predecessor, Mr Louis Pienaar, responded by saying that the proposals had acknowledged the status of Afrikaans and English as national and communication languages above other indigenous languages.

Govt seeks 'winning' plan

Political Correspondent

THE government was developing proposals which would place every language group in South Africa in a "winning situation", according to Minister of National Education Mr Piet Marais.

Mr Marais said that while the government believed that Afrikaans should remain an official language in the new South Africa, African languages such as Zulu and Xhosa should also enjoy greater recognition.

He did not say whether official status was envisaged for African languages.

"Existing (language) rights and opportunities should not be reduced but increased," he said.

Mr Marais said a new constitution should protect language rights as these formed part of individuals' fundamental rights.

"What happened in Namibia, we will not allow here," he said. Namibia made English the only official language shortly after becoming independent in March 1990.

NP secretary-general Dr Stoffel van der Merwe told a press conference at the party's Free State congress that changes to the NP's programme of principles opened the way for a debate on whether African languages should enjoy an official status on a regional basis on a par with Afrikaans and English.

He said the NP's commitment to retain Afrikaans as an official language was not based on sentimental reasons. He said there was evidence that Afrikaans was the most understood language in South Africa.

UN to come at weekend

NEW YORK — Leader of the UN observer mission to South Africa has been named as Ms Angela King, a Jamaican UN official.

'I saw my friend hacked to death'

By Philip Zolo (331) (28) STAR 10/9/92.

A Swanieville resident yesterday told the Rand Supreme Court how attackers hacked his friend to death with pangas during the massacre at the West Rand squatter camp in May last year.

The man, who may not be identified, also told the court how he feigned death to escape the same fate.

He said he was awakened by the sound of gunfire on May 12. He, his wife and his friend hid under a bed, but ran outside after realising that the house had been set on fire. He saw many people around the gate.

Some of them approached his friend, demanding money. One of the accused, Bakers Dlamini, told the friend in Zulu: "We are not here to play around."

With help from the light shining from the burning house, the witness saw the men start hacking his friend, he said. After co-accused Mzanywa Sithole had struck the first blow, Mr Dlamini and the others joined in, he said.

Mr Dlamini then approached him and said to his companions: "Why should we let this dog go?"

Another man then aimed a gun at his head. "The gun didn't fire, it just made noises," the witness said. He then knocked the man to the ground with a wheelbarrow.

As another man was about to shoot at him, he lifted the wheelbarrow. The bullet pierced the wheelbarrow and went through his right forearm. A second shot struck him on the left arm, and he fell to the ground.

With the wheelbarrow covering his head, he pretended to be dead, and through the bullet holes he watched the men move away, the witness said.

The witness's mother told the court how men entered her house and demanded money, her husband and her husband's firearm. Among the group was Mr Dlamini, who she said had been living in Swanieville for a long time.

One man slapped her, another kicked her and a third man lifted a spear before being told by a companion not to stab her, she said.

She then crawled to a toilet, where she hid until the attack was over.

Mr Dlamini, of Kagiso hostel near Krugersdorp, Mr Sithole, of Wattville hostel near Benoni, and five others have pleaded not guilty to 28 counts of murder, public violence and illegal possession of an AK-47, arms and ammunition.

The other accused are Vumisani Majola (37), Sizwe Majola (21), Joseph Khanyile (51), Bhekowakhe Mdlalose (41) and Pheyi Mlango (54), all of Kagiso hostel.

The trial continues.

Swanie trial adjourns

Sowetan 11/9/92

THE Swanieville massacre trial stood down yesterday because the defence needed time to translate a magazine interview with one of the witnesses.

Defence counsel Mr A Burger told Mr Justice C Botha in the Rand Supreme Court that the translation of the interview, published in a black magazine, was essential for cross-examination. Other witnesses to the attack apparently also gave interviews. The trial will continue today (331)

UN observers in SA

THE first group of United Nations observers will arrive in South Africa tomorrow. Sowetan 11/9/92

The group of 13, led Mr Ismat Steiner of Tanzania, is an advance party. The remaining 37 will arrive at intervals over the next month. The full complement of 50 will eventually be led by a director at the UN, Ms Angela King of Jamaica, who will to arrive later this month.

- Sowetan Reporters and Sapa

Former MP and other rightwingers to stand trial

Four rightwingers, including former Conservative Party MP Koos Botha, facing charges of theft and contravention of the Terrorism and Explosives Acts, yesterday had their case postponed to November 23 for trial.

The fifth accused, Andries Stephanus Kriel (47), was not present in the Pretoria Regional Court yesterday.

The other accused — Petrus Jacobus Judeel (33), Andries Cornelius Odendaal (27), Dirk Jan Hattingh and Mr Botha — had their bail extended.

The five are alleged to have planted bombs at the Hillview High School in Pretoria, Cosatu House in Johannesburg and two post offices. — Pretoria Bureau.

Inkatha men burnt my shack, court told

STAR 15/9/92

By Susan Smuts

A Swanieville woman described yesterday how her shack was gutted by fire after Inkatha supporters attacked the West Rand squatter camp in May last year.

The woman, who may not be named, was giving evidence in a Rand Supreme Court trial in which seven men have pleaded not guilty to 28 counts of murder, and charges of public violence and illegal possession of an AK-47, firearms and ammunition.

She told Mr Justice C Botha and two assessors that she and her husband had been awakened by "banging noises" at about 5 am on May 12.

Her husband looked out and said: "It's Inkatha." They heard voices shouting: "Burn."

"I told my husband I was leaving because I did not want to die in the shack. I opened the door and saw two people in red headbands with kerries and guns."

One was Mzanywa Flash Sithole, who demanded to know where her husband was. She told him he had fled. He hit her with his kerrie and she ran away.

The accused are Vumisane Majola (37), Sizwe Majola (21), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Bhekowakhe Moffet Mdlalose (41), Pheyi Mlango (54), all of Kagiso hostel, Krugersdorp, and Mr Sithole (44), of Wattville hostel, Benoni.

The trial continues.

Court told of dawn assault in Swanieville

SUSAN RUSSELL

A WOMAN whose home was burnt down during the Swanieville massacre last year told the Rand Supreme Court yesterday she had fled into the veld in her nightdress after finding two Zulu-speaking armed men at her door.

She was testifying at the trial of seven hostel dwellers alleged to have been part of the armed group which raided the Swanieville squatter camp near Krugersdorp at dawn on May 12 last year and in which 28 people were killed and 37 injured.

The seven, Vumisani Majola, 37, Sizwe Majola, 21, Joseph Khanyile, 51, Bakers Dlamini, 32, Mzanywa Sithole, 44, Bhekowakhe Mdlalose, 41, and Pheyi Mlango, 54, have pleaded not guilty on 28 counts of murder, and to charges of public violence and unlawful possession of firearms.

The woman, who may not be identified by order of the court, identified Sithole as one of the two men and said he had carried a firearm and knobkerrie.

She testified that she and her husband were awakened shortly after 5am by a noise, which came nearer, and then their front window was broken.

Her husband looked through the curtain and said: "It is Inkatha".

They hid under their bed, but heard a voice say in Zulu "chiza" (burn). She tried to leave, but found two men wearing red scarves outside her door. She recognised Sithole and the other man who she knew as "Bheki" because both had been taxi drivers.

When she told them her husband was not at home, Bheki accused of her lying and hit her with his knobkerrie. She then fled.

At one stage she looked back and saw flames coming from her shack.

Restaurant

Promise to runaway witness

(331)

CT 16/9/92

LUSAKA. — ANC president Mr Nelson Mandela said here yesterday at the start of a two-day visit that the Zambian government was free to release a runaway key witness in his wife's assault and kidnap trial. Mr Katiza Cebekhulu has been in custody here for more than a year.

However, he warned Mr Cebekhulu would be arrested immediately should the Zambian government send him back to South Africa.

"He has nothing to fear from the ANC and we have no interest in him. The Zambian government is free to release him but a warrant for his arrest has been issued in South Africa and police would do so (arrest him) if he returned home," said Mr Mandela.

Mr Cebekhulu was allegedly kidnapped and brought to Zambia by the ANC at the height of Mrs Winnie Mandela's trial to prevent him from giving evidence.

He was allegedly able to prove she was involved in the kidnapping and assault of Soweto youths accused of being government informers. A youth, Stompie Seipei Moeketsi, was found killed and one of her bodyguards, Jerry Richardson, has since been convicted of murdering him.

Mr Cebekhulu is being detained by the Zambian government as an illegal immigrant. — Sapa-AFP

On trial . . . AWB leader Eugene TerreBlanche is greeted by right-wing supporters as he and his co-accused leave the Potchefstroom Magistrate's Court yesterday afternoon. Picture: Ken Oosterbroek

Rightwingers laugh as policeman testifies

By Monica Oosterbroek

Rightwingers attending a public-violence trial in the Potchefstroom Magistrate's Court yesterday were reprimanded by magistrate Jack la Grange after they laughed at evidence being given by a policeman.

The trial relates to actions of Afrikaner Weerstandsbeweging leader Eugene TerreBlanche (47), former AWB general-secretary Piet Rudolph (56) and 13 others in Ventersdorp in August last year.

They have been charged with public violence, conspiring to commit a crime and holding a political gathering when such a meeting had been banned.

One of the accused, Hendrik du Preez (42) of Rustenburg, was charged with possession of dangerous weapons — 23 sharpened metal arm-shields.

All except Mr Rudolph pleaded not guilty.

