

TOTALITARIANISM — POLITICAL TRIALS

1991 — MAY.

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**Pictures: BERNARD PEREZ**

331

# Winnie trial riddle over ink on notes

Sanetan 215791.

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By SONTI MASEKO

AT LEAST three pens were used in notes written by Mrs Nora Moahloli about a meeting with Mrs Winnie Mandela, the Rand Supreme Court was told on Tuesday.

Forensic expert Lieutenant Frederick Hattingh told the court that the date on the document and Mandela's participation at the meeting were written in different ink.

A third type of ink was also used towards the end of the entry.

Hattingh was testifying in the case against Mandela and two others charged with kidnapping and assaulting four youths in 1988.

The notes were handed in to support Mandela's defence that she was travelling to Brandfort on the day of the alleged assault.

Moahloli's explanation of the use of different pens was that they were of poor quality and kept running out of ink.

Hattingh said there was no indication

any of the pens used in the document had run out of ink.

In another development, Mr Jan Swanepoel decided not to call Mrs Albertina Sisulu, wife of ANC leader Walter Sisulu to testify for the State.

## Murder trial

Mandela had testified that she took Katiza Cebekhulu to Dr Abu Asvat on December 29 before leaving for Brandfort.

Swanepoel had produced a doctor's appointment card suggesting that the consultation had taken place on December 30.

Mr George Bizos, for Mandela, pointed out that evidence in the Richardson murder trial was that Mrs Sisulu was not present at work on the day of the consultation.

(Proceeding).

CAP-Trans  
2/5/91

# 46 held in march on NP's city offices 331

Staff Reporter

FORTY-SIX people were arrested at the central Cape Town National Party offices in Burg Street on Tuesday when members of the ANC Youth League went to hand in a petition there.

They were held for several hours before being released. Some are due to appear in court today on various charges.

Dr Dawie De Villiers, Cape leader of the NP, said a security door had been forced and 32 people had gained access to the premises.

According to the police unrest report, some of the youths occupied a conference room in the NP offices.

"They ignored a warning to leave the building. Tearsmoke was used to disperse the group. Forty-six people were arrested," the report said.

The ANC Youth League said in a statement yesterday that it had embarked on nationwide protest action to demand the unconditional release of all political prisoners, the cessation of political trials, the unhindered return of exiles and the scrapping of all security legislation.

The ANCYL said 22 people were arrested inside the building while awaiting a response to their petition from Mr Hennie Smit, the MP for George.

Dr de Villiers said Mr Smit had undertaken to convey the protesters' requests to the government.

Further negotiations failed, so a charge of trespassing was laid and "police began to remove the trespassers from the building".

# Winnie: Smiles as state closes case

*CMT News 2/5/91*

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JOHANNESBURG. — Mrs Winnie Mandela smiled broadly yesterday when the state and her defence teams closed their cases to conclude the hearing of evidence in the Rand Supreme Court trial in which she and two others face charges of kidnap and assault.

The state yesterday attempted to use the long-standing feud between senior ANC members Mrs Albertina Sisulu and Mrs Mandela to destroy the alibi proffered by the latter in defence of the charges she faces. state advocate Mr Jan Swanepoel told the court unsuccessful attempts had been made to call Mrs Sisulu as a state witness.

Part of Mrs Mandela's alibi was that she had taken one of the youths, Katiza Cebekhulu, to the Soweto surgery of Dr Abu-Baker Asvat on December 29, 1988, and thereafter left for Brandfort. Mr Swanepoel said his intention was to call Mrs Sisulu, Dr Asvat's assistant at the time, to support a visiting card which suggested Cebekhulu had consulted the doctor on December 30.

Final argument begins on Monday, May 6. — Sapa

PAC

official

*Sowetan*  
drops

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petition

By MONK NKOMO

AN urgent Supreme Court application by the wife of a PAC official seeking an order restraining police from assaulting him has been withdrawn.

Kagiso teacher Mrs Lobisa Mangope brought the application in the Pretoria Supreme Court on Tuesday to stop police from torturing and assaulting her detained husband, Mr Robert Mangope.

The PAC branch chairman was arrested at his home on April 24.

### Pledge

Mr Bennie Ngoepe, who appeared for Mangope, asked the court to withdraw the application and said the State attorney had pledged to release Mangope this week.

His wife brought the application against the Minister of Law and Order, Mr Adriaan Vlok.

Mrs Mangope, who was briefly detained last Wednesday, submitted that her husband had told her at the Krugersdorp police station that he had been assaulted by police.

### Assaulted

"He was in leg irons and we were not allowed to talk to each other," she said.

Vlok confirmed that Mangope was being detained in terms of Section 29 of the Internal Security Act. He denied that Mangope had been assaulted.

In her affidavit, Mrs Mangope said her husband had told three people who were arrested with him that he had been subjected to teargas, electric shock and had water poured over him.

# Charges are dropped after pardon pleas

By Susan Smuts

Charges against 21 people were withdrawn in the Johannesburg Magistrate's Court yesterday following their successful applications for indemnity.

Cornelius Lottering (24) of Sandton, convicted last year of shooting a taxi driver to death, was granted indemnity for an alleged sabotage attempt.

Fanie Goosen (29) of Vereeniging and Cornelius van Zyl (28) and Hendrik Binneman (28), both of Randburg, were granted indemnity on the sabotage attempt. Charges of contravening the Arms and Ammunitions Act were withdrawn against all four men.

Goosen was convicted last year of the bombing of journalist Jani Allan's flat. Lottering has not been indemnified against the killing of the taxi driver or Goosen against the bombing.

Charges of possession of explosives against another right-winger, Johann Heydenrych (27), were withdrawn.

ANC Youth League general secretary Rapulane Molekane (29), of Soweto, was granted indemnity for attempted murder and four contraventions of the Arms and Ammunitions Act.

Charges of attending an illegal gathering were withdrawn against 14 people: Mondzi Gumqubele, Samuel Maseko, Freddie Jantjie, Glory Ramposi, Petrus Molelekoa, Thina Mlambo, William Shalang, Mavis Dlamini, Alfred Mojela, Mahlomra Mofokeng, Gladys Xabamiga, Angelana Khambule, Thokozane Madondo, Tozamile Tana and Michael Mlanga.

# Life after death row for the Upington 14?

By GAYE DAVIS: Cape Town

TWO years on death row is a long time. But for the Upington 14, sentenced to hang for the 1985 mob killing of a municipal policeman, it could mean the difference between life and death.

When defence counsel open argument in the Appeal Court in Bloemfontein on Monday, on behalf of the 14 and nine of their fellow trialists, the changed political and legal climate may swing the decision in their favour.

Upington judge Jan Basson made legal history when, on the basis of the doctrine of common purpose, he condemned the 14 for the murder of Lucas Sethwala.

At the time of the judgment, the death penalty was mandatory in cases of murder with no extenuating circumstances. Recent amendments to the Criminal Procedure Act

now allow judges to apply an independent discretion.

This change and Basson's use of the common-purpose doctrine, which sparked unprecedented international and local protest, are the chief pegs on which defence argument in the appeal will hang.

Representatives of Amnesty International and the International Commission of Jurists will attend the hearing, scheduled to run over five days.

"The case comes at an interesting time," said instructing attorney Andrea Durbach. "It is seen as an indicator of the future of the common-purpose doctrine and reform of the death penalty."

Leave to appeal was initially denied by Basson, but was later granted on petition to the chief justice.

"The past two years have been difficult

for the accused, particularly for those languishing on death row, but it has meant that their appeal will be heard against a political backdrop that is much more favourable than when they were first sentenced," said Durbach.

During the original trial the prosecution argued that the killing was political and was orchestrated by activists. Applications for indemnity were submitted by the trialists last December, but they have received no response, Durbach said.

● One of the 14, Evalina de Bruin, was transferred from Pretoria Central's death row to Upington Prison at the end of last year.

A mother of 10, concern for her physical and mental well-being resulted in international pressure and various submissions to government on her behalf.

# 'The De Klerk bubble' in danger of bursting'

JOHN CARLIN of the Independent (London)  
reports from Cape Town

THE government's stunning lack of urgency in the face of the relentless slaughter in Johannesburg's black townships: the persistence of the view in the upper reaches of power that it is all really a question of black savagery; the manifest cheapness of black life in the eyes of white parliamentarians; all are dawning truths that point in one direction: the F W de Klerk bubble — the carefully constructed media image of born-again sainthood — is in danger of bursting.

Prodded along by the African National Congress, which has finally awakened from the De Klerk spell and realised that he is their political enemy, the mainstream South African Press has begun to question its previously slavish devotion to the architect of 'the new South Africa'.

## 'Politician'

This is a recent development. Only 11 days ago, every member of the South African press corps accompanying Mr de Klerk on his European trip loyally failed to report that at a news conference in Denmark their leader had done a Reagan. He was very happy, he had declared, to be in Norway. (Had it been the ANC deputy leader, Nelson Mandela, the hoots of derision would have resounded across every front page, every news broadcast.)

Thus it was that a column in the latest issue of the Saturday Star startled its readers with the headline: "F W is a politician, not the Pope."

The columnist, who remarked that the heresy would probably set the lynch mobs after him, said that while President de Klerk was, indeed, "sincere, down-to-earth, courageous", he was also "manipulative, meretricious, conniving, disingenuous and opportunistic".

Yesterday's Sunday Times, President de Klerk's stoutest propaganda organ, sent its half million devotees into a spin by saying the president was showing signs of political insensitivity, and by criticising him for failing to apologise for the evils of apartheid — evils he endorsed, tacitly at least, for 18 years as an MP.

Why has the South African Press suddenly, albeit tentatively, declared open season on President de Klerk? First, it is the realisation that, contrary to initial reactions, the ANC was not entirely mad to have issued a statement on April 5 attacking the government for its reluctance to deal with the township violence, and threatening to pull out of negotiations if the government did not take action by May 9.

Second, there was an attack last Sunday by Inkatha supporters on Soweto residents in which 10 people were killed. The same pattern of violence has been discernible since August but, at long last, on this occasion SABC-TV felt compelled to broadcast an accurate version of events. White viewers were forced to witness what township residents have seen unimpaired



Zulu warriors carrying traditional weapons make their way through Bakersdal in the western Transvaal yesterday after a mass rally organised by the Inkatha Freedom Party.

times — police who stood by and watched as heavily armed Inkatha set about their indiscriminate slaughter.

On Tuesday, under the headline "Bloody Sunday", an editorial in the anti-ANC Business Day denounced Inkatha. Chief Mangosuthu Buthezi and the police. The headline in the Star's editorial that day ran: "Violence and the blind eye." The Star, South Africa's biggest daily, said that President de Klerk was acting "without urgency". "The atmosphere is feverish ... yet the security forces — and their respective cabinet ministers — remain hugely satisfied."

"If this is allowed to continue, then one day soon they (the security forces) will be so discredited in the townships — on every side — that anarchy will prevail," it said.

In Cape Town all week parliament continued to fiddle as the Johannesburg townships burnt. In the first of four speeches he delivered between Monday and Friday, President de Klerk did allude to the danger of civil war. But on Thursday he delivered a ringing vote of confidence in the security forces and the two ministers responsible: Magnus Malan, who heads the Defence Force, and Adriaan Vlok, in charge of the police, both of whom the ANC has demanded President de Klerk should dismiss.

But never a harsh word about Inkatha. Not once, indeed, has one government official even hinted in the past 10 months at the self-evident truth which South African newspaper reports have started conveying at last: Inkatha is the leading force behind the killings.

The prevailing view among the National Party MPs is still that it all boils down to barbarism. President de Klerk himself told Dr Christian Barnard, the heart surgeon, that he should not worry about the violence for, as during the week were spent

Dr Barnard reported it, it was all "tribal".

A police spokesman, Captain Craig Kotze, at least realised that the township violence was politically inspired although he blamed the ANC Captain Kotze, interviewed at his Cape Town office, was adamant the police could only be expected to address the symptoms. The answer lay with the politicians. Which course is right. The problem as last week's editorials began to argue, is that President de Klerk refuses to take political action to rein in police force which remain an instrument to repress the ANC.

In addition, President de Klerk — either ignorant or reluctant — has yet to take the political decision to crack down on the root of the problem: the Inkatha warriors.

ARCUS 6/5/91

# Exiles helped by the hatch, match and dispatch man

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The Argus Correspondent

JOHANNESBURG. — Afrikaaner civil servants in the heart of conservative Pretoria are giving a helping hand to the former "terrorists" and "communists" they once opposed so vigorously.

Various government departments have embarked on projects to help the return and settlement of exiles.

The paths of former foes are converging as government officials help expatriates to start a new life and find accommodation, jobs and educational opportunities for their children.

Co-ordinating state activities is an affable career official, Mr Mike Bester — the sort of man who gives true meaning to the words "civil" and "servant".

Tucked away in a corner office in the a drab building, this career government official has been given one of the most sensitive tasks in the run-up to negotiations about a future democratic South Africa — that of supervising the return of an estimated 35 000 exiles.

And he is earning praise from those "on the other side" who deal with him.

Says ANC executive member responsible for repatriation Mr Jackie Selebi: "We have encoun-

tered a number of snags and stalling but none from Mr Bester and the Department of Home Affairs."

High praise indeed for a bureaucracy whose cradle-to-grave control over the lives of all South Africans has earned it the nickname the Department for Hatching, Matching and Dispatching.

From his office Mr Bester co-ordinates the actions of 19 government departments involved in the repatriation process.

## Coherent strategy

"Each one is responsible for particular projects but we have to ensure that we follow a coherent strategy."

Much of his time is spent in meeting representatives of political and social organisations.

"People often mistakenly believe that it is only ANC supporters who want to return," he says. "But there are also large numbers aligned to the PAC, Azapo, and the Black Consciousness Movement as well as numerous non-affiliated South Africans who wish to come back. We have to treat them all equally."

Mr Bester says a big problem is determining how many exiles there are.

"We have to rely on guesstimates. They vary between 20 000 and 40 000."

"We have to take into account that not all of them want to return. Some have settled permanently abroad, married foreigners, accepted stable jobs."

Even the ANC itself has difficulty in determining the numbers involved. Mr Selebi says the immediate concern is to provide for the return of headquarters and administrative personnel from Zambia and Tanzania — estimated at between 10 000 and 12 000.

The large numbers of students, their families and support staff at ANC training facilities will not be brought back till later and it is doubtful if the bulk of between 15 000 to 20 000 members of Umkhonto we Sizwe will return before the negotiating process has reached an "irreversible stage".

Mr Bester says the department has given "the strictest instructions to officials at all entry points to act with great circumspection. If the ANC wants me to send staff to Lusaka to help with the process, I would be glad to do so."

But repatriation is only a small part of the problem. "How do you accommodate them and reintegrate them into society?"

Tens of thousands of others have been waiting for housing for years. Exiles need jobs and training and health care and pensions, but so do most others.

## 'Upington 25' appeal starts today

Staff Reporter

THE Appeal Court hearing of the murder case of the "Upington 25", who were convicted in May 1989 for the killing of a municipal policeman, is to begin in Bloemfontein today.

The appeal will centre on, among other things, the controversial "common purpose" doctrine used to convict the accused.

An observer from Amnesty International is to attend the proceedings this week, the human-rights organisation

announced on Friday. He is Mr Geoffrey Robertson, QC, who also covered the appeal hearing of the "Sharpeville Six" trialists for Amnesty International.

Of the 25, 14 were sentenced to death by Mr Justice J J Basson for the murder of Mr Lucas Sethwala on November 13, 1985, in Pabalello township.

The remaining 11 received sentences ranging from eight-year terms to suspended sentences.

# Winnie Mandela's alibi is 'improbable', State argues <sup>(331)</sup>

WINNIE Mandela's evidence that she was travelling to Brandfort in the Free State at the time four young men were assaulted at her Soweto home was improbable, the Rand Supreme Court was told yesterday.

State counsel Jan Swanepoel SC submitted during closing argument before Mr Justice M Stegmann that any reasonable person in Mandela's position would have disclosed her alibi at the time allegations were made against her in January 1989.

<sup>BLOOM 715791</sup>  
SUSAN RUSSELL

It was significant, he said, that although her alibi was raised by someone else during the murder trial of former Mandela United football coach Jerry Richardson, Mandela herself had only mentioned it during the present case.

Mandela and her co-accused, Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Mono, 21, and 14-year-old Stompie Seipei on December 29 1988.

She testified she had been on her way to Brandfort to attend a meeting at the time she is alleged to have taken part in the alleged crimes and that she only returned on December 31.

Swanepoel said the allegations against her had appeared in the national and international media.

Mandela had also spoken to the media on different occasions about the events and had had many opportunities to mention her alibi.

"She could easily have silenced her critics by merely saying she was in Brandfort at the particular time," Swanepoel said.

Mandela, he said, could not satisfactorily explain why she had made no inquiries about the four, why she had not spoken to them or why she took no action after the Soweto Crisis Committee reported the allegations to her.

## Released

She could also not satisfactorily explain why Mono and Mekgwe were only released after her husband Nelson Mandela directed that they be removed.

"It seems on the evidence that if Mr Mandela had not intervened at that stage, they would not have been released on the 16th (January 1989)," Swanepoel said.

He conceded that Kgase's evidence was unsatisfactory in many respects and that he lied about certain details, such as whether he was

paid for an article he wrote for a British newspaper.

However, this did not mean his evidence should be rejected. It should be accepted where it was corroborated either by other credible evidence or by probabilities.

He said Mandela had also not advanced any acceptable reason why Kgase and Mono would have fabricated evidence implicating her. Mandela was a leading figure in the community and the ANC and it was extremely unlikely that the pair would falsely implicate a person like her.

It was clear that Kgase had not implicated Mandela and her co-accused as far as possible although he could have done so.

Swanepoel submitted Mandela was party to the common purpose to kidnap and assault, played a leading role in the assaults and had detained the four on her premises until Seipei was taken away, Kgase escaped and Mono and Mekgwe released on her husband's orders.

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## Upington finding: defence challenges identification <sup>(33V)</sup>

<sup>BLOOM 715791</sup>  
BLOEMFONTEIN — The Upington 25 defence team yesterday challenged the reliability of State witnesses' identification of seven trialists, in the first day of argument in the Appeal Court.

Twenty-six people were convicted of the murder of municipal police constable Lucas Tshenoio "Jetta" Sethwala in Pabellelo, Upington, in November 1985. He died after he fled his mother's house which had been stoned.

Fourteen people were sentenced to death and 12 received jail and suspended sentences.

I G Farlam SC, for the appellants, told the court it was only in respect of Boy Japhta, Xoliswa Dube, Elizabeth Bostaander, Boy Swartbooi, Neville Witbooi, Ivan Kazi and Jeffrey Sekiya that argument would be addressed in regard to the alibi defences. The others were given leave to appeal against their convictions but only on the basis that they formed part of the crowd that stoned the house.

Farlam told the court that in the case of six of the seven the convictions rested on the identification of single witnesses.

The "extremely difficult circumstances" in which the witnesses allegedly identified the trialists were pointed out by Farlam. He submitted the identification by each witness was made in a manner and circumstances that provided an inadequate guarantee of the reliability of the identification. The possibility of an honest, but mistaken, identification was very real.

The appeal continues. — Sapa.

## Drought aid

THE Bophuthatswana government audited an official organisation help drought victims after a commission of inquiry found it could not account for millions in public money.

The government said in a statement yesterday a commission of inquiry into the Thusano Foundation had also earlier board of inquiry into the foundation had misled the government.

The foundation's drought relief had spent more than R120 million between 1983 and the beginning of 1990.

"The commission found gross management negligence."

## PEANUTS



# Crisis Summit

Agenda 1/5/91  
(331)  
(344)



## FW and Mandela agree to meet today in late bid to find compromise



By DENNIS CRUYWAGEN, TOS WENTZEL  
and ESMARÉ van der MERWE Political Staff

PRESIDENT De Klerk and Mr Nelson Mandela are to meet in Cape Town today to try to resolve the crisis over the ANC ultimatum which expires in two days.

It is understood that a meeting was cleared at an urgent meeting of the ANC National Executive yesterday in a last-minute effort to reach a compromise before the May 9 deadline.

Efforts between the government and the ANC to arrange a meeting have been going on for some time.

A source close to Mr Mandela said he was coming to Cape Town this afternoon to meet President De Klerk.

### Ultimatum deadline

A top government source said he was hopeful that things could develop positively.

An ANC spokesman said the ultimatum deadline was a serious matter and efforts were being made to resolve problems between the ANC and the government before a final breakdown.

A Tuynhuys spokesman said he was not aware of any arrangements for a meeting.

After yesterday's NEC meeting in Johannesburg, the ANC appeared willing to reconsider its ultimatum on violence to the government which expires on Thursday.

### Pull out of negotiations

NEC sources indicated that the ANC would reconsider its threat to pull out of negotiations if the government gave substantial commitment on three key demands. On April 5 the ANC issued a seven-point ultimatum.

The three demands highlighted yesterday were:

- The need for legislation to outlaw carrying traditional weapons;
- Firm steps by the government to phase out hostels and other labour compounds, and
- Satisfactory assurances by the government that the security forces will act even-handedly and use "civilised" methods of crowd control.

Sources in Cape Town indicated that the government was prepared to consider meeting the demands.

Since the ultimatum was announced on April 5, the government has moved substantially on these three issues.

It announced last month that pangas, axes and bush knives carried in public places would be confiscated, but the ANC seems to be pushing for the outlawing of "traditional" weapons such as spears, assegais and knobkerries.

President De Klerk said state funds would be

used for programmes to end the township carnage, including the conversion of some single-sex hostels into family units.

### Impartiality

The issue of police impartiality seems the most difficult to resolve. The government has steadfastly denied that the security forces are taking sides, but the ANC has constantly accused the forces of partiality.

NEC sources said the focus of yesterday's meeting was the proposal by church leaders to host an anti-violence summit between the major political players. They said the NEC had endorsed this move.

It remains to be seen whether President De Klerk whose proposal for a summit on the violence on May 24 and 25 has been turned down by the ANC, will be willing to take part in a meeting convened by church leaders.

The NEC sources said the ANC and the government were eager to prevent a deadlock on negotiations, and urgent telephone discussions between the two parties took place yesterday to ascertain how much each side was prepared to give on the ultimatum.

The meeting also discussed proposals by the ANC/Cosatu/SACP alliance at an emergency meeting on Sunday.

Since the ANC's ultimatum was announced, the government has acted on all but the most controversial demand, the sacking of Law and Order Minister Adriaan Vlok and Defence Minister Magnus Malan.

Yesterday the ANC Women's League and Youth League announced that demonstrations would be held countrywide tomorrow to highlight the ANC's demand that the government take drastic steps to curb the violence.

The mass-action campaign would include marches on police stations, sit-ins at government buildings, pickets and demonstrations.

● ANC attacks Harry Schwarz  
— page 2.

# New terms for detention without trial

Political Staff

PROVISIONS for detaining people without trial in terms of the Internal Security Act are to be curtailed.

The "initial period" of detention is to be shortened to 14 days. After that police holding a suspect will have to go to the Supreme Court for a decision on how much longer detention is justified.

Legislation detailing the changes to the Act will be tabled in Parliament today.

The Minister of Justice, Mr Kobie Coetsee, last week announced that the banning of people, preventive detention and the consolidated list of names would be scrapped.

Provisions for bans on publications and restrictions on newspaper registrations would also go, Mr Coetsee said.

Announcing details of the new laws last night, Mr Coetsee said this was just the start of a process of review and he hoped the security situation inside the country would allow the Act to be wholly scrapped soon.

He said it was necessary for interrogative detention to remain because "terrorism and subversion" were still threats.

Mr Coetsee said organisations that promoted their aims through violent means would face banning. But whereas in the past the courts had limited jurisdiction over the decision, the Supreme Court now would be able to decide on legal grounds whether a banning was justifiable.

## Stompie trial: Key witness gunned down

JOHANNESBURG. — Mr Andrew Lerethodi Ikaneng, a witness in the trial of a former bodyguard of Mrs Winnie Mandela, was shot and wounded at his Soweto home yesterday.

Soweto police said Mr Ikaneng, 24, was shot at several times and wounded in the lower part of his body. He was taken to Baragwanath Hospital.

Mr Ikaneng was one of the witnesses last year in the murder trial of Jerry Richardson, who was sentenced to death for the murder of child activist Stompie Seipei.

Richardson, former "coach" of the Mandela United Football Club, tried to murder Mr Ikaneng with a pair of garden shears, the court found.

Three men are being sought for yesterday's attempted murder. — Sapa

## 5 shot dead in Tembisa

JOHANNESBURG. — Five people were shot dead and two others wounded in Tembisa township, near Kempton Park, yesterday evening, bringing to 11 the number of people killed in the area since the morning, police said.

The latest deaths, which occurred in separate incidents, followed the shooting earlier of six men by snipers.

● At least 102 killed in May unrest — Page 6

## Wrongful arrest claim settled out of court

JOHANNESBURG. — A civil claim by a mother and son against the Minister of Law and Order was removed from Johannesburg Magistrate's Court roll yesterday following an out-of-court settlement.

Mrs Therese Boltar and her son Stephan Boltar claimed R10 890 for injuries caused by the police and for wrongful arrest at Boksburg Lake in 1989. They settled for R6 000 offered by the minister.

The police admitted no liability in the settlement.

The Boltars claimed that the police failed to stop assaults by Afrikaner Weerstandsbeweging (AWB) members at a picnic at the lake.

Reiger Park (a "coloured" suburb) residents had gone to the lake to protest against its reservation for whites. The Boltars said they had gone to support the residents' protest and to show that not all whites were racists.

The clash occurred when the AWB members arrived and allegedly threatened people, telling them to leave the area.

# Winnie's alibi is false, court told

By Cathy Stagg 7/5/91

Winnie Mandela's alibi is false and it strengthens the State's case, Deputy Attorney-General Jan Swanepoel, SC, argued in the Rand Supreme Court yesterday.

After a two-day break last week, the State began its submissions yesterday.

Mr. Swanepoel presented argument that the court should find Mrs Mandela (56) guilty as charged on four counts each of kidnapping and of assault with intent to do grievous bodily harm, and that her co-accused, John Morgan (61), should be convicted only of kidnapping.

Mr. Swanepoel told the judge Mrs Mandela's alibi should be rejected as false. But even if she had gone to Brandfort on December 29, 1988, as she claimed, she could still

have taken part in the assaults on four young men at her Diepkloof home and made the three-hour journey to the Free State town, he said.

The State claims that although Mrs Mandela did not actually take part in collecting Kenneth Kgase, Thabiso Mono, Pelo Mekgwe and Stormpie Seipei from the Orlando West Methodist manse, she was a party to a common purpose to kidnap.

## Bloodstains

Later that day she played a leading role in the assaults, it was submitted, with references to bloodstained walls and a bloodstained sjambok.

Afterwards, she detained Kgase and the other three on her premises until Stormpie was taken away.

But even if she had gone to Brandfort on December 29, 1988, as she claimed, she could still

after her husband (ANC deputy president Nelson Mandela) intervened, Mr. Swanepoel submitted.

Mr Kgase (33) and Mr Mono (22) both testified for the State. Mekgwe (22) disappeared shortly before he was due to testify.

Stormpie, who was 14 when he was taken away, was murdered by Jerry Richardson, who was sentenced to death on August 8 last year.

The court has heard that Mr Mandela, who was in prison at the time, sent his attorney Ismail Ayob to discuss the alleged kidnapping and assaults with Mrs Mandela, and that Mr Mono and Mr Mekgwe were subsequently handed over to community leader Dr N Mochlana.

Mr Swanepoel submitted that Mr Mono and Mr Mekgwe would not have been freed if Mr Mandela had not ordered their release.

Mr Swanepoel said that to secure a conviction, the State had to prove, beyond reasonable doubt, that the accused committed the crimes.

But that did not mean beyond all doubt, he said, quoting a legal precedent.

While Mrs Mandela did not have to prove her alibi, he submitted, the fact that she told no one about it until the start of this trial was significant.

## Hounded

Mr Justice Stegmann reminded Mr Swanepoel that Mrs Mandela's counsel, George Bizos, SC, had repeatedly made the point that Mrs Mandela's alibi was part of the evidence in the Richardson trial.

Mr Swanepoel said that the evidence was given by Nora Moahloli, not by Mrs Mandela, in May last year. Yet Mrs Mandela had, in her

own words, been hounded by the media since February 1989. Accusations were made that she was implicated in Stormpie's disappearance and in the crimes for which she is now standing trial.

The publicity was at its height in January/February 1989 yet Mrs Mandela had not silenced her critics by saying she was in Brandfort, he said.

He also claimed she had signed a plea explanation which was handed in at the start of this trial yet her version had changed by the time she got into the witness box.

State advocate Chris van Vuuren made submissions regarding another co-accused, Xoliswa Falati (37), and is expected to complete his address today. The defence teams will then begin their submissions regarding their clients.

# 'Upington 25' appeal begins

CM-  
7/15/91  
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BLOEMFONTEIN. — The Upington 25 defence team challenged the reliability of state witnesses' identification of seven trialists yesterday, the first day of argument in the Appeal Court.

Twenty-six people were convicted of the murder of municipal police constable Mr Lucas Tshenolo "Jetta" Sethwala in Pabellelo, Upington, on November 13, 1985. He died after fleeing from his home when it was stoned.

Fourteen people were sentenced to death on May 26, 1989. A week later the remaining 12 received sentences that ranged from suspended prison terms to up to eight years.

The 26th trialist, Enoch Nompondwana, was refused leave to appeal against his conviction and eight-year sentence.

Yesterday, Mr I G Farlam, SC, for the appellants, told the court that in six of the seven convictions in question, identification rested with single witnesses, conducted under "extremely difficult circumstances".

He said the possibility of an honest, but mistaken, identification was very real.

Five court days have been set aside for the appeals. — Sapa

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Cap 7/15/91

## Stompie trial: Key witness gunned down

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JOHANNESBURG. — Mr Andrew Lerothodi Ikaneng, a witness in the trial of a former bodyguard of Mrs Winnie Mandela, was shot and wounded at his Soweto home yesterday.

Soweto police said Mr Ikaneng, 24, was shot at several times and wounded in the lower part of his body. He was taken to Baragwanath Hospital.

Mr Ikaneng was one of the witnesses last year in the murder trial of Jerry Richardson, who was sentenced to death for the murder of child activist Stompie Seipei.

Richardson, former "coach" of the Mandela United Football Club, tried to murder Mr Ikaneng with a pair of garden shears, the court found.

Three men are being sought for yesterday's attempted murder. — Sapa

# Lies spread to discredit Winnie, court told

UNKNOWN people had falsely accused Winnie Mandela of kidnapping and assault in an effort to destroy her reputation and protect that of Methodist minister the Rev Paul Verryn, the Rand Supreme Court was told yesterday.

Verryn has previously been accused by witnesses of sexually interfering with boys staying at his manse.

Mandela's counsel George Bizos said two Sunday Star articles submitted as exhibits and Mandela's own evidence showed that unknown persons had fed the Soweto Crisis Committee, which was investigating the allegations, and the Press with false information as

early as January-February 1989.

Mandela and co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping four young men, including Stormie Seipei, from the Orlando-West Methodist manse and assaulting them at her Diepkloof home on December 29 1988.

Mandela also told the court she was on her way to Brandfort to attend a meeting at the time she was alleged to have kidnapped and assaulted them.

Bizos argued that not only were generalised allegations against Mandela published in the Press, but also a clear innuendo that she was responsible for Seipei's death and that of Soweto doc-

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SUSAN RUSSELL B 10 am

tor Dr Abubaker Asvat.

"The only inference that may be drawn is that one or more persons were giving this information for the purpose of discrediting her."

He pointed out that when the trial started, more than half the members of the Johannesburg Bar thought Mandela was being charged with murder. "If members of the bar could be ill-informed about the accusations, how much more so the public."

Bizos said the refusal of Sunday Star editor John Hilyard to give evidence or to consult with the defence effectively

8/5/91

obstructed the defence and the court from conducting an inquiry which could have answered the State's question as to why anyone would want to fabricate evidence against Mandela.

He said the main issue was whether Mandela was present during the assaults or whether she was well on her way to Brandfort.

He said proof that the assaults took place was not proof that Mandela was present or took part in them.

Bizos said the State's primary criticism of Mandela was that when the allegations were first made she did not state in the media that she was in Brandfort at the relevant time.

"No precise time was given in the published allegations as to the date or time when the kidnapping and assaults in which she was supposed to have taken part were committed. This only became known publicly in the Richardson trial.

"On the assumption of her innocence and belief that false allegations were being made against her, it may have been foolhardy for her to disclose that she was in Brandfort for only a certain part of the period for fear that those making the allegations would trim their sails to the wind," he said.

He continues his argument today.

CAM-12125  
8/8/91

## Wounded witness 'hidden away'

JOHANNESBURG. —

Police said yesterday that a witness in the trial of the former bodyguard of Mrs Winnie Mandela, who was shot and wounded in Soweto on Monday, was alive but still being treated for his injuries at an undisclosed hospital.

Mr Andrew Lerothodi Ikaneng, 24, was taken to Soweto's Baragwanath Hospital on Monday after being gunned down at his home by unidentified assailants.

Hospital officials said Mr Ikaneng, who testified in the murder trial of Jerry Richardson, was moved to another hospital shortly after receiving emergency treatment at Baragwanath.

They could not name the hospital.

A spokesman said police were looking for three people in connection with the incident.

In Richardson's trial, the court found that he had attempted to murder Mr Ikaneng. — Sapa

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# Plot to malign Winnie – lawyer

Star 8/5/91.

By Cathy Stagg

(331)

Winnie Mandela's counsel yesterday accused the press of printing false information about Mrs Mandela in a bid to destroy her reputation and save that of the Rev Paul Verryn.

George Bizos, SC, was presenting argument to Mr Justice Stegmann, who is presiding over the kidnapping and assault trial in the Rand Supreme Court.

"As early as January/February 1989, unknown persons fed the press ... with false information about Mrs Mandela," Mr Bizos submitted.

Apart from generalised allegations, there was a clear innuendo that she had been responsible for the death of Stompie Seipei and Dr Abu-Baker Asvat, Mr Bizos said.

Members of the Bar had asked him if Mrs Mandela was on trial for murder, he said, and if lawyers could be under the wrong impression, how much more so the general public?

Stompie (14) was one of four youths allegedly kidnapped from the Orlando West Methodist manse on December 29 1988, taken to Mrs Mandela's Diepkloof home and assaulted.

The court heard that Mrs Mandela (57) and her co-accused, Xoliswa Falati (37), took Katiza Cebekhulu, the alleged victim of sexual harassment by Mr Verryn, to Dr Asvat earlier that day.

Mr Bizos said the State had proved that serious assaults were committed at the back of Mrs Mandela's house later that day, but that did not prove Mrs Mandela was there or was part of a conspiracy.

Mrs Mandela's defence was an alibi: that she was in Brandfort and not at home when the

assaults were committed. And, it was submitted, there was no evidence that Mrs Mandela instructed anyone to take the four youths away from the manse.

Miss Falati had said she took the boys away (with Jerry Richardson, who was later convicted of Stompie's murder) without the prior consent of Mrs Mandela, Mr Bizos said.

Turning to the role of the press, Mr Bizos specifically mentioned Sunday Star editor John Hildyard, who refused to consult with Mrs Mandela's legal team. Mr Hildyard said he would refuse to answer questions about who wrote articles published in February 1989 or where the information came from.

"Had Hildyard given evidence, the identity of those responsible would have enabled us to investigate their motives," Mr Bizos said.

## Disappeared

"The court's dictum early in the proceedings that all who have information should come forward in the interests of justice obviously does not, in Hildyard's opinion, apply to the Sunday Star," Mr Bizos said.

The two articles must have been based on information which came from Kenneth Kgase (33), Thabiso Mono (22), who both testified for the State, or possibly Pello Mekgwe (22), who was supposed to testify but disappeared during the trial, Mr Bizos said.

"The desire to protect the reputation of the Rev Verryn and destroy that of Mrs Mandela was the predominant motive of those responsible for causing the allegations to be published.

"The State witnesses may have been interfered with, Kgase's literary and commercial ambitions may have played their part. The political oppo-

nents of Mrs Mandela may have encouraged the process."

Mr Bizos added that if newspapers had information in connection with wrongdoings, they should publish but not convict.

Turning to Mrs Mandela's alibi, Mr Bizos said that if an accused was entitled to remain silent on any issue when charged, surely at least the same right was applicable in a media interview.

"It may have been foolhardy for her to disclose that she was at Brandfort for only a certain part of the period, for fear that those making the false allegations against her would trim their sails to the wind," he said.

Turning to Mr Kgase's evidence, Mr Bizos described him as a barefaced liar who should be prosecuted on at least 12 counts of perjury.

He said the contradictions in Mr Kgase's evidence could only be explained on the basis that Mrs Mandela was not there and that for some reason Mr Kgase decided to put her there, "and as time went on, her participation became more active, more dramatic and sensational".

Earlier yesterday, Hendrik Kruger, who appeared for another co-accused, John Morgan (61), submitted that his client was Mrs Mandela's employee and a family friend.

He had no reason to suspect he was part of a kidnapping when he drove Mrs Mandela's bus to transport the young men from the manse or to other destinations some days later.

Hentjie Joubert, for Miss Falati, said she believed there was sexual abuse at the manse.

He conceded that she had exaggerated some of her claims, which began as caressing and ended as multiple rapes, but said this was because no one had taken her seriously and she wanted the "Verryn issue" attended to.

The trial continues today.

# Appeal over Upington killing

*CM 712-1 8/5/97 331*  
BLOEMFONTEIN. — There was no basis for convictions for murder founded on the principles of the common purpose doctrine, the Appeal Court here heard yesterday.

This argument was presented in the appeal by 25 of the 26 people convicted in May 1989 on charges that arose from the death of municipal police constable Lucas Tshenolo "Jetta" Sethwala at Paballelo, Upington, on November 13, 1985.

Counsel for the appellants submitted that fundamental to the convictions was the trial court's conclusion that the crowd had one purpose in mind, which was to kill the man.

Mr Justice E M Grosskopf, Mr Justice Smalberger and Mr Justice Nienaber further heard argument that the trial court had committed a number of misdirections in its application of the doctrine of common purpose to the facts of the case.

# Winnie 'smeared'

JOHANNESBURG. — Unknown people bent on destroying Mrs Winnie Mandela fed false information to the press to accuse her publicly of involvement in kidnap and assault, her lawyer told the Supreme Court yesterday.

Delivering his final argument on behalf of Mrs Mandela, Mr George Bizos said the state had failed to prove her guilt on charges of kidnap and assault, and offered probable reasons why she had been falsely accused.

He said the accusation that Mrs Mandela was involved in the vicious sjambok assault on 14-year-old Stompie Seipei and three other youths at

her house in Soweto on the night of December 29, 1988, were published in the press on the strength of false information supplied by "unknown persons".

Some serious, yet completely unfounded allegations—including innuendo that she was responsible for Stompie's death and for the murder of Dr Abu-Baker Asvat, were included in the press reports.

He said the reports were written in a "polemical style".

"The only inference that may be drawn is that one or more persons were giving this information for the purpose of discrediting her," Mr Bizos said.

The testimony of two of the four victims, Mr Kenneth Kgase and Mr Thabiso Mono, that Mrs Mandela initiated and participated in the sjambok assault, was contradictory and improbable, Mr Bizos argued.

Their evidence had been refuted "by clear and satisfactory evidence that Mrs Mandela was not there when the four complainants were brought to her home on the night of 29 December 1988".

The defence advocate answered the state's criticism that Mrs Mandela had failed at the time to disclose her alibi, despite being accused publicly in the press.

He said the precise date and time of

the kidnap and assaults were not published, making it impossible for her to suggest she had an alibi.

Earlier yesterday, counsel for Ms Xoliswa Falati and a third co-accused, Mr John Morgan, asked the court for a finding that the state had failed to prove their clients' guilt beyond reasonable doubt.

Mr Henti Joubert, for Ms Falati, asked that if the court's finding was that Mrs Mandela had been present, an accompanying finding would be that the assaults had taken place under her leadership. "The decision to assault could only have been taken by Mrs Mandela," Mr Joubert said. — Sapa

Tuesday May 8 1991

# Convict Falati, Court is Urged

Sowetan 8/5/91

Sowetan Correspondent

MISS Xoliswa Falati, one of the accused in the Winnie Mandela trial, should be convicted of kidnapping and assault on the basis of common purpose, the Rand Supreme Court heard yesterday.

Wrapping up the State's argument, Mr Chris van Vuuren said Falati's evidence should be rejected where it conflicted with that of State witnesses Mr Kenneth Kgase and Mr Thabiso Mono.

Falati had told the court that she had arranged for boys to be taken away from the Methodist Church manse on December 29 1988 after she became aware of sexual misconduct involving the Rev Paul Verryn.

She had claimed that the boys were not forced to go but had been asked to do so.

She also told the court she was not present during the alleged assault at Mandela's Diepkloof home.

Van Vuuren pointed to the fact that although Falati had instituted the removal of some of the youths from the manse, she had left other boys who she believed had also been abused.

## Raped

It was also highly unlikely that Falati did mention the other boys when she took Katiza Cebekulu, who had allegedly been raped by Verryn, to Mandela.

He submitted that when pressed during cross-examination at one stage, Falati had changed her evidence. She had also con-

tradicted aspects of her evidence in the Richardson trial, he said.

Mr Hendrik Kruger, acting for Mr John Morgan, Mandela's former driver, submitted that no evidence had been placed before the court to convict his client on charges of kidnapping and assault.

There was only circumstantial evidence against him, Kruger said. There was also reasonable inference that Morgan drove the bus innocently to and from the manse.

Kruger further submitted that no common purpose could be inferred beyond any reasonable doubt from the conduct of his client, the facts and the circumstances.

He also submitted that Morgan's failure to testify could not act against him, nor could it help the State's case.

The State had not proved guilt



FALATI

beyond any reasonable doubt on four counts of assault against Morgan, he added.

Mandela (56), Morgan (61) and Falati (36) have pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

(Proceeding).

# Defence questions different versions

By Cathy Stagg

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If Kenny Kgase was prepared to give one version of events to the police and another to the court which heard the Jerry Richardson trial — a matter of life and death — how much more prepared would Mr Kgase be to implicate Winnie Mandela in kidnapping and assault, the Rand Supreme Court was asked yesterday.

George Bizos, SC, was addressing Mr Justice MS Stegmann, who is presiding over the trial of Mrs Mandela (57), Xoliswa Palati (37) and John Morgan (61). They have pleaded not guilty to kidnapping four youths from the Orlando West Methodist manse on December 29 1988 and later that day, seriously assaulting them.

## Murder

One of the youths was Stompie Seipei (14). Jerry Richardson was convicted of Stompie's murder and, on August 8 last year, sentenced to death.

Mr Bizos said that in the Richardson trial, and in this trial, Mr Kgase (33) testified that Richardson took Stompie away.

Yet in January 1989, Mr Kgase said in a statement to the police that "some men" (including Richardson) took Stompie away. Mr Bizos said it made a world of difference whether one man or a group of men took Stompie away — because Mr Kgase said that when Richardson came back there was blood on his shoes.

If Richardson was the only one who took Stompie away, the

inference that he was the murderer was irresistible, Mr Bizos said, but not necessarily so if it was a group.

Mr Bizos also questioned why Mr Kgase, and the other State witness, Thabiso Mono, were not charged as accomplices in the attempted murder of Lerotodi Ikaneng, or at least warned that they might incriminate themselves when they testified about their role in that crime in the Richardson trial.

Mr Ikaneng, a former member of the Mandela Football Club, testified in the Richardson trial that Mr Kgase and Mr Mono were among a group of men who held him down while Richardson stabbed him in the throat with a blade from a pair of garden shears.

(Mr Ikaneng is currently in hospital after being shot outside his house on Monday.)

Mr Bizos suggested the reason Mr Kgase felt confident enough to relate his participation in the attempted murder "must surely be that once he implicated Mrs Mandela he felt he was secure in his position as a witness and his possible involvement in the Ikaneng attempted murder would pale into insignificance, as in fact it has".

The fact that Mr Kgase was seriously assaulted at the back of Mrs Mandela's property put him in a good position to give detail. So his claim that Mrs Mandela was present should not be believed because of the other correct detail, Mr Bizos submitted quoting a legal precedent.

Turning to Mr Mono, Mr Bizos submitted his evidence could not be used to corroborate Mr Kgase's evidence because both were bad witnesses and because "they both had an opportunity to conspire falsely to implicate Mrs Mandela".

Mr Bizos said: "They stayed together from time to time as guests of the Rev Paul Verryn or his friends.

"They both stand to be rejected, especially if they have been contradicted by other credible witnesses called by the defence," Mr Bizos said referring to Mrs Mandela and her two alibi witnesses.

Turning to Brandfort schoolteacher Norah Moahloli, Mr Bizos said the police had "hustled" her when they went there on February 1 this year.

She was not told they were following up the evidence she gave in the Richardson trial that Mrs Mandela arrived at her (Mrs Moahloli's) house on December 29 1988, Mr Bizos said, and she had a right to be upset when she realised this after answering questions.

## Complaint

Mr Bizos stressed he had no complaint about the prosecution team instructing the investigating officer to follow up Mrs Moahloli's evidence. His complaint was the way in which Colonel A Coetzee, a member of the Soweto Security Police, carried out the investigating officer's instructions.

The court had heard Colonel Coetzee was from the personnel department and offered to go and get a statement from Mrs Moahloli because he wanted to visit family in Bloemfontein.

Mr Bizos submitted that it was "laughable" for a colonel in the Security Police to say he did not know that Mrs Mandela's trial was due to start on February 4 this year.

Mr Bizos will resume his argument tomorrow.

# Bizos attacks key evidence

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SUSAN RUSSELL

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THERE were serious contradictions and discrepancies between the evidence of the two key state witnesses implicating Winnie Mandela in four counts each of kidnap and assault, her counsel argued in the Rand Supreme Court on Wednesday.

George Bizos, SC, submitted that the evidence of Kenneth Kgase be rejected and that of Bar-end Mono at best be treated as the evidence of a single witness.

He argued that the probabilities on the proven facts favoured the defence version, that Mandela neither ordered nor otherwise associated herself with the removal of Kgase, Mono and two other young men from the Orlando-West Methodist manse; that she was not there when it happened and took no part in assaults upon them.

Mandela, 57, and her co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting Kgase,

31, Gabriel Mekgwe, 22, Mono, 21, and 14-year-old Stompie Seipei on December 29 1988.

Mandela denied any involvement in the alleged kidnappings and assaults.

Bizos submitted that associating herself with the kidnapping and participating in assaults on the four would have been contrary to Mandela's previous conduct.

"Having gone to (SA Council of Churches secretary general) the Rev Frank Chikane with the complaints of sexual abuse of the 13-year-old youth in 1987 and again in September 1988, she had shown concern about the well-being of the youths at the manse."

Bizos said the people in the back rooms of Mandela's house led lives independent of those in the main house.

"Neither of their witnesses (Mono and Kgase) say that Mrs Mandela ever came to the back

rooms after December 29 during the period of some 10 and 20 days respectively that they spent there," he said.

"The evidence of Mrs Mandela that she did not go to the back or concern herself with matters of housekeeping is contradicted."

In the circumstances, Bizos said, there was nothing inherently improbable in former Mandela United football coach Jerry Richardson and Falati, who lived at the manse at the time, agreeing between themselves without Mandela's knowledge to remove the four.

Nor was it improbable, he said, that Richardson and others, again without Mandela's knowledge, decided to punish the four for their alleged sexual misconduct and what was believed to have been Seipei's role as a police informant.

Bizos referred to a number of discrepancies between the evidence of Kgase and that of Mono. Bizos will continue with his argument today.

## Magistrate sets a precedent

51024 1015791

WILSON ZWANE  
ZELDA Moletsane this week became SA's first black woman magistrate.

In an interview after being sworn in by Johannesburg chief magistrate OA de Meyer on Wednesday, Moletsane said she was excited at being given a chance to prove her worth as an administrator of justice.

"The appointment will enable me to carry out my potential to the best of my ability," said Moletsane, who was previously a public prosecutor.

She said her appointment had nothing to do with her being black or a woman. "People are not appointed to senior positions because they are black or women but because of their abilities," she said.

Moletsane was born in Krugersdorp. After matric she enrolled for a B Juris degree at the University of the North in 1979, where she graduated three years later.

# Death penalty alive and well

*Sowetan 10/5/91* *331*

THE death penalty is alive and well in spite of perceptions that South Africa is moving away from capital punishment, says law professor Dr Dennis Davis.

There were still 341 prisoners on death row, he said.

Of those, 298 were sentenced before new legislation making the death penalty no longer obligatory in capital crime cases with no mitigating circumstances.

Davis, head of the Centre for Applied Legal Studies at Wits University, was speaking at the launch of *Death by Decree*, a book about the death penalty in South Africa.

The launch was sponsored by the Institute of Criminology at the University of Cape Town and the Society for the Abolition of the Death Penalty.

Since the change in legislation last year, there had been 531 convictions for murder, of whom 43 offenders were sentenced to death, Davis said.

The 298 prisoners sentenced under the old legislation are having their cases reviewed by a panel which will decide whether the new laws apply.

Davis likened this procedure to cricket umpires judging matches at the end of the season, using different rules to the ones played on the field.

It is, Davis said, a "very unscientific way of deciding who lives and who dies".

"There is no criminologically justified way to find the death penalty an appropriate sentence," he said.

Davis said the only argument in favour of the death penalty was retribution, but this could no longer be argued in light of the recent commuting of Pretoria mass-killer Barend Strydom's death sentence.

"It was suggested that his circumstances and situation were the same as, for example, (ANC bomber) Robert McBride.

"But McBride's motivation was fighting for a just and equal society and Strydom's justification was hatred of people of colour, which anywhere else, I believe, would be an aggravating not a mitigating circumstance."

Davis said the majority of executions took place during the "darkest time" of South African history, in the Verwoerd, Vorster and Botha eras, and it would be a "magnificent symbolic act" if the state no longer sanctioned institutionalised killings.

## Highest rate

Mr Geoffrey Robertson, QC, in South Africa from Britain representing Amnesty International at the appeal proceedings of the Upington 25 in Bloemfontein, said Namibia and Mozambique were the most recent African countries to abolish the death penalty.

He also said that Nigeria had the highest rate of capital punishment - 122 shot by firing squad last year. But, he said, of all countries in the world, South Africa was the one which took the death penalty most seriously.

It was ironic that authorities were looking for a formula to legitimate state violence through the death penalty, while also trying to find a solution to violence in the country.

In the early years of Mrs Margaret Thatcher's premiership, when capital punishment was once again mooted in Britain, judges threatened to resign rather than pass the death sentence, he said. - *Sowetan Correspondent*.

HEAD OFFICE.

FROM PAGE 1. Sapa reports that Winnie Mandela trial will begin in the Rand Supreme Court on Monday.

# Winnie judgment on Monday

JUDGMENT in the Winnie Mandela trial will begin in the Rand Supreme Court on Monday.

Yesterday, Mr Justice M S Stegmann summed up the reasons why a contested statement had been admitted as evidence.

John Morgan (61), who drove Mrs Mandela's bus on a number of occasions, had claimed he only made the contested statement because the police tortured him and made him promises.

The judge said Mr Morgan had "deliberately set out to mislead me with untruths".

Summing up "the long list of disputes" between what Mr Morgan claimed had happened, and the police's version, the judge found there was "not a single instance" which proved his claims — and that there were 10 examples positively against his version.

Even in his evidence in chief, the judge said, Mr Morgan was entrapped in his own lies.

331 CATHY STAGG

Earlier yesterday, the judge debated the legal position of an accused who was found to be an accessory after the fact of assault. He raised this issue with George Bizos, SC, appearing for Mrs Mandela, and with Jan Swanepoel, SC, for the State.

Mr Mandela, Mr Morgan and Xoliswa Falati (37) have all pleaded not guilty to kidnapping four youths from the Orlando West Methodist manse and assaulting them on December 29 1988.

The judge's question arose because Miss Falati testified that when Mrs Mandela returned from Brandfort on December 31, she told her that Jerry Richardson had assaulted Kenny Kgase, who had a black eye.

"If Mrs Mandela knew that — and kept that knowledge to herself when two weeks later respon-

sible citizens came to her and said there were allegations that she was involved in kidnapping and assault — would she be an accessory after the fact?" the judge asked.

Mr Bizos said the judge should not accept Miss Falati's evidence. Mrs Mandela had said she did not hear what Miss Falati said. If, however, she had heard it, then Miss Falati had referred to common assault.

He asked if it was reasonable to expect Mrs Mandela to remember this two weeks later when she had been accused of the murder of Stompie Seipei, of kidnapping, brutal treatment and hiding Stompie's body.

Mr Swanepoel submitted that as the owner of the property and the person in charge, Mrs Mandela had a legal duty to act when she was told that it was alleged two young men were still being held against their will.

# Judgment in Winnie trial



ON TRIAL ...  
Winnie Mandela

Own Correspondent

JOHANNESBURG. — Judgment in Mrs Winnie Mandela's kidnap and assault trial is expected to begin in the Rand Supreme Court on Monday.

Final arguments by the prosecution — in favour of conviction — and on behalf of Mrs Mandela and her co-accused Mr John Morgan and Miss Xoliswa Falati — that they be found innocent — were concluded yesterday.

The state argued that Mrs Mandela, 56, was party to the common purpose to kidnap a 14-year-old boy and three men from a Soweto

Church manse on December 29, 1988, and later played a "leading role" in their assault.

Mrs Mandela and her two co-accused Miss Falati, 37, and Mr Morgan, 61, have all pleaded not guilty to four counts each of kidnapping and assault.

Yesterday Mr Justice M S Stegmann explained his decision of more than six weeks ago to admit as evidence a statement made by Mr Morgan.

In the statement Mr Morgan alleges that Mrs Mandela was part of the group of people who assaulted the abducted manse resi-

dents for allegedly indulging in homosexual acts.

Listing 12 conflicting points between Mr Morgan's evidence and the testimony of five Soweto murder and robbery detectives, Mr Justice Stegmann described Mr Morgan's version as improbable and in cases "plainly untrue".

Mr Justice Stegmann said nothing in the list of disputed points favoured Mr Morgan's version.

Earlier in the day Mrs Mandela's counsel, Mr George Bizos SC, closed his client's defence asking that she be found not guilty and discharged on all counts.

# Judgment reserved in Upington appeal

BLOEMFONTEIN. — The Appeal Court here has reserved judgment in the appeal of 25 people convicted of the murder of an Upington municipal policeman.

Constable Lucas "Jetta" Sethwala was attacked and burned at Paballelo on November 13, 1985 after his house had been stoned by a large group.

After a trial of 18 months the 25 were convicted in April 1988 of murder and Enoch Nompondwana was convicted of attempted murder.

On May 26, 1989 trial judge Mr Justice J J Basson sentenced 14 to death.

The other 12 were sentenced a week later to terms of imprisonment of between six and eight years, some of whose sentences were suspended on condition that they rendered community service.

They were all refused leave by the

trial court to appeal against their convictions and sentences.

Later the Appeal Court granted all except Nompondwana leave to appeal. In the case of 16, they received leave to appeal on the restricted basis that they had formed part of the crowd at Const Sethwala's house and had thrown stones at it.

For these appellants it was argued that the trial court had erred in its approach to the principles of common purpose, in its application of the doctrine of common purpose and in its assessments of the facts relevant to these issues.

Seven received unrestricted leave and it was argued for them that the trial court had erred when it accepted the evidence advanced by the state and when it rejected the alibi defences of these seven. — Sapa

APR 14 1991

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# Judgment day

By DESMOND BLOW

JUDGMENT is expected to begin tomorrow in the Winnie Mandela kidnap and assault trial after more than 40 days in the Rand Supreme Court. Legal costs are said to run to hundreds of thousands of rands.

Winnie, John Morgan, 61, and Xoliswa Falati, 36, are charged with kidnapping and assault.

Among the few spectators who attended the trial this week was Helen Suzman.

Winnie looked happy to see the human rights campaigner, as the two hugged each another during the tea adjournment.

During closing argument this week Swanepoel asked that Winnie be found guilty on all eight counts against her.

He said Winnie had been evasive when questioned

about her alibi that she had been on her way to Brandfort in the Free State when the kidnapping and assault of Stompie Seipei and three others was taking place on December 29, 1988.

Her claim should be rejected or the court should find she first participated in the assaults, and then left for Brandfort, he submitted.

Swanepoel said there were 14 reasons why her actions were inconsistent with the actions of an innocent person. These included that she neither took action nor made enquiries about the four victims, despite being told they had been assaulted in her backyard, and that she had failed to contact the police despite being aware Stompie had disappeared and had possibly been murdered.

Two of the youths were only released on instruction from her husband, Nelson Mandela, who was still in jail.

## Winnie's epic court room drama nears an expensive close

A third youth, Kenneth Kgase, had escaped and the fourth, Stompie Seipei, was murdered by former Mandela Football Club coach Jerry Richardson.

Richardson was last year found guilty of murdering Stompie and sentenced to death.

Swanepoel said Stompie was kidnapped and assaulted because he was regarded as an informer "who had sold comrades in Parys".

"The reason why Kenneth Kgase, Mono and Mekswe were kidnapped was probably because Xoliswa Falati be-

lieved they were involved in homosexual activities (with the Rev Paul Verryn) at the Methodist manse in Orlando West where refugee youths were in the care of Verryn," he said.

Winnie had also been "extremely evasive" when asked to explain why she did not reveal her alibi during media interviews or when police investigated the crimes.

The evidence of two of the victims of the assaults, Kgase and Thabiso Mono, corroborated each other in that Winnie initiated and participated in assaulting the four victims,

Swanepoel said.

In replying argument defence lawyer George Bizos said Winnie had been no more aware of what was happening in the backyard of her Soweto home than a housewife in the northern suburbs of Johannesburg was aware when a shebeen was being run in her backyard.

Bizos said evidence had shown Winnie did not go into the backyard or associate with the youngsters she had given shelter to.

He said the State's attempt to convict Winnie should not succeed because her alibi had not been proved false and witnesses called to corroborate her alibi that she was in Brandfort had not been shown to be lying.

He also asked Judge Stegmann to reject the evidence of Kgase and Mono. A comparison of their testimonies showed serious discrepancies and contradictions.

Bizos suggested Richardson may have assaulted the four victims on his own initiative while claiming to act on behalf of Winnie.

He said it was possible Richardson, who was living in back rooms at Winnie's house at the time, may have banished her name about while whipping the youths.

This could also explain why Kgase and Mono decided to falsely implicate Mandela, Bizos said, adding it would be wrong to exonerate Verryn of the homosexual charges levelled at him by Falati.

An adverse inference should be drawn from the State's failure to call him as a witness, he added.

Some serious, yet completely unfounded, allegations - including innuendo that Winnie was responsible for Stompie's death and the murder of Dr Abu-Baker Asvat - were included in press reports, said Bizos.



# TENSE SUNDAY FOR WINNIE AS SHE WAITS FOR VERDICT

ST Times 12/15/91

By DAWN BARKHUIZEN

AFTER a sensational three-month trial the fate of Winnie Mandela came to rest this weekend in the hands of one man — Rand Supreme Court judge Mr Justice Michael Stegman.

He is expected to begin his judgment of Mrs Mandela and her two co-accused tomorrow. Argument in the trial, which has aroused interest around the world, ended on Friday.

Defence lawyer George Bizos said Mrs Mandela had not been proved guilty "beyond reasonable doubt".

State advocate Jan Swanepoel argued that proof of guilt beyond reasonable doubt did not mean proof beyond all doubt. He urged the court to have regard for the "cumulative effects" of the evidence.

Mrs Mandela, 56, her driver John Morogan, 61, and Xoliswa Falati, 37, face four charges of kidnapping and four of assault with intent to do grievous bodily harm.

These stem from the removal of four youths from the Methodist church manse in Orlando West, Soweto, on December 29 1988 and their subsequent assault in a back room of Mrs Mandela's Diepkloof house.

Mrs Falati has told the court that she arranged for the four youths to be brought to Mrs Mandela's house to protect them from being molested by the Rev Paul Verryn. They had come willingly, she said.

But two state witnesses, Kenny Kgase and Thabiso Mono, said they were forcibly removed and then punched and slammed by Mrs Mandela and others.

All three accused have pleaded not guilty, Mrs Mandela claiming she was in Brandfort at the time with witnesses to support her evidence.

She said she learnt that four youths were staying on her premises when she returned from Brandfort, but paid no further attention to the matter.

She was informed of the kidnap and assault allegations against her in the second week of January 1989 when the Mandela Crisis Committee, community doctor Nthatho Motlana and Mandela family lawyer Ismail Ayob separately visited her to ask about the allegations.

She was infuriated and refused to have anything further to do with the people living in her back rooms, she said.

## Failed

Mr Swanepoel said: "Her actions after December 29 were inconsistent with the actions of a person who had played no part in the kidnappings or assault."

"She could not satisfactorily explain why she made no further inquiries about the four, why she did not speak to them, why she did not ask (Soweto doctor Abu-Baker) Asvat, when he came to see her, to examine them, or why she took no action after the visit by the crisis committee who told her that an escapee had made an affidavit implicating her."

"Nor could she explain why she failed to have the remaining youths released or removed and why they were only removed after Nelson Mandela had ordered their removal."

Mrs Mandela's reasons for going to Brandfort were improbable and her evidence contradicted that of her witnesses, Nora Moshali and Thabo Motlana, he said.

Mrs Moshali's claim that a policeman had coerced her into signing a statement which put the date of Mrs Mandela's arrival in Brandfort at December 28 — not December 29 — had been denied by the officer, who said he had no prior knowledge of what was correct or not.

Arguing Mrs Mandela's case, Mr Bizos said the state had proved that serious assaults had taken place in Mrs Mandela's back rooms, but not who the perpetrators were.

There had been no evidence that Mrs Mandela had instructed or conspired with anyone to remove the four youths from the manse, Mr Bizos argued.

It was not improbable that Jerry Richardson, the Mandela Football Club coach, and Mrs Falati had agreed between themselves to remove the four from the manse and that Richardson and others had, without Mrs Mandela's knowledge, decided to punish them.

The state had, he said, failed to prove that on Mrs Mandela's return from Brandfort late in the afternoon of December 31 people were being kept in her back rooms against their will — and that she knew this

was so. The state had also failed to provide evidence on the exact time that the four were removed from the manse, but it was clear that Mrs Mandela and her driver had long since left Soweto, he said.

Mrs Mandela's claim that she had been in Brandfort, corroborated by two people, could not be rejected. If the alibi evidence had not been shown to be false, then the state case had to fail.

State witness Kenny Kgase — the main witness to support the allegations against Mrs Mandela — had been shown to be a "bare-faced liar", Mr Bizos said.

## Dismissed

Mr Mono's evidence had been "riddled with material contradictions and inconsistencies". The two were close friends, stayed together and were close to Mr Verryn. The possibility that they had conspired together to falsely implicate Mrs Mandela could not be excluded, he said.

Criticisms of her witnesses' evidence could largely be dismissed on the basis that more than two years had passed since the events they described took place, Mr Bizos said.

Moments of drama were not confined to the courtroom. In December four of Mrs Mandela's co-accused jumped bail. Shortly after the trial started a key state witness, Gabriel Mkgwe, was allegedly abducted by three men and has not been seen since.



WINNIE MANDELA... verdict tomorrow on charges of kidnapping and assault

SIX names appear on the charge sheet alongside that of Winnie Mandela. But there is an eighth defendant — Methodist minister Paul Verryn.

As the trial progressed, accusation after accusation was stacked up against the clergyman that he had sodomised youths in his manse in Orlando West, Soweto.

But neither prosecution nor defence called him to testify. Although his morals have been put squarely in the dock, he has been unable to respond to the allegations.

Mr Verryn was at the centre of claims surrounding Mrs Mandela's alleged participation in the kidnap and subsequent assault of four youths in the back rooms of her Soweto house on December 29, 1988.

Much of the trial was taken up with questions about whether Mr Verryn was molesting runaway youths in his double bed. There were explicit descriptions, including one from a youth claiming to

# Minister whose morals were ripped apart

By DAWN BARKHUIZEN

have been 13 at the time.

Why was Mr Verryn not put on the witness stand? If state advocate Jan Swanepoel had wanted him to testify it would have been easy enough to call him, for during much of the trial the minister has been working quietly in his offices at the Central Methodist Church — next door to the Rand Supreme Court.

But Mr Swanepoel dismissed the homosexual allegations as a side issue. Mrs Mandela had chosen a specific defence: an alibi. He believes she should therefore not be able to say: "I wasn't there, but if I

were found to be, then I assaulted the youths because they were having homosexual relations with a priest."

The main reason Kenny Kgase, Thabiso Mono and Gabriel Mkgwe were kidnapped from the manse and taken to Mrs Man-

dela's house was probably because co-accused Xoliswa Falati believed they were involved in homosexual acts, he said. "Consequently, it is not necessary for the court to make a finding as to whether Paul Verryn committed indecent acts at the manse."

The reason for defence lawyer George Bizos's over the two witnesses who implicated Mrs Mandela — Mono said Verryn was protected, protector, counsellor and psychologist. We were told that after they left Mrs Mandela's home the witnesses were in the custody of the Methodist church.

"Although Verryn was listed as a state witness he was not called... (this) has deprived us of probing the possibility that in his desire

to protect his reputation Mrs Mandela was implicated in the events which she was not party."

In addition, "the desire to protect the reputation of Mr Verryn and destroy that of Mrs Mandela" had been the main motive of those who fed newspapers with descriptions of Mrs Mandela's alleged involvement in the assaults.

Mr Bizos pointed out that he was not trying to justify the events which had given rise to the charges. He was merely trying to prove that Mrs Mandela had sufficient cause to believe youths were being sexually molested at the manse and some of them had been brought to her backyard rooms for their protection.

Methodist Bishop Peter Storey said that three months before the incident which led to the trial he had suggested Mr Verryn make his bedroom out of bounds because rumours of homosexual activity were circulating.

But Mr Storey said an internal pastoral investigation had found the allegations to be groundless.

# Winnie trial man traced to Zambia

MISSING Winnie Mandela trial witness Gabriel Pelo Mekgwe, who was allegedly abducted from the Methodist manse in Soweto the day before he was to give evidence, is understood to be in Zambia.

Senior South African officials said this week they believed Mr Mekgwe was moved to Zambia from Zimbabwe after the South African representative in Zimbabwe sent an official letter to the government asking for assistance in his repatriation.

The South African mission head in Zimbabwe, Nico Nel, declined to comment.

Johannesburg journalist Patrick Laurence was sentenced to 10 days in jail for refusing to disclose the source of a report linking the ANC to the alleged abduction of Mr Mekgwe.

## Aware

It is understood that South African officials established that Mr Mekgwe and two others were living in an "ANC safe house" in Mabelreign in Harare.

The house was guarded, as usual, by uniformed Zimbabwean policemen. The South Africans are understood to have suggested in the official letter that because of the police presence the Zimbabwean government must have been aware that Mr Mekgwe was in the house. They asked for assist-

By MIKE ROBERTSON

ance in repatriating him.

Although there was no indication that Mr Mekgwe was being held against his will, the South Africans suggested in the letter that this was so.

No response was received from the Zimbabwean government. South African officials say they have evidence that two days after the letter was sent, Mr Mekgwe and the two others were moved to Lusaka where they still are. South Africa does not have diplomatic representation in Zambia and has been unable to take the matter further.

● Tense weekend for Winnie, Page 10

## PICK 6

### TURFFONTEIN

There were 161 winners with each collecting R8 008,80. Numbers: 8; 7; 14; 5; 6; 9, 10.

### GREYVILLE

Only 22 winners collected a dividend of R16 365,50 each. Selections: 10; 7; 3; 8; 9; 14; 5; 2, 9.

### MILNERTON

343 winners collected a payout of R1 547,70. Combinations: 3; 7; 4; 4; 1; 1, 6, 11.

# D-day in Winnie trial

*17/12/89*  
 TODAY is D-day in the three-month trial of Mrs Winnie Mandela and her two co-accused. Judgment is due to begin this morning.

The kidnapping and assault case has made world headlines — and is seen as one of the most sensitive in South Africa's legal history.

Mrs Mandela, 56, her driver Mr John Morgan, 61, and Mrs Xolisa Falati, 37, pleaded not guilty to four charges of kidnapping and four of assault with intent to do grievous bodily harm.



**ACCUSED**  
 Winnie Mandela

Officials now believe that a crucial "missing" state witness, Mr Gabriel Peto Mekingwe, allegedly abducted from the Methodist manse in Soweto on the eve of his scheduled testimony, has been moved from Harare to Lusaka.

It is now too late for Mr Mekingwe and two other witnesses to be repatriated for testimony.

The trio were moved from Harare two days after a strongly worded letter from the South African authorities was sent to the Zimbabwean government, it was learnt yesterday. They were living in what is believed to be an ANC "safe house" in Harare.

Four of Mrs Mandela's co-accused jumped bail in December.

society, because very few journalists would want to take the chance of exposing their sources of information.

My hon colleague has referred to the situation in the United States. In the US, no journalist is compelled to testify in a court of law during a trial as to where he got his information, and we hear of no serious problems taking place there. [Time expired.]

Mr M F CASSIM: Mr Chairman, it does not give me great pleasure to speak after the hon member for Tongaat. For as long as he has been in this House, he has never managed to understand the sentiments that I have expressed. His negative views are on record for all to note.

The question that is of the utmost importance, is the question of obligation. The hon member for Springfield has also referred to this. The crucial question here is whether someone is under an obligation or not. If one accepts the words of the hon member for Tongaat which I have written down—"if one so desires" and "if they choose not to speak"—it boils down to a matter of desire. The hon member is leaving the matter in the realms of choices and desires. This is hardly the correct way of determining the issue. The main issue is one of justice.

I want to make it clear that we on our side are as much in favour of justice as we are in favour of freedom of the Press. What we are appealing for, is a mechanism that will allow both these concepts to be held in balance. Surely that is what the entire issue is about. My appeal to the hon the Minister is to give favourable consideration to the freedom of the Press. The hon member for Springfield is absolutely correct when he says that in any country the rules and norms which one applies, are rules and norms which may also apply in the future.

We should not curtail the freedom of the Press lest that freedom be curtailed in a future dispensation. For the protection of our democracy now and forever, yes, I agree that the right of the Press must be paramount. [Time expired.]

Mr M RAJAB: Mr Chairman, after having listened to the hon nominated member Mr Cassim, I am not sure whether he supports my view that a further amendment to the Act is necessary.

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I wish to remind the hon member that section 205 could well be used against him. I believe that he was involved in a fracas with the hon the Leader of the Official Opposition because of his alleged conservative views in the committee that discussed the Land Acts. This kind of action does the already tarnished image of this House no good. I trust that in the interests of the public, that hon member will make a statement on this matter before section 205 is, in fact, invoked against him. [Interjections.]

Mr M F CASSIM: Just let justice prevail!

Mr M RAJAB: In the United States, nearly all of the states have a provision to protect the confidential information given to journalists. I looked at the statute of the state of Arizona which says in article 4 under "Privileged Communications":

A person engaged in newspaper, radio, television or other such work, or connected with or employed by a newspaper, radio or television station, shall not be compelled to testify or disclose in a legal proceeding or trial or any proceeding whatever, or before any jury or commission, or before a committee, or elsewhere, the source of information procured by him for publication in a newspaper or for broadcasting over a radio or television station with which he was associated or by which he is employed.

It is important to note that this comes under the heading of "Privileged Communications". Communication between husband and wife also falls under that heading. We know that in our law no communication between husband and wife can be used against one or the other in a court of law. [Time expired.]

The DEPUTY MINISTER OF JUSTICE: Mr Chairman, I thank the hon members for their fair argument of this case. I would like to give the hon member for Springfield the assurance that this matter will be considered by the hon the Minister and the Media Council.

Much has been made of the example of the Laurence case. In very brief terms, what happened? What I find interesting is that reference is made to the Laurence case, but not to the Beyers case. In the Laurence case the allegation was made that certain ANC members took Mr Mkgwe away. What does Beyers say? Beyers says in the CP newspaper that it was the Intelligence Police who took the man away. The public

in South Africa has two versions. After all, does justice not demand and does society not demand that we should know what the facts are? Does justice not demand that we should know where the information comes from? I think that is a very important aspect that must be taken into account.

The hon member for Springfield referred to the question of privilege. That is really the crux of the matter. Does a journalist have an absolute—I emphasise "absolute"—privilege not to disclose his sources? That is not the case in South Africa, but I want to submit to the hon member that that is also not the case in the United States or in Britain. I want to refer the hon member to the case of *Branzburg v Hayes*, 1972, in the United States. On 25 April this year, a female journalist of *The Washington Post*, a Miss Linda Wheeler, was sent to jail for refusing to disclose her sources on a police raid which had failed. So it is also not an absolute privilege in the United States. We are in line with international standards as far as this is concerned.

Finally, may I say that the Government has a sound appreciation for the necessary role of the media in this case to protect their sources. On the other hand there is the demand by society that justice must be done. I believe that the Government has struck a fair balance. As the hon nominated member Mr Cassim said, there must be a balance between these two interests. [Time expired.]

Debate concluded.

# QUESTIONS

†Indicates translated version.

For oral reply:

General Affairs:

Question standing over from Tuesday, 7 May 1991:

Operation Vula: indemnity/investigation

\*4. Mr M RAJAB asked the Minister of Law and Order:

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- (1) Whether the Government has granted indemnity to Operation Vula trialists;
- (2) whether the Government's decision in this regard has been made public; if not, why not; if so, in what manner; (331)
- (3) whether a certain University of Durban-Westville lecturer, whose name has been furnished to the South African Police for the purpose of the Minister's reply, is still being sought in connection with the Police investigation into Operation Vula; if so, (a) why, (b) what are the circumstances surrounding the matter and (c) what is the name of the lecturer in question?

D115E

The DEPUTY MINISTER OF FOREIGN AFFAIRS (for the Minister of Law and Order):

- (1) Yes, only in respect of those who were charged and appeared before the court.
- (2) Yes, in *Government Gazette* No 13131 of 22 March 1991 and the media.
- (3) Yes.

- (a) and (b) The person has not yet received indemnity in terms of section 1 of the Indemnity Act, 1990 (Act 35 of 1990). The South African Police would like to interview him regarding certain issues which are of a confidential nature. I am therefore making a friendly appeal to the person to make contact with the South African Police in order to enable the Police to finalise the matter. It would be appreciated if the hon member could be of assistance in this regard.
- (c) M Shaik.

Mr M RAJAB: Mr Chairman, arising out of the hon the Deputy Minister's reply, may I ask him whether this particular gentleman has not, in fact, applied for indemnity?

The DEPUTY MINISTER OF FOREIGN AFFAIRS: Mr Chairman, the answer clearly states that indemnity has only been granted to the people who were charged and appeared before the court. I am not aware of the facts of the matter and therefore cannot be of further assistance.

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**THE LEADER OF THE OFFICIAL OPPOSITION:** Mr Chairman, further arising out of the hon the Deputy Minister's reply, in order to enable this particular lecturer to come forward, would it not be proper for the hon the Minister to make a statement to the effect that in the light of indemnities being granted, he will not be prosecuted, in order to obtain the information which is required?

(331)

**THE DEPUTY MINISTER:** Mr Chairman, if the hon the Minister has not considered this suggestion, I will offer it to him.

**MR RAJAB:** Mr Chairman, further arising out of the hon the Deputy Minister's reply, may I ask him whether he is aware of the fact that representations have been made on behalf of this particular person from the University of Durban-Westville?

**THE DEPUTY MINISTER:** Mr Chairman, I thank the hon member for giving me that information. I was not aware of that.

*New question:*

**Louis Botha Airport: obsolete radar equipment**  
\*1. Mr M F CASSIM asked the Minister of Transport:

- (1) Whether his Department intends to replace obsolete radar equipment at Louis Botha Airport; if not, why not; if so, when will the replacement be effected;
- (2) whether he will make a statement on the matter?

D124E

**THE DEPUTY MINISTER OF FOREIGN AFFAIRS** (for the Minister of Transport):

- (1) No, not at this stage since the radar equipment at the Louis Botha Airport meets the required standards set by the International Civil Aviation Organisation. However the Department of Transport plans to acquire more modern equipment during the period 1992/93 to 1996/97, depending on the availability of funds.
- (2) No.

**MR M F CASSIM:** Mr Chairman, arising out of the hon the Minister's reply, may I ask the hon the Deputy Minister the following. According to media coverage the equipment is obsolete and

HOUSE OF DELEGATES

in fact poses a danger to people who are using Louis Botha Airport. Is that not so?

**THE DEPUTY MINISTER OF FOREIGN AFFAIRS:** Mr Chairman, I am afraid I cannot be of assistance. I therefore ask the hon member to put the question on the Question Paper.

**THE LEADER OF THE OFFICIAL OPPOSITION:** Mr Chairman, further arising out of the hon the Minister's reply, is the hon the Minister's Department aware of the fact that an aircraft took off in the wrong direction and, if so, was the cause of this problem the so-called outdated radar facilities at the airport?

**THE DEPUTY MINISTER:** Mr Chairman, it is certainly not within the scope of my knowledge and it would therefore be appreciated if the hon the Leader of the Official Opposition would put his question on the Question Paper.

#### INTERPELLATION

*Own Affairs:*

The sign \* indicates a translation. The sign †, used subsequently in the same interpellation, indicates the original language.

#### Expropriated properties: return

1. **THE LEADER OF THE OFFICIAL OPPOSITION** asked the Minister of Housing:

- (1) Whether he has been informed of the Government's alleged willingness to return certain properties expropriated in terms of the Group Areas Act, No 36 of 1966;
- (2) whether he will return to the victims of the said Act properties which were so expropriated and are currently owned by the Administration: House of Delegates; if not, why not; if so, what steps are envisaged in this regard?

D150E.INT

**THE DEPUTY MINISTER OF HOUSING:** Mr Chairman, firstly no formal communication has been received in this connection as yet. Secondly, as hon members no doubt are aware, separate development has been in force for more than 40 years, and our persistent agitation in Parliament for the repeal of the Group Areas Act, 1966, has now come to fruition. The

machinery to repeal this Act was set in motion on 12 March this year with the tabling of the White Paper on Land Reform. Naturally the so-called Land Acts of 1913 and 1936 and the Black Communities Development Act of 1984 will also be repealed.

Once this issue has been cleared, this Administration will naturally afford such a decision the circumspection and consideration it deserves, with the interests of our community, which has suffered as a result of the Group Areas Act, foremost in our mind.

**THE LEADER OF THE OFFICIAL OPPOSITION:** Mr Chairman, the intention of this interpellation is not to score a political point, but the interpellation is restricted to the area under the jurisdiction of the House of Delegates.

I accept that it will not be possible to accede to every request of persons whose properties were expropriated and who want these to be returned, but there may be circumstances in which our Administration can consider this. I want to draw the attention of the hon the Deputy Minister to a case in Kranskop. I do not know whether that matter has been resolved. There are properties in Cato Manor where the buildings still remain and the occupants are tenants of the Housing Development Board. I should like to know whether the department is prepared to consider the return of properties where circumstances warrant it. I know that in cases where a person was properly and adequately compensated and resettled, there may not be justification. In such cases there will not be land to return to members of our community.

I feel that a policy decision has to be taken, because there are certain officials in our Administration who have outdated ideas, whose thinking is not in accordance with the policy of the hon the Minister of Housing, the hon the Deputy Minister of Housing or the Ministers' Council.

We do not want to lecture this particular audience about the suffering and pain inflicted on our community as a result of the implementation of the Group Areas Act. Rather, this interpellation has been put because there have been administrative difficulties in respect of which officials could guide the heads of department as well as the Housing Development Board.

We can take the case of Cato Manor as an example. There are many old properties, includ-

ing a mosque, a temple and homes built by families which are of sentimental and historical value to them. I see no reason why these homes or properties cannot be returned. The hon the Deputy Minister may of course have been confronted with such problems in his own constituency.

I refer to Kranskop, where a particular family was uprooted from their property, ostensibly due to the Group Areas Act. However, after a considerable period of time, that property was not developed for any particular purpose. We have cases in Queensburgh, where our people were treated ruthlessly. Here I do not want to restrict myself to the Group Areas Act. Other pieces of legislation may be involved. There have been expropriations for other purposes.

In Chatsworth, for example, as a result of the efforts of the LAC, the municipality decided to return properties to the original owners, but at a tremendous cost. In Merebank, for example, a property was taken for about R5 000 and the municipality now wants about R55 000 for it. The hon member for Merebank is aware of this. [Time expired.]

**THE DEPUTY MINISTER OF HOUSING:** Mr Chairman, having heard the hon the Leader of the Official Opposition, I can no longer agree with him regarding the comments he has made, or regarding this interpellation.

I agree with him that the agony, the pain, the suffering and the humiliation to which the Group Areas Act has subjected the Indian community need no longer be mentioned. Those who want to go back in history should read the Hansard of the joint debate which took place in 1989, on the four days between 26 and 30 September. What surfaced there, was the real inner feeling of the non-White community in relation to this.

However, there are circumstances mentioned by the hon the Leader of the Official Opposition which must receive attention. He quoted Kranskop. Let us look at Kranskop. Unfortunately, some 15 years ago land was expropriated for the purpose of developing homes.

I must acknowledge my thanks also to the hon member for Natal Midlands who took this matter up too. The fact is that it was expropriated when there was no need to expropriate further Indian land. They could have developed on land that was not Indian. However, because we were

HOUSE OF DELEGATES

# Slaughter: Security is increased

By THEMBA MOLEFE and VUSI KAMA

POLICE have increased security in Kagiso and Swanieville squatter camp on the West Rand following the massacre of 28 people in a pre-dawn attack on the shantytown on Sunday.

Thirty-two people were injured when about 1 000 men armed with Zulu "traditional weapons" attacked the camp, leaving 82 shacks burnt to the ground. *Sowetan 14/5/91*

But hundreds of refugees from the camp who fled to neighbouring Azadville Civic Centre for shelter yesterday refused to return to Swanieville despite police assurances that they would get a 24-hour protection.

## Rejected offer



They rejected the offer after two senior police officers tried to address them at the civic centre.

The meeting was interrupted by a fist fight between the chairman of Kagiso's branch of the ANC, Mr Uhuru Moflora, and a Krugersdorp Town Council police officer. The fight started after Moflora was kicked in the buttocks by the municipal policeman.

Scores of residents were seen carrying their belongings on wheelbarrows or trucks as they moved out of Swanieville. Others were still pulling down their shacks late yesterday.

The ANC's PVV region has called the atrocity a national disaster and said the incident was further testimony that police were not impartial and repeated the ANC's call for the dismissal of Minis-

● To Page 2

# Winnie guilty

*Sowetan 14/5/91.*

(331)

WINNIE Mandela was yesterday found guilty of kidnapping and being an accessory after the fact of assault on four anti-apartheid activists at her home in Soweto two years ago.

By PHANGSILE MTSHALI  
and Sapa

A co-accused in the kidnap and assault trial heard in the Rand Supreme Court, Xoliswa

Falati, was found guilty of kidnapping the four from a Methodist Church manse in Orlando

West, Soweto, in 1988 and assaulting them.

The third accused, John Morgan, was found guilty on the kidnap charge only.

Sentence will be passed at

10am today.

Mr Justice MS Steynmann said Mr Falati had been proved guilty beyond any reasonable doubt.

Falati, dressed in a black velvet cape and combat fatigues, stared stonily at the judge as he gave his verdict.

● To Page 2

P.T.O.

# Mandela found guilty

Sowetan

14/5/91

331

From Page 1

Referring to Mandela, the judge said suggesting the kidnapping was carried out without Mandela's knowledge was like "trying to imagine Hamlet without the prince".

The judge said Mandela and Falati had perverted the truth during their testimony about the events on December 29 1988.

He said it was highly improbable that Falati took it upon herself to fetch the young men from the manse in Mandela's car to her Diepkloof home without her (Mandela's) approval.

Although all the witnesses were unsatisfactory, it was clear that "the four youths were kidnapped".

Justice Stegmann said Mandela knew very well about the assaults on the young men on January 1 and she could have ordered their release.

She, therefore, clearly assisted Jerry Richardson and others to escape the cause of justice.

The judge said Falati approached Mandela earlier that day for decisive action against the Rev Paul Verryn, who was accused of sexually abusing the youths.



**XOLISWA FALATI**

He described Falati as a "quick-minded woman who was a clever, resourceful and a particularly dangerous liar".

Falati, he said, created an elaborate story to discredit Verryn as a homosexual who corrupted young boys.

Justice Stegmann said Mandela proved to be a calm, composed, deliberate and unblushing liar.

He said the whole thing was a scam hatched by Mandela and Falati to discredit Verryn, whom they wanted removed from the manse.

The judge, earlier reviewing some aspects of Mandela's testimony, said she had been "vague, evasive and contradictory" in some of her evidence.

He said at the beginning of his judgment that Mandela's "careful vagueness and equivocal replies" in respect of her project in Brandfort as well as the Mandela United Football Club was disturbing.

He repeated on separate occasions that Mandela had not been a candid witness and at one point when questioned on the existence of a bodyguard, her explanation had been "absurd".

Mandela had been determined to avoid suggestions that youths staying at the back of her house were her bodyguard, saying she had no need for protection.

"This is nonsense. Mrs Mandela herself was the target of a number of attacks. It is obvious she required protection at the time, but she was not prepared to say so," Justice Stegmann said.

Another point which illustrated the "extraordinary lengths" to which Mandela went to distance herself from the soccer club lay in her responses to how it was formed.

One would have thought that Mandela, as a leader in the community and one who had contributed towards the establishment of the club, would have been proud of the help she had lent to the members.

Her evidence that the team members had arranged their own coach was unconvincing.

"I can only conclude that she did not wish to reveal the whole truth with regard to the team," Justice Stegmann said.

She had apparently

wanted to hide the fact that the club members had been expected to guard her house and act as her bodyguard on various social outings.

The judge reminded the court that according to Mandela's evidence, she had only gone as far as suggesting to youths staying at her house that they should formalise their games, but that she had done nothing further to practically organise the team.

"This is unconvincing and is another indication that she wasn't prepared to speak with complete candour".

It was also found that Mandela's vagueness in her responses to the state of projects in Brandfort during the time she allegedly visited the town in December 1988 appeared to be calculated.

"Mrs Mandela chose to use the words 'not necessarily' repeatedly when answering questions on her Brandfort projects.

"Her answers appeared to be calculated to fit in with anything that other witnesses supporting her alibi may answer in the cross-examination on this period," said the judge.

He said he would not make any finding on whether Verryn was involved in sodomy or homosexual activity with runaway youths staying there.

'Accessory to assault'

# Judge finds Winnie guilty

## of kidnapping

8/Day 14/5/91

WINNIE Mandela was found guilty in the Rand Supreme Court yesterday of kidnapping and being an accessory to assault.

Mr Justice Stegmann found Mandela had authorised the abduction of four young men to her Soweto home as part of a smear campaign to discredit Methodist minister the Rev Paul Verryn.

The judge rejected her evidence that she had had nothing to do with their kidnapping and detention at her home in January 1989.

The judge said Mandela had authorised the kidnapping of Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Mono, 21, and Stompie Seipei, 14, from the manse on December 1988.

"She showed herself on a number of occasions to be a calm, composed, deliberate and unblushing liar," the judge said.

He also rejected Mandela's evidence that she was unaware that on the night they were kidnapped the four were assaulted at her house by former Mandela United football coach Jerry Richardson, co-accused Xoliswa Falati and others.

Mr Justice Stegmann found Mandela not guilty of assaulting the four with intent to do grievous bodily harm after accepting that her alibi — that she was on the way to Brandfort in the Free State at the time — could "reasonably, possibly" be true.

"It is reasonably, possibly true that Mrs Mandela left the house between 6.30pm

SUSAN RUSSELL

and 7pm shortly before the conspiracy into which she had entered and authorised was put into effect," the judge said.

He said Falati, Richardson and others living at the house had assaulted the four with a degree of severity which established their intent to do grievous bodily harm.

Richardson was sentenced to death last year for Seipei's murder.

The judge acquitted Mandela on the assault charges but convicted her on four counts of being an accessory after the fact.

He said Mandela had been aware of the assaults from as early as January 1 1989, but had not ordered Richardson to release the four. By failing to do so she had associated herself with the assaults.

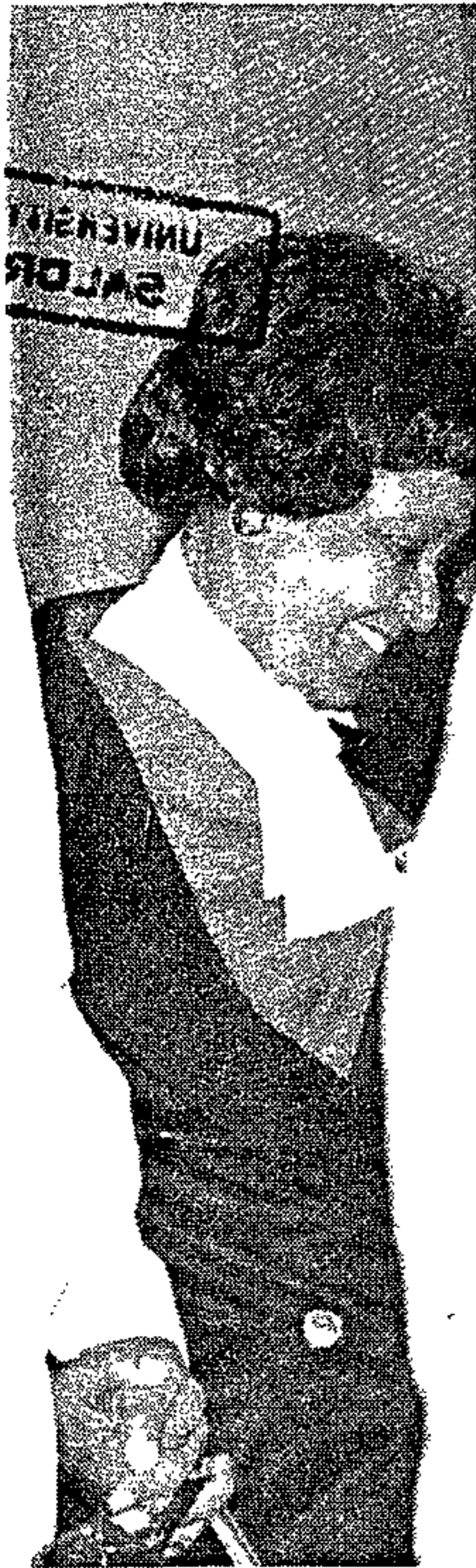
Falati was convicted on all eight counts of kidnapping and assault with intent to do grievous bodily harm.

Morgan, described as a long-standing friend of ANC deputy president Nelson Mandela, was acquitted on the assault charges, but found guilty of kidnapping.

"I am satisfied beyond any reasonable doubt that Mrs Mandela, no less than Miss Falati, deliberately perverted the truth when she testified that on December 29 she had no prior knowledge of the plan to bring the four to her house and hold them there against their will," the judge said.

He said it was improbable that the noisy

□ To Page 2



his wife Winnie leave the Rand  
Picture: CATHERINE ROSS

## Winnie

arrival of the bus conveying the group from the manse and the subsequent sjambokking and beating of the four was not heard by those living in the main house and that Mandela herself would not have been informed of it on her return.

Mr Justice Stegmann found that Falati had been present at the house when Mandela returned on December 31, in order to report on the outcome of their operation to oust Verryn from the manse.

The judge said the issue of whether or not Verryn had committed the homosexual acts attributed to him was a side issue and not one on which the court had to make a finding. Until Verryn's accusers brought him to court and obtained a successful prosecution, the minister had to be presumed innocent.

Mr Justice Stegmann rejected the defence submission that Falati was acting on her own in deciding to bring the four to Mandela's house.

"The presumption of this step is breathtaking," he said.

The judge said it was highly improbable that Richardson, himself dependent on Mandela for food and shelter, would have agreed to Falati's suggestion to fetch the four from the manse and keep them at the house without prior permission from Mandela.

Mr Justice Stegmann earlier described Mandela's evidence about the formation and role of the Mandela United Football

team as vague and evasive. He said she went to great lengths to distance herself from the team which bore her name.

He said her evidence that the youths, some of whom were refugees living in the rooms behind her house, had formed the team after she suggested they "formalise their games" was "absurd".

He also said she displayed a "remarkable absence of candour" when asked about the role played by the youths living on her property. "She was determined to avoid any suggestion of having a personal bodyguard," he said.

The judge concluded that one of the functions of the team might have been to protect Mandela.

After the judge left the courtroom a visibly emotional Nelson Mandela left the public gallery where he had spent most of the day and went into the well of the court where he hugged his wife.

Mandela herself looked composed and smiled at well-wishers.

The court had to be reconvened after court officials indicated Mandela, Morgan and Falati had to go down into the cells following their conviction.

Mr Justice Stegmann was called back into court where he granted an application for an extension of bail until this morning.

Leaving the court building the Mandela couple were greeted by local and international newsmen and about 250 supporters.

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# Winnie's most

1321  
APR 14/5/91

# miserable moment

From JOHN CARLIN of the Independent News Service

JOHANNESBURG. — It had to be the most miserable moment in Winnie Mandela's life, but she emerged from the Rand Supreme Court building at dusk yesterday, having just been convicted on charges of kidnapping and accessory to assault, with a broad smile of triumph, her fist raised in response to the muted cheers of a crowd of supporters.

Mr Nelson Mandela, who had loyally taken the day off from attending to the nation's catastrophic affairs to be by his wife's side, looked as if his mother had just died.

The contrast — he in white raincoat, she in black suit — said much about this most ill-matched of couples, about the difference in their perceptions of reality.

## Heavy burden

She rants and postures while her grave husband — the very personification of the ANC with all its present troubles and its worthy principles of old — attempts to wrestle with the complex nitty-gritty of political life in South Africa, to hammer out the details of his people's future and at the same time seek an end to the worst bloodshed the country has endured since the South African War.

Never before can a 72-year-old man who has spent so much of his life in prison have had to bear so impossibly heavy a political burden.

And now this. No more tragic spectacle — tragic in the classical Greek sense of the word — must exist anywhere in the world right now.

The heroic individual brought low by the fatal flaw. How low is the question now. Will Mrs Mandela go to jail and will, then, the ANC deputy president and de facto leader be psychologically and politically crushed in the process?

He dotes on his wife. He hugged her in court just moments after the verdict. He kissed her on the lips and called her "darling". She stood by him, as he sees it, during his long imprisonment, and she can do no wrong.

He suspends his reason and, blinded by love, ignores the howls of protest from within his own movement, from those in the Mass Democratic Movement (MDM) who on February 16 publicly denounced Mrs Mandela's "reign of terror" in Soweto, a position that has not changed among those who shunned exile and avoided jail to fight the good fight.

Mr Mandela now faces as challenging a political test as he has endured. At a time when the ANC leadership faces an internal crisis, essentially a crisis of confidence among its own rank and file, he must rise above his personal difficulties, place them in perspective alongside his far graver task of doing battle for those millions who have had no rights



KIDNAPPER: Winnie Mandela, wife of African National Congress leader Mr Nelson Mandela, is driven off in a car after Mr Justice M S Steyn found her guilty on four charges of kidnapping.

Argus

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**HAND IN HAND:** Smiling Winnie Mandela is led by her husband, Mr Nelson Mandela, from the Rand Supreme Court after her conviction.

### **Petty vanities**

For in this vexed marriage is dramatised the fundamental problem Mr Mandela and his fellow members of the ANC's National Executive Committee confront: the perception among the MDM people that their leaders are motivated more by petty vanities and personal ambition than by a sincere wish to do justice to the cause which originally inspired their rebellion.

The NEC is perceived, in turn, to be out of touch with the feelings and aspirations of "the masses" it says it represents. The recent tough line against

### **Guilty Winnie is 'composed, deliberate liar' — page 4**

the government on the issue of the township violence has helped, but the grievances run deep.

And few things have helped spur those grievances more than Mr Mandela's — and, by extension, the NEC's — insistence on standing by the "mother of the nation".

So Mr Mandela must rise above his personal calamities, forget his wife and get on with the far more serious business at hand.

For he is the very image of the leadership and if he falls, they all do — with potentially catastrophic consequences at this most delicate of times.

### **Personal weakness**

But there are still more hard-nosed reasons why Mr Mandela must break his wife's spell. White opposition parliamentarians who have been watching the government closely on "the Winnie affair" are convinced that President De Klerk's scheme is to extract as much mileage as possible from the ANC leader's biggest personal weakness.

What Mr Mandela must now do is break a spell that has held him since the day 33 years ago when he abandoned his quietly spoken first wife, Eveline — she might have been forgiven a little gloating last night — for a beguiling, sexually potent Delilah 16 years his junior.

For his own mental and physical health are tied to the health of the ANC and the black nation as a whole, whose dreams he represents.

### **'A severe blow ...'**

**JOHANNESBURG.** — The head of the biggest anti-apartheid organisation in the United States, Mr Randall Robinson, said the conviction of Winnie Mandela on charges of kidnapping and accessory to assault would cause incalculable damage to anti-apartheid movements worldwide.

Mr Robinson, who heads the Trans-Africa lobby, said on American television the anti-apartheid movement in South Africa would be dealt a severe blow.

He expressed his concern for Winnie Mandela and her husband, the anti-apartheid movement in this country and the kidnapped victims who had been assaulted in her home. — Sapa.

# Winnie verdict big news in British Press

ARG 14/5/91 (331)  
The Argus Foreign Service

LONDON. — The guilty verdict on Winnie Mandela, branding her "a calm and unprincipled liar" commands almost as much front-page attention among British newspapers today as the release of her husband nearly 18 months ago — and more than the violence which has claimed thousands of lives in South Africa's black townships.

With just three exceptions — two down-market tabloids and the Financial Times — all London's newspapers print the report as their page one leads, several under banner headlines. All three who break ranks use it as their second leads.

And almost all feature the same photograph — a laughing Mandela emerging from court, fist upraised as if in victory, while husband Mr Nelson Mandela walks, eyes downcast, a few paces behind.

The newspaper Today gives its report the most dramatic headline — the single word "Guilty", in 5.5cm capital letters over four columns of type, in which are repeated, without quotation marks, Mr Justice M S Stegman's indictment of Mrs Mandela.

Other newspapers — including The Guardian — splash their headlines across the whole, or most, of their front pages.



WINNIE MANDELA TRIAL

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**DEFIANT:** With her husband Mr Nelson Mandela behind her, Winnie Mandela raises a fist to supporters after being convicted of kidnapping and being an accessory to assault.

# Guilty Winnie 'is composed, deliberate liar'

The Argus Correspondent

**JOHANNESBURG.** — Winnie Mandela was a calm, composed, deliberate and unblushing liar, a Supreme Court judge said before convicting her on four counts of kidnapping and on four counts of being an accessory after the fact of assault with intent to do grievous bodily harm.

Mr Justice M S Stegmann handed down the judgment yesterday.

John Morgan, 61, described as an old family friend of the Mandelas, was convicted on four counts of kidnapping but acquitted on the assault charges.

Xoliswa Falati, 37, was convicted, as charged, on all eight counts.

The three were convicted of kidnapping because four young men were removed from the Methodist manse in Orlando West and taken against their will to Mandela's home at 585 Diepkloof Extension One on December 29 1988 and held there.



**Xoliswa Falati ... convicted on all counts.**

Back in Soweto after returning from banishment ...

The judge said she showed a "remarkable absence of candour" about what she expected from the youths in return for the help she gave.

was expectant. News of Mandela's conviction was spread by journalists leaving the court while she was still in the dock. Her conviction was also broadcast on radios carried by journalists outside before she left the court.

Leaving the court with Mandela was Xoliswa Falati, who was convicted of four counts of kidnapping and

ed of four counts of kidnapping and four counts of assault. Mandela's second co-accused in the trial, John Morgan, was convicted of four counts of kidnapping. The trial judge, Mr Justice MS Steemann, did not say when

the three would be sentenced.

The trial followed the kidnapping of four youths on the night of December 29 1988 from the Soweto Methodist Church manse to Mandela's Diepkloof, Soweto, home, where the youths were assaulted. One of the youths, child anti-apartheid activist Stormpie Seipei, was killed.

Mandela's former bodyguard, Jerry Richardson, was convicted and sentenced to death last year for the murder of Stormie Seipei.

A large contingent of police with dogs was at the scene but there were no incidents involving the police and Mandela's supporters. — Sapa.

**Mandela's supporters. — Sapa.**

The judge did not believe Mandela when she said she knew nothing about the plan to kidnap the four.

Falati claimed that the young men went voluntarily but the judge rejected this claim. Morgan's claim that he was only the driver of the bus and did not know a kidnap had been committed was also rejected.

However, Mr Justice Stegmann found, once she returned she knew that the four young men had been assaulted and did nothing about it. That was why she was found to be an accessory after the fact.

The judge used medical and forensic evidence, which was not contested, to back up the version extracted from testimony given by witnesses.

Regarding Mandela's description of her links with people in Brandfort, her evidence was "conspicuously vague".

The judge said she showed a "remarkable absence of candour" about what she expected from the youths in return for the help she gave.

She went to "extraordinary lengths" to distance herself from the Mandela football club. The judge said the whole truth was being concealed.

The judge suggested there might have been a malicious motive for rumours spread about the minister and there were "roots" that went much deeper. Perhaps after the missing four accused, who had not stood trial, were arrested and tried, the story would emerge.

The judge found Falati in particular had an "unreasoning vindictiveness" towards Mr Verryn.

**The trial continues today.**

**The trial continues today.**

# WINNIE GUILTY

Off 14/5/91

(331)

## A deliberate

## liar — judge



CO-ACCUSED ... Mr John Morgan, left, was found guilty of four counts of kidnapping and Mrs Xoliswa Falati was found guilty of kidnapping and assault.

## Nelson at loss for words

JOHANNESBURG. — Mr Nelson Mandela sat silently on a hard wooden bench in a packed courtroom to hear the verdict. At first he tried to appear cheerful and confident. But his mood changed during the day as Mr Justice Stegmann's decision started to go against his wife. At the end of the day the ANC deputy president, widely noted for his eloquence, had little to say.

A cheerful Mr Mandela entered court with his wife and her legal team in the morning. He chatted with defence advocate Mr George Bizos — who had also conducted his defence in the Rivonia Trial during which Mr Mandela was sentenced in 1964 to life imprisonment for sabotage.

During the tea recess he joined the legal team in an urgent huddle.

From PATRICK COLLINGS

JOHANNESBURG. — Winnie Mandela was yesterday found guilty in the Rand Supreme Court on charges of kidnapping four people from a Soweto church manse and of being an accessory after the fact to their assault.

Her co-accused Xoliswa Falati, 37, was found guilty on all the charges of kidnapping and assault, while third co-accused John Morgan, 61, was found guilty on four charges of kidnapping and acquitted on the charges of assault.

Labelling Mandela, 56, "a calm, composed, deliberate and unblushing liar", Mr Justice Michael Stegmann described her as one of the "moving spirits" behind the plan to kidnap a 14-year-old boy and three men from the manse on December 29, 1988.

"To imagine all this took place without Mandela as one of the moving spirits is (to imagine) Hamlet without the prince," the judge said.

Kidnaping carries the maximum death penalty in South Africa.

The judge said he had to accept her alibi — that she was not present when the four youths were subsequently beaten and whipped at her home — as "reasonably possible" and therefore she was not guilty of the assaults.

She was, however, guilty of being an accessory after the fact, as she must have known of them and protected those who carried out the beatings.

On her return from Brandfort on December 31, she "must have seen the injured bodies of the four who had several ...



VERDICT ... A stony-faced Mr Nelson Mandela accompanies his wife Winnie from the Rand Supreme Court yesterday. Mrs Mandela was convicted of kidnapping and found guilty, as an accessory after the fact, of assault.

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From page 1

sjambok marks all over their bodies".

By preventing two of the victims from leaving her premises until two weeks after the assaults had taken place and hindering inquiries into the assaults, Mandela "gave assistance to (the) principal offenders" and was guilty of being an accessory after the fact, Mr Justice Stegmann said.

Leaving the courtroom with her husband, Mr Nelson Mandela, Mandela told journalists: "I just want you all to know I did not assault any child. The rest I leave to my attorneys."

Mr Mandela had sat stony-faced through most of the day's extended proceedings before rushing down to hug and kiss his wife after Mr Justice Stegmann adjourned.

He declined to comment further, saying: "My wife has made a statement." The ANC said yesterday that it would comment on the verdict "in due course".

Confusion reigned in the courtroom after the adjournment as a policewoman stopped Mandela, Falati and Morgan from leaving the dock and indicated they were to be taken to the cells.

Defence counsel quickly arranged for Mr Justice Stegmann to reconvene proceedings and extend Falati and Morgan's R500 bail until 10am today. Mandela was released on her own recognisance.

State advocate Mr Jan Swanepoel, SC, unsuccessfully opposed the extension of bail, saying witnesses and accused in the trial had already disappeared.

As Mandela emerged smiling from the court, hundreds of supporters shouted ANC slogans and called for her release.

Describing Mandela's court testimony as evasive, vague, brazenly untruthful, misleading and calculating, Mr Justice Stegmann said she and Falati had established "common ground" in a campaign to discredit the supervisor of the manse, The Rev Paul Verryn.

"Mrs Mandela authorised the kidnappings before leaving for Brandfort on December 29 as part of a plot to oust Rev Verryn," the judge said.

It was likely Falati and Mandela planned the abduction together with the intention of holding an inquiry to find witnesses who would accuse Mr Verryn of sexual misconduct.

He said it was clear that Falati had lied about her participation in the kidnappings and assaults and had chosen to conduct her defence as "part of the struggle".

He added that she could not be relied on to tell the truth, was vindictive and "determined to blacken Mr Verryn's good name and get him out of the manse by hook or by crook".

Mr Justice Stegmann said it was not conceivable that Morgan, who had driven the bus to the manse, had not known about the plan.

He was therefore a co-perpetrator of the crime, the judge said.

All three accused found guilty

# Winnie a calm,

# unblushing liar

By Cathy Staggs

(331)

Winnie Mandela is a calm, composed, deliberate and unblushing liar, a Supreme Court judge said yesterday shortly before convicting her on four counts of kidnapping and four counts of being an accessory after the fact of assault with intent to do grievous bodily harm.

Mr Justice M S Stegmann handed down judgment in the Rand Supreme Court.

John Morgan (61), described as an old family friend of the Mandelas, was convicted on four counts of kidnapping but acquitted on the assault charges.

Xoliswa Falati (37) was convicted, as charged, on all eight counts.

The three accused were convicted of kidnapping because four young men were removed from the Methodist manse in Orlando West and taken, against their will, to Mandela's home at 585 Diepkloof Extension One on December 29 1988 and held there.

Stompie Seipei (14) was taken away on January 1 1989 and never seen alive again. Kenneth Kgase, then 29, escaped on January 7 and Thabiso Moko and Pele Mekeve — both then 19 — were eventually released on January 16 1989.

The judge did not believe Mandela when she said she knew nothing about the plan to remove the four from the

'I didn't beat up any child'

By Cathy Staggs

(331)

Standing in the well of the court after being convicted, Winnie Mandela turned, looked up at the journalists crowding forward from the press benches and said: "Just as long as you all know that I didn't beat up any child, I'll leave the rest to my lawyers."

Nelson Mandela was at her side.

Asked for his reaction, he said: "Well, my wife has made a statement." Pressed for more, he repeated: "My wife has made a statement

and that is enough."

Foreign media representatives crowded around Mrs Mandela's advocate, George Bizos, SC, asking for his comments on the judgment and an estimate of what the sentence would be.

He explained it would be improper for him to respond until the case was concluded, which would not be until after the judge had passed sentence. "We'll have something to say then," he said.

Mrs Mandela was released on her own recognisance, as she has been since her first

court appearance. Despite an objection from the State, R500 bail was extended to Xoliswa Falati and John Morgan.

The court sat much later than usual yesterday, both because of the lengthy judgment and because of the bail application.

A crowd of about 200 people on the pavement outside the Supreme Court waited for Mrs Mandela and her husband to appear.

As the couple emerged from the doorway, there was singing and ululating.



Shoulder to lean on . . . Nelson Mandela was at Winnie's side yesterday when she was found guilty on eight counts.

Pictures: Associated Press



Convicted . . . Xoliswa Falati at the Rand Supreme Court yesterday.

# Winnie Mandela a calm, unblushing liar

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## ● From Page 1

links with the people there and, after she had returned to Soweto, returned from time to time to check on the social projects she had initiated. The judge noted that her evidence about these links was "conspicuously vague".

Once she returned to Soweto in 1985, she returned to the house in Vilakazi Street, Orlando West, where she had lived with her husband. John Morgan was still one of the neighbours.

She set up offices and continued to give advice to people with problems.

Many youths lived at the back of her property. The judge said she showed a "remarkable absence of candour" about what she expected from the youths in return.

The reason for her lack of straightforward replies, the judge said, was that she had become sensitive to allegations in the press that she surrounded

herself with personal bodyguards. She went to absurd lengths, the judge said, to avoid saying she needed protection.

He found she had gone to extraordinary lengths to distance herself from the Mandela United Football Club, which bore her name. The judge concluded that the whole truth was not being revealed.

One of the issues dealt with at length during the trial were allegations of what the judge described as "criminal homosexual behaviour" attributed to the Rev Paul Verryn.

## Motive

The judge said that until Mr Verryn's accusers brought an action in a proper court of law, and he was actually convicted, Mr Verryn had to have the benefit of the presumption of innocence.

The judge suggested there may have been a maliciously

ulterior motive for the rumours spread about the minister.

Mandela and Falati claimed to have removed the young men from the manse because they believed they were being corrupted by the minister.

Like Mandela, Mr Verryn was providing accommodation and food for young men who were homeless for a variety of reasons. Both Mandela and Falati claimed to admire the work he did, but the judge doubted their sincerity.

The judge found Falati, in particular, had an "unreasoning vindictiveness" towards Mr Verryn and that she wanted him out of the manse "by hook or by crook".

The first reference to Mr Verryn's alleged misconduct was made in 1987 by a boy then 13. Now 17, the youth, who may not be identified, gave evidence in the trial. Even in his evidence in chief, there were glaring errors and the judge com-

pletely rejected his story. The judge also found that Mandela could not have been as impressed with his credibility as she now claimed to be.

The judge described her as "poker faced", saying she kept a pleasant expression on her face and a reasonable tone of voice. This was so until she was asked by the State how she reacted when a group of Soweto leaders, who had assisted her when the Vilakazi Street house was burnt down, arrived at her Diepkloof home to question her about the allegations of kidnapping and assault.

Mr Justice Stegmann said that to imagine that the plan to kidnap the youths had happened without Mandela's knowledge was like trying to imagine "Hamlet without the prince".

She had tried to pervert the truth that she had no prior knowledge about the plan to fetch the boys in her bus, he said.

Falati and Morgan were both part of the group that fetched the four. Falati claimed that the young men went with her voluntarily while Morgan claimed he was only the driver of the bus. But their versions were also rejected.

Regarding the assaults, the State did not push for conviction of Morgan because all the witnesses testified he had not taken part.

Mandela claimed not to

have been present when the assaults took place, saying she was in Brandfort. The judge said the State had "the usual heavy onus" to prove that the alibi was beyond all reasonable doubt false. And it was not possible to make that finding.

However, Mr Justice Stegmann found, once she returned she knew that the four young men had been assaulted and did nothing

about it. That was why she was found to be an accessory after the fact.

The judge relied on State witness Mr Kgase and Mr Mono only where their evidence was corroborated by that of other witnesses. The judge used medical and forensic evidence, which was not contested, to back up the version of events extracted from the testimony.

He said Mandela gave evi-

dence which started the furthest back in time. She had described her training as a paediatric social worker, her political involvement and how, after her husband was imprisoned in 1962, she was banned.

On May 16 1977 she was banished to Brandfort, a town in the Free State which figured in her alibi. The court heard that she kept

● To Page 3

## I am innocent - Winnie

WINNIE Mandela yesterday insisted she was innocent after being found guilty on four counts of kidnapping and being an accessory after the fact to assault.

The wife of African National Congress deputy president Mr Nelson Mandela told journalists shortly after the Rand Supreme Court had found her guilty that "as you all know I did not take part in any kidnapping or assault, the rest I leave to my attorneys". (331)

Mr Mandela refused to talk to journalists about the fate of his wife. *Sowetan* 14/5/91.

Last night the African National Congress said in a statement "there will be no comment on the verdict in the assault and kidnap trial involving Mrs Winnie Mandela at the moment". - *Sapa*.

# Winnie gets

## Six years R200 bail pending appeal

*Sowetan*  
15/5/91

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### SMILING BRAVELY



WINNIE Mandela, wife of ANC deputy president Mr Nelson Mandela, was yesterday sentenced to an effective six years' imprisonment.

She was found guilty of kidnapping and being an ac-

#### By PHANGISILE MTSHALI

cessory after the fact to assault.

Mandela (56) was sentenced to five years on four counts of kidnapping and one year for being an accomplice to assault.

She was granted bail of R200 pending leave to appeal.

● To Page 2

Winnie Mandela has been convicted and sentenced to six years in jail. What do you think?

Telephone Radio Metro DJ Tim Modise between 4.30 and 5pm today and tell the nation. The hotline number is 714-8063.

Listen to the Sowetan/Radio Metro Talk-back programme on mediumwave 576KHz.

P.T.O.,

# Winnie had duty - judge

From Page 1

Co-accused Xoliswa Falati (37) was also sentenced to six years - four on four counts of kidnapping and two on four counts of assault.

She was granted bail of R500 pending an appeal, on condition she reports to Orlando Police Station every Monday.

John Morgan (61), Mandela's driver, was sentenced to a year's imprisonment suspended for five years for his part in the kidnapping.

Passing sentence in the Rand Supreme Court, Mr Justice MS Stegmann said the three had shown no remorse for depriving

four young men - Stompie Seipei, Thabiso Mono, Pelo Mekgwe and Kenneth Kgase - of their already precarious liberty.

They also did not provide the youths with medical assistance after they had been "brutally assaulted".

"Mandela had a heavy moral duty as a leader to guide and lead the others," said the judge.

"Her recognition as a leader does not allow her to play fast and loose with the liberties of others.

"As a leader she is expected to preserve, respect and uphold the freedom of others. She ignored that responsibility that came with leader-

ship."

Regarding Falati, Justice Stegmann said there was no denying that she was the moving spirit behind the forceful removal of the youths from the Orlando West Methodist Church manse on December 29 1988 and their subsequent assault at Mandela's Diepkloof home.

"However, she had approached her leader (Mandela) for guidance."

He dismissed her counsel Mr George Bizos' plea in mitigation that she, as a leader and a prominent citizen, had been humiliated.

Bizos said she had suffered enough from the

negative publicity and the "wrongful finding" in the Jerry Richardson case "where she was not given a chance to exonerate herself".

"Mandela must be treated as an ordinary citizen," said Justice Stegmann.

"No one is above the law. Her position as a leader had a bearing because she could have prevented it all. She had a higher moral judgment than other perpetrators."

Applications for leave to appeal for both Mandela and Falati were postponed for a hearing on a date to be arranged by the Attorney-General.

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She feels no remorse, says judge

# Winnie gets a six-year jail sentence

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15 Dec 1991

WINNIE Mandela was sentenced to six years' imprisonment in the Rand Supreme Court yesterday.

Mr Justice Stegmann sentenced Mandela to five years in jail for her part in the kidnapping of four youths from the Methodist manse in Orlando-West on December 29 1988. She was sentenced to a further year in jail for being an accessory after the fact by associating herself with their subsequent assault on her property. On Monday Mr Justice Stegmann found that Gabriel Mekgwe, 22, Barend Mono, 21, Kenneth Kgase, 31, and Stompie Seipel, 14, had been kidnapped from the manse, where they were living, as part of a campaign aimed at ousting the Rev Paul Ver-ryn.

The judge said the four were kidnapped and held in rooms behind Mandela's house with her knowledge so they could testify in

WINNIE Mandela's sentencing caused jitters in the capital market.

While there was no major sell-off of gilts, dealers preferred to stay on the sidelines until a clearer picture emerged. Those that ventured in bid the rate on the benchmark Eskom Loan E168 up to 15,75% from an opening of 15,66%.

The long-term rates were still below the recent 15,77% high reached on political factors, an analyst said.

Financial rand traders said foreign demand for SA assets was enough to almost neutralise what appeared to be a "substantial" foreign sell-order. — GRETA STEYN

SUSAN RUSSELL

some sort of proceedings against Verryn who was alleged to have been involved in homosexual activities with young men living in his house.

He found that Mandela authorised the kidnap before leaving for Brandfort and that the four were abducted by Mandela's co-accused, Xoliswa Falati, 37, John Morgan, 63, and former Mandela United football coach Jerry Richardson on the evening of December 29 1988.

Mr Justice Stegmann accepted Mandela's alibi that she was on her way to Brandfort when the assaults took place as "reasonable, possibly true".

He said in Mandela's absence and without her authority, Falati extended the purpose of the conspiracy to kidnapping the four and thrashed them while interrogating them about evidence they were to give. What was of importance, the judge said, was that after this the reason for holding the four was not merely to give evidence about what they knew of the allegations against Verryn, but also to repeat what they had said under interrogation when the assaults took place.

"The reason for the kidnap, acquitted new and more sinister intentions which must be taken into account," he said.

Mr Justice Stegmann acquitted Mandela on the assault charges but convicted her of being an accessory after the fact as a result of her failure to order the victims' release.

"You were only involved as an accesso-

□ To Page 2

Winnie 15 Dec 1991

ry," the judge told Mandela, "but your associating with the crimes was serious."

"One of the worst features was your complete absence of compassion towards the victims of the assaults."

Falati was sentenced to four years for her part in the kidnapping and a further two years' imprisonment for assault.

Morgan, who drove Mandela's bus to the manse to pick up the four, was sentenced to one year for the kidnappings. The judge said Morgan participated in events only on the night of the kidnappings and that had been at Mandela's instance.

"There has been no indication that any of you yet feels the slightest remorse," Mr Justice Stegmann said.

"There is no indication that if you were tempted once again to interfere with someone's liberty for your own purposes you would not do so."

Mr Justice Stegmann also said Mandela had misused her position as a leader. "Good leadership involves seeking solutions which uphold the liberty of others."

The main factor which made kidnapping so serious, he said, was that it deprived an individual of his liberty.

"In the present case the victims were in circumstances in which their liberty, before you took it from them, was precarious and therefore all the more precious."

Mr Justice Stegmann said Seipel,

Mekgwe and Mono were living away from home because their liberty had been threatened from other quarters.

"It seems to me the three of you could not have been unaware of the weakness of your victims and that served to embolden you to take advantage of it."

Mr Justice Stegmann said Mandela misused her position as a leader when she gave her authority to a scheme which "deprived four young men of their liberty which was all that was left to them".

After passing sentence the judge granted Mandela bail of R200 pending appeal proceedings against her conviction.

Falati was granted an extension of her R500 bail.

Their applications for leave to appeal were enrolled by Mr Justice Stegmann and will be heard on a date to be arranged by the Attorney-General.

After the judge left the court a smiling Mandela was surrounded by journalists. But she was instructed not to speak to the media by her legal representatives.

Mandela and her retinue emerged from the court building about half an hour later when she was met by about 400 singing and chanting supporters.

There was a heavy police presence, including a helicopter which circled overhead but there were no clashes.

● Comment Page 8

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## A triumphant exit holds up city traffic

JONATHAN REES (331)

WINNIE Mandela emerged from the Rand Supreme Court smiling and seemingly triumphant, to cheers from a vast crowd of supporters. *51 Day 1979*

Scores of photographers, reporters and TV crews from around the world joined the throng which pressed against barricades to get a glimpse of Mandela after she was sentenced to six years in jail.

Placards proclaimed her innocence and declared her "Mother of the Nation".

"Vlok, Malan and CCB must be hanged" and "No justice under an unjust government", read others.

The crowd was closely watched by police on foot and in armoured vehicles. A police helicopter circled overhead.

ANC marshals forced supporters and journalists out of Mandela's way after she gave a clenched fist salute and proceeded to her lawyers' chambers across the road.

Pritchard Street was temporarily blocked to traffic as people clambered over vehicles and thumped on the sides of passing buses. Scuffles broke out as tempers flared in the mêlée.

Members of the thinning crowd later sang and danced as they waited for Mandela to emerge from the chambers.

Before climbing into a waiting Mercedes, Mandela thanked people for their support.

"Even their own court found us not having had assaulted any child. We did not murder Stompie. We were found guilty of it by the media. The struggle goes on." She shouted "Viva" several times, and drove off.



From page 1

## Winnie sentence (23) 0/5/91

Archbishop Desmond Tutu said the anti-apartheid movement would continue to honour Mrs Mandela for the good things she had done and to recognise her as a human being.

In Britain, Archbishop Trevor Huddleston said Mrs Mandela was a "victim of apartheid".

In Washington, a State Department spokesman said the Bush administration believed that Mrs Mandela had received a "fair trial" and hoped the judgment would not affect negotiations.

Mrs Coretta Scott King, widow of assassinated civil-rights leader Martin Luther King jun, yesterday called the trial the product of "a racist legal system".

Mandela, 56, paid R200 bail and walked out of the Rand Supreme Court less than an hour after hearing Mr Justice Michael S Stegmann label her a community leader who had played "fast and loose with the liberty of others". She showed little emotion as she was sentenced.

Mandela, Falati and Morgan had all pleaded not guilty to abducting four Methodist manse residents on December 29, 1988, and assaulting them in the back rooms of Mandela's home.

On Monday Mr Justice Stegmann found Mandela guilty on all the charges of kidnapping and as an accessory after the fact to the assaults. He ruled that her alibi that she was travelling to Brandfort at the time the assaults were taking place was reasonably possible.

### Released on bail 1p/2/

Falati was found guilty on all the charges of kidnapping and assault and Morgan was found guilty only on the four charges of kidnapping.

Immediately after sentence had been handed down, defence counsel for Mandela and Falati applied for bail pending their application for leave to appeal.

Mr Justice Stegmann enrolled the applications and postponed them until a date for their hearing had been arranged by the attorney-general of the Witwatersrand.

Falati was released on bail of R500 and ordered to report each Monday to the Orlando police station.

Mandela's defence submitted in her application to appeal that "there is a reasonable prospect of success on appeal in respect of all the counts on which she has been convicted".

Her application stated that Mr Justice Stegmann had "misdirected himself in one or more" respects.

The application stated that he had "erred in holding, through a process of inferential reasoning, that it had been proved beyond a reasonable doubt, that (Mandela) was indeed party to the conspiracy to kidnap" and that there was no direct evidence on which to base the finding.

### Media issue

The application also criticised Mr Justice Stegmann's ruling that "it was not necessary" for the state to have called the supervisor of the manse, the Rev Paul Verryn, to give evidence.

The application also stated that Mr Justice Stegmann erred in "making findings of fact which led him to the conclusion that (Mandela) was guilty of being an accessory after the fact without those facts being put to her to admit or deny or explain them".

Inside the courtroom about 100 spectators and 80 journalists sat shoulder to shoulder to hear Mr Justice Stegmann sentence Mandela and her co-accused.

He rejected an argument by Mandela's counsel, Mr George Bizos, SC, that his client had been punished by the media which had printed serious and false allegations about her involvement in the assaults.

Mr Bizos argued that for a person in Mandela's position the unfavourable media coverage had meant the "greatest punishment (had) already (been) imposed".

Mr Justice Stegmann said he could not attach any weight to this factor and would not "condone or exonerate" the media. He added that Mandela could make use of her civil remedies if she wished to pursue the matter.

He told Mandela that by allowing the kidnappings to take place she had ignored the responsibility that accompanied her position of being a community leader, and therefore her crime of kidnapping was more serious than that of her co-accused.

Mr Justice Stegmann added that after learning of the brutal assaults, Mandela had shown an "absence of compassion" for the four victims.

He described her attitude as "beyond comprehension".

He said there was no indication that any of the accused had shown the "slightest remorse" for what they had done. — Own Correspondent and Sapa



**UNDER PRESSURE . . .** Mr Mandela shows the strain minutes after hearing that his wife, Winnie Mandela, had been sentenced to six years in jail.

Picture: OBED ZILWA

# Winnie ANC dismay

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**SENTENCED** ... Winnie Mandela, sentenced to six years in jail for kidnapping and assault, leaves the Rand Supreme Court yesterday. She was released on bail while her lawyers tried to appeal against the sentence and conviction.

**JOHANNESBURG.** — The African National Congress expressed its "dismay" last night at the Rand Supreme Court's guilty verdict and the jail sentences imposed on Winnie Mandela and her co-defendants.

Mandela was sentenced to jail for six years yesterday following her conviction on Monday on charges of kidnapping and accessory to assault, but she was immediately released on bail pending application for leave to appeal.

One of Mandela's co-accused, Xoliswa Tlati, 37, was also sentenced to jail for six years — four years for kidnapping and two years for assault.

A third co-accused, John Morgan, 63, who was found guilty only on charges of kidnapping, was sentenced to imprisonment for one year, suspended for five years.

The sentences were greeted by a stunned silence from the crowded court room and an impassive Mrs Mandela.

In a three-paragraph statement the ANC said it chose to leave the case in the hands of the courts, and that it was confident the truth would come out in the end.

"The ANC learnt with dismay of the guilty verdicts and lengthy sentences imposed on Comrade Winnie Mandela and her co-defendants today.

"As leave to appeal both the verdicts and

## INSIDE

- **'Betrayed' Verryn speaks on Winnie** — PAGE 6
- **Reign of terror by Mandela Football Club** — PAGE 6
- **Winnie gets no sympathy from British press** — PAGE 6

the sentences has been granted, the matter is sub-judice.

"The last word on this entire affair has not yet been spoken. We elect to leave the matter in the hands of the courts, fully confident that in the end the truth will emerge," the ANC said.

A strained-looking Mr Nelson Mandela told media representatives minutes after hearing the news of his wife's sentence that he had "never believed that she was guilty of assaulting anyone."

He was told of the sentence minutes after addressing a rowdy meeting at Stellenbosch University.

He said the judgement had confirmed his position, and his faith in his wife had been "fully vindicated".

"The witnesses who accused her of assault and other terrible crimes have been thoroughly discredited.

"The judge found her guilty of not reporting the assault committed by others. I believe she did not know about such matters," he said.

Mr Mandela said he also did not believe his wife was aware that anybody was being held against their will at the back of her house.

He said the six-year sentence imposed on his wife had not been unexpected in the light of Monday's judgement.

**'Still honoured'**

But Mrs Mandela told a cheering crowd outside the court that "we have been found guilty by the media."

"I want to thank all of you who have not been influenced by the misleading reports which we had to face during the past two years."

The man who last year decided to prosecute Mandela, Witwaterstrand attorney-general Mr Klaus von Lieres and Wilkau, said yesterday that the "matter (had) run its course".

After months of having one of its ministers stated as a homosexual who sexually abused youths staying at a Soweto church manse, the Methodist Church yesterday said it had noted that the judgement in Mandela's trial had "vindicated" the church's trust in the minister.

From NEIL DARBYSHIRE  
Daily Telegraph

JOHANNESBURG. — Almost from the time Mrs Winnie Mandela was charged with assault and kidnap, sinister forces began a campaign to undermine any subsequent court proceedings.

The startling fact is that of 12 key witnesses, 10 failed to give evidence.

Two of them were murdered; one abducted and taken by his captors to Harare; four went on the run from the police having reportedly been instructed to jump bail; one was a co-defendant of Mrs Mandela, apparently afraid of incriminating himself; and one, Jerry Richardson, infamous "manager" of Mandela United Football Club, is a convicted murderer already on Death Row.

### 'Child molester'

The tenth, the Rev Paul Verryn, the Methodist minister whose alleged homosexual misdemeanours were said to have prompted the kidnaps, simply wasn't called.

Mr Verryn's failure to give evidence is the most difficult to comprehend. Willing to testify if called, he spent the three months of the proceedings working near the court. During that time his reputation was placed in the dock alongside the defendants'.

Mr George Bizos, Mrs Mandela's defence counsel, portrayed him as a child molester and rapist, who lured homeless boys into his bed at the Soweto Methodist manse and assaulted them.

The defence case was that because of these outrages, Mrs Mandela and her co-defendant Ms Xoliswa Falati, former housekeeper at the manse, felt obliged to

carry out a full investigation.

As a result four young manse residents — Mr Kgase, 31, Stompie Moeletsisi Seipei, 14, Mr Mono and Mr Pelo Mekgwe, both 22 — were brought to the Mandela home at Diepkloof Extension to protect them from the vicar and to dissuade other boys from indulging in homosexual practices.

Under these circumstances, it seemed extraordinary that Mr Verryn was not brought before the court. Why didn't Mr Bizos confront Mr Verryn with evidence of his alleged misdemeanours in a bid to prove the honourable intentions of Mrs Mandela and Ms Falati?

Part of the reason may lie in the fact that the mission Mr Verryn ran in Orlando West was a church-funded refuge for homeless youngsters, many referred to him by the ANC.

According to close friends, Mr Verryn defied attempts by Falati and others to turn it into an arms dump and safe house for trained ANC cadres. The Winnie Mandela camp possibly then turned against him.

There is logic to this theory. If Mr Verryn was abusing the boys, why did the alleged victims keep coming back? And why did the ANC and

Mrs Mandela continue to refer youngsters to him for more than a year after the kidnaps and assaults took place?

Mr Verryn, aged 39, was an easy target for accusations of homosexual misconduct. Up to 30 boys and young men stayed at the three-bedroomed manse at any one time, making the sharing of beds — Mr Verryn's included — a necessity. But in the teeming townships of Soweto, bed-sharing among men and boys is commonplace.

The only white Methodist minister of a black urban township in South Africa, Mr Verryn is widely acknowledged, even by Mrs Mandela in court, as a tireless worker for the people of Soweto.

Nonetheless, he now believes his 12-year ministry in Soweto is over.

Although already cleared by a church inquiry of all allegations of homosexual misconduct, he is expected to face another investigation after the dust raised by the Mandela trial has settled.

Whatever the outcome, he does not feel he will have the confidence or resilience to work in Soweto again. "I actually think the intention was to destroy me completely," he said.

# 'Verryn ministry destroyed'

"My ministry has come to an end and I am looking at the termination of my work. It will be a relief on one level, but I feel betrayed.

"When I look back I think I was extremely stupid about the sleeping arrangements, but when you live in a house like that, everybody is falling over each other and you don't think anything of it."

Mr Verryn is particularly incensed at the image presented of him in court as a corrupter of young innocents. "The people living at the manse have been portrayed as innocent, demure young people at the mercy of a dangerous minister," he said.

### 'Not lambs'

"What one needs to understand is that they are not demure and, if anything strange happens, they have it within their power to take action either through the struggle or by physical violence, to which many of them are well used. They are by no means lambs."

● Sapa reports that the South-Western Transvaal district of the Methodist Church yesterday said it had noted the judgment in Winnie Mandela's trial, which had vindicated its trust in Mr Verryn.

The district head, Bishop Peter Storey, said it had been painful for the church and Mr Verryn to remain silent during the court proceedings.

"While the Methodist Church will wait until the court record is available before making a full statement, we welcome the indications from press reports of the judgment that our trust in the integrity of the Reverend Paul Verryn has been vindicated," Bishop Storey said.

# We don't know where missing witness is ANC

Star Africa Service

LUSAKA — The ANC in Zambia denies any knowledge of a witness who was supposed to give evidence in the Winnie Mandela trial seeking refuge in the country.

Reports in South African weekend newspapers claimed Gabriel Pelo Mekingwe was moved by the ANC from Zimbabwe to Zambia after the South African Government had appealed to the Mugabe administration for his return.

According to the ANO news

agency, ANC spokesman Tom Sebina said yesterday he had been unable to trace Mr Mekingwe in any of the safe houses for South African refugees and his name was not on any list of expatriates transferred from Zimbabwe.

A spokesman for the Zambian Ministry of Foreign Affairs said he knew nothing of the witness's whereabouts.

Mr Mekingwe allegedly was abducted from the Methodist manse in Soweto the day before he was due to testify in the Mandela trial.

# Dismay, glee greet Winnie's sentence

By Esmaré van der Merwe  
and Jacqueline Myburgh

News of Winnie Mandela's six-year jail sentence was met with reaction ranging from suppressed glee by rightwingers to dismay from the ANC and other organisations sympathetic to the "Mother of the Nation", whose image has been dealt a devastating blow by the surprise verdict.

Most political organisations reacted cautiously and some refused to comment.

In a statement, the ANC's department of information and publicity said it had learnt with dismay of the guilty verdicts and lengthy sentences imposed on Mandela and her co-defendants.

## Sub judice

"As leave to appeal against both the verdicts and the sentences has been granted, the matter is sub judice. The last word on this entire affair has not yet been spoken. We elect to leave the matter in the hands of the courts, fully confident that in the end the truth will emerge," the ANC said.

Other ANC organisations of which Mandela is an office-bearer reacted with a terse "no comment".

Ronnie Mamoepa, publicity secretary of the ANC's PWV region, of which Mandela is an ex-

ecutive member, said the matter was being handled at head office level.

The militant ANC Youth League said it was "not yet ready to respond".

The South African Communist Party declined to comment.

Archbishop Desmond Tutu said he was shocked at the severity of the sentence.

He expressed sadness at the "deviation and aberration" in Mandela's conduct, but said she had a "tremendous record" in the anti-apartheid struggle.

"When you have all these pressures, who are we to say how we would have reacted?"

He said the events were almost tragic: "She was harassed over the number of years that her husband was in jail, she brought up two children on her own and has been a stalwart in the struggle. Now when this kind of thing happens to anyone like that, it is obviously a very sad matter."

Afrikaner Weerstandsbeweging leader Eugene Terre-Blanche was the most forthcoming on the political Right.

"Fantastic," he gasped from his Ventersdorp office.

He continued: "I am thankful that I can still have confidence in our judicial system and the courts. I have so much faith in the courts that I believe the sentence befits the crimes of which she has been found guilty."

Conservative Party justice spokesman Chris de Jager said the outcome of the trial had yet again proved that the courts refrained from getting involved in national politics.

"The courts are still capable of preventing the country from being plunged into chaos. The CP honours the courts for being blind to political preferences, be it in the case of (convicted right-wing mass murderer) Barend Strydom or Winnie Mandela."

Boerestaat Party leader Robert van Tonder said the sentence had come as a surprise and had given "us Boers" a ray of hope after they had lost all faith in the judiciary.

Yet, the sentence was light compared with the seven-year sentence meted out recently to a rightwinger who had been found guilty of possessing illegal weapons which he had not used to hurt anyone, Mr van Tonder said.

## Stunned

Azapo publicity secretary Strini Moodley was stunned by news of the sentence.

He declined to react extensively, however, reserving comment until tomorrow when Azapo would meet the ANC national executive committee.

The Democratic Party's justice spokesman, Dave Dalling, said: "As a lawyer, I can say that the matter is virtually certain to go on appeal and I would thus not like to comment."

"As a political spokesman, the only appropriate comment to make is to note that the whole episode — the events leading up to the trial, the trial itself and the sentence — holds grave implications for the political process in South Africa," he said.

# Verryn vindicated by trial, says church

Staff Reporters

8/2/91  
15/5/91

The Rev Paul Verryn, the Methodist cleric whose name has been dragged through the mud during the sensational Winnie Mandela trial, kept his silence yesterday by not commenting on Mandela's sentencing.

A spokesman at the Central Methodist Church in Johannesburg said Mr Verryn was not available for comment.

However, on the day the fate of Mandela reverberated around the world, his church

and colleagues came to his defence.

The South Western Transvaal district of the Methodist Church said the judgment had vindicated the Soweto priest.

"While the Methodist Church will wait until the court record is available before making a full statement, we believe our trust in the integrity of the Rev Paul Verryn has been vindicated," said the district head, Bishop Peter Storey.

Delivering judgment in the

Rand Supreme Court on Monday, Mr Justice M S Stegmann said Mr Verryn would have the benefit of the presumption of innocence until his accusers brought legal action in a proper court of law.

He suggested there may have been a malicious ulterior motive for spreading the rumours that Mr Verryn had sexually abused youngsters at the Orlando West Methodist Church manse from where four young men were kidnapped and taken to Mandela's Soweto house.



In the crush . . . besieged by loyal supporters and a huge international press corps, a smiling Winnie Mandela had to fight her way through the crowds outside the Rand Supreme Court yesterday after being released on bail pending leave to appeal.  
Picture: Ken Oosterbroek

## Mixed bag of feelings from public

By Helen Grange  
and Musa Mapisa

(231)

The admiring, placard-wielding crowd which surged towards Winnie Mandela as she left the Rand Supreme Court yesterday was by no means a reflection of what everyone there thought of the sentence.

Although many bystanders dismissed the six-year jail term imposed on Mandela as an illegitimate result of "apartheid law", there were many who considered that the court had done its duty.

One observer, when asked whether she thought Mandela should go free, replied quickly "No", and rushed away.

A young woman commented: "She shouldn't be free. She was guilty. Those things happened at her house."

Her friend agreed: "She is guilty."

However, there were contrasting feelings among those dressed in ANC colours and wielding placards.

"I have nothing to say on the apartheid system," said Louisa Bolelwang.

A young ANC supporter beside her agreed: "I have no comment on apartheid law. It goes the way they want it to go."

"She is innocent. She must be freed. She would not have done those things," said one man.

### Clashed

Another bystander warned that there was a groundswell of support for Mandela and that the militant element in the community would not allow her to be jailed.

"That sentence is too heavy. She didn't do anything. That young boy, Stompie, clashed with the Mandela United Football team and so they said Mandela murdered Stompie. It is not true," said a youth standing near the court.

George Lagoudis, a shopkeeper near the Rand Supreme Court, commented: "A wrong is a wrong is a wrong. Nobody, re-

gardless of their political affiliation, is above the law."

Neither Zinzi Mandela, Mandela's daughter, nor Nompumelelo Falati, Xoliswa Falati's daughter, would comment on the outcome of the trial.

Although many people were reluctant to talk, the jail sentence given to Mandela drew mixed reaction from the public in a street poll conducted by The Star yesterday.

Muntu Nyembe (38) of Soweto said: "I am shocked as I expected a lighter sentence although such a sentence would have been seen as letting her off the hook because of her status."

"Justice must be seen to be done and I think in this case justice took its course," he said.

Brett Smith (23) of Johannesburg said the sentence was fair if it was in line with the crimes committed.

"Although I think jailing her would not be good for Nelson Mandela and the ANC, if we are interested in building the so-called new South Africa, people

will have to be treated equally," he said.

The jailing of Mandela would not be good for the country, said Nono Thabethe (20) of Soweto.

"The State should direct its energy and resources towards bringing the perpetrators of the current violence to book, instead of jailing a leader," said Mr Thabethe.

The sentence was too harsh, said Annette Kruger (29) of Johannesburg. "The ANC will release her anyway if they get into power," she said.

### Discredit

"There will be no justice in the country until Africans put up a fight for it," said a woman who described herself as "a mother in distress".

She said the case was more about politics than justice or crime.

"When one looks at the timing of the case one can clearly see that this was a ploy to discredit the Mandela name as well as that of the ANC," she said.

# Jailing could put strain on negotiations

By Esmare van der Merwe  
and Jacqueline Myburgh

Political analysts last night said the sentencing of Winnie Mandela could put a strain on the negotiation process.

University of Cape Town's Professor David Walsh said President de Klerk could not afford to see Mandela go to jail.

He felt the President had been put into a highly invidious position, but in the interests of keeping the "flagging negotiation process alive" it might be prudent for him to intervene.

Professor Walsh said Mandela's sentence would "raise the political temperature" and put an immense strain on what was already a very fragile peace process.

He said Mandela had already "served a sentence" during her banishment to Brandfort, and that a number of political prisoners were currently being released after having committed far greater crimes than the ones for which she had been convicted.

"On the other hand, giving her amnesty will evoke storms of protests — and not only from conservative whites," he said.

## Distracting

Professor Hermann Gillio-mee, also of UCT's department of political studies, said the jailing of Mandela would be a temporary setback in the negotiations between the ANC and the Government, to the extent that Nelson Mandela was the key player and his wife's imprisonment would be a "very distracting influence".

He said the point the ANC would stress was that there was such massive crime being committed with impunity in the townships that there was no reason to act so strongly in Mandela's case.

Political sources intensely speculated about the implications of Mandela's sentence for her husband, her own political career and the ANC.

While some felt Mandela's career was finished, others speculated that the surprise outcome of the trial might boost her chances of being elected to the ANC's national executive committee at the organisation's crucial July conference.

# Stunned gasps as 'first lady' sentenced

She 15/5/91

331

The sentencing of Winnie Mandela yesterday for kidnapping and being an accessory after the fact to assault came as the stunning climax to a series of events which first began to seep into public consciousness more than two years ago.

PATRICK LAURENCE reports.

THE LONG trial of Winnie Mandela was drawing to a close. The silence on the press benches and in the public gallery was total in the fourth-floor courtroom at the Rand Supreme Court.

Shortly before 2.30 pm yesterday a gasped murmur swept through the crowded ranks of the spectators. Mrs Mandela, African National Congress leader and — in the minds of her admirers — the first-lady-in-waiting, had just been sentenced to jail for six years.