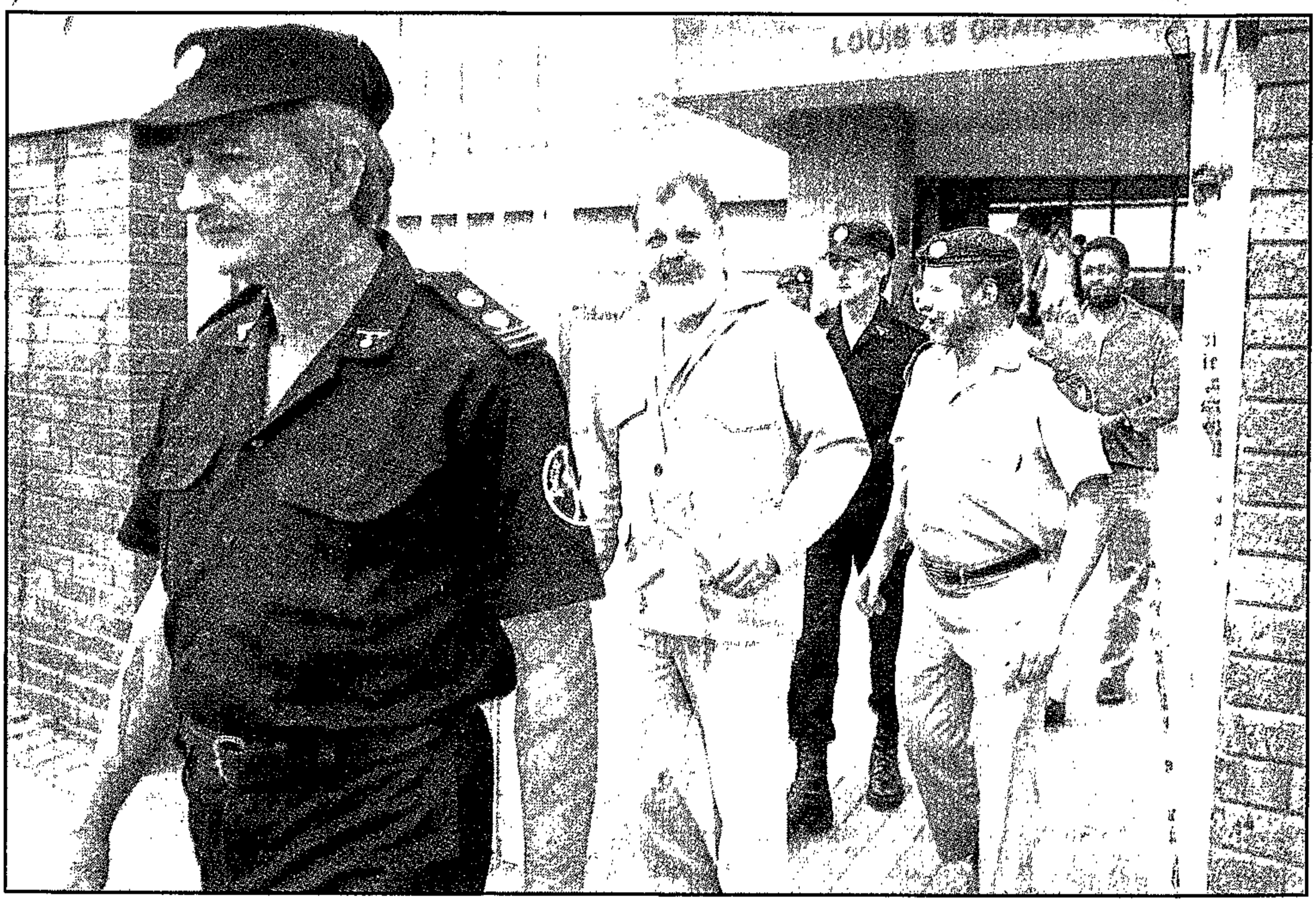
The men were arrested on August 9 after AWB supporters and police had clashed. Three people died and several others were injured.

Warrant-Officer Hendrick Huisamen of the Potchefstroom Unrest Unit told the court he had arrested one of the accused, Cornelius Tereblanche (32), at the electrical sub-station after the lights in Ventersdorp had been switched off.

He said Mr Tereblanche, an electro-technician with the Ventersdorp municipality, had behaved suspiciously.

The other accused are Stephen Tereblanche (45), Henry de Beer (40), Cornelius Mostert (46), Stephanus Fourie (39), Abraham Viljoen (41), Johannes Zietsman (37), Cornelius de Beer (46), Leon van der Merwe (34), Andre Smit (43), Alberts Buitendag (32) and John Harding (29).

The trial continues.



On trial . . . AWB leader Eugene TerreBlanche is greeted by right-wing supporters as he and his co-accused leave the Potchefstroom Magistrate's Court yesterday afternoon. Picture: Ken Oosterbroek

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All except Mr Rudolph pleaded not guilty.

The men were arrested on August 9 after AWB supporters and police had clashed. Three people died and several others were injured.

Warrant-Officer Hendrick Huisamen of the Potchefstroom Unrest Unit told the court he had arrested one of the accused, Cornelius Tereblanche (32), at the electrical sub-station after the lights in Ventersdorp had been switched off.

He said Mr Tereblanche, an electro-technician with the Ventersdorp municipality, had behaved suspiciously.

The other accused are Stephen Tereblanche (45), Henry de Beer (40), Cornelius Mostert (46), Stephanus Fourie (39), Abraham Viljoen (41), Johannes Zietsman (37), Cornelius de Beer (46), Leon van der Merwe (34), Andre Smit (43), Alberts Buitendag (32) and John Harding (29).

The trial continues.

SAP told residents they would be safe – witness

By Susan Smuts (331) Star 17/9/92

Policemen had assured Swanieville residents they could "sleep in peace" the night before an attack on the West Rand squatter camp, which left 28 people dead and scores injured, the Rand Supreme Court heard yesterday.

A Swanieville woman, who may not be named, said that the night before the massacre on May 12 1991, policemen in Hippo vehicles had assured residents they would be safe.

The woman was giving evidence in the trial of six Kagiso hostel dwellers and two Benoni hostel inmates, who have pleaded not guilty.

Bail-jumper released on bail again

Pretoria Correspondent

A co-accused in the trial of Koos Botha, former Wonderboom member of Parliament, has again been released on bail.

Andries Cornelius Odendaal (27) of Heidelberg, who jumped bail in April, was released yesterday on bail of R3 500 by Pretoria Regional Court magistrate Mr R de Vos.

Mr Odendaal, Mr Botha, Petrus Judeel, Dirk Hattingh and Andries Kriel were arrested in April in connection with several explosions in the PWV area last year and at the beginning of this year.

A fifth accused, Andries Kriel, is still on the run from the police and a R10 000 reward is being offered for information leading to his arrest.

Mr Odendaal was released on condition that he resides with his father, A C Odendaal, at Eugene Marais Street, Rensburg, Heidelberg.

He must report to the Heidelberg police station twice a day between 6 am and 8 pm and must not leave the magisterial district without permission.

AWB 'planned battle at meeting'

331

Stm 17/9/92

By Monica Oosterbroek

An AWB meeting was held three days before the Battle of Ventersdorp last August where members discussed strategy, the Potchefstroom Magistrate's Court heard yesterday.

AWB leader Eugene Terre-Blanche (47), former AWB secretary-general Piet Rudolph (56) and 13 others are charged with public violence, conspiring to commit a crime and holding a political gathering when such a meeting had been banned at that specific time.

One of the accused, Hendrik du Preez, is charged with possession of dangerous weapons.

The men were arrested on August 9 after AWB supporters and police clashed in Ventersdorp in the western Transvaal. Three people died and several people were injured.

All — except Mr Rudolph, who refused to plead — pleaded not guilty to the charges.

Mr Rudolph said yesterday that despite accusations by State prosecutor Anton Ackerman that the AWB had thoroughly planned the violent confrontation with police in advance, the meeting was not intended to incite people to overthrow the Government or harm President F W de Klerk.

Mr Rudolph said they had discussed how the AWB could see democracy upheld and how the organisation could state its case to Mr de Klerk.

He accused a Potchefstroom policeman, Warrant-Officer Jaco Huisamen, of being a secret political activist working for the National Party and denied inciting AWB supporters to violence, as Warrant Officer Huisamen had testified.

Another local policeman giving testimony, Sergeant Jacobus Kruger, told how he had helped arrest one of the accused, Cornelius Tereblanche (32), after he found him at a Ventersdorp electrical substation acting suspiciously.

Sergeant Kruger said he was guarding the sub-station on August 9. He saw three flares go up before the town was plunged into darkness. Within a minute, he entered the sub-station after finding the gates and front door open — and found Mr Tereblanche, an electro-technician with the municipality, fiddling with the control panels.

The trial continues.

AWB wanted to fight, says general

Star 18/9/92.

By Monica Oosterbroek (331) (284)

Police took steps to prevent the bloody Battle of Ventersdorp in August last year — but the AWB was determined to fight, the Potchefstroom Regional Court heard yesterday.

General Lourens Malan from Pretoria police headquarters said he was aware there was going to be conflict and he tried to avoid it.

He was giving evidence at the public-violence trial of AWB leader Eugene TerreBlanche, former AWB secretary-general Piet Rudolph and 13 others. All have pleaded not guilty.

The trial follows clashes between police and rightwingers on August 9 last year when President F W de Klerk addressed a meeting at Ventersdorp.

General Malan said that at a meeting in Pretoria on the morning of August 8 he had decided to bring 1 000 well-prepared policemen into Ventersdorp with the SADF as a backup. He also met National Party organisers and Mr TerreBlanche later that day.

However, when Mr TerreBlanche told him "the police will not hit us", General Malan said he deduced that the AWB planned to challenge the police.

General Malan tried to meet Mr TerreBlanche again on the afternoon of August 9. But Mr TerreBlanche did not arrive for the arranged meeting.

That evening, General Malan said, he was standing near a large group of people wearing AWB uniforms. Armed with guns and sticks, they were chanting "AWB, AWB", he said.

General Malan then heard shouts from the group that teargas had been thrown at them and he saw several large crackers thrown. Police helicopters were circling overhead.

As he had no gas mask and was unarmed, he returned to the police station. He later heard on the police radio that three people had been killed.

During cross-examination, defence counsel D Bisschoff said General Malan should have advised NP organisers to cancel the meeting and thereby saved lives.

Mr Bisschoff said police had wanted to pit their strength against the AWB to prove a point. He accused the police of being deliberately confrontational and irresponsible.

The trial continues.

Zambia to free SA man

LUSAKA. — Detained South African fugitive Mr Katiza Cebekhulu — wanted in South Africa as a co-accused in the Winnie Mandela kidnapping and assault trial — has been offered his freedom by the Zambian government.

Minister of Home Affairs Mr Newstead Zimba confirmed here yesterday that Mr Cebekhulu would be released soon and dismissed allegations that he was being held against his will.

"Cebekhulu is voluntarily detained for his own safety. He came into the country through an arrangement and was detained purely for his own security," Mr Zimba claimed. CT 18/9/92

Mr Cebekhulu is seeking asylum but no country has offered him sanctuary. — Sapa (331)

Black cop hit, sworn at during AWB court coup

By DAN DHLAMINI

LAW and order was dealt a resounding blow in the corridors of the Potchefstroom Magistrate's Court this week when a self-appointed Afrikaner Weerstandsbeweging (AWB) "general" assaulted a black policeman in full view of other policemen.

Const Elias Buffel has laid a charge against the man – who was not arrested.

The incident took place outside the Regional Court where AWB heavyweights Eugene Terre-'Blanche, Piet "Skiet" Rudolph and 13 others were appearing on a charge of public violence.

The charge stemmed from the so-called "Battle of Ventersdorp" on August 9 between AWB members and the cops.

The corridors of the courtroom have recently been commandeered by thickset AWB-uniformed blokes who have thrown up a wall of flesh and verbal abuse against blacks wishing to attend the proceedings.

AWB types, meanwhile, have been jamming the gallery.

When Buffel, who was wearing civilian clothes, walked towards the regional court door, a woman in AWB uniform barred his way saying there was "no place for kaffirs" in the courtroom.

Slurs

An angry Buffel warned the woman not to talk to him in racist terms.

A lengthy altercation spiced with racial slurs took place, until the arrival of a burly man, also in AWB uniform, who colleagues dotingly referred to as "Generaal".

In the presence of white policemen, the "generaal" told Buffel: "*Kaffer, jy kan nie so praat met my vrou nie. Ek sal jou dood klap.*" He punched the constable in the face before other cops intervened.

A western Transvaal police spokeswoman confirmed the incident and said Buffel had laid an assault charge.

She said no one had been arrested and police were investigating.

The trial, which is scheduled for six weeks, follows the "Battle of Ventersdorp" where three AWB men died in a shoot-out with police. Many blacks were injured in the crossfire.

The righwingers had been attempting to prevent a speech by State President FW de Klerk.

The trial continues tomorrow with Rudolph insisting that he will call De Klerk to give evidence.

Magistrate TJ la Grange earlier rejected a demand that he recuse himself because this was "a political trial".

'Apartheid' killer found guilty

Stories by MONWABISI NOMADOLO (82) (331)

SELF-CONFESSED multiple killer and PAC supporter, 42-year-old Gabriel Diphaphang Mahakoe, remained defiant to the end by refusing to participate in his trial presided over by a "boer" and a "settler".

He was found guilty on four counts of murder, one of attempted murder and one of theft by Justice DA Kotze in the Bloemfontein Supreme Court this week.

In a chilling confession made to a Brandfort magistrate shortly after his arrest, Mahakoe of Botshabelo location said he was "killing apartheid" when he brutally murdered farmer Willem Christoffel Engelbrecht, 71, his wife Bettie, 68, of Verkeerdevlei, their daughter Lena Smit, 39, and her daughter Michelle, 14, of Kimberley, three days before Christmas.

He also attempted to kill Smit's other daughter, Petronella, by shooting at her and hitting her with a gun butt. Open 20/9/92.

While Kotze passed a verdict of guilty inside the stuffy courtroom, 14 PAC supporters were arrested outside the building following a confrontation with police when they were refused entry.

During adjournments, Mahakoe stood in the dock and gave lengthy lectures to cheering spectators about the "untrustworthy settlers" and how they should be wiped from Azanian soil.

He told the packed gallery: "I'm not the first to be convicted and neither will I be the last."

In a medical report testimony, Mahakoe was described by OFS University psychiatrist, Prof Pieter van Rensberg, as a capable man with an IQ of 38 points and a medium to high intelligence on average.

Van Rensberg also submitted to the court that Mahakoe had said: "... apartheid is like an animal with 100 heads. You chop one head, 100 more heads will emerge."

Mahakoe told him that he "... went there to cut the apartheid hand but only managed to cut the fingers".

Mahakoe had been employed by the Engelbrechts for three weeks before the fateful day, and was staying in the farm's storeroom.

The farmer and his wife had gone to Bloemfontein to meet their daughter Lena and her two daughters arriving from Kimberley.

During the day, Mahakoe broke into the house through a window.

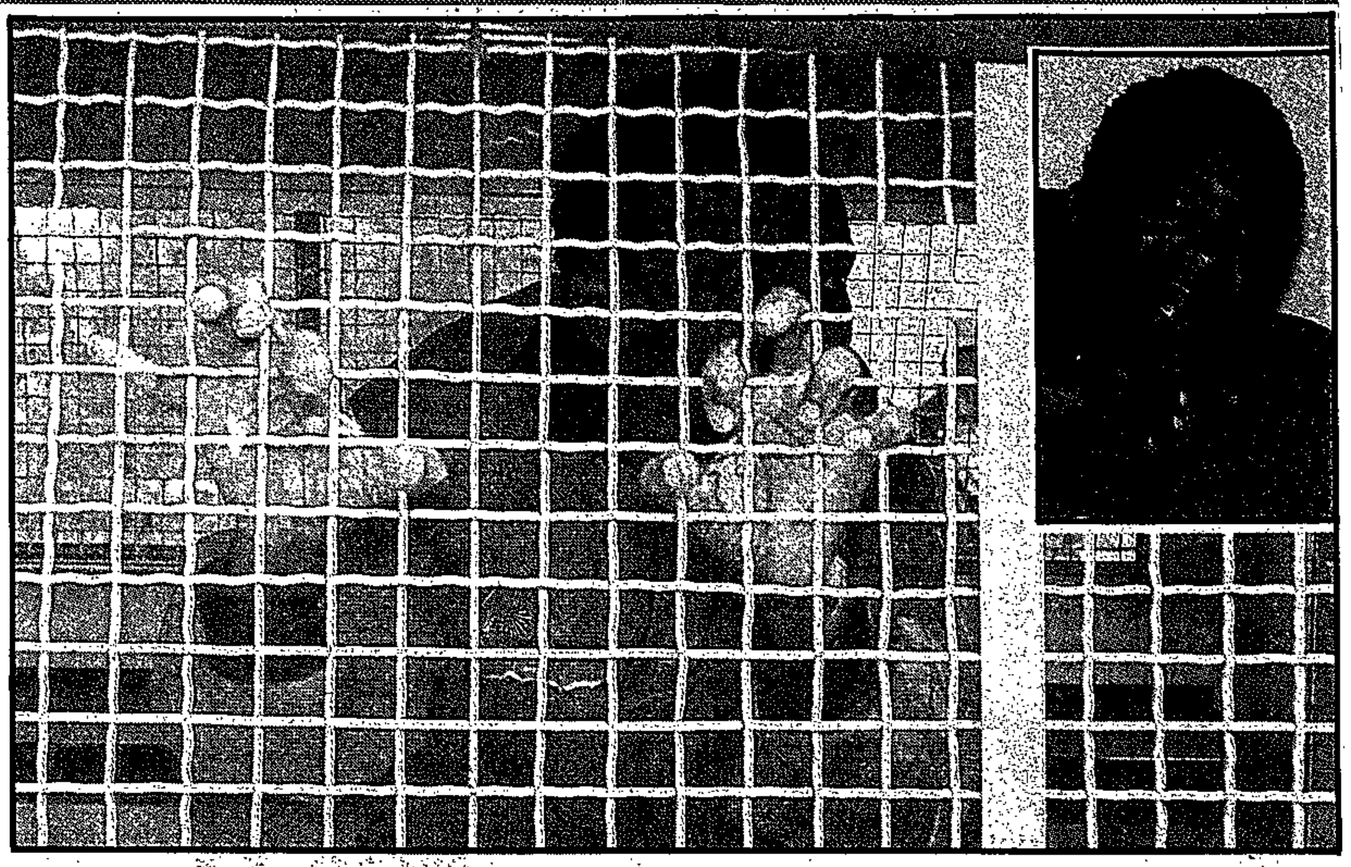
He was trapped inside the house when Engelbrecht and his family arrived home unexpectedly. He armed himself and shot them.

He then stole goods and fled the area.

Petronella, the only survivor, ran to the neighbouring farm five kilometres away to summons help.

Mahakoe admitted killing the four whites but said he wanted to kill 20 to 50.

The sensational trial has been postponed until September 24 for a plea in mitigation of sentence. Sen-



GUILTY ... "I killed four, I wanted to kill 50," said the multiple killer following the murder of a farmer and his family. INSET: Gabriel Mahakoe ■ **Pic: THULANE SITHOLE**

HOW VENTERSDORP FIASCO BECAME A B-MOVIE

Laughter as AWB relives its night of the long knives

S/Times 20/9/92

IN scenes reminiscent of a B-grade combat movie, the battle of Ventersdorp was replayed in the Potchefstroom regional court this week, writes CATHY STAGG.

As police videos showing the conflict between the AWB and the police on the night of August 9 last year were screened in the darkened courtroom on Friday afternoon, right-wingers relived their night of the long knives, which left three people dead.

As the sound of gunfire erupted from the TV screens, there was laughter, whispers, exclamations of annoyance and groans of despair from the accused and their supporters.

Questions

On trial, charged with public violence, are 15 men, including AWB leader Eugene Terre Blanche and Piet "Skiet" Rudolph.

The magistrate, Mr Jack la Grange, has heard in evidence that President De Klerk was due to address a closed meeting of the National Party on the night in question, and that the AWB demanded to be allowed in to put questions to him.

After hurried negotiations between the police and the various political parties, a decision was taken that the meeting would go ahead despite the crowd of heavily armed AWB supporters pouring into town. There were also up to 1 000 policemen and policewomen in town, the court heard.

On the video Mr Terre Blanche and Mr Rudolph, then the AWB's secretary-general, are seen walking arm-in-arm while row after row of their supporters march behind chanting "AWB, AWB, AWB".