Even since she had been convicted the day before of kidnapping and being an accessory to assault, and labelled a "calm, composed, deliberate and unblushing liar" by Mr Justice Stegmann, a prison sentence was a definite possibility.

Yet when the judge formally sentenced her to six years' jail — five for kidnapping and one for being an accessory to assault — many of the 180 people in the courtroom were stunned with incredulity. They included some of the 80-odd journalists in the room.

At the beginning of the trial, some journalists developed elaborate theories, arguing that the trial was a facade, that the State was not really seriously prosecuting Mandela, and that it was deliberately handling its case incompetently to ensure an acquittal.

Thus there was a surreal quality to the scene that unfolded before them of Mandela, dressed in a costly black leather overcoat, her hair held back by a daringly

girlish bow, standing in dock and hearing the judge condemn her for misusing her position as a leader to deprive the victims in the case of their liberty.

Mandela showed no visible signs of emotion. She stared straight ahead, steadying herself against the railing rather than holding on to it.

George Bizos, SC, who led Mandela's defence team, broke the sense of unreality. He was on his feet almost immediately after sentence had been pronounced, applying for leave to appeal. It was granted and Mandela was freed from the threat of incarceration when bail was set at the nominal amount of R200.

As Mandela left the dock with the two people convicted with her — Xoliswa Falati, who was sentenced to jail for six years but freed on bail of R500 pending her application for leave to appeal, and John Morgan, who was sentenced to one year, conditionally suspended for five years — cries of support rippled through the gallery.

"Amanda" was followed by "Winnie, we love you" and "Winnie, we are with you".

A crowd was waiting outside the entrance to the Supreme Court, carrying posters expressing adulation for Nelson Mandela and his wife and chanting their support for the ANC. It escorted Mandela and Mr Bizos protectively across the road towards Mr Bizos's office.

The process started early in 1989 when the conspiracy of silence in anti-apartheid circles



After Judgment . . . Winnie Mandela leaves the Rand Supreme Court holding on to the arm of her advocate, George Bizos, SC. Her daughter Zinzi is behind her to the left and behind her to the right is her attorney, Ismail Ayob. About 500 people blocked Pritchard Street yesterday as the group left the building.

Picture: Sean Woods

over Mandela's involvement in the disappearance of three young men and a teenage boy began to break with the publication of newspaper articles. They started as a trickle and soon became a veritable torrent.

The Weekly Mail, defying a bid by black notables in Soweto to keep the crisis surrounding Mandela from the public on the grounds that it was best sorted out discreetly within the anti-apartheid movement, published details of a meeting in Dobsonville, near Soweto, where the

kidnapping and assault of the four young people from the Methodist manse was discussed. From then on, events moved rapidly as more and more details emerged. The process gathered pace after a decomposing body was belatedly identified as

that of Stompie Moeketsi Seipei, the 14-year-old boy who had been taken from the manse on December 29 1988.

The next step came with the public denunciation of Mandela by the pro-ANC Mass Democratic Movement. In a celebrated

statement the MDM, faced with an inability by black leaders to maintain the agreement to settle the matter quietly, accused Mandela of "violating the spirit and ethos of the democratic movement" and of "complicity in the abduction and assault of Stompie".

After the release from jail of Mr Mandela in February 1990 and the emergence of Mandela from the ostracism ordered against her, several leading members of the MDM were seemingly shoved aside. They included Murphy Morobe, the man who read the MDM statement, Azar Cachalia, the UDF treasurer, and Archie Gumede, a UDF president.

Mandela, who moved rapidly into positions of power in the ANC, was suspected of being behind their marginalisation. During her trial she bitterly accused these men of betraying her and labelled them "so-called leaders".

In September last year the State decided to prosecute Mandela. Her trial, which began formally on February 4, rapidly became a *cause celebre* in South Africa.

The trial started on an appropriately dramatic note when four of the eight accused jumped bail, forcing the judge to order a separation of trials: one for Mandela and her three co-accused and one for the four young men who had disappeared.

Three of the four men were later reported to be in Botswana. An application to the Botswana government to extradite them went unanswered.

More excitement was to follow. One of the three kidnap and assault victims, Pello Mkgwe, disappeared on the eve of his appearance in court as a State witness. His disappearance caused his two companions and co-victims, Kenneth Kgase and Thab-

so Mono, to refuse to give evidence. They told the court that they feared reprisals if they did so.

The judge, however, threatened to evoke a clause in the Criminal Procedure Act empowering him to jail them indefinitely as recalcitrant witnesses.

The hearing was postponed for three weeks to give them a chance to contemplate their fate, and the State an opportunity to locate the missing witnesses.

When the trial resumed, Mr Kgase and Mr Mono — to the surprise of most observers — agreed to testify. Their brief experience in jail had persuaded them to give evidence, they said.

Until then the State was preparing to abandon the case. Without the testimony of the two men, its case would have fallen apart. Their evidence helped convict Mandela, although — as the judge made clear — the improbable and untruthful evidence of Mandela and her co-kidnapper, Falati, was as crucial.

The involvement of Mandela, a controversial figure about whom few people felt neutral, assured the trial of spectacular media coverage. It had another dimension, however, calculated to attract attention: the alleged homosexual activities of the clergyman in charge of the manse and his alleged corruption of the young men there.

The Rev Paul Verryn's purported sexual proclivities were highlighted by Mandela, who accused him of abusing his "position as a minister, counsellor and provider of food and shelter to vulnerable boys or young men who were dependent on him". In his judgment, Mr Justice Stegmann labelled the allegations against the minister a "co-lateral issue" and ruled that the clergyman was entitled to the presumption of innocence. □

# Scorn for her, sympathy for him

Garner Thomson (331)  
Star Bureau Star  
and Sapa-Reuter 15/5/91

LONDON — The guilty verdict on Winnie Mandela, branding her "a calm and unblushing liar" commanded almost as much front-page attention among British newspapers yesterday as the release of her husband nearly 18 months ago ... and more than the violence in South Africa's townships which has caused thousands of deaths.

With just three exceptions — two down-market tabloids and the Financial Times — all London's newspapers printed the report as the leading article on page one, several under banner headlines.

And almost all of them featured the same photograph — a laughing Mrs Mandela emerging from court, fist upraised as if in victory, with her husband, Nelson Mandela, eyes downcast, a few paces behind.

The only sympathy expressed in editorials was reserved for him.

Today newspaper afforded the report the most dramatic headline — the single word, "Guilty", in 5.5 cm capital letters over four decks of type, repeating Mr Justice MS Stegman's indictment of Mandela.

Other newspapers — including The Guardian — splashed their headlines across the whole, or most, of their front

pages, and several commented on the effects the trial must now have on the ANC.

In-depth articles on inside pages detailed the fall from grace of the woman who was known as the "mother of the nation" but was now, in the words of a Johannesburg graffiti artist, the "mugger of the nation".

Attention was drawn to the absence of a jury system in South Africa, but there was no question of judicial bias or a "political trial".

The Daily Mail summed up:

"Poised in public, poisonous in private: Winnie Mandela is a nasty piece of work."

## Tempered

"Satisfaction that she has been brought to justice has to be tempered by the certainty that her trial is one more tribulation South Africa can do without.

"It can only put extra strain on the dignified, yet frail, figure of Nelson Mandela as he struggles to preserve some vestige of trust between the African National Congress ... and the ruling regime of President de Klerk.

"If Winnie Mandela is put behind bars we will shed no tears.

"But we could weep for South Africa, as the more enlightened whites and blacks of that rich and beautiful country strive to free it from the race shackles of apartheid only to find them-

selves confronting the horrors of tribal war."

The Daily Mail pointed to a growing suspicion "that white police are more keen to track down ANC hoodlums and their godmother than they are to pre-empt the atrocities of the Zulu Inkatha movement".

The liberal Guardian newspaper said the verdict against Mandela, like the case itself, was complex, but its main thrust was clear.

"Mrs Mandela knew what was happening in the back rooms of her house. She was responsible for the actions of her bodyguards, and she has lied repeatedly in the witness box.

"The case might prompt reflection about the personal tragedy of a woman who struggled so long on behalf of her unjustly imprisoned husband that she lost her sense of what was legitimate behaviour."

The Guardian said the ANC should not dismiss the verdict.

"It should distance itself — as indeed it tried to at one stage earlier — from what has been a criminal matter for the courts."

In its comment the Daily Express said:

"How Mr Mandela and the ANC leadership react will make a statement to the world of what sort of people they have become ... If they march and scream and burn and kill for Winnie, they will have lost everything."

12/15/91

## Crowd of cheering supporters at court

JOHANNESBURG. — Winnie Mandela emerged from the Rand Supreme Court smiling and seemingly triumphant to cheers from a vast crowd of supporters.

Scores of photographers, reporters and TV crews from around the world joined the throng which pressed against barricades and jostled Mandela's bodyguards to get a glimpse of her after she was sentenced to six years in jail.

Placards proclaimed her innocence and declared her "Mother of the Nation".

"Vlok, Malan and CCB must be hanged" and "No justice under an unjust government" read others.

The crowd was closely watched by police on foot and in armoured vehicles. A police helicopter circled overhead.

Pritchard Street was temporarily blocked to traffic as people clambered over vehicles and thumped on the sides of passing busses. Scuffles broke out as tempers flared in the mêlée. — Sapa

## Methodist Church is relieved after verdict

THE south-western Transvaal district of the Methodist Church said yesterday the judgment in Winnie Mandela's trial had vindicated its trust in the Rev Paul Verryn. *Sowetan 15/5/91*

District head Bishop Peter Storey said it had been painful for the church and Verryn to remain silent during the court proceedings.

"While the Methodist Church will wait until the court record is available before making a full statement, we welcome the indications from Press reports of the judgment that our trust in the in-

tegrity of the Rev Paul Verryn has been vindicated," Storey said.

In his judgment on Monday, Mr Justice MS Stegmann said until Verryn's accusers brought legal action in a proper court of law, the minister had to have the benefit of the presumption of innocence.

He suggested there may have been a malicious ulterior motive for spreading the rumours that Verryn had sexually abused youths at the Orlando West Methodist Church manse from where four young men were kidnapped and taken to Mandela's Diepkloof home. *Sapa.*

# I still have faith in her - Nelson



NELSON MANDELA

*Sowetan 15/5/91*  
ANC deputy president Mr Nelson Mandela said yesterday the Rand Supreme Court had vindicated the faith he had in his wife Winnie's innocence of assault.

He told a media conference he was sure her name would be completely cleared but, in the meantime, appealed for all to leave the matter to the courts.

"The last word on the matter has not been spoken," he said.

## Against their will

"I believe she did not know of any assaults or that anybody was held at the back of her house against their will."

Mr Mandela called the conference for the sole purpose of making a statement on his wife being jailed for six years by the Rand Supreme Court yesterday.

"I have never believed that she was guilty of assaulting anyone," he said.

"Judgment of the court has confirmed this."

"The witnesses who accused her of assault and other crimes have been thoroughly discredited."

The anti-apartheid movement will continue to honour Mandela for the good things she has done, Anglican Archbishop Desmond Tutu said yesterday. Tutu said he was shocked at the severity of the sentence.

"Application for appeal has been filed and I'm advised it should succeed."

The ANC learnt with dismay of the guilty verdicts and lengthy sentences imposed on Mandela and her co-defendants.

"The last word on this entire affair has not yet been spoken. We elect to leave the matter in the hands of the courts, fully confident that in the end the truth will emerge," the ANC said. - Sapa.

# Winnie's appeal application 'will be heard soon'

SUSAN RUSSELL

WINNIE Mandela's application for leave to appeal against her conviction and six-year prison sentence for kidnap and being an accessory to assault would be heard within the next month, Deputy Attorney-General Jan Swanepoel said yesterday.

Mandela was sentenced to five years' imprisonment for her part in the kidnap of Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Thabiso Mono, 21, and 14-year-old Stompie Seipei on December 29 1988.

Mr Justice M C Stegmann sentenced Mandela to a further one year's imprisonment for associating herself with the subsequent assault of the four.

Mandela was granted bail of R200 pending outcome of appeal proceedings after she was sentenced in the Rand Supreme Court on Tuesday.

Co-accused Xoliswa Falati, who was sentenced to six years' imprisonment for the kidnap and assault of the four young men, had her bail extended pending appeal.

KIN BENTLEY reports from London that former Mandela family lawyer Sydney Kentridge QC has said SA police and soldiers, against whom there were strong cases of having killed blacks, should be prosecuted if black confidence in the judicial system was to be restored.

Kentridge, who represented the Biko family at the inquest into the death in detention of Steve Biko in the '70s, was interviewed on BBC television news.

He said the sentence was "on the heavy side", but added that kidnapping was a serious offence.

"But what the sentence really reflected was that the judge refused to be swayed by political considerations.

"If he'd thought of the political considerations, he wouldn't have sent her to prison. And I think it's a healthy sign when a judge ignores political considerations."

Asked about the black perception that there could be "no justice under an unjust government", Kentridge said there were "very good grounds" for such a view.

He said there had been many cases where "white accused who have committed very much more serious crimes have often been given derisory sentences by judges or magistrates who are obviously politically biased or influenced". He hoped that would not be the case in the future.

"But," he added, "there is a crisis of black confidence in the judiciary in SA."

2 SOUTH, MAY 16 TO 22 1991

By Chiara Carter

THE victims in the sensational trial of Winnie Mandela were many — Methodist minister Paul Verryn, murdered youth activist Stompie Seipei — but possibly the greatest victim of the trial, which ended this week, was Mandela herself.

Her raised fist and broad smile as she emerged from the Rand Supreme Court on Tuesday had a hollow ring in the face of the damage done to her image and that of the ANC by her conviction and six-year sentence on charges of kidnapping and being an accessory to assault.

The outcome of the trial was undoubtedly a severe blow for both her husband, who has remained steadfast in his support for his much-cherished wife, and the ANC itself.

However, the blow is not fatal. While some might view Mandela's absolute faith in his wife as an error of judgment, few could fail to be

moved by his loyalty and dignity. The ANC, too, while its image has suffered in the short-term from the sensational trial, could well be ultimately strengthened by having the case publicly dealt with, and closed.

### Damage

Whether Winnie can overcome the damage to her image and political ambitions is more doubtful.

However much her supporters might reject the findings of "apartheid courts", the conviction of the Mother of the Nation on criminal charges is an immense obstacle.

The impact of the trial was already evident at last month's Women's League Conference where Mandela was resoundingly defeated.

During the trial, several ANC

branches passed sharply-worded resolutions requesting the organisation to disavow itself from the trial.

While her appeal is pending, it seems unlikely that she will lose her present political positions. Nevertheless, the chances of her being elected to the ANC's national executive committee in July now appears dim.

It would, however, be a mistake to assume that the Winnie chapter is now closed. The past few years have shown her to be remarkably resilient. Not only has she carved out a political career of her own, she has managed to outmanoeuvre and outlast many of her critics.

By the time it was disbanded, the Mandela football team was loathed in Soweto, and at one point the Mass

Democratic Movement had to intervene to prevent irate residents from burning down the Mandela home.

The MDM, which at one stage publicly dissociated itself from Winnie Mandela, undertook an internal investigation into events surrounding Stompie Seipei's abduction and murder, but this subsequently petered out.

### Support

Winnie Mandela still has a substantial support base. Yet the crowds of vociferous supporters who thronged the court each day were evidence not only of the vigorous activities of the controversial Winnie Mandela Support Committee, but also of her rank and file supporters.

During her banishment in Brandfort, Winnie Mandela became a struggle

icon and that sentiment lingers.

Already her conviction is being seen as further persecution of a woman who has sacrificed much.

While her rhetoric and militarist stance have often caused the more sober-minded in the ANC to wince, they have won the hearts of the militant youth and she can count among her closest cohorts the interim Youth League president, Peter Mokaba, and Umkhonto we Sizwe chief Chris Hani.

If the Winnie saga has assumed the dimensions of Shakespearean tragedy, Winnie is the flawed heroine capable of incredible feats — including staging a political comeback.

Whether she can lay to rest the ghost of Stompie and emerge phoenix-like from the ashes remains an open question.

# Winnie Chapter far from closed

## Winnie appeal application 'within a month'

Staff Reporters

Stay 16/5/91

Winnie Mandela's application for leave to appeal is likely to be heard within the next month, State Advocate Jan Swanepoel said yesterday.

On Tuesday, Mandela was sentenced to six years in jail, but is out on bail pending the hearing of her application for leave to appeal.

Mr Swanepoel said Mandela's counsel, George Bizos, SC, had

indicated that the defence would file the application once Mr Justice M S Stegmann's judgment had been typed.

The application would then be made by Mr Bizos at a date convenient to the judge, Mr Bizos and Mr Swanepoel.

Lawyers said yesterday that depending on the judge's finding, Mandela's appeal could be dismissed, or her appeal could be referred to the Appellate Division.

Application for leave to appeal was granted on Tuesday by Mr Justice Stegmann.

Bail of R200 was granted to Mandela pending the hearing of her appeal. (331)

Co-accused Xoliswa Falati, also sentenced to an effective six years' jail, had her R500 bail extended and must report to the Orlando police station once a week pending the hearing of her application for leave to appeal.

# Trial a desperate new tragedy, says paper

By Mike Siluma  
Star Bureau and Sapa

(331)

LONDON — Winnie Mandela's trial continued to capture the headlines in the British media yesterday, with many commentators focusing on its possible political consequences.

Winnie Mandela had ruined herself, betrayed her husband and harmed her cause, but she would be entitled to claim clemency from President F W de Klerk even if her six-year sentence was not reduced on appeal, the London Times newspaper commented.

Nelson Mandela's comment on Tuesday that the last word on his wife's case had not yet been spoken, was correct, the conservative newspaper said.

"The sentence passed on Winnie Mandela was severe but not excessive. Her connivance in a crime against four black youths, one of whom died, was proved beyond reasonable doubt.

"Almost as disastrous to her case was her conduct during the trial and her lack of remorse. Her attempts to disown her bodyguards and to smear an innocent man convinced only a few of her closest supporters.

"Fighting apartheid has nothing to do with such activities."

The Times said it was to the credit of many black South Africans, including senior figures in the ANC, that they understood this and stayed aloof from the trial.

"It was not part of the judiciary's role to interpret the law according to political interests, but a State President was in a different position.

"He must exercise his power in the interests of social concord: the release of Mr Mandela himself was an example of this."

The liberal Guardian newspaper said the trial and verdict "impose a most severe test on Nelson Mandela himself and the movement which he represents".

It questioned whether Mr Mandela could impose the same restraint he has shown over the verdict on the ANC's followers.

"At both levels, the personal and the political, the trial and verdict impose a most severe test on Nelson Mandela himself and the movement he represents.

"They also demand an absolute avoidance of any hint of triumphalism on the part of the white establishment.

"It is a desperate new crisis for a country already in crisis."

Linking the Mandela trial to killed black people ... are brought to trial," said Mr Kentridge.

the weekend massacre in which Inkatha followers killed 27 people near Krugersdorp. The Guardian said: "If justice were to be evenly done, Law and Order Minister Adriaan Vlok should be considering very seriously charges against those who have incited the Inkatha thugs to violence."

Labelling the trial "a very South African tragedy", The Independent's leader writer said that although stiffer than expected, the sentence meted out to Mandela was in keeping with the gravity of her offences.

"But it is hard to feel anything but sorrow at the entire dreadful episode.

"The original purpose of releasing Nelson Mandela was to give De Klerk a valid black interlocutor. By damaging her husband, Mrs Mandela has also reduced the credibility of Mr de Klerk's preliminary negotiations," said the editorial.

Speaking on BBC television, Sidney Kentridge, who represented Mr Mandela at the Rivonia treason trial, said Mandela's sentence could heighten the crisis of confidence among many blacks regarding the South African legal system.

"The one thing that can be done is to ensure that the various members of the police and defence forces against whom there are strong cases of having

# Gumede hopes Winnie succeeds

Staff Reporter

FORMER United Democratic Front president Mr Archie Gumede said from Durban yesterday that he hoped Mrs Winnie Mandela's six-year jail sentence would be set aside on appeal.

Mr Gumede was one of the major figures in the

Mass Democratic Movement (MDM) who called a press conference in February 1989 to express outrage at what was then termed "Mrs Mandela's complicity in the recent abductions, and the assault of Stompie".

The head of Cosatu at the time, Mr Elijah Barayi, could not be reached for comment yesterday.

## Appeal before July recess?

Own Correspondent

JOHANNESBURG. — Winnie Mandela's application for leave to appeal against her conviction and six-year jail sentence might be heard before the end of June, her counsel, Mr George Bizos, SC, said yesterday.

This was confirmed by state advocate Mr Jan Swanepoel, SC, who said he hoped the application would be heard before the Rand Supreme Court went into a recess of about four weeks at the end of next month.

Mr Bizos said yesterday that he hoped to be able to study Mr Justice Stegmann's judgment within a "week to 10 days".

A date convenient to Mr Justice Stegmann, the prosecution and the defence would then be arranged to hear the application, Mr Swanepoel said.

## Trial 'victory for justice'

Political Staff

THE proceedings in the Rand Supreme Court surrounding the trial of Mrs Winnie Mandela were a "victory for the administration of justice", the Law and Order spokesman for the Democratic Party, Mr Lester Fuchs, said in a statement yesterday.

Mr Fuchs said the principle of equality before the law was something that the DP had propagated for a long time and "we are pleased that this principle shines from the judgment like a beacon of light".

**MANDELA TRIAL:** *The mother of the nation has been killed — politically.* PHILLIP VAN NIEKERK reports

# Winnie falls from grace

## into a state of isolation

WEDNESDAY

THE Rand Supreme Court was the scene of a dramatic climax in the court-room and the 56-year-old leader who was once idolized as the mother of the nation had been sentenced to six years in prison for kidnapping four youths and being an accessory after the fact to assault.

Only the context was different. The saga of Winnie Mandela had just drawn to a dramatic climax in the courtroom and the 56-year-old leader who was once idolized as the mother of the nation had been sentenced to six years in prison for kidnapping four youths and being an accessory after the fact to assault.

What was incongruous about the moment was not simply Mandela's apparent lack of emotion and the way that she betrayed not even a split-second of bewilderment, let alone remorse, in the dock.

It was that, far from being a cause for celebration, the day marked the probable demise of her own political career, — a career that she had fought hard for against all the odds.

Irrepressible as she is, it will be too much to expect Winnie Mandela to fall silent. But as the legal proceedings enter the tortuous process of appeal, her political role can only be increasingly divisive.

To the black youth in the streets, the Winnie Mandela mystique lives on, no matter what the verdict of white man's justice. They treated her like a conquering hero as she left the supreme court.

Mandela's supporters could argue, quite rationally, that even if she did hold Kgase, Mkgwe, Mono and Stormpie, this was far less than the regime itself did at the time by incarcerating thousands under the official cover of the State of Emergency and the Internal Security Act.

And who can deny that, from Mandela's point of view, there is something entirely unjust in the same state which held her in solitary confinement for 17 months in the late 1970s declaring her guilty of depriving people of their liberty.

But the issue here is not a trade-off of wrongs. It is that Winnie Mandela, no matter what her past and who her connections, has brought the movement into disrepute.

A clear indication of her future political prospects was the fact that on her final days in court not a single major ANC figure other than her husband attended.



TRIUMPHANT IN DEFEAT — Winnie Mandela acting like a winner after being sentenced to six years this week. Photo: KEVIN CARTER

type of woman she was. She was not just a wife, but an ambitious woman whose dominant feature in a male-oriented environment was political chutzpah.

Articulate and charismatic, Winnie Mandela was transformed into a media icon (an irony given that, according to her own account as she stood on the supreme court steps on Tuesday, it was the media who eventually brought her down). Back home, she was dogged by controversy.

Her statements such as those on neck-lacing articulated what many thousands of alienated black youths in the eye of the township rebellion felt, but were too embarrassingly frank and tactless for the liberation movement.

There was more. The whiff of corruption and scandal followed Winnie Mandela. She built a mansion for herself in Soweto, amidst the poverty of her people.

She attempted to offer the international rights to the Mandela family name to Bob Brown, a Reagan-supporting black American with a shady business past, at the same time as Brown arranged a lucrative scholarship at Boston University for her daughter Zizani.

But it was the activities of the Mandela United Football Team, a gang of street toughs who lived in the back rooms of her home in Diepkloof Extension that finally drove her relationship with the internal anti-apartheid movement over the edge in 1989.

While the court case continued, the tide was again turning against Mandela. But the first real glimpse behind the curtain of silence that the ANC had maintained around the Winnie saga came three weeks ago with the elections for the presidency of the ANC's Women's League. Mandela was defeated by a landslide.

That set the scene for this week's even more damaging judgment.

Though Nelson Mandela again publicly upheld his wife's innocence and expressed confidence that the verdict would be overturned on appeal, the ANC issued a remarkably neutral statement, saying they believed the last word on the matter had not been spoken but electing to leave it in the hands of the courts.

Mandela was there on Monday to hear Mr Justice Stegmann deliver a withering critique of his wife's veracity in the witness box, calling the one-time social worker a "calm, composed, deliberate and unblushing liar".

The main finding was that she had conspired to kidnap four youths from the Soweto Methodist manse in 1988. Rejecting Mandela's denial of any involvement in the kidnapping, Stegmann found: "To imagine that all of this took place without Mandela as one of the moving spirits would be like imagining Hamlet without the prince."

Mandela's pose in the dock was somewhat at odds with the roasting that her reputation was subjected to in the judge's carefully argued five hour summary of the trial proceedings.

Those who had attempted to predict the judgment on the basis of what political considerations would rule it underestimated the extent to which Mr Justice Stegmann would play the trial by the book.

Time and time again he impugned Mandela's credibility, using the terms "vague, evasive and lacking in candour" to describe her performance in the witness box.

Listening to all this, a dozy Nelson Mandela cut a solitary figure in the cramped public gallery — an aged gentleman in a white raincoat.

Perhaps part of the complex tragedy of Winnie Mandela is that, even in her downfall, she will not be able to be her own person.

It will be in the effect on her husband's psyche at a time when peace in the country is in the balance that Winnie Mandela's fall from grace will at the end of the day be measured.

# Fugitive Cebekulu speaks

Sowetan  
17/5/91  
331

ONE of the missing accused in the Winnie Mandela trial, Katiza Cebekulu, has been spotted in Lusaka while State witness Kenneth Kgase is allegedly hiding incognito in an "independent" homeland.

Zambian journalists have traced Cebekulu to a hotel in Lusaka where he is said to have been held in "protective custody" since arriving in the country in February, according to the *Africa News Organisation*.

Two State witnesses in Mandela's trial, Mr Kenneth Kgase and Mr Thabiso Mono, have parted ways after spending most of their time under police protection at Dobsonville police station during the trial, according to a reliable source.

Kgase left the police station about three weeks ago, living in Soweto for a few days before leaving for an "independent" homeland.

The police have apparently assisted in his "disappearance".

Mono, who also left the police station some time before the end of the trial, has turned down further police protection and has gone back to his home town in the Western Transvaal where it is understood the community is "protective over his whereabouts".

Mono has also secured a job, according to the source.

In an interview with the ANO, Cebekulu (22) confided that he was smuggled out of South Africa by certain people whom he did not wish to name.

He said he now feared for his life.

A warrant for his arrest was issued after he and four other accused in the trial disappeared.

Their trial was then separate from that of Mandela, John Morgan, Xoliswa Falati and her daughter Nompumelelo.

The other three missing accused, Mpho Gift Mabelane (19), Sibusiso Brian Mabuza (19) and a 17-year-old youth were reported to have fled to the Dukwe refugee camp in Botswana. The

Government tried unsuccessfully to have them extradited.

Shortly after his "disappearance" Cebekulu was photographed by a news photographer in the precincts of the Rand Supreme Court during Mandela's trial.

Cebekulu said he was first taken from South Africa to Mozambique and then to Angola before being flown to Zambia.

He said he was not happy with the conditions under which he was living and feared for his life. He would like to seek sanctuary outside Zambia.

According to the ANO, he said he had been brought to Zambia because his "kidnappers" had promised him education, clothing and money.

However, since arriving in Lusaka he had been sitting idle.

Cebekulu said he was not a member of the African National Congress or of any other political organisation.

## Poor family

"I come from a poor family in Mpumalanga township in Hammarsdale," he was quoted as saying. "My family still lives there but if I go back the police will arrest me and if I run away those who brought me here will kill me."

He said he had started to drink because he did not know what the future held for him.

An official of the Zambian Ministry of Home Affairs said he did not know of Cebekulu's presence in Lusaka.

Soweto police would neither confirm nor deny information about the whereabouts of Kgase and Mono, "for obvious reasons".

Captain Fred Dempsey of the Soweto Murder and Robbery Unit only reiterated that the court had been told that the two would be granted police protection.

The court testimonies of both Kgase and Mono were almost completely rejected by Mr Justice MS Stegmann as fabrication or half-truths.

They had alleged they had been beaten by Mandela with fists and sjamboks. - *Sowetan Correspondent*.

# Winnie 'high on ANC talks agenda'

By Kaizer Nyatumba  
Political Staff

Winnie Mandela's conviction and subsequent six-year sentence will be one of the main issues to be discussed by the ANC's national executive committee (NEC) when it meets in Johannesburg today, according to well-placed sources.

The NEC meeting, which will also be attended by ANC regional chairmen from across the country, will be held at a secret venue in Johannesburg and is expected to deal with a number of burning issues, including the question of violence and the organisation's May 9 ultimatum to the Government.

NEC members and regional executive committee chairmen from across the country started

arriving in Johannesburg yesterday, where they were booked into different hotels, the sources said.

Mandela's conviction and sentence, sources within the ANC told The Star, would be one of the main issues on the agenda.

Other issues to feature prominently would include the organisation's national congress in July, the Government's response to the ANC's demand for the banning of cultural weapons, and the Government-convened May 24-25 multiparty conference on violence.

The ANC has so far refused to attend the conference, arguing that Pretoria convened it for propaganda purposes while failing to do anything significant to curb violence in the townships.

The organisation wanted a neutral body such as churches to convene the meeting.

ANC deputy president Nelson Mandela is expected to brief the NEC on his confidential meeting in Pretoria last week with President de Klerk.

The State President, who later told the Pretoria Press Club that "great progress" had been made at the meeting, conceded to the ANC's demand for the conversion of single-sex hostels into family units and the immediate banning of cultural weapons — except for spears "at this stage".

The ANC leadership is also expected to assess any progress made in the release of political prisoners, one of the organisation's key demands.

# Winnie trial: one of missing accused found

By Kaizer Nyatumba  
Helen Grange  
and Star Africa Service

One of the missing accused in the Winnie Mandela trial, Katiza Cebekhulu, has been traced to a Lusaka hotel — and State witness Kenneth Kgase is said to be hiding in an independent homeland.

Zambian journalists traced Mr Cebekhulu to a hotel in Lusaka where he is said to have been held in "protective custody" since arriving in the country in February, the Africa News Organisation (ANO) said.

## Checked out

When a Star Africa Service correspondent yesterday went to the hotel where Mr Cebekhulu was said to have been staying, the receptionist said he had checked out on Wednesday — the day after being interviewed by the Zambia Daily Mail.

On being shown a photograph of Mr Cebekhulu, the receptionist said it was the same man as the one who had been staying at the hotel.

She said he had checked out together with another man who had been staying at the hotel.

Meanwhile two State witnesses in Mandela's trial, Kenneth Kgase and Tabisa Mono, have parted ways after spending most of the trial under police protection at Dobsonville police station, said a source who has been in contact with the two.

Mr Kgase left the police station about three weeks ago, living in Soweto for several days before leaving for an independent homeland.

The police had apparently assisted in his "disappearance".

Mr Mono, who also left the police station some time before the end of the trial, has turned down further police protection and has gone back to his hometown in the western Transvaal, where it is understood the community is protective about his whereabouts.

ANO reports that Mr Cebekhulu (22), interviewed in his Zambian hotel, confided that he had been smuggled out of South Africa by certain people whom he did not wish to name — and now feared for his life. A warrant for Mr Cebekhulu's arrest was issued after he and four other accused in the Mandela trial disappeared.

The Zambia Daily Mail reporter who interviewed Mr Cebekhulu said he had scars on the right side of his face and on his right arm which he said had resulted from having boiling water poured on him by members of the "Mandela football team".

The reporter said he was told by Mr Cebekhulu that after the Winnie Mandela trial had begun, he had been driven by ANC members to Maputo on February 8. He stayed there for about a week with a man called Mr Tete and was then flown to Angola, where he remained for a further week before being flown to Zambia.

He was told by Zambians wearing civilian clothes that he would be flown to the United States, where he would be given clothes and money and allowed to go to school.

The Attorney-General of the Witwatersrand, Klaus von Lieres, yesterday questioned the reliability of reports about Mr Cebekhulu.

"I don't know how reliable the report is. It can be just another story," said Mr von Lieres.

## Extradition

Asked if the State would apply for the extradition of Mr Cebekhulu, Mr von Lieres said he would pass the information on to the police, who would make further investigations.

Mr Cebekhulu's allegations have been forwarded to the ANC for comment. At the time of going to press last night, ANC spokesman Gill Marcus was still investigating the allegations. She said she would respond as soon as she had studied the allegations and spoken to her colleagues.

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# 'Winnie appeal will succeed'

JOHANNESBURG. — Winnie Mandela's lawyers are confident that she will not serve a day in prison despite her six-year sentence imposed on Tuesday.

A member of her six-man legal team said on Wednesday that he was certain she would win her appeal against conviction and sentence, because of errors in Mr Justice Michael Stegmann's ruling.

An application for leave to appeal has been filed by Mrs Mandela's attorneys, but is not expected to be heard for several weeks. She was freed on bail pending the hearing.

One of the application's main contentions is that the judge hypothesised independently on Mrs Mandela's motive for initiating the kidnaps of which she was convicted.

Mr Justice Stegmann said the abductions had been part of a "coup attempt" against the Rev Paul Verryn, the minister in charge of the Soweto Methodist manse.

He said the four were interrogated and beaten to force them to admit that Mr Verryn had been sexually abusing boys and young men at the mission.

The confessions were to have provided ammunition against Mr Verryn.

Mr Justice Stegmann said it was a bid to discredit the priest and have him moved from the manse, which also served as a shelter for dispossessed young people. This would allow Mrs Mandela to take it over and use it to house her own people.

Mr George Bizos, counsel for Mrs Mandela, will argue at the appeal that the state put forward no evidence to support this theory, and the judge erred in postulating it to explain Mrs Mandela's involvement in the crimes.

The defence appears to have a strong case. At no stage in the prosecution did state counsel Mr Jan Swanepoel suggest that Mrs Mandela was interested in taking over the allocation of places at the mission.

Mr Bizos will also argue that because the judge rejected as unreliable the evidence of the two kidnap and assault victims, he was wrong to use part of their evidence "to establish fact from which inferences were drawn to establish other facts against which the credibility of Mrs Mandela was tested". — Daily Telegraph

# Upington 14 win appeal over death sentences

BLOEMFONTEIN. — The Appeal Court here yesterday set aside the death sentences imposed on 14 of the 25 people convicted of murdering a municipal policeman at Paballelo, Upington, on November 13, 1985.

Prison terms, ranging from one year conditionally suspended for five years to 12 years imprisonment, were substituted.

The convictions of 18, including Evelina de Bruin, who is in her mid-fifties and who was the only woman on Death Row, and her husband Gideon Madlongolwane were changed from guilty of murder to guilty of public violence.

The convictions and conditionally suspended imprisonment of six years of Xoliswa Dube, Roy Swartbooi and Ivan Kazi were set aside.

The court dismissed the appeals of Zona Mokgatle and Zolile Yona against their convictions for murder, but substituted imprisonment of 12 years for Mokgatle and 10 years for Yona instead of death sentences.

Justice Bekebeke, who had leave to appeal only against his death sentence, succeeded to the extent that he has been imprisoned for 10 years.

Elisha Matshoba unsuccessfully ap-

pealed against his imprisonment for eight years.

Twenty-six people were convicted by Mr Justice J J Basson in the Circuit Court at Upington on April 27, 1988 after 25 were found guilty of murder and one of attempted murder.

After a long adjournment for argument in mitigation to be prepared, judgment on extenuation was delivered between May 23 and 25, 1989. In the case of 14 no extenuation was found for the murder, and the death sentence — obligatory at the time — was imposed.

The remainder received sentences ranging from prison terms suspended on condition that they did community service, to imprisonment of between six and eight years.

Yesterday, Mr Justice E M Grosskopf, with the concurrence of Mr Justice Smalberger and Mr Justice Nienaber, gave judgment in the appeals of the 25 who had leave to appeal. Enoch Nompondwana, imprisoned for eight years for attempted murder, did not have leave to appeal.

The judgment was 212 pages long. The case concerned the death of Constable Lucas Sethwala, who was killed after he fled from his house when it was stoned by a mob. — Sapa

# LOW PROFILE JUDGE SURPRISED THE WORLD

JOHANNESBURG. — Three key legal men in South Africa's much publicised trial, that of Winnie Mandela and her co-accused, have focused world interest on this country's judicial system.

Occupying centre-stage is the judge, Mr Justice M S Stegmann, the man who dared to impose a six-year jail sentence on, some believe, South Africa's most politically powerful woman.

Then there is Mr George Bizos SC, described as "one of the Bar's most colourful advocates", and who defended Mandela with every bit of verbal weaponry he could whip out from beneath his legal cloak.

The other major player was Deputy Attorney General of the Witwatersrand local division, Mr Jan Swanepoel SC, who prosecuted Mandela and her co-accused with surgeon-like precision.

Stunned silence greeted Mr Justice Stegmann's sentence after a dramatic four-month trial. The silence was quickly broken by Mr Bizos's immediate announcement that he would be lodging an application for leave to appeal.

At the start of the trial there were rumours that the fear fac-

Weekend Argus  
Correspondent

tor had become so widespread that it threatened the entire judicial system.

The trial was seriously hampered by events outside the courtroom. It was said that the impact of these events including four missing accused, the apparent kidnapping of key witness Mr Gabriel Megkwe and the recalcitrance of witnesses, Mr Kenneth Kgase and Mr Barend Pelo Mono, threatened to subvert the course of justice.

But Justice Stegmann handled these major disruptions with ease and according to journalists had a powerful "presence" in the drama which unfolded.

"Where the course of justice requires the truth, no man has the right to withhold it," said Mr Justice Stegmann during the trial.

According to senior council and advocates this judge, possibly selected for the trial because of his track record in judging mainly complicated commercial non-political trials, has a pristine record in terms of political bias.

"He cannot possibly be pigeon-holed as a conservative or liberal judge," said a senior advocate.

Mr Justice Stegmann has a reputation among lawyers for having been a "solid lawyer" when at the Bar and now as a judge being "meticulous and conscientious and devoting considerable time and energy to his judgments".

But although the assignment of judges to cases is controversial in itself and certain judges have been said to be specifically selected to sit on political trials, most Human Rights lawyers spoken to dismissed this possibility in a high-profile criminal case such as this.

"The Judge President assigned him and in the ordinary course judges are randomly assigned to criminal cases to ensure equitable and balanced judgments," said the senior advocate.

Approached in an attempt to obtain an interview, Mr Justice Stegmann firmly declined. He said he believed judges served the public interest best by staying out of the limelight and maintaining a low public profile.

## LONG SENTENCES

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While Winnie Mandela was receiving a six-year jail term for kidnapping and being an accessory to assault, husband Nelson Mandela was in Stellenbosch telling students that the Afrikaans language would be defended in a future SA.

Later the deputy president of the ANC said the Rand Supreme Court had "vindicated" the faith he had in his wife's innocence of assault. He said he was sure her name would be completely cleared but, meanwhile, appealed for all to leave the matter to the courts.

Outside the court, ANC marshalls indicated that the organisation is determined that the trial verdict would be respected.

A crowd of about 1 000 gathered out-

side the court; some people began jeering at police vehicles — but they were quickly scolded by the marshalls.

No top members of the ANC were in court when sentence was handed down.

Police stood back while Mandela and her defence team were jostled by a mob of some 100 news photographers and video crews.

Co-accused Xoliswa Falati was convicted of both kidnapping and assault and also sentenced to six years in prison; John Morgan got one year for kidnapping, suspended for five years.

When the *FM* went to press, it was not known whether the judge would grant leave to appeal. Mandela was granted bail of R200.

# Courtroom gladiators 'fought' for Winnie

**PAT DEVEREAUX**

Weekend Argus Correspondent  
**JOHANNESBURG.** — In a four-month battle of wits and words two gladiators of the courtroom dominated the trial of Winnie Mandela and her co-accused.

The first round goes to Deputy Attorney-General for the Witwatersrand Local Division, Mr Jan Swanepoel SC, who prosecuted.

He has not become complacent. Within a month the Appeal Court could alter or overturn Mr Justice MS Stegmann's judgment and sentencing of Winnie Mandela.

Mr Swanepoel is seen by former legal opponents who have faced him across the courtroom as "a concise and very professional lawyer" and "a man who holds back but ... does not fear a bloody nose".

He described Mandela's lawyer Mr Bizos as a "thorough opponent" and added that the two of them had been matched before in the Barbara Hogan treason trial and several less publicised cases.

The reticent Mr Swanepoel, 41, — born and bred in Cape Town, is a former Stellenbosch law student and now a father of three. He has been described as a devoted family man who enjoys watching rugby.

As Mr Swanepoel's courtroom opponent the grey-haired Mr Bizos, 63, is a

tough legal man who does not easily relinquish the battle for his client.

At a recent party hosted by journalists covering the Winnie trial, the gregarious Mr Bizos arrived with a Greek salad in one hand and a bottle of Ouzo under one arm. Mr Swanepoel declined the invitation.

This friendly side to Advocate Bizos's nature is seldom seen by witnesses being cross-examined by him in the Supreme Court. His questioning technique is said to be astounding and there are dozens of witnesses who have come under his scrutiny.

He has featured in many major political trials including the Rivonia Trial in the sixties and the more recent Delmas Treason trial of UDF leaders.

He also represented the families of Black Consciousness leader Mr Steve Biko and Mr Neil Aggett both of whom died in detention.

Mr Bizos came to this country at the age of 13 after he and his father fled the nazi occupation of Greece in a small boat. Soon after arriving the Bizos family opened a corner café.

Mr Bizos started school later than most and matriculated at Athlone Boys School. He took his legal degree at the University of the Witwatersrand and featured prominently in student politics.

Described as "a devout family man" Mr Bizos has three sons.

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# World's spotlight falls on three legal eagles

THREE key legal men in South Africa's much publicised trial — that of Winnie Mandela and her co-accused — have focused intense world interest on this country's judicial system.

Occupying centre stage is the judge, Mr Justice M S Stegmann, the man who dared to impose a six-year jail sentence on, some believe, "South Africa's most politically powerful woman".

Then there is George Bizos SC, described as "one of the Bar's most colourful advocates", the man who defended Winnie Mandela, accused No 8, with every bit of verbal weaponry he could whip out from beneath his legal cloak.

The other major player was Deputy Attorney General of the Witwatersrand local division, Jan Swanepoel SC, the man who prosecuted Mandela and her co-accused with surgeon-like precision.

Stunned silence greeted Judge Stegmann's six-year sentence imposed on Win-

PAT DEVEREAUX

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nie Mandela after a dramatic four-month trial. The silence was quickly broken by Mr Bizos's announcement that he would lodge an application for leave to appeal.

At the start of the trial there were rumours that the fear factor had become so widespread that it threatened the entire judicial system.

## Powerful presence

The trial was seriously hampered by events outside the courtroom. It was said that the impact of these events including: four missing accused, the apparent kidnapping of key witness Gabriel Megkwe and the recalcitrance of witnesses Kenneth Kgase and Barend Pelo Mono, threatened to subvert the course of justice.

But Mr Justice Stegmann handled these major disruptions with ease and according

to journalists had a powerful "presence" in the courtroom drama which unfolded. "Where the course of justice requires the truth, no man has the right to withhold it," he said during the trial.

Senior council and advocates say this judge, possibly selected because of a track record in judging complicated commercial non-political trials, has a pristine record in terms of political bias.

Mr Justice Stegmann has a reputation among lawyers for being "meticulous and conscientious and devoting considerable time and energy to his judgments". His sentencing of Winnie Mandela has unleashed criticism of the judicial system from some quarters.

But although the assignment of judges to cases is controversial in itself and certain judges have been said to be specifically selected to sit on political trials, most Human Rights lawyers dismissed this possibility in such a high-profile criminal case.

# Well-matched opponents square up for next round

IN a four-month battle of wits and words two gladiators of the courtroom dominated the trial of Winnie Mandela and her co-accused.

For the moment, the first round goes to Deputy Attorney General for the Witwatersrand Local Division, Jan Swanepoel, SC, who was given the task of prosecuting in this controversial case.

But he is not resting on his laurels just yet, for within a month the Appeal Court could alter or overturn Mr Justice MS Stegmann's judgment and sentencing of Winnie Mandela.

Mr Swanepoel is seen by former legal opponents who have faced him across the courtroom as "a concise and very professional lawyer" and "a man who holds back but when the fight is on gets in there and does not fear a bloody nose".

He himself described Mandela's lawyer, Mr Bizos, as a "very thorough opponent" and added that the two of them had been matched before in the Barbara Hogan treason trial.

Cape Town born and bred, the reticent Mr Swanepoel was a former Stellenbosch law student and has risen quickly in the ranks to the position



GEORGE BIZOS: witnesses don't often see his gregariousness.

## PAT DEVEREAUX

of Deputy Attorney General for the Witwatersrand Local Division.

The 41-year-old Mr Swanepoel is described as a devoted Pretoria family man and "a father of three who enjoys watching rugby".

## Relinquish

As Mr Swanepoel's courtroom opponent the grey-haired 63-year-old Mr Bizos is almost a complete foil to his personality and he will not relinquish the battle to clear his client's name.

At a recent party hosted by journalists covering the Winnie trial, the gregarious Mr Bizos arrived with a Greek salad in one hand and a

bottle of Ouzo under one arm.

This friendly side to Advocate Bizos's nature is however seldom seen by witnesses being cross-examined by him in the Supreme Court. His questioning technique is said to be astounding.

And there have been dozens of witnesses who have come under Mr Bizos' legal scrutiny.

For he has featured in many of this country's major political trials including the Rivonia Trial in the sixties and the more recent Delmas Treason trial of UDF leaders.

He also represented the families of Black Consciousness leader Steve Biko and Neil Aggett, who both died in detention.

Mr Bizos came to this country at the age of 13 after he and his father fled the Nazi occupation of Greece in a small boat. Soon after arriving the Bizos family opened a corner cafe.

Spotted by a schoolteacher, the young Bizos was finally sent to school and given extra-lessons. He matriculated at Athlone Boys School.

He went on to obtain his legal degree at the University of the Witwatersrand. Mr Bizos is a renowned human rights lawyer.

Described as "a devout family man", Mr Bizos has three sons.

His views were best summed up in a 1988 article he wrote for the Star on "Apartheid in conflict with the United Nations Declaration".

Mr Bizos said: "Let us try to find some inspiration in the lofty ideals of the Declaration of Human Rights and remember that they are for everyone's protection. Let us try not to abrogate them further or for much longer because they may not be there or respected when we ourselves require protection."

# Why Winnie probably won't go to jail

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PATRICK LAURENCE

WINNIE Mandela is unlikely to serve a single day of her six-year jail sentence, even if she loses her appeal.

A conjunction of political forces seems set to save her from the indignity of incarceration for kidnapping and being an accessory to severe assault and not, as in the past, for political opposition to apartheid.

It is operating quite independently of the legal forces set in motion by the application for leave to appeal launched by her lawyer, George Bizos, SC, only minutes after she was sentenced.

Examination of two possible developments — both premised on the entirely theoretical assumption that her appeal will fail — shows how political considerations are likely to rescue her from internment.

Her appeal may take as long as three years to be heard by the Appeal Court, although it is not likely to take as long.

If it takes three years, however, it is possible that the present minority regime may have been replaced by then by either an African National Congress administration or by one in which the ANC is a major component.

If so, it is a betting certainty that the new government will not allow Mrs Mandela to go to jail; it will persuade the head of state, who may well be ANC leader Nelson Mandela, to exercise, in favour of Mrs Mandela, his prerogative to pardon felons.

It is relevant to recall two positions taken by ANC on Mrs Mandela in recent months:

first, an ANC statement describing the trial as "part of the pattern of harassment and persecution" directed at "Comrade Winnie" for the past 30 years; second, the more recent declaration by Chris Hani, chief of staff of the ANC's guerilla army, pledging that Mrs Mandela would be freed by an ANC government if she was in jail when it acquired power.

The logic of Mr Hani's declaration is that if the ANC can pre-empt imprisonment with a timely pardon, it will do so.

But even if President de Klerk is still in power when Mrs Mandela's appeal is heard and — for argument's sake — lost, the chances of her going to jail are miniscule.

South Africa's settlement negotiations will, in all likelihood, be well advanced three years or even 18 months from now. Mr Mandela, judging from opinion polls and barring the unforeseen, will be looming large as the man most likely to succeed President de Klerk.

It is preposterous to visualise Mr Mandela preparing himself for the role as president while Mrs Mandela readies herself for life in prison.

The ANC will certainly put pressure on President de Klerk to pardon her. The ANC's political clout, and the indispensability of its approval to any lasting settlement, make it virtually certain that Mr de Klerk will accede to ANC pressure to pardon Mrs Mandela.

The whole issue may, of course, be resolved more simply: the Appeal Court may uphold Mrs Mandela's appeal and set aside the sentence imposed on her by Rand Supreme Court judge M S Stegmann.

Mrs Mandela thus seems likely to escape imprisonment, one way or another.

It does not, however, seem possible for her to recover the esteem and power she wielded in ANC circles before disclosures were made of her role in the kidnapping of three young men and a teenage boy, Stompie Moeketsie Sepei, from the Methodist manse in Soweto in December 1988.

Even before Mr Justice Stegmann's damning judgment — he labelled her an "unblushing liar" and a woman who had no compassion for her victims — Mrs Mandela's influence was on the wane.

One clear sign was her crushing defeat in last month's contest for the presidency of the ANC Women's League: Gertrude Shope won twice as many votes as she did.

Another was the conspicuous absence of support from high profile ANC leaders at the end of her trial; they did not demonstrate their sympathy by attending the trial on Monday when judgment was given or Tuesday when sentence was pronounced.

Mrs Mandela, of course, has enemies in the ANC, many of whom occupied key positions in the Mass Democratic Movement, which unequivocally condemned her in February 1989.

In its now celebrated statement the MDM accused her of violating the "spirit and ethos of the democratic movement", of allowing the Mandela Football Club to conduct a "reign of terror" in Soweto and of refusing to co-operate with black leaders in the crisis committee who tried to mediate a reconciliation between her and aggrieved people in the black community.

The MDM statement ended with a call to the black community to distance itself from Mrs Mandela in "a dignified manner".

Its statement led to "bad blood" between Mrs Mandela and MDM leaders associated with the statement, some of whom were pushed to the side after the ANC was unbanned, Mr Mandela released and Mrs Mandela reinstated — allegedly from above — as an ANC leader.

But now, in the aftermath of Mrs Mandela's trial and the nadir in her political fortunes, election of a new ANC national executive by secret ballot is imminent. It will take place at the ANC's national conference in July.

The probabilities are strong that the election will see the rise to positions of prominence of former MDM leaders; while they will not allow Mr Mandela's wife to go to jail, they will probably thwart any attempt she may make to assert herself politically.

Mrs Mandela, however, is a formidable and resourceful woman who should not be underestimated.

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**Winnie trial  
man missing  
from hotel**

JOHANNESBURG. — A 22-year-old South African man, Mr Katiza Cebekhulu, wanted by the SAP after he forfeited bail and failed to testify in the Winnie Mandela trial in Johannesburg, has disappeared from his hotel room in Lusaka, Zambia.

Quoting the Africa News Organisation (ANO), the radio reported Mr Cebekhulu had been taken out of his room by unknown men after he had granted interviews to ANO and the Zambia Mail newspaper.

He had been living at the hotel in Lusaka since his arrival in Zambia in February.

Mr Cebekhulu's present whereabouts are not known. — Sapa



Winnie Mandela, with her daughter Zinzi, leaves court after her conviction and sentencing to six years' imprisonment. The judge called her "a composed, unblushing liar".

By Pico: TLADI KHUELE

# 'THE UNTOUCHABLES'



Also found guilty . . . Xoliswa Falati, gives a smile and a clenched-fist salute.



John Morgan . . . given a one-year suspended sentence.

# Winnie conviction 'victory'

By DESMOND BLOW

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CLIPPER 19/5/91

WINNIE Mandela, sentenced to six years for kidnapping, sees her conviction as a victory.

A source close to Mandela said that although she was found guilty of kidnapping, the assault charge — although a lesser charge — was the more disturbing. "It was the one that turned people in Soweto against her".

"Since the murder of Stompie Seipei and the conviction of Jerry Richardson for the killing, she had been branded a murderer by many people.

"Her acquittal on the assault charge has taken a great weight off her mind," said the source.

Mandela was sentenced to five years for kidnapping and one year for being an accessory after the fact for concealing that there had been assaults.

A second accused, Xoliswa Falati, was sentenced to four

years for the kidnapping and two for assault.

A third accused, John Morgan, was given a one-year suspended sentence for his role in the kidnapping.

The judge found Mandela "showed herself on a number of occasions to be a calm, composed, unblushing liar".

Judge MS Stegmann found in his judgment there was a conspiracy by Mandela, Falati and others to smear the Rev Paul Verryn with accusations of homosexual conduct with youngsters at the Orlando West Methodist Church manse — from where four young men were kidnapped and taken to Mandela's upmarket Soweto house.

He said that until Verryn's accusers brought legal action in a proper court of law, the cleric had to have the benefit of the presumption of innocence.

South Western Transvaal district head of the Methodist Church, Bishop Peter Storey, said the judgment in Mandela's trial had vindicated the church's trust in Verryn.

Mandela showed little emotion during her sentence this week, but greeted a crowd of supporters outside the court with her famous smile and defiantly held up a clenched fist.

"We have been found guilty by the media," she told cheering supporters.

Lawyers for Mandela are expected to appeal both against the court's judgment in finding her guilty of kidnapping and also against the severity of sentence.

It could be months before the Appeal Court sits.

Her counsel, George Bizos, SC, on Tuesday filed an 11-page application for leave to

appeal.

He submitted that Judge Stegmann misdirected himself in a number of aspects, and had erred in accepting that it had been proved beyond reasonable doubt that Mandela had been party to a conspiracy to kidnap the four youths from the Orlando West Methodist Church manse.

The application also questioned the judge's decision that it was not necessary for the State to call Verryn to give evidence.

Commenting on the case, Anglican Archbishop Desmond Tutu said: "The anti-apartheid movement will continue to honour Winnie Mandela for the good things she has done and to recognise her as a human being."

Tutu told an international television agency in Cape Town he was shocked at the severity of Mandela's sentence.

## Early release for Mandela FC killer

By CP Reporter

THE killer of Maxwell Madondo, a former member of the defunct Mandela United Football Club, has been released.

Sibusiso Chili, popularly known as "Sponge", was convicted by a Rand Supreme Court judge in March last year and sentenced to an effective two years' imprisonment.

He told *City Press* he was "one of hundreds given amnesty" at the beginning of May.

Chili was convicted with Andrew Lerethodi Ikaneng of Orlando West, and three others for stoning Madondo to death outside Chili's Soweto home.

Ikaneng and the three other accused were given

suspended sentences. After Madondo's killing, Chili's 13-year-old niece was killed by a bullet from an AK-47 rifle in a raid by unknown persons on his home.

Chili's mother Dudu — an ANC Women's League member — was arrested and charged with him for Madondo's murder but was later acquitted.

His mother told *City Press* that Chili felt no sense of guilt for murdering Madondo "because he was protecting his own life".

Shortly after Chili's release this month his co-accused, Ikaneng, was wounded in a street gun battle, allegedly by former members of the Mandela football team.

THE goings-on inside the Mandela United Football Club (MUFC), an alleged football team less known for its soccer skills than for its brutality, have been revealed by an insider for the first time.

The lid was blown this week by Andrew Lerothodi Ikaneng, 24, a former member of the now-disbanded MUFC. Ikaneng is in hiding after his former "comrades" allegedly tried to assassinate him last week.

In an affidavit to lawyers and a lengthy tape-recorded interview with *City Press*, he told of a two-year crime binge during which MUFC members harassed and intimidated people, striking terror into the hearts of Sowetans.

This lasted until the murder of child activist and club member Stompie Moeketsi Seipei.

Ikaneng also revealed how in 1988 a MUFC kangaroo court tortured three students from Daliwonga Secondary School in Soweto for allegedly raping a member of the Mandela Sisters Basketball Club.

Ikaneng said neighbours had ignored the screams of the youths being tortured, "because they knew we were 'The Untouchables'".

Daliwonga pupils burned down Winnie Mandela's Orlando West house in revenge.

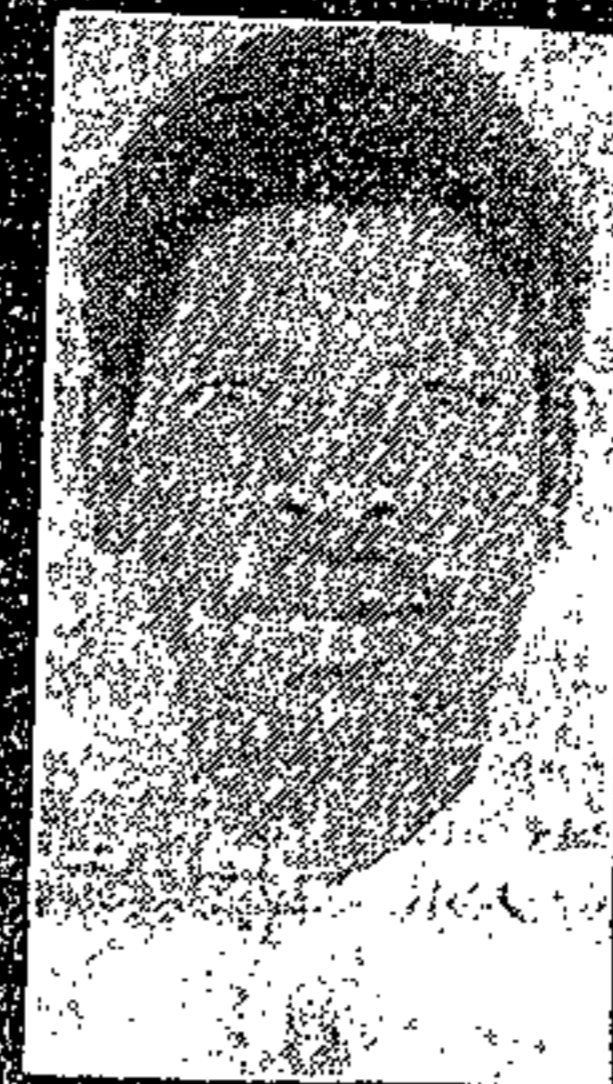
The MUFC also attacked the home of ANC Women's League member Dudu Chili, because her son S'busiso Chili had killed a club member, Maxwell Madondo, in self-defence.

However, Ikaneng said, the reign of terror "proper" only started when Sizwe Sithole and Jerry Richardson moved in with the club in 1987.

Sizwe, who later died in detention, was the boyfriend of Zinzi Mandela and father of her youngest child Bambatha.

In the early days the MUFC, which was then "coached" by Shakes Motau, played some soccer games, but this soon fizzled out.

Ikaneng told how a revenge mission by MK member and former club member Oupa Alex Seheri, now on Death Row, led to the detention of club members.



By ELIAS MALULEKE



**Ikaneng... taken the lid off the Mandela United Football Club's reign of terror.**

He said Seheri rounded up members of the club after his gun was stolen in January 1987.

Ikaneng later learnt that the group killed two people in Zola.

On Ikaneng's release from detention in the last quarter of 1987 Sithole and Richardson were running the club. Motau had gone missing.

Sithole's instructions, including that they not leave the house without permission, were law.

Ikaneng was forced to work without pay in a fish and chips shop in Auckland Park after he tried to quit the club.

When he returned from detention he found the club was operating a "people's court".

Punishment varied from attacks on the homes of "sellouts" to severe sjambok beatings.

After the burning of her house Winnie and Zinzi moved to Diepkloof. Tholi Dlamini, Ikaneng's best friend, guarded the gutted house.

However, said Ikaneng, a comrade, Absolom "Bizza" Kunene, was arrested and pointed out to police a gun hidden in a coal box at Tholi's par-

ents' home.

Tholi was arrested, but was not charged.

Kunene - a close friend of Sithole's - was jailed for 10 years.

Tholi returned home and kept a low profile.

However, Ikaneng told how on October 16, 1988, Tholi was shot dead by Sithole, - who appeared to be drunk - following a rumpus at a shebeen.

He had accompanied Tholi to the shebeen to collect members of the club for a night-vigil in Klipspruit.

The following day Ikaneng phoned the 'club-house' and was told not to make a statement to the police.

However, he reported the incident to police before going into hiding.

In November 1988 he was cornered at a swimming pool in Orlando by two MUFC members who took him to the house.

"I found other members of the MUFC in the house with two women.

They made me sit on a sofa and the older woman asked me: 'Is this what you came to do to us?'

"When I asked what I had done, she stood up, grabbed me by the lapels and lifted me up before she started to assault me with open hands and fists.

"I was called a sellout and was told they knew everything I had said to the police and they would make me pay. The older woman ordered MUFC members to lock me up."

Ikaneng later escaped and fled to Sharpeville. He returned to Soweto on January 3, 1989.

"I went to Mzimhlophe to meet my friends. On my arrival, however, someone sold me out because I was cornered by Richardson and some members of the MUFC who took me to a veld between Mzimhlophe and Orlando East."

He was assaulted with fists. Then Richardson sat on his chest and slit his throat with garden shears.

"I was then thrown into a ditch, but Richardson said 'the dog is not dead', and stabbed me again."

He managed to crawl to a nearby house and was rushed to hospital.

After his discharge, several other attempts were made on his life, forcing him to live in hiding until he was cornered by three MUFC members last week and shot in the buttocks.

# Battle of cross and sjambok

By DAWN BARKHUZEN

SIMPLY put, the trial of Winifred Nomazamo Mandela has been the battle of the cross and the sjambok. Behind the cross, in silence, has stood Methodist minister Paul Verryn.

On the other side were Xoliswa Falati and accessory Mandela.

While not guilty of participating in the assault of four youths, Mandela was convicted of later associating herself with the incident and also of kidnapping them.

The sjambok delivered not only blows to the backs and arms of the four youths, but also a stinging, repeated attack on the morals of the 39-year-old Pretoria-born minister.

Each blow, each piece of sordid evidence presented by the defence in an attempt to reinforce the impression that Mandela and Falati were justified in their belief that Mr Verryn was molesting youths in the double bed of his Soweto manse and that they had removed four youths from the premises to protect them.



PAUL VERRYN

The minister, who was not called to the witness stand, had to contend with the frustration of silence and of facing his 4 000 Soweto parishioners every Sunday morning with more than a little uncertainty.

Even had he been called, said friends, what more could he say other than, "I didn't do it."

When all was said and done, Mr Justice Michael Stegmann found some of Mr Verryn's accusers had been unreliable witnesses, but did not make a specific finding on whether or not the

minister had been involved in homosexual abuse.

However, he stressed Mr Verryn had the right to the presumption of innocence unless proven guilty in a court of law.

The judge noted the trial "had seen the resumption of a campaign to discredit Mr Verryn as a sodomite".

The idea that Mr Verryn, a man dedicated to restoring dignity to black South Africans and a tireless worker for the people of Soweto, would prey on runaway youths reliant on him for safety, food and accommodation was rejected out of hand by his friends.

Residents of the manse were portrayed as innocent youngsters at the mercy of a dangerous minister.

But township sources pointed out that the youngsters were quite capable of defending themselves against figures of authority and that they had access to other leaders to report any abuse.

Oddly enough, despite the allegations against Mr Verryn, community leaders

have continued to refer runaway youths to his manse.

Judge Stegmann's suggestion that there had been a plot to evict Mr Verryn from the manse had more than a ring of truth for those close to the minister.

More than one newspaper has carried allegations that he defied attempts by Falati to use the manse to store weapons.

There is little doubt that the hardest cross the Methodist Church's only white minister of a black urban area has had to bear in a 19-year ministry has

been the public lambasting of his morals. It has left him with a feeling, not unlike that of "swallowing barbed wire", according to friends.

While there is little likelihood the church will further investigate the allegations against him, Mr Verryn is uncertain whether he has the resilience to continue his work.

Perhaps the greatest irony is that, while the names of Mandela and Mr Verryn have been so closely associated during the trial, the two have met only briefly and barely know each other.

# Missing Mandela trial men found in Zambia

TWO key figures from the Winnie Mandela trial are understood to be in the care of the Zambian government after disappearing from South Africa.

Missing co-accused Katiza Cebekhulu and witness Gabriel Pello Mekingwe surfaced in Lusaka this week and could be handed over to the South African government or to the United Nations High Commission for Refugees and accorded refugee status.

It is believed that Cebekhulu is in the protective custody of the Zambian Security Service after the ANC said it did not know him and could not care for him. *S Times 19/5/91*

Mekingwe is said to be in a safe house somewhere in Lusaka.

Cebekhulu, a co-accused in the Mandela trial, is still wanted by the South African police after jumping bail while facing charges of assault and kidnap-

ping last December. He came into the open this week after spending more than two months in "protective custody" in a room of the College Hotel in Lusaka.

In an interview with the Africa News Organisation in Lusaka, Cebekhulu refused to identify the people who "smuggled" him out of South Africa to Angola on February 8. He then travelled to Lusaka. *(331)*

After the interview, he was seen leaving his hotel in the presence of two unidentified men, believed to be government representatives.

South African officials said they believed Mekingwe was moved to Zambia from Zimbabwe after the South African representative in Zimbabwe sent an official letter to the government asking for assistance in his repatriation. — Africa News Organisation.

Sunday Times Reporters

**THE trial of Winnie Mandela, sentenced this week to six years' imprisonment for her part in the kidnapping and assault of four youths, was the most dramatic of a string of criminal cases involving her notorious Mandela United Football Club.**

The team, which comprised about 30 members and never played a game, terrorised Soweto. It was formed during the 1985 riots when some youths sought sanctuary at the Mandela home at the height of the UDF and Azapo conflict.

Those that the club wanted to kill were branded "impimpi" or "sell-out". Being labelled by any club member as a sell-out or police collaborator was tantamount to death by an AK-47 squad, said former club member Lerethodi Ikaneng in an interview with the Sunday Times recently. <sup>(331)</sup> ~~17/5/91~~

On May 6, Mr Ikaneng and a friend were shot at and he has since gone into hiding.

"The worst offence a club member could commit was to desert the club — desertion was punishable by death from the disciplinary committee," said Mr Ikaneng.

The "DC", as this committee was known, was run by Sizwe Sithole — one of the youngest members and most feared, who was Zinzi Mandela's boyfriend.

Mr Sithole killed Mr Ikaneng's friend, known only as Tholi. He was arrested and found hanged in his cell at Johannesburg's John Vorster Square on January 30 1990.

In a judicial commission into the hanging, Mr Justice Goldstone heard from a police sergeant who had questioned Mr Sithole that he had made a number of serious allegations of criminal conduct on the part of Winnie and Zinzi Mandela, allegations which the police have not made public.

Mr Justice Goldstone found one of the main reasons Mr Sithole hanged himself was the remorse he felt for having betrayed the two women to the police.

Many incidents of violence involving club members went unreported, but the extent of their terror can be measured by incidents that were either reported to the police or went to court.



FALLEN COMRADE... Mandela United Football Club members led by Winnie Mandela accompany the hearse carrying the body of Tibu Makwe, 18, who had been murdered, in January 1987

# THE ROR UNTHED

<sup>(331)</sup> ~~19/5/91~~

## The team whose defence was murderous attack

● July 1988: The Mandela's Orlando West home was burnt down by school-

boys who had a fight with members of the football team after club members had attacked and raped a schoolgirl. The schoolboys said the attack was not aimed at the Mandela family but at the club members who lived there.

● August 3 1988: Soweto businessman John Billy Lebello obtained an urgent Rand Supreme Court interdict restraining Oupa Seheri, an ANC guerrilla from the extensive settlement to death in the

ing him or damaging his property.

Mrs Lebello denied approaching Mandela for assistance with her marital problems or that she and her son had asked "comrades" to kill her husband.

But Mrs Lebello told the court that on a few occasions Mandela had asked her to accommodate young members of soccer teams.

● September 5 1988: Oupa Seheri, an ANC guerrilla, gained in Angola, was sentenced to death in the

Rand Supreme Court on charges of murder.

Seheri told the court that on the night of January 24 1987 he went armed with an AK-47 rifle to the home of Winnie Mandela, where he had been told to collect a parcel containing a Scorpion machine pistol.

Later that night he was supposed to train a group of people in the use of both weapons. No one turned up for training and instead he got involved in a shebeen brawl in which his opponents disarmed him and made off with the pistol.

to 585 Diepkloof Extension — the Mandela home. Winnie Mandela was allegedly a passenger in the minibus at the time. At the Mandela house the two were assaulted by team members, then released the next day. The state applied to lead evidence on this incident at Mandela's trial as being evidence on "similar facts", but later withdrew the application.

● November 13 1988: Mr Svanepoel also applied to lead evidence in Mandela's trial about another incident in which he said a minibus called at a certain

bers. Mandela told the man they were taking his son to her Diepkloof house, Mr Svanepoel said.

The youth, Lolo Sono, was never seen again. A neighbour, Anthony Siponi, said the youths were being sexually abused by Mr Verryn. Another man, a resident, Katiza Cebek-hulu, said he went to the Mandela home voluntarily.

● January 3 1989: Jerry Richardson and other members of the football club forced kidnap victims Kenny Kgase and Thabiso Mono to take part in the attempted murder of former team member Lerethodi Ikaneng, according to

his house and beaten, the Rand Supreme Court ruled this week. The team — which had theoretically been disbanded — later claimed the youths were being sexually abused by Mr Verryn. Another man, a resident, Katiza Cebek-hulu, said he went to the Mandela home voluntarily.

● January 3 1989: Jerry Richardson and other members of the football club forced kidnap victims Kenny Kgase and Thabiso Mono to take part in the attempted murder of former team member Lerethodi Ikaneng, according to

the body of club member

● January 6 1989: A body was found and only identified a month later as that of Stompie. Death could have been caused by a deep gash in his neck, which punctured his chest cavity, or severe assault, an autopsy showed.

● January 11 1989: Members of the Mandela Crisis Committee visited Mandela's house after Kenny Kgase escaped from her backyard rooms and informed church leaders that hostages were, being held at 585 Diepkloof Ext.

● February 13 1989: The body of club member

house at time, Miss Finky Msoni, 13, was killed.

● September 26 1989: John Morgan, 61, convicted of kidnapping with Man-

delia this week and given a one-year suspended sentence, was acquitted in the Johannesburg Magistrate's Court on two counts of kidnapping and assault, alleged to have taken place at Mandela's home in 1988.

Also acquitted were two young members of the soccer team, Isaac Mokgoro and Absalom Madonsela.

"They pleaded not guilty to assaulting youths in May 1988 and carving "Viva ANC" and "W" on their bodies. Magistrate P F du Plessis said: "The total experience must have been so frightening that the youths' powers of observation were affected." When it came to identifying the accused the youths had given contradictory evidence.

● May 1990: Richardson was tried and sentenced to death for Stompie Seipei's murder.

● September 17 1990: "Player" Charles Zwane was found guilty of murdering Miss Msoni and of 38 other charges relating to murder and violence. He was sentenced to death.

Zwane had previously admitted to using Mandela's house and car in 1987 when he was charged as an accomplice in the 1987 Oupa Seheri killings. The defence and prosecution agreed that revenge for the Madondo killing had been his motive. Winnie Mandela, despite being mentioned in court, was not called as a witness. After sentencing Zwane and an accomplice, Mr Justice Vermooten said: "According to the media, these vicious AK-47 attacks are used almost daily to sow death and destruction."

● February 4 1991: The Mandela trial began. The court learnt that four of Mandela's co-accused had absconded. Soon after that, state witness Gabriel Mekgwe disappeared. Kenny Kgase and Thabiso Mono initially refused to testify, but later told of their abduction and assault in Mandela's backyard rooms.

● May 6 1991: Lerethodi Ikaneng and a friend were attacked near his home by four youths wielding Scorpion machine pistols. Mr Ikaneng was shot in the buttock and rushed to hospital. Before going to hospital, the two identified their attackers as former club members.

# Winnie tried to dodge club queries

<sup>(331)</sup> ~~19/5/91~~

By DAWN BARKHUIZEN

WINNIE MANDELA's attempts to distance herself from the controversial Mandela Football Club were rejected by Mr Justice Michael Stegmann in court this week. Passing judgment, he noted that Mandela had gone to extraordinary lengths to distance herself from the club and its formation.

"Ex-players" were among those who occupied the backyard rooms of her Diepkloof Extension house. This was the scene of the savage beating of four youths of which she was found guilty of being an accessory to.

"One would have thought any person, particularly a leader and one who made contributions to the club, would be proud to regard herself as the founder," the judge said. Her evidence that she had done no more than suggest to the teenagers living behind her house that they "formalise" the club was absurd.

**Evasive** <sup>(331)</sup> ~~19/5/91~~

"Most teenagers would be unable to do anything without the guidance or assistance of an adult," he said.

As to whether she welcomed the youths living at the back of her house, Mandela had been evasive, impressing the judge with her "remarkable" absence of candour.

"Mrs Mandela was clearly determined to avoid any suggestion that the youths were her personal bodyguard and went to the absurd length of stating that she herself needed no protection. "I can only conclude that her evasiveness related to the allegations that (members of) the Mandela Football Club were expected to act as guards and accompany her as some sort of retinue."

Sunday Times  
19/5/91

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dela's house to collect the AK-47 he had left there. He loaded up several members of Mandela United, including Sethimbiso Buthelezi, who slept in Zinzi's bedroom at the time, and drove to his opponents' house.

By morning, Seheri had recovered his machine pistol, but in the process he and the team had shot four unarmed young men, killing two of them, the court heard.

Seheri, Buthelezi and three others were charged with the murders and with illegal possession of firearms. Testimony in court was that both firearms had been kept in Zinzi Mandela's bedroom, under her bed. Seheri was condemned to death, while Buthelezi was sentenced to 18 months' imprisonment.

Neither Winnie or Zinzi Mandela were called to testify in the case.

● **September 26 1988:** On this date, according to advocate Jan Swanepoel, prosecutor in Winnie Mandela's trial, two people were abducted from their homes by a group of men, who took them in a minibus

bus was the home owner's 21-year-old son, who had been assaulted, Winnie Mandela and team mem-

Verryn's Orlando West Methodist manse by coach Jerry Richardson and "players", taken to Mande-

Winnie Mandela trial. Kgase said Ikaneng's throat was slashed with garden shears;

found near Uncle Tom's Hall, Orlando West. Madondo had lived in Mandela's backyard rooms with other members of the club. He had been among team members who clashed with "deserters". A witness said he was attacked with pick-handles, dragged to a house, stoned by a mob and killed.

● **February 16 1989:** The UDF and Cosatu publicly distanced themselves from Winnie Mandela for her involvement with her football team and asked the community to shun her.

● **February 22 1989:** Jerry Richardson's victim, former club member Ler-othodi Ikaneng, appeared in court in connection with the murder of Maxwell Madondo. Mr Ikaneng testified he had seen Sponge Chili, who had left the team, drop a big stone on to Mr Madondo. Mr Ikaneng was acquitted and Chili jailed for two years.

● **February 22 1989:** To avenge Mr Madondo's death, the Chili home was petrol-bombed and sprayed with AK-47 gunfire by boys believed to be "players". A visitor in the

WINNIE MANDELA is called *Ndlovukazi* by her comrades. It means "She Elephant" and denotes power, authority and royalty.

The name must have weighed in the mind of Mr Justice Michael Stegmann this week when he sentenced her to six years in jail on charges of kidnapping and being an accessory to assault.

*Ndlovukazi*, he found, played a leading part in the spiriting away of four young men from a Soweto manse in December 1988 and their subsequent incarceration in the back rooms of her home in Soweto.

Her absence from these events, he said, would be like trying to imagine "Hamlet without the prince".

He did not, however, link her directly to the assaults on the four youths, one of whom, 14-year-old Stompie Seipei, was subsequently murdered.

It was a death that precipitated a community revolt against Mandela and her private bodyguards and led, ultimately, to her arrest in one of the most publicised trials in the country's history.

The uncontested facts of the Winnie Mandela trial are simple — and few.

## Conspired

Four youths staying at a Methodist manse in Soweto were picked up on the night of December 29 1988 by associates of Mandela and brought to her home in Diepkloof Extension. The brutally assaulted body of Stompie was found in the veld a few days later.

The coach of the Mandela Football Club and a resident of Mandela's backyard, Jerry Richardson, was later convicted of the murder. During his trial the court heard claims that Mandela had been present at the assault.

For the last two months the state has sought to prove that Mandela conspired with co-accused Xoliswa Falati and John Morgan, Mandela's driver, to kidnap the youths, and had also been present during a later assault on the four.

Mandela's defence argued, however, that the boys had been rescued from the manse to protect them from homosexual assault by the resident minister, Paul Verryn, and had been brought to sanctuary at the Mandela home. On the night of the alleged assaults, they said, Mandela had been in Brandfort in the Free State.

Mr Justice Stegmann, thus, was called upon to decide on five central questions:

● Were the boys removed for-



Picture: LOUISE GUBB

## DAWN BARKHUIZEN discusses the five crucial questions at stake in the Winnie Mandela trial

cibly from the manse by Falati and Morgan?

● Was Mandela aware of the plans to bring the youths from the manse to her home?

● Did Falati and Mandela have a credible belief that youths at the manse were the victims of homosexual abuse?

● Was Mandela present at, or did she participate in, the assaults on the youths?

● Was she aware of the assaults?

In general, the judge found the defence argument "an elaborately constructed case in support of high-mindedness".

**QUESTION 1:** The judge found the boys had been undoubtedly kidnapped — suggesting it might

lie that afternoon hatched the plot in a bid to oust Mr Verryn from the manse — for reasons which never emerged during the trial.

Falati had been desperate to discredit Mr Verryn and may have been prepared to resort to an act of assault in order to obtain evidence, he suggested.

Falati's claim that, in a casual discussion at the back of the house, she suggested to Richardson that they take Mandela's bus and fetch the youths from the manse was, for Judge Stegmann, "breath-takingly presumptuous".

"The decision for youths to be brought from the manse would have to be made by Mandela, Falati was in no position to make such a decision," he said.

"Falati had in mind some sort of inquiry and had approached her leader for help. It is unlikely she would then arrogate herself to this position."

Nor would Richardson or Morgan, a long-standing friend of the Mandela family, be likely to take instructions from Falati.

## Dismissed

Mandela's council have challenged this finding, claiming in their application for appeal that the judge used a process of "inferential reasoning" in finding Mandela party to a kidnap conspiracy. He had made this finding in the face of direct evidence that she was, in fact, not involved.

**QUESTION 3:** The judge found no reliable evidence to support Falati and Morgan's belief that the youths were being sexually abused, Falati, he said, was a clever liar and had adopted an attitude of unreasonable vindictiveness towards Mr Verryn.

Of the two witnesses brought by Mandela in support of her belief in homosexual allegations, one was dismissed by the judge as a "puppet" and it was possible that the other, found to have given evidence with substantial improbabilities, had joined the campaign against Mr Verryn.

**QUESTION 2:** The judge had no doubt that Mandela had sanctioned the kidnapping. He found that Mandela and Falati had ear-

lie true, but may also have no foundation. It is by no means impossible that they are a smoke-screen to conceal the true responsibility for the kidnapping."

**QUESTION 4:** The judge said that during the trial it had become common cause that four youths were savagely assaulted in Mandela's backyard rooms — and found Falati party to the incident.

But he disregarded evidence from two state witnesses who claimed Mandela had led an attack on them.

The judge found it was "reasonably, possibly true" that Mandela had gone to the Free State town, but found the "curious nature of alleged parting" was improbable.

Mandela said she had, after discussions with Falati about the molestation of one youth, left for Brandfort without so much as by-your-leave to Falati who was still on the premises.

**QUESTION 5:** The question of whether or not Mandela approved of the assault was two-pronged.

When Mandela returned from Brandfort on December 31 1988, Falati had been waiting at the house to report on the success of the "planned operation", the judge found.

But he ruled that the plot to kidnap the youths did not include plans to assault them and Falati, in holding a mini-interrogation, had breached the agreement reached with Mandela.

However, Mandela's failure to act when she returned home and was confronted with obvious evidence of the attack made her an accessory after the fact. The victims who were spanked and punched brutally were in her backyards for all to see.

Mandela's vague testimony on this issue was a "cool bluff", the judge said, and found it proved that by January 1 1989, she knew the assaults had occurred.

This point is also to be contested on appeal.

Judge Stegmann said argument from Mandela's counsel, George Bizos SC, that the lives of those in the back rooms were

completely separate from those in the main house was overstated. "I am not persuaded that such a degree of extreme violence (in the back rooms) would not come to the notice of those in the house," he said.

By January 1, the manse was empty and Falati and Mandela were in control of four young men that they wanted to use in the campaign against Mr Verryn, the judge said.

The two women were determined to hold the four hostage for as long as it was necessary to establish evidence against Mr Verryn. The captivity continued until January 16 when they were released after intervention by Nelson Mandela's lawyer, Ismail Ayob.

In sentencing Falati to four years for kidnapping and two for serious assault, the judge said her determination to introduce politics into the proceedings was an attempt to distract attention from the real issues.

"She described herself as 'a contrite in war' and chose to con-

duct her defence as if she was advancing the struggle (against apartheid). At times she played to a contingent of women in ANC colours in the public gallery," he said.

"Her politics were of no relevance in the proceedings."

John Morgan, found to have knowingly been party to the kidnap, was sentenced to one year's imprisonment, suspended for five years.

Mandela received five years' imprisonment for kidnapping and one year for acting as an accessory to serious assault.

Handing down sentence, the judge remarked that Mandela had been "poker-faced" and in control of her emotions throughout the trial.

She was, he said, a "calm, deliberate, unblushing liar".

Mandela's application for leave to appeal will be heard within the next month.

At issue will be one thing: Are the judge's findings as the defence suggests, mere inferences? Or are they facts?

# AWB turns up to support the cough-mixture 'spy'

51 Times 19/5/91

By MARTIN WELZ and DE WET POTGIETER

A MAN who this week made startling claims about a police 'hit squad' based at Vlakplaas, near Pretoria, said he became a drug addict and needed psychiatric help as a result of his traumatic experiences with the unit.

Ronald "Tokarev" Bezuidenhout appeared in the Springs Magistrate's Court on Friday on wife beating charges. He had earlier been referred to Weskoppies mental hospital in Pretoria for observation, but was found fit to stand trial.

The trial was postponed to July. He was released on his own recognisances and left the court with his wife, Marilyn, at his side.

Reacting to Mr Bezuidenhout's sensational claims about Vlakplaas and alleged police attempts to sabotage the investigations of the Harms Commission, police spokesmen rejected the claim that he had been a member of the police force since 1978.

They did, however, confirm he had been employed by the security police unit at Vlakplaas in 1989 and 1990. In a statement issued by the police public relations department, it was claimed Mr Bezuidenhout left South Africa illegally in March 1986 to join the ANC.

He received military training in Angola and in East Germany before returning to South Africa as an ANC operative, using a false passport in the name of Duncan Smith.

A police spokesman said when Bezuidenhout was arrested in Port Elizabeth on April 20 1989 "he expressed the wish to co-operate with the SA police".

## Friend

It was then that he was transferred to the anti-terrorism unit at Vlakplaas, becoming the first and only white Askari — a "turned" ANC operative used by the police to infiltrate ANC structures and identify other ANC military operatives.

Despite these claims, a top member of the AWB turned up at the Springs court on Friday to lend support to Mr Bezuidenhout.

Hannes Nel, the Brits AWB commando leader seen last week in the right-wing force that attacked squatter camps at Ventersdorp, accompanied his friend from the courtroom.

In a sworn statement handed to the Sunday



THE BEZUIDENHOUTS: Wife Marilyn, left, whose face is obscured above as she leaves court with husband Ronald

Times last week, Mr Bezuidenhout revealed he had joined the ANC — but as a police spy.

Because the ANC had not believed his story, he had been held in ANC detention camps for lengthy periods and was tortured and beaten on several occasions.

He said he was unable to give details of his involvement in "hit-squad activities" at Vlakplaas for fear of incriminating himself.

Now out of the force, he still drinks up to half a litre of cough mixture a day as a substitute for the "cocktail" he claimed he and other Vlakplaas members were given before missions to give them courage and help them forget.

In March, he said, unhinged by the drug and nights racked by violent

nightmares, he finally sought psychiatric help from a Dr Verster in Pretoria.

He said he and other security policemen at Vlakplaas were extremely upset by President FW de Klerk's announcement last year in which he lifted the ban on the ANC and the SA Communist Party.

## Records

His wife, who confirmed his drug addiction and violent nightmares, recalled that when he got home that day he collapsed in her lap and "cried like a baby".

She had also noticed that when Mr Bezuidenhout and his Vlakplaas colleagues returned from missions on the East Rand they appeared to be "high, not drunk".

Also waiting in the

Springs court passages to meet Mr Bezuidenhout on Friday were two senior police officers from police headquarters in Pretoria.

Colonel Hermanus du Plessis and Brigadier Krappies Engelbrecht said they wanted to question Mr Bezuidenhout about an allegedly forged police testimonial he used to support his claim of having been a member of the SAP since 1978.

The Vlakplaas unit was first made notorious by the "hit-squad" disclosures of former police captain Dirk Coetzee.

Mr Bezuidenhout has claimed that while at Vlakplaas he had seen officers at the base order the destruction of records to prevent the Harms Commission from finding proof of the squad's activities.

He had also been present when members of the unit discussed plans to murder Coetzee, whom they regarded as "a coward and a traitor".

He described how an initial proposal to send the former police captain poisoned wine was rejected in favour of an explosive device, which was sent to him by post.

The parcel, containing a booby-trapped tape recorder, was later returned by the Zambian post office to South Africa and exploded, killing attorney Bekhi Mlangeni.

The police explosives expert who allegedly constructed the device was identified in Mr Bezuidenhout's statement.

Police have confirmed the explosives expert named by Mr Bezuidenhout was employed at Vlakplaas.



Picture: PIERRE OOSTHUYSEN

# Judge in Winnie trial storm

Slaves 19

By SHARON CHETTY

A PROMINENT Natal judge has tackled Nelson Mandela's biographer in public for insinuating that the Winnie Mandela trial was politically motivated.

Professor Fatima Meer — an internationally renowned sociologist and close friend of the Mandela family — got a verbal rebuke from Mr Justice Didcott at the University of Durban-Westville graduation ceremony on Friday night.

In her speech Professor Meer said: "The regime, through all its forums, is presently engaged in frontal attack on the ANC. It is to this end that the

National Party props up the Inkatha Freedom Party, knowing full well that it has negligible support on the ground and has continued to support its cultural weapons, and through acts of omission and commission by its military and police aided and abetted Inkatha Freedom Party attacks on ANC support bases.

"The timing of Mrs Mandela's

trial, the judgment and sentence has the same object in sight — to dim the Mandela halo and to discredit the ANC."

Mr Justice Didcott, well known for his liberal and progressive views, is chancellor of the University of Durban-Westville.

When moving a vote of thanks at the end of the ceremony, he told the audience he took exception to Professor Meer's insinuation.

Yesterday Professor Meer

said: "Mr Justice Didcott did not say anything to me about my speech."

"I was quite surprised when he took to the stage and slammed my reference to the trial."

"The intention was not to insult the judiciary or him as a judge personally — I was merely trying to place the timing of Winnie Mandela's trial in its proper context," she said.

Mr Justice Didcott said yesterday he did not want to further discuss the matter, which he described as "a storm in a teacup."

WINNIE TRIAL AFTERMATH: Pages 6 and 21

# Lawyers say: We know Webster killer

By MARTIN WELZ

LAWYERS representing the Webster Family Trust believe they know the identity of one of the men involved in the murder of Dr David Webster on May Day in 1989.

But they want certain personal assurances from President De Klerk before they reveal what they know about the murderer of one of the country's leading left-wing academics.

They are afraid of what might happen once they disclose the nature or source of the evidence to the police.

Two weeks ago Idasa leader Dr Frederik Van Zyl Slabbert saw Mr De Klerk at his office in Parliament and conveyed a top-secret message from the lawyers.

Dr Slabbert had an appointment to see Mr De Klerk about other matters, and agreed to use part of the time to convey the lawyers' request.

## Fear

The Sunday Times has been told the lawyers fear interference from military quarters. The lawyers point to the open defiance shown by senior military officers last year when they were ordered by President De Klerk and Defence Minister Magnus Malan to produce records of the notorious CCB.

Dr Slabbert confirmed this week that he had seen Mr De Klerk in Cape Town. "I had one of my rare interviews with him and wanted to invite him to address a meeting. He was unable to accept the invitation."

Told that the Sunday Times knew of the lawyers' request, Dr Slabbert confirmed that he had agreed to convey a message from "certain lawyers" to Mr De Klerk.

Sunday Times 19/5/91

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## HOUSE OF REPRESENTATIVES

## QUESTIONS

†Indicates translated version.

For written reply:

General Affairs:

## Certain police stations: offences

6. Mr L T LANDERS asked the Minister of Law and Order:

|   | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i)   | (j) |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|
| (i) Pinetown                              | 15  | 30  | 45  | 252 | 25  | 263 | 672 | 556 | 1 539 | 0   |
| (ii) Clairwood (Montclair police station) | 115 | 45  | 118 | 248 | 41  | 446 | 368 | 222 | 526   | 4   |
| (iii) Mayville                            | 9   | 13  | 33  | 145 | 17  | 93  | 352 | 94  | 489   | 0   |
| (iv) Greenwood Park                       | 55  | 51  | 94  | 507 | 50  | 395 | 520 | 560 | 1 084 | 6   |

Note:

As the South African Police is not satisfied with the crime situation in the Republic of South Africa, drastic measures are being taken to combat the occurrence of crime in the country. In this regard I wish to draw the hon member's attention to Operation Sentry, including Operation Thunderbolt and other similar operations during the past twelve months. These operations have proved to be very successful. The situation, however, is continuously being monitored and I wish to assure hon members that everything possible is being done to prevent crime.

I also wish to draw the attention of the hon member to the fact that since 1 January 1990 the Port Natal Division no longer exists, but is part of the greater Natal Police Region.

## Judges/magistrates: visits to police cells

8. Mr P R E DA GAMA asked the Minister of Law and Order:

On how many occasions in 1990 did (a) judges and (b) magistrates inspect or pay visits to police cells in connection with persons awaiting trial?

C44E

HOUSE OF REPRESENTATIVES

## The MINISTER OF LAW AND ORDER:

- (1) (a) 633.  
(b) 372.  
(2) Yes, 4.  
(3) Yes.

(a) R888 212,88.

(b) 1 January 1990 until 30 December 1990.

Note:

I also wish to draw the attention of the hon member to my reply to oral question no 9 in the House of Assembly on 7 May 1991.

## People's courts: incidents

13. Mr L T LANDERS asked the Minister of Law and Order:

How many incidents involving people's courts were (a) reported to and (b) investigated by the South African Police in 1989 and 1990, respectively?

|     | 1989 | 1990 |
|-----|------|------|
| (a) | 12   | 127  |
| (b) | 12   | 127  |

## The MINISTER OF LAW AND ORDER:

C69E

## Policing activities: drug abuse

16. Mr T R GEORGE asked the Minister of Law and Order:

(3) No.

## (1) How many members of the South African Police were involved in policing activities relating to drug abuse in the (a) Greater Johannesburg area and (b) Republic as at the latest specified date for which figures are available;

(2) (a) how many policemen of each race group were convicted of offences relating to (i)(aa) dealing in, (bb) using and (cc) theft of drugs and (ii) aiding and abetting drug dealers in each specified police station area in the Greater Johannesburg area during the latest specified 12-month period for which figures are available and (b) what disciplinary steps were taken against these policemen;

(3) whether he will make a statement on the matter?

C79E

## The MINISTER OF LAW AND ORDER:

- (1) (a) 101  
(b) 716 (including the 101 members referred to in paragraph (a)).  
(2) (a) (i) 1 Black member.  
(bb) No members.  
(cc) No members.  
(ii) No members.

(b) After his conviction in a magistrate's court the member was discharged from the South African Police.

C51E

HOUSE OF REPRESENTATIVES

## Loss-making Natrawl plans a rights offer

LIZ ROUSE

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NATAL Ocean Trawling (Natrawl), which incurred a R1,6m loss in the year to December, is planning a rights offer to reduce debt and strengthen the capital base.

Natrawl incurred an operating loss of R141 000 on a turnover of R12,37m in the year to December, compared with an operating profit of R2,2m on a turnover of R15m in 1989.

Interest paid amounted to R2,4m (R1m), offset partly by a surplus of R338 000 on disposal of assets — the disastrous sale of two vessels to Liberia, for which a large provision was made previously, was cancelled — and a R625 000 tax credit.

The company's inability to achieve the anticipated rationalisation of the SA fishing interests out of Durban and Mozambique resulted in the disposal of four vessels at about book value, says chairman Jack Walsh in his annual review. *By Day 21/5/91*

For the same reason, following the award to Natrawl of a substantial quota in Mozambique, the board took the decision to dispose of the company's assets there to a consortium — in which it retains a 40% share — in order to raise the finance necessary to exploit these rights.

The disposal of these interests resulted in a reduction of the debt burden by R4m.

Walsh indicates that all these and other moves warrant a rights issue to put Natrawl back on the high seas.

MARC HASENFUSS

HOUSEHOLD removals group

Laser Transport Holdings' financial year is to change from end-December 1991 to end-September 1991.

December is no longer regarded as an ideal month to end a reporting period and in the group's annual report chairman Peter Thomas said it was by far the busiest trading month, with conditions further aggravated by the holiday season. Laser's results for the current year would cover the nine months to end-September. Thomas said no

## Laser changes year-end to September

interim dividend would be declared this July.

Only a final dividend would be declared in October.

In the year to end-December 1990, Laser's turnover remained static at R106m, while earnings plunged 45% to R3.4m (R6.2m) or 33.9c (61.9c) a share as declines in domestic business levels were exacerbated by a fall in outbound international removals.

Thomas reiterated that Laser's

operating companies took action many months ago to prepare the group to weather the current downturn.

"The operating companies all have a long history of success and of being able to grow through tough conditions."

Laser's main operating units are Stuttards Van Lines, Pickfords Removals, Frasers International, Van Nimwegen International, Jack Wellsted and Lasertrans.

Thomas said there was considerable potential for Laser to expand its activities further into southern Africa.

"Currently, the proportion of business conducted outside the country's borders is very small, however, it is beginning to grow."

Laser's share bottomed at 110c last week, and saw no trade yesterday after being offered at 120c. The share peaked at 205c in June last year.

# Stompie may be accorded Winnie's place of honour

331  
ARG 21/11/91

The Argus Foreign Service

LONDON. — In the aftermath of Winnie Mandela's conviction on kidnapping charges, many of those who previously honoured her are scrambling to distance themselves from her.

At Sheffield University this week students are due to start a campaign to rename the Winnie Mandela Room after Stompie Moeketsi, the 14-year-old boy killed by Mrs Mandela's bodyguard after being abducted from a Soweto church manse two years ago.

One of the students behind the move, John Harris, said: "It's far more appropriate to have the room dedicated to the victim."

At Durham University, the Mandela ballroom is expected to be renamed after Winston Churchill or Terry Waite, the Anglican Church official being held hostage in Lebanon.

And students at Glasgow University are said to be urging the authorities to remove Mrs Mandela's name from its list of rectors.

Apart from the universities, town councils are also set to take steps to dissociate themselves from Mrs Mandela.

Councillors in the London borough of Southwark, for instance, are seeking to change the name of an office block named after Mrs Mandela to Pelican House.

The borough of Islington, which once had a Winnie Mandela children's resource centre, said it did not intend to honour her, again.

This followed an earlier decision by the Brent council, also in London, to remove Mrs Mandela's name from a council building previously named in her honour.

In Scotland, the city council of Aberdeen is to write to Mrs Mandela, asking her to relinquish her freedom of the city. The leader of Tory councillors there, Mr Michael Hastie, said: "It is important that other recipients, such as the Queen

Mother, are not besmirched by the activities of Winnie Mandela."

Meanwhile, fund-raising project using Mrs Mandela's name have been negatively affected by her conviction.

Videos lionising her were being discounted by 35 percent in a closing down sale at the headquarters of the anti-apartheid International Defence and Aid Fund in London.

The group, which is winding down its activities, has been condemned for contributing nearly R150 000 towards Mrs Mandela's legal costs during her trial.

Sponsors of the fund were concerned that it had made a

contribution to defend Mrs Mandela in a criminal, as opposed to a political, trial.

Sales of Mrs Mandela's book, *Part Of My Soul*, as well of those of Winnie Mandela T-shirts, are said to have dropped sharply around London.

In the Uprising shop in Notting Hill, T-shirts depicting the late reggae star, Bob Marley, were outselling Mandela ones by 12-1.

The charity group War on Want reluctantly sold one Winnie Mandela jigsaw (price £2.99 — about R15) last week.

A spokesman said: "We do not want to be too closely associated with her at this time."

James McClurg examines a recurrent accusation the press has to face of staging a trial by media

# Coolish look at Winnie issue from another angle

AT the outset of Winnie Mandela's trial a former editor of the Cape Times, Tony Heard, made a plea for a "trial by media" to be avoided. At its conclusion Mrs Mandela declared that she and her co-accused had been "found guilty by the media". She complained of misleading reports over the past two years.

The matter did not end there. In an article in the last issue of the Sunday Star, Heard enlarged on his point and claimed that too many in the media had "declared open season" on Mrs Mandela before her conviction. This was reportedly repudiated in an accompanying article by Rex Gibson, deputy editor-in-chief of The Star.

Resisting my inherited Irish instinct to join in any promising fight, I offer instead a coolish look at the issue from another angle. This article was written almost entirely before I read the exchange in the Sunday Star.

"Trial by media" is a fine, ringing phrase. The truth, ironically, is

that this is precisely the sort of phrase the media seize on and work to death. By overusing this one the media have in fact helped to create a rod for their own backs.

The phrase in its original form, "trial by the press", originated in the United States. The prototype case was the trial in 1935 of a man called Bruno Hauptmann for the alleged kidnapping and murder of the infant son of Charles A. Lindbergh, the first man to fly solo across the Atlantic.

Although it was clear that Hauptmann had been somehow involved in the matter, there was no proof that he was the murderer. But Lindbergh was a national hero, the crime was horrendous and the public, egged on by the media, bayed for Hauptmann's blood. So intimidated were the jury and even the judge that a verdict of guilty became almost inescapable.

So a man who is now widely believed to have been innocent was

sent to the electric chair. This injustice was directly traceable to the outrageous conduct of a large portion of the press.

Though nothing quite comparable with the Hauptmann case has occurred since, the American media continue to show little restraint in discussing the merits of the more sensational type of court case before and during the trial.

The result has been that in major cases it has become almost impossible to assemble a jury whose members have no preconceived ideas about the guilt or innocence of the accused.

In Britain, contempt of court rules are much like ours. Yet trials are often preceded, especially in the tabloid newspapers, by exhaustive and sensational coverage of the crime. Can jury members be expected to approach such a case with open minds?

The important point to note is that this problem in both Britain and the US is directly linked to the jury system. In South Africa

the jury system, falling into disuse, was abolished more than 20 years ago.

The merits of that decision are open to debate, but its relevance to this discussion is that it leaves the fateful decision of guilt or innocence in the hands of a judge — or, in some cases, a judge and two assessors, who may be experienced judicial officers or experts in some special field involved in the case.

In the Mandela case Mr Justice Stegmann sat alone. Mrs Mandela's fate rested with a person whose appointment to the bench implies a trained capacity to weigh facts impartially and exclude from his mind any external factors that might distort his judgment.

It is generally agreed, even in countries usually critical of South Africa, that Mr Justice Stegmann did indeed exclude all extraneous factors, especially the overwhelming political aspect, from his mind.

Can anyone, then, seriously believe that he allowed himself to be influenced by anything he read, saw or heard in the media?

Should the case be taken on appeal to Bloemfontein, as Mrs Mandela naturally wishes, it will be heard by five of the country's top jurists. Here, surely, any imagined risk of media influence recedes to vanishing point.

But this does not entirely dispose of Tony Heard's admonitions. However impartial the courts, there is something inherently repugnant about the administration of justice in the kind of atmosphere that surrounded the Mandela trial.

To say that the media created that atmosphere would be absurd, but that they contributed to it is unquestionable. I do not see how it would have been possible to avoid extensive advance reporting of the events that came before Mr

Justice Stegmann. They occurred over a long period, taking many twists and turns. There were sinister attempts to cover them up. Above all, they were so closely intertwined with political developments at a crucial time for the country that it would have been unthinkable to keep the public in the dark about them.

But it is important to see this case for what it was: a sequence of happenings so unusual as to demand some stretching of hard-and-fast rules. To regard it as a precedent for future laxity would be wrong.

Judicial integrity, though vital, is not enough. Justice, as the saying goes, must not only be done but must manifestly be seen to be done. That is as much the business of the media as it is of the courts. □

James McClurg is The Star's Ombudsman.

## Assault: AWB boss in court (33)

Own Correspondent

PORT ELIZABETH. —  
The leader of the De Aar  
AWB, Mr D J Bothma, 28,  
appeared in the town's  
Magistrate's Court on  
Tuesday on three counts  
of assault.

His appearance is a se-  
quel to an incident at the  
De Aar municipal swim-  
ming pool on January 12,  
when three coloured  
boys, aged between six  
and eight, were alleged-  
ly assaulted with a div-  
ing snorkel, punched  
and throttled. All three  
children received minor  
injuries.

Mr Bothma pleaded  
not guilty to all three  
counts. He did not give  
an explanation of plea.

The evidence of three  
witnesses, including a  
doctor, was heard before  
the case was adjourned  
to July 11. Mr Bothma  
was released on his own  
recognisances.

## Winnie trial suspect 'in Lusaka jail'

87/2415191

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LUSAKA — Katiza Cebekhulu, one of the four bail jumpers in the Winnie Mandela trial, is being held in a Zambian prison.

A visitor to Lusaka's Kamwala prison, who identified Mr Cebekhulu from a photograph published in a newspaper last week, said Mr Cebekhulu had been beaten up.

Security officers were pre-

paring to move him elsewhere, the visitor said.

Government sources have also confirmed that a key witness for the prosecution, Gabriel Pelo Mekgwe, who disappeared before he was to testify, is being held by the ANC in Lusaka.

There has been no official statement from the Zambian government, but it is under-

stood that there have been high-level contacts between the Zambians and the ANC in South Africa.

A Zambian official said security officers "were not very happy" with Mr Cebekhulu.

The official said Mr Cebekhulu had been talking about returning to SA and turning State witness. — Star Africa Service.

# Mossgas to retrench 13 000

Argus 25/5/91

Weekend Argus  
Correspondent

GRAHAMSTOWN. — Agreement has been reached over a retrenchment package for 13 000 Mossgas project workers in Mossel Bay after negotiations with various unions representing the workers ended this week.

Separate agreements were reached between the civil engineering contractors and the mechanical, electrical and instrumentation (MEI) contractors with the various unions representing the workers in these sectors.

Mossgas said the main feature of the agreement with the MEI contractors was reached between the National Union of Metal Workers of South Africa (Numsa); the South African Boilermakers, Iron and Steel Workers, Shipbuilders and Welders Society and the South African Iron, Steel and Allied Industries Union.

## Need mandate

The agreement included the payment of a project completion bonus based on an employee's period of service on the project; an undertaking by the contractors and the trade

unions to assist in obtaining training opportunities for employees; a commitment to industrial peace for the duration of the project; and an undertaking that workers be retrenched on a last-in first-out basis (Lifo), subject to contractual obligations and the retention of special skills.

A Numsa organiser for Mossgas, who refused to be named, confirmed today that an agreement had been reached over the retrenchment of the workers.

He said he would need a mandate from the union to re-

lease details of the agreement.

Meanwhile civil engineering contractors and the Construction and Allied Workers Union (Cawu) agreed on a demobilisation procedure; retrenchment packages based on the period of service on the project; and that retrenchment criteria would be based on Lifo, subject to special skills experience.

Cawu could not be reached for comment.

The 13 000 workers will be retrenched gradually from the second half of this year as the onshore Mossgas project nears completion.

# Pool attack: AWB man in dock

CP Correspondent

AFRIKANER

Weer-

standsbeveging (AWB) "Kommandant" Daniel Bothma appeared in the De Aar Magistrate's Court this week amid wide public interest.

He stands accused of assaulting two coloured children and attempting to strangle another at the town's swimming pool in January.

Bothma's wife Sonia and two other AWB members, Hennie Steyn and John Geyser, together with their wives, formed a "guard of honour" for him out-

side the court on Tuesday.

Bothma was clearly tense as he entered the building.

State witness Dr Jan Aucamp testified that he had examined and found marks on the faces of an eight-year-old boy and a six-year-old girl, adding that the marks around the throat of a six-year-old boy could have been caused by an attempt to strangle him.

A youth testified that the group had decided to go for a swim in the town's pool on the day in question, as the Oasis pool in the coloured area was

dirty.

He said they had swum in the town's "white" pool on a previous occasion, and there were no problems.

They had already left the pool when a group of men, including Bothma, arrived.

The youth said Orion Secondary schoolteacher Darwin Solomon, also the father of one of the children allegedly assaulted, was at that stage kneeling in the back of his backie.

There was a wild fight between the adults, he said, and

some were punched.

He saw Bothma throttling a young child. At that stage there was panic among the children on the bakkie, who were screaming.

Magistrate JD Prinsloo postponed the case to July 11.

In another case on Wednesday John Lester Geyser appeared with Daniel Bothma on a charge of assault and criminal injuries in connection with incidents at the De Aar pool last October.

The case was postponed to July 16 for trial.

CP Press 26/5/71

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# Webster files with Cape A-G

By MARTIN WELZ

THE Attorney-General of the Western Cape has taken over the investigation into the Civil Co-operation Bureau and is to draft charges against several of its members.

Responding to the move, trustees of the Webster Trust in Johannesburg recently instructed their lawyers to hand over all information on the murder of Dr David Webster to the Cape investigators.

This includes information about a witness who, lawyers believe, can identify one of the men involved in the Webster murder.

A spokesman said: "We are satisfied that all information in our possession has been passed on to the Attorney-General."

He said a message concerning the witness con-

veyed to President FW de Klerk by Dr Frederik Van Zyl Slabbert was a "separate initiative".

Confirming the investigation, Cape Attorney-General Niel Rossouw said yesterday he was not prepared to discuss the stage his investigations had reached and would not bind himself to a time schedule.

"But you can accept that we only do an investigation with an eye to prosecution," he said.

In February, spokesmen for the trust said if the Transvaal Attorney-General was unwilling to prosecute, it would privately prosecute various members of the CCB.

They have apparently offered their co-operation to Mr Rossouw as the first to have committed himself to prosecuting the CCB.

## Blacks' attitude to trial hurts Winnie

WINNIE Mandela, in her first interview since her trial, said she felt "very hurt" that some blacks had turned against her because of assaults on young anti-apartheid campaigners at her Soweto home.

Mandela, wife of ANC deputy president Nelson Mandela, said some blacks had connived in what she called a government plan to destroy the ANC by putting her on trial.

"Naturally I was very hurt ... when it happened with the connivance of my people it was very hurtful," she said in the June edition of Tribute magazine, published yesterday.

Mandela was sentenced to six years in jail this month for kidnapping and being an accessory to the assault of three men and a 14-year-old boy who was later found dead.

She was released on bail pending an appeal. She denied all the charges.

Her chief bodyguard was sentenced to death last year for the murder of the boy, Stompie Seipei.

Mandela said her trial was really a trial of the ANC and her black critics had seen her as being on trial for Stompie's killing.

"We cannot pretend that this is not true," she said. "This whole thing would not have assumed the proportions it did were it not for my people."

"It was never really my trial. It was the trial of the ANC ... you can imagine the irony of it all. The murderers of my people trying me for a so-called indirect murder. I had nothing to do with Stompie's death." —

Reuter.

encies.

Also makes provision for  
ment of pre-sentence  
committees to advise pro-  
rs.

Johannesburg's youthful former senior deputy health di-  
rector Nicky Padayachee was expected to be appointed  
the city's new health and housing executive director at a  
council meeting last night.

Picture: ROBERT BOTHA

## Advocates paid R5,3m in case claiming R5,1m

CAPE TOWN - Government paid R5,3m to four advocates who appeared in the KTC case when 3 220 victims of "witdoek" violence claimed R5,1m from the police, Law and Order Minister Adriaan Vlok disclosed yesterday.

The fees paid to these four individuals who served as counsel were "staggeringly high", DP caucus chairman Colin Eglin commented.

Eglin also said he would certainly be putting more questions in Parliament about the matter.

"This appears to be a case that should be referred to the Cape Bar Council, particularly in view of the large amount of taxpayers' money involved," he added.

The case was eventually settled after extended evidence over two-and-a-half years when the state agreed to pay R2m to the KTC Relief Fund which was established to undertake community development projects and make ex gratia payments to people who had suffered losses in the violence in May and June 1986.

Vlok, replying to a question tabled by Eglin, said two senior advocates

who appeared for the police were paid R1,81m and R1,27m.

The two junior advocates were paid R1,10m and R1,07m in the cases of The Methodist Church in Africa vs The Minister of Law and Order and P N Mzamka and 20 Others vs The Minister of Law and Order.

These cases were agreed test cases for the claims of the 3 220 KTC residents and lasted, with some breaks, from September 1987 to February 1990.

The KTC residents were represented by one senior counsel and initially two junior counsel but this was reduced during the trial to one junior advocate. They were briefed by the Legal Resources Centre.

The fees paid to these advocates are understood to be substantially lower than those paid to the advocates who appeared for the police.

During the trial, the former head of the riot squad in the Cape Peninsula, Maj Dolf Odendaal, gave evidence for about three months. This is believed to be longest time any individual has spent in a witness box in a trial in SA.

Political Staff

**A-G won't**

**prosecute**

**women**

THE case against 14 women, who were appearing in connection with a charge of holding an unlawful gathering, has been withdrawn in the Pretoria District Court.

The case was withdrawn on Monday following a decision by the Attorney General not to prosecute the women.

The women, all members of the African National Congress' Women's League, were alleged to have been part of an illegal gathering held in Pretorius Street on May 8 this year.

# Upington 14 leave prison

From Page 1

Jan Basson who found no extenuating circumstances in the killing of Constable Lucas Sethwala at Paballelo township, Upington, in November 1985.

Their applications for leave to appeal were refused in the Kimberley Supreme Court in 1989, but changes last year to the law on capital punishment made the right of appeal automatic for people sentenced to death.

Mr Justice Grosskopf, with the concurrence of Mr Justice Smalberger and Mr Justice Nienaber, yesterday gave judgment in the appeals of the 25 who had leave to appeal.

Enoche Nompomdowana, who was imprisoned for eight years for attempted murder, did not have leave to

appeal.

Sethwala was killed after he had fled from his house when it was stoned by a mob.

Grosskopf said the evidence of Sethwala's mother was supported in material respects by her daughter, Magdalene, and the two Xaba daughters.

Magdalene had identified 10 of the accused as persons who had been in the group outside the house.

The judge said that with the exception, perhaps of Bekebeke, the identity of all the appellants had been in dispute at the trial.

They had denied any part in the incident at the house or the later killing of Sethwala.

The appellants' aibhis had all been rejected by the trial court as not reasonably possibly true.

On the question of the 16 who had received leave to appeal on the basis that they formed part of the crowd at the house and which threw stones, the judge said to convict a person of murder it had to be proved that he had the intention to kill a person and, generally speaking, he had committed the act that had caused the person's death.

# Death Row to freedom

Sowetan 30/5/91

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ELEVEN of the Upington 14 sentenced to death in 1989 for the murder of a municipal policeman walked out of prison free people yesterday after the Appeal Court overturned their convictions and death sentences.

Lawyer Ms Andy Durbach said from Pretoria that they were ecstatic but sad at leaving three prisoners behind.

The court overturned 21 of the 25 murder convictions in the case. Three people were acquitted.

The 25 were the first people in South Africa to be convicted of murder on the grounds of common purpose.

In a 212-page judgment yesterday, the Appeal Court substituted 11 death sentences with terms of imprisonment varying from a year, suspended for five years, to 12 years.

## Murder

The group who were freed yesterday included grandmother Evelyn de Bruin, the only woman on Death Row, and her husband Gideon Madlongoti, whose convictions of murder were changed to guilty on public violence.

The others are: Kenneth Pinkie Khumalo, Eric Tros Gubula, David Lekhanyane, Myner Gudi-lani Bovu, Zuko Zibendini Andrew Lekhanyane, Wellington Mazisa, Boy Jafa and Albert Tywill.

Xolile Yona and Justice Bekebeke had their murder convictions confirmed but their death sentences were changed to terms of imprisonment between eight and 12 years.

The 14 have been on Death Row since they were sentenced to hang in May 1989 by Mr Justice

**Talkback show**  
The World Health Organisation and other similar bodies have declared tomorrow International Non-Smoking Day. Do people have the right to tell others to stop smoking or do smokers have rights too? Telephone Radio Metro DJ Tim Modise between 4.30 and 5pm today and share your opinion with the nation. The hotline number is 714-8063. Listen to the Sowetan/Radio Metro Talkback programme on mediumwave 576 KHz.



a display of Kalashnikov guns in the centre of Addis Ababa, Pic: Associated Press

## LIE PARKERS

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# Upington case appeals upheld

B10ay 30/5/91

331

**BLOEMFONTEIN** — The Appeal Court in Bloemfontein yesterday set aside the death sentences imposed on 14 of the 25 people convicted of the murder of municipal policeman Const Lucas Sethwala at Upington's Paballelo township on November 13 1985.

Terms of imprisonment from one year suspended for five years to 12 years were substituted.

The convictions of 18, including Evelina de Bruin — who is in her mid-fifties and who was the only woman on Death Row — and her husband Gideon Madlongolwane, were changed from guilty of murder to guilty of

public violence.

Twenty-six people were convicted by Justice J J Basson in the Circuit Court at Upington on April 27 1988 after 25 were found guilty of murder and one of attempted murder.

In the case of 14 no extenuating circumstances were found for the murder and the death sentence, obligatory at the time, was imposed. The remainder received jail terms.

Yesterday Mr Justice E M Grosskopf, with the concurrence of Mr Justice Smalberger and Mr Justice Nienaber gave judgment in the appeals of the 25.

Const Sethwala was killed after he had fled from his house when it was

stoned by a mob.

The Appeal Court upheld the Circuit Court's rejection of alibis provided by Boy Japhta, Elizabeth Bostaander, Jeffrey Sekiya and Neville Witbooi.

However, there was sufficient doubt in the cases of Xoliswa Dube, Roy Swartbooi and Ivan Kazi for their appeals to succeed.

## Intended

On the question of the 16 who had received leave to appeal on the basis that they formed part of the crowd at the house which threw stones, the judge said that to convict a person of murder it had to be proved he had the intention to kill a

person and, generally speaking, he had committed the act that had caused the person's death.

Mr Justice Grosskopf said, after an analysis of the facts, that it was the court's view that the crowd's conduct before and during the stone-throwing did not indicate that the whole crowd intended to drive the policeman out of the house so that he could be murdered.

The evidence created the possibility that the crowd in the street into which the man fled consisted of only some of those who had been in front of his house.

The judge said it followed that the intention of all the accused could not be

inferred on a general basis from their participation in the activities of the crowd that stoned the house.

The judge said that nothing more had been proved against several of the appellants than that they stoned Const Sethwala's house.

Appellants that fell into this category were Kenneth Khumalo, Eric Tros Gubula, Abel Kutu, David Lekhanyane, Myner Gudlani Bovu, Zuko Xabendlini, Andrew Lekhanyane, Ronnie and Wellington Masiza, Barry Bekebeke, Japhta, Bostaander, Gideon Madlongolwane, Albert Tywilli, Sekiya, Sarel Jacobs and Witbooi.

The appeals of those who merely threw stones at the house must succeed and their convictions changed from murder to public violence. This conclusion was not necessarily applicable to Zona Mokgatle, De Bruin and Zolile Yona.

The judge said it should be remembered that De Bruin was on Const Sethwala's erf before the stone-throwing, and had been chased away by him. She had said to him in Afrikaans: "We will show you".

Later she was one of the group that threw stones. While the stone-throwing was in progress she had said: "Let the dog come out; let us set the dog on fire alive".

## Approved

But the appeal judges did not agree with the trial court's finding that De Bruin knew without doubt that the policeman had been killed and set on fire and that she had enthusiastically approved of this.

Her conviction for murder could only stand on the basis of her conduct during the stone-throwing. Her conduct had gone further than those who had merely thrown stones.

It had been conceded that De Bruin could have been found guilty on the basis of incitement, but she had not been charged with incitement and incitement to murder was not a competent judgment on a charge of murder.

De Bruin could, thus, just like the others who only threw stones, be found guilty only of public violence.

However, the convictions of Justice Bekebeke, Mokgatle, Yona and Elisha Motshaba were upheld. Motshaba's eight-year sentence was confirmed. The remaining three received effective prison terms of 12 years. — Sapa.

# Beating the bus industry blues

W/mad 30/5-6/6/91  
Nationalisation and closer co-operation with minibus taxi operators are among the remedies suggested for the ailing bus industry. (245)  
By **MONDLI MAKHANYA**

**P**UBLIC transport in South Africa is in a mess. Declining government subsidies and the rise of the taxi industry have dealt a lethal blow to bus companies. (168)

In the wake of the collapse last year of Port Elizabeth Tramways and Putco's recent announcement that it was up for sale, many others are also facing cash crunches. (332)

This week several municipalities on the Reef revealed they were in dire financial states as a result of inroads made by taxis into their market. The Benoni and Nigel municipalities have already closed their bus services in the past 12 months while Brakpan and Boksburg have terminated their services into black townships.

At the same time Bophuthatswana Transport Holdings has closed some depots and Empangeni Transport in Zululand is being sold off. KwaZulu Transport (KZT) has cut back its fleet from 850 in 1988 to about 650.

Cutbacks in subsidies are primarily responsible for the sorry state of bus transport. The government, seeking to save money and avoid the economic distortions they cause, seems to want to decrease or stop all subsidies.

In the place of subsidies from central government, it has been suggested, the regional services councils will take over funding public transport. But this has yet to transpire.

Bus operators lay much of the blame at the feet of the minibus taxi industry,



## TROUBLED TIMES ... Taxis have eroded the bus companies' market

Photo: KEVIN CARLIS

labour unrest and township violence.

Having made certain routes unprofitable for bus companies and therefore forcing them to withdraw, the taxi industry itself is now unable to cope with the increased demand.

KZT MD Chris Peckett says the income reduction problem emanates from a drop in the number of commuters, a decrease in government subsidies and an increase in operating costs resulting from the bus industry's dependence on imported parts and fuel.

"The difficulties have also been complicated by other issues such as the politicisation of public transport in many areas — with consequent intimidation of passengers and stoning of buses — and growing consumer resistance to

fare increases," he said.

His view was echoed by Putco MD Jack Visser who said that in view of the government's 10 percent increase in bus subsidies — below the 15 percent inflation rate — an 18 percent increase in fares would be the only option for bus companies but this would be resisted by commuters.

Paul Browning of Travel Management consultants said the solution to the "really grim" state of passenger transport would be co-operation rather than competition between the bus and taxi industries.

"The bus companies and taxi industry should find a way of working together. The bus companies have a lot of skills while the minibus taxi has the advan-

tage of being flexible," said Browning. By working together buses could be allowed to operate long distances during peak periods. On the other hand the taxi could operate during off-peak periods and also diversify into other services.

Support for a nationalised transport sector is strong in left-wing organisations particularly in the transport unions. The Transport and General Workers' Union has been researching future transport policy and favours a centralised transport sector.

Says TGWU general secretary Nkomo Nhleko: "The nature of the industry is that it is a social service. We therefore need a new passenger transport policy to accommodate and create a balance between all modes of transport. We must address the ownership issue. It was incorrect in the first place that it should have been put in private hands and left to the market forces."

Peckett, however, pointed out that should any government want to nationalise transport it would find it difficult to raise capital to buy buses (at a cost of R350 000 each) from the private bus companies. Furthermore, the government might become intolerant of competition from taxis and thus regulate them out of existence.

"At the same time it is impossible to argue that the bus industry is totally divorced from government even now. The debate about nationalisation should concentrate on what is the nature of the relationship between government operators, rather than whether there should be a relationship at all."

## Increases in food, booze prices expected

30/5-6/6/91

in the probably not rise by more than 11,5 percent.

Value Added Tax which will be levied on food (previously exempt from VAT from September 30) will be reflected in the relatively sharp increase in food prices.

Alcohol and tobacco prices are also expected to rise.

one hand and business profits on the other, the BMR says.

It also seems unlikely that large sums of additional credit will be available to consumers in 1991, so private consumption expenditure is expected to fall by about 0,5 percent.

An expected drop in the bank rate, from 18 percent at the beginning of 1991 to 15 percent at the end of 1991, will probably be reflected in a similar drop in mortgage rates.

Home owners may cut interest payments and stimulate expenditure. Hence BMR expects a 1 percent increase in the

# Missing Winnie co-accused in Lusaka jail

w/mant 30/5-6/6/91

●From PAGE 1 (331)

Winnie Mandela after being abducted to the Mandela Diepkloof home.

The *Star* of February 12 reported that Mekingwe, who had sought shelter in the manse after missing his lift to the "safe" house in the northern suburbs where he was staying, was taken away by three ANC men.

*Star* journalist Patrick Laurence was jailed for eight hours before being released on bail for refusing to divulge his sources for the story. The appeal is still pending.

The ANC denied at the time that there was any organisational link to Mekingwe's disappearance.

Meanwhile, journalists from Zambia's state-run *Daily Mail* smuggled a

small tape recorder into Kamwala prison — one of the country's most notorious — to record the testimony of Cebukhulu.

He told them that when he first came to Lusaka he was held in a house in Makoni under the care of "black South Africans". He claims he tried to run away from the house but was picked up by the Zambian police and then transferred to the state-owned Fairview Hotel.

He claimed that the ANC engineered his move from the hotel to the prison shortly after he had been interviewed

by a Zambian *Daily Mail* journalist last week and told them he wanted to return home.

Cebukhulu alleged that he was being held by five ANC members in the jail and that he had been mistreated.

The Zambian Ministry of Home Affairs denied any knowledge of Cebukhulu's detention. A senior official in the ministry said he first knew of the case when he read about it in the *Daily Mail*.

Cebukhulu, who jumped bail in December 1989, and also faces charges of kidnapping and assault, claimed that he wants to turn state witness. He alleged that he saw the severely beaten body of Seipei shortly before the young activist died in December 1988.

**Vanished  
Winnie  
trial (331)  
accused  
is found**

w/mant 30/5-6/6/91

By Weekly Mail Reporters and  
Zambian correspondent

**G**ABRIEL PELO MEKGWE, the man who was spirited away from the Methodist Church manse in Soweto on February 10 this year shortly before he was to be a state witness in the

Winnie Mandela trial, is being held by the African National Congress in Zambia, a Zambian government official claimed this week.

Also in Zambia is 22-year-old Kati-za Cebukhulu, accused alongside Mandela, who claims he is being held in Lusaka's Kamwala Remand prison under the guard of five ANC officials.

In a taped interview with a reporter from the Zambian *Daily Mail*, Cebukhulu said that he had been kidnapped from South Africa in February by members of the Mandela Football Club and smuggled out via Mozambique and Angola.

The Zambian official said Mekingwe was originally held by the ANC in Zimbabwe before being moved to Lusaka, where he is still being held by the movement.

ANC spokesman Gil Marcus said yesterday that the matter was being looked into. However, spokesmen for the ANC in Lusaka denied any knowledge of the detentions.

Mekingwe vanished days before he was to be called as a witness in the Mandela trial. During the Jerry Richardson trial for the murder of Stompie Moekhetsi Seipei last year, Mekingwe testified that he had been assaulted by

●To PAGE 2

# Intention to murder could not be proved

Star  
20/5/91

331

THE APPEAL Court yesterday set aside the death sentences imposed on 14 of the 25 people convicted of the murder of a municipal policeman, Constable Lucas Sethwala, at Paballelo, Uppington, on November 13 1985.

Terms of imprisonment that varied from one year, conditionally suspended for five years, to 12 years' jail were substituted.

The convictions of 18, including Evelina de Bruin — who is in her mid-50s and who was the only woman on Death Row — and her husband Gideon Madlongwane, were changed from guilty of murder to guilty of public violence.

The convictions and conditionally suspended imprisonment of six years of Xoliswa Dube, Roy Swartbooi and Ivan Kazi were set aside.

The court dismissed the appeals of Zola Mokgatle and Zolile Yona against their convictions for murder, but substituted imprisonment of 12 years for Mokgatle and 10 years for Yona instead of the death sentences.

Justice Bekebeke, who had leave to appeal only against his death sentence, succeeded to the extent that he has been jailed for 10 years.

Elisha Matsiboba unsuccessfully appealed against his imprisonment for eight years.

Twenty-six people were convicted by Mr Justice J J Basson in the Circuit Court at Uppington on April 27 1988 after 25 were found guilty of murder and one of attempted murder.

After a long adjournment for argument in mitigation to be prepared, judgment on extenuation was delivered between May 23 and 25 1989. In the case of 14, no extenuation was found for the murder, and the death sentence, which was obligatory at the time, was imposed.

The remainder received terms of imprisonment that varied between six years, suspended on condition that they did community service, to actual imprisonment of between six and eight years.

Yesterday Mr Justice E M Grosskopf, with the concurrence of Mr Justice Smalberger and Mr Justice Nienaber, gave judgment in the appeals of the 26 who had leave to appeal.

Enoch Nompoundwana, who was jailed for eight years for attempted murder, did not have leave to appeal.

The judgment was 212 pages long. Constable Sethwala was killed after he had fled from his house when it was stoned.

The legal doctrine of common purpose was used in the '80s to gain multiple convictions in instances of mob killings. The concept is considered afresh in the Appeal Court judgment on the Uppington 26.

Mr Justice Grosskopf said that in the appeal, the honesty of the State witnesses' identifications was not in question.

Dealing with Boy Japhtha, the Appeal Court found it could not be said the trial court erred when it rejected his alibi, and to find that he was present and had thrown stones at Constable Sethwala's house. To that extent, his appeal did not succeed.

Elizabeth Bostander had been identified by only one witnesses, who was at school with her and knew her well. The witness said she had paid attention to the stone-throwers so that she could identify them later.

## To convict a person of murder it had to be proved that he had the intention to kill

The Appeal Court found the trial court was justified to reject the evidence of Bostander as not reasonably true. It was thus proved she had thrown stones at the house.

It was held that the trial court had not erred in accepting the identification of Jeffrey Sekiya and finding he was one of those who stoned the house.

The possibility of an honest misjudgment in the identification of Mr Swartbooi could not be excluded and his appeal succeeded. For reasons similar to Se-



Uppington, May 26 1989 . . . tears of despair as relatives leave the court after hearing the death sentence passed on 14 of those on trial.

Neville Witbooi's appeal failed on the alibi question. In the case of Ivan Kazi, it was found that there was insufficient guarantee of the reliability of identification. His appeal succeeded.

On the question of the 16 who had received leave to appeal on the basis that they formed part of the crowd at the house and which threw stones, the judge said that to convict a person of murder it had to be proved that he had the intention to kill a person and, generally speaking, he had committed the act that had caused the person's death.

Mr Justice Grosskopf said, kiva, Neville Witbooi's appeal failed on the alibi question. In the case of Ivan Kazi, it was found that there was insufficient guarantee of the reliability of identification. His appeal succeeded.

As far as the evidence went, that was the only time one of the attackers was on the property, said the judge. The evidence created the possibility that the crowd in the street into which the man fled consisted of only some of those who had earlier been in front of his house.

The judge said that in the state of chaos that existed in Paballelo, it would have been unrealistic to presume that any crowd would consist for a long period of the same persons. The crowd which killed the man was apparently a different one from that which had attacked the house. Even if it were possible to find that every member of the crowd present when he was actually killed had the intention to kill him, it would still not prove that the crowd which stoned the house had the same intention.

The judge said it followed that the intention of those accused could not be inferred on a general basis from their participation in the activities of the crowd which stoned the house. An appellant could be convicted of murder only if it were proved against him as an individual that he had the necessary intention to kill.

There was a section of the crowd that wanted him killed, but it could not be found that it was the intention of the whole crowd. After Constable Sethwala was out of his house, David Lekhan- yane entered the property and threw a stone through the win-

After an analysis of the facts, that it was the court's view that the crowd's conduct before and during the stone-throwing did not indicate that the whole crowd intended to drive the policeman out of the house so that he could be murdered. There was a section of the crowd that wanted him killed, but it could not be found that it was the intention of the whole crowd.

In this case no one was injured in the stonethrowing.

The judge said that, in the court's view, there was no room for an inference merely from the stoning that any of the accused had the intention to kill.

Appellants who fell into this category were Kenneth Khumalo, Eric Tros Gubula, Abel Kutu, David Lekhanwane, Myner Gud-lani Boyu, Zuko Xabendlum, Andrew Lekhanwane, Ronnie and Wellington Masiza, Barry Bekebeke, Japhtha, Bostander, Gideon Madlongwane, Albert Tywilli, Sekiya, Sarel Jacobs and Witbooi.

The conclusion that the relevant accused were wrongly convicted of murder did not mean they must go unpunished. The advocate for the appellants had conceded, rightly in the court's view, that the people who threw stones at the house were guilty of public violence.

The judge said it followed that the intention of those accused could not be inferred on a general basis from their participation in the activities of the crowd which stoned the house.

An appellant could be convicted of murder only if it were proved against him as an individual that he had the necessary intention to kill.

The judge said nothing more had been proved against several of the appellants than that they stoned Constable Sethwala's house. Stones thrown at an occupied house was not the sort of conduct that would normally cause death or serious injuries.

fact that he had taken part in the attack, by stabbing the policeman when he was already defenceless and apparently lying seriously injured on the ground.

That Mokgatle did not withdraw from the attack could be deduced from the fact that, after it was over, he had walked back with Bekebeke and Yona and they had expressed pleasure at the death.

Even if the death had been caused by burning, Mokgatle was, while the body was burning, still actively associated with the common intent of the murder group, which included

## 'We will show you . . . let the dog come out, let us set the dog on fire alive'

Enoch Nompoundwana. He was rightly convicted of murder.

The judge said it should be remembered that De Bruin was on Constable Sethwala's erf before the stone-throwing and had been chased away by him. She had said to him, in Afrikaans: "We will show you."

Later she was one of the group that threw stones. While the stone-throwing was in progress she had said: "Let the dog come out, let us set the dog on fire alive."

The appeal judges did not agree with the trial court's find-

ing that De Bruin knew without doubt that the policeman had been killed and set on fire and that she had enthusiastically approved of this.

Her conviction for murder could only stand on the basis of her conduct during the stone-throwing. Her conduct had gone further than those who had merely thrown stones. By her remarks she had clearly shown that she had the intention to kill him. In her case, the State had proved she had stoned the house in order to drive Constable Sethwala out so that he could be killed. But was she guilty of murder?

It had been conceded that she could have been found guilty on the basis of incitement. But she had not been charged with incitement, and incitement to murder was not a competent judgment on a charge of murder.

De Bruin could, thus, just as the others who only threw stones, be found guilty only of public violence.

The direct evidence showed that Yona actively took part in the stone-throwing and that shortly after the man was killed, he had shown his knowledge of it and expressed pleasure at it.

What he himself had actually done at the murder scene was not proved, but such proof was not necessary for a conviction. The court found Yona was rightly convicted of murder.

Mr Justice Grosskopf said of

the 26 accused that there were only four whose convictions for murder still stood: Bekebeke, Mokgatle and Yona who had been sentenced to death, and Matsiboba, who had only received leave to appeal against his imprisonment of eight years.

In the case of Bekebeke, the judges found that the death sentence was not necessarily the proper sentence. The death penalty was not imperatively necessary in the case of Mokgatle and the court found Yona did not deserve the death sentence.

In regard to what was a proper sentence, Mr Justice Grosskopf said there was insufficient reason to differentiate between the three. A sentence of 15 years would be appropriate in each case.

From a schedule presented to the court by the counsel, it appeared that Bekebeke and Yona had been in custody for five years and Mokgatle for three. Account had to be taken of this, and the necessary adjustments were made in the sentences substituted by the Appeal Court.

In regard to Matsiboba, the court found that community service would be a totally inadequate punishment in the light of the seriousness of the crime. The trial court had not misdirected itself and the sentence imposed was not strikingly inappropriate. The appeal had to fail.

In regard to those convicted of public violence, the judge said there was no doubt that it was a serious form of public violence.

He took into account the appellants' personal circumstances, potential for future usefulness in the community and sentences already served and community service rendered.

Khumalo, David Lekhanwane and Tywilli were all sentenced to two years, wholly suspended for five years on condition that they are not convicted of public violence during this period.

The remainder were sentenced to one year, suspended on the same conditions.

With reference to the appropriate sentence for De Bruin, the judge said she was relatively aged, having been born in about 1935.

There had been the incident where she had argued with the constable when she had been on his erf. That was when she had made the remark to "show him". After he had been burnt to death she had walked past his house and cheered.

The judge said this showed her state of mind and attitude towards the policeman, which must have influenced her earlier action during the stone-throwing. It was relevant in consideration of a sentence for public violence. She had no previous convictions.

An appropriate sentence would be five years' jail which, in view of the time she had been in prison, had to be scaled down to two years. This, in view of her age and clean record, had to be totally suspended, said the judge. — Sapa.

Upington 'common purpose' murder judgment overturned

# Reprieve for jubilant 14

(331) Star 30/5/91  
By Jo-Anne Collinge and Esther Waugh

The Appeal Court has set aside all 14 death sentences and overturned all but four out of 25 murder convictions handed down in the highly politicised Upington 26 murder trial.

The sweeping reversal of the original outcome spelt immediate freedom for 11 of the 14 Death Row prisoners — including the only woman, ailing mother of 10 Evelina de Bruin, who was transferred from Pretoria Central Prison to Upington Prison late last year.

Legal experts greeted the appeal judgment as a long overdue act of justice and a stinging indictment of the 1988 judgment and sentencing, which occurred a year later.

The 10 reprieved men seemed dazed yesterday as they emerged from the Death Row cells where they have spent exactly two years and two days.

They climbed slowly out of a white minibus at the prison gates, clutching their letters, books and photograph albums. Then they spotted their legal team — and jubilation erupted in the prison parking lot.

## Nightmare

Andrew Lekhanyane said the judgment had "come out of the blue. To tell the Gospel truth, it was a nightmare on Death Row." Admitting that he was no legal expert, he added that he had felt throughout his trial "we were never given the benefit of the doubt".

A former mayor of the Upington township of Paballelo, Kenneth Khumalo, said the sudden freedom was "unreal" — especially after the frustration they had felt when the prisoners were not released by April 30 in terms of the Pretoria Minute.

Originally, 25 out of 26 on trial were convicted, in terms of the doctrine of common purpose, of the murder of municipal policeman Lucas Sethwala at Paballelo in November 1985.

The Appeal Court judgment yesterday made the following changes:

- In 18 cases, convictions for murder were overturned and public violence convictions substituted. Sentences of one or two years' jail, suspended for five years, were imposed.
- In three cases, both conviction and sentence for murder were set aside.
- In two cases, conviction on the murder charge was upheld, but a jail sentence was substituted for the death

penalty — 12 years in the case of Zonga Mokatle and 10 for Zolile Yona. In two further cases, leave to appeal against conviction for murder was refused. In the case of Justice Bekebeke, sentence was replaced with a 10-year jail term and Elisha Matshoba had his original term of eight years confirmed.

The murder convictions were overturned largely on the Bench's finding that the crowd which had stoned the victim's house was not necessarily the same as the crowd which had later killed him.

Therefore, those accused who had been identified during the stoning alone could not be seen as having the murderous intent of the second crowd.

Upington 26 attorney Andy Durbach said: "It's the kind of judgment one would have expected from the trial court."

She added that the thoroughness with which the result had been reversed was a loud indictment of the trial court.

Lawyers for Human Rights national director Brian Currin commented: "The end result is wonderful. It shows that justice can be done in South Africa ... and I think it goes a long way in restoring the legitimacy and credibility of our courts."

But the Upington trial in its entirety was "a savage indictment" of the South African legal system.

The fact is that we've got the judgment of the first instance — 25 guilty of murder and 14 sentenced to death, refused leave to appeal and forced to spend two years on Death Row. At the end of it, 11 out of 14 walk free today, with one to two years' suspended sentences," Mr Currin said.

National Association of Democratic Lawyers publicity secretary Johnny de Lange said: "Obviously one is delighted that they are all off Death Row — every one of them. But so often it seems the result of a case depends on the time it is being heard and the specific judge before whom it is being heard. The whole question of justice doesn't seem to be one that is equally applied."

Mr de Lange welcomed the fact that "the whole doctrine of common purpose is once again put in its proper perspective".

It was one of those common-law principles which had been extended beyond its usual limits during the '80s to help curb the kinds of uprisings then taking place.



Freedom ... defence lawyer Stefan Raubenheimer congratulates Myner Gudlanj Bovu, one of the 11 Upington 26 prisoners released from Death Row yesterday.  
Picture: Associated Press

# Joy as Upington trialists go free <sup>(331)</sup>

Weekly Mail Reporter

A JUDGMENT likely to be long remembered as one of the most savage handed down in South African legal history was redressed by the Appeal Court in Bloemfontein yesterday, when death sentences imposed on 14 of the Upington 26 were set aside.

In what amounted to a telling commentary on the original miscarriage of justice, 11 of the death sentences were replaced by suspended terms of imprisonment. They included an elderly married couple with 10 children. The heaviest sentence imposed on the other condemned prisoners was 12 years.

The Upington trial — which took place in a small town of that name near the Namibian border two years ago — arose from a mob killing of a municipal policeman in the nearby township of Paballelo in 1985.

When the judge, Mr Justice Basson, handed down the original death sentences there were both ugly and heart-breaking scenes. The accused greeted the judge with the anthem, *Nkosi Sikelel' iAfrika*, and township residents said farewell to them, as they set off on the 1 300km journey to Pretoria's death row, with the song *Senzani Na?* — "What have we done? Our sin is kindness..."

The final sentences, as decided by the Appellate Division, were as follows:

● Evalina de Bruin, aged about 63 — who took frightened refuge behind the lawyers' benches when fighting broke out during sentencing — had the death

By DREW FORREST

"I CAN forgive Judge Basson — but I won't forget him," says Myner Bovu, after two years on death row.

To a rising clamour from long-termers behind the Pretoria Central Prison's yellow face-brick walls — they know something unusual is afoot — 10 of the Upington trialists have just leapt jubilantly from a prison minibus to freedom.

Their relatives are far away in the Northern Cape, but the men throw themselves into ecstatic embraces with well-wishers and lawyers who have handled their case.

Slight and mild-mannered, Bovu (31) hardly strikes one as a candidate for mob violence. Before his arrest, he had completed two years of an education diploma and now plans to qualify as a teacher.

The Appellate Division judgment set-

penalty reduced to two years suspended for public violence. Her husband, Gideon Madlongwane, who also faced the death penalty, was sentenced to one year suspended for five years. Evalina had told Basson: "I feel very sad for my children and my home; I've been taken away from them for something I didn't do."

● Justice Bekebeke (28), who wanted to be a psychiatrist and was studying by correspondence, had his death sentence reduced to 10 years. He had told the judge: "I would like the Lord to give you many years so that one day you can

ting aside his murder conviction and commuting his death sentence to two year's imprisonment, suspended, is "delightful, unbelievable", he says.

But the protracted ordeal of his year on death row before the government's February 2 1990 moratorium on hanging is still with him.

"It was terrifying to hear the men being taken to be hanged; they would shout: 'Stay well, boys, we are going!' The night before we could hear them singing church songs."

Bovu says he was angry with the original trial judge, Mr Justice Jan Basson, but is now "at peace with myself. The judge was very, very unfair. I believe he was influenced by the political situation at the time."

"I just hope that in the new South Africa there is no room for such judges, which are bad for South Africa's image."

see me walking on the streets of a free South Africa."

● Xolile Yona, the boxer, had his reduced to 10 years. "I grew up without a father. Now my child must grow up without knowing a father ... I'm asking for a last chance," he appealed to Basson.

● Albert Tywili, a 27-year-old former policeman, was found not guilty of murder by the Appeal Court and had his death sentence reduced to two years suspended for public violence. "If I had come before a clever judge he wouldn't have found me guilty," he

had said contemptuously after being told he was to die.