At the coiled razor wire separating the crowd from the hall there are arguments about admission. People are turned away.

Then Mr Rudolph is seen arguing with police.

In the background someone sings, "Take me back to the old Transvaal".

THE LEADER ... Eugene Terre Blanche leaves the court with bodyguard Picture: ROB HADLEY

Suddenly the still photographs blazoned across newspapers at the time come to life on the screen.

Mr Rudolph extends his arm. Men surge forward into the no-man's land separating police and AWB supporters.

Profanities

Dogs lunge, fangs bared. Cans of insecticide are pointed at them and their handlers.

The camera swings to a group of black men, women and children fleeing in terror. Searchlights pierce the blackness, insults are shouted, the strains of military music waft incongruously off the screen.

As the first shots are fired, a voice is heard off-camera. "This is FW's fault."

The camera pans to a body, face down on the ground, and a voice says dispassionately, "That's an AWB casualty' as an unseen woman screams profanities.

In court Mr Terre Blanche exclaims: "Jesus!"

His face fills the screen as he addresses his followers. Rousing cheers, flag-waving. More military music.

The trial continues tomorrow.

10 settlers, 10 bullets is the cry

Apren 20/9/92 (337)

THROUGHOUT his well-publicised trial which started in mid-April in the Bloemfontein Supreme Court, Gabriel Diphaphang Mahakoe – wearing a green, black and gold PAC badge – obstinately refused to take part in the proceedings, demanding that he be tried by a black judge.

Justice Kotze sitting with two assessors had earlier refused to recuse himself from the Bench, saying there were no black judges in SA.

The sensational trial has been postponed until September 24 for a plea in mitigation of sentence.

Many spectators could not gain entry into the courtroom which was filled to capacity by men and women who chanted "One settler, one bullet" during adjournments in the three-day trial.

During the trial, 300 riot policemen were on standby inside and outside the crowded court building, keeping watch on the singing and toyi-toying PAC members rendering a repertoire of "Viva Comrade Mahakoe! . . . uPoqo akahlulwa!".

Black spectators lucky to get into Court B were thoroughly searched by white police, some "wearing gloves to protect themselves against black inferiority", commented one supporter.

Several near-confrontations – either between police and militant PAC supporters or between the supporters and white volk who hurled abuse at them for praising a "heartless murderer" – were averted.

Mahakoe, elevated to the status of a leader and a legend, addressed the packed gallery: "One settler!". Then followed the deafening chorus: "One bullet!"

"Ma-Afrika, do not dispair and be weakened by my conviction.

"I'm not the first to be convicted and neither will I be the last."

He said the people must be firm and strong in their struggle for liberation and repossession of their land.

"In fact by tomorrow (referring to Thursday), 10 settlers should be killed," the remorseless Mahakoe said to a roaring applause followed by "Ten settlers, ten bullets".

Mahakoe said he had gone into the house with the intention to kill and waited for his victims to return. When they came into the "Holy room where the kaffir is not allowed to sit . . .", he shot at them saying: "Afrika must come back!"

AWB shot 2 in bakkie evidence

331

S7/3/2249/92

By Monica Oosterbroek

Afrikaner Weerstandsbeweging supporters shot and injured two occupants of a bakkie after the vehicle had ploughed into a group of screaming bystanders in Ventersdorp last year, the Potchefstroom Regional Court heard yesterday.

Warrant-Officer Gert Archer said this happened shortly after a driver had driven a bus into the crowd, killing two people.

He was giving evidence in the trial of AWB leader Eugene Terre-Blanche, former secretary-general Piet Rudolph and 13 others, all of whom have pleaded not guilty to charges of public violence.

The trial follows bloody clashes between police and rightwingers on August 9 last year in the western Transvaal town.

The trial continues.

STAR 24/9/92

Subpoena (331) served on De Klerk

By Monica Oosterbroek

President de Klerk has been subpoenaed to appear in the Potchefstroom Magistrate's Court to give evidence in the public-violence trial of AWB leader Eugene TerreBlanche and 14 others.

The defence counsel, Gerhard Botha, wants Mr de Klerk to appear in court on November 2 to testify in defence of his clients.

The subpoena was sent to the State President's office yesterday.

Proceedings have been postponed until October 12 due to the ill health of one of the accused, former AWB general-secretary Piet Rudolph.

Activists 'fled into dunes'

Own Correspondent

UPINGTON — Two right-wing extremists drove their car through two barbed-wire fences before disappearing on foot over the sand dunes of the Kalahari Desert, a policeman has told an inquest hearing.

Detective Sergeant Marius Pieterse of the Vehicle Theft Unit in Upington was giving evidence in the inquest into the deaths of Johannes Jurgens Grobbelaar (19) of Krugersdorp and Jurgen Matthews White (22) of Louis Trichardt.

The two self-confessed right-wing activists were killed after an encounter with police in the Kalahari near Noenieput on November 7 1991.

Police found a large arsenal of terrorist weapons, ammunition and political literature in their possession.

The inquest court hopes to solve the riddle of whether the two men committed suicide as alleged by the police, or whether they were killed by police fire.

Sergeant Pieterse said he had stopped the two men in a red Golf while on a routine patrol between Rietfontein and Noenieput.

The driver identified himself as Alex Burger of River Street, Hercules, Pretoria. He said he and his passenger were both students on their way to the Kalahari Gemsbok Park.

Their car registration number did not tally with that on the windscreen, Sergeant Pieterse said.

Later, when he pulled up alongside the Golf, a smoke grenade was hurled out of the vehicle. It then sped off and a car chase through the semi-desert ensued.

After finding the Golf abandoned, Sergeant Pieterse called for reinforcements and, accompanied by police trackers, followed the men's tracks.

"About 500 m from the dunes, I heard the sound of gunfire. Shortly after that I discovered the two suspects, fatally wounded. I found two R-4 rifles, one R-1 and an AK-47."

Two police trackers had been shot and one, Daantjie Berendse (23), died of his wounds.

Earlier, ballistics expert Major Gerhardus de Waal, of the Forensic Science Laboratory in Pretoria, said forensic tests could not show with certainty whether the bullets that killed Mr Grobbelaar were fired from police weapons, or whether the fatal wound was self-inflicted.

The inquest continues.

Martens, 48, of Umhlanga was travelling to Durban near the Umgababa off-ramp when she was hit on the cheek by a brick, apparently thrown through the wind-

used a shotgun in the first attack and AK-47 rifles in two other attacks, but the weapons used on the two other victims had not been identified. — Sapa.

Police 'carried out attack'

SUSAN RUSSELL

A WITNESS to the Swanieville squatter camp massacre last year would testify that police personnel dressed in camouflage carried out the attack, the Rand Supreme Court heard yesterday.

Defence counsel A Burger SC, acting for the seven hostel dwellers on trial for the murder of the 28 people killed in the attack, said he had not yet consulted the person in question, but had been informed the witness was prepared to testify on behalf of his clients.

Burger made this submission during further cross-examination of state witness Const Remo Luit, who was recalled to the witness stand after the court held an inspection in loco at Swanieville on Tuesday.

Burger's clients have pleaded not guilty to 28 charges of murder and additional counts of public violence and unlawful possession of firearms and ammunition.

Vumisani Majola, 37, Sizwe Majola, 21, Joseph Khanyile, 51, Bakers Dlamini, 32, Mzwanya Sithole, 44, Bhekowakhe Mdlalose, 41, and Pheyi Mlango, 54, are alleged to have been part of the armed group which attacked Swanieville at dawn on Sunday, May 12 last year.

The attackers murdered 28 people and left 39 injured. Residents also had their homes looted and burned down.

Burger said yesterday the defence would argue that police personnel, and not Zulus from the nearby hostel in Kagiso, had carried out the attack on Swanieville.

Luit reiterated his earlier evidence that he had not seen any white men among the armed group which he and his colleagues had encountered leaving from the squatter camp after the attack. He said he had no knowledge of any police involvement.

Burger put it to Luit that the defence would argue the attack had been carried out by a group of between 80 and 100 people, and not 800 and 1 000 as testified by the police witnesses.

Luit conceded that five Casspirs would have been sufficient to transport 80 or 100 people to the squatter camp. Five Casspirs had been deployed in the area.

Asked if there had been enmity between the police and Swanieville residents, Luit said he had not been aware of this, nor that there had been a belief that Swanieville residents wanted to kill policemen.

The trial continues today.

More prison deaths

ANOTHER prisoner awaiting trial was found dead in his police cell in Natal yesterday morning.

Durban police spokesman Captain Bala Naidoo said Shangani Biyela (32), was being held at the Ladysmith police cells pending his removal to Fort Napier Mental Hospital in Maritzburg yesterday.

Biyela's death brings the number of people who have died in detention to 19 since July 26.

He knew too much?

TWO Umkhonto we Sizwe members and a third man have pleaded not guilty to the murder of Addo businessman, Mr Andre de Villiers.

The MK members, Xolani Ncinane and Tamsanqa Mali, appeared with Lindile Stemela in the Addo Magistrate's Court yesterday.

De Villiers was shot dead outside his home last month, shortly after telling a friend - ANC member Mr Valence Watson - that he had information on the "Hammer Unit", an alleged SA Defence Force hit squad.

Farm killer of four to hang

STAR 26/9/92. (331)

BLOEMFONTEIN — Four death sentences were imposed on "apartheid killer" Gabriel Mahakoe yesterday.

Mahakoe murdered four people at Verkeerdevlei just before Christmas last year. His intention had been to "cut off the hand of apartheid" but had only managed to "cut off the fingers", he told a magistrate after his arrest.

He refused to defend himself at his Bloemfontein Supreme Court hearing, saying he would only participate in a trial presided over by a black judge. Mr Justice D A Kotze declined to recuse himself, as there were no black judges in South Africa.

In addition to the death sentences, Mahakoe was sentenced to 12 years' imprisonment for attempted murder and to nine years for robbery.

He was found to have shot and killed Willie Engelbrecht, his wife Bettie, their daughter Lena Smit and 11-year-old Michelle when they returned to spend Christmas on the farm, Grootstry, on December 22, 1991. Fourteen-year-old Lizelle Smit was wounded.