● Kenneth Khumalo, the former mayor of Upington's township, had his death sentence reduced to two years suspended. He had said farewell to the judge with the prediction that the trial would "act as a scale which will measure justice in the legal system of South Africa".

Of the others condemned to death, Zonga Mokgale was given 12 years; David Lekhanyane, Wellington Masiza and Boy Japha were given two years suspended. Eric Tros Gubula, Myner Gudlani Bovu, Zuko Xabendlini and Andrew Lekhanyane got one year suspended.

The only sentence by Basson which was confirmed was one of eight years on Elisha Mashoba. Xoliswa Dube, Roy Swarbooi and Ivan Kazi (who had been sentenced to community service) were acquitted of all charges. Six years imposed on Rommie Masiza was reduced to two years suspended. Abel Kulu, Barry Bekebeke, Elizabeth Bos-taander, Jeffrey Sekiya, Sarel Jacobs and Neville Witbooi — sentenced to six years — got one year suspended.

The defence counsel in the case, Anton Lubowski, did not live to hear the eventual fate of his clients. He was murdered a few months after the trial at his home in Windhoek.

● The Appeal Court judges were Messrs Justice Groskopf, Smalberger and Nienaber

# Neethling challenges court findings on 'poison' claims

SAP forensics chief Lt-Gen Lothar Neethling has applied for leave to appeal against a Supreme Court judgment which found he supplied poison to former police captain Dirk Coetzee for use in an attempt to murder ANC members.

Neethling sued Vrye Weekblad and Weekly Mail for R1,5m in damages for stories published in November and December 1989 which alleged Neethling had supplied Coetzee with the poison.

The general denied he had ever supplied Coetzee with poison or had ever met the man.

Both newspapers defended the action on the grounds of truth and public interest.

Mr Justice Kriegler dismissed Neethling's claim with costs in January this year after finding that Coetzee's disclosures about the poison and the existence of a covert police hit squad were true and had been published in the

SUSAN RUSSELL

public interest.

While the judge did not accept that the specific allegations published in the Weekly Mail article had been proved to be true, he held that debate over the issue had been of such importance that the public had a right to be informed.

The judge also found that Neethling had deliberately misled the court and the Harms Commission on several aspects.

Neethling's appeal began before Mr Justice Kriegler in the Rand Supreme Court yesterday.

His counsel Fanie Cilliers SC submitted that there was a reasonable prospect of success on appeal.

Cilliers said the court had erred in finding that the self-supporting statements Coetzee gave to journalists and the Harms Commission were admissible evidence.

The court, he argued, had also erred in making a factual finding that Neethling had personally supplied Coetzee with poison.

This finding was based mainly on the court's acceptance of Coetzee's description of Neethling's office and house.

Cilliers said Coetzee was a single witness who had a motive for discrediting the police and senior officers.

Coetzee was also known to have fabricated evidence.

He said the court had also erred in making factual findings about the alleged offences committed by Coetzee and other members of the security forces which he said were too remote and wide-ranging to be relevant to the dispute between them.

Sapa reports the two newspapers gave notice that they would oppose the application, which is also aimed at reversing the "with costs" ruling against Neethling.

Argument continues today.

## Rightwingers seek indemnity

82-4471  
The brother-in-law of "Wit Wolf" Barend Strydom and two other men, appearing in the Pretoria Regional Court in connection with bomb blasts, have applied for indemnity.

Applications for indemnity by Strydom's brother-in-law Deon Christiaan Rautenbach (26), Paul Johannes Kruger (22) and Pieter

331  
Johannes Venter (41) were received by the court yesterday.

They are appearing in connection with charges relating to the explosions at the National Party offices in Brooklyn, Pretoria, and the American ambassador's residence in Waterkloof last year.

The case was postponed to June 24.

# Neethling did not try to mislead, court is told

SAP forensics chief Lt-Gen Lothar Neethling had not deliberately set out to mislead the Harms Commission or the court which heard his R1,5m defamation claim against Vrye Weekblad and The Weekly Mail, his counsel Fanie Cilliers SC submitted in the Rand Supreme Court yesterday.

Cilliers made his submission in an application for leave to appeal against Mr Justice J Kriegler's dismissal of Neethling's claim in January this year.

Neethling sued the newspapers for articles published in November and December 1989 in which former police captain Dirk Coetzee claimed Neethling had supplied him with poison to be used to murder ANC members.

Neethling denied he gave Coetzee poison or that he had known Coetzee.

The judge dismissed the claim after accepting Coetzee's evidence that Neethling had supplied him with poison and that he had visited Neethling's office and home on several occasions to collect poison and "knockout drops".

The judge also found that Neethling had deliberately misled the Harms Commission during evidence in which he said Coetzee could have obtained information about his home from a video tape made by a British news team.

SUSAN RUSSELL

Mr Justice Kriegler found that during cross-examination at the defamation hearing Neethling had then deliberately misread the record of his evidence at the Harms Commission on that aspect.

In his judgment, Mr Justice Kriegler said Neethling had two misleading versions which were "a fruitless attempt to reconcile the irreconcilable".

Neethling denied Coetzee had visited him at his office and at home.

Cilliers submitted yesterday that Neethling had not deliberately misread the record but had been attempting to explain his theory that Coetzee could have described his house after watching the video.

Neethling, he said, had not made factual statements in this regard to the Harms Commission and at the defamation hearing, but had given his opinion on how Coetzee could have obtained his information.

He said the discrepancy between Neethling's evidence at the Harms Commission and his reading of the record during the civil trial was not put to Neethling during the trial.

Neethling could have been recalled and asked for an explanation, Cilliers said.

Argument continues today.

# 'Homophobia threatens all our rights'

South 4/4 - 10/4/91

**HOMOPHOBIA** — hatred or prejudice against gays and lesbians. Is this just the slogan of another irrelevant fringe group, or does it have real meaning in the process of building a new South Africa?

Our country, like the Soviet Union since the 1917 Bolshevik revolution, has witnessed a long and hard struggle for a democratic and egalitarian society. In the course of that battle, the realisation has grown that oppression must be fought on all fronts.

Two months after the Bolshevik revolution, the government of newly-socialist Russia made homosexuality legal and committed itself to the rights of lesbians and gay men.

It also passed legislation which freed women from the unpaid slavery of housework and child-rearing by creating crèches, collective kitchens and laundries.

The new socialist state was committed to eradicating all forms of oppression. All forms of oppression — class oppression, racism, sexism and homophobia (sometimes called heterosexism) — were believed to be related to each other, with a common origin in the material relations of the society and a common role in perpetuating oppression.

The Bolsheviks, therefore, believed it was senseless to liberate the working class without liberating women, lesbians and gay men.

However, with the rise of Stalin 14 years later, all these progressive changes were reversed as rapid industrialisation demanded a docile and malleable labour force. Homosexuality became severely punishable — and still is today in the Soviet Union. The Bolshevik vision of a democratic egalitarian society was sacrificed for the sake of expediency.

## Bill of Rights

Late last year, the ANC released its draft Bill of Rights. The document demonstrated a firm commitment to challenging patriarchy (a society dominated by men) and the oppression it spawns.

Article Seven states: "Discrimination on the grounds of gender, single parenthood, legitimacy of birth or sexual orientation shall be unlawful".

If this article is entrenched in the constitution of a new South Africa, it could make it the most progressive constitution with regard to gender politics in the world.

Many countries have passed more progressive legislation, but none has enshrined this kind of clause in their constitution.

This would not only guarantee the rights of women, gays and lesbians, but would also considerably weaken patriarchal control over the working class.

Yet now, only a few months later, the ANC seems to be tolerating the virulent homophobia that surrounds the trial of Winnie Mandela and her co-accused.

## Homophobic placards

Not only have people claiming to be ANC members been seen outside the court carrying homophobic placards, but the defence argument by progres-

Allegations of sexual impropriety related to the abduction and assault of young boys, revealed at the Winnie Mandela trial, has raised the spectre of homophobia in our society.

Stephen Garratt, a member of the Organisation of Lesbian and Gay Activists, examines the issue and questions the ANC's lack of reaction:

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Supporters outside the trial of Winnie Mandela

PIC: DYNAMIC IMAGES

sive lawyers is based on homophobia.

Nothing could be a more blatant contravention of Article Seven than the scapegoating of homosexuality seen in this trial.

There seems to be an assumption that the alleged kidnappings and assaults can be justified because of the suspected homosexual activity of the victims.

The ANC NEC has not dissociated

itself from this homophobia, let alone re-affirmed its recognition of the rights of people who are lesbian or gay.

What are we to read into this? If there is so little commitment in the ANC to one point of Article Seven, what about the other points — gender, single parenthood, legitimacy of birth? What about the rest of the bill of rights?

If one principle can be reneged upon so carelessly, then surely all principles

enshrined in the bill of rights are in danger of a similar fate.

How long will it be before the rights of women are qualified and reduced for the sake of political expediency? How long will it be before an attempt is made to limit the power of the unions, to make the management of the economy less problematic?

The ANC has made much political capital out of its hold on the moral high

ground. By not demonstrating its commitment to its principles on even this seemingly minor issue it is giving the lie to its claims.

## Compromises rights

The NEC's tolerance of the homophobia associated with this trial not only seriously compromises the rights of lesbian and gay people, and indicates that patriarchy is not about to roll over and die, it has far more ominous implications.

One of the most common homophobic assumptions made in this country is: "Homosexuality is not a part of black culture."

This is not only an example of the most crass prejudice but is indicative of a dangerous thinking.

The notion of cultural/racial purity, implied by this assertion, is not only responsible for apartheid and all its attendant suffering, but is also responsible for the atrocities committed during World War II when Jews, socialists, gays, lesbians, gypsies and others were slaughtered by the Nazis in a quest for racial purity.

Asserting that homosexuality is not a part of black culture — with the implication that it is fine to kidnap and assault gay and lesbian people — is indicative of the same thinking that guided the Nazis and the National Party.

The NEC would do best to dissociate the ANC from this type of thinking as soon as possible.

There is a tendency to believe that homosexuals are mainly bourgeois and therefore don't need liberation. This is as ridiculous as saying that, because bourgeois women have domestic workers to do their housework, feminism is not an issue; or that, because there is a growing black middle-class, racism is not a problem in South Africa.

The most visible gay and lesbian people are bourgeois, but that is only because their economic position enables them to be more open about their sexuality and more resistant to the homophobia they encounter.

Working-class lesbian and gay people, because of their economic oppression, are less able to cope with homophobia and therefore tend to conceal their homosexual identities.

## No scientific basis

Despite many fanciful associations between bourgeois decadence and homosexuality, there is no scientific or material basis to these assertions.

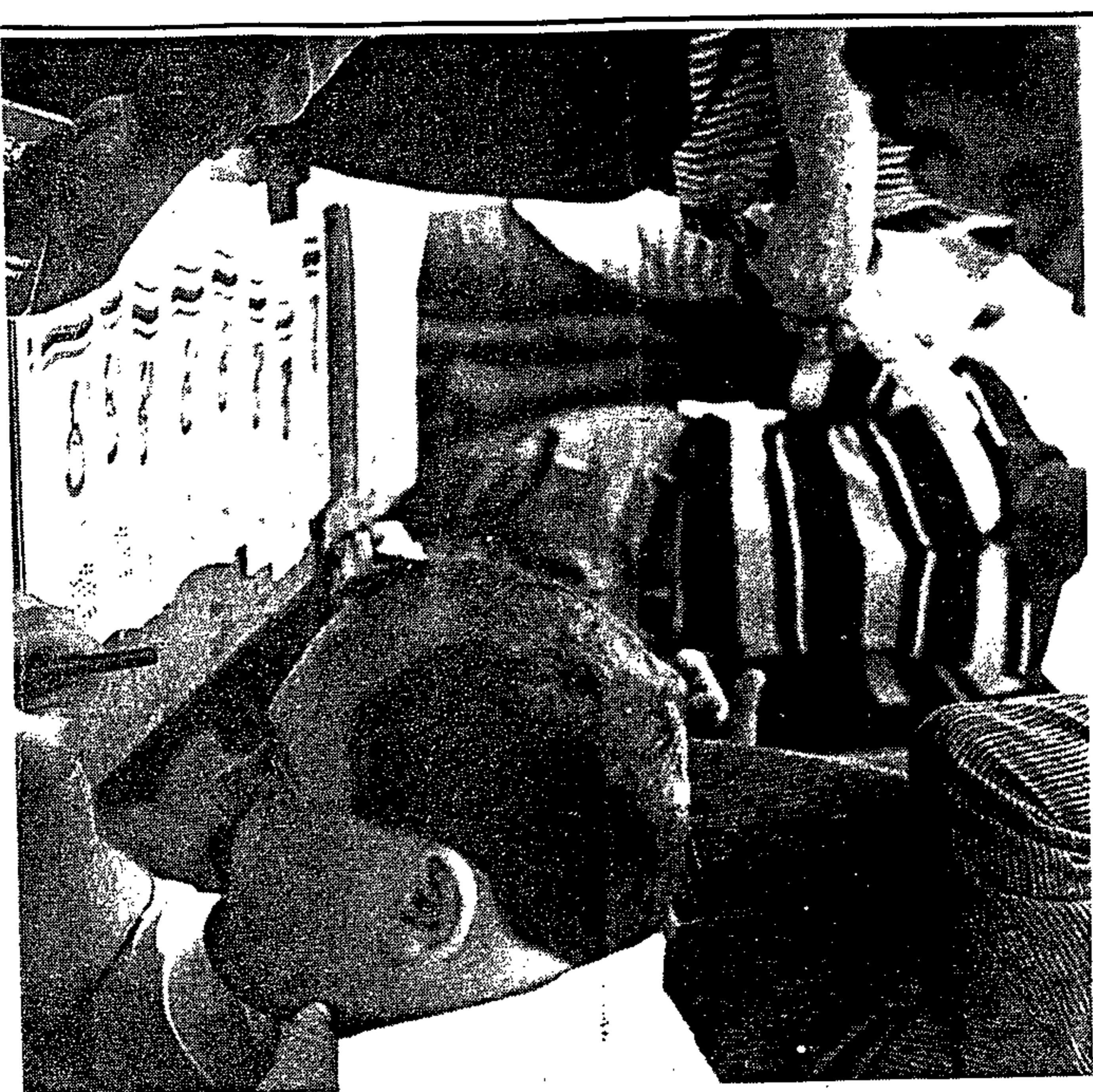
Homophobia is not an irrelevant concern that affects only a minority of people. The existence of homophobia among people who call themselves progressive represents a grave threat to the development of a democratic, human rights culture in a future South Africa.

Nelson Mandela, Thabo Mbeki, Frene Ginwala and other ANC leaders have all expressed commitment to lesbian and gay rights. And at last year's Gay/Lesbian Pride March in Johannesburg, messages of support were sent from various ANC branches and the PWV ANC region.

Where are their voices now? Or is our dream of a democratic, egalitarian future already being eroded by the politics of expediency?

Have we struggled for a liberation which is only for some and which will disappear when it is not convenient, or do we rather want a liberation for all, and one that will last?

# AWB man to hang for racial slayings



**A** strong message that racial violence will not be tolerated by the courts, a Durban Supreme Court judge has sentenced Afrikaner Weerstandsbeweging and Orde Boerevolk member Eugene Marais to death seven times.

Marais (28) used an AK-47 to fire on a late-night bus filled with black passengers going home from work on October 9 last year. Seven people were killed and 27 injured.

He will be the second rightwinger on death row for murdering innocent black people out of racial beliefs. His two AWB co-accused, who have pleaded guilty to all the charges and are to be tried in June, could double the number.

After Marais was sentenced, one of the survivors said he believed justice had been done, and that it would deter others from committing similar acts. However, he said the government ought to take steps against the AWB, which was stirring up racial hatred.

The AWB appeared to demonstrate a support base in Natal this week, drawing up to 2 000 people at a meeting in Durban and about 500 to a meeting in Port Shepstone, where the audience heard fiery speeches slammed as "war talk" by law and order officials.

In his judgment, Mr Justice Hugo said he accepted Marais did not need further punishment to stop him doing the same again. However, a role could be played by the courts in preventing others from committing a similar crime.

He said he wanted to give the strongest possible message that such deeds of politically inspired violence would not be tolerated.

It was not inappropriate that the death sentence should be passed "in the light of the times". Society was going through a period of insecurity

**A** message that racial violence would not be tolerated was delivered this week by the Durban Supreme Court.

**BY CARMEL RICKARD**

and acts such as Marais committed worsened feelings of tension between whites and blacks.

While he accepted a number of mitigating factors were present, the aggravating factors weighed more heavily. The judge said he found it hard to imagine a more serious case, and believed the death sentence was the only proper sentence he could pass.

The judge said Marais was "not oppressed", during his lifetime the Afrikaner had been in effective control of the country and Marais had been able to express himself politically.

He accepted Marais had shown some remorse, although part of this had been self-pity. While he also accepted that Marais was easily influenced, the impact of the AWB on him was not a mitigating factor.

He rejected any suggestion of provocation, saying an incident near the Durban beachfront that morning in which black youths attacked whites shoppers was a "catalyst", but that Marais had made no attempt to find those responsible or even to select as targets people who fell into the same category as the attackers in the knifing incident.

Marais had a lot of time to opt out of the plan, but he did not do so and was raring to go ("vol wuur en vlam") when he opened fire. The plan was to find a taxi or bus to ensure as many people as possible were shot.

● In terms of new legislation, Marais has an automatic right of appeal.

# AWB man to hang for seven Natal murders

AFRIKANER Weerstandsbeweging member Eugene Marais lit a cigarette and smiled at his family and friends shortly after he was sentenced to death seven times in the Durban Supreme Court yesterday.

Marais (28) was convicted of seven counts of murder following the shooting of a bus carrying black passengers at Avoca, near Durban, in October last year.

He was also found guilty of 27 counts of attempted murder and illegal possession of a firearm and ammunition.

Marais and two other people shot at the bus

to avenge the stabbing of whites on Durban's beachfront.

Passing sentence, Mr Justice Hugo said incidents such as this would only increase racial tension.

The court found that aggravating factors had outweighed the mitigating ones.

The judge said Marais knew the AK-47 rifle he used was a dangerous weapon and that there was no certainty of its causing quick and painless deaths.

He said Marais did not attempt to trace the

From Page 2

## AWB man to hang

From Page 1

people responsible for the beachfront stabbings but instead had gone in search of a bus full of black passengers to attack.

Although evidence indicated the attack was planned by Mr David Botha, an AWB commandant, there was sufficient time before the attack for Marais to change his mind.

The court accepted that Marais was influenced to a certain degree by the AWB and Gemeente van die Gebonds Volk, a religious sect. He had a weak personality and was easily influenced.

However, the influence of these groups were not mitigating factors.

Neither was it ac-

cepted that a "black revolution" had started, as Marais believed.

Marais was an intelligent man who had leadership qualities.

After the court adjourned, Marais, standing in the dock, lit a cigarette, shook hands and embraced relatives.

His wife remained composed, but started to cry as he was led to the cells.

# 7 death sentences for AWB killer

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Own Correspondent

DURBAN — Convicted bus killer Eugene Marais faced the Supreme Court in Durban yesterday to receive seven death sentences and a total jail term of 329 years.

Moments after sentencing, the 28-year-old Afrikaner Weerstandsbeweging member lit a cigarette and smiled at family and friends who crowded round him in the dock.

Marais (28) was convicted on seven counts of murder, and 27 counts of attempted murder and the illegal possession of a firearm and ammunition.

He and two others shot at a busload of passengers at Avoca to avenge the stabbing of whites on Durban's beachfront on October 9 last year.

In addition to the death sentences, Marais was sentenced to 12 years' jail for each of the 27 attempted murder convictions



Eugene Marais . . . bus killer.

and to five years for the illegal possession of a gun and ammunition — a total of 329 years.

Passing sentence, Mr Justice Hugo said actions such as the attack on the bus would only increase racial tension.

Marais knew the AK-47 he had used was dangerous and there was no certainty of its causing quick, painless death.

He had not tried to trace the people responsible for the beachfront stabbings but instead had gone in search of a bus full of blacks to attack.

Although evidence indicated the attack was planned by David Botha, an AWB commandant, there was sufficient time before the attack for Marais to change his mind.

The court accepted that Marais had been influenced by the AWB and Gemeente van die Gebondsvolk, a religious sect. He had a weak personality and was easily influenced.

However these influences were not mitigating factors.

Neither was it accepted that a "black revolution" had begun, as Marais believed, after the beachfront stabbings.

Marais was an intelligent man who ran his own business.

When the court adjourned, Marais shook hands with and embraced relatives. His wife, composed until then, wept when he was led away to the cells.

# Judge's task: Coetzee a liar, or general a bully

By Brendan Templeton

Mr Justice J C Kriegler is to decide on Monday whether former policeman Dirk Coetzee is a liar bent on revenge and self-preservation or if Lieutenant-General Lothar Neethling is a blustering, lying bully.

These are the claims put to the judge by opposing counsel in the general's application in the Rand Supreme Court for leave to appeal against a ruling in January when General Neethling lost a R1,5 million defama-

tion case against the Vrye Weekblad and the Weekly Mail newspapers.

The judge found that reports in the publications that General Neethling supplied Mr Coetzee with poison to eliminate ANC activists had not been refuted.

But the general's counsel, Fanie Celliers, SC, argued this week that Mr Justice Kriegler overlooked vital flaws in Mr Coetzee's evidence when he made his January judgment.

Mr Coetzee was a self-confessed liar who had a grudge against the police and was act-

ing out of self-preservation, he said. Mr Coetzee made his allegations only once a former member of his alleged hit squad had confessed to several killings while on Death Row.

The newspapers' counsel, Bobby Levin, SC, claims the judge was correct in seeing General Neethling as an arrogant bully who deliberately misread an extract from the Harms Commission to mislead the court.

He said Captain Coetzee had no reason to fabricate a story. The story did not implicate his

superiors, against whom he had personal grudges.

The general had constantly avoided answering direct questions when trying to explain how Mr Coetzee knew intimate details about his home and office and how he had his telephone number.

Mr Celliers claims these details do not necessarily implicate the general in a poison plot as Mr Coetzee could have acquired the knowledge in other ways.

The case continues.

# Death sentence for 'revenge' mass killer

DURBAN — Eugene Marais, the AWB killer who gunned down seven blacks in a "cold-blooded" revenge massacre, was sentenced to death seven times and jailed for a total of 334 years in the Durban Supreme Court yesterday.

A smiling, relaxed Marais, wearing a blue suit, entered the dock before proceedings began and stood with his arms clasped in front of him, staring calmly ahead.

After the death sentence had been passed by Mr Justice Hugo he embraced relatives, quietly sat down and smoked a cigarette. As he was led away his wife put her head on the dock, covered her face and sobbed.

On October 9 last year Marais and two other AWB members opened fire on a bus in Avoca, near Durban, as an act of revenge after a group of black youths and a man stabbed eight white people on Durban's beach-

front.

Before giving the death sentence, Mr Justice Hugo said he believed this was a case in which retribution was the most important aspect.

"The aggravating factors far outweigh the mitigating factors," he said.

## Atmosphere

He said South Africans were living in uncertain times and this created much tension and insecurity among blacks and whites.

"It is not inappropriate to judge the crime in the light of this atmosphere.

"In this climate of tension and uncertainty, politically inspired violence creates more tension between the races.

"It is important to send the strongest possible message, that such deeds will not be tolerat-

ed." Although the judge accepted that the AWB had played a role in shaping Marais' attitude towards blacks, he had not been as influenced as he made out.

Referring to the Magoo's Bar bomber, Robert McBride, the judge found the two could not be compared.

Marais had never been suppressed, he had had free political expression, and throughout his life Afrikaners had been in effective control of the country.

At the time of the shooting, all that had been important to Marais was that all the victims had been black.

Marais was sentenced to 12 years in jail on each of 27 counts of attempted murder. He was sentenced to two five-year sentences for the unlawful possession of firearms and ammunition.

Under new laws, Marais has automatic right of appeal on the death sentences.

Own Correspondent

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# Exiles believe they won't beat deadline

Political Staff

THOUSANDS of exiles believe they won't be back in South Africa by an African National Congress deadline of April 30.

Mr Larry Joseph, who has returned home from Lusaka, said it was becoming clear to the exiles in the Zambian capital that even if a chartered aircraft flew them home every week, not all would have returned by April 30, "a target which we had set for ourselves".

They were hopeful their return would speed up now the United Nations High Commission for Refugees had taken over the process.

Exiles thought the government was causing delays in their homecoming to give the impression the ANC was incapable of handling the process.

Those waiting to return were also being given confusing information, he said.

"It needs to be rectified. The ANC gives information but it seems even this can be conflicting."

## POLITICAL PRISONERS AND TRIALS (33)

FIVE political prisoners were released on Wednesday and 33 during March, bringing the total number of people in prison for politically-related offences to 1 363, a Human Rights Commission representative said yesterday. She said their estimated total was 2 500. This includes about 1 100 people convicted of public violence and other unrest-related offences such as arson and malicious damage to property.

She said 14 people were convicted of politically-related offences during March, of whom eight were sentenced to prison sentences without option of a fine. ANC member Wycliffe Myeza was sentenced to 24 years for terrorism. At the end of March there were 282 ongoing politically-related trials involving 1 565 accused. In 1991 up to the end of March, 136 trials involving 889 accused were completed. Of 73 people convicted, 13 were imprisoned. During March three political trials involving 15 accused were ended as the accused received indemnity.

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## LETTERS

W/M Mail

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# Bad language?

## Allegations, not fact

■ I FIND your report (WM March 22-27) on Dr Winnie Mandela's trial particularly disturbing because it leaves the reader with the impression that the very bad language attributed to her by the prosecution was in fact used by her.

This is conveyed by the main thrust of your report which compliments the state for making "sure that certain facts enter the public domain by being picked up and reported by the press".

Of course, what are before the court are allegations, not facts. Your use of the latter word misleads the reader — calculatingly? You proceed to reproduce an almost verbatim transcription of one such "fact": the shocking by bad language attributed to Dr Mandela.

Your implied criticism of "some newspapers (which) may have softened the language" and admiration for the prosecuting council who could say "the gist of the statement is out there" emphasises to the reader that the court has exposed facts which otherwise would have remained submerged in legal technicalities.

The fact that John Morgan, whose alleged statement to the police is the source of Dr Mandela's alleged "bad language", denied making that statement, and that the prosecution witness, Colonel Oosthuizen, confirmed under cross-examination that the statement contained words Morgan had not used, is totally ignored in your report. You instead report that Morgan said he had been forced to make the statement, not that he denied making the statement.

I have known Dr Mandela since she was in her early twenties. I spent over four months in prison with her. Never have I heard her use anything like the kind of language attributed to her by the prosecution and published

by you.

While you are entitled to your opinion that Mr Justice M Stegmann's decision to allow evidence of alleged assaults and kidnapping unrelated to Dr Mandela's trial is "Justice? No questioning it", fair reporting required that you also tell your readers that the distinguished senior defence counsel disagreed with that decision, considering it "overwhelmingly prejudicial to Dr Mandela". — Professor Fatimah Meer, Institute for Black Research, Durban

● It would be illegal for us to comment on the veracity of the evidence against Mrs Mandela and foolish to withhold it simply because her lawyer did not accept it. — The Editor

■ THE advertisement published by the Gay and Lesbian Organisation of the Witwatersrand in your newspaper (WM March 22-27) implies yet another unfounded criticism of Winnie Mandela.

If Glow is attempting to slander Mrs Mandela by associating her with allegations of homophobia, they do her a grave injustice: she made her position on gender-based discrimination clear as far back as January 1991,

something which Glow chooses to ignore.

In her address to the PWV African National Congress Women's League Conference on January 27, Mrs Mandela stated: "... discrimination ... arises from a number of commonly held assumptions... As a result, much discrimination goes unrecognised or is regarded as natural or becomes invisible through the existing laws... These rules and customs giving some people positions of power over others include sexist, heterosexist and racist assumptions..."

It is surprising that Glow should take issue with the very person who has championed the battle against gender-discrimination in South Africa.

In fact, Glow should be expressing appreciation of the appointment to the Welfare portfolio of someone competent, progressive and courageous enough to champion their cause. — Alan Van Zuydam-Reynolds, Durban

■ I WAS deeply disturbed by your treatment of the trial of Winnie Mandela (WM 15-21 March). Both Shaun de Waal's article and the prominence given to the statement by the Gay and Lesbian Organisation of the Witwatersrand

stand by you raise serious issues about the limits of comment during the currency of a trial in which the accused face very serious charges.

In addition, the article and statement associate the ANC, as a political movement, with a defence raised entirely at the discretion of counsel. Glow goes further and demands a retraction of the defence by the ANC as a reaffirmation of its "commitment to the protection of lesbian and gay rights in a future and democratic South Africa".

I have worked with gay and lesbian groups for over 20 years in Ireland and Britain. As a member of the constitutional committee of the ANC, I have supported demands for freedom and equality and the removal of all discrimination based on sexual orientation.

Article seven of the ANC's working document on a Bill of Rights has been recognised both nationally and internationally as one of the most advanced forms of protection against discrimination in a human rights text.

But it is a different matter to demand that there should be a direct intervention in a trial. Libertarians and interest groups must recognise that some forms of comment during the course of a trial can seriously prejudice not only the conduct but also the conclusion of a trial. South African newspapers have had a field day during this trial. Not only bleeding hearts from overseas are shocked by the licence taken; it is a matter that should concern everyone who wants to set the ground rules for a fair trial in a future democracy in our country. — Kader Asmal, Visiting Professor of Law, University of the Western Cape

● We do not believe that judges and the courts are above public scrutiny or comment. *The Weekly Mail* did not identify the ANC with Mrs Mandela's defence; the ANC did that itself. — The Editor

Letters should be addressed to LETTERS PAGE, Weekly Mail, Box 260425, Excom 2023.

The editors reserve the right to edit for clarity and space

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# AWB man gets death 7 times

DURBAN. — Moments after receiving seven death sentences and being jailed for 334 years yesterday, convicted murderer and AWB member, Eugene Marais, lit up a cigarette and smiled at family members and friends who crowded around the dock in the Supreme Court here.

Marais, 28, was convicted of seven counts of murder, 27 counts of attempted murder and the illegal possession of a firearm and ammunition.

In addition to the seven death sentences, Marais was sentenced to 324 years imprisonment for the 27 attempted murder convictions — 12 years for each conviction — and two five year terms for the illegal possession of a firearm and ammunition.

Passing sentence, Mr Justice Hugo said the actions of Marais and two others — who shot at a bus full of passengers at Avocaam, near Durban, to avenge the stabbing of whites on Durban's beachfront on October 9 last year — would only increase racial tension.

Marais knew the AK-47 he had used was a dangerous weapon and that there was no certainty of it causing quick and painless deaths, the judge said.

He found that Marais did not attempt to trace the people responsible for the beachfront stabbings, but instead had gone in search of a bus full of black passengers to attack.

Though evidence indicated the attack was planned by David Botha, an AWB commandant, there was sufficient time before

the attack for Marais to change his mind. Marais could have resisted at the last minute and could have fired into the air or the ground, the judge said.

The court accepted that Marais was influenced to a certain degree by the AWB and Gemeente van die Gebonds Volk, a religious sect. Though Marais had a weak personality and was easily influenced, the influences of these groups was not found to be mitigating.

Neither was it accepted that a "black revolution" had started, as Marais believed, after the stabbing of whites on the beachfront.

The court found Marais was an intelligent man who had leadership qualities at school and ran his own business. He has two children. — Sapa

# AWB killer: family 'broken'

Staff Reporter *Art Tink* 5/4/91

THE family of convicted AWB killer Eugene Marais is "broken" by the death sentence, defence counsel and CP MP Mr Koos van der Merwe said last night.

Mr Van der Merwe also said that Mr Marais would be appealing against the sentence.

"Mr Marais was greatly shocked by the heavy sentence," Mr Van der Merwe said. "Death was not expected."

Mr Van der Merwe said the defence team thought the judge had laid too much emphasis on certain factors in the trial, and not enough on others.

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We feel imprisonment would have been a better sentence," he said.

He said Marais' wife Ina had been composed in the court after sentencing, but had afterwards broken down, weeping on his shoulder.

Marais' mother had also wept, and his father, an SAAF pilot, had been "stunned" by the sentence.

Observers at the trial yesterday also remarked on the absence of any AWB support at the trial.

During evidence it emerged that Marais was a fanatical follower of AWB leader Mr Eugene Terre'Blanche.

# Winnie to testify as world watches

THE trial of Winnie Mandela — one of the most sensational in South African legal history — is set to recapture national and world attention when it resumes on Monday after a 10-day adjournment.

Mrs Mandela, whose trial has been described by Mr Justice MS Stegmann as a cause celebre, will go into the witness box and give evidence in her own defence soon after the resumption.

The interlude between the closure of the State case and the start of the defence case was used by lawyers on both sides to hone their strategies for the court battle.

The imminent resumption of the trial offers an opportunity to assess the state of play so far.

One of the three people charged with kidnapping and assault with Mrs Mandela, Nompumelelo Falati, a Soweto schoolgirl, has been acquitted and discharged. Ms Falati, who wore a gym slip throughout her court appearances, wept with relief after her lawyer, Hentie Joubert, successfully applied

## Sides gear to fight on Monday

PATRICK LAURENCE

for the charges against her to be withdrawn.

The judge found that there was no evidence to support the charge that she took part in the alleged assault of three young men and a 14-year-old boy after they had been taken to Mrs Mandela's Soweto home.

Ms Falati was originally charged with her mother, Xolisa Falati, Mrs Mandela and John Morgan, the driver of the bus used to transport the Mandela United Football Club, whose members allegedly carried out the abduction at the behest of Mrs Mandela.

The acquittal of Ms Falati came after the State closed its case.

Earlier the State made a surprise decision not to proceed with "similar fact evidence" purporting to show Mrs Mandela had been involved in two earlier kidnapping and assault episodes apart from the one for which she is standing trial.

The State's application for permission to lead "similar fact evidence" was strenuously resisted by Mrs Mandela's defence counsel, George Bizos, SC. The judge, however, ruled in favour of the State.

At the time legal observers remarked that it was a hazardous course for the State to take. They reckoned that if Mrs Mandela was convicted, the Appeal Court might easily decide that she had been unfairly prejudiced by the similar fact evidence and quash the conviction.

In another development in the trial the judge ruled that a statement made to the police by Mr Morgan was admissible and could be submitted as evidence. The statement, made under duress, according to Mr Morgan, implicated Mrs Mandela in the assault on the three young men and the boy.

But Mr Morgan's statement is only admissible as evidence against him. It may not, under South African law, be used against anyone else, including Mrs Mandela. The last State witness was Captain Fred Dempsey, the investigating officer in the events leading to the trial. Some of his testimony concerned Norah Moahlavi, a key defence witness. Mrs Mandela's alibi that she was not at her house on the fateful night will depend in large measure on Mrs Moahlavi.

During the trial last year of Jerry Richardson, the coach of the Mandela United Football Team who was convicted of murdering of the teenage boy, Stompie Sepei, Mrs Moahlavi testified that Mrs Mandela slept at her Brandfort home on the nights of December 29 and 30 1988. The assault on the four alleged kidnap victims, including Stompie, took place on December 29.

But, Captain Dempsey said, in a later statement to the police Mrs Moahlavi gave different dates for Mrs Mandela's stay. Captain Dempsey, however, did not say that the new dates excluded December 29, the vital date for Mrs Mandela's alibi.

### Publicity

In their evidence in the Mandela trial the State's key witnesses were Kenneth Kgase and Thabiso Mono, both of whom averred that they were kidnapped by members of the Mandela United Team and assaulted by Mrs Mandela.

Kgase, an aspirant writer, was described by Mr Bizos as a "publicity seeker" whose tale about Mrs Mandela grew with the telling. His original statement to the police and to lawyers for the Methodist Church, which was made available to the defence lawyers by the State, differs in detail from his testimony in the Richardson and Mandela trials.

There is another contradiction: he told the court in the two trials that Mrs Mandela punched and whipped him, but, according to the doctor who examined him after his ordeal, he spoke only of Mrs Mandela slapping him.

Mr Mono corroborated much of Mr Kgase's testimony. He admitted under cross examination, however, that he had read his evidence in the Richardson trial twice before testifying in the Mandela trial.



Engling  
to the  
SA2

These two revellers forgot about the racial barriers in this country and got into the spirit of a different South Africa at Moretele Park in Mamelodi at the weekend. This was a special event - the reunion concert of Malombo Jazzmen Phillip Tabane, Julian Bahula and Abe Cindi - which also honoured political activist Solomon Mahlangu.

# SAP chief can appeal - judge

SOUTH African Police forensic chief Lieutenant-General Lothar Neethling's application for leave to appeal against a finding that he supplied poison for political assassinations partially succeeded yesterday.

Rand Supreme Court judge Mr Justice JC Kriegler ruled that Neethling could appeal against the finding of his failed defamation suit against the *Weekly Mail*, but not against the finding in a similar failed defamation suit against *Vrye Weekblad* newspaper.

Kriegler said there was no reasonable chance the higher Appeal Court would rule differently where *Vrye Weekblad* was concerned.

He said he had to accept rebel former police captain Dirk Coetzee's evidence that he had visited Neethling at his home and office to collect poison, as was reported by *Vrye Weekblad*.

In view of this, the fact that Neethling had denied knowledge of Coetzee's very

existence was damning.

*Weekly Mail's* report that Neethling had involved himself in spiking bottles of alcohol with poison and then sent them indiscriminately to ANC members in Maputo had, however, not been conclusively proved.

## Defamation suit

It was in view of this that the Appeal Court might rule differently in the defamation suit aimed at *Weekly Mail*.

*Vrye Weekblad* editor Max du Preez, commenting on the judgment afterwards, expressed satisfaction that Neethling would be burdened with nine-tenths of the costs of the application in terms of Kriegler's ruling.

Effectively, this meant that Neethling would have to foot the bill for all of *Vrye Weekblad's* costs in the original defamation suit.

This amounted to more than R1 million, Du Preez said. - *Sapa*.

## Snub for Azapo

THE British Government has refused to grant funds to the Azanian Peoples Organisation this year, and Azapo officials yesterday accused it of "doling out funds to political organisations in a sectarian manner".

Azapo's publicity secretary Mr Strini Moodley told a Press conference in Durban they had been turned down by the British Government because they were not prepared to "wheel and deal" with State President FW de Klerk and had not renounced the armed struggle.

"The British Government claims it supports Inkatha and the ANC because these organisations are speaking to De Klerk and they have renounced violence," he said.

"However, both these organisations are primarily responsible for the deaths of thousands of innocent black people in townships countrywide.

"It seems to us the British Government is prepared to give money to organisations that are responsible for black people's deaths." - *Sapa*.

Click! the night...

# Neethling's bid to overturn 'poison judgment' fails

B/Day 9/4/91.

POLICE forensics chief Lt-Gen Lothar Neethling was yesterday refused leave to appeal against the dismissal of his R1m defamation claim against Vrye Weekblad newspaper.

Mr Justice J Kriegler dismissed Neethling's application with costs after finding there was no reasonable prospect of another court coming to different legal and factual findings to those he made in rejecting the general's claim in January.

The judge then found that claims by former security policeman Capt Dirk Coetzee that Neethling supplied him with poison to murder ANC activists were true.

Neethling sued Vrye Weekblad and the Weekly Mail for a total of R1.5m after the newspapers published articles in November-December 1989 linking him to covert police hit squad activities.

However, Mr Justice Kriegler yesterday granted Neethling leave to appeal in respect of his R500 000 claim against Weekly Mail, which had also been dismissed with costs.

## Justified

The Weekly Mail article claimed Neethling was involved in poisoning bottles of liquor which were destined for ANC members in Maputo.

The judge earlier held that while the allegations had not been proved to be true, publication was justified because the matter was of such importance that the public had a right to be informed.

Granting leave to appeal on this aspect yesterday, Mr Justice Kriegler said the legal point raised was not only important to the parties involved, but was also of much wider importance.

It would be short-sighted not to see that a finding that justification without proof could stand as a defence would be contentious. Mr Justice Kriegler said this aspect was unexplored territory and deserved a decision from the highest court.

Dismissing the application for leave to appeal in the Vrye Weekblad matter, the judge rejected submissions that another court could come to a different finding on

the credibility of the two key witnesses — Neethling and Coetzee.

In his judgment in January Mr Justice Kriegler accepted Coetzee's evidence as true on an overwhelming probability.

He also found that Neethling, who denied he had ever met Coetzee, had misled the Harms Commission and attempted to mislead the court at the defamation hearing in explaining how Coetzee could have given descriptions of his home and office.

The judge yesterday rejected the submission that Coetzee had had a motive for falsely implicating Neethling. Coetzee could in no way have benefited from falsely implicating Neethling.

Mr Justice Kriegler said he had in no way ignored Coetzee's shortcomings and realised he was dealing with an accomplished gangster with a long record of fabricating evidence. He said Neethling had not seen fit to stick to his full denial that he had never met Coetzee, but had started postulating about the former captain's knowledge of his house.

Neethling had also tried to say that Coetzee's police notebook with his telephone number in it was manufactured evidence.

Mr Justice Kriegler said Neethling had not merely theorised about how Coetzee had obtained his knowledge, but had tried to establish a factual basis for his postulations, facts which were not true.

With the best will, the judge said, he could not agree that there had not been a deliberate attempt to mislead the court about the facts and about what Neethling had said at the Harms Commission.

Afterwards Vrye Weekblad editor Max du Preez said he expected Neethling's immediate suspension and an investigation into the police forensics laboratory.

"The court has found that the man probably took part in multiple murder," Du Preez said.

He said the newspaper now looked forward to recouping some of the more than R1m it had spent on fighting the case.

SUSAN RUSSELL

# Gen Neethling's appeal bid fails

APR - 7/95  
9/4/91  
284 349  
331 498

Own Correspondent

POLICE forensics chief Lieutenant-General Lothar Neethling was yesterday refused leave to appeal against the dismissal of his R1-million defamation claim against Vrye Weekblad newspaper.

Mr Justice J Kriegler dismissed General Neethling's application with costs after finding there was no reasonable prospect of another court coming to different legal and factual findings from those he made in rejecting the general's claim in January.

The judge then found that claims by former security policeman Mr Dirk Coetzee that General Neethling supplied him

with poison to murder ANC members were true.

General Neethling sued Vrye Weekblad and the Weekly Mail for a total of R1,5m after the newspapers published articles in November-December 1989 linking him to covert police hit squad activities.

However, Mr Justice Kriegler yesterday granted General Neethling leave to appeal in respect of his R500 000 claim against the Weekly Mail, which had also been dismissed with costs.

The Weekly Mail article claimed the general was involved in poisoning bottles of liquor which were destined for ANC members in Maputo.

The judge earlier held that while the

allegations had not been proved to be true, publication was justified because the matter was of such importance that the public had a right to be informed.

Dismissing the application for leave to appeal in the Vrye Weekblad matter, the judge rejected submissions that another court could come to a different finding on the credibility of the two "key witnesses" — General Neethling and Mr Coetzee.

● Afterwards Vrye Weekblad editor Mr Max du Preez said he awaited General Neethling's immediate suspension and an investigation into the police forensics laboratory. He said the paper looked forward to recouping some of the R1 million it had spent fighting the case.

# I didn't see assaults - accused

By Cathy Stagg 10/4/91

Xoliswa Falati (37) yesterday denied in the Rand Supreme Court that she or Winne Mandela were present when four young men were assaulted.

Miss Falati, who gave evidence-in-chief and was under cross-examination by Jan Swanepoel, for the State, also said the Rev Paul Verryn and Mrs Mandela's attorney, Ismail Ayob, had prevented witnesses from coming forward to testify in her defence.

She is the first of the three accused to testify in the trial arising from events at Mrs Mandela's Diepkloof home on December 29 1988. John Morgan (61) yesterday closed his case without giving evidence, and Mrs Mandela is expected to testify later.

Yesterday, Miss Falati told the court that "security forces" had bombed her house and that Mr Verryn had offered her accommodation. They discussed a rumour that he had sexually abused youths at the Methodist manse, and Miss Falati told him it was just a ploy to discredit him because he was "in the struggle".

There were between 23 and 35 people living at the manse, Miss Falati said. Stompie Seipei (14) was "isolated" because it was believed he had "sold" four cadres in Parys.

The court was told that one night she heard Stompie scream and assumed he was having a nightmare. But Stompie told her that Thabiso Mono, a previous State witness, and Thabiso Mekgwe, who was supposed to be a State witness but vanished without trace, had "brushed his thighs and buttocks", Miss Falati said.

She added that Mr Verryn was furious when she questioned Stompie.

## Ignored

At one stage she broke into English, describing Stompie as the "child of an underdog".

She said her complaint of sexual abuse was ignored, first by Mr Verryn and later by other churchmen who wanted to protect the "sacred cow", the South African Council of Churches.

She claimed that Katiza Cebekulu, one of the missing accused, told her on December 29 1988 that Mr Verryn had tried three times to rape him. Miss Falati said she went to Mrs Mandela, who was a social worker and community leader.

Mrs Mandela allegedly asked: "Is the reverend still doing these things?"

They took Mr Cebekulu to see Dr Abu Baker Asvat, a medical practitioner.

Back at Mrs Mandela's Diepkloof house, Miss Falati told former Man-

dela United coach Jerry Richardson about the "Katiza incident" and suggested that the boys "abused" by Mr Verryn and those "practising homosexuality among themselves" be brought to Mrs Mandela's house.

"I went into the house to tell Mrs Mandela but she was no longer there."

Miss Falati, Richardson and three young men who lived on the property went to collect the boys at the manse. Mr Morgan drove them in Mrs Mandela's bus.

No one was kidnapped from the manse, she said; they were "requested" to go.

She did not see any assault, although the next day Kenny Kgase (31) had a black eye. She had told Mrs Mandela this when Mrs Mandela returned on December 31.

On January 13 1989, Miss Falati learnt that Stompie and Kenny were "gone". Mr Ayob asked her what happened and after explaining, she expected him to summon churchmen and Dr Asvat.

Miss Falati accused Mr Ayob of "covering up this Paul Verryn thing".

Asked why the four young men would have been assaulted, she said "I did not assault any of them; they themselves were victims. They needed protection, not to be assaulted."

The trial continues today.

# Youth was raped, Winnie trial told

331  
Monday 10/4/91

SUSAN RUSSELL

FOUR young men living at the Orlando West home of Methodist minister Rev Paul Verryn were taken to Winnie Mandela's house after another youth living with them complained Verryn had raped him, the Rand Supreme Court heard yesterday.

Xoliswa Falati said she had wanted the four to stay at Mandela's house until Verryn returned from holiday and the problem of sexual misconduct at the manse could be resolved.

Falati, 37, who together with Mandela, 56, and John Morgan, 61, is on trial for the kidnap and assault of the four, took the stand yesterday on the first day of the defence case.

Morgan's counsel closed his case without leading any evidence.

The three have pleaded not guilty to kidnapping and assaulting Kenneth Kgase, 31, Gabriel Mekgwe, 21, Barend Thabiso Mono, 22 and Stompie Seipei, 14, on December 29 1988.

## Scream

Kgase and Mono have testified they were taken to the Mandela house against their will where they were assaulted by people including Mandela.

"I didn't assault any of them," Falati said. "These children were victims of sexual abuse. They needed protection."

She denied they had been kidnapped.

Falati said she first became aware of sexual misconduct at the manse when she heard a youth scream during the night.

The next morning Seipei told her he had screamed because two of the other youths had caressed his thighs and buttocks.

She said she scolded the youths responsible, at which point Verryn asked her why she was behaving like a 14-year-old. She told him such incidents could encourage earlier rumours of sexual misconduct between him and the boys living in his house. Falati said Verryn told her he understood

this, and apologised.

She also described a second incident on the morning of the alleged kidnap when she found another youth, Katiza Cebekulu, to be upset. He told her he wanted to kill Verryn because the minister had raped him.

Falati told Kgase what had happened. "He said: 'Why are you shocked? Don't you know it happened to all of us here,'" she told the court.

Falati went to Mandela, who had asked: "Is this reverend still doing these things?"

Mandela told her to bring the boy to her and the three of them went to a doctor. The doctor told them to return in 10 to 15 days when he would arrange for a psychiatrist to see the youth and Verryn.

Back at the Mandela house, Falati said, she told the story to former Mandela United football coach Jerry Richardson and suggested the four youths stay at the Mandela house until Verryn returned and they could discuss the problem.

He said he would talk to others there, and took her to the manse where Kgase, Mono, Mekgwe and Seipei were picked up and driven to the Mandela house. Falati said they had agreed to accompany her.

At the Mandela house she asked Richardson to keep the four there until Mandela returned so she could explain to her why the youths were there.

Under cross-examination by State counsel Jan Swanepoel SC, Falati said when Kgase, Mekgwe and Mono got to the Mandela house they admitted they had been sexually abused by Verryn.

Asked why she had not said this in her evidence-in-chief, Falati said there were some things she had forgotten. She could not remember if she had told the court this during her evidence at Richardson's trial for the murder of Seipei last year.

The trial continues today.

Monday April 10 1991

# Sexual play riled Stompie - trial claim

*Soweto 10/4/91* (331)

STOMPIE Seipei, the 14-year-old boy who was abducted from a Methodist Church manse in Soweto and later found murdered, had a knife to ward off sexual advances from other boys.

Mrs Xoliswa Falati, one of Mrs Winnie Mandela's co-accused in the kidnap and assault trial, yesterday told the Rand Supreme Court that during her stay at the manse at the end of 1988, she had heard Stompie scream one night.

She said Stompie had told her that Thabiso Pelo and another boy had been caressing his thighs and buttocks during the night.

## SOWETAN Correspondent

Stompie had said he would stab them with a knife if they came close to him.

Falati said that shortly after Stompie had told her this, the Rev Paul Verryn, in charge of the manse, stormed out of his room - "red and furious" - saying: "Xoliswa, why do you behave like a 14-year-old?"

## Manse

Falati said she had asked what Verryn meant.

She told the court she had tried to be like a mother to Stompie and the other boys. She had tried to bring discipline

and order to the manse, which, she said, was "dirty and undisciplined".

The boys in the manse had begun to isolate Stompie when they discovered that he kept disappearing and was once seen in a vehicle occupied by white people, Falati said.

## Comrades

They were "worried" because Stompie had "sold out" four comrades in Parys where he had lived before escaping to Soweto.

Mandela (56), Mr John Morgan (61) and Falati (36) have all pleaded not guilty to four counts of kidnapping and assault.

(Proceeding).

# Falati ordered boys' removal

Cape Times 10/4/91 (A) (B) (C) 331

Own Correspondent

JOHANNESBURG. — One of Mrs Winnie Mandela's co-accused, Mrs Xoliswa Falati, yesterday said she had suggested the removal of three youths and a man from a Soweto church manse to Mrs Mandela's home, where they were later assaulted.

Mrs Falati, 37, told the Rand Supreme Court she had made the decision to remove the four for their own protection, after learning that the supervisor of the manse, the Reverend Paul Verryn, was sexually abusing them.

She denied being present during the assaults on the four, saying she had left the four in the custody of Mrs Mandela's bodyguard, Jerry Richardson, who had earlier accompanied her and members of the Mandela Foot-

Political Correspondent

MEDIA coverage of the Winnie Mandela trial was in danger of eroding respect for the law, former Cape Times editor, Mr Tony Heard, said yesterday.

In an address to the Executive Women's Club in the city, Mr Heard said a wide cross-section of the media had been running commentaries on the case which showed scant respect for due process and violated the sub judice rule.

"Beyond the demonstrations and tussles outside the court lies something more subtle and important within: a danger that this cause celebre will go down as a classic example of trial by newspaper.

"That is, erosion of our standards of respect for the law," he said.

He acknowledged that competitive pressures might encourage publications to stray from the rules but he urged his media colleagues to "go easy".



CO-ACCUSED ...  
Mrs Xoliswa Falati

ball Club to fetch the alleged victims from the manse.

An often emotional Mrs Falati said Mrs Mandela, 56 — who was aware of the alleged sexual misconducts at the manse — was not home on the night of the assault, December 29, 1988, and had only returned two days later.

Mrs Falati, who took the witness stand after another co-accused, Mr John Morgan, 61, decided not to testify, said she was shocked when she arrived at the Mandela home on December 30,

1988, and discovered that the four had been assaulted.

Mrs Falati denied that the four were abducted, saying they had "willingly" gone to the Mandela home.

Mrs Falati said she was eager to keep them at Mrs Mandela's home until the allegations of homosexuality had been solved, as Mr Verryn was a "psychologist and would twist their minds" if they returned to the manse.

The trial continues today.

# Co-accused drowsy: Winnie trial delayed

By Cathy Stagg

Star 11/4/91  
The "Winnie Mandela" trial was dramatically postponed yesterday as a result of co-accused Xoliswa Falati taking medication which causes drowsiness and impaired concentration.

This is the second day this week in which no progress has been made in the trial.

Mr Justice M S Stegmann, who is presiding over the trial in the Rand Supreme Court, urged Miss Falati to do everything she could to be ready to go ahead today.

Miss Falati (37), her head wrapped in a grey turban, began complaining of influenza soon after giving evidence on Tuesday, the court heard.

Soon after the trial resumed at 10 am yesterday, counsel Hentie Joubert asked for a postponement until today.

Jan Swanepoel, SC, for the State, objected, saying "flu was not something cured overnight and the trial could not wait for two weeks or however long it

took Miss Falati to recover".

He asked why she had not taken medication as soon as she felt the symptoms coming on and why she had not been to a doctor before coming to court.

The judge suggested that the congested traffic (a reference to the delays caused by the closure of a section of the M1) had made it difficult to arrange an appointment and be at court on time. The judge told Miss Falati to see a doctor and return to court at 2 pm.

## Suffering

When the trial resumed just after 2 pm, Mr Joubert said a doctor had not been able to say Miss Falati could not testify — but she was suffering from a "mild upper respiratory tract infection". Mr Joubert read from a box containing the patent medicine Miss Falati is taking, which referred to possible drowsiness and impaired concentration, and asked for the trial to stand down until today.

Mr Swanepoel did not object, saying there were only two

hours of court time left, anyway.

Hendrick Kruger, who appears for Mrs Mandela's other co-accused, John Morgan (61), had nothing to say and George Bizos, SC, for Mrs Mandela (56) said: "We are anxious to get on with it but these circumstances are beyond our control."

Speaking directly to Miss Falati, the judge urged her to continue taking her medicine and do everything she could to be ready to give evidence today.

Earlier during the trial Mr Bizos said Mrs Mandela would testify in her own defence. She will not take the witness stand until Miss Falati's evidence has been completed. So far, Miss Falati has given her evidence-in-chief and been briefly cross-examined. After cross-examination by the State has been completed, Mr Joubert will lead her in re-examination.

On Monday, John Morgan, another co-accused, was ill and the trial stood down for a day. On Tuesday he chose to close his case without giving evidence.

# More claims of sexual abuse 331 in Winnie trial

By EMMA GILBEY 12/4-18/4/91  
Winnipeg

THE kidnapping and assault trial of Winnie Mandela and two others resumed this week, with allegations of sexual misconduct in the Methodist church manse of Paul Verryn.

Xoliswa Falati, testifying in her own defence, recounted a disturbing series of events leading up to the alleged kidnapping and assault of Kenneth Kgase, Thabiso Mono, Pelo Mkgwe and Stompie Seipei.

Youths, she charged, were raped by Reverend Verryn or consented to have sexual intercourse with him; some of the "children", as she described them, sexually abused each other.

Some, she claimed, openly acknowledged to her that sexual relations with Verryn were common practice, and Kgase laughingly told Mandela United soccer coach Jerry Richardson that Verryn had touched him all over his body — an admission, Falati told the court, which caused Richardson to grab Kgase and shake him.

As Falati continued her testimony under cross-examination from state advocate Jan Swane-poel, more and more names of those allegedly assaulted by Verryn came out.

All four of those allegedly abducted from the manse, she said, admitted to having had homosexual relations of one kind or another. Kgase, she claimed, had not only been touched all over his body, he had slept with Verryn, and so had Mono and Mkgwe. She alleged that both Mono and Mkgwe, with another youth, had spent a night caressing Stompie; and that afterwards, Stompie slept with a knife for self-protection.

However, it emerged during the course of cross-examination that Mandela had stated in a bail application that it was Katiza Cebekulu who had caressed Stompie. In that statement, Falati said she had scolded Cebekulu for this.

Falati described herself as a kindly, concerned type of housemother. She looked after the boys throughout this period, she said; sometimes she would give them money. She cleaned the house and she cooked.

Eventually, she said, she was so disturbed by what happened in the manse — specifically by what she alleged to be the rape of Cebekulu by Verryn — that she went to see Mandela about it.

"She is a social worker as well as a community leader," said Falati, explaining her decision to get Mandela involved.

"How is this reverend still doing these things?" Falati said was Mandela's reaction when she told her of the alleged rape.

Falati said that she and Mandela took Cebekulu to see Dr Abu-Baker Asvat (murdered in his office not long afterwards, in January 1989). Asvat examined the youth, she claimed, and afterwards said Verryn was "mentally sick" and needed to be treated.

Falati said she decided to take Kgase, Mono, Mkgwe and Stompie to Mandela's house to be looked after "so that this issue of Paul Verryn sleeping with young kids could be attended to".

However Mandela left the house, Falati said, during the course of the conversation with Richardson. She did not return that day.

Falati said she requested that the four youths accompany her to Mandela's house, where Richardson questioned them in her presence. She did not assault them, she said. Her testimony continues.

● In other developments this week, co-accused John Morgan refused to take the stand and testify in his own defence. A statement he gave to police at the time of his arrest can be used as a basis for questioning Falati and Mandela. His statement places both of them at the scene of the assault and implicates them in the beatings.

The long-awaited time for Mandela to appear on the witness stand is drawing closer. She should testify early next week.

# New sex claims in Winnie trial

By Cathy Stagg (321)

Xoliswa Falati, one of Winnie Mandela's co-accused, yesterday made several new allegations that Methodist minister the Rev Paul Verryn sexually abused young men staying under his protection at the Orlando West manse.

Miss Falati (37), Mrs Mandela (56) and Mrs Mandela's driver, John Morgan (61), are appearing before Mr Justice Stegmann in the Rand Supreme Court. All have pleaded not guilty to kidnapping four young men from the manse on December 29 1988 and seriously assaulting them.

Miss Falati was again under cross-examination by Jan Swanepoel, SC, for the State, yesterday.

Repeatedly speaking sharply to Miss Falati, he put it to her that many of the things she had said under cross-examination had never been said in court before, and that her advocate had not put these allegations to State witnesses.

Among the allegations was that Mr Verryn had sex, as opposed to sharing a bed in the overcrowded manse, with Kenneth Kgase, Thabiso Mono and Pello Mekgwe.

Both Mr Kgase (31) and Mr Mono (22) gave evidence for the State. Mr Mekgwe was expected to do so, but went missing at the beginning of the trial.

Miss Falati had said she discovered that the three complainants were Mr Verryn's "victims" and she took them to Mrs Mandela's Diepkloof home so that "this issue could be resolved with the leader" (Mrs Mandela) and churchmen.

Mrs Mandela was apparently at home on December 29 1988, but left before Miss Falati could tell her about her plan to remove the boys from the manse.

## Feared

Mr Verryn was spending the Christmas holidays in Pretoria, the court heard earlier, but Miss Falati feared that, because he was a psychologist as well as a minister, he could "twist" the minds of his "victims" if he should telephone the manse.

Miss Falati referred to a telephone call which Aubrey Nxumalo, who also lived at the manse, had had with a woman from Port Elizabeth.

The interpreter, who frequently had difficulty coping with Miss Falati's rapid, lengthy sentences, then misunderstood what was said.

He told the court the woman

caller said she had heard Mr Verryn was due to be married and should instead be marrying her daughter, whom he had allegedly made pregnant.

"No," Miss Falati interjected.

There was a discussion in Xhosa, then the interpreter apologised to the judge and said the woman caller had said Mr Verryn should marry her son because the minister had turned him (the son) into a "wife".

As laughter broke out in the public gallery, Mr Justice Stegmann warned that the trial was not "an entertainment".

Mr Swanepoel said: "So this is a further bit of defamation of Paul Verryn that you mention only now?"

Miss Falati replied that she had mentioned it previously to her lawyers, to whom she had told "the whole story".

Mr Swanepoel reminded Miss Falati that the question she had been asked was why, if Aubrey Nxumalo had also confessed to having sex with Mr Verryn, he had not also been taken to Mrs Mandela's house.

Miss Falati said she found out about it only after she returned on the evening of December 29.

Asked why Mr Nxumalo had not been taken to the Diepkloof house the next day, Miss Falati gave a long reply. Mr Swanepoel, who had repeatedly asked

her not to make speeches, said he would suggest three short answers and she could choose one.

"Was it because you did not think it was necessary, because you had forgiven him or because there was no accommodation in Jerry Richardson's room?" he asked. Miss Falati said forgiveness was not a factor and began a lengthy explanation of why not, when Mr Swanepoel said it was not necessary to elaborate.

## Forgets

When Mr Swanepoel put it to Miss Falati that her evidence contained contradictions, she said on at least five occasions: "A speech is not the same as a song."

The judge asked for clarification and she said: "It does happen that a person forgets to mention important things, unlike in music where one note follows the other."

Mr Swanepoel said her evidence-in-chief given two days ago was not the same as she had said under cross-examination.

During her evidence-in-chief, Miss Falati said that Katiza Cebekulu, who was due to stand trial with the other accused but failed to appear, had been the

victim of three rape attempts by Mr Verryn. During cross-examination she claimed it was not three attempts but three actual rapes.

She said Katiza told her penetration had taken place.

She said Stompie Seipei (14) was taken to Mrs Mandela's house because Mr Mono and Mr Mekgwe had "brushed his thighs and buttocks". She said she had heard him scream one night, and the next morning he told her that this was the reason.

The transcript of evidence given during her bail application in May 1988 was read out.

On that occasion she had said she got up to investigate when she heard the scream (and had not discussed it with Stompie in the kitchen the next morning) and that it was Katiza (Mr Cebekulu) who had caressed Stompie and not Mr Mono. Mr Mekgwe and an unnamed third young man, as she now told the court.

It was then put to her she had said "Katiza" twice, so could not have intended to say Mr Mono, Mr Mekgwe and the other young man.

She challenged the accuracy of the transcript and Mr Swanepoel said he would not continue this line of questioning until the tape was played to the court.

The trial continues today.

# Minister slept with boys, court is told

THREE boys who were taken from a Methodist Church manse to Mrs Winnie Mandela's house had agreed that a minister was "sleeping with all the boys", the Rand Supreme court heard yesterday.

Miss Xoliswa Falati, under cross-examination by State-prosecutor Mr Jan Swanepoel, told the court that once one of the boys at the manse, Katiza

Cebekulu, had come out and said he had been raped by the Rev Paul Verryn, the other boys "were free" to admit their experiences.

Falati said when Kenneth Kgase was questioned in Verryn's study by Jerry Richardson - former Mandela United football team coach - he admitted to having had sex with Verryn.

Barend Mono and Pelo Megkwe had then both agreed that Verryn was

sleeping with the boys at the manse.

Asked by Swanepoel as to why she had not told the court earlier of Kgase's admission to having had sex with Verryn, Falati replied: "I did say it. I hadn't finished. I was interrupted."

Swanepoel said at no stage was she interrupted. "Maybe I forgot it," she replied.

Falati said Cebekulu had explained his rape experience, saying Verryn

had inserted his penis in his anus.

Falati also told the court that Stompie Seipei had told her that two boys, Mono and Megkwe had one night moved their private parts on his buttocks and fondled his thighs.

"Why did you not mention this before?" Swanepoel asked.

"There are many things I've forgotten. This case is three years old," Falati replied.

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Sowetan 12/4/91

# Nofemela testifies about Vlakplaas

By CARMEL RICKARD: Durban 12/4-18/4/91  
DEATH row prisoner, Butana Almond Nofemela (32), whose allegations about police hit squads helped uncover the Civil Co-operation Bureau, has appeared in the Piet Retief inquest court.

Brought in leg irons from Pretoria Central under very tight security, he testified this week about operations at Vlakplaas secret police base outside Pretoria.

Former security policeman Nofemela has been sentenced to death for the murder of a Brits farmer. He was granted a stay of execution in October 1989.

Nofemela was testifying during the continuing inquest into the death of Durban man Surendra "Lenny" Naidoo and three Durban women, Makhosi Nyoka, Lindiwe Mthembu and June-Rose Cothoza, on June 8 1988.

All four were crossing into South Africa from Swaziland when the vehicle in which they were travelling was shot at by police under the command of Vlakplaas Major Eugene de Kock.

The evidence of De Kock is that the police believed the people in the vehicle were trained members of the African National Congress. The court has been told the group was met on the Swazi border by a police officer who posed as an ANC driver, and who was acting on orders from De Kock.

Not far from Piet Retief, the police had parked a police vehicle at the side of the road. The police driver allegedly stopped the car at the "road

block" and ran away. (331)

De Kock said when the police approached Naidoo's vehicle and ordered the occupants to get out, Naidoo fired at the police from inside the car. Police claimed they opened fire in defence, and killed all four occupants.

Lawyers acting for the families have disputed this version, claiming De Kock and the police with him intended to kill all those in the vehicle. They say De Kock had no intention of arresting the four and that they laid an ambush for the four, opening fire without justification.

Nofemela was brought from Pretoria to give evidence on an earlier statement he made about De Kock and the operation of his secret unit stationed at Vlakplaas.

Nofemela gave details of the operation at Vlakplaas and what his duties there had been.

He said while he was stationed at Vlakplaas he had met the then-Captain Dirk Coetzee whose evidence about police hit squads was also responsible for uncovering the CCB.

Nofemela also claimed he knew De Kock as a police officer who "specialised in destruction" and who was involved in, among other activities, stealing motor vehicles and kidnapping. Nofemela said De Kock did not believe in arresting suspects; he preferred to kill targets and then plant weapons on their bodies.

He also claimed there was no check on the movement of firearms at Vlakplaas and that weapons were issued and used without proper authorisation.

# Witness 'tried to protect comrade Verryn'

Star 13/4/91

331

CATHY STAGG

THE reason Xoliswa Falati went to Winnie Mandela to report alleged homosexual practices at the Orlando West Methodist manse was that Miss Falati was aware of the contribution that the Reverend Paul Verryn had made "to the struggle", the Rand Supreme Court heard yesterday.

Miss Falati (37), Mrs Mandela (56) and John Morgan (61) have pleaded not guilty to kidnapping four youths from the manse on December 29 1988 and seriously assaulting them later that night.

## 'Traumatised'

Miss Falati said Mr Verryn was a "comrade"; he counselled detainees, and that was why she did not go to the police.

Instead, Miss Falati said, she took Katiza Cebekulu, who was "traumatised" and threatening to kill Mr Verryn, to see Mrs Mandela, a social worker and a recognised community leader.

Later Miss Falati said she was concerned about an alleged homosexual rape of Mr Cebekulu by Mr Verryn and that was why she went to "the leader" (Mrs Mandela).

She and Mrs Mandela took Mr Cebekulu to Dr

Abu-Baker Asvat (who was later murdered).

Miss Falati said she intended that Mrs Mandela and Dr Asvat should arrange a meeting with various churchmen at which Miss Falati would explain "the Paul Verryn issue".

But instead, Miss Falati told the court, a meeting was held and not only was she not called, the existence of the meeting was kept from her.

In previous evidence, Bishop Peter Storey testified that a public meeting was held and he asked for the allegations against Mr Verryn to be aired. At the end of the meeting the community leaders, churchmen and members of the public unanimously cleared Mr Verryn of any sexual misconduct.

Asked why she claims she did not tell Mrs Mandela about four other young men she had allegedly discovered had become involved in homosexuality at the manse, Miss Falati said it had "slipped her mind".

She disagreed with Mrs Mandela's plea explanation, handed in at the start of the trial, that she had already told Mrs Mandela about Kenneth Kgase, Thabiso Mono, Pello Mkgwe and Stompie Seipei's alleged involvement.

Mr Kgase (31) and Mr Mono (22) were both State witnesses. Mr Mkgwe (22) disappeared shortly after the start of the trial and has not been heard of since. In August last year, former Mandela United coach Jerry Richardson was sentenced to death for the murder of Stompie Seipei (14). Stompie's body was found in January 1989.

## Kidnap denied

Miss Falati denied that Mr Kgase, Mr Mono, Mr Mkgwe and Stompie were kidnapped from the manse.

She said that after she and Mrs Mandela returned from Dr Asvat's rooms, she decided the young men

should be removed from the manse for their own protection but when she went inside to discuss this with Mrs Mandela, she discovered Mrs Mandela had left.

She and Katiza went with Richardson, "Moss" and "Slash" in Mrs Mandela's bus, driven by Mr Morgan, to collect the four young men.

She denied that the object of taking the young men to Mrs Mandela's house was for Richardson to question them. She said she had asked Richardson, who lived in a back room on the property, to keep them there until the arrival of "the leader" (Mrs Mandela) and Mr Verryn. The court had heard Mr Verryn had gone to Pretoria for Christmas.

Asked if a further reason was to punish them, Miss Falati replied: "No, why would these children be punished when they were victims?"

She denied that the reason Stompie was taken to Mrs Mandela's house was

the allegation that he was a sell-out. She said that issue was over and Stompie was there to explain how Mr Mono and Mr Mkgwe had sexually abused Stompie.

"If that was so why was Stompie so viciously assaulted?" Mr Swannepoel asked.

"It amazes me as well," Miss Falati replied.

## Black eye

She said Richardson shook Mr Kgase in her presence and the next day she saw Mr Kgase had a black eye but she was unaware of any other assaults.

She denied seeing that Stompie's head was swollen or that anyone had injuries other than Mr Kgase.

Mr Swannepoel put it to her that the evidence was that the four young men were brutally assaulted and it was obviously a lie that she did not notice their injuries. She denied it.

The trial continues on Monday.

## Civic Spine gets public back-up

MOST respondents to **Speak Out** last night felt that the Civic Spine was an improvement to the Johannesburg city centre. A few dissenting voices

**THE TOPIC**  
JOHANNESBURG'S  
Civic Spine project  
has just been completed. The many

Speak  
Out!  
ON



trance from Market Street anymore. Whose crazy idea was it to put a fountain in the middle of Rissik Street like that?

**Larry Woolfson, Or-**

returned.

# Nofemela in court again

By DERRICK LUTHAYI

(33)

CONDEMNED killer Butana Almond Nofemela, who exposed the existence of police hit squads, was brought from Death Row this week to confirm allegations he made in an affidavit handed in at the inquest of four ANC members killed in an ambush in 1988.

The affidavit was handed to the court this week by advocates Marumo Moerane and Zak Yacoob, who represent the families of the dead.