Mr Justice Kotze dismissed Mahakoe's claim to a political motive for the murders and described him as "nothing more than a criminal".

Mahakoe had intended to rob and had shot the people so that no one could identify him.

Throughout the trial, the court was packed and many spectators unable to gain admission pressed against the entrance gates.

Killer gets quadruple death sentence

Apress 27/9/92

(331)

FAREWELL . . . Gabriel Mahakoe (centre) shakes hands with supporters after receiving the death sentence this week. ■ Pic: MIKE MZILENI

By MONWABISI NOMADOLO

NOTORIOUS thief and self-confessed multiple killer Gabriel Diphapang Mahakoe, 43, was given a quadruple death sentence in the Bloemfontein Supreme Court on Friday afternoon following his conviction last week on four counts of cold-blooded murder.

The unrepentant and remorseless Mahakoe was also sentenced to nine years' imprisonment for theft amounting to R20 000 and a further 12 years for the attempted murder of 11-year-old Petronella Smit.

Mahakoe, who never looked at the judge, remained calm as sentence was passed.

Though he remained defiant to the end by refusing to participate in his trial presided over by a "boer" and a "settler", Judge DA Kotze said he had no option but to impose capital punishment.

Mahakoe, once described as "hard-headed" by Kotze, received death sentences for the brutal murder of Free State farmer Willem Christoffel Engelbrecht, 71, his wife Bettie, 68, of Verkeerdevlei, their daughter Lena Smit, 39, and her daughter Michelle, 14.

Kotze commented that his failure to impose a harsh sentence would lead Verkeerdevlei Afrikaners to "take the law into their own hands".

However, black spectators were visibly outraged by the "harshness" of the sentence.

In a confession made earlier, Mahakoe told the court he went to the Engelbrecht's ". . .to cut the hand of apartheid, but only managed to cut the fingers".

The judge rejected Mahakoe's explanation that the killings were politically motivated, saying it was purely a criminal case.

However, Mahakoe, who described himself in court as a worshipper of Satan, insisted after sentence that he was a political prisoner and therefore qualified for indemnity.

Shortly before the death sentence, Mahakoe told the court he did not regret what he had done, promising to repeat it again.

After the trial, Johan Smit from Kimberley – who lost his wife and daughter – said he was "satisfied" with the sentence given the nature of the laws of the country.

Mahakoe's close relative, Martha Masiteng of Bochabelo, told City Press she was outraged by the sentence which she said was severe in the extreme.

■ See Page 2.

PAC SUPPORT ... Mass killer Gabriel Diphaphang Mahakoe chats to his legal defence team.

How SA raised a white-killer

By MONWABISI NOMADOLO

GABRIEL Diphapang Mahakoe descended for one last time into the cells below the Bloemfontein Supreme Court this week, taking with him a string of unanswered questions.

Judge DA Kotze had no qualms in sentencing the white-killer dubbed "Die Swart Wolf" to death.

But society at large – here symbolised by the black throngs who gathered religiously to attend the hearings and to root unashamedly for the killer – will continue to ponder over this strange man.

Prior to the sensational trial, Mahakoe, 43, was a totally obscure personality.

Now he is a household name: the man who went to Death Row clutching his PAC membership card, and who for almost 30 years acted out his race obsession by robbing and maiming whites.

It all began with his father, argued Medunsa clinical psychologist Prof Queen Mokhuane. The late Max Mahakoe was also a thief and jailbird who enjoyed stealing from others, she said in mitigation.

The difference was, she argued, that Gabriel Mohakoe's crimes had been intimately tangled up in the racist political system which spawned him.

She said that his deep abhorrence of apartheid could only find expression in killing those people whose personalities represented the very embodiment of the system.

These people happened to be white and thus Mohakoe had come to his murderous conclusion.

Judge Kotze, however, was not convinced. He found that Mahakoe killed purely for criminal gain, and not as a form of political statement.

Kotze was prepared to accept that Mahakoe was psychologically unstable – as reflected in his behaviour in the courtroom which had been like that of "a naughty boy".

There was more to be learnt about Mahakoe's unhappy childhood in the prof's report.

Prof Mokhuane told how Mahakoe had lied to her, saying his mother was "dead" while she was in fact alive: the implication was that Mohakoe had rendered her "psychologically dead" in his mind.

Hardships had begun early. His mother "never saw him" and he was raised by a paternal grandmother. She died when he was five.

Shoved on to his uncle, Mahakoe said of this period: "He used to treat me like a football."

Court defiance spreads

By DAN DHLAMINI

THE Orange Free State is facing a courtroom rebellion with black men accused of murdering whites refusing to be tried by white judges.

Gabriel Mahakoe – a card-carrying member of the PAC sentenced to death on Friday – refused to participate in his trial on the grounds that the judge was not black.

His action sparked off a number of similar acts of defiance.

Eight men accused on two charges of murder and robbery in Bethlehem and Virginia have also refused to participate in their trials, citing a racist judicial system as the reason.

Elias Mphatle, 30, who claims to be an Azanian People's Liberation Army (Apla) cadre and David Nkuna, 31, who claims to be an Umkhonto we Sizwe (MK) cadre, are refusing to participate in their robbery and murder trial in the Virginia Circuit. The murder victim was white.

Despite their non-participation in their trial, the judge found Mphatle and Nkuna guilty of murder and robbery with aggravating circumstances.

Sentence will be passed on November 30.

In another case, six black men accused of murdering a white cop have refused to take part in their trial in Bethlehem.

By MONWABISI NOMADOLO

Mahakoe: PAC paid for my team

C/Press 27/9/92 331

THE PAC has declined to comment on a claim that it funded the legal defence of multiple-killer Gabriel Diphapang Mahakoe.

Grey-haired Mahakoe, 43, was sentenced to death four times for the murder of a Free State farmer Willem Christoffel Engelbrecht, 71, his wife Bettie, 68, of Verkeerdevlei, their daughter Lena Smit, 39, and her daughter Michelle, 14, of Kimberley.

He was also sentenced to nine years' imprisonment for theft of the Engelbrecht's car and clothing.

A further sentence of 12 years was imposed on him for attempting to murder Smit's daughter, Petronella.

The revelation that the PAC paid for his defence comes from Mahakoe.

Throughout the trial Mahakoe enjoyed extensive support from members and supporters of the PAC who came to court in the organisation's colours and chanted "One settler one bullet" and "iAfrika izwe lethu" at various points.

The killer had gone to rob the Engelbrecht homestead but ended up killing them after he was trapped inside the house.

He is a fully fledged member of the PAC. He showed us his green and black membership card (No 017 835) and said his membership fee was R12.

He only joined up on June 7 while awaiting trial.

Mahakoe told City Press: "I was born with PAC blood in me."

According to a clinical psychologist's report his father was shot by police while in police custody.

Mahakoe, of Bochabelo, said the PAC was paying for his defence.

Mahakoe initially said when asked who was footing the bill: "It is the nation." He added that "the people" were paying through "the organisation".

Pressed further, he said he was referring to the PAC.

Mahakoe was represented by three well-known lawyers who are also senior members of the PAC.

The team was the third to represent Mahakoe who refused to be represented by a white pro deo advocate.

This led to the appointment of advocate Dennis Mosupye from the Pretoria bar to represent him. Mosupye represented him until Mahakoe was sent for mental observation in April following days of open defiance and confrontations with the judge.

Attorney Molefi Litheko said he had no instructions to disclose who had paid for the defence.

PAC spokesman Waters Toboti denied funding the defence team, going so far as to say he was uncertain if Mahakoe was a PAC member.

Head of the PAC's legal department, Willie Seriti, said "this is a sensitive matter" when City Press first phoned him to inquire.

He asked to be given "some time to think about it". He later said the PAC had "no comment" to make on the issue.

The Seriti legal firm is also handling the case.

Advocate B Ngoepe said he didn't know where the money had come from. He was paid by the instructing attorney and did not ask about the source.

Freed cadres were 'special'

Sowetan 28/9/92

■ AMNESTY The unusual trial of (331) the Messina bombers come to an end:

By Themba Molefe
Political Reporter

IT felt like the devil himself was breathing fire in that small courtroom on May 4 1988 in Messina.

The sweltering tropical temperatures and the tension in the room seemed to affect everyone, including Mr Justice JPO de Villiers, but the two manacled young men in the dock.

Mthetheleli Zephania Mncube (31) and Mzondeleli Euclid Nondula (30), the first and about only two soldiers of Umkhonto we Sizwe to admit the fact before a South African judge, were calm, almost bored, when De Villiers sentenced them to death 11 times.

They expected it - they said so in evidence. When their trial began in the Messina Circuit Court seven months earlier, the two men refused to participate in the proceedings because they said they did not recognise the judge and his system. In fact, they did not want to leave their cells to go to court.

They relented but refused to plead after their counsel told them the court would impose sentence whether they were present or not.

The public eventually got a glimpse of the two ANC fighters' thinking when Mncube gave evidence to explain his purpose.

He said: "I am a soldier of the African National Congress which is at war with South Africa. I expect to be treated as a soldier, not as a criminal.

"When I was captured I was wearing army uniform and thought they would hand me to the South African Defence Force because I consider myself a prisoner of war."

Justice de Villiers did not take this into consideration when he imposed the death penalty and prison terms of up to 50 years.

Pleas to United Nations

He ignored even the expert legal opinion of Professor John Dugard who submitted that when Mncube was captured, he had satisfied the requirements of the Geneva Conventions on warfare. He was wearing a visible uniform and had surrendered like a soldier.

Dugard had also said cognisance should be taken that the United Nations regarded the ANC as a genuine liberation movement engaged in a just war against apartheid.

But residents of Messina will not forget the seven months during which their small town resembled a military zone.

They will remember a Casspir which was escorted by a helicopter, police vans and dogs and wailing sirens as the two cadres were brought to and from court.

The gallery will not forget the silence, save the clink-clink-clink of the steel chains in the court the day Mncube crossed the floor from the dock to the witness stand.