In the document Nofemela said the policeman in charge of the ambush was Major Eugene de Kock, successor to

Captain Dirk Coetzee as leader of Section C1 at Vlakplaas - which Coetzee and Nofemela alleged was a police hit squad.

The affidavit said De Kock had sent a car driven by a policeman posing as an ANC cadre to transport Surenda "Lenny" Naidoo, 23, Notsikelelo June-Rose Cotoza, 25, Makhosi Nyoka, 25, and Lindiwe Mthembu, 21, from the Swaziland border on June 8, 1988.

He said the car was driven into an ambush. The driver escaped, but the four passengers were shot dead.

This evidence has already been given in hearings at the Piet Retief Magis-

trate's Court. Inquest magistrate H Wilkens decided to call the condemned killer, who gave evidence at the Harms Commission, to confirm his allegations in the affidavit.

It was also to give Gideon Lotz, SC, for the Minister of Law and Order and the police, an opportunity to cross-examine Nofemela.

Nofemela told the court he had served under De Kock until September 1986.

"During my time at Vlakplaas, Major de Kock gave instructions for acts of kidnapping, killing and stealing of cars to be carried out by members of his squad. My impression of him is that he is a man who specialised in destruction."

In cross-examination Lotz accused Nofemela of distorting evidence to try to save himself from the gallows and said Nofemela wanted to get back at De Kock. Nofemela denied this.

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# Winnie Mandela set to take the witness stand this week

By DAWN BARKHUIZEN

WINNIE MANDELA is expected to take the stand in the Rand Supreme Court this week.

Accused No 8 is scheduled to give evidence in her own defence after cross-examination of her co-accused, Xoliswa Falati, is completed.

The trial enters its seventh week tomorrow.

Delays caused by illness and protracted testimony from Mrs Falati turned the first week of the defence case into a laborious affair.

So lengthy and convoluted were some of her responses that the normally calm state prosecutor, Jan Swanepoel, more than once yelled across Court 4E that she should stop making speeches and answer the questions.

## Disrupted

And when Mrs Falati launched into a description of the style and pattern of the dress she was wearing on the night four youths were allegedly abducted from the Methodist manse in Orlando West, the urbane Mr Justice Michael Stegman interjected, urging her to apply herself to the questions at hand.

ANC deputy president Nelson Mandela, who made brief appearances at the Rand Supreme Court twice this week, was spotted at times with his eyes closed and head tilted back in the public gallery.

On Wednesday, proceedings were disrupted for a day when Mrs Falati, wrapped in a fur coat and clutching a toilet roll in a plastic bag, told the court she could not continue testifying as she was taking Dristan for a mild respiratory infection, and the pills made her drowsy.

Two days earlier, the hearing was also brought to a halt when accused No 2, John Morgan, said he was ill.

Mrs Falati, a minor activist from the East Rand, has been catapulted into the limelight as a result of her involvement



ACCUSED... Winnie leaves the Rand Supreme Court with defence advocate George Bizos, SC

in the alleged events at the manse and at Mrs Mandela's Soweto home on the night of December 29 1988.

She is charged, together with Mrs Mandela and Mr Morgan, with kidnapping four youths from the manse and grievously assaulting them in the back rooms of Mrs Mandela's house.

Mrs Falati has denied the charges, saying the youths left the manse with

her voluntarily after she heard that the minister in charge, the Reverend Paul Verryn, had raped one of the runaway youths staying there.

Earlier incidents led her to the conclusion that homosexual abuse was rife at the manse and that the runaway youths living there were starting to practise it among themselves, she said.

During cross-question-

ing, she elaborated on the extent of these activities and the court heard for the first time allegations that sex had occurred.

Mrs Falati said she saw herself as the manse mother and had acted in the best interests of the boys involved. She had been determined that the white minister would answer for his actions and she wanted to raise the matter with Mrs Mandela and church leaders.

## Lying

Mr Swanepoel suggested Mrs Falati was lying. If this had been her true intention, she would have taken them straight to a minister or to a police station instead of to Mrs Mandela's house, he said.

Mrs Falati said she had not done so because it was dark, and she would not go to the police without consulting "members of the struggle" as a state of emergency had been in force.

# I saved Verryn's life - accused

By DESMOND BLOW

KIDNAP trial accused Xoliswa Falati told the Rand Supreme Court this week that she had wanted to protect the life of Rev Paul Verryn - even though she believed he had sexually abused youths in his care.

Falati, 36, has been charged with Winnie Mandela, 56, and her driver John Morgan, 61, with kidnapping and assault.

She said Katiza Cebekhulu, one of the youths alleged to have been sexually abused by the Methodist minister, had threatened to kill Verryn with a vegetable knife.

"Because of me Verryn is alive today," she told Judge MS Stegmann while under cross-examination on Friday. *14/1/91*

State Advocate Jan Swanepoel SC, accused Falati of lying about Verryn's alleged homosexual indiscretions.

Falati replied that Katiza was "mentally disturbed" after the alleged abuse by Verryn and kept crying. She had taken him to see Mandela because she was a social worker.

Katiza was earlier also charged with kidnapping and assaulting Stompie Seipei and three others at the home of Mandela on December 29, 1988, but skipped bail and left the country with another three co-accused last December.

Mandela's former bodyguard, Jerry Rich-

ardson, was sentenced to death last year for murdering Stompie, whose body was found a few days after the alleged kidnapping.

Falati said earlier that she had not gone to the police with the complaints of sexual abuse, because Verryn was a "comrade" and had helped emergency detainees.

She had hoped Mandela would call ministers of the church together to solve the problem. Falati later pressed charges against Verryn after Soweto community leaders cleared him of the homosexual allegations.

She admitted arranging with Richardson to have Stompie and the three complainants - Thabiso Mono, Pela Mekgwe and Kenneth Kgase - removed from the manse to Mandela's house in Diepkloof, Soweto.

Falati, however, denied being party to a sjambok assault on the four at Mandela's house, saying she left soon after delivering the four because Mandela was not home.

Evidence submitted by the complainants is that Mandela and Falati were present and participated in the sjambok assault, apparently inflicted because they refused to admit homosexual involvement with Verryn.

A statement by Mandela was read in court in which she said she had been approached by Falati who had told her she was looking after boys at the Methodist manse in Orlando West and that Verryn was sexually abusing

some of them. The statement said some of the youths were following Verryn's example and were practising homosexuality while one, Katiza, had become mentally disturbed as a result. Falati had told her Verryn was away and she wanted Mandela's help.

"I suggested she bring Katiza to me and I had him examined by Dr Asvat on December 29, 1988," it said.

In the statement Mandela said she left for Brandfort in the Free State on December 29 and returned on December 31 to find Stompie, Kenneth Kgase, Thabiso Mono and Pelo Mekgwe living with members of the Mandela Football Club in her back rooms.

During cross-examination there were frequent clashes between Swanepoel and Falati because of her apparent evasive and long-drawn out answers. The judge once intervened, telling Falati to answer the questions and not to make a speech.

ANC deputy president Nelson Mandela arrived midway through the morning session on Thursday, his first appearance at his wife's trial for several days.

The gallery was sparsely filled and two women visitors from the US and Britain seized his hand when the court adjourned for lunch. "They'll never believe me back home when I tell them I shook Mandela's hand," the thrilled American said.

## Accused admits ignoring publicity over Stompie<sup>33</sup>

WINNIE Mandela's co-accused, Xoliswa Falati, yesterday admitted not reporting details of the whereabouts of teenager Stompie Seipei to police despite widespread publicity about his disappearance and possible murder.

Falati was testifying in the Rand Supreme Court trial in which she, Mandela and John Morgan have pleaded not guilty to charges of kidnap and assault.

The charges arise from the alleged abduction of Seipei and three men from the Orlando West Methodist Church manse on December 29, 1988.

Evidence is that the four alleged victims were taken by Falati and others to Mandela's house in Diepkloof, Soweto where they were whipped with sjamboks, allegedly because they refused to admit homosexual involvement with a white Methodist priest.

Seipei's body was found on January 7 1989.

Mrs Mandela's former bodyguard and Mandela Football Club coach Jerry Richardson was convicted and sentenced to death last year for the murder.

Falati, who said she left Seipei and the others in Richardson's care at the Mandela house, told the court yesterday she was aware of newspaper reports in January claiming that Stompie had possibly been murdered.

Asked by State advocate Jan Swanepoel why she did not report her knowledge of the youth's whereabouts to the police, Falati replied that she had not believed the newspaper stories.

Questioned about her apparent lack of concern for Seipei and the three men, despite her discovery that one of them, Kenneth Kgase, had been assaulted by Richardson, Falati replied Kgase's injured eye "was not serious and was healing fast". The hearing continues. — Sapa.

Star 16/4/91

## Accused withdraw bail pleas

Three rightwingers, allegedly responsible for Pretoria's Blood Street explosion and a package bomb in Durban last year, yesterday withdrew their bail applications in the Pretoria Magistrate's Court.

Magistrate M Kilian

transferred the case to the Supreme Court for trial on May 27. (331)

Adrian Hendrickus Maritz (43), Henry Guy Martin (49) and Lodewyk Grobler van Schalkwyk (53) are to remain in the Pretoria Central Prison.

— Sapa.

# Youths not assaulted, court told

*Sowetan 16/4/91*

FOR two days following the alleged assault on four youths at Mrs Winnie Mandela's house, the boys showed no signs of pain or unhappiness, the Rand Supreme court heard yesterday.

Miss Xoliswa Falati, a co-accused in the trial,

said yesterday she knew nothing of any assault.

She had only seen Kenny (Kenneth Kgase) had a black eye on December 31 1988 when she visited Mandela's home.

Falati said she had scolded Jerry Richardson - who has been sentenced to death for the murder of Stompie Seipei - for assaulting Kgase at the house.

"I told him it would get him into trouble because the Rev Paul Ver-rin would find a loophole," she said.

Falati said that after the incident at Mandela's house and following the disappearance of Stompie, Mandela had not expressed concern over Stompie's whereabouts.

Shortly afterwards, Stompie's body was found by police in a veld near Soweto.

Mandela (56), Mr John Morgan (61) and Falati (36) have pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

(Proceeding).

*Sowetan Correspondent.*

Handwritten: *Wend* (circled) *351* (circled)



AT COURT  
Mrs Winnie Mandela

# Falati 'didn't believe Stompie was dead'

Own Correspondent

JOHANNESBURG. — A co-accused in Mrs Winnie Mandela's trial yesterday said she did not believe a 14-year-old boy, who had been taken to Mrs Mandela's home in December 1988, had been murdered until she saw photos of his body.

Mrs Xoliswa Falati, 37, told the Rand Supreme Court that, despite widespread publicity surrounding the disappearance and possible murder of Stompie Moeketsi Seipei, she had not provided police with information because she did not believe the media reports.

Last Tuesday Mrs Falati told the court that on December 29, 1988, she had suggested the removal of Stompie and three other people from a Soweto church manse to Mrs Mandela's home.

Mrs Falati said she had made the decision to remove the four for their own protection after learning that they were being sexually abused by the

supervisor of the manse, the Reverend Paul Verryn.

The four were later assaulted at Mrs Mandela's home before Stompie, who was accused of being a police informer, was murdered by Mrs Mandela's bodyguard, Jerry Richardson.

Stompie's body was found on January 7, 1989 in an open lot in Soweto with his throat cut, and was only identified by police a month later.

Richardson was convicted in August last year of Stompie's murder and sentenced to death.

Both Mrs Mandela, 56, and Mrs Falati have denied being present during the assault and, together with co-accused, Mr John Morgan, 61, have pleaded not guilty to four counts each of kidnapping and assault arising from the December abduction.

When asked by state advocate Mr Jan Swanepoel, SC, whether she suspected that Stompie was a police informer, Mrs Falati said she initially believed he was, but later changed her mind.

She agreed with Mr Swanepoel that it was a serious allegation to label someone as a police informer, and added that the black community would try to "with

beck" an informer with "love and comradeship".

During her cross-examination Mrs Falati contradicted evidence she gave during Richardson's trial concerning her movements on the night of the assault.

Mrs Falati told the court she had caught a taxi home after removing the four from the manse on December 29 and leaving them with Richardson at Mrs Mandela's home.

During Richardson's trial she gave evidence that a driver had taken her home.

She also repeated her allegation that the Mandela's lawyer, Mr Ismail Ayob, had tried to cover up the homosexual activities of Mr Verryn because he was a member of the South African Council of Churches. The trial continues today.

# Winnie 'furious' at kidnap allegations

8/Day 17/4/91

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SUSAN RUSSELL

WINNIE Mandela told the Rand Supreme Court yesterday she had been "outraged" when told that "serious allegations" had been made of her involvement in the kidnapping and assault of children.

Mandela, who gave evidence for the first time yesterday, said she was told of the allegations by members of a crisis committee in the second week of January 1989.

"I was outraged," she said. "I was furious. I told them I knew nothing about the allegations."

She said she was "even more furious" when the committee members refused to reveal the source of their information.

Mandela, 57, Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping Kenneth Kgase, 31, Gabriel Mekgwe, 21, Barend Thabiso Mono, 22, and Stompie Seipei, 14, from the Methodist manse in Orlando West and assaulting them at the Mandela home in Diepkloof Extension.

The defence maintains the four were taken to the Mandela house by Xoliswa Falati, who put them in the care of Mandela United coach Jerry Richardson following complaints that Methodist minister Paul Verryn was sexually abusing youths living in his house.

Mandela also said she was in Brandfort at the time of the alleged kidnap.

Mandela's defence counsel, George Bizos SC, intends calling three journalists

of The Star and the correspondent of the London Sunday Telegraph, Peter Taylor, to give evidence which he said would show inconsistencies in Kgase's evidence.

Mandela told the court she first received a complaint about Verryn when a youth told her in June 1987 the minister had made sexual advances towards him.

She said the youth had told her the incident had occurred in Verryn's bed and that he had cried and was "disturbed".

The youth, she said, came to her a second time in September 1988 with a similar complaint against Verryn.

Mandela also said Falati had told her on December 29, 1988, that another youth living at the manse, Katiza Cebekhulu, claimed he had been raped by Verryn.

After Falati brought Cebekhulu to see her, Mandela said, she took the youth to see a doctor, who assured them penetration had not occurred.

Mandela said she had left for Brandfort after the visit to the doctor, at about 6.30pm, and returned in the early evening on December 31.

She also denied that the Mandela United Football Club had been her bodyguard.

She said the club was formed by youths living in rooms behind her house and in the neighbourhood during the state of emergency and education crisis of 1985-88.

The youths told her they intended forming a Mandela United Football Club.



Winnie Mandela leaves the Rand Supreme Court yesterday after her first day of testimony. She is accompanied by ANC Women's League regional executive member Joan Fubbs.

Picture: ROBERT BOTHA

# Winnie tells of her 'outrage'

By Cathy Stagg

331

Star 17/4/91

Winnie Mandela told the Rand Supreme Court yesterday that she knew nothing about an alleged kidnap of four youths from the Orlando West Methodist manse, did not assault the four and was "furious" and "outraged" when members of the Crisis Committee told her that it was rumoured she had been involved.

Mrs Mandela (56), Xoliswa Falati (37), and John Morgan (61) have all pleaded not guilty to a total of eight counts.

George Bizos, SC, who

leads Mrs Mandela's legal team, said in his opening address yesterday that:

● Thabo Motau will testify that he drove Mrs Mandela to Brandfort on December 29 1988 — the day of the alleged crimes — and brought her back to her Diepkloof home on December 31.

● Nora Moahloli, a teacher, will testify that Mrs Mandela stayed at her Brandfort home on the nights of December 29-30 and 30-31 1988, visited welfare projects and attended a meeting while in Brandfort.

● If necessary, people who attended the meeting would

be called on to testify.

Mr Bizos said musician Sipho "Hotstix" Mabusa, whom Mrs Mandela described as a personal friend, would be called to contradict State witness Kenny Kgase's evidence that she had said the boys who lived at the back of her property had "educated" him (Mr Kgase) by giving him a black eye.

Mr Bizos also told Mr Justice M S Stegmann that three journalists from The Star — Pat Devereaux, John Hildyard and Nomavenda Mathiane — had been subpoenaed to give evidence and produce documents to prove

● To Page 2 ■

# Winnie tells of 'outrage' at rumours

● From Page 1

previous inconsistent statements by Mr Kgase.

And Peter Taylor of The Daily Telegraph had also been subpoenaed to prove how much Mr Kgase was paid for a story published in that newspaper and under what circumstances it had been written.

Three youths will be called to testify about alleged sexual abuse by Methodist minister, the Rev Paul Verryn, Mr Bizos said.

The court had previously heard much evidence on this topic and the judge asked if it was necessary to hear any more. Mr Bizos said it was important to show Mrs Mandela believed the allegations and the only way to show her state of mind was to prove that the allegations were in fact true.

Mr Bizos said the State had chosen to lead the evidence of Bishop Peter Storey (Mr Verryn's superior) that the allegation of sexual abuse were vexatious and without evidence to support them — and the defence could not leave the matter there.

Mrs Mandela, immaculately dressed in a cream suit, testified in English. Referring to the allegations of sexual abuse at the manse, Mrs Mandela testified that a 13-year-old boy came to her in 1987 and again in 1988 with an allegation of sexual harassment by Mr Verryn.

That was why she was not surprised when Miss Falati arrived at her home on December 29 1988 claiming a youth had been raped by the minister. Mrs Mandela took the youth to a doctor, then left for Brandfort.

When she returned on New Year's Eve, she was tired from the journey and had flu, Mrs Mandela said, so she paid scant attention to Miss Falati who told her that she (Miss Falati) had brought another four youths to the house.

Mrs Mandela said there were always youths coming and going and she was unconcerned by the presence of the four.

Mr Justice Stegmann said he would think about some of the evidence Mr Bizos proposed leading because it may be "going rather wide".

The trial continues today.

17 death sentences commuted

# 'Wit Wolf', ANC bomber reprieved

Star 17/4/91 (331) 1992  
By Peter Fabricius  
Political Correspondent

Condemned ANC bomber Robert McBride and "Wit Wolf" Barend Strydom have had their death sentences commuted to life-long imprisonment.

President de Klerk's decision to reprieve the country's two best known Death-Row prisoners was announced by Justice Minister Kobié Coetsee last night.

They were among 17 condemned men whose sentences were commuted to prison terms ranging from 20 years to life.

Thirteen of them were on Death Row for "necklace" murders. Two of their victims were policemen.

The remaining two had been condemned respectively for rape and non-political murder.

Mr Coetsee stressed that the life sentences imposed on McBride and Strydom literally meant that they would remain in prison for the rest of their natural lives — unless special circumstances arose.

McBride was sentenced to death in Maritzburg on April 4 1987 for detonating a car bomb which killed three women in the crowded Magoo's Bar on Durban's beachfront on June 14 1986.

## Shooting spree

Strydom was sentenced to death in Pretoria on May 25 1989 for shooting a black squatter on November 11 1988 and then killing seven more blacks in a shooting spree on Pretoria's Strijdom Square on November 15 1988.

Mr Coetsee said that McBride, Strydom and another 10 of the 17 had applied for release according to the new procedures for releasing political prisoners.

But President de Klerk had decided not to grant any of them special remission of sen-

However, those prisoners who felt that they qualified for release or indemnification from political offences could apply to one of the committees set up to advise the State President last year.

Mr Coetsee said the 17 death sentences had been commuted on advice from the Panel for the Reconsideration of Condemned Persons established last year as part of the State's death sentence reform policy.

The panel's task was to reconsider existing death sentences according to new sentencing criteria whereby the death sentence was no longer mandatory and the right of appeal became automatic.

Mr Coetsee said the panel, under acting Appeal Court Judge Mr Justice G. Viljoen, had advised him on April 2 that it did not think the 17 would have been condemned under the new criteria.

According to the new procedure, the 17 cases were forwarded to President de Klerk for possible reprieve.

He had decided in consultation with the Cabinet to follow the panel's advice.

Other cases of condemned prisoners who the panel thought would have been given the death sentence even under the new criteria, had been referred to the Appeal Court for consideration.

Strydom's wife, Karen, said last night she was surprised that his death sentence had been commuted to life imprisonment.

However, she said, the family still demanded his release from prison as they considered him a political prisoner.

When visiting him at Pretoria Central Prison yesterday, he had not given any indication that he might have known about the decision.

They spoke "of ordinary

# 'Wit Wolf' 331 ANC bomber reprieved star 17/4/91

● From Page 1

things", she said.

Mrs Strydom added that this legal decision "was a step in the right direction".

McBride's wife last night welcomed the commuting of her husband's death sentence to life imprisonment.

Paula MacBride, a spokesman for Lawyers for Human Rights, said: "Obviously I'm delighted, particularly as it paves the way for his release."

## Sentences

Apart from McBride and Strydom, the other 15 men reprieved — and their new prison sentences — are:

S M T Dayimani — 20 years,  
R Farland and P Dlabathi — 25 years, G Gzekwa — 30 years,  
V P Jacobs — 25 years, M Lucas — 20 years, P Maginda, D Majola and D Madikane — life, O J Mbonane and S S Masuku — 30 years, D Meyers (rape) — life, M Ngqandu — 25 years, A Zeyo — 20 years, M S Mposulu (non-political murder) — 25 years.

Except where otherwise stated, all were condemned for neck-lace murders.



# Knew nothing about kidnap, says Winnie

The Argus Correspondent

JOHANNESBURG. — Winnie Mandela told the Rand Supreme Court that she knew nothing about an alleged kidnap of four youths from the Orlando West Methodist manse, did not assault the four and was "furious" and "outraged" when she was told there were rumours of her involvement.

Mrs Mandela, 56, Miss Xoliswa Falati, 37, and Mr John Morgan, 61, have pleaded not guilty to a total of eight counts.

Mr George Bizos, SC, who leads Mrs Mandela's legal team, said in his opening address yesterday that:

● Mr Thabo Motau will testify that he drove Mrs Mandela to Brandfort on December 29 1988 — the day of the alleged crimes — and brought her back to her Diepkloof home on December 31.

● Miss Nora Moahloli, a teacher, will testify that Mrs Mandela stayed at her Brandfort home on the nights of December 29 to 30 and 30 to 31 (1988), visited welfare projects and attended a meeting while in Brandfort.

● If necessary, people who attended the meeting would be called to testify.

Mr Bizos said well known musician Sipho "Hotsticks" Mabusa, who Mrs Mandela described as a personal friend, will be called to contradict state witness Mr Kenny Kgase's evidence that she had said the boys who lived at the back of her property had "educated" Mr Kgase by giving him a black eye.

Mr Bizos also told Mr Justice MS Stegmann that three journalists had been subpoenaed to give evidence to prove previous inconsistent statements by Mr Kgase.

A journalist on the Daily Telegraph had also been subpoenaed to prove how much Mr Kgase was paid for a story published in the Sunday Telegraph and under what circumstances it was written.

Three youths will be called to testify about alleged sexual abuse by Methodist minister the Rev Paul Verryn, Mr Bizos said.

## Smartly dressed

Mrs Mandela, immaculately dressed in a cream suit, testified that a 13-year-old boy came to her in 1987 and in 1988 with an allegation of sexual harassment by Mr Verryn.

That was why she was not surprised when Miss Falati arrived at her home on December 29 1988. Miss Falati claimed a youth had been raped by the minister. Mrs Mandela took the youth to a doctor, then left for Brandfort.

When she returned on New Year's Eve she was tired and had flu, Mrs Mandela said, so she paid scant attention when Miss Falati told Mrs Mandela she had brought four more youths to the house.

Mrs Mandela said there were always youths coming and going and she was unconcerned by the presence of the four.

The trial continues today.



Pictures: LEON MÜLLER, The Argus.

**SAVAGED:** Miss Frances Fulker points to the spot where her father lay on the ground as the dogs mauled him.

## Man savaged by dogs has operation

By DON HOLLIDAY  
Crime Reporter

A 77-year-old Bellville man was in a satisfactory condition at Tygerberg Hospital today after being savaged by two American pit bull terriers in a neighbour's yard yesterday.

The dogs attacked Mr Wilfred Joseph Fulker, of Duminy Street, Boston, ripping his neck, head and shoulders and slashing an artery in his right arm before being fought off by a resident who heard his frantic cries for help.

The pedigree fighting dogs are kept in a back yard at a home in Duminy Street.

### JUMPED GATE

Mr Fulker apparently spotted one of them, a six-month-old male, running around in the front garden about 11am after it had jumped a 1.5m gate. He tried to persuade it to return to the back yard.

The dog attacked him in the driveway and the other, an 18-month-old male, also jumped over the gate and joined in.

A neighbour, Mr Frederick Cahill, 65, heard his screams and the snarl of dogs.

He ran across the road to find the dogs savaging Mr Fulker on the ground.

"He was moaning 'help, help'. I don't know how long he had been lying there.

"I chucked bricks at them but they clung on. I found a long pole and started whacking them and then they let go and jumped back over the gate.



One of the dogs which savaged Mr Fulker.

"He was terribly badly hurt. His neck and arm were full of blood," said Mr Cahill.

Other neighbours called an ambulance and Mr Fulker was taken to hospital.

A relative of Mr Fulker said he had surgery for his wounds. A vertebra and nerves in his arm had been damaged.

The dogs' owner, Mr Henry Adams, said he would either have the dogs put down or he would give them to an American pit bull terrier club.

## Bottom line for

Staff Reporter

A YOUNG man caused consternation for motorists on Eastern Boulevard.

At 4.15pm yesterday the man sat way about 400 metres from the city. He lowered his trousers, turned and exposed his buttocks. After hitched up his trousers, vaulted a

# Winnie is called in to testify

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*Gowefan 171491*  
MRS Winnie Mandela was called to the witness box for the first time yesterday since her kidnap and assault trial began in February.

Before she was called to give evidence, her counsel, Mr George Bizos, told Mr Justice MS Stegmann that Mandela would deny the allegations against her.

She would also deny involvement in the alleged kidnap and assault of four young men on December 29 1988.

Bizos said the defence would also lead evidence on claims of homosexual abuse against Methodist Church minister the Rev Paul Verryn.

When Mandela took the stand Bizos questioned her about her marriage to ANC deputy president Mr Nelson Mandela.

He also questioned her on her involvement in the liberation struggle, her nine years of banishment to Brandfort in the Free State and the formation of the notorious Mandela United Football Club.

She said the soccer club was formed by youths who stayed in backrooms at her house in Diepkloof while on the run from the police during the State of Emergency between 1984 and 1988.

"My place was some kind of refuge," she said.

# I was out of town, Winnie tells court

Cape Times 17/4/91

MAN 22ND 331

## 'Spy claim dangerous'

JOHANNESBURG. — Mrs Winnie Mandela, who took the stand for the first time yesterday in her trial for kidnapping and assault, said she was out of town when the crimes allegedly took place and was "outraged" when accused of complicity by black anti-apartheid activists.

Her testimony followed evidence from two youths who claimed to be her victims, who said Mrs Mandela, 56, threatened, punched and whipped them and two others at her home on the evening of December 29, 1988.

Speaking softly and calmly, Mrs Mandela denied being involved in either the abduction or assault of four youths, saying she was in the Free State town of Brandfort at the time.

She said she first heard of the allegations of kidnapping and assault when members of a Soweto crisis community approached her in mid-January 1989 and informed her that she had been accused of the crimes.

"I was furious (and) said I knew nothing about the allegations," she said.

Mrs Mandela said she had little knowledge of who stayed in the back rooms of her home — where the victims were allegedly detained and assaulted — as young people often "sought refuge" there from detention and police harassment.

JOHANNESBURG. — Mrs Winnie Mandela's allegation last week that a journalist for a British newspaper was a state agent could place him in personal danger and restrict the free flow of information, the Association of Democratic Journalists said yesterday.

ADJ general-secretary Mr Monty Narsoo requested Mrs Mandela to either substantiate the allegation, which has received wide local and inter-

national media coverage, or withdraw it.

In the presence of her bodyguards at her trial on Thursday, Mrs Mandela reportedly accused Mr Mandela Themba, an ADJ member working for the Independent, of being a member of the special branch.

Mr Narsoo said the allegation would affect Mr Themba's ability to effectively carry out his job and could affect his personal life. — Sapa

Mrs Mandela told the court she first learnt that four people from the manse were staying in her back rooms when she returned from Brandfort on December 31, 1988.

She said a co-accused, Miss Xoliswa Falati, had met her on her return and had "rattled something" about removing children from the manse, where they were being sexually abused by the manse supervisor, the Rev Paul Verryn, and placing them in Mrs Mandela's home.

Mrs Mandela said that after being informed of the assaults she approached Jerry Richardson, the coach of the Mandela United soccer club, and "inquired whether he had any knowledge" of the assaults.

Richardson, who also stayed in the houses' back rooms, admitted only "slapping" the four victims while questioning them.

Mrs Mandela said because of the "serious and false" allegations against her she did not believe the similar allegations directed against Richardson and other youths living in the rooms.

Last August, Richardson was convicted for the murder of 14-year-old Stompie Moeketsi Seipei, one of the youths taken from the manse, and sentenced to death.

Mrs Mandela, Miss Falati, 37, and a third co-accused, Mr John Morgan, 61, have all pleaded not guilty to four counts each of kidnapping and assault arising out of the December abduction.

Mrs Mandela's counsel, Mr George Bizos, SC, yesterday told the court he would call at least two people to testify that his client went to Brandfort at the time of the December 29, 1988 assault and only returned on December 31.

He said Mr Thabo Motau would testify that he drove Mrs Mandela to Brandfort and Ms Nora Moahloli would testify that Mrs Mandela stayed with her there and attended a meeting with her to discuss the future of welfare projects Mrs Mandela had set up. — Own Correspondent, UPI

# Winnie's

## story

By SONTI MASEKO

MRS Winnie Mandela yesterday attacked the "so-called leaders of the United Democratic Front" whom she said "had tried and convicted" her for the death of Stompie Seipei and the disappearance of three youths.

## UDF under fire



WINNIE MANDELA

She was giving evidence for the second day in the kidnap and assault trial being heard in the Rand Supreme Court.

Cross-examination by Mr Jan Swanepoel, for the State, began yesterday.

Mandela (56), Mrs Xoliswa Falati (36) and Mr John Morgan (61) are charged with the alleged kidnapping of Mr Kenneth Kgase, Mr Pelo Mekgwe, Mr Thabiso Mono and Stompie from a Methodist Church manse in Soweto and later assaulting them at Mandela's Diepkloof Extension home.

They have pleaded not guilty.

Mandela, led by her defence counsel Mr George Bizos, SC, referred to a period in 1989 when newspapers reported the alleged kidnapping and the death of Stompie.

### Found guilty

She told the court of a conference called by the Mass Democratic Movement.

"The media was invited by a handful of so-called leaders of the UDF. I can recall Murphy Morobe, Archie Gumede, Mohammed Valli and Azhar Cachalia. They literally found us guilty of murder.

"They claimed that the Mass Democratic Movement had decided that they should distance themselves from me because of my so-called participation in the murder of Stompie and the severe assault on the other boys."

Mandela said she was never consulted by the "so-called leaders" to explain her position.

"The country was under a State of Emergency then. Most of the real leaders of the people were behind bars."

She said it took her some time to believe that Stompie was dead.

Referring to an article in which

Peter Stuyvesant  
The International Passport  
to Smoking Pleasure  
Rich choice tobaccos  
Miracle Filter King Size

...so much more  
to enjoy!

Peter Stuyvesant  
20  
1592 1672  
RICH CHOICE TOBACCOS  
KING SIZE

# Winnie Mandela tells of allegations against priest

Southern 18/4/91

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From Page 1

she had admitted to journalists seeing Stompie a few days before he disappeared from her house, Mandela said she had made a mistake.

She said the person she had seen at her house washing hands near the backyard rooms was not Stompie as she had initially thought.

Mandela also told the court that she was hounded by the media everywhere she went after reports linking her to the disappearance of Stompie and the beating of youths at her house first appeared.

## Allegations

She said *Weekly Mail* first came with "a bad article". *The Star* followed "with worse allegations".

"The stories were taken by newspapers not only in South Africa but all over the world. I reached a stage where I could not take these allegations anymore."

Mandela said she had hoped a situation would arise when the allegations of sexual abuse brought to her by Falati would be discussed between the Rev Paul Verryn, who had allegedly raped a youth in his care, Dr Abu-baker Asvat, who had examined the youth, Falati, who had brought the youth to her, and the

Rev Frank Chikane of the South African Council of Churches.

She said she had hoped there would be an inquiry into the problem.

She said she took the youth, Katiza Cebekhulu, "in a hysterical state" to Asvat.

## Psychiatrist

Asvat had recommended that both Verryn and the youth should see a psychiatrist.

Mandela said she first heard that Verryn had allegedly made sexual advances to a 13-year-old boy in 1987. She said she felt guilty when Katiza was brought to her.

Katiza was crying and mumbling something about killing a man to end "this once and for all".

She said Katiza had said something to the effect that he felt honoured when he was invited to share a bed with a white man.

"I was concerned with the image of the SACC, whose employee Verryn was. I had the greatest respect for Verryn and I still have for the amount of work he has done for our people."

## Work

"He was doing the same kind of work that I was doing, providing food, shelter and educational facilities."

"For that I held him in

high esteem. I intended to contain this problem among ourselves and I had hoped that Paul Verryn would allow himself to be assisted by a psychiatrist.

"I could not understand how a man who was doing such valuable work could at the same time abuse children who had no choice but to depend on him."



GEORGE BIZOS

**BABY BEST**  
MAIZE BASED BABY CEREAL



**birth to ten**

**CLINIC PARTY**

**Dont miss the fun!**

**Was your baby born between 23 April and 8 June 1990?**

**If so, you and your baby are invited to attend a special clinic party at any of the following venues:**

# Winnie questioned on Free State alibi

SUSAN RUSSELL

WINNIE Mandela told the Rand Supreme Court yesterday she did not remember when she had first told anyone she could not have kidnapped and assaulted four youths in 1988 because she had been in the Free State town of Brandfort at the time.

State counsel Jan Swanepoel asked Mandela during cross-examination why, when allegations were made against her, she had not simply said she was in Brandfort and could not have committed the offences.

Mandela, 57, and her co-accused, Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting four youths from the Methodist manse in Orlando West on December 29 1988.

Mandela has denied kidnapping or assaulting the four or that any assaults took place in her presence.

## Refugees

Mandela said she was in Brandfort at the time of the alleged kidnappings and assaults and that after returning on December 31 believed the four youths were staying in rooms behind her house voluntarily.

She has also told the court that she had no contact with the youths — who were among refugees from other parts of the country — living in the rooms behind her house.

Swanepoel asked her when it had first emerged that she was not at home on December 29 as she claimed. "I cannot remember," Mandela said.

"Did you tell anyone before you went that you were going to Brandfort?" he asked her.

"I was not in the habit of disclosing my moves because of my experiences," Mandela replied.

She had also not told anyone where she

had been upon returning and said she could not remember when she told anyone where she had been at the time. "There was no need," she said.

Mandela could not remember if she had told the Soweto Crisis Committee investigating the allegations against her where she had been.

She conceded she had not told journalist Hennie Serfontein where she had been when interviewed for Dutch TV, but said she would have told him had he asked.

Swanepoel: "Don't you agree you would have cleared things up by saying you were not in Johannesburg at the time?"

Mandela: "Not necessarily." It was put to her that the first formal declaration of her alibi was during the current trial.

Mandela said her alibi had also come up during football coach Jerry Richardson's murder trial last year, although she had not given this evidence herself.

Earlier, Mandela told the court she had decided to have nothing to do with the four youths after crisis committee members and her husband's attorney, Ismail Ayob, told her of the allegations against her.

She said she spoke to Richardson after seeing the crisis committee, and ascertained that he and two other youths living on the premises had slapped (klapped) and beaten the four while questioning them.

She did not take action against Richardson or the other two after the assaults. "By then the matter was in the hands of the crisis committee and Mr Ayob."

Mandela had been given to understand the slaps and beatings were not serious assaults. The youths living on her property had also accompanied her to a funeral during that time, she said, and none of them had any serious injury.

Cross-examination continues today.

# Winnie Mandela step in to help Kurds emerge

By Cathy Stagg

Winnie Mandela's alibi was yesterday the centre of debate in the Rand Supreme Court.

It emerged that the alibi was revealed only during this hearing in spite of the fact that the alleged crimes were committed more than two years ago.

Mrs Mandela (56), Xoliswa Falati (37) and John Morgan (61) have all pleaded not guilty to four counts each of kidnapping and of assault with intent to do grievous bodily harm.

The State's case is that Mrs Mandela ordered the kidnap of four youths from the Orlando West Methodist manse, which was carried out on December 29 1988, and that later that evening, she took an active part in the assaults with various other people, including her co-accused.

## Fabricated

Mrs Mandela, under cross-examination by Jan Swanepoel, SC, for the State, agreed that she could not recall revealing her alibi to anyone until this trial.

She has said that on the night of the alleged crimes she was in Brandfort, and that all the evidence against her had been fabricated.

Mrs Mandela said she could not recollect having mentioned her alibi to members of the Crisis Committee who came to see her in the second week of January 1989 about rumours that she was involved. Nor could she remember telling her attorney, Ismail Ayob, who saw her on January 13.

She did not tell the media who had "put her on trial" about it either.

interfere with refugee camps being established by United States, British and French troops in Iraq.

Mr Major, asked what orders the troops would have if they were called on to defend the Kurds, said: "We don't anticipate that there will be any difficulty. We think the Iraqis will respect what is going to happen."

Iraqi Kurdish rebels yesterday welcomed the US decision to set up protected havens for refugees inside northern Iraq but called for a permanent solution to their people's plight.

Shi'ite Muslim opposition leaders based in Damascus demanded United Nations protection for their people in southern Iraq.

"This is an initial step to protect the refugees inside the Iraqi territories," Izzidin Berwari, spokesman for the Kurdish Democratic Party, told reporters.

"But that does not mean this is the required solution. We want a permanent solution for the Kurdish people's problem."

"The international community should seriously work on dealing with the real causes of the problem."

## Granted

"This should be done through the return to the March 11 1970 agreement which granted autonomy for the Kurds and allowed them to participate in the central government," Mr Berwari said.

Allied plans to set up refugee camps would not help up to 800 000 Kurds who had already fled their homeland, Western diplomats said yesterday.

They said Kurds who had already crossed into Iran or



Star 18/4/91  
**Strydom 'hopes  
 to be freed'** (331)

Wit Wolf Barend Strydom feels positive about his chances of release, his wife Karen said after emerging yesterday from the gates of Pretoria Central Prison where she had met her husband for the first time since his Death Row reprieve.

But the reprieve did not only bring good news: "It's worse now that he's been transferred out of maximum security — now I can only visit him twice a week," a distraught Mrs Strydom said.

"We'll continue to work at it and we believe he'll be free soon. We regard him as a political prisoner."

Paula McBride has not yet been able to meet her husband Robert, also reprieved from the gallows, but hopes to visit him on Saturday.

On Tuesday night an ecstatic Doris McBride, McBride's mother, said she laughed with joy when they heard the news.

"We fought for his life and we've won that. Now we'll fight for his release." — Own Correspondent.

Star 18/4/91  
**Dual reprieve 'not enough'**

By Kaizer Nyatumba  
 Political Staff

The dual announcement of the commutation of the death sentences of Wit Wolf Barend Strydom and ANC bomber Robert McBride drew an unfair equation between the two men's actions, the ANC said yesterday.

And organisations such as the Afrikaner Weerstandsbeweging and the Boerestaat Party called for Strydom's release, saying the reprieve was not enough.

AWB chief secretary Ernst van der Westhuizen said the reprieve was seen in right-wing circles as "too little, too late" because there were already "hundreds of people on the other side of the political spectrum" who had been released.

He said the Government would ultimately have to release Strydom. If this did not happen, there were those in the white community who would react with fury.

Spokesman Saki Macozoma said the ANC had "a problem

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 with the equation of McBride with Strydom".

The two men, Mr Macozoma said, had different motivations for their actions. McBride was opposed to apartheid and was fighting for a nonracial, democratic South Africa; Strydom was inspired by his hatred for blacks and the desire to retain apartheid.

**Opposed**

Mr Macozoma said the ANC was opposed to the death penalty and would, therefore, not have liked to have seen Strydom hanged. However, if President de Klerk had wanted to commute Strydom's death sentence on humanitarian grounds, he could have done so later.

Although the ANC welcomed the commutation of McBride's sentence, it was far from satisfied. It wanted him released as a political prisoner in terms of agreements reached with the Government.

Azanian People's Organisation deputy president Dr Nchaube Mokoape said it was clear the Government was "using some trade-off between genuine freedom fighters and some fascist killers".

Boerestaat Party (BP) leader Robert van Tonder echoed Mr van der Westhuizen's call for Strydom's release, saying the Wit Wolwe leader was not a common prisoner, but a "freedom fighter" like ANC political prisoners.

Mr van Tonder said his party would hold a braaivleis on his Randburg farm on April 28 to welcome all "Boer freedom fighters" released from jail, and the BP would like Strydom to be released in time to attend.

● The reprieve of Strydom, McBride and 15 other Death Row prisoners should be welcomed, although it might prove "unpopular and controversial in many circles", said the Pretoria chapter of the Society for the Abolition of the Death Penalty in a statement yesterday.

# Reprieves 'may spell end of death penalty'

THE Justice Department yesterday confirmed that the cases of 143 death row prisoners are under consideration by the panel for the review of death sentences.

Although 341 people are still on death row, some commentators say the elaborate appeal and review system may mean the effective end of the death penalty.

A lawyer said self-confessed police assassin Butana Almond Nofemela was one of the cases being re-examined.

The news follows closely on the heels of Tuesday's announcement that the panel had recommended to President F W de Klerk that reprieves be granted in 17 out of 11 cases sent to it.

PATRICK BULGER

Among those reprieved were convicted ANC bomber Robert McBride and Wit Wolf mass murderer Barend Strydom.

The panel recommended a reprieve for 15 other people. Three cases involving four prisoners were referred to the Appellate Division.

The panel, headed by Mr Justice Viljoen, was reviewing 97 cases involving 143 death row prisoners, the Justice spokesman said.

The panel was set up in terms of an amendment to the Criminal Procedure Act.

Legal commentators who believe the

death penalty is on its way out say the last execution took place in November 1989.

Even though the moratorium on executions has expired, the state's attempts to hang killer Paul Bezuidenhout in February failed when Lawyers for Human Rights (LHR) obtained a court ruling that his case should be examined again.

Lawyers said yesterday it would become increasingly difficult to hang people in SA, and that the death penalty had been effectively scrapped.

"If a gratuitous multiple murderer like Strydom can be reprieved, it is difficult to imagine a case in which hanging would be

□ To Page 2

## Reprieves

justified," said Prof Etienne Mureinik who serves on the national council of the Society for the Abolition of the Death Penalty in SA.

"The President's decision to grant clemency is to be applauded because it entails abandoning the argument for retaining capital punishment," he said.

LHR Witwatersrand vice chairman Peter Leon said it was clear there had been a political tradeoff involving McBride and Strydom. "The death penalty is discredited by this sort of deal. If you have the death

penalty and you don't hang mass murderers, how can one justify the penalty?"

He called for a judicial commission of inquiry into the future of the death penalty.

LHR spokesman Paula McBride — who is married to McBride — yesterday expressed her relief at the decision not to hang him. "It's a good sign for the future of the death penalty in SA," she said. "I can't see how anybody can be hanged in SA after this."

● Comment: Page 8

□ From Page 1

# Winnie's alibi 'revealed only after 2 years'

The Argus Correspondent

331  
ARCUS 18/4/91

JOHANNESBURG. — It has emerged in the Rand Supreme Court here that Mrs Winnie Mandela's alibi was only revealed during the trial despite the alleged crimes having been committed more than two years ago.

Mrs Mandela, 56, Miss Xoliswa Falati, 37, and Mr John Morgan, 61, have all pleaded not guilty to four counts each of kidnapping and of assault with intent to do grievous bodily harm.

The State's case is that Mrs Mandela ordered the kidnap of four youths from the Orlando West Methodist manse, which was carried out on December 29 1988, and that later that evening, she took an active part in the assaults with other people, including her co-accused.

Mrs Mandela, under cross-examination by Mr Jan Swanepoel SC, for the State, agreed that she could not recall revealing her alibi to anyone until this trial.

She has said that on the night of the alleged crimes she was in Brandfort and that all the evidence against her has been fabricated.

## DID NOT TELL PRESS EITHER

Mrs Mandela said she could not recollect having mentioned her alibi to members of the Crisis Committee who came to see her in the second week of January 1989 about rumours that she was involved. Nor could she remember telling her attorney, Mr Ismail Ayob, who saw her on January 13.

She did not tell the media who had "put her on trial" about it either.

Mr Kenneth Kgase, 31, and Mr Thabiso Mono, 22, testified that Mrs Mandela took part in the assaults.

She accepted that it was an undisputed fact that the police only became involved in the investigation on February 17 1989.

She did not tell the police of her alibi, nor did she tell the Attorney-General when it was announced he was pressing charges against her.

She said her alibi was mentioned during the Richardson trial, but not by her. The court has been told that Jerry Richardson, who has been sentenced to death for the murder of Stompie Seipei, 14, lived at the back of Mrs Mandela's property.

The charges in this trial relate to the kidnapping and assault of Mr Kgase, Mr Mono, Pello Mekgwe and Stompie. Mrs Mandela said her legal representatives had advised her not to testify in Richardson's defence.

The hearing continues today.

● Mrs Mandela yesterday paid a short visit to veteran activist Helen Joseph in the Johannesburg General Hospital, where the 86-year-old anti-apartheid stalwart had major abdominal surgery.

Mrs Mandela visited Mrs Joseph in the afternoon after being cross-examined on her defence testimony in the Rand Supreme Court.

# Winnie tells court she was framed

*Cm- tips 18/4/91* ~~270~~ ~~271~~ ~~272~~ ~~273~~ ~~274~~ ~~275~~ ~~276~~ ~~277~~ ~~278~~ ~~279~~ ~~280~~ ~~281~~ ~~282~~ ~~283~~ ~~284~~ ~~285~~ ~~286~~ ~~287~~ ~~288~~ ~~289~~ ~~290~~ ~~291~~ ~~292~~ ~~293~~ ~~294~~ ~~295~~ ~~296~~ ~~297~~ ~~298~~ ~~299~~ ~~300~~ ~~301~~ ~~302~~ ~~303~~ ~~304~~ ~~305~~ ~~306~~ ~~307~~ ~~308~~ ~~309~~ ~~310~~ ~~311~~ ~~312~~ ~~313~~ ~~314~~ ~~315~~ ~~316~~ ~~317~~ ~~318~~ ~~319~~ ~~320~~ ~~321~~ ~~322~~ ~~323~~ ~~324~~ ~~325~~ ~~326~~ ~~327~~ ~~328~~ ~~329~~ ~~330~~ ~~331~~ ~~332~~ ~~333~~ ~~334~~ ~~335~~ ~~336~~ ~~337~~ ~~338~~ ~~339~~ ~~340~~ ~~341~~ ~~342~~ ~~343~~ ~~344~~ ~~345~~ ~~346~~ ~~347~~ ~~348~~ ~~349~~ ~~350~~ ~~351~~ ~~352~~ ~~353~~ ~~354~~ ~~355~~ ~~356~~ ~~357~~ ~~358~~ ~~359~~ ~~360~~ ~~361~~ ~~362~~ ~~363~~ ~~364~~ ~~365~~ ~~366~~ ~~367~~ ~~368~~ ~~369~~ ~~370~~ ~~371~~ ~~372~~ ~~373~~ ~~374~~ ~~375~~ ~~376~~ ~~377~~ ~~378~~ ~~379~~ ~~380~~ ~~381~~ ~~382~~ ~~383~~ ~~384~~ ~~385~~ ~~386~~ ~~387~~ ~~388~~ ~~389~~ ~~390~~ ~~391~~ 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**Own Correspondent**  
JOHANNESBURG.

— Mrs Winnie Mandela yesterday said evidence implicating her in crimes of kidnapping and assault was fabricated and she hoped the reasons for the fabrication would emerge during her present trial.

She told the Rand Supreme Court that only the people who had fabricated the evidence would be able to say why they had done it, adding this was not the first time made-up evidence had been used against her.

She said she hoped the reasons would emerge "during the court case (through evidence) given by some of the witnesses".

Under cross-examination by Mr Jan Swanepoel, SC, for the state, she conceded that despite widespread allegations about her involvement in the December 29, 1988, kidnapping of four people from a Soweto church manse and their subsequent assault, she had not formally produced an alibi until the beginning of her trial in February this year.

Mrs Mandela agreed she had not informed Soweto community leaders, police, the media, the Witwatersrand attorney-general or a magistrate of her alibi.

Her alibi is that at the time of the abduction and assaults she was in the Free State town of Brandfort, discussing welfare projects with community leaders.

Mr Swanepoel asked why, when allegations were made against her, she had not simply said she was in Brandfort and could not have committed the offences.

She said she felt there was no need to



**AT COURT ...** Mr Nelson Mandela and his wife Winnie arrive at the Rand Supreme Court yesterday. Picture: AP

produce an alibi as the allegations were "absurd".

She added that her alibi came up during football coach Jerry Richardson's murder trial last year.

Mr Swanepoel asked her when it had first emerged that she was not at home on December 29 as she claimed.

"I cannot remember," Mrs Mandela said. "Did you tell anyone before you went that you were going to Brandfort?"

"I was not in the habit of disclosing my moves because of my experiences."

Earlier in her evidence Mrs Mandela said she had been betrayed by a "handful of so-called anti-apartheid leaders" who had called for her to be ostracised from

the community following allegations of her involvement in the abduction and assault.

Mrs Mandela said she had been tried by members of the Mass Democratic Movement, including Mr Murphy Morobe, Mr Archie Gumede and Mr Mohammed Valli Moosa, without being consulted.

She said her detractors had also "stated that no lawyer belonging to the democratic movement" should represent her.

A statement by prominent anti-apartheid lawyer Mr Krish Naidoo that he was withdrawing as her attorney had surprised her, as he had never represented her.

Mrs Mandela, 57, and her co-accused, Ms Xoliswa Falati, 37, and Mr John Morgan, 61, have pleaded not guilty to the charges.

Mrs Mandela dismissed claims by Mr Swanepoel that the alleged homosexual activity of the supervisor of the manse, the Rev Paul Verryn, had "nothing to do with your defence".

"If it were not for (Mr Verryn's alleged sexual misconduct) I would not be in this court," Mrs Mandela said.

Mrs Mandela agreed that even if Mr Verryn had been sexually abusing youths at the manse it had nothing to do with the assault on the abducted four at her house.

During her evidence-in-chief Mrs Mandela said that despite Mr Verryn's sexual misconduct she held him "in the highest esteem" for the community work he had done in Soweto.

She said she had wanted to "contain the problem" and persuade Mr Verryn to seek psychiatric help.

The trial continues today.

## ANC 'dismayed' over 'political trials'

*APL T. 18/4/91 331*

JOHANNESBURG. — The ANC expressed dismay yesterday over continuing political trials, while people were being freed under terms reached with the government in exploratory talks over the removals of obstacles to constitutional negotiations.

However, it welcomed the release on Tuesday of 41 "political prisoners" and urged Pretoria to speed up the process.

ANC information chief Dr Pallo Jordan told reporters at Jan Smuts Airport on arrival from Harare: "We welcome the release of any political prisoner but we still insist the process is still too slow and needs to be speeded up."

He added that it was alarming that "political trials" were still in progress, while other political prisoners were being freed.

The ANC has threatened to break off talks with the government if demands for the release of prisoners and the return of exiles by April 30 has not been met.

Dr Jordan was returning with senior officials of the PAC after their two-day alliance talks in the Zimbabwean capital.

Meanwhile, the PAC and the ANC would begin consultations with other organisations, including the Inkatha Freedom Party, in a bid to persuade them to join the coalition.

# Winnie is evasive, court told

By SONTI MASEKO

THE prosecutor in the kidnap and assault trial being heard in the Rand Supreme Court yesterday accused Mrs Winnie Mandela of being evasive and "beating about the bush".

Mandela (56), Miss Xoliswa Falati (36) and Mr John Morgan (61) have all pleaded not guilty to kidnapping and assaulting four youths who were allegedly removed from a Methodist Church manse in Orlando West on December 29 1988.

Mr Jan Swanepoel questioned Mandela on the relations between her family and the youths, who were staying in the backyard rooms of her house.

## Guarding house

Mandela told the court she was not aware that the youths took turns in guarding her house between December 1988 and January 1989, as stated earlier by a witness, Mr Kenneth Kgase.

She said the first time she heard that the youths were guarding her house was during the trial of Jerry Richardson, coach of the Mandela United Football Club who was sentenced to death for the murder of 14-year-old Stompie Moeketsi Seipei.

Mandela repeatedly refused to state clearly how often she saw the youths. She kept saying she could have seen them when they were there. She would not say how often she saw them, to which Swanepoel accused her of "beating about the bush".

Swanepoel asked Mandela why she had stated as fact

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in her evidence in chief that her house was guarded by the youths.

Mandela replied: "How my counsel forms his questions is his area."

Swanepoel retorted: "And how you formulate your answers is your area."

Mandela could not recall a statement by Falati that she had brought four youths to her house in her absence and left them in the care of Richardson.

She could also not recall the reasons contained in a statement she had submitted that Falati had said the youths were engaged in homosexuality and that they were to be kept at Mandela's house to prevent this practice. So we turn 19/4/91

This was also to prevent the Rev Paul Verryn from interfering in an investigation into the allegation.

Mandela said she had problems in recalling the details. She said this happened more than two years ago.

Mandela said her house required protection because there had been several attacks on it. She said the protection was necessary for her family and not necessarily for herself.

In her evidence in chief Mandela had said she and the youths in the backyard rooms led separate lives because there was a mutual understanding to respect each other's privacy.

Yesterday, however, she conceded to Swanepoel that she had attended funerals, social occasions and at times political gatherings accompanied by the youths often wearing Mandela United Football Club tracksuits.

To this, Swanepoel remarked: "So, on occasions you did tell people about your movements, but not your movements to Brandfort."

Mandela had earlier said in her evidence she was not in the habit of disclosing her movements.

This was the reason she never told anyone in the household about her trip to Brandfort on December 29 1988, the same night the four youths were allegedly assaulted at her house.

Swanepoel also referred to a portion in Falati's evidence in which she said she was driven back to the Methodist manse in Soweto by Morgan in Mandela's kombi - the same kombi Mandela used to travel to Brandfort.

Explaining the discrepancy, Mandela said she did not know what had happened after she left her house for Brandfort.

# Winnie: I did not check on youths' conditions

Blatant 19/4/91. 331

WINNIE Mandela told the Rand Supreme Court yesterday she had not checked on the conditions of four youths living at her home after hearing allegations that she had assaulted them, because she knew the rumours were a "blatant lie".

She told the court she had not attempted to find out if they needed medical attention because she decided to have no contact with them after hearing the allegations against her.

She first heard of the allegations from Soweto Crisis Committee members who came to see her during the second week of January 1989.

She and her co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Thabiso Mono, 21, and 14-year-old Stompie Seipei from the Methodist manse in Orlando West and assaulting them at the Mandela house on December 29 1988.

Falati has told the court the four voluntarily accompanied her to the

SUSAN RUSSELL

Mandela house where she put them in the care of Mandela United football coach Jerry Richardson after complaints that Methodist minister the Rev Paul Verryn had been sexually abusing youths living at the manse.

Mandela has denied she took part in or was present when any of the assaults took place.

She has also told the court she had left for Brandfort the day the alleged offences took place and only returned on December 31 when Falati informed her she had brought the young men to the house so that the "Paul Verryn problem" could be sorted out.

Swanepoel put it to her yesterday that the kombi in which she said she travelled to Brandfort during the early evening of December 29 was the one which Morgan said he used to transport Falati and her daughter back to the manse later that night.

He also asked her why she had not gone to see the youths after hearing the crisis committee's allegations.

She said she knew "it was a blatant lie".

Mandela said she must have spoken to Falati about the allegations after she had been visited by attorney Ismail Ayob on January 13.

"I knew they were not there against their will," she said.

She said she had asked Richardson about the allegations after they were made in the Press. "That is when he admitted there had been slaps."

Mandela said Richardson told her he had questioned the youths.

"He said at first they held back. They denied they were sexually abused. He said he had slapped them for practising homosexuality among themselves."

Mandela said she had had a second conversation with Richardson some time afterwards when the Press reports persisted.

"He admitted there had been beatings. He said it was him and some other youths. He did not mention names," Mandela said.

Cross-examination continues today.

# Winnie quizzed over 'differences'

By Cathy Stagg

(331)

Star 19/4/91.

The difference between Winnie Mandela's verbal evidence and a written plea explanation at the start of the trial two months ago was highlighted in the Rand Supreme Court yesterday.

During intensive cross-examination, Mrs Mandela (56) repeatedly said she could not recall exactly what co-accused Xoliswa Falati (37) had told her about four young men who were brought to her Diepkloof home.

Yet in her plea explanation, she dealt with "cold facts", it was put to her by Jan Swanepoel, SC, who appears for the State. Mrs Mandela agreed.

Mrs Mandela, Miss Falati and John Morgan (61) have all pleaded not guilty to charges of kidnapping four youths from the Orlando West Methodist manse on December 29 1988 and severely assaulting them.

In the witness box, Mrs Mandela said Miss Falati "may have mentioned in passing" that there were other victims of alleged sexual abuse at the manse. But, Mrs Mandela said, she and Miss Falati had concentrated on Katiza Cebekulu, who had been "traumatised" by an alleged rape.

Mrs Mandela's defence is that after taking Mr Cebekulu to Dr Abu Asvat on December 29 1988, she left for Brandfort in

the Free State and did not return until two days later.

Under cross-examination she said she could not remember whether Miss Falati had told her she was going to hand the four other "victims" over to Jerry Richardson, who lived at the back of her property.

Mr Swanepoel put it to her that her plea explanation stated there were reasons why the young men were taken from the manse and that these were stated as facts.

Pressed about whether there was any other reason given as to why the four should be removed from the manse, Mrs Mandela said: "I have never stated absolute facts and I have said time without number that Miss Falati may have said that the youths were indulging in homosexual practices among themselves."

The plea explanation states: "During the end of December 1988 I was approached by Xoliswa Falati. She informed me that she was looking after a number of youths at the Methodist Church mission house in Orlando West; that the Rev Paul Verryn was sexually abusing a number of youths who had taken refuge at the mission; that some were following Mr Verryn's example in indulging in homosexual practices."

Mr Swanepoel put it to Mrs Mandela that the document, which she signed, contained

"clear facts". She eventually agreed.

Mr Swanepoel put it to Mrs Mandela that she was evasive about how often she had seen the young men who lived on her property. She denied this.

Mrs Mandela denied that the young men who accompanied her to funerals and public meetings, wearing the Mandela United Football Club tracksuits, were her bodyguards.

She said her house in Brandfort and the one in Vilakazi Street, Orlando West, had both been bombed, so she regarded herself as a target, but she denied she had sought protection other than having an alarm in her house.

She agreed there was a perception that the young men were her bodyguards. She also agreed that they had accompanied her on various occasions.

Mrs Mandela said there was no formal arrangement regarding when they went with her and that they "must have chosen" to wear the tracksuits of the then disbanded Mandela United Football Club.

Mr Swanepoel put it to her that she had suggested that the youths who lived in the back of her property and her family lived separate lives. She said that because they respected each other's privacy, it did not mean there was no communication between them.

The hearing continues today.

# A window into Winnie's mind

By Emma Gilbey

WINNIE MANDELA'S performance on the witness stand has provided several insights into her character, both through the way she behaves in court and the life she describes having led in Soweto.

She has said that all the evidence against her has been fabricated, and Kenneth Kgase, Thabiso Mono, John Morgan, Xoliswa Falati and the Crisis Committee have all lied about her in various statements.

She has a tendency to refer to herself occasionally in the plural, "We shall agree with that document," she said when state advocate Jan Swanepoel asked her about her defence statement.

She has revealed the frustration she has felt with the press, writing "wild allegations" about her. "I think it was *The Weekly Mail* that came out with the first bad article," she told the court.

Living in Soweto as a community leader and social worker, people would come to her with problems. She would ask for people to be brought to her rather than visiting them herself. When Xoliswa Falati came to her and told her that Katiza Cebukulu was traumatised following his complaint about being raped by Reverend Paul Verryn, "My reaction was that she should bring the youngster."

When Swanepoel asked her a hypothetical question as to what she might have done if Falati had said a youth had been slapped by Jerry Richardson, "I might have asked her to bring the slapped person."

Although Mandela can drive, she was usually driven — the job being shared by a number of people. She has said that she never visited the back rooms of her property to see who was there, that she had no control over who stayed there. Youths came and stayed there for different reasons, she told the court. They never came into the main house, "There was an understanding — they just respected the privacy of the family as much as I respected theirs."

The youths did, however, accompany her to funerals and meetings, dressed in the tracksuits of the Mandela United Football Club which, she says, was no longer in existence.

"It was a general understanding that if I went to a funeral the whole family would go with me. If we went to things like meetings and funerals they would accompany me, they were comrades."

Swanepoel asked Mandela if they led separate lives, as she has stated, why take them along?

"It did not mean I was not to communicate with them at all. I provided them with food, I provided them with shelter. To that extent I did go out with them," she said.

Capt TMS 19/4/91

(HKT) (RJR) 331

# Doubt cast on Winnie's alibi

JOHANNESBURG. — Evidence that Mrs Winnie Mandela's minibus was in two places at the same time casts doubt on her alibi, it has been suggested in the Rand Supreme Court.

Mrs Mandela has said she was being transported in the minibus to Brandfort in the Free State on the evening of December 29, 1988. This is about the same time she is alleged to have initiated and taken part in a vicious sjambok assault on child activist Stompie Seipei and three men at her Soweto home.

In a statement to the police, her co-accused and driver, Mr John Morgan, said he had used the same minibus on the same night to transport another co-accused in the trial, Ms Xoliswa Falati, and her daughter, Nompumelelo, to the Orlando West Methodist Church manse.

Mrs Mandela told the court yesterday she had left Soweto for Brandfort about 7pm, but according to Mr Morgan's statement, he was driving the minibus in Soweto later on the same evening.

Mr Morgan's statement was accepted as evidence after a trial-within-a-trial about two weeks ago.

Mrs Mandela, Ms Falati and Mr Morgan have pleaded not guilty to kidnap and assault charges.

Other evidence presented to the court Mr Jan Swanepoel, for the state, yesterday included a newspaper report from February 19, 1989. It quoted former Mandela United Football Club coach Jerry Richardson as admitting to assaulting Stompie and the three men.

## Secret report

Richardson was sentenced to death last year for murdering Stompie, 14.

In the report, Richardson said Stompie had last been seen at the Mandela house about a week after he and the others had been removed from the manse.

Mr Swanepoel also submitted as evidence another newspaper article about a secret report sent to ANC president Mr Oliver Tambo in Lusaka by the Soweto Crisis Committee (SCC), which in-

vestigated the allegations that Mrs Mandela had been involved in the kidnap and assault.

The SCC report apparently recommended that ties with Mrs Mandela be severed.

Mr Swanepoel hammered at Mrs Mandela's apparent inability yesterday to remember specific details presented as fact in a statement attributed to her and submitted as evidence at the start of the trial.

The statement mapped out Mrs Mandela's Brandfort alibi and described how Ms Falati, with the help of Richardson, had brought Stompie and the three men to her Soweto home without Mrs Mandela's knowledge or consent.

According to Mrs Mandela, she returned to Soweto on December 31, two days after the assault apparently occurred, and was told by Ms Falati that the four had been brought from the manse.

Mrs Mandela denied that she had made aware the four had been assaulted or were being held against their wills at her home.

The hearing continues today. — Sapa

# Winnie sticks to story, despite grillings

Star 20/4/91

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PATRICK LAURENCE

WINNIE Mandela says she could not have assaulted people at her Soweto home on December 29 1988 because she was in the Free State at the time.

But yesterday discrepancies emerged in the accounts by Mrs Mandela and the schoolmistress at whose house she says she spent that night.

Mrs Mandela is on trial on four counts of kidnapping and four of assault.

She had earlier told the Rand Supreme Court court she spent the nights of December 29 and 30, 1988, at the Brandfort home of Nora Moahloli.

But during his cross-examination of Mrs Mandela yesterday the prosecutor, Jan Swanepoel SC, disclosed the content of a statement made by Mrs Moahloli to the police.

She gave the date of Mrs Mandela's arrival and departure as December 28 and 30, not December 29 and 31.

Mrs Mandela is alleged to have initiated the assault on three young men and a teenage boy on the night of December 29 after allegedly ordering them to be brought to her Soweto house from the Methodist manse.

By either account — her own or Mrs Moahloli's — she was not at her Soweto house on December 29.

Mrs Mandela's alibi for that night is critical to her defence. Two of her alleged victims, Kenneth Kgase and Thabiso Mono, have told the court she hit them with her open hands, her fists and a sjambok that night.

Mrs Mandela and Mrs Moahloli agreed in their accounts that the purpose of her visit to the Free State was to revive welfare projects which Mrs Mandela had initiated during her forced eight-year exile in Brandfort's black township of Phatahahle.

There were, however, other differences apart from the dates.

They concerned who chaired the meeting (Mrs Mandela said Mrs Moahloli did, Mrs Moahloli said Mrs Mandela did), how long the meeting lasted, who was there, and who accompanied Mrs Mandela when she visited old friends during her stay (Mrs Mandela said Mrs Moahloli accom-

panied her, Mrs Moahloli told the police Mrs Mandela was accompanied by her driver).

Mrs Mandela's alibi has been the focal point of exhaustive questioning for the past three days by the prosecution. Replying to Mr Swanepoel yesterday, Mrs Mandela said she realised she would have to give evidence on her alibi when she was informed that she would be charged with kidnapping and assault last September.

Earlier in the trial, Mrs Mandela was questioned about why she had not confronted her accusers with her Brandfort alibi when the news of the alleged abduction and subsequent assaults first surfaced. Mrs Mandela eventually agreed that she had not mentioned it in a television interview in February 1989, although she had given the interview for the purpose of clearing her name.

Yesterday Mr Swanepoel put it to Mrs Mandela that she had tried to shift the blame on to Richardson to protect herself and the Mandela family. His charge was made in relation to a newspaper interview which Richardson gave in February 1989.

Mrs Mandela, who admitted sitting in on at least one occasion when Richardson was interviewed, denied trying to make him a scapegoat.

(Proceeding).

# Charges withdrawn against protest mums

25/6/90 20/8/91

By LIBBY PEACOCK 331  
Weekend Argus Reporter  
CHARGES have been withdrawn against six women accused of taking part in an "illegal gathering" in March last year.

The women, mothers of Robben Island prisoners, campaigned for the release of their children on March 3 1990 outside parliament.

Some of the women chained themselves to the fences outside parliament.

Yesterday, magistrate Mr

M L Muller withdrew charges against Mrs Hester Oostenwyk, 52, of Mitchell's Plain; Mrs Fawzia Lowe, 55, of Diep River; Mrs Elizabeth Petersen, 45, of Mitchell's Plain; Mrs Andrina Forbes, 63, of Wynberg; Mrs Jean Davids, 46, of Mitchell's Plain; and Mrs Shahnaz Dramat, 44, of Bonteheuwel.

Mrs Pina Ncata, 30, of Guguletu, and Mrs June Esau, 36, of Diep River, failed to appear in court and warrants for their arrest were issued.

Mr D. Fitschen prosecuted. Mr M Papier and Mr M Martin appeared for the women.

wards.

From page 1

Winnie

surd" a prosecution claim that she wanted the former coach of the Mandela United football club, Jerry Richardson, "to take the blame" for the abduction and assault of the four people.

Mrs Mandela said that in February 1989 she had caught Richardson lying to a reporter about his involvement in the assaults and had instructed him to tell the truth.

She said Richardson then admitted to the reporter that he had slapped and beaten the youths in the back room of her home.

"(I had the) impression he was trying to protect (the Mandela) family (by lying to the reporter)," Mrs Mandela said.

Last August Richardson was convicted for the murder of 14-year-old Stompie Moeketsi Seipei, one of the abducted youths, and sentenced to death.

Mrs Mandela also asked Mr Swanepoel whether he was suggesting "that I volunteer myself as a police informer" after he had asked why she had not reported the "slapping" and "punching" of the youths to the police after Richardson and two others had confessed their involvement to her.

Mrs Mandela added she had not gone to the police as she was living in an "abnormal society" (referring to the 1988/1989 climate of anti-government protest and township perceptions of police being the enemy).

The trial proceeds on Monday. — Sapa

# Witness differs with Winnie

JOHANNESBURG. — Mrs Winnie Mandela's key defence witness apparently differs with her on a crucial aspect of her alibi defence — the date on which Mrs Mandela claims she arrived in Brandfort in the Free State.

State advocate Mr Jan Swanepoel yesterday revealed to the Rand Supreme Court a statement made by Mrs Nora Moahloli of Brandfort, in which she said Mrs Mandela arrived to visit her in the Free State town on the night of December 28, 1988.

Mrs Mandela's evidence is that she arrived in Brandfort a day later on the night of December 29, about the same time she is alleged by the state to have initiated and participated in a vicious sjambok assault on 14-year-old Stompie Seipei and three men at her Diepkloof, Soweto house.

Mrs Mandela, 56, Mr Morgan, 61, and a third co-accused Miss Xoliswa Falati, 37, have all pleaded not guilty to four counts each of kidnapping and assault.

## Two witnesses

Mrs Mandela yesterday said she did not agree with the dates quoted from Mrs Moahloli's statement, which was made to police investigators on February 1 this year.

Mrs Moahloli, who was named by Mrs Mandela's attorney Mr George Bizos as one of two defence witnesses who will support her alibi, is expected to testify next week.

Mr Swanepoel said he was unsure whether Mrs Moahloli would contest her statement.

Mr Swanepoel also attempted to shake Mrs Mandela's alibi on Thursday, when he pointed out that, according to available evidence, the minibus which she claimed transported her to Brandfort was also allegedly used later that night in Soweto by her driver and co-accused Mr John Morgan.

Earlier yesterday Mrs Mandela described as "ab-

sequel

# Brandfort alibi comes under scrutiny

By DAWN BARKHUIZEN

WHERE was Winnie Mandela on the night of December 29, 1988, and why did she wait until the start of her trial to produce an alibi?

Establishing her whereabouts at the time of an alleged assault on four youths at her Diepkloof home may prompt the state to reopen its case against Mrs Mandela, according to state advocate Jan Swanepoel, SC.

After four days of attempting to chip away at Mrs Mandela's testimony in the Rand Supreme Court this week, Mr Swanepoel emphasised the discrepancy between Mrs Mandela's claim that she had gone to Brandfort on December 29 and a statement made by Nora Moahloli, a Brandfort schoolteacher.