Mncube of Diepkloof, Soweto, and Nondula of Mndantsane near East London were charged with murder, terrorism and sabotage. These followed a series of landmine blasts in the Weipe farming area near the Zimbabwe border between November 1985 and December 26 1986 when Mncube killed two security policemen after his capture.

More killing

In one incident, a cement lorry detonated a landmine near Messina. Eight people were killed in the attack, two of them black.

Three young women were killed when a bomb exploded in Magoos Bar in beachfront Durban in 1986. Robert John McBride was held responsible.

On April 13 1987 in the Maritzburg Supreme Court, Mr Justice Shearer gave McBride the triple sentence for murder. Greta Appelgren was sentenced to 21 months imprisonment for her part in the bombing.

On February 2 1990, McBride was saved from the gallows when De Klerk issued a moratorium on all hangings.

McBride's wife, Paula, whom he married while on Death Row on May 10 1989, is an anti-death penalty and human rights activist.

In 1989, Mrs Doris Mcbride, his mother, said her son had renounced violence and expressed remorse for the deaths he caused.

For Mncube and Mcbride today will be the climax of a love story. They will both meet their wives for the first time outside prison bars.

Mncube married his childhood sweetheart, Nomsa Nkwanca, in a ceremony in Pretoria Central Prison in June.

Paula Leyden had not met her husband before his imprisonment, but love blossomed during her numerous visits to Death Row as a campaigner against the death penalty.

Mthetheleli Mncube and Zondeleli Nondula ... released today.

'Military-style' murders: seven in court

Own Correspondent (331)

MARITZBURG — Seven people were charged yesterday with the murder of nine people in Gengeshe, in the Richmond district, on September 26.

They appeared in the Richmond Magistrate's Court, but were not asked to plead.

An eighth man, Thandukwazi Dlamini (18), was charged in connection with the murders on Friday. STAR 6/10/92.

All eight are to appear in court again on October 12.

Seventeen others who had been arrested with the eight have been released.

Bheka Phoswa (42), who was shot and beheaded in the attack, was to have been a key witness in a murder trial of ANC men from the district.

Fifteen huts and two motor cars were set alight and gutted in the attack, which seemed to have been carried out in a military style. Roads were blocked and telephone lines were cut.

A reporter on The Star's sister newspaper, the Daily News, later found bereaved relatives without food or transport and reported their plight to Operation Hunger.

6 claim they were tortured while in jail

STAR 8/10/92

By Susan Smuts (331)

Instead of making a confession when taken to a Roodepoort magistrate, a Swanieville massacre accused claimed he had been tortured by police during questioning, the Rand Supreme Court heard yesterday.

This emerged during a trial within a trial to determine the admissibility of confessions made by six of seven men who have pleaded not guilty to 28 counts of murder following the massacre at the West Rand squatter camp on May 12 last year. The seventh accused did not make a statement.

The men have contested the validity of their statements, claiming they were tortured.

Defence counsel As Burger told the court Joseph Mphiwa Khanyile had been taken to make a statement after being interrogated the night before. However, instead of confessing, he told the magistrate he had been tortured to force him to do so.

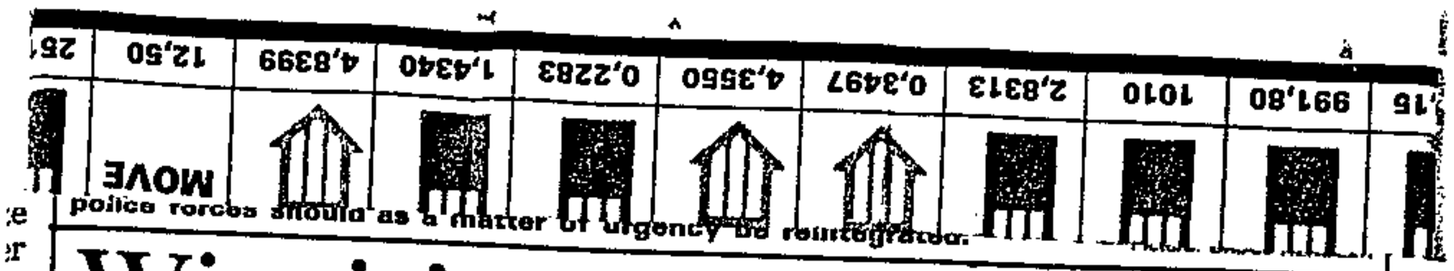
He said he had been given electric shocks, tied up and assaulted.

Khanyile also told the magistrate the police had told him what to say in the confession.

Major Alexander Dick had earlier told Mr Justice C Botha and two assessors that neither he nor any member of his team had assaulted or forced the suspects to make statements.

Dick said he had spoken to members of the investigation team about the torture allegations. The magistrate had written to the district commissioner in Krugersdorp to investigate the allegations, he said.

The trial continues.



Winnie's appeal likely to be heard in March next year

331

Bloomy 9/10/92.

STEPHANE BOTHMA

THE appeal of Winnie Mandela and her two co-accused in the high-profile "Stompie kidnapping trial" is expected to be heard in March next year.

Amid speculation in legal circles that Mandela's co-accused, Xoliswa Falati and John Morgan, might apply to have the trial reopened to submit new evidence, the Appellate Division supplied final dates this week for the filing of heads of argument in the appeal.

Mandela and Morgan have already filed their appeal documents in Bloemfontein, but Falati has until October 30 to file hers. The State, represented by Jan Swanepoel SC and Chris van Vuuren has until November 30 to do so.

Falati's appeal was being funded by the ANC, sources in the organisation said.

Both Morgan and Falati earlier this year made media disclosures that they had lied during their Rand Supreme Court trial last year about Mandela's involvement in the kidnapping and assault of teenage activist Stompie Moeketsi Seipei and three other youths from the Methodist manse in Soweto in 1988.

Judge M Stegmann sentenced both Mandela and Falati to six years' imprisonment, and Morgan to one year, suspended.

The requirements for allowing new evidence to be entered at an appeal hearing were extremely harsh, legal experts said.

The law required that applicants satisfy the Appeal Court that adequate reasons existed why the evidence was not given during the trial, and that the new or additional evidence was likely to be accepted by the court.

If the application succeeded, the case would probably be referred back to the trial court, where the new evidence would be heard.

New ECC drive to defy call-up

STEPHANE BOTHMA

THE End Conscription Campaign (ECC) embarked on a drive yesterday to directly defy the Defence Act by urging conscripts to ignore call-up instructions.

The ECC believed the present whites-only call-up system could be ended if all those affected refused to co-operate with the SADF, ECC Witwatersrand chairman Chris de Villiers said at a media conference yesterday. Bloomy 9/10/92.

"Such non-cooperation can be passive or active and can range from failing to inform the SADF of one's current address and signing the ECC's register of non-cooperation, to an outright refusal to perform any further military service."

To date, the ECC had acted strictly according to the law, but had now decided to call on conscripts to defy call-ups directly.

The ECC released a list of options — "legal", "not so legal" and "non-options" — open to conscripts. It also listed the maximum penalties which could be incurred by the illegal options.

The "not so legal" options included leaving SA, non-registration, not notifying the SADF of a change of address, not reporting, refusing to serve or getting files "lost".

To "leave the country", the ECC advised conscripts to: "Send the SADF a letter from outside SA (even from one of the independent homelands) saying you are permanently resident outside the country. The SADF may then defer you and request that you inform them of your new SA address on your return.

"After you return you may then 'forget' to tell the SADF that you are back. If you are not leaving the country yourself, ask a friend who is going overseas to post the letter for you. (Maximum fine R2 000)."

To get your file "lost" was an option for campers or national servicemen who have direct access to SADF personnel records or friend or contacts with such access. The ECC listed no maximum fine.

Non-options included registration as a conscientious objector and applying for deferment after reporting for a call-up.

De Villiers said more than 35 advocates from the Johannesburg Bar had offered their services free of charge to defend people on all call-up charges.

PEANUTS By Charles Schulz

Young rivals cram into the same dock

By DAN DHLAMINI 331

THIRTY members of arch-rivals Inkatha and the ANC this week shared the same dock in the Klerksdorp Regional Court.

Hartebeestfontein Tigane branch Inkatha youth leader Ernest Mojaki, 18, and 10 other IFP members, as well as 19 ANC members, faced charges of public violence. Apren 11/10/92

The 30 – including 11 teenagers – appeared before magistrate Louis Venter, in a sequel to an incident on May 9 1991 in which ANC members Jeremiah Motsumi and Buti Kraai were killed in a grenade explosion.

Several others, including some of the accused, were injured by shrapnel.

The State says the two groups clashed at an illegal street gathering on May 9 1991.

The charge sheet states that they started to sing and toyi-toyi before throwing stones and grenades killing Motsumi and Kraai and injuring number of others.

According to the charge sheet, Mojaki is accused of throwing the grenade.

The 30 accused, who comprise of ANC and IFP members, are represented by separate teams of lawyers.

IFP 7 deny 28 murders

Citizen 11/10/92.

331

By MARTIN NTSOELENGOE

A WEST Rand detective was this week called a liar by a member of the legal team defending seven IFP members facing 28 charges of murder, 27 charges of attempted murder, arson and public violence relating to the Swanieville massacre on May 12 last year.

They men – Vumisani Majola, 35, Siswe Majola, 48, Joseph Khanyile, 42, Bakhithi Dlamini, 29, Bhekowakhe Mdlalose, 29, and Pheyi Nhlapo, 49, of Kagiso No 1 Hostel, and Mzanywa Sithole, 34, of Watville Hostel – have all pleaded not guilty, and defence lawyer AS Burger told the court some were forced to make confessions.

When asked why a confession was taken at night in a police station, a Maj Dicks, who testified for four days, said there had been no magistrate available.

Burger argued the men were booked out of the Krugersdorp prison to force them to confess. He said the two Majolas and Khanyile were blindfolded, given electric shocks and assaulted.

Dicks had denied taking three of the men out at night, but the occurence book showed they had been booked out after 6 pm.

Arson charges quashed

331

Star 14/10/92.

Pretoria Correspondent

Eight counts of murder and a charge of arson have been withdrawn against the man arrested for allegedly starting the Elim Church fire in Pretoria.