The teacher told police on February 1 that the ANC deputy president's wife had arrived at her home on December 28 — 24 hours before Mrs Mandela claims she reached the Free State town.

The vehicle in which she said she had travelled to Brandfort also came under scrutiny.

Mrs Mandela has conceded that she owned only one minibus and could not explain why co-accused John Morgan claimed he had used the minibus in Soweto late in the evening of December 29, and again the next day.

She said that earlier in the day she and co-accused Xoliswa Falati, 37, had taken a youth allegedly sexually assaulted by Methodist minister Paul Verryn for examination by Dr Abu Baker Asvat.

Afterwards, and without making her plans known, Mrs Mandela was driven to Brandfort by one Thabo Matau.

When she arrived home three days later, Mrs Falati told her she had brought

other youths from the Methodist manse to the Mandela house, placing them in the care of soccer coach Jerry Richardson.

"It was my understanding that the youths had come voluntarily and I paid no further attention to the matter," Mrs Mandela said.

She became aware only in mid-January, when three members of the Crisis Committee came to her house, of allegations in the community that she was responsible for the kidnapping, assault and detention of youths at her house.

She did not remember whether she had told the Crisis Committee about her Brandfort visit, had not told the Mandela family doctor, Dr Nthatho Motlana, "her version" when he asked her about the rumours a few days later, and referred family attorney Ismail Ayob — the third person in a week to visit her in this regard — to Mrs Falati.

Mrs Mandela made no reference to her Brandfort visit in press interviews in February 1989 and did not inform the attorney-general in September 1990 when she was charged with kidnapping and assault with intent to do grievous bodily harm.

Mr Swanepoel asked her why her Brandfort alibi had been formally presented for the first time at her trial. Mrs Mandela replied that she had been advised by her lawyers "to maintain a dignified silence".

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S/Times  
21/4/91



Winnie Mandela and her husband Nelson leave the Rand Supreme Court.

# Focus turns to Winnie's alibi in kidnap trial

By DESMOND BLOW

4/11/91

ALLEGATIONS that Winnie Mandela had made convicted murderer Jerry Richardson confess to *City Press* in February 1989 that he had assaulted Stompie Seipei and three other youths were made in the Rand Supreme Court this week.

The report which appeared in *City Press* in February 1989 under the headline "Mandela coach: I assaulted four youths" was first raised by George Bizos, SC, when Winnie took the witness stand earlier in the week.

Bizos asked the wife of the ANC deputy leader whether she had told Richardson to tell the truth while being interviewed by *City Press* after he had denied assaulting the boys.

She confirmed this.

Then in cross-examination Jan Swanepoel, SC, accused Winnie of having sat in on the interview because she wanted Richardson to take the blame.

Winnie replied this was "absurd", saying she wanted him to tell the truth because she thought it honourable.

She said Richardson had in January 1989 told her he had given the boys a few "smacks" over their alleged homosexuality, later admitting these were "beatings".

Mandela said she had passed through the room as Richardson was telling *City Press* the boys had injured themselves when climbing trees.

She then told Richardson: "Tell them the truth".

Winnie denied she had been present throughout the interview, but had overheard Richardson lying as she passed through.

When asked the purpose of the Richardson interview, Winnie replied that there had been terrible allegations and she wanted the other side of the story to be heard.

Winnie spent most of the week under gruelling and meticulous cross-examination by Swanepoel.

She had earlier told the court she was not at her home on the night of December 29, 1988 when Stompie Seipei and the other youths were allegedly kidnapped from the Methodist manse in Orlando West and assaulted.

Swanepoel whittled at her alibi/defence.

He demanded to know from Mandela why she had waited almost two years before revealing an alibi suggesting she was away in Brandfort in the Free State at the time.

Swanepoel put it to her that she was given several opportunities, soon after the kidnap and assault allegations against her were made public, to disclose details of the alibi, including an occasion when she was interviewed by a television news crew.

Winnie's testimony concerning the use of a kombi she said transported her to Brandfort, clashed with a statement made to police by her co-accused John Morgan, Swanepoel argued.

Winnie said she left her Diepkloof, Soweto, house for Brandfort in the kombi late in the afternoon on December 29, 1988.

Morgan said he drove another co-accused, Xoliswa Falati, in the same vehicle from the Mandela house to the Orlando West Methodist Church manse at about the same time.

Bizos on Tuesday gave provisional notice that he would call witnesses to support Mandela's claim that she was in Brandfort, and others who would testify that the resident Methodist minister at the manse, the Rev Paul Verryn, indulged in homosexual activities.

Other witnesses to be called by Mandela's defence team include popular Sowetan musician, Sipho "Hotstix" Mabuse, three reporters from *The Star*, and a reporter from the London-based *Daily Telegraph*.

Winnie caused a flurry of excitement in the courtroom on Wednesday when she slated "so-called" leaders in the anti-apartheid struggle who publicly denounced her because of her alleged involvement in the abduction and assault.

Referring to a press conference called by leaders of the Mass Democratic Movement in 1989, during which the community was called on to isolate her, Mandela said: "I was tried by those so-called leaders. Most of the real leaders were behind bars".

# Neighbour corroborates Winnie's Brandfort alibi

8/Day 23/4/91 331

WINNIE Mandela's neighbour told the Rand Supreme Court yesterday he had driven her to Brandfort in the Free State at the time she was alleged to have assaulted four youths at her Soweto home on December 29 1988.

Thabo Motau, 21, was the first witness called by the defence to corroborate Mandela's alibi after she concluded her evidence and cross-examination yesterday.

She has told the court she left for Brandfort with Motau at about 6.30pm — some hours before the alleged kidnap and assaults took place — and only returned home on December 31.

Mandela, 56, Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting Kenneth Kgase, 31, Barend Thabiso Mono, 21, Gabriel Mekgwe, 22, and 14-year-old Stompie Seipei.

It is alleged the four were abducted from the Methodist manse in Orlando West where they were living at the time, taken to Mandela's Diepkloof Extension home, assaulted and held against their will.

Mandela denied she was involved in a conspiracy to kidnap and assault

SUSAN RUSSELL

the four or that she was present when any assaults on them took place.

She said on her return she was given to understand they were voluntarily brought to her house by Falati following complaints that the Rev Paul Verryn was sexually abusing youths living at the manse.

Falati testified she put the four into the care of former Mandela United football coach Jerry Richardson so that "the Verryn problem" could be resolved on Mandela's return.

## Benefactor

She also told the court that earlier that day she took another youth living at the manse, Katiza Cebekhulu, to Mandela after he complained Verryn had tried to rape him.

Motau, who described Mandela as his "benefactor" told the court she had paid for his schooling.

He said he had lived across the road from the Mandela house, but on December 29 was living in a flat in Johannesburg. He had just completed matric. Mandela had asked him to drive her vehicle that afternoon and to be at the house at 4pm.

She did not say where they were going, he said. He had not asked because he had "not thought of it".

He added he had not thought it necessary to ask her because he trusted her.

Motau said he arrived late at about 4.20pm and, finding Mandela not at home, he went to visit a friend and asked that he be called when she returned.

He said he was called at about 5.45pm. When he got to the house Mandela told him where they were going and that they might stay a day or two.

They left at about 6.30pm, he said, and arrived at the Brandfort home of Norah Moahloli shortly after 10.30pm where they had tea.

Motau said he then left to sleep at a friend's house. Mandela instructed him to return in the morning to see if he was needed.

Motau said the December 29 trip was the first time he had driven Mandela to Brandfort and it was his last visit to the town.

Mandela's defence team also called British journalist Peter Taylor to testify yesterday.

The hearing continues.

# Winnie lashes out at claim of delay

Star  
23/4/91

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By Cathy Stagg

Winnie Mandela yesterday condemned the suggestion that it took more than two years for her alibi to be revealed.

Mrs Mandela (56) — and her co-accused Xoliswa Falati (37) and John Morgan (61), who are on trial in the Rand Supreme Court — pleaded not guilty to kidnapping four youths from the Orlando West Methodist manse on December 29 1988 and to committing four counts of assault with intent to do grievous bodily harm.

Her alibi is that she went to Brandfort in the OFS on that day and so could not have committed the crimes.

Her counsel, George Bizos, SC, asked her what she expected would have happened had she told newspaper reporters that she had gone to Brandfort and had identified the school-teacher she had visited.

Mrs Mandela said: "I knew it would set off problems for the innocent people of Brandfort — but I did not even deliberate about that at the time."

She said that if there was no reference to Brandfort in the video of the TV interview she had granted, that did not mean she had not mentioned Brandfort. She said she had responded to the questions asked by the interviewer.

Mr Bizos asked why she had not answered the State's question as to why she had not mentioned being in Brandfort to the Attorney-General.

"Was there speculation in the

press that you were to be charged?" Mr Bizos asked.

Mrs Mandela replied: "Yes, there was. The evidence that I had been in Brandfort had been led in the Richardson trial.

"To say that it was only mentioned after two years is pure sensation, it borders on absolute nonsense."

The suggestion that Mrs Mandela did not reveal her defence until the start of the trial was made by Jan Swanepoel, SC, for the State, during cross-examination.

The Richardson trial concerned the same eight charges faced by the accused as well as the murder of Stompie Seipei and the attempted murder of Lerotodi Ikaneng.

Jerry Richardson, who lived at the back of Mrs Mandela's property, was convicted on all counts.

## Spattered

After re-examination, Mr Justice MS Stegmann asked a series of questions.

In a transcript of the TV interview, Mrs Mandela dismissed allegations that blood was spattered on the walls of Richardson's room.

In reply to the judge's question, Mrs Mandela said she granted the TV interview after the police had raided her house on February 19 1989.

The judge showed her five photographs taken during the raid which, he said, "seem to show blood spots that do not need microscopic examination: they seem to be obvious to the naked eye".

"Well, I didn't see that blood,

my lord," Mrs Mandela said, adding that the video focused on the walls and there were no spots.

"Presumably someone washed them off in the meantime," the judge said.

"I don't know," she replied.

Peter Taylor of the London Telegraph testified that he edited an article written by State witness Kenny Kgase, who was also a witness during the Richardson trial. Mr Kgase wanted to have a book published and Mr Taylor offered to take an extract from the manuscript.

Mr Bizos described Mr Kgase as a publicity seeker who had implicated Mrs Mandela in order to "peddle" his story.

Mr Taylor said Mr Kgase did not ask for payment and his motivation seemed to be to see his work in print. Mr Taylor paid him the standard freelance rate, which amounted to R5 900 for a 5 000-word article.

Thabo Motau (22) of Orlando West testified that he drove Mrs Mandela to Brandfort on December 29 1988.

He particularly remembered the date and time they had left because he was rather reluctant to make the trip, although he did not tell Mrs Mandela that, he said.

He wanted to be back in Johannesburg on New Year's Eve to attend a party, he said.

He described Mrs Mandela as his benefactor because she had organised a scholarship for him and paid for other schooling expenses.

He said he did not consider it polite to explain why he was in a hurry to get back to town.

The trial continues today.

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4 The Argus, Tuesday April 23 1991

## Terrorism charges — two seek indemnity

### Staff Reporter

TWO Guguletu men have appeared again in the Cape Town Regional Court in connection with charges under the Terrorism Act, including an allegation that one of them placed a bomb at the door of the Supreme Court.

In January, Mr Madoda Keith Daki, 31, of NY 56, and Robert Mncedisi Twalo, 33, of NY 43, applied to the Department of Justice for indemnity. Yesterday prosecutor Mr H

Steyn said the State was awaiting the State President's decision and asked for a postponement.

The State alleges that Mr Daki left the country in 1979 for military training with the African National Congress and returned in 1988.

Magistrate Mr W Marais adjourned the hearing until May 10 and extended the men's bail of R2 000 and R1 000.

Mr B T Ngcuka and Mr W Hofmeyr appeared for the defence.



# Winnie anger over State's alibi suggestion

The Argus Correspondent

JOHANNESBURG. — Winnie Mandela has lashed out at the suggestion that it took more than two years for her alibi to be revealed.

Mrs Mandela, 56, her co-accused Xoliswa Falati, 37, and John Morgan, 61, who are on trial in the Rand Supreme Court, pleaded not guilty to kidnapping four youths from the Orlando West Methodist manse on December 29, 1988, and to committing four counts of assault with intent to do grievous bodily harm.

Her alibi is that she went to Brandfort on that day and so could not have committed the crimes.

Her counsel, Mr George Bizos, SC, asked her what she expected would have happened had she told newspaper reporters that she had gone to Brandfort and had identified the schoolteacher she had visited.

Mrs Mandela said: "I knew it would set off problems for the innocent people of Brandfort — but I did not even deliberate about that at the time."

She said if there was no reference to Brandfort in the video of the interview she granted, that did not mean she had not mentioned Brandfort. She said she responded to questions.

Mr Bizos asked why she had not answered the State's question about not mentioning her trip to Brandfort to the Attorney-General.

"Was there speculation in the Press that you were to be charged?" Mr Bizos asked.

Mrs Mandela replied: "Yes there was, the evidence that I had been in Brandfort had been led in the Richardson trial.

"To say it was mentioned after two years is ... absolute nonsense."

The suggestion that Mrs Mandela did not reveal her defence until the trial was made by Mr Jan Swanepoel, SC, for the State, during cross-examination and was widely reported.

The Richardson trial concerned the same eight charges faced by these accused as well as the murder of Stompie Seipei, 14, and the attempted murder of Lerotodi Ikaneng.

## SENTENCED TO DEATH

Jerry Richardson, who lived at the back of Mrs Mandela's property and was the former coach of the Mandela United Football Club, was convicted on all counts and on August 8 last year he was sentenced to death. Richardson has appealed.

Thabo Motau, 22, of Orlando West, testified that he drove Mrs Mandela to Brandfort on December 29, 1988. He remembered the date and time because he was reluctant to go. There was a New Year's Eve party in Johannesburg he wished to attend.

He described Mrs Mandela as his benefactress. She had got him a scholarship and paid school expenses. It would have been impolite to say he wanted to go back.

The trial continues today.

# Winnie was not there - evidence

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Soweto  
23/4/91

By SONTI MASEKO

A YOUTH told the Rand Supreme Court yesterday that he drove Mrs Winnie Mandela to Brandfort in the Free State on the night when four youths were assaulted with sjamboks at Mandela's house.

Thabo Motau said he had known Mandela since 1977 and she had assisted him with his education by paying his fees.

Motau was called to substantiate claims by Mandela that she was not present when four complaints - Kenneth Kgase, Thabiso Mono, Pelo Mekgwe and Stompie Seipei - were allegedly removed from a Methodist Church manse in Soweto and kept at her house against their will and later assaulted on December 29 1988.

Mandela (56), Mrs Xoliswa Falati (36) and Mr John Morgan (61) have pleaded not guilty to charges of kidnapping and assault.

Earlier yesterday Mr Jan Swanepoel, SC, for the State, produced a doctor's card which indicated that a youth, Katiza



WINNIE MANDELA

Cebukhulu, had been treated by a doctor on December 30 and not on December 29 as Mandela had stated.

In her evidence Mandela said she had taken Cebekhulu for examination after he had complained that the minister in charge of the manse had made sexual advances to him and he had feared that he had been raped.

Mandela insisted she had taken Cebekhulu to see Dr Abu-Baker Asvat on December 29.

Motau told the court he had arrived in Brandfort on the night of December 29 and Mandela

had attended meetings and visited some projects she had initiated there the next day.

He had accompanied Mandela five times to Brandfort, the first time was in 1986 when he was keen to know the place to which Mandela had been banished.

Mandela had visited a teacher, Mrs Norah Moahloli, and he drove both of them to town.

The prosecutor, Mr Chris van Vuuren, pointed out to Motau that Mandela's evidence was that she had gone to town without Moahloli and that Mandela had said on that morning she had visited several families and students she was assisting.

To this Motau replied that he did not recollect Moahloli being present and that he was not present when Mandela visited people in the area.

The hearing continues.

# No evidence from editor

WINNIE Mandela's defence team told the Rand Supreme Court yesterday that Sunday Star editor John "Buller" Hildyard had refused to give evidence at her trial on kidnapping and assault charges. (331)

George Bizos, SC, said he would not subpoena Hildyard after being informed that the editor would refuse to name either the journalist who wrote two articles on Mandela in February 1989 or the source of the information contained in them.

Bizos told Mr Justice M Stegmann that he would make submissions at the end of the case about the disadvantage caused to Mandela's defence by Hildyard's refusal to disclose this information.

"We were informed that if called by us, the Sunday Star editor would not disclose the source of the allegations," Bizos said, adding that Hildyard had also refused to consult with Mandela's legal representatives. B/day 24/4/91

Mandela, 56 and co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting four youths on December 29 1988.

SUSAN RUSSELL

Mandela has denied evidence by two of the youths, Kenneth Kgase, 31, and Barend Thabiso Mono, 22, that she took part in the assaults and has testified that she had left for Brandfort in the Free State at the time of alleged kidnapping.

Earlier, Sunday Star reporter Pat Devereaux testified that she had used an article published in the London Sunday Telegraph, in which Kgase described his alleged kidnap and assault, as the basis for an article of her own.

She said Kgase had told her that he was reluctant to have the same information published in SA because he feared for his life and was in hiding.

Mandela's defence team also called a witness to corroborate her Brandfort alibi — schoolteacher Norah Moahloli, who told the court that Mandela had arrived at her home in Brandfort between 10pm and 11pm on December 29.

Moahloli said Mandela left for Johannesburg after lunch on December 31.

# Witness explains

Star 24/4/91.

## Winnie mix-up

By Cathy Stagg (331)

Brandfort school teacher Nora Moahloli yesterday told the Rand Supreme Court why she had signed a statement which contradicted Winnie Mandela's evidence.

Mrs Moahloli, who testified in the Jerry Richardson trial last year, also told Mr Justice MS Stegmann that Mrs Mandela arrived in Brandfort after 10 pm on December 29 1988.

Yet a statement to the police which Mrs Moahloli signed on February 1 this year — four days before the trial was due to begin — puts Mrs Mandela's arrival in Brandfort as December 28.

Explaining how she came to make the statement, Mrs Moahloli said she had not been feeling well and had gone to a pharmacy to buy medication.

She was approached by a black man and was asked to speak to a white man outside in a car.

When she got into the car, she was taken to the police station. The white man, identified as a Colonel Coetzee, asked if Mrs Mandela had arrived in Brandfort on December 28.

Mrs Moahloli said she had asked whether that was a Thursday, but he did not ans-

wer. He spoke Afrikaans but switched to English when she said there could be communication problems.

He spoke about "being friends in these days" and asked her to provide him with documents relating to welfare projects Mrs Mandela had visited in Brandfort.

Mrs Moahloli agreed but was worried about signing a document, as he requested. She asked him to return on another day — but he said he had to take the document, which was written in Afrikaans, with him that day.

### Argued

Because she was in a police station, had argued with the colonel and thought he might think she was "undermining" him, she signed the statement, she said.

Mrs Mandela and her co-accused, John Morgan (61) and Xoliswa Falati (37), have pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

Earlier yesterday a Saturday Star journalist, Pat Devereaux, testified about an article she wrote on State witness Kenny Kgase.

Mr Kgase is one of the complainants who also testified in the Richardson trial. (Richardson was convicted of kidnapping and assaulting Mr Kgase and three others

and was convicted of murdering Stompie Seipei.)

Mr Kgase wrote an article about what had happened to him, which he showed to the Johannesburg bureau chief for the London Sunday Telegraph, Peter Taylor.

Mr Taylor testified that he had agreed to publish an extract from Mr Kgase's manuscript and had offered to pay Mr Kgase for it.

After the article appeared, Miss Devereaux said, her editors had instructed her to produce a similar one. She contacted Mr Kgase and although he was reluctant to have his story appear in South Africa, she "talked him into it".

Earlier in the trial, Mrs Mandela's counsel, George Bizos, SC, suggested that Mr Kgase was a "publicity seeker" who had implicated Mrs Mandela because it would make the story he was trying to "peddle" more newsworthy.

Mr Kgase was not interested in money, Miss Devereaux said.

Mr Bizos told the judge that although it was announced that Sunday Star editor John Hildyard and a journalist on the paper, Nomavenda Mathiane, had been subpoenaed, he had decided not to call them.

The trial continues today.

# If she's jailed, we'll free her — Hani

By David Braun  
Star Bureau

WASHINGTON — The African National Congress would release Winnie Mandela from prison as soon it came to power should she be jailed as a result of her current trial, according to Umkhonto we Sizwe chief of staff Chris Hani.

Mr Hani told a breakfast meeting of the Carnegie Endowment for International Peace yesterday that a majority of blacks believed Mrs Mandela's trial was political.

"We cannot understand the timing of the trial. What happened to Stompie Seipei and those young people goes

back to three years ago. Mrs Mandela is a leading figure in the struggle in our country," he said.

Mr Hani said he felt the Government was being vindictive and wanted to put Mrs Mandela in her place. The Government also wanted to discredit Nelson Mandela and bog him down by forcing him to attend court sessions instead of attending to the many pressing problems of the country.

"Certainly, the ANC sees it as a political trial. We do not accept the impartiality of the South African courts. If she is convicted we shall protest that conviction.

"My own view is that when we take over, if she is not released, we will release her immediately. We do not see her as a criminal."

Mr Hani also said the Government was continuing to intimidate the liberation movements with its security legislation.

He criticised its failure to control the violence in the country, insinuating that the National Party and the Inkatha Freedom Party were "sleeping together".

On other issues, Mr Hani said both the SA Defence Force and Umkhonto were highly politicised, and this would have to change in the new South Africa.



# Why I contradicted Winnie <sup>331</sup> teacher

The Argus Correspondent

JOHANNESBURG. — Brandfort school teacher Mrs Nora Moahloli told the Rand Supreme Court why she had signed a statement which contradicted Mrs Winnie Mandela's evidence.

Mrs Moahloli, who testified in the Jerry Richardson trial last year, told Mr Justice MS Stegmann yesterday that Mrs Mandela had arrived in Brandfort after 10pm on December 29 1988.

Yet a statement to the police, which Mrs Moahloli signed on February 1 this year — four days before the trial was due to begin — puts Mrs Mandela's arrival in Brandfort as December 28, not 29.

Explaining how she came to make the statement, Mrs Moahloli said she had not been feeling

well and had gone into a pharmacy to buy medication for high blood pressure.

She was approached by a black man who asked her to speak to a white man who was sitting outside in a car.

It would not take long, she was told.

When she got into the car, she was taken to the police station. The white man, identified as a Colonel Coetzee, asked if Mrs Mandela had arrived in Brandfort on December 28.

Mrs Moahloli said she had asked if that was a Thursday but he did not answer.

He spoke Afrikaans but switched to English when she said there could be communication problems.

He spoke about "being friends in these days" and had asked her to provide him with documents

relating to welfare projects which Mrs Mandela had visited in Brandfort.

Mrs Moahloli had agreed but was worried about signing a document, as he requested.

She asked him to return on another day but he said he had to take the document, which was written in Afrikaans, with him that day.

Because she was in a police station, had argued with the colonel and thought he might think she was "undermining" him, she had signed the statement, Mrs Moahloli said.

Mrs Mandela and her co-accused, Mr John Morgan, 61, and Miss Xoliswa Falati, 37, have pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

The trial continues today.

# We would set Winnie free — Chris Hani

From DAVID BRAUN

The Argus Foreign Service

WASHINGTON. — The African National Congress would release Mrs Winnie Mandela from prison as soon it came to power, should she be jailed as a result of her trial, according to Mr Chris Hani, an executive member of the organisation.

Mr Hani told a breakfast meeting of the Carnegie Endowment for International Peace in Washington yesterday that most black people in South Africa believed Mrs Mandela's trial was political.

"We cannot understand the timing of the trial at all. What happened to Stompie and those young people goes back to three years ago. Mrs Mandela is a leading figure in the struggle in our country," he said.

## Vindictive

Mr Hani said he felt the South African government was really vindictive and wanted to put Mrs Mandela in her place. The government also wanted to discredit Mr Nelson Mandela, and bog him down by forcing him to attend court sessions instead of attending to the many pressing problems of the country.

"Certainly, the ANC sees it as a political trial. We do not accept the impartiality of the South African courts. If she is convicted we shall protest (against) that conviction. My own view is that when we take over, if she is not released we will release her immediately. We do not see her as a criminal," he said.

Mr Hani said the government was continuing to intimidate the liberation movements with its security legislation.

In his own case, whenever he said something Defence Minister General Magnus Malan did not approve of, the minister warned him he had only temporary immunity from prosecution.

"They do this to intimidate us to make sure we blacks say only what they want to hear. The security forces continue to behave in the old way. They still detain people and they still beat up people," he said.

Mr Hani slammed the government

for failing to control the violence in the country, insinuating that as the National Party and the Inkatha Freedom Party were "sleeping together" no attempt was being made to strip Inkatha supporters of their cultural weapons.

He said President De Klerk was attempting a delaying tactic by calling for a conference on security. It would serve little purpose to bring everyone together to discuss the violence. Mr De Klerk commanded the security forces and he should take action.

## Integrated force

He said the security forces had been very efficient when ANC forces had planted bombs. There had been roadblocks and dog patrols and within three months arrests had been made.

Now it was believed the government was not serious about the violence because it was black lives that were being lost.

Asked what he saw as the future role for the ANC's military wing, Umkhonto we Sizwe (which Mr Hani commands), he said it would have to be integrated with the South African Defence Force and forces from the homeland armies and the PAC's military organisation into a new non-partisan South African army.

Both the SADF and Umkhonto were highly politicised, and this would have to change so that the future armed forces of the country bolstered the democratic government and would in no way be in a position to veto it, he said.

Mr Hani said he was primarily in the US to tell people not to lift sanctions until change in South Africa was irreversible.

He said it made no sense to reward Mr De Klerk for promised reforms when the victims of oppression were still in favour of sanctions.

The lifting of sanctions at this stage would only encourage Foreign Minister Mr Pik Botha and those in the government who wanted to keep the status quo, while it would demoralise Mr Mandela and others fighting for change, he said.

The point of irreversibility would be reached once an interim government was in place to monitor the negotiations process, he added.

# Winnie's testimony supported

331  
Souten 24/1/91

WINNIE Mandela's key defence witness yesterday suggested she had been misled when police interviewed her about Mandela's 'alibi visit' to Brandfort in 1988.

Mandela and her co-accused Miss Xoliswa Falati (36) and Mr John Morgan (61) have pleaded not guilty before Mr Justice MS Stegmann to kidnapping and assault.

Mrs Nora Moahloli admitted in the Rand Supreme Court she had signed a statement saying Mandela arrived in Brandfort on December 28 1988 to visit her, but this was incorrect.

Mandela in fact arrived on the night of December 29, Moahloli said.

The policeman who took the statement from

By SONTI MASEKO  
and Sapa

her, a Mr Coetzee from Johannesburg, had suggested that Mandela's visit to Brandfort spanned the days of December 28, 29 and 30.

Mandela's visit to Brandfort has been submitted as the reason why she could not have participated in an alleged sjambok assault on James Stompie Seipei and three men at her home in Soweto on the night of December 29 1988.

## House

Seipei was later found dead.

Moahloli said Mandela had slept at her house for two nights - on December 29 and 30. This was confirmed by her testimony during the Jerry

Richardson murder trial.

Richardson was sentenced to death last year for the murder of Seipei.

Moahloli said she was asked whether Mandela had slept at her house on December 28. "I asked whether the 28th was a Thursday. I was sure that Mandela arrived at my house on a Thursday."

She said she had not received an answer.

Earlier yesterday the court heard Johannesburg journalist Miss Pat Devereaux testify about an interview she had with a State witness, Mr Kenneth Kgase, in July last year.

She said Kgase had been reluctant to grant the interview. He said he did not want his story, about Mandela sjambokking him, published in South Africa because he feared for his life.

APR 24 1991

Wednesday, April 24 1991

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# Facts disputed in Winnie trial

## Own Correspondent

JOHANNESBURG. — A key defence witness in Mrs Winnie Mandela's trial yesterday disputed evidence contained in her statement to police about Mrs Mandela's December 1988 trip to Brandfort.

Mrs Nora Moahloli, a Brandfort schoolteacher, told the Rand Supreme Court that although she had signed the statement, there were factual mistakes due to communication problems and police ignoring her requests to correct the mistakes.

In the statement Mrs Moahloli said Mrs Mandela had arrived in the Free State town on December 28, 1988, and had left on December 30 after discussing welfare projects.

Mrs Mandela's evidence is that she arrived in Brandfort a day later, on the night of December 29, about the same time four people, abducted from a Soweto church manse, were being assaulted at her home.

Mrs Moahloli said her statement had been taken earlier this year on February 1 by Mr Coetzee, a Johannesburg policeman, who had asked whether Mrs Mandela's visit had spanned the days of December 28, 29 and 30.

She said when she asked whether December 28 was a Thursday, because she knew Mrs Mandela had arrived on a Thursday night, the policeman had ignored her and continued with his questions.

Mrs Moahloli said she had signed the document "after a while" because she had not wanted to "undermine" Mr Coetzee.

## Banishment

She added that immediately after leaving the police station, she phoned the law offices of Ms Kathleen Satchwell, a member of the defence team for Mrs Mandela's co-accused, and informed her of what had happened.

During the afternoon session state advocate Mr Chris van Vuuren cross-examined Mrs Moahloli about Mrs Mandela's involvement in welfare projects during and after her banishment to Brandfort between 1977 and 1985.

Earlier yesterday a Johannesburg journalist, Ms Pat Devereaux, testified that she had interviewed state witness Mr Kenneth Kgase after the London-based Sunday Telegraph had published his description of the assault at Mrs Mandela's home.

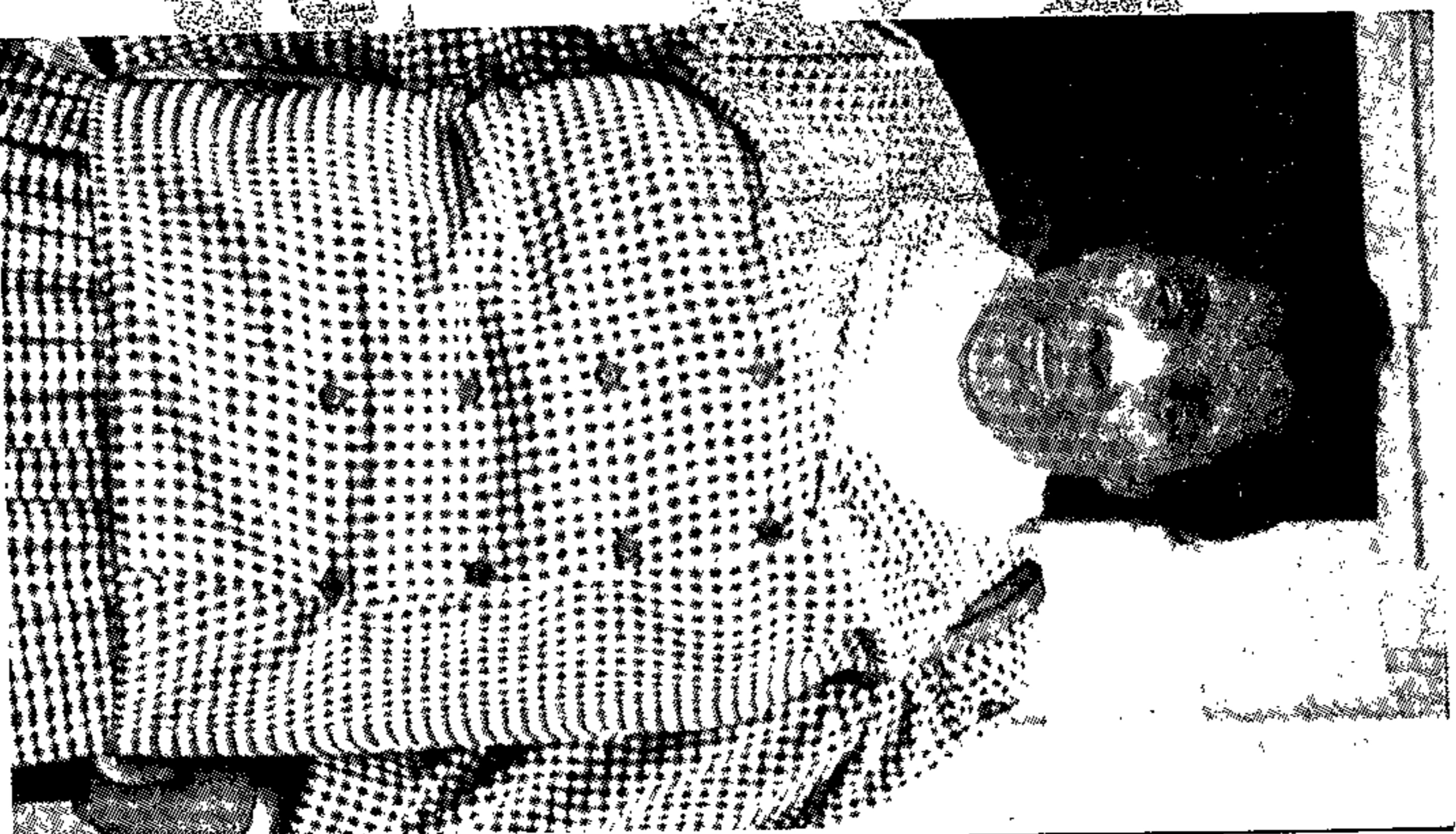
Ms Devereaux said Mr Kgase had been reluctant to grant the interview as he feared for his life and did not want the story published in South Africa.

Mrs Mandela's counsel, Mr George Bizos, SC, also informed the court that the defence would not be calling the editor of the Sunday Star, Mr John Hildyard, as he had refused to consult with them.

He said Mr Hildyard had indicated if called to testify he would not disclose any information, or would refuse to answer questions related to the identity of reporters who had written articles concerning the abductions and assaults.

Mr Bizos said his client's defence case had been disadvantaged by the fact they could not "get to the bottom of allegations against (her)".

The case continues.



WINNIE WITNESS... Mrs Nora Moahloli outside the Rand Supreme Court yesterday. She testified in Mrs Winnie Mandela's trial yesterday. Picture: AP

# Statement not right - witness

THE State said yesterday it would send

notes written by Mrs Winnie Mandela's Brandfort "alibi" to a handwriting expert for testing.

This followed the intensive cross-examination of Mrs Nora Moahloli by Mr Chris van Vuuren, for the State, on notes she had made about projects in Brandfort initiated by Mandela.

Van Vuuren yesterday put it to Moahloli, a school teacher in Brandfort, that notes she had written about items to be bought for one of the projects, a day-care centre, appeared to have been written with different pens. Moahloli said this was

## BY SONTI MASEKO

because the ballpoint pens she used to write the notes were of poor quality and flopped frequently, causing her to change them from time to time.

However, Mr Jan Swanepoel, also for the State, said the notes would be sent for testing

to determine whether they were not written at different times.

Moahloli had earlier told the court that a statement she had signed for the police had been incorrect.

She had signed a statement saying Mandela had arrived at her house in Brandfort on December 28 1988.

In fact Mandela slept at her house on December 29 1988. It was the same night when four youths were allegedly assaulted at Mandela's Diepkloof Extension, Soweto, house.

A day later, on December 30, Mandela and others had attended a meeting to discuss the project and also visited a

day-care centre, Moahloli said.

The wrong date had been suggested to her by a policeman, a Mr Coetzee, who had taken her to the police station for questioning, she said.

She had not been prepared for questioning and was not well on that day. She also had to prepare for her son who

was leaving for boarding school.

Moahloli said she had asked the policeman to return for the correct information and her signature but he said he wanted to be back in Johannesburg the same afternoon.

The court was told she had signed the document on February 1 this year, two days before

Mandela's trial began.

Mandela (56), Mrs Xoliswa Falah (36) and Mr John Morgan (61) have pleaded not guilty to assaulting the youths with intent to do grievous bodily harm.

They have also denied kidnapping the youths from a Methodist Church manse in Orlando West, Soweto, on the same day.

## Notes tested to support 331

### Winnie's alibi

SUSAN RUSSELL

NOTES allegedly taken at a meeting in Brandfort and submitted in support of Winnie Mandela's alibi will be tested to establish their authenticity.

Mr Justice Stegmann granted prosecutor Jan Swanepoel custody of the notes until today after witness Nora Moahloli testified they had been taken during a meeting in Brandfort attended by Mandela.

Mandela, 56, accused of kidnapping and assault, has denied the charges and told the court she was in Brandfort for three days from December 29, 1988, when the alleged offences were committed.

Moahloli, the second witness called to corroborate Mandela's alibi, testified that Mandela arrived at her home on December 29 and spent the night there before attending the meeting the following afternoon.

Mandela's co-accused, Xoliswa Falati, 37, and John Morgan, 61, have also pleaded not guilty to the kidnapping and assault of Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Thabiso Mono, 21, and Stompie Seipei, 14.

# Experts to examine Winnie trial notes

By Cathy Stagg

(331)

Star 25/4/91

The State will send a page of handwritten notes to experts to establish if they were all written at the same time, the Winnie Mandela trial was told yesterday.

The document was handed to Mr Justice Stegmann, who is presiding in the Rand Supreme Court, on Tuesday during Nora Moahloli's evidence.

The Brandfort schoolteacher was called in support of Mrs Mandela's alibi.

Mrs Mandela had told the court that she could not have committed four charges of kid-

napping and assault with intent to do grievous bodily harm on December 29 1988 because she had left for Brandfort that day.

Mrs Moahloli told the court that Mrs Mandela had arrived at her home between 10 and 11 pm on December 29, and the next day they attended a meeting at which Mrs Mandela made suggestions about the running of a day-care centre.

Mrs Moahloli took notes during that meeting.

Yesterday, she was cross-examined by Chris van Vuuren, for the State, who put it to her that the heading "Day care centre" and an entry "Quotations

obtained for furniture" appeared to be written with the same pen, while the date and "Suggestions by Zamile" appeared to be written with another.

Zamile is the diminutive of Nomzamo, Mrs Mandela's first name, the court heard.

Mrs Moahloli said everything was written in blue ink. She disagreed that it was written with different pens, but said it was possible because there had been a glass on the table with a number of pens and she may have changed pens.

Mrs Moahloli's cross-examination resumes today.

# Judgment on Delmas trio awaited

By Al-Ameen Kafaar

Judgment is expected today on the three remaining accused in the third of a series of Delmas trials which started in August 1989.

Godfrey Velaphi Mokube (41) of Bloemfontein, Peter Homes Maluleka (34) of Pretoria and Phuti Bernard Mokgonyane (26) of Pretoria have been facing 49 charges including murder, attempted murder, terrorism and malicious damage to property.

The charges are related to incidents committed in the Transvaal before their arrests in August 1988. They have pleaded not guilty.

Twelve accused initially stood trial, but nine escaped from police custody in February last year. They are now in Lusaka and have been indemnified for leaving the country illegally, but they are still wanted for the charges against them.

Yesterday Mr Justice W J van der Merwe ruled that statements made by Mr Mokube and Mr Maluleka were admissible as evidence against them. But Mr Mokgonyane's statement was not admissible.

During earlier evidence, the three claimed that circumstances surrounding their arrests, the possibility of indefinite detention and police brutality, were the motivations for their statements.

While in detention they assisted police to locate arms caches.

Mr Justice van der Merwe said the evidence of Captain H J Prinsloo, commander of the investigating unit for the Northern Transvaal who arranged for Mr Maluleka to make a statement to a magistrate, was objective, professional and free of bias.

When questioned about his statement, Mr Maluleka appeared uncomfortable and answered with difficulty.

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## Dispute over pens as alibi in Mandela trial is tested

The Argus Correspondent

JOHANNESBURG. — The State will send a page of handwritten notes to experts in an attempt to establish if they were all written at the same time, the Winnie Mandela trial was told.

The document was handed to Mr Justice M S Stegmann in the Rand Supreme Court during Brandfort school-teacher Mrs Nora Moahloli's evidence-in-chief.

She was called in support of Mrs Mandela's alibi.

### NOTES AT MEETING

Mrs Mandela had told the court she could not have been guilty of four counts of kidnapping and assault with intent to do grievous bodily harm on December 29 1988 because she left for Brandfort that day.

Mrs Moahloli told the court Mrs Mandela arrived at her home between 10pm and 11pm on December 29 and the next day they attended a meeting at which Mrs Mandela made suggestions about the running of a day-care centre. Mrs Moahloli took notes during that meeting.

Yesterday Mrs Moahloli was cross-

examined by Mr Chris van Vuuren for the State. The judge remarked on the repetition and at one point said: "Even I could answer that question by now Mr Van Vuuren."

Among the issues canvassed was whether parts of the document had been written with different pens.

Mr Van Vuuren put it to Mrs Moahloli that the heading "Day Care Centre" and an entry "quotations obtained for furniture" appeared to be written in one pen — while the date and "suggestions by Zamile" appeared to be written in another.

Zamile is the diminutive of Nomzamo, Mrs Mandela's first name.

Mrs Moahloli said everything was written in blue ink. She disagreed that it was written with different pens but said it was possible because there had been a glass on the table containing a number of pens and she might have changed pens when one "flopped".

Deputy Attorney-General Mr Jan Swanepoel SC — who leads the prosecution — was given permission by the judge to remove the original document from the court record for a day.

Cross-examination of Mrs Moahloli will resume today.



**ON TRIAL ...**  
Mrs Winnie Mandela

# Winnie: Document in dispute over alibi

*Cap Times 25/4/91*  
*331*

Own Correspondent

**JOHANNESBURG.** — Forensic experts are to examine a document, allegedly written during a December 1988 meeting in Brandfort, to determine whether sections suggesting Mrs Winnie Mandela's presence at the meeting were written on different occasions.

Moments before Mrs Mandela's assault and kidnapping trial was adjourned in the Rand Supreme Court yesterday, Mr Justice Michael S Stegmann granted a request by the state to have the document examined by experts.

The state is arguing that the December 30, 1988, date at the top of the document and comments attributed to Mrs Mandela are written with a pen different to the one used to write the document's heading as well as quotations for a list of items.

State advocate Mr Chris van Vuuren yesterday asked defence witness and

author of the notes, Brandfort school-teacher Mrs Nora Moahloli, whether two different pens had been used to write the notes.

Mrs Moahloli replied it was possible as she could have changed pens if there had been a problem with the pen she was originally using.

Mrs Moahloli's evidence about Mrs Mandela's December 1988 visit to Brandfort to discuss welfare projects corroborated Mrs Mandela's alibi that she was travelling to the Free State town about the same time four people were abducted from a Soweto church manse and assaulted at her home.

In an earlier statement Mrs Moahloli said Mrs Mandela had arrived in Brandfort on December 28, 1988, and had left on December 30.

Mrs Mandela's evidence is that she arrived in Brandfort a day later on the night of December 29.

The trial continues today.

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## Winnie trial witness says parson fondled him

The Argus Correspondent

JOHANNESBURG. — Mr Aubrey Nxumalo has testified in the Winnie Mandela trial about homosexuality after the judge ruled his evidence was relevant to show the state of mind of the accused.

Mr Nxumalo, 26, of Daveyton, was called to give evidence yesterday about allegations of homosexuality at the Orlando West Methodist manse before December 29 1988, the day on which it is alleged four young men were kidnapped and taken to Mrs Mandela's Diepkloof home.

### STATE OF MIND

Mrs Mandela, 56, Mrs Xoliswa Falati, 37, and Mr John Morgan, 61, have pleaded not guilty to four counts of kidnapping and four counts of assault with intent to do grievous bodily harm.

Mr Justice M S Stegmann said that if Mrs Mandela's alibi — that she could not have taken part in the crimes because she was in Brandfort — was disproved, the State needed to

prove the state of mind of the two women.

If Mrs Mandela and Miss Falati believed the Rev Paul Verryn was a "vicious sodomite", the judge said, it would tend to mitigate against the wrongful intention (to kidnap) attributed to them by the State.

Mr Nxumalo said he was a former detainee when he went to Khotso House for help in July 1988. He was referred to Mr Verryn.

On his first night at the manse, Mr Nxumalo said he was told to share a double bed with Mr Verryn and Thomas Nkosi. During the night, Mr Verryn caressed his thighs and testicles. He pushed Mr Verryn's hand away.

### NOT REPEATED

The next night the same thing occurred. He had told Mr Verryn he did not like what had happened and it wasn't repeated in the time he spent at the manse until January 1 1989.

He said that on December 29 1988, Miss Falati took four young men away.

The trial continues today.

# Delmas accused set free 331

ONE of the three remaining Delmas accused facing 49 charges ranging from murder to malicious damage to property was acquitted in the Delmas Supreme Court yesterday.

Mr Justice WJ van der Merwe said the State had not produced sufficient evidence to convict Phuti Bernard Mokgonyane (26) of Pretoria.

Evidence in support of sentencing Mokgonyane's co-accused, Godfrey Velaphi Mokube (41) of Bloemfontein,

convicted on four charges, and Peter Holmes Maluleka (34) of Pretoria, convicted on three, will be heard on Monday. *Sowetan 26/4/91*

Bail of R5 000 each was granted to Maluleka and Mokube.

Van der Merwe's two assessors were IS van Schalkwyk and TJ Booyens.

Mr D Soggot, SC, represented Mokgonyane. Mr L van der Walt, SC, prosecuted. Mr R Black, SC, appeared for Mokube and Maluleka.

# Winnie trial is told of priest's sex advances

*Soweto*  
26/4/91 By SONTI MASEKO

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A YOUNG man told the Winnie Mandela kidnap and assault trial yesterday that a Methodist Church minister had made sexual advances to him on two occasions during 1988.

Mr Aubrey Nxumalo (26) was giving evidence for the defence in the Rand Supreme Court in the trial of Mandela and two others.

Mandela (56), Miss Xoliswa Falati (36) and Mr John Morgan (61) have pleaded not guilty to eight counts of kidnap and assault.

The charges arise from the removal of four youths from a Methodist Church mission house in Orlando West, Soweto, on December 29 1988 and later severely assaulted at Mandela's house in Diepkloof.

## Education

Nxumalo told the court he went to live at the manse in July 1988 after being invited by the Rev Paul Verryn who was in charge. Verryn had promised to assist him with his education.

On the first night he was invited to share a double bed with another man, Thomas Nkosi.

He was awoken late at night by Verryn, who took off his clothes down to his underwear and joined them in the bed.

## Private parts

Verryn asked him to move to the other side so that he (Verryn) could sleep in the middle.

"After 10 to 20 minutes something strange took place," Nxumalo told the court.

"Paul Verryn started interfering with my private parts, touching my testicles and brushing my thighs with his hands.

## Fondled penis

"I resisted by pushing him aside. He continued for 10 to 15 minutes and I resisted again until he gave up."

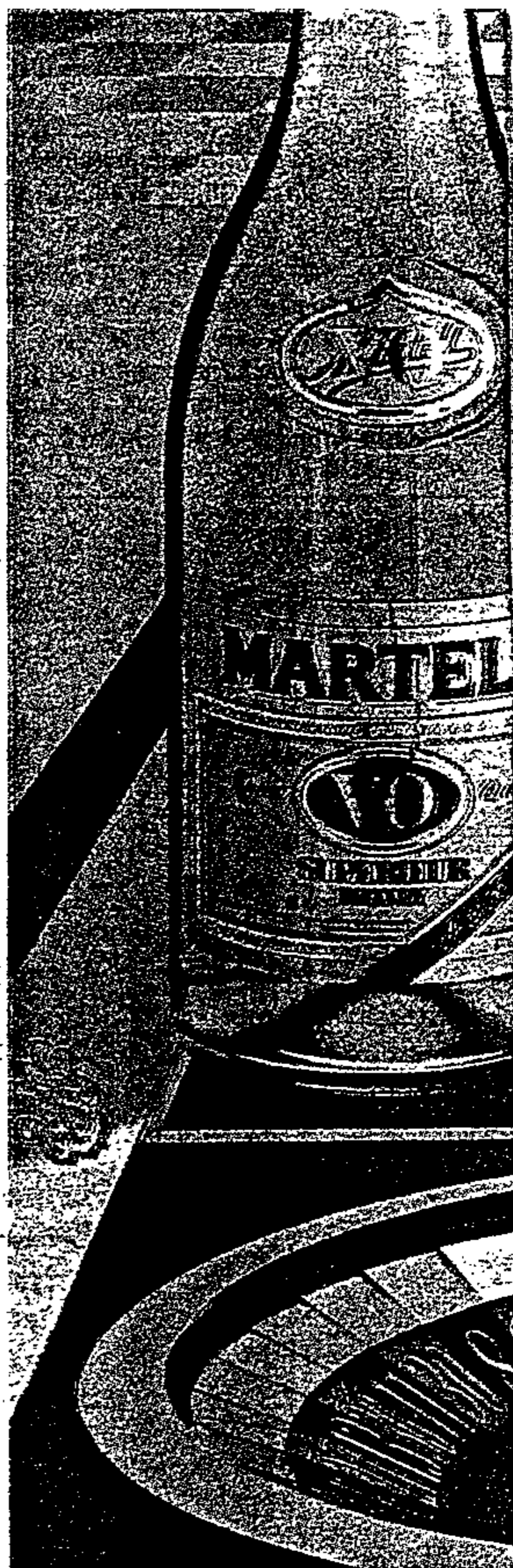
Nxumalo said the next night he chose to sleep in the sitting room because he had been shocked by the incident.

However, Verryn arrived and ordered him to sleep in his (Verryn's) bedroom, saying sleeping in the sitting room would create problems for the church people.

Nxumalo said Verryn repeated the same actions on that night and again he resisted him.

One morning they found another youth, Katiza Cebekhulu, crying. Cebekhulu told them he had slept in Verryn's bed and the minister had fondled his penis.

The case continues.



M A  
MARTELL BR

# Witness tells of nights in manse double bed

Blomay 26/4/91

331

SUSAN RUSSELL

A FORMER detainee told the Rand Supreme Court yesterday he had been "angry and disturbed" after being intimately caressed by the Rev Paul Verryn on two occasions at the Methodist manse in Soweto in July 1988.

Aubrey Nxumalo was called by Winnie Mandela's counsel to give evidence in support of her contention that she had reason to believe complaints that youths living at the manse were being sexually abused by Verryn.

Mandela, 56, Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping four youths from the manse on December 29 1988 and assaulting them.

It is alleged Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Thabiso Mono, 21, and 14-year-old Stompie Seipei were abducted from the manse and taken to the Mandela house, where they were assaulted and kept against their will.

Mandela also denied they were assault-

ed in her presence.

Nxumalo, 26, said he went to live at the manse in July 1988. On the day of his arrival, he said, Verryn told him he must sleep in his bed. Nxumalo said he went to sleep sharing Verryn's double bed with another youth. Verryn arrived during the night and got into the bed between them.

"After about 10 to 20 minutes something strange took place," Nxumalo said.

"Paul Verryn started interfering with my private parts ..."

Nxumalo said he resisted Verryn's advances and the minister gave up and slept.

"I did not sleep the whole night because of what took place."

The same thing happened the following night.

After that, although he remained at the manse, he never again shared Verryn's bed, he said.

# One of three Delmas accused acquitted

By Al-Ameen Kafaar

One of the three remaining Delmas accused who have been facing 49 charges ranging from murder to malicious damage to property since August 1989 was acquitted yesterday during a Supreme Court sitting in Delmas.

Mr Justice W J van der Merwe said the State had not produced sufficient evidence to convict Phuti Bernard Mokgonyane (26) of Pretoria.

## Firearms

Evidence in mitigation of sentence for Mr Mokgonyane's co-accused Godfrey Velaphi Mokube (41) of Bloemfontein, who was convicted on four charges, and Peter Holmes Maluleka (34) of Pretoria, convicted on three, will begin on Monday.

Mokube was found guilty of possessing firearms, explosives and ammunition. He was also convicted of being a member of a banned or-

ganisation.

Mokube confessed his ANC membership shortly after the trial started. The confession was made before the ANC was unbanned. He also admitted receiving military training abroad.

Maluleka was convicted on six charges of malicious damage to property. His conviction is related to an incident in April 1988 when a shop and vehicles were damaged after an explosion in Van Aswegen Street, Pretoria.

Both men were acquitted on the other charges.

Mokube is facing a sentence of up to 35 years' jail. But his defence council, advocate R Black, who also represented Maluleka, told the court that applications from his clients were being considered by the Indemnity Board.

The trial, the last in a series of Delmas trials, began in August 1989 with 12 accused.

Bail of R5 000 was granted to Maluleka and Mokube.

# Gay claims 'pointer to state of mind'

331

Star 26/4/91

By Cathy Stagg

Aubrey Nxumalo testified about homosexuality at the Winnie Mandela trial yesterday after the judge ruled that Mr Nxumalo's evidence was relevant to show the state of mind of the accused.

Mr Nxumalo (26), of Daveyton, was called to give evidence about allegations of homosexuality at the Orlando West Methodist manse prior to December 29 1988, the day on which it is alleged four young men were kidnapped and taken to Mrs Mandela's Diepkloof home.

## Irrelevant

The State had objected to Mrs Mandela's defence team leading Mr Nxumalo's evidence on the grounds that the alleged sexual misconduct by the Rev Paul Verryn was irrelevant.

Mr Justice M S Stegmann agreed that he did not have to make any finding on the sexual allegations, which he described as a collateral issue.

But, the judge said, the State had alleged a conspiracy between Mrs Mandela, who was not present when the alleged kidnapping took place, and her co-accused.

Mrs Mandela (56), Xoliswa Falati (37) and John Morgan (61) have all pleaded not guilty to four counts of kidnapping and four counts of assault with intent to do grievous bodily harm.

If Mrs Mandela's alibi — that she could not have taken part in the crimes because she was in Brandfort — was disproved, the State needed to prove the state of mind of the two women, the judge said.

If Mrs Mandela and Miss Falati believed Mr Verryn was a "vicious sodomite", the judge said, it would tend to mitigate against the wrongful intention

(to kidnap) attributed to them by the State.

The judge, the State and the defence teams agree that even if there had been sexual misconduct at the manse that would not justify assaults.

Mr Nxumalo said he was a former detainee when he went to Khotso House for help in July 1988. He was referred to Mr Verryn who agreed to provide him with accommodation.

On his first night at the manse, Mr Nxumalo said, he was told to share a double bed with Mr Verryn and Thomas Nkosi. During the night Mr Verryn caressed his thighs and testicles, Mr Nxumalo told the court.

He pushed Mr Verryn's hand away and the next morning Mr Verryn asked if Mr Nxumalo was angry. Although he was, Mr Nxumalo said, he did not say so.

The next night he went to sleep on the sofa in the lounge, but Mr Verryn told him to sleep in the bedroom. Again there was caressing and he rejected the advances, Mr Nxumalo said.

The next day Mr Verryn asked why Mr Nxumalo seemed upset and Mr Nxumalo said he did not like what had happened.

## Problem

Mr Verryn asked why he had not said so immediately and urged him to speak out if there was any problem between them, the court heard.

Mr Nxumalo said he was not caressed again and he remained at the manse until January 1 1989.

He said that on December 29 1988, Miss Falati took four young men away. They asked where they were being taken and Miss Falati did not give them a specific reply, Mr Nxumalo said, but they followed her when she told them to go with her.

The trial continues today.

# Three strands to Winnie defence

By EMMA GILBEY *W/Mail* 26/4 - 2/5/91

WINNIE MANDELA'S defence on kidnapping and assault charges headed towards a conclusion on Thursday with the evidence of Aubrey Nxumalo who testified he had been sexually interfered with by Reverend Paul Verryn in 1988.

State advocate Jan Swanepoel, SC, had earlier challenged the admissibility of Nxumalo's evidence, saying Mandela had chosen a specific defence — an alibi. Mandela could not say "I wasn't there, but if it is found I was there then I assaulted them because they had sexual relations with the priest", Swanepoel said.

Mandela defence counsel George Bizos, SC, defended the calling of Nxumalo saying the point was whether Mandela believed Verryn had been sexually assaulting the inmates of the manse, and that Stompie Seipei, Kenneth Kgase, Thabiso Mono and Pelo Mekgwe had left the manse voluntarily because of Verryn's actions.

The state could not cross-examine Mandela on the issue of her belief that sexual assaults had been taking place and then forbid the defence to lead evidence as to whether those assaults had occurred, Bizos maintained.

The alleged sexual activities of Verryn form one of the three threads of the Mandela defence. The others are her alibi and the veracity of Kgase's evidence. In the course of Kgase's cross-examination it was put to him that he was a publicity seeker, peddling a story which had a higher value because of the involvement of Mandela. This week, journalists from the two publications which ran Kgase's story testified for the defence.

Peter Taylor of the *London Daily Telegraph* described how Kgase had come in to his office one day with a 50 000 word manuscript and asked for advice on how to get it published as a book. Extracts from the manuscript were published in the *Sunday Telegraph* and Kgase received nearly R6 000.

Pat Devereaux of *The Star* told of persuading Kgase to be interviewed by her. She said he was reluctant for his story to appear in this country, saying he feared for his life. She testified that she did not know whether Kgase received payment.

Two witnesses appeared to corroborate the Mandela alibi. Thabo Motau testified that he drove her to Brandfort on December 29 1988, leaving Soweto, at about 6.30pm. Nora Moahloli, a Brandfort teacher who was in charge of welfare projects, testified that Mandela had stayed with her from December 29 to 31 1988 to discuss the projects.

In a police statement given three days before the start of this trial Moahloli said Mandela had in fact arrived at her house on December 28. Moahloli said she did not support the dates she had given in the statement and explained the discrepancy. Colonel Coetzee, the policeman taking the statement, had suggested the Mandela visit spanned the days of December 28, 29 and 30. When she asked him whether the first of those nights was a Thursday, because she knew Mandela had arrived on a Thursday night, Coetzee had ignored her, Moahloli said.

A document containing notes taken at a Brandfort meeting Mandela says she attended on December 30 has been taken to be analysed by forensic experts, at the request of the state. The analysis is to establish whether all the notes were written on the same day.

MP (24/8) (531)



**CLAIM SUPPORTED** ... Mrs Winnie Mandela leaves the Supreme Court yesterday. Picture: AP

# Winnie trial: More evidence of sexual abuse

Own Correspondent

**JOHANNESBURG.** — Further evidence that a Methodist minister sexually abused youths staying at a Soweto church manse was heard in the Rand Supreme Court yesterday after the state failed to have the evidence ruled inadmissible.

Evidence by Mr Aubrey Nxumalo that he was sexually abused by the supervisor of the manse, the Rev Paul Verryn, supports Mrs Winnie Mandela's defence that her decision to allow four people to stay in the back rooms of her home was motivated by her concern that they were being sexually abused at the manse.

State witnesses have testified that on the night of December 29, 1988, Mrs Mandela was part of a group of people who assaulted the former manse residents.

Mrs Mandela's defence argument that she was concerned about sexual misconduct at the manse is coupled with her alibi that she was travelling to Brandfort at the time of the assaults. State advocate Mr Jan Swanepoel, SC, argued that Mr Verryn's conduct was not an issue in the trial.

However, Mr Justice M Stegmann said Mr Nxumalo's evidence had "sufficient relevance" to Mrs Mandela's state of mind at the time of the alleged

abductions.

Mr Nxumalo, 26, testified that he had spent the first two nights at the manse in Mr Verryn's bed with Mr Verryn and another man.

He said that on both nights Mr Verryn had "interfered with my private parts" and he had pushed him away. Mr Nxumalo said that after that he never again shared a bed with Mr Verryn and there were no further incidents.

Mrs Mandela, 56, Miss Xoliswa Fafali, 37, and Mr John Morgan, 61, have all pleaded not guilty to four charges each of kidnap and assault.

Yesterday the state announced its intention to apply for the reopening of

its case against Mrs Mandela to rebut evidence given by defence witness Mrs Nora Maohloli.

In her evidence Mrs Maohloli said she did not support a police statement attributed to her, because it contained factual mistakes due to communication problems and police ignoring her requests to correct the mistakes.

In the statement Mrs Maohloli had said that Mrs Mandela arrived in Brandfort on December 28, 1988 and left on December 30. Mrs Mandela's evidence is that she arrived in Brandfort a day later, on the night of December 29.

The trial continues today.

REPORTED BY ...

# Verryn abused me, youth tells court

8ter 27/4/91.  
A YOUTH, who may not be identified, yesterday told the Rand Supreme Court he had been sexually abused by a Methodist minister.

This evidence was led before Mr Justice M S Stegmann during the trial of Winnie Mandela (56), Xoliswa Falati (37) and John Morgan (61). They have all pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

## Overruled

The State's objection to the evidence of alleged homosexuality at the manse was overruled by Mr Justice M S Stegmann on Thursday.

The State had argued that Mrs Mandela had chosen the defence of an alibi and so could not say "I was not there, but if I was, this happened because of the homosexuality at the manse". The judge pointed out that the State had alleged that

Mrs Mandela, who was not actually present when four youths were removed from the manse, was part of a conspiracy to kidnap.

Although he did not have to make any finding on the sexual allegations, the judge said that if Mrs Mandela's alibi was disproved, the State would have to prove the state of mind of Mrs Mandela and Miss Falati.

If Mrs Mandela and Miss Falati believed Mr Verryn was a "vicious sodomite", the judge said, it would tend to mitigate against the wrongful intention (to kidnap) attributed to them by the State.

The judge, the State and the defence teams agree that even if there was sexual misconduct at the manse that would not justify assaults.

As the youth gave explicit details of what he claimed had been done to him by the Rev Paul Verryn, the public gallery



WINNIE MANDELA: Approached for assistance.

## CATHY STAGG

was completely silent.

The youth said he had been expelled from school for being a member of a students' organisation and was in detention for 14 days. He was then too afraid to go to a government school in his area and went to the South African Council of Churches for assistance.

Mr Verryn provided him with accommodation

and paid for his schooling.

Under cross-examination, the youth conceded that his evidence-in-chief differed from his testimony when questioned by the State regarding the dates on which the alleged sexual abuse took place. There were two incidents, each in a different year, the youth said, but the dates on which they took place were not important to him.

After each event, the young man said, he went to Mrs Mandela for assistance.

He also forgot to mention that he had stayed at Winnie Mandela's home in Vilakazi Street, Orlando West, a short distance from the manse, and not only at Mrs Mandela's Diepkloof home.

Earlier yesterday, Aubrey Nxumalo (26) — political education officer of the ANC's East Rand branch and a member of the Daveyton Civic Association — testified that

although he was shocked by sexual advances he claims Mr Verryn made on the first two nights he spent at the manse, he did not seek accommodation elsewhere.

Mr Nxumalo was also expelled from school and is a former detainee. He was referred to Mr Verryn for assistance by Audrey Coleman of the Detainees' Parents Support Committee.

## 'Very bad'

He conceded he could have gone back to Mrs Coleman, her organisation or the Witwatersrand Council of Churches, but did not do so.

Nor did he tell anyone about the two incidents until five months later, when he spoke to Miss Falati on the night of December 29 1988. This was because the incidents were "very bad", he said, and because he respected the work Mr Verryn did.

The trial continues on Monday.

## Youth tells of 'sex abuse' at manse

Weekend Argus  
Correspondent

JOHANNESBURG. — A youth, who may not be identified, told the Rand Supreme Court how he had been subjected to sexual abuse by a Methodist minister.

The evidence was led yesterday before Mr Justice M S Stegmann during the trial of Mrs Winnie Mandela, Miss Xoliswa Falati and Mr John Morgan. They have all pleaded not guilty to four counts of kidnapping and assault with intent to do grievous bodily harm.

The State's objection to the evidence of alleged homosexuality at the manse was overruled by the judge.

### Conspiracy

The State had argued that Mrs Mandela had chosen the defence of an alibi and so could not say: "I was not there, but if I was, this happened because of the homosexuality at the manse." The judge said the State had alleged that Mrs Mandela, who was not actually present when four youths were removed from the manse, was part of a conspiracy to kidnap.

Although he did not have to make any finding on the sexual allegations, he said that if Mrs Mandela's alibi was disproved the State would have to prove the state of mind of Mrs Mandela and Miss Falati.

If Mrs Mandela and Miss Falati believed the Reverend Paul Verryn was a "vicious

sodomite" it would tend to mitigate against the wrongful intention attributed to them, he said.

The judge, the State and the defence teams agree that even if there was sexual misconduct at the manse that would not justify assaults.

As the youth gave explicit details of what he said had been done to him by Mr Verryn, there was not a murmur from the public gallery.

The youth said he had been expelled from school for being a member of a students' organisation and was in detention for 14 days. He was too afraid to go to a government school and went to the South African Council of Churches for help.

Mr Verryn provided him with accommodation and paid for his schooling.

Under cross-examination the youth conceded that his evidence-in-chief differed from his testimony when questioned by the State regarding the dates on which the alleged sexual abuse took place. There were two incidents in different years but the dates on which they took place were not important to him, he said.

He went to Mrs Mandela for assistance after each event.

He also forgot to mention he had stayed at Mrs Mandela's home in Orlando West, a short distance from the manse, and not only at her Diepkloof home.

# Winnie defence witness erred in earlier evidence

Own Correspondent

JOHANNESBURG. — A defence witness in Mrs Winnie Mandela's trial has said under cross-examination that he made mistakes in his earlier evidence.

The 17-year-old witness, who may be identified only as Youth X because of his age, is the second person to be called by Mrs Mandela's defence to testify that a Methodist minister sexually abused youths staying at a Soweto church manse.

During his evidence, Youth X said the supervisor of the manse, the Rev Paul Verryn, had taken his (Youth X's) hand and masturbated himself (Mr Verryn) in September 1987 and again in June 1988.

He said that after both occasions he had sought help from Mrs Mandela and had stayed in the back room of her home in Diepkloof, Soweto, for a couple of months.

He said he had returned to the manse in March 1988 only because his mother, who knew nothing about Mr Verryn's alleged sexual misconduct, was "pushing me to go to school" and that he was supposed to stay at the manse during school terms.

However, under cross-examination by state advocate Mr Jan Swanepoel, SC, yesterday, Youth X said he had made a number of mistakes, including the dates of the sexual assaults, in his evidence-in-chief.

He corrected his earlier testimony,

saying the sexual assaults took place in June 1987 and September 1988.

He also conceded that on the first occasion he left the manse, he stayed at Mrs Mandela's Orlando West home. He had stayed at her new home in Diepkloof only in 1988.

Asked how he could have made such mistakes, Youth X answered that "a person forgets".

Youth X's testimony, coupled with earlier evidence in which Mr Aubrey Nxumalo said he was also sexually abused by Mr Verryn, supports Mrs Mandela's defence that her decision to allow four people to stay in the back rooms of her home was motivated by her being concerned that they were being sexually abused at the manse.

## Alibi

State witnesses have testified that on the night of December 29, 1988, Mrs Mandela was one of a group of people who assaulted the former manse residents in the back rooms of the Mandela home.

Mrs Mandela's defence argument that she was concerned about sexual misconduct at the manse is coupled with her alibi that she was travelling to Brandfort at the time of the assaults. Mrs Mandela, 56, Miss Xoliswa Fahlali, 37, and Mr John Morgan, 61, have all pleaded not guilty to four charges each of kidnap and assault.

The trial continues on Monday.



**AT COURT ...** Mrs Winnie Mandela, wearing a turban, appears outside the Rand Supreme Court yesterday where she is appearing on charges of kidnapping.  
Picture: AP

# Eliminate activists

## Court hears of threat by cop to kill ANC youth

THE spine-chilling tale of how a security policeman allegedly tried to force a young ANC activist to spy on and eliminate his comrades unfolded in the Pretoria Supreme Court this week.

This emerged in an urgent application brought before the court by a member of the ANC Youth League (ANCYL), Thabo Kenneth Dintoe, of Thigane near Haartebeesfontein, Klerksdorp, against the Minister of Law and Order and Lieutenant LT Pretorius, based in Klerksdorp.

Dintoe said he brought the urgent application after he saw an alleged police video recording of his friend, Delekile Amos Khoza, being thrown by police from the seventh floor of a Hillbrow building called Wonder Heights.

He said Security police had threatened to do the same to him.

Earlier this year an inquest into Khoza's death found he had jumped from the Hillbrow building.

Judge Plewman ordered the Minister of Law and Order and Lt Pretorius to "refrain from intimidating, interfering, threatening, inducing or compelling Dintoe to co-operate or take a particular stand".

He also ordered a hand-written statement by Dintoe, and a video tape recording showing him reciting the statement be handed over to the Registrar of the Pretoria Supreme Court.

The Minister and Lt Pretorius consented to the judge's ruling without admitting liability.

In papers before the court Dintoe alleged he and his two cousins, Zeki and Victor Dintoe, were stopped while travelling in their car by four policemen in Klerksdorp in March this year.

The policemen allegedly ordered them to lie on the pavement and warned them not to look in the direction of their car.

Lt Pretorius allegedly asked them if they had anything in their car. They told him there was nothing in it.

"After they had searched our car they showed us a firearm which they said was found underneath one of the seats. We denied any knowledge of it," Dintoe alleged.

"We were then separated. I was then punched and kicked in the ribs and stomach by three of the policemen," he said.

The following morning Lt Pretorius allegedly wanted to know where Pelo Mekgwe (a key witness in the Winnie Mandela kidnap case) was. Dintoe said Pretorius became very angry when he told him he did not know.

On the evening of March 27 Dintoe was allegedly taken by Lt Pretorius and another police officer to an empty flat at Wonder Heights.

Lt Pretorius allegedly told him to co-operate or meet the same fate as Khoza. Lt Pretorius is said to have produced a note written in English and ordered Dintoe to rewrite it in his own handwriting.

Dintoe said he agreed "in terror, after being shown a video tape of Khoza being assaulted by police and thrown from the building in the presence of Lt Pretorius".

After writing the statement Dintoe was allegedly asked to recite it and filmed while doing so.

Dintoe said Lt Pretorius then told him if he refused to co-operate he would send a copy of the video to a public relations officer called Tokyo (at the ANC office in Johannesburg).

Lt Pretorius allegedly said if Tokyo saw the cassette he would believe Dintoe was a police informer and have him eliminated.



Thabo Dintoe ... "not relieved" by court order.

BY MARTIN NTSOENGOE

Dintoe was then allegedly asked by Lt Pretorius whether he knew how to use a Makarov pistol.

Lt Pretorius allegedly said he would teach Dintoe how to use it to assassinate ANC, ANC Youth League and ANC Women's League members. He would be paid R1 500 for each person he killed.

Dintoe did not turn up the next day for a meeting with Lt Pretorius "to make final arrangements".

He left home and is now on the run.

Speaking from his hideout this week, Dintoe said despite his success in seeking the interdict he still feared for his life.

He said he prayed every day that Pretorius would "not meet me alone".