Pretoria Regional Court magistrate D van der Merwe yesterday quashed the charges after the Attorney-General's office refused to proceed with the case against Johannes Vorster (36) of Randfontein.

Eight street children died in the fire on March 12.

Attorney-General Dr Jan de Oliveira said: "The charges were quashed because it would not be justifiable to prosecute Mr Vorster at this stage."

Vorster said yesterday he would be treated like "Wit Wolf" Barend Strydom. "I will be treated like an outcast".

He will appear in the Roodepoort Magistrate's Court on October 20 on other charges.

I don't recognise SA govt — accused

By BENSON NTLEMO (331) Cpress 8/11/92

AN accused in an attempted murder case this week caused a stir when he told the court that he did not recognise the SA government.

Hasani Joel Chauke, 30, surprisingly participated in his trial at the Malamulele Regional Court after he had boycotted proceedings before the case was adjourned in September.

Chauke; Xipongo Chauke, 34, of Jilongo village; Mashao Chauke, 34, of Dinga village; and Hlengani Chauke, 35, of Mkhomi Village; are alleged to have attempted to kill businessman Fiyaya Khosa.

Chauke told magistrate DV Mathebula he was pleading guilty to attempted murder "because I shot (Fiyaya) Khosa under instruction from accused number three".

"I do not plead guilty to the charge of possession of an unlicensed firearm because I do not respect or recognise the government," he said.

Joel Chauke said he was hired by Mashau Chauke and Xipongo Chauke to kill the businessman because Mashau believed he was responsible, through witchcraft, for the death of her two brothers.

Mashau said Chauke was fabricating the story to implicate her.

The case is proceeding.

NEWS Court fails to prove Sello Twala's guilt beyond reasonable doubt

Boipatong 12 get bail

■ 23 applications turned down by magistrate:

Sowetan Correspondent

TWELVE of the KwaMadala Hostel residents detained for their alleged involvement in the June 17 Boipatong massacre have been granted bail in the Pretoria Supreme Court.

The men, among 71 earlier refused bail by a magistrate in Vanderbijlpark, appeared before Mr Justice van Dijkhorst yesterday.

The 12 were granted bail of R1 000 each subject to certain conditions. Applications by 23 others, apparently unemployed or allegedly self-employed, failed.

Court clears 'Chicco'

By Lulama Luti

■ Jubilation as pop idol is acquitted on rape charge:

SPECTATORS in a packed courtroom clapped their hands and ululated after pop idol Sello "Chicco" Twala was acquitted on a rape charge yesterday.

In clearing Twala in the Protea Magistrate's Court, Mr F F Veldman said the court had failed to prove beyond a reasonable doubt that Twala was in fact the person who had had sex with a teenager without her consent.

Twala had pleaded not guilty to raping a 15-year-old Eldorado Park girl in Soweto on February 15.

A visibly relieved Twala declined to speak to the Press following weekend reports of the case which attracted wide interest from both the media and the public.

Earlier Twala had expressed concern at the bad publicity generated by the rape charge and said it could jeorpadise an overseas musical contract and his relationship with the Zion Christian Church for whom he has produced records.

No evidence

Veldman found there was no evidence linking Twala to the description given by state witnesses who he said went to great pains to try and establish that Twala had committed the crime.

Twala submitted that on the night of the incident he was busy in a studio recording the peace song.

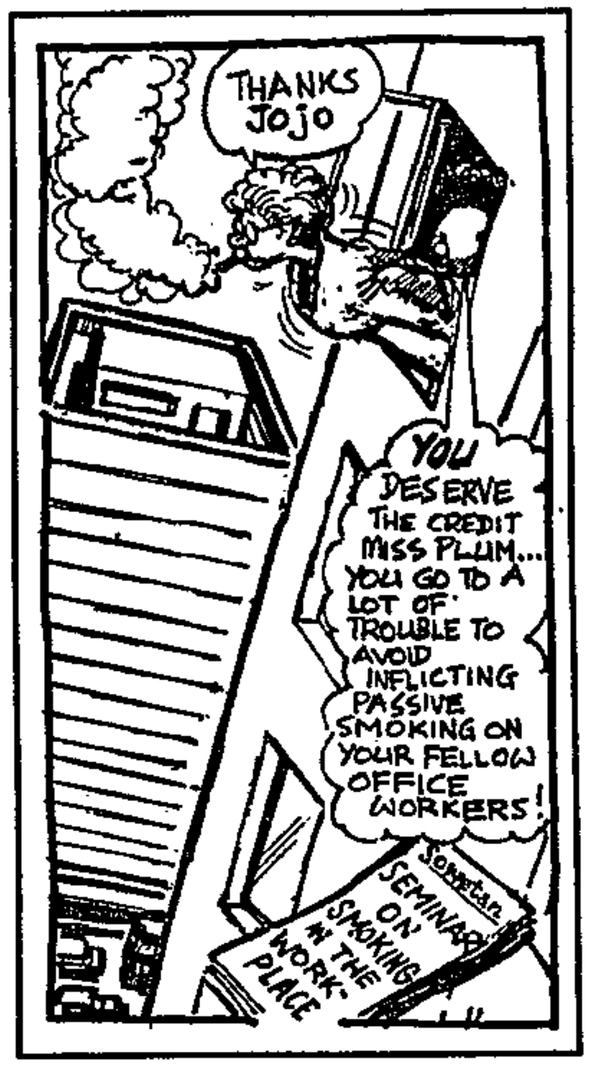
His evidence was later corroborated by Word of Mouth Productions official Mr Vuyisile Mdleleni.

Mdleleni told the court that when he left the studio at about 8pm that night, Twala had been there chatting to friends and fellow-musicians.

This was further supported by George "Stokkie" Moerane, who was arrested outside the court on Friday.

Moerane testified that he and Twala's brother-in-law, Frederick McPherson, had in fact picked up the girl, his brother and her friend and had driven to Soweto.

He said after dropping off the girl's brother somewhere in Soweto, they later drove to a house in Randfontein where they slept with the girls (with their consent).



Terror case postponed (331)

THE case against Independent MP Mr Koos Botha (45) and four other men charged with terrorism, illegal possession of firearms and theft, was yesterday postponed in the Pretoria Supreme Court to March 8 next year.

The accused requested the postponement to allow them to make further applications for political indemnity. The other accused are Mr Dries Kriel (47), Mr Piet Judeel (33), Mr Andre Jordaan (27) and Mr Dirk Hattingh (52). - *Sowetan Reporters and Sapa*

Sowetan 24/11/92

Taxi killings: 4 in court

Soweto 25/11/92 (331)

■ Men plead not guilty to murder of of taxi drivers:

FOUR Soweto men yesterday pleaded not guilty to charges of murder and the illegal possession of firearms and ammunition.

Mr Mbongiseni Hadebe (29), Mr Kwenza Khuzwayo (24), Mr Majaji Madondo (26) and Mr Dumisani Mthethwa (26) did not explain their plea after a request from their lawyer when they appeared in the Johannesburg Magistrate's Court.

They are out on bail of R3 000 each.

Keeping tabs on the news

Winnie's date with the law (331)

WINNIE Mandela's appeal against a conviction and six year jail sentence for kidnapping and assault will be heard in March next year.

The Bloemfontein Appeal Court has scheduled the appeal for March 24, 25 and 26.

Mandela, estranged wife of ANC president Nelson Mandela, is free on bail after being sentenced last year to five years in jail for kidnapping four black youths and to one year for being an accessory to assault. Citizen 29/11/92.

The judge, describing her as an "unblushing and unprincipled liar", ruled that she and one of her co-accused plotted the abduction and arranged for the youths to be assaulted in December 1988.

The Mandelas formally separated this year. Winnie also resigned all her ANC positions.

Rightwing killers lose appeal

331

THE seven death sentences imposed on each of three Richards Bay rightwingers for a machine-gun attack on a bus at Avoca, near KwaMashu, have been confirmed by the Appeal Court in Bloemfontein. CApen 29/11/92

The three are Orde Boervolk members David Petrus Botha and Adriaan Smuts, and Eugene Marais, who is a member of both the AWB and the Orde Boerevolk.

252

Appeal Court Judge Hefer said the men had taken the law into their own hands and tried to justify their actions by saying it was for love of their nation.

The bus attack took place in the full knowledge that they were committing murder. But they persisted.

Their political views carried little weight.

Winnie trial witness still held in Zambia

CT 1/12/92 (331)

Political Staff

A MAN who would have been a key witness in the Winnie Mandela trial, Mr Kaliza Cebekhulu, has now been detained without trial in Zambia for two years, the DP said yesterday.

DP justice spokesman Mr Tony Leon said yesterday the publication of the Amnesty International report on ANC detentions had underlined the fact that this matter remained unresolved.

He said Mr Cebekhulu never gave evidence in the trial and it was alleged he had been removed from the country to prevent him from testifying against her.

The report said Mr Cebekhulu was placed in "protective" custody in a Lusaka prison in February, 1991, and in September this year the Lusaka High Court heard he remained in detention without charge or trial although he had been served with a deportation order.

'Free witness for Winnie trial'

By Peter Fabricius
Political Correspondent

331

The Democratic Party has appealed to Foreign Affairs Minister Pik Botha to spare no effort to secure the release of Kaliza Cebekhulu — a key witness in the assault and kidnapping trial of Winnie Mandela. STAR 4/2/92

He has been held without trial in a Zambian prison for nearly two years.

DP justice spokesman Tony Leon has written to Botha pointing out that Cebekhulu's continued detention was criticised in Amnesty International's recent report on torture and executions in ANC camps.

The Amnesty report said Cebekhulu secretly left SA in February 1991. In May 1991 he gave a press interview and was put in a Lusaka prison.

Leon said it had been alleged that Cebekhulu had been removed from South Africa to prevent his giving evidence against Mandela.

Botha's spokesman said last night that the Government was in constant contact with the Zambian government about the Cebekhulu case and was "doing its utmost".

Leon has also written to Law and Order Minister Hernus Kriel and Justice Minister Kobie Coetsee urging them to offer witness protection to ANC dissidents who are being threatened.

Leon said the Amnesty report had noted that former ANC prisoners who had returned to SA feared for their safety in view of attacks by ANC supporters in the townships.

The report said Nwezi Twali, leader of the Returned Exiles co-ordinating Committee (RECOC) had received frequent death threats and had gone into hiding.

Two other former ANC prisoners and RECOC members — Bongani Ntshangase and Sipho Phungulwa — had been assassinated.

Leon said Kriel should offer former ANC detainees protection under the new witness protection scheme to encourage them to come forward and testify about deaths and abuses in ANC camps.

'Exiles won't be evicted'

(331)

Staff Reporter

PRESSURE has been put on returning exiles living at the Moira Hendersen Hostel in Woodstock to vacate the premises, but they will not be evicted yet.

A spokesman for the National Co-ordinating Committee for the Repatriation of Exiles at the repatriation centre said the returnees were only allowed to stay for five days before linking up with their families, according to the rules laid down by the United Nations High Commission for Refugees.

But many of the 43 inmates stayed for months.

believes there were 20. All were allegedly speared and cremated by Carlos Fernandez said Mr Maimela had been questioned.

months' strokes c

ANC raises trial fund for murder suspects

ST Times 6/12/92.

331

By CATHY STAGG

THE ANC will raise funds from the international community or human-rights organisations to defend three Phola Park men facing charges of murder, armed robbery and illegal possession of firearms.

Mr Solomon Simphiwe Mnqanqueni, 33, Mr William Phuthumile Makhosi, 28, and Mr Daniel Sihema Motaung, 35, will stand trial in the Rand Supreme Court next year.

The state claims they used unlicensed AK-47s to hold up 11 bank employees in Southdale, Johannesburg, on May 29 last year and stole R571 280 and a bakkie.

Another series of counts concerns the alleged hold-up of security guards delivering trunks of money to Corobrik, Nigel, on November 25 last year. Five guards were hit — Daniel Johannes Jacobus Verster and Hermanus Stephanus Lombard dying of their wounds. A total of R401 880 was taken.

The men allegedly robbed a Thokoza resident of his bakkie on March 12, assaulted traffic officer Jacobus Lukas van der Merwe on March 27 and shot at two other traffic officers who gave chase. Mr van der Merwe died of his injuries on April 14.

Last month the trial was postponed because the accused wanted the ANC to arrange legal representation.

Mr Tokyo Sexwale, chairman of the ANC's PWV region, said: "Our policy is not to defend crime. But each case is looked at individually."

The attorney handling the case, Mr Tiego Moseneke, who is also a member of the ANC's regional executive council for the PWV, said: "On the face of it the crimes are patently not of a political nature, but it is difficult for the ANC to make that decision.

"We have been told these men are leading members of the ANC in Phola Park. They are respected, and people say they must have been falsely implicated because they had protected the people. Self-defence units are not a creation of the ANC but are formed by the community."

Rightwinger granted bail

331

Star 9/12/92

Pretoria Correspondent

A Supreme Court judge has ruled that Orde Boerevolk member Darryl Stopforth be released on bail.

Mr Justice Roux yesterday agreed that Stopforth's bail be fixed at R1 000. A number of conditions were attached to the awarding of bail.

These include that he should be resident in the Johannesburg, Germiston or Alberton magisterial districts and should not leave the area without the written permission of the chief magistrate.

He has to inform the chief magistrate of his residential address within 24 hours of his arrival in Johannesburg and must report daily to the Booysens police station between 7 am and 9 am.

Stopforth is currently awaiting a decision on a Namibian extradition application.

The Namibian government wishes to try Stopforth and his co-accused, Leonard Veenendal, on murder and sabotage charges arising from an attack on an Untag building in 1989.

Apla man found guilty of seven attempted murders

STAR 10/12/92 (33)

EAST LONDON — Tension ran high between policemen and Azanian People's Liberation Army (Apla) supporters in the East London Regional Court yesterday after an Apla soldier was convicted on seven charges of attempted murder and one of arson.

Steven Vusumzi Dolo (25), who wore a Pan Africanist Congress T-shirt with the slogan "War with the Enemy, Peace among Africans", chanted an Apla slogan shortly before being led away to the cells. A large group of young men called out: "One settler, one bullet".

The Apla supporters were watched by a contingent of policemen in the courtroom.

Magistrate Mr P M Pretorius convicted Dolo of a rifle and hand grenade attack on a police station in Lady Grey in January and of an arson attack on a Wilgespruit farmhouse in March.

Dolo said in a confession he received military training in Uganda for 18 months. In 1991 he returned to Umtata and was assigned to train recruits in the Transkei.

Dolo was the driver of the car which drove past the police station. A man known as Hefi fired an R-4 rifle and threw a hand grenade.

Sentence will be passed today. — Sapa.

Police planned killing, says dad

MK cadre was allegedly threatened by cops before they gunned him down:

Sowetan 11/12/92

331

By Mzimasi Ngudle

POLICE intended killing his son long before they finally shot him dead, Mr Isaac Padi, father of an MK cadre, Mr Itumeleng Padi, told an inquest court yesterday.

In an affidavit submitted to the court, Padi said police threatened to kill his son if he did not hand himself over.

Padi said police took him to Protea police station on February 7 and, during interrogation, Sergeant Johannes Schoeman told him anything could happen to his children and family if he refused to divulge the whereabouts of his son. "During the course of the interrogation I was told by Schoeman that if my son did not hand himself over, the police would shoot him when they found him." Padi was killed in his home in Phiri, Soweto on May 19 last year when police fired 33 shots after he allegedly resisted arrest. The inquest court adjourned yesterday and will resume on January 6 when the court will hold an inquiry into the absence of a police witness, Lieutenant Daniel Knoester, who failed to appear in court. A warrant for his arrest was issued on Tuesday.

...follow. The funeral service will be held at home at 10am and the cortege proceeds to the cemetery for burial at noon.

Beauty contest

CONTINENTALS Amateur Football Club will hold a beauty pageant for the 10 to 15-year age group ...been invited as speakers.

Project co-ordinator Mr Peter Gallens said the event was started in 1979 and "attendance grows every year".

He said everybody in the community was invited. He also appealed to graduates to wear their academic regalia. *-Sowetan Reporters and Sapa.*

Police planned killing, says dad

MK cadre was allegedly threatened by cops before they gunned him down: Sowetan 11/12/92 331

By Mzimasi Ngudle

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BOOKINGS NOW OPEN

Wednesday — Sapa.

these territories.

Goldstone told of disciplinary action

CAPE TOWN — The ANC had undertaken to investigate fully and discipline officers or structures if they were proven to be involved in the illegal importation, distribution and use of weapons, the Goldstone commission heard yesterday.

Peter Harris, for the ANC, said the organisation and its military wing Umkhonto we Sizwe remained committed to their undertakings in the 1991 D F Malan Accord which prohibited armed attacks, infiltration of cadres and material, creation of underground structures, statements inciting violence, threats of armed action and military training outside SA.

The ANC recommended that a special unit comprising investigators from the ANC, Inkatha and security forces be established by the national peace secretariat to investigate illegal arms imports and that the unit's progress be monitored regularly by the Police Board.

Louis Visser SC, for Inkatha and the KwaZulu government, asked that the commission's terms of reference be extended to investigate all illegally possessed firearms and all forms of politically-related violence, not only political violence which was also public.

He said neighbouring countries should be obliged to curb the inflow of illegal weapons from their territories through international treaties and, failing their cooperation, appeals should be made to the UN and the OAU.

Earlier, Pierre Rabie, for the SADF, also called for broader terms of reference to include an investigation into "pseudo-operations", in which attackers pretended to be security force members. — Sapa.

ANC officials stand accused

DURBAN — Seven men, including ANC officials from the upper south coast, appeared briefly in the Durban Regional Court yesterday in connection with the deaths of 24 people at Mpushini in the Umbumbulu area during October.

South coast ANC organiser Sibusiso Darlington Magweyana, Folweni ANC chairman Elias Mkhize and three members of his committee were among the accused.

The case against the seven men was postponed until February 11. — Sapa.

Warder admits helping prisoners escape

GAVIN DU VENAGE

THE prison warder who helped "Blue Light" gang member Gavin Schultz and Godwin Webb, who had been convicted of fraud, escape from prison earlier this year, pleaded guilty yesterday to charges of defeating the ends of justice, forging official documents and assisting in their escape.

In a confession made before a magistrate earlier this year, read out in court yesterday, 24-year-old Anton Nel admitted he and a policeman accomplice, former Sgt Lucas Cornelius, helped the men escape.

Schultz and Webb had promised him R100 000 for his help and, after initially refusing to take part in the scheme, Nel had agreed.

Nel said his parents had been about to divorce, leaving his mother destitute, and he would have used the money to support her.

Schultz's girlfriend had telephoned him to say that a policeman whose name was "Shane" would collect the two men from prison. But Shane failed to get in touch with him and Nel decided to find his own policeman. He asked Cornelius, who was stationed at the Norwood police station, to join the scheme.

Nel obtained documents authorising the temporary transfer of a prisoner to police custody for questioning, and got Cornelius to sign them.

Schultz and Webb were "transferred" on January 30. Two days later they admitted they could not pay the promised R100 000.

Webb handed himself in and Schultz was arrested in Cape Town.

The State withdrew charges against Schultz, who was to have stood trial with Nel, and the case was postponed until February next year, pending a psychiatric evaluation of Nel.

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15 years jail for Apla soldier

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■ Trained in Uganda and attacked police:

Sowetan 11/12/92

AZANIAN People's Liberation Army soldier Vusumzi Dolo was sentenced in the East London Regional Court yesterday to an effective 15 years imprisonment.

Dolo (25) was found guilty of arson and seven counts of attempted murder. The charges arose from attacks on a police single quarters hostel in Lady Grey and on a farmhouse near the Transkei-Cape border.

A police officer told the court Apla had been linked to 32 attacks in the Border region this year.

The magistrate, Mr PM Pretorius, said he had considered the fact that Dolo was acting under orders.

Dolo's supporters shouted PAC slogans after the sentence. - *Ecna*