"I am not altogether relieved by the ruling in my favour but I am happy that the world now knows the truth," Dintoe said.

or die?

# Winnie's defence witnesses stick to their stories

By DESMOND BLOW

INTEREST in the Winnie Mandela trial waned this week when she concluded her evidence and left the witness box in the Rand Supreme Court.

She was replaced by witnesses who supported her alibi that she was in Brandfort on the night she is alleged to have sjambokked four youths at her home in Diepkloof, Soweto.

Mandela's alibi is that she left for Brandfort before the four were allegedly abducted from the Orlando West Methodist Church manse and was in Brandfort when the victims were being whipped at her Soweto home.

The gallery was almost empty after Mandela left the witness box on Monday.



Winnie Mandela ... smiling again.

Advocate George Bizos, SC, called Thabo Motau and Nora Moahloli to support Mandela's version. Despite lengthy cross-examination by prosecutor Chris van Vuuren, they stuck to their story that Mandela was in Brandfort on the night of December 29, 1988.

Motau said he drove Winnie to and from Brandfort, and school teacher Moahloli claimed Mandela spent the night with her and attended a meeting of the Child Care Centre committee the next day.

After cross-examination, prosecutor Van Vuuren said the State intended applying to reopen its kidnap and assault case against Mandela and two others.

The State will try to rebut Moahloli's claim that the statement she gave was not the one recorded by a Col Coetzee.

At the end of Moahloli's evidence Mandela, who had appeared strained when she gave evidence, was smiling again.

Her co-accused, Xoliswa Falati, and a third accused, John Morgan, are facing the same charges as Mandela.

The state is expected to call forensic experts who will examine pen entries of minutes of a meeting taken by Moahloli which supports Mandela's alibi that she was in Brandfort.

Prosecutor Van Vuuren put it to Moahloli that certain entries - which suggested Winnie was present at the meeting - were made with a different pen at a later date.

Moahloli agreed she could have used different pens but this was because there were several pens on the table.

The last testimony is expected to be concluded by Tuesday and argument by counsel for the State and the defence is expected to continue for the rest of the week.

# Bitterness as Winnie tastes ANC poll defeat

Star 29/4/91

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By Esmaré van der Merwe  
Political Reporter

**KIMBERLEY** — Drama surrounded the election defeat of Winnie Mandela by Gertrude Shope, who was elected ANC Women's League president by an overwhelming majority at the weekend.

After a tough contest which lasted for three hours, Mrs Shope — an ANC executive member who headed the women's section in exile — emerged as the winner.

She received 633 votes compared to Mrs Mandela's 196 votes.

Albertina Sisulu, also nominated for the presidency, stepped down at the last minute and, in a controversial move, publicly asked her supporters to vote for Mrs Shope.

This led to much bitterness among Mrs Mandela's supporters, who accused Mrs Sisulu — eventually elected as deputy president — of "stabbing Mrs Mandela in the back".

The long-standing feud between Mrs Mandela and Mrs Sisulu is well known.

When Mrs Mandela arrived at the conference hall on Friday night, not a word was spoken between the two former friends.

Mrs Mandela was said to be very upset by her defeat, but did not contest the deputy presidency. She was elected as one of the six additional members of the executive.

The media were barred from the De Beers Stadium grounds during the heated debate on Saturday night.

The Star learnt that western Cape delegates, leading the strong anti-Mandela lobby, threatened to close down their branches if Mrs Mandela were lected.

Some other regions were said to have told Mrs Mande-

la they would show their support by nominating her for the presidency, but wanted her to step down after that.

Addressing the conference briefly yesterday, ANC deputy president Nelson Mandela said those who had lost should not be disappointed and there should be no need for bitterness and regret.

At a press conference later, Mrs Mandela was repeatedly asked whether her assault and kidnapping trial had cost her the presidency.

She said the questions mystified her because "I don't know what the trial has got to do with the election".

The media were subsequently asked to refrain from discussing the trial.

Mrs Mandela said she was extremely proud of the executive and that Mrs Shope and Mrs Sisulu had deserved the top positions.

At a press conference yesterday, Mrs Shope said the league had decided to embark on several ambitious initiatives to eradicate women's exploitation, promote emancipation and verbalise broad support among South African women on gender issues.

President Shope said the League had decided to develop "a different character" from its historic role of a traditional maternal organisation and several resolutions were adopted to put the initiatives into action.

● The league executive is: Gertrude Shope (president), Albertina Sisulu (deputy president), Baleka Kgobetsile (general secretary), Makho Njobe (treasurer), Nosiviwe Maphisa (national organiser). Six additional members are: Ivy Gcina, Winnie Mandela, Ruth Mompoti, Hilda Ndude, Thandi Modise and Mavivi Manzini.

# 'Hotstix' testifies in Winnie assault trial

331  
Sowetan  
30/4/91

**MUSICIAN** Sipho "Hotstix" Mabuse yesterday testified for the defence in the trial in which Mrs Winnie Mandela and two others are facing charges of assault and kidnapping.

An abridged video recording of the funeral of the musician's father, Mr Isaac Mabuse, was also shown in the Rand Supreme Court where the trial is being heard.

Mandela (56) and her co-accused, Mrs Xoliswa Falati (36) and Mr John Morgan (61) have pleaded not guilty.

Mabuse was called by Mandela's defence lawyers to rebut evidence led by Mr Kenneth Kgase.

Kgase had earlier told the court of a conversation which allegedly took place between the pop star and Mandela concerning Kgase's swollen face.

Questioned by Mr George Bizos, SC, Mabuse denied such a conversation had taken place.

Mabuse was made to read from an article in a London newspaper, the *Sunday Telegraph*, in which Kgase was quoted as having said he had gone to the funeral with "a beaten up face which had caused embarrassment".

Mabuse was said to have asked Mandela about Kgase's swollen face, to which Mandela replied in Zulu: "He tried to tell too much to the system so the boys gave him a little education."

By SONTI MASEKO

The video recording showed a group of youths, dressed in tracksuits of the Mandela United Football Club, being led by their coach Jerry Richardson.

Kgase was shown standing with members of the team over the coffin with clenched fists and later being part of the procession.

Under cross-examination by Mr Jan Swanepoel, SC, for the State, Mabuse admitted that the video did not show a conversation between himself and Mandela.

Mabuse said he had spoken to Mandela briefly, thanking her for being present.

In her evidence, Mandela said she had spoken to Mabuse generally about "family matters".

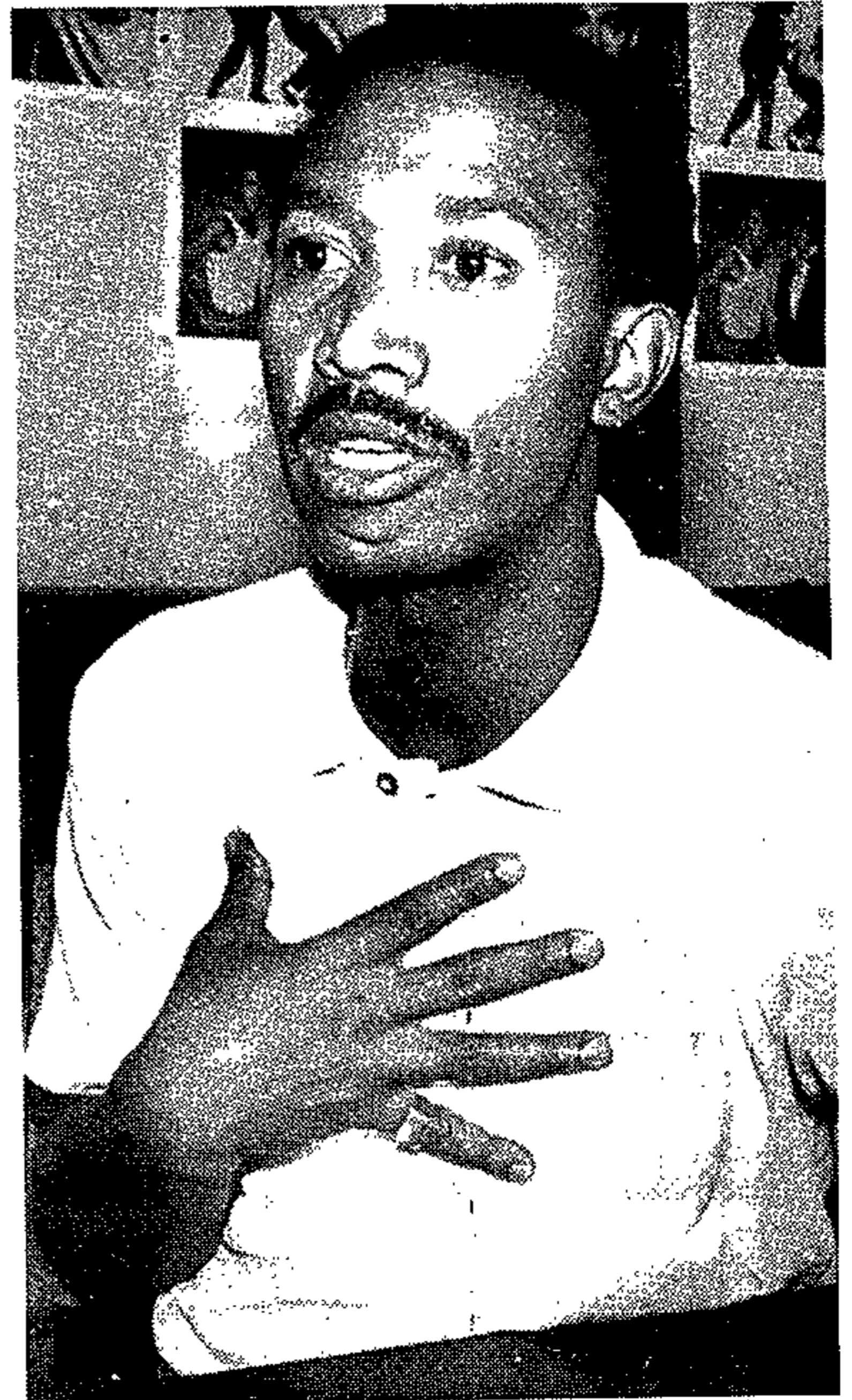
Mabuse repeatedly denied when it was put to him that it was obvious even on the recording that Kgase had a swollen face.

At one stage Swanepoel submitted that it was obvious that Kgase had an injured eye even though Mabuse had insisted that he did not notice it on the screen.

Mr Justice Michael Stegmann also said it was clear to him that Kgase had an injured eye.

The judge also said he noticed a dark mark on Kgase's left temple and a swelling under his left eye.

The case is continuing.



SIPHO 'HOTSTIX' MABUSE

# Winnie's alibi <sup>(331)</sup> colonel denies misleading witness

A SECURITY police colonel denied in the Rand Supreme Court yesterday that he tricked Brandfort teacher Nora Moahloli into signing a statement which contradicted Winnie Mandela's alibi for her whereabouts on December 29 1988.

Moahloli testified last week that Mandela had already left for Brandfort some hours before she was alleged to have kidnapped and assaulted four youths at her Soweto home on December 29 1988.

Mandela and co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping Kenneth Kgase, 31, Gabriel Mekgwe, 22, Barend Thabiso Mono, 21, and Stompie Seipei, 14, from the Orlando-West Methodist manse and assaulting them at Mandela's Diepkloof Extension home.

Moahloli has told the court Mandela and her driver arrived at her house between 10pm and 11pm on December 29 and left after lunch on December 31.

However, the State has submitted a statement taken from Moahloli by Col Abraham Coetzee in February this year in which she says Mandela arrived in Brandfort on December 28.

In her evidence Moahloli explained that she told Coetzee that Mandela arrived on the last Thursday of the month. He then told her the date was the 28th and insisted she sign the statement.

Coetzee said yesterday his job in the

SUSAN RUSSELL

security police was a purely administrative one and he had had nothing to do with the present case other than obtaining the statement.

He denied he suggested any dates to Moahloli. Moahloli had not objected to signing the statement which was read out to her in a black language by an interpreter, he said.

Earlier yesterday defence counsel George Bizos SC called musician Sipho "Hotstix" Mabuse to testify on his father's funeral on January 4 1989 which was attended by Mandela and members of her football team.

A video of the funeral was shown to the court in which Kgase and Mono are seen in Mandela United tracksuits with members of the team.

The footage shows Kgase smiling at the camera and pointing to his left eye which allegedly had been injured during the assaults on him. A black mark can be seen around the eye and it appears swollen.

Mandela has told the court that she saw no serious injuries on any members of the team who accompanied her to the funeral.

Bizos provisionally closed his case yesterday but indicated the defence would lead evidence about the source of two deposits into Kgase's bank account.

# Colonel 'knew security police watched Winnie'

The Argus Correspondent

JOHANNESBURG. — A security police colonel told the Rand Supreme Court that he knew Mrs Winnie Mandela was someone the security police watched, from reading newspaper reports.

Colonel Abraham Coetzee said he worked in administration.

Until he went to Brandfort to take a statement from Mrs Nora Moahloli, the schoolteacher who testified in support of Mrs Mandela's alibi, he had had nothing to do with the investigation, he said.

Mrs Mandela, 56, Miss Xoliswa Falati, 37, and Mr John Morgan, 61, have all pleaded not guilty to kidnapping and assault with intent to do grievous bodily harm.

Colonel Coetzee said he had offered to take the statement because he wanted to spend the weekend in Bloemfontein with family.

He denied that when he went to Brandfort, on February 1 this year, that he knew that Mrs Mandela's trial was due to begin a few days later (on February 4); that Mrs Moahloli had

testified during the Jerry Richardson trial or that the dates December 28/29 1988 were exceptionally important.

Colonel Coetzee said the investigating officer, Captain Fred Dempsey, gave him information which he wrote on a foolscap sheet of paper. He had since misplaced the notes.

He was told to ask Mrs Moahloli if Mrs Mandela was in Brandfort between December 20 1989 and January 1 1989, Colonel Coetzee said.

"She said Mrs Mandela's visit was on December 27, 28 and 29. But when I began taking down the statement, she said she had made a mistake and it was 28, 29 and 30," Colonel Coetzee said. He denied that he suggested the dates.

(The court had already heard Mrs Moahloli testify that Mrs Mandela was in Brandfort on December 29, 30 and 31. It is the State's case that Mrs Mandela was involved in the crimes on December 29.)

Yesterday Mrs Mandela's counsel, Mr George Bizos SC, reserved his right to call a bank employee about the source of funds in State witness Mr Kenny Kgase's bank account.

CAP- Tent  
day, April 30 1991

# Winnie: Claim disputed

Own Correspondent

JOHANNESBURG. — The state yesterday reopened its case against Mrs Winnie Mandela with a security policeman disputing the claim of a defence witness that he had not accurately recorded a statement by her.

Colonel Abraham Coetzee, who is attached to the Soweto branch of the security police, told the Rand Supreme Court that a "voluntary" statement by Brandfort schoolteacher Mrs Nora Moahloli was accurate.

Last Tuesday Mrs Moahloli testified that the affidavit, made three days before the February 4 start of Mrs Mandela's kidnap and assault trial, contained factual mistakes due to communication problems and police ignoring her requests to correct the mistakes.

The statement contradicts Mrs Mandela's alibi that she was travelling to Brandfort about the same time four people were abducted from a Soweto church manse and assaulted at her home.

In the document, Mrs Moahloli said Mrs Mandela had arrived in Brandfort on December 28, 1988, and had left on December 30 after discussing welfare projects.

Mrs Mandela's evidence is that she arrived in the Free State town a day later on the night of December 29.

Mrs Moahloli said Colonel Coetzee had asked whether Mrs Mandela's visit had spanned the days of December 28, 29 and 30.

She said that when she asked whether December 28 was a Thursday, because she knew Mrs Mandela had arrived on a Thursday night, Colonel Coetzee had ignored her and continued his questions.

Colonel Coetzee denied he had put any dates to Mrs Moahloli, adding that she had first told him that Mrs Mandela arrived on December 27 and left on December 29.

After completing her statement, Mrs Moahloli told him she had made a mistake; that Mrs Mandela had in fact arrived on December 28 and left on December 30.

Colonel Coetzee said he had spoken "mainly in English (and) points (Mrs Moahloli) did not understand" were translated into Sotho by another security policeman.

In cross-examination, Mrs Mandela's counsel, Mr George Bizos, SC, asked why the statement was written in Afrikaans if he had spoken in English.

## 'Hotstix' testifies

Colonel Coetzee replied that he had been using an interpreter.

Earlier in the day Mr Bizos provisionally closed Mrs Mandela's defence after the court had heard testimony from Soweto musician Mr Sipho "Hotstix" Mabusa.

Mr Mabusa said that although three of the assault victims had accompanied Mrs Mandela to the January 4, 1989, funeral of his father he had not noticed that any of them were injured.

He also denied a report written for the London-based Sunday Telegraph by one of the victims, Mr Kenneth Kgase, that he felt embarrassed by the sight of Mr Kgase's beaten face.

Mr Mabusa also denied Mr Kgase's claim that Mrs Mandela had told him (Mr Mabusa) that Mr Kgase had been beaten-up because "he tried to tell too much to the system, so the boys gave him a bit of an education".

The trial continues today.

# Security police officer denies suggesting dates to Winnie trial witness

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By Cathy Stage 8/25/91

A security police colonel told the Rand Supreme Court yesterday he knew from reading press reports that Winnie Mandela was some one the Security Police watched.

Until he went to Brandfort to take a statement from Nora Moahloli, the school-teacher who testified during

this trial in support of Mrs Mandela's alibi, he had had nothing to do with the investigation, he said.

Mrs Mandela (56), Xoliswa Falati (37) and John Morgan (61) have all pleaded not guilty to kidnapping and assault with intent to do grievous bodily harm. He denied that when he went to Brandfort on February 1 this year that he knew

Mrs Mandela's trial was due to begin four days later (on February 4). Mrs Moahloli had testified during the Jerry Richardson trial that the dates December 28/29 1989 were important.

Colonel Coetzee said he was told to ask Mrs Moahloli if Mrs Mandela was in Brandfort between December 20 1989 and January 1 1989.

"She said Mrs Mandela's visit was on December 27, 28 and 29. But when I began taking down the statement, she said she had made a mistake and it was 28, 29 and 30," he said.

He denied that he had suggested the dates.

(The court had already heard Mrs Moahloli testify that Mrs Mandela was in Brandfort on December 29,

30 and 31. It is the State's case that Mrs Mandela was involved in the crimes on December 29.)

Earlier, musician Sipho "Hotstix" Mabuse testified about a video of his father's funeral.

Mr Mabuse denied the evidence of State witness Kenny Kgase that he (Mr Mabuse) had asked Mrs Mandela why she had

brought someone with a black eye to the funeral and that she had replied that Mr Kgase had tried to tell too much to "the system" and that "the boys gave him some education".

Yesterday, Mrs Mandela's counsel, George Bizos, SC, reserved his right to call a bank employee about the source of funds in Mr Kgase's bank account.

# TOTALITARIANISM - POLITICAL TRIALS

1991

JUNE — SEPT.

Wednesday June 5 1991

# Four cadres face sabotage charge

Sowetan 5/6/91

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FOUR alleged members of the Azanian National Liberation Army made a brief appearance in the Potgietersrus Regional Court yesterday on charges of sabotage.

Cornelius Kekana, Phunthi Mothoagae, Alexander Palagangwe and Sammy Maluleke appeared before Mr CLG Goosen.

By MATHATHA TSEDU

They were not asked to plead.

The four were granted bail of R2 000 each.

Goosen ordered that they report to the Potgietersrus police station three times a week and surrender their passports.

The case was postponed to July

19 for the Attorney-General's decision.

Their appearance arose from an incident in March this year when a unit of Azania, the military wing of the Black Consciousness Movement, allegedly attacked a road camp of the Transvaal Provincial Administration, causing damage estimated in millions of rands.

# Assault case against AWB men dropped

*Sowetan 6/6/91*  
THE case against 14 Afrikaner Weerstandsbeweging men alleged to have assaulted black children in Louis Trichardt last November has been withdrawn and the men released.

In a dramatic turn-about in a case that raised much anger in the black community and led to a consumer boycott of the town, magistrate Mr WJ Fourie last week ordered that charges against the men be dropped.

The men, whose first appearance in court in December was attended by AWB leader Mr Eugene TerreBlanche and Conservative Party MPs, had made six appearances before the withdrawal order.

Their attorney, Mr Olaf de Meyer, had argued that the case be dropped because it was dragging on too long while the Attorney-

By MATHATHA  
TSEDU

General was deciding whether to proceed with charges.

Fourie had made a ruling that a postponement in March would be the last one.

Senior prosecutor Mr HJ Viljoen said yesterday that the withdrawal was "provisional".

He said the case might be reopened when the Attorney-General reached a decision.

The men - Mr Lucas Beyers (31), Mr Barend Jordaan (24), Mr Jeff Scullard (38), Mr Willem Schaap (31), Mr Christoffel Wolfaardt (45), Mr Gerhardus van der Linde (25), Mr Barend Terblanche (48), Mr Stefanus Jacobs (40), Mr Jan Beyers (no age given), Mr Phillip Terblanche (43), Mr Albertus Pretorius (20), Mr Johan Nagel (23), Mr Ignatius Terblanche and Mr Johan Frederik Kruger (27) -

were accused of assaulting Sunday school children who were picnicking in a park in Louis Trichardt.

Five-year-old children were beaten with sjamboks, fan belts, sticks and bitten by dogs.

## Public *Sowetan* workers

THE National Union of Public Workers holds its first national congress from tomorrow.

The theme of the conference will be held at the Roman Catholic Centre in Saratoga Street, Doornburg, Johannesburg, is "NUPSW challenges".

Azapo president Mr Nefolovhodwe will be the guest of honour. Other guests will come from various unions in Africa.

The congress will look at the role of NUPSW the biggest union in the public sector and to redouble the struggle against privatisation of the public sector particularly health care.

# Individual intent reaffirmed as key to murder trials

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*Soul 6/6-12/6/91*  
**L**EGAL EXPERTS HAVE described last week's landmark "Uppington 25" Appeal Court judgment as an example of how the controversial "common purpose" doctrine should have been applied in the first place. University of the Witwatersrand law professor Denis Davis has described the judgment as the "death-knell" for the way the doctrine was applied in the past.

"The way the doctrine was applied is a legacy of an era when an attempt was made to criminalise the opposition of communities to apartheid.

"The judgment doesn't overturn the common purpose doctrine. What it does, however, is qualify it by saying that one has to look at the individual and not the group," said Davis.

In terms of the doctrine, any person who is part of a mob which becomes intent on killing is equally guilty of murder, even though that person may not have struck the fatal blow.

The 25 were convicted in May 1989 for the murder of municipal policeman Lucas "Jetta" Sethwala, who was stoned to death and set alight after a protest meeting at the local soccer stadium.

In overturning the sentences and convictions of the "Uppington 25" the Appeal Court found that even though many of the accused had stoned the house of Sethwala, it could not be proved that they had the individual intention to commit murder.

The court found that the "common purpose" doctrine had been incorrectly applied and it could rather be said that many of the accused were guilty of public violence. Mr Justice E M Grosskopf overturned 21 of the 25 murder convictions, acquitting three of the accused and imposing suspended sentences on 18.

The murder convictions of two were upheld, but their death sentences were altered to terms of imprisonment. This week lawyers were making arrangements for them to be transferred to prisons closer to their homes.

Lawyer Andy Durbach, who represented the accused in the marathon trial which lasted three years, said this week that it was her opinion that the common purpose doctrine had been too loosely applied.

"What last week's Appeal Court judgment means is that one has to take each fish out of the net and prove that there was individual intention to commit murder," said Durbach.

# 'Ja, Evelina de Bruin, you are now in Pretoria'

South 6/6-12/6/91.

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**E**VELINA DE BRUIN has a way of telling her story of the "living death" on death row. She and her husband, Gideon Madlongolwane, were sentenced to death for the killing of a policeman in Uppington's small black township of Paballelo in 1985.

Recently the Appeal Court overturned the verdict of Mr Justice Basson who had employed the controversial common purpose doctrine and the couple were given suspended sentences of two and one years respectively — for public violence and not murder.

Wrapped in a royal blue and white woollen blanket which she crocheted on death row, she spoke angrily about being taken away from her 10 children and six grandchildren for almost three years.

"What is so good is that these last days I could sleep without pills. If I did not take the sleeping pills in jail, I would sit awake until the next morning and not feel sleepy. The worry kept me wide awake. I worried about the children, specially my little baby, Adelaide. She is only 13.

"The loneliness in the cells hurt me more than anything. Sometimes visitors came and they were turned away. Unless we knew the full name of everyone wanting to visit us, they were sent back home. Sometimes there were people from Uppington who we knew only by their nicknames or sometimes there were people from the ANC that we did not know. It was cruel to be so lonely and know that someone could not come to see me because I could not say exactly who they were. I would just be sitting there from morning till night — waiting.

"One day the warders told me to

Grandmother Mrs Evelina de Bruin walked from death row last week after her conviction with 25 others for the murder of a policeman in Uppington, was set aside. She told her story to **SYLVIA VOLLENHOVEN**:



**WHERE THEY BELONG:** Evelina de Bruin and Gideon Madlongolwane back at their Paballelo home

crochet. I said I did not know how to do this. They sent a black sergeant to teach me and then whenever I had some money I would buy wool.

"I did not want to think too much. Some days you could think about the same things for hours without coming to any conclusion. So many thoughts came through your head and they made little sense.

"It could happen that many hours went by and I could not recall what it was that had been going through my head. I talked to God a lot. Some days

I believed he would get me out of there. Other days I wished they could just hang us and finish it all.

"I remember Judge Basson walking into the court when he sentenced us that morning. But I don't know what happened to me that day.

"He said we could speak before sentence was passed and I told the interpreter that I was glad the trial was over. Then I saw the judge walking out of court. Suddenly everyone was talking. I did not know what was supposed to happen now. I had not

heard Judge Basson's sentence. I don't know why.

"I saw people crying in the court and I asked myself what they had heard that I did not hear. My youngest sister had a heart attack and had to be taken to hospital. When I was taken back to jail I was in a different cell, on my own. I wondered why I had been separated from the young women in the other cell. Nobody talked to me. A doctor came to examine me and I thought it was strange — I had not complained of being ill.

"There were guards in my cell the whole night but still nobody told me anything.

"I couldn't bring myself to ask any questions. In the early hours of the morning the guards told me to get up and get dressed.

"Some female warders and a captain told me to get into a big prison lorry. We drove for hours. I asked myself what was happening here. At Kuruman somebody gave me a blanket. When we finally stopped they had to lift me out of the lorry because I could not move. My legs and my feet were swollen. I was so cold.

"They helped me into a prison and a white officer asked if I knew where I was. I said no. 'Ja, Evelina de Bruin, you are now in Pretoria,' he said. They tried to give me food but it made me sick. I asked the white man what I was doing there. He took a pile of papers and told me to listen carefully because these were the papers that came from Justice Basson in Uppington.

**T**HE POLICEMAN SAID: 'Look Evelina, it says here that you have been sentenced to death.' That made me cross. I told them they could have said this straight to my face long before.

"They were shocked when I said that. Then I told them to listen carefully. I said they should understand that I would be going home eventually. I told them to show me to my sleeping place and give me pills for the pain which was now getting on top of me. 'Ouma,' said the policeman, 'you are strong.'

"In my cell I asked myself why my people hadn't told me. This was why my sisters and my daughter were crying, I realised.

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Next day the prison doctor came to give me medicine for the high blood, arthritis and stomach nerves.

"There were two other women on death row. One left because her sentence was changed to 15 years. The other one was hanged. The night before, they gave her chicken to eat but she said we could have it because she did not feel like eating before she went home. That was the way she put it, "going home".

"In the last few months I was very depressed. I started thinking that they should just hang us. I felt like an ornament that had been forgotten on a shelf.

"It was like living death. It will take a long time to put all this to one side. When I asked Madlongolwane what had been the worst part of the months on death row he said it was the silence at night. From 8pm until 7 the next morning there had to be absolute silence in the cells.

"All you heard was the sound of the warders walking down the corridors and they walked so quietly. At Christmas we had something to do at least. We made artificial flowers from the toilet paper and old newspapers to decorate our cells."

Madlongolwane says he has two priorities now that he is free. He will collect his pension from Spoornet in Uppington where he worked for 27 years and he will join the African National Congress.

"We never knew anything about politics but now I want to join the ANC," he said.

## Case against AWB men dropped

*Sowetan 7/6/91*  
A CASE against Afrikaner Weerstandsbeweging leaders of obstructing the police was withdrawn in the Pretoria Magistrate's Court yesterday. (331)

This followed a decision by the Attorney-General.

Mr Eugene TerreBlanche, Mr Piet Rudolph and 12 other rightwingers appeared in court charged with obstructing the police in the carrying out of their duties.

The charge resulted from an incident at Church Square in Pretoria in April when the men refused to leave the area shortly before a march by the African National Congress.

Prosecutor Mrs M Potgieter told the court that another accused, 27-year-old Mr Barend Blignaut, had since died. - Sapa.



TERREBLANCHE

# I'll call Inkatha - magistrate

Sowetan 12/6/91

331

A MESSINA magistrate yesterday told 11 youths charged with public violence that he would call in Inkatha to restore peace in the local township.

Mr CJ Bester made the remark as he dismissed an application by the unrepresented youths for bail.

He said the youths, most of whom are under age, were responsible for fomenting trouble in Nancefield township, whose residents are on a consumer boycott of white-owned shops.

Bester said he would get 50 Inkatha members armed with kerries

By MATHATHA TSEDU

to knock sense into the youths' heads.

He told them they were wasting time dancing the toyi-toyi in the township.

Bester could not be reached for comment late yesterday.

## 'Preaching'

But State prosecutor Mrs M Skinner told *Sowetan* that the remark was a joke made during "a moment of preaching by Mr Bester".

"He was just telling them that they should stop the trouble in Nancefield and go to school," she said.

But ANC officials in the area are concerned about the remark, which came amid widespread rumours that "strangers have been seen in town provoking people", said ANC chairman Mr Jack Mokobi.

He said the strangers, first noticed yesterday, could not speak any of the three black languages used in the area.

They were seen in town carrying beer and asking people where they could buy things, he said.

Friday June 14 1991

# Probe into court kerrie threat

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Sowetan 14/6/91

By MATHATHA  
TSEDU

THE remark by a Messina magistrate that he would call in 50 Zulus to restore order with kerries is being investigated by the Minister of Justice, Sowetan learnt yesterday.

Reacting to a report which appeared in Sowetan on Wednesday, magistrate Mr CJ Bester, said yesterday the matter had been "blown out of proportion".

He refused to discuss the matter further and said he had never mentioned Inkatha by name.

## Inkatha

"I have got nothing to say to you or anyone else. The matter is now in the hands of the Minister of Justice," he said.

But people in court at the time said Bester had said he would call in Inkatha to deal with youths who were fomenting trouble in the township.

The remark came as he turned down an application for bail by 11 youths, most of whom are under age.

## Furore

The youths face charges of public violence arising from a consumer boycott of white-owned shops in the town.

The remark sparked a furore among activists in the area. They have accused Bester of intimidation.

Meanwhile, community leaders at Nancefield township, detained in connection with the boycott, are being held under Section 50 of the Internal Security Act, according to their attorney, Mr Saad Cachalia.

# No indemnity for alleged bombers

Sowetan 18/6/91

(332) (331)

**THE refusal by the State President to grant indemnity to three men allegedly responsible for the Blood Street bomb, yesterday resulted in a second postponement of the Pretoria Supreme Court trial.**

Pro deo defence counsel for Mr Adrian Hendrickus Maritz (43) British citizen Mr Henry Guy Martin (49) and Mr Lodewyk Grobler van Schalkwyk (53) told Mr Justice Van der Walt they had only learned yesterday that the State President had refused to grant them indemnity.

This decision was unexpected and counsel said they were not prepared to proceed with the trial.

The case will now be heard on August 5.

## Postponement

The judge requested an undertaking by counsel that at the next hearing there would be no further postponement requests from them.

Mr Paul Fick, for the State, said a second request for postponement "went against his grain" but he would concede to another date if the court so ordered.

The judge said it was only fair to allow counsel to prepare for defence.

The men face 11 charges of attempted murder, a charge of theft and malicious damage to property fol-

lowing the bomb blast outside a fast food outlet in Blood Street, Pretoria on August 11 last year. Eleven people were injured.

They are also accused of murdering Mr Nicolas James Elvin Cruse, a consultant, who died after opening a parcel bomb in his Durban office on October 20.

Other charges against them relate to unlawful possession of explosives, teargas, grenades and detonators.

- Sowetan Correspondent.

# Kasrils to decide on coming out of hiding

Sowetan 18/6/91

SACP central committee member Mr Ronnie Kasrils, who has been indemnified for his role in "Operation Vula" - an alleged plot to overthrow the Government - is still to decide whether to come out of hiding.

SACP spokesman Mr Jeremy Cronin said yesterday Kasrils will decide on whether to come out of hiding after discussions with the senior leadership of the ANC and SACP.

In terms of a list, available at the office of the Director-General of the Department of Justice, Kasrils received indemnity for acts of terrorism committed before October 8 last year, the unlawful possession of arms and ammunition, the unlawful possession of explosives and the unlawful possession of a firearm.

A list of people indemnified was

**Sowetan  
Correspondent**

published in the Government Gazette on Friday.

A police spokesman said on Friday crimes committed by Kasrils which did not lead to injury or death would not be further investigated but "regarding other cases which could possibly be proved, police do not want to comment on at this stage".

**Terrorism**

Ms Janet Love, who was also wanted in connection with "Operation Vula", was also indemnified for acts of terrorism before October 8, 1990 and the unlawful possession of arms and ammunition.

Mr Hugh Lugg, who was arrested with three other ANC mem-

bers at Broederstroom in 1988, was indemnified for terrorism in Broederstroom in May 1988.

Four rightwingers - Mr Arthur Archer, Mr Craig Barker, Mr Leonard Veenendaal and Mr Darryl Stopforth - were granted indemnity for causing explosions in Johannesburg in June last year, including the explosions at the Rosettenville synagogue and at the offices of the *Vrye Weekblad*.

Another rightwinger, Mr Hendrik Binneman, was indemnified for terrorism and malicious damage of property in Johannesburg in August last year.

Mr Leon van Rensburg was granted indemnity for the unlawful possession of arms and ammunition and the unlawful possession of explosives in Johannesburg on July 6, 1990.

## Warrants out for 31 city demonstrators

331 Court Reporter 19/6/91

WARRANTS of arrest were issued for 31 people who failed to appear in Cape Town Magistrate's Court yesterday following their arrest during a May 10 demonstration for the release of hunger strikers.

Prosecutor Mrs R Berg said the alleged illegal gatherers were clearly informed that they were due in court yesterday.

Defence for the 31, Mr A Abercrombie, said: "Between 300 and 500 people were arrested that day, and various court dates were set aside — there exists understandable confusion as to which people are to appear on which dates."

Magistrate Mr H L Muller postponed the hearing to July 25 for trial.

The accused were Mr Wesley Foster, Ms Lanieza Lalla, Mr Boy Mbuswana, Ms Nomathemba Makuca, Ms Thoraya Pandey, Mr Andile Ngambane, Mr Lolile Zamba, Mr Fundiswa Ngqizela, Ms Nosiho Myekisane, Mr Mithela Moko, Mr Kelvin Saptos, Ms Sithembile Teska, Mr Lanenula Mthwalaho, Ms Gloria Ramogane, Mr Percy Raji, Mr Khaleonyoni Njani, Mr Siyabulele Koeema, Mr Peter Waerman, Mr Keyoketu Mstisana, Mr Namzwatsha Mzwankwe, Ms Amanda Sokiwe, Ms Rene Lawrence, Mr Elms Whambi, Mr Lotani Myemba, Mr Ernest Esquire, Mr Derrick Mqishu, Mr Ismael Abrahams, Ms Christine Xabamisa, Ms Lettie Mquili, Ms Princess Vele and Ms Blossom Meeane.

## Revenge trial delayed

*Sowetan* 19/6/91  
THE TRIAL of two Afrikaner Weerstandsbeweging members, who have pleaded guilty to seven counts of murder and 27 of attempted murder after a revenge attack on a passenger bus, has been adjourned to September 9 in the Supreme Court, Durban. (331)

Mr David Petrus Botha (46), an AWB commandant at Richards Bay, and Mr Adriaan Smuts (38), also a member of the rightwing organisation at Richards Bay, avenged the stabbing of whites on Durban's beachfront by black youths by attacking a Putco bus at Avoca, north of Durban, on October 9 last year.

Following a recommendation by a psychiatrist, Mr Justice Broome directed that Smuts be sent for mental observation.

In a separate trial, Eugene Marais (28) was sentenced to death seven times on April 4 this year for his part in the attack. - *Sowetan Correspondent*.

CT 20/6/91  
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**Steve Biko case is 'reopened'**

PARLIAMENT. — The Steve Biko case had been reopened following a motion passed in the House of Delegates and had resulted in action against some doctors, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

According to Sapa, the minister was replying to the debate on the Internal Security and Intimidation Amendment Bill. He said the attorney-general had studied the records of the Steve Biko case thoroughly to see if prosecution was possible.

"Justice does prevail no matter how long it takes," he said.

MPs in the House asked Mr Coetsee for further details but the minister did not clarify his statement.

# Plaintiff heard shots, then fainted

Staff Reporter *gpc* 20/6/91

A man, who had been called a "cheeky kaffir" by one of two men who beat him up, heard two gunshots before he fainted a Johannesburg Regional Court heard yesterday.

Stanley Radebe was giving evidence in a trial in which a father and son have been accused of attempted murder and two counts of assault with intent to do grievous bodily harm.

Hans van Es (51) of Orange Grove, Johannesburg, and Troy van Es (25) of Sydenham, Johannesburg, yesterday pleaded not guilty to the charges.

Mr Radebe said he and a friend, Solomon Mataboge were walking home on the night of February 22. Two men came out of a house in Orange Grove and walked towards them.

"One of them asked if we were talking to them. We said no, we were talking to ourselves. One of the men said 'this is a cheeky kaffir' and punched me. When I was on the ground I was kicked several times. I heard two shots and struggled to get up."

Troy van Es hit him with the butt of a gun and he became dizzy and fainted, Mr Radebe said. Mr van Es swore at him and threatened to shoot him.

Under cross-examination from defence lawyer B Hertzberg, Mr Radebe denied he was trying to steal a car when he was accosted by the two men.

Mr Mataboge told the magistrate, Mr W Botha, he had been bitten by a dog. He ran to a police station while Mr Radebe was being assaulted.

Mr Mataboge and Mr Radebe denied they were drunk when the incident took place.

The case was postponed to June 27.

# Winnie's appeal on kidnap on July 16

Own Correspondent (331) CT 22/6/91

JOHANNESBURG. — Winnie Mandela's application for leave to appeal against her conviction and six-year jail sentence for kidnapping will be heard on July 16, state advocate Mr Jan Swanepoel, SC, confirmed yesterday.

Her co-accused Xoliswa Falati, 37, who received a six-year jail sentence, and John Morgan, 63, who received a one-year sentence suspended for five years, will also apply for leave to appeal on July 16.

Mandela is presently out on R200 bail.

Earlier yesterday Mandela appeared in the Johannesburg Magistrate's Court on charges of disrupting the city's traffic flow during a May 22 protest against the imprisonment of political prisoners and resisting arrest.

Magistrate Mr Johan Moolman postponed the case against her and 15 co-accused until August 23.

## No new Biko inquest: Woods 'disappointed'

C/T 22/6/91 Own Correspondent

LONDON. — Former East London Daily Dispatch editor Mr Donald Woods has expressed disappointment at the news that the government has decided not to open a fresh inquest into the death of black activist Mr Steve Biko.

Quoted in yesterday's Western Mail, on which he also used to work, Mr Woods said he was initially very pleased when he heard reports that the government would look again at the circumstances surrounding Mr Biko's death in police custody.

Mr Woods built up a close rapport with the black consciousness leader in the mid-1970s and campaigned for his death to be investigated. He was served with a banning order as a result.

**IN COURT AGAIN: Winnie Mandela at the Johannesburg Magistrate's Court yesterday where she appeared on two charges of obstructing traffic and resisting arrest. The cases, arising from arrests during protests on May 22, were postponed to August 23. PHOTOGRAPH: John Hogg.**

## A HARD-HITTING BBC documentary, broadcast on Radio 702 last night, and which pieced together Winnie Mandela's now disbanding football club's reign of terror in Soweto, received a huge response from listeners.

# Hard-hitting programme on Winnie's football club

**PAT DEVEREAUX**

Radio 702 said because of the huge response they would repeat the broadcast of the damning BBC documentary, comprehensively researched from court evidence and interviews with people linked to the team and its thugery.

It told of abductions, assaults and conspiracy to murder and implicates Winnie Mandela and football team members.

It was first broadcast by the BBC in December last year, but Radio 702 said they were unable to broadcast it earlier because of the sensitivity surrounding Winnie Mandela's trial.

Former member of the football club, Andrew Lerottodi Ikaneng, who has suffered at least three attempts on his life, told how Mrs Mandela initiated the move to form a football club and got about 20 youths together. She had them kitted out in the ANC colours and they formed her personal body guard.

"People would come to Mrs Mandela's house and report incidents. These incidents were recorded in a book. Winnie would look at the book and decide if people involved in the complaint should be brought to her house.

"The boys would then go in her combi and fetch those involved. Most people would come voluntarily but if not they would be forced to accompany the team," said Mr Ikaneng, who described a

**PAT DEVEREAUX**

"Kangaroo Court" session. Winnie would sometimes leave before the end of a trial and leave decisions up to the disciplinary committee, but she would always be told of the punishment meted out to so-called offenders, said Mr Ikaneng.

"In February 1987 one of the (so-called) Mandela sisters claimed she had been raped by Daliwonga High school pupils. The next day the boys (from the club) were sent out to look for three boys."

"The three alleged rapists were put on trial at the Mandela home and beaten.

Mr Ikaneng said he had participated in the beatings, which continued for two hours. He said Mrs Mandela was in the main part of the house at the time and it was possible she had not heard the victims' screams.

Shortly after, the Mandela house was destroyed by Daliwonga pupils — it was seen as a revenge attack for the abduction of the three alleged rapists. Apparently Soweto residents, fed up with Winnie and her team's thugery, simply stood by and watched it burn.

And on August 11 1988, Ismail Ayob, Nelson Mandela's lawyer, said his jailed client did not want to prosecute anyone for the destruction of his home.

"Since the formation of the football club in 1986 there have been four murder trials, three death sentences and at least 16 killings involving individuals linked to the football club. In none of these trials was Mrs Mandela called as a witness," said the documentary.

It related events surrounding the arrest of club members on January 27 1987 in connection with a double killing in a shebeen which led to the Cupa Seheri trial.

Cupa was a trained ANC guerilla who stayed at Winnie's house. In February 1988 he was charged with the shebeen murders.

Two members of the Attorney-General of the Witwatersrand has confirmed that Winnie Mandela's application for leave to appeal against her conviction of six years' imprisonment for kidnapping and accessory after the fact to assault, will be heard by the Rand Supreme Court on July 16.

— Sapa.

team, Sithembiso Buthelezi and Charles Zwane, were charged as accessories. They were regular visitors and stayed over at 8115 Orlando West. Buthelezi was Mrs Mandela's daughter Zinzi's boyfriend at the time.

Oupa Seheri was sentenced to death for the shebeen murder. Buthelezi, who had used Winnie's maroon Audi to accompany Seheri to the scene of the shooting, got 18 months and Charles Zwane was given a suspended sentence.

But an agreement was reached between the lawyers and the state that Winnie and Zinzi be kept out of the trial, according to the documentary.

Mr Ikaneng spoke of rigid controls over team members, who had to sign a register when they left or returned to the house. "They did not trust us and some were accused of being sell-outs," he said.

After playing truant on two occasions Mr Ikaneng and his friends were accused of being sell-outs.

Mr Ikaneng recalled the first attempt on his life in 1988 when his friend was shot by another football club member, but managed to escape. He said he had given a statement to police about the shooting.

"Winnie hit me and told team members to take me to her house in Diepkloof. But I escaped," said Mr Ikaneng.

He spent six weeks in hiding in Sharpeville. "But in January 1988 I returned to my Soweto home because I was almost destitute.

"That same evening Jerry Richardson, who headed the soccer team, and club members came to fetch me."

Mr Ikaneng was pursued by team members and was stabbed in the neck with the blade of a pair of garden shears by Richardson. He was left for dead, but managed to crawl to a nearby house for help. He spent 10 days in hospital.

On December 29 14-year-old Stompie Mokheisi was killed by Richardson, who has been jailed for the murder. Mr Ikaneng gave evidence in the trial. Stompie's body was found in the veld on January 6 1989.

A fortnight of spiralling violence followed. The home of Dudu Cilli, an ANC Women's League member, was fire-bombed. Her 13-year-old niece Finkle Mosomi was killed in the attack.

Club member Charles Zwane was sentenced to death for killing her.

The Mass Democratic Movement then distanced itself from Mrs Mandela.

Interviewed by the BBC, Mr Katiza Cebekhulu told how Winnie and her team had conspired to have Sithembiso Madondo and five others killed by members of the team. A list of names was confiscated by police from her house during their investigations.

Mr Cebekhulu is reportedly being held in protective custody in Lusaka.

In further investigations the BBC said it had uncovered another incident in which a youth, Lolo Sono, had been beaten by Winnie's team after two ANC guerillas were killed by police. He was accused of being an informer.

According to Lolo's father the youngster was last seen in November 1988. He had been severely beaten and was in the company of Mrs Mandela and her team. "She told me my son was an informer and that he would be punished. They came to fetch his belongings and then took him away."

Mrs Mandela has continued to proclaim her innocence.

# Hard-hitting programme on Winnie's football club

Star 22/1/91

A HARD-HITTING BBC documentary, broadcast on Radio 702 last night, and which pieced together Winnie Mandela's now disbanded football club's reign of terror in Soweto, received a huge response from listeners.

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The three alleged rapists were put on trial at the Mandela home and beaten.

Mr Ikaneng said he had participated in the beatings, which continued for two hours. He said Mrs Mandela was in the main part of the house at the time and it was possible she had not heard the victims' screams.

Shortly after, the Mandela house was destroyed by Daliwonga pupils — it was seen as a revenge attack for the abduction of the three alleged rapists. Apparently Soweto residents, fed up with Winnie and her team's thugery, simply stood by and watched it burn.

And on August 11 1988, Ismail Ayob, Nelson Mandela's lawyer, said his jailed client did not want to prosecute anyone for the destruction of his home.

"Since the formation of the football club in 1986 there have been four murder

trials, three death sentences and at least 16 killings involving individuals linked to the football club. In none of these trials was Mrs Mandela called as a witness," said the documentary.

It related events surrounding the arrest of club members on January 27 1987 in connection with a double killing in a shebeen which led to the Oupa Seheri trial.

Oupa was a trained ANC guerilla who stayed at Winnie's house. In February 1988 he was charged with the shebeen murders.

Two members of the

Zwane was given a suspended sentence.

But an agreement was reached between the lawyers and the state that Winnie and Zinzi be kept out of the trial, according to the documentary.

Mr Ikaneng spoke of rigid controls over team members, who had to sign a register when they left or returned to the house. "They did not trust us and some were accused of being sell-outs," he said.

After playing truant on two occasions Mr Ikaneng and his friends were accused of being sell-outs.

Mr Ikaneng recalled the first attempt on his life in 1988 when his friend was shot by another football club member, but managed to escape. He said he had given a statement to police about the shooting.

"Winnie hit me and told team members to take me to her house in Diepkloof. But I escaped," said Mr Ikaneng.

He spent six weeks in hiding in Sharpeville. "But in January 1988 I returned to my Soweto home because I was almost destitute.

"That same evening Jerry Richardson, who headed the soccer team, and club members came to fetch me."

Mr Ikaneng was pursued by team members and was stabbed in the neck with the blade of a pair of garden shears by Richardson. He was left for dead, but managed to crawl to a nearby house for help. He spent 10

days in hospital.

On December 29 14-year-old Stompie Mokhele was killed by Richardson, who has been jailed for the murder. Mr Ikaneng gave evidence in the trial. Stompie's body was found in the veld on January 6 1989.

A fortnight of spiralling violence followed. The home of Dudu Cilli, an ANC Women's League member, was fire-bombed. Her 13-year-old niece Finkie Msoni was killed in the attack. Club member Charles Zwane was sentenced to death for killing her.

The Mass Democratic Movement then distanced itself from Mrs Mandela.

Interviewed by the BBC, Mr Katiza Cebekhulu told how Winnie and her team had conspired to have Sibiso Madondo and five others killed by members of the team. A list of names was confiscated by police from her house during their investigations.

Mr Cebekhulu is reportedly being held in protective custody in Lusaka.

In further investigations the BBC said it had uncovered another incident in which a youth, Lolo Sono, had been beaten by Winnie's team after two ANC guerillas were killed by police. He was accused of being an informer.

According to Lolo's father the youngster was last seen in November 1988. He had been severely beaten and was in the company of Mrs Mandela and her team. "She told me my son was an informer and that he would be punished. They came to fetch his belongings and then took him away."

Mrs Mandela has continued to proclaim her innocence.

## Union chiefs on trial

By DAWN BARKHUIZEN

(331)

TRADE union leaders Jay Naidoo, Sydney Mafumadi and Moses Mayekiso go on trial in the Johannesburg magistrate's court tomorrow on charges of kidnapping and assault. *Stille 23/6/91*

The charges stem from an incident in the Cosatu offices on August 28 last year when Monge Maleka, later identified as a policeman, was spotted outside the organisation's headquarters in Johannesburg and taken inside.

He was in possession of a two-way radio and was allegedly held for four hours and assaulted in front of journalists during a press conference.

All three trade unionists have been mentioned as possible candidates for election to the ANC's National Executive next month.

# Govt urged to drop charges against 4

By SONTI MASEKO

THE International Confederation of Free Trade Unions has called on the Government to drop charges against four Cosatu officials who are to appear in the Johannesburg Magistrate's Court today.

Mr Jay Naidoo, Mr Sydney Mafumadi, Mr Baba Schalk and Mr Moses Mayekiso are to appear on charges of kidnapping, assault and robbery arising from an incident last year when a policeman found allegedly spying on the union's headquarters in Johannesburg was apprehended by Cosatu officials.

The ICFTU, which represents more than 100 million workers throughout the world, argues that the men's arrest had clear political overtones.

# Much at stake as unionists go on trial

JO-ANNE COLLINGE considers how the trial of four trade union leaders could add fuel to the conflict over what constitutes a political trial.

FOUR senior officials of the Congress of South African Trade Unions (Cosatu) go on trial this week on charges of assault and kidnapping.

Demonstrations in central Johannesburg and the presence in the public gallery of political heavyweights — such as anti-apartheid veteran Archbishop Trevor Huddleston, the ANC's Thabo Mbeki and the SA Communist Party's Joe Slovo — are likely to underscore the labour body's belief that this is a political trial.

"Messages of support have poured in from trade unions and trade union federations from around the world. They have demanded that the State drop the charges against the Cosatu leadership on the basis that the trial is a political one, and contravenes the State's undertaking to stop political trials," Cosatu announced yesterday.

The charges against the four may be the same as in the recent trial of Winnie Mandela. But while there was obvious ambivalence in the democratic movement about whether to view the Mandela trial as political or criminal, there is no such division of opinion on the Cosatu trial.

The charges against Cosatu general-secretary Jay Naidoo, assistant general-secretary Sidney Mafumadi, staffer Baba Schalk and National Union of Metalworkers of South Africa general-secretary Moses Mayekiso arise from events on August 28 last year.

A man, later identified as police agent Constable Monge Maleka, was observed near the Cosatu head office behaving in what the labour organisation described at the time as a "suspicious" manner.

Later that day Mr Maleka appeared at a press conference convened by Cosatu at which he demonstrated the use of a two-way radio and made known that his task was to monitor Geraldine Fraser, a worker for the SACP, which has offices in the Cosatu building.

Mr Naidoo, Mr Mafumadi and Mr Schalk were arrested in a massive police operation at the Cosatu offices later that day and appeared in a specially convened night court, where bail of R1 500 each was set. Mr Mayekiso was charged months later.

According to the charge sheet Mr Maleka was abducted in Rissik Street and taken 60 m into the Cosatu offices.

Lawyers for the Cosatu four have made it clear that their clients will be pleading not guilty to performing these acts.

Interest in the trial extends well beyond the questions posed by the formal charges. Many observers will have as great an interest in what Constable Maleka was doing outside the Cosatu offices.

They will be looking to the trial to clarify what police spokesman Captain Eugene Opperman meant when he said on August 28: "At times the police, in the line of duty, monitor certain organisations, groups and individuals."

Was Ms Fraser the target of such surveillance? If so, was she the sole target or did it extend to the SACP and Cosatu?

In an information document on the trial, Cosatu makes the point that evidence was led during the Harms Commission that Cosatu was perceived as an enemy of the State and that its leadership were viewed as targets in covert operations.

Similarly, the Hiemstra Commission of Inquiry into the Johannesburg City Council spying made it clear that Cosatu was under surveillance.

The Cosatu document points out that the unsolved bombing of Cosatu House in May 1987 and countryside attacks on union offices and officials in the last six years should be seen against this background of surveillance by the State.

Cosatu feels the trial should be seen in the context of these events. □

# Azanla cadre appeals

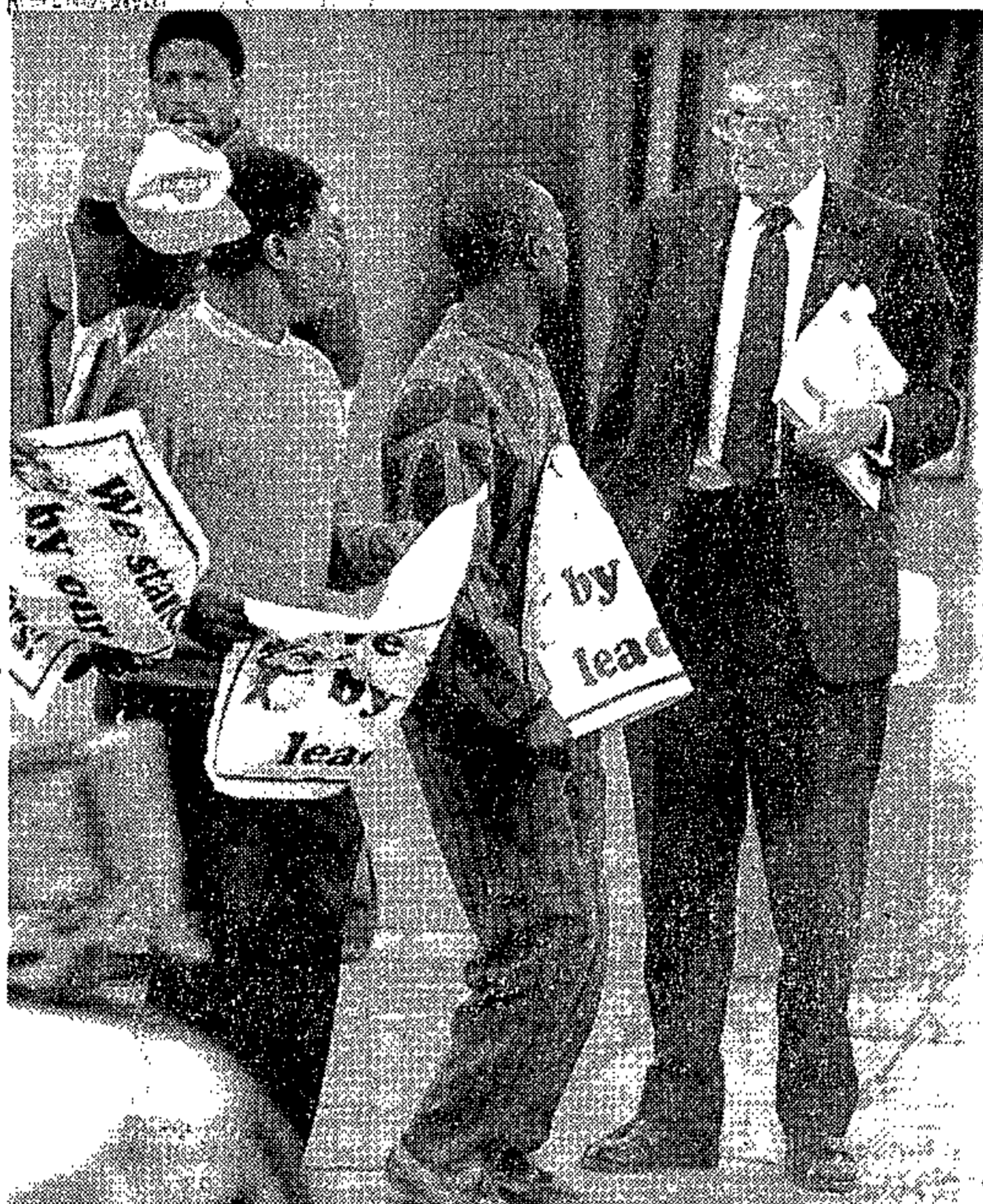
By MOKGADI PELA

24/6/91  
Souta  
GEORGE Biya (21), an Azanian National Liberation Army cadre who was convicted in the Mmbatho Regional Court last week of possessing arms and ammunition has appealed against his three-year sentence.

His lawyer, Mr. NM Mavundla, said yesterday Biya's bail application pending appeal was turned down.

Biya was found guilty of possessing a Tokarev pistol and two magazines. He was acquitted on two counts of attempted murder.

Biya is a trained member of the Black Consciousness Movement of Azania's military wing Azanla, which has in the past been involved in skirmishes with Bophuthatswana security forces.



Former Amcoal chairman Graham Boustred stops to talk to some of the 150-odd Cosatu supporters outside the Johannesburg Magistrate's Courts yesterday. Anti-Apartheid Movement president Archbishop Trevor Huddleston joined the protest which was led by several ANC executive members. Picture: ROBERT BOTHA

## Policeman 'was forced to strip'

A SECURITY policeman yesterday said he was assaulted, forced to undress and paraded in front of media representatives after senior Cosatu officials apprehended him and accused him of spying.

The policeman, Monge Maleka, was testifying in the Johannesburg Regional Court during the trial of Cosatu general secretary Jay Naidoo, Cosatu assistant general secretary Sydney Mafumadi, National Union of Metalworkers of SA general secretary Moses Mayekiso and Cosatu staff member Baba Schalk.

The four pleaded not guilty to kidnapping and assaulting Maleka on August 28 last year at Cosatu's Johannesburg headquarters.

Maleka yesterday admitted to possessing a police two-way radio and a photograph of an SACP official when Naidoo allegedly approached and threatened to shoot him if he did not co-operate. He said Mayekiso and Mafumadi forced him to Cosatu's offices, where he was accused of being a policeman and was interrogated, assaulted and told to undress.

Apart from a slap Naidoo administered to his head, the blows were delivered by people not among the accused, Maleka said.

Maleka said he was taken to another office where journalists saw him being hit. 81 day 25/6/91.

The hearing continues. — Sapa.

# Cosatu men beat me up, cop claims

*Sowetan 25/6/91*

*(200)* *(331)*

A SENIOR Cosatu official allegedly threatened to shoot a security policeman suspected of spying on Cosatu House on August 28 1990, the Johannesburg Regional Court was told yesterday.

Constable Monge Joubert Maleka told the court that while he was standing outside Cargo Motors in Rissik Street he was confronted by three people, one of whom threatened to shoot him.

He identified the man as Mr Jay Naidoo, who is the general secretary of Cosatu.

Naidoo (36), Baba Schalk (30), Sydney Mafumadi (32) and Moses Mayekiso (40) are facing charges of kidnapping and assault before Mr O Rautenbach.

The State alleges that the four men kidnapped and assaulted Maleka on August 28 1990. The accused, all senior unionists, have pleaded not guilty.

Counsel for the four men, Mr John Myburgh, said Maleka had the building under surveillance in Rissik Street housing Cosatu and SA Communist Party offices, "because he was looking for a Miss Fraser, a member of the SACP".

When Maleka said he did not even know where Cosatu offices were, Myburgh replied: "You must be the only security officer in Johannesburg who does not know Cosatu's offices."

Maleka alleged that on the day of the incident Naidoo and two other people took him to National Acceptance House, where he was assaulted, punched and kicked several times "even at a Press conference which was held at the building".

He said the incident occurred after he had been found in possession of a two-way radio and a photograph of a Miss Fraser, an SACP member working at the same building. The case continues today.

# Diabetic A WB man's murder trial postponed

A WB supporter Frederick Jacobus Viljoen of Benoni is to appear in court again on August 19 on a charge of murdering a black man.

Mr. Justice Hartzenberg postponed the trial of Viljoen (27) at the request of the prosecutor.

in order for the presentation of expert evidence on his diabetic condition.

The State alleges that on July 11 1989 Viljoen stabbed to death Daniel Matlala in a Benoni street.

joen "often" walked up to strange black people and hit and kicked them. He has denied this. He said that on the night in question he had merely tried to help his retarded sister-in-law, whom he thought was being attacked by a

black man. Without realising what he was doing, he had stabbed the man when he felt he was being overpowered. Viljoen is at present serving a jail sentence for housebreaking. —

321

The disappearance and alleged death of police informant Japie Maponya, claimed to have been murdered by three Security Police members six years ago — again came under the spotlight yesterday with the start of an official inquest in a Pretoria Magistrate's Court.

The inquest is being held to determine how Mr Maponya died and whether anyone could be held accountable for his death.

It is being held in the wake of allegations by Death Row pris-

## Inquest into death of informant begins

Star 25/6/91

oner Almond Nofomela that Mr Maponya had been kidnapped by members of the Security Police and shot dead at the infamous security police base, Viakplaas.

The Harms Commission found that Nofomela's claims could not be substantiated.

Brigadier Krappies Engelbrecht, former investigating officer into the case, testified that neither Nofomela nor the three

security policemen alleged to have been involved in the incident had been at Viakplaas at the time of Mr Maponya's alleged death, either on September 23 or 24 1985.

Mr Maponya's father and girlfriend had never reported his disappearance because they thought he had, like his brother, O Maponya, joined the ANC in Botswana.

Mr Maponya's brother was

23/9

killed some years later when a landmine exploded in his face outside the Sterland cinema complex in Pretoria.

He said that according to the building society in Krugersdorp where Mr Maponya had been employed, he had disappeared only two days before he was to have gone on his annual leave.

Deposits and withdrawals were made from Mr Maponya's accounts on September 23 and

24 1985.

Brigadier Engelbrecht said Mr Maponya's body had never been found and no information could be gained from ANC recruits on whether he joined the ANC and had perhaps been killed in another country.

Brigadier Engelbrecht said his investigation had determined that Mr Maponya had disappeared but that no one, not even Nofomela, could prove the man was dead.

The hearing continues. — Sapa.

# Policeman claims assault by Cosatu

By Susan Smuts (331) 25/6/91

A security policeman said he had been repeatedly punched, kicked and humiliated by Cosatu officials after being abducted outside the union's head office — but he could not name or identify several of his attackers.

Monge Maleka (25) of John Vorster Square was giving evidence in the Johannesburg Regional Court, where Cosatu general-secretary Jay Naidoo (26), assistant general-secretary Sydney Mafumadi (32), staffer Baba Schalk (30) and National Union of Metalworkers of South Africa general-secretary Moses Mayekiso (32) have been accused of kidnapping and assault on August 28 last year.

They have all pleaded not guilty.

Mr Maleka told the magistrate that he had been watching the building. He had a two-way radio and a photograph of SACP member Geraldine Fraser. The SACP also has offices in the building.

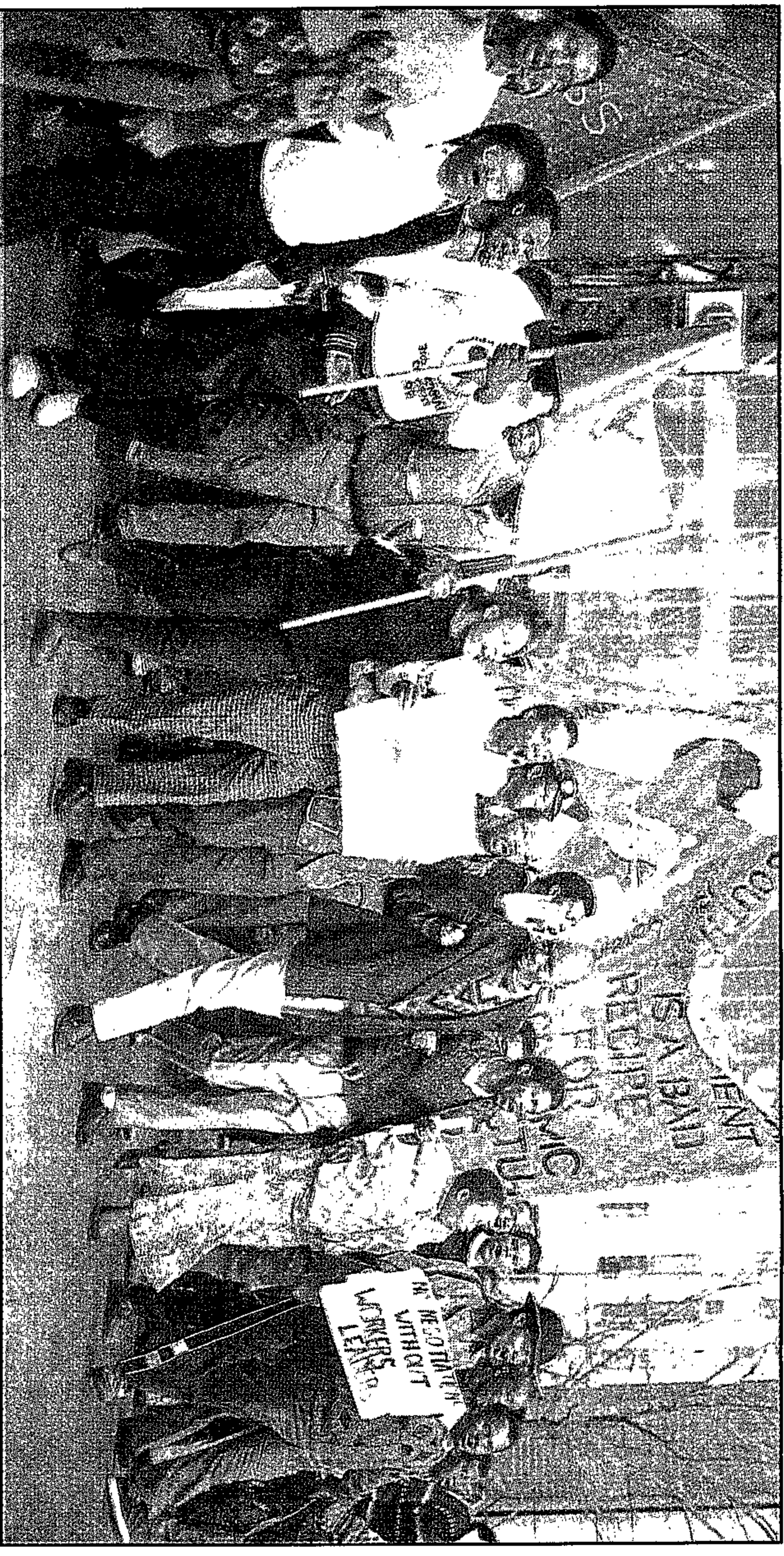
After standing outside for more than an hour, he saw five men, including Mr Naidoo, Mr Mafumadi and Mr Mayekiso, approach him at 11.30 am.

"Mr Naidoo said I'd be shot if I moved. He was holding his hand under his jersey. He searched me and took away the radio."

Mr Mafumadi and Mr Mayekiso grabbed his belt and made him walk into the building, while another man twisted his arm behind his back.

He was taken into a Cosatu office where two men "welcomed me with fists". Mr Schalk was not present.

Mr Maleko said he was made to strip to his underpants, and one of the men punched him in the face and kicked him on the shin repeatedly.



Vival... Cosatu and ANC supporters march from the Central Methodist Church to the Johannesburg Magistrate's Court.

Picture: Herbert Mabuza

His jeans were searched and the photograph and some money found.

Mr Naidoo sent someone to fetch Ms Fraser, then slapped Mr Maleka on the back of his head before leaving.

"I did not want to say I worked for the police because I was scared. I told them I worked as a security guard at Stern's jewellers, and that I was helping a Sergeant Motaung."

"They insisted I was a policeman."

When Ms Fraser arrived, Mr Maleka said he gave her the same explanation. The three

men in the office (none of the accused were present at this stage) started assaulting him again.

Mr Maleka said Ms Fraser asked the men not to assault him.

After that he was made to dress and taken to another office where a press conference had been convened.

Mr Naidoo told him to say he had entered the building voluntarily and that Sergeant Motaung had tried to recruit him.

"I hid my face with my jersey, but I was hit with fists and told to move my jersey. I was

also hit with a hard object.

"I heard a journalist say I should not be hit."

After the press conference, he was taken back to the office. He asked if he could go to the toilet, but was told he could urinate on the floor and "suck it up" afterwards.

Later Mr Schalk came into the room, took him to the toilet, and gave him a book to read.

While Mr Schalk was sitting in the office with him, Mr Mafumadi and Mr Naidoo came in with a policeman. Mr Mayekiso was not present.

Under cross-examination from defence lawyer J My-

burgh, Mr Maleka said his life had been threatened before any one knew who he was.

He said he recognised Mr Naidoo from newspapers and television, but did not know what he did. He did not recognise Mr Mayekiso or Mr Mafumadi.

Mr Myburgh said: "Let's not strain credulity, you are a security policeman and you had not heard of any of these men?"

Mr Maleka replied that he had only graduated from police college a short while before and had not had the time to acquire such knowledge.

He said he thought if he admitted being a policeman the men would kill him, even while they were all standing in the street.

Later, he had been too afraid to ask for help when he demonstrated the radio, he said.

Mr Myburgh said Mr Mafumadi would say he had asked Mr Maleka several questions before the press conference was called. The accused would also say Mr Mafumadi carried the radio, rather than Mr Naidoo.

Mr Maleka is still under cross-examination. The hearing continues.

# Murder part of my duties — Nofemela

26/6/91 331

Part of his work as a security policeman stationed at the notorious Vlakplaas police camp included kidnapping and murder, Death Row prisoner Almond Nofemela told an inquest in a Pretoria Magistrate's Court yesterday.

Nofemela said he had been part of a group of four security policemen, under the leadership of Captain Eugene de Kock (now a colonel), who had kidnapped a police informant, Japie Maponya, in Krugersdorp in September 1985.

At Vlakplaas, Mr Maponya was questioned at length about his brother, an ANC member. He was also, on the instructions of Captain de Kock, punched and kicked by the policemen.

Mr Maponya's brother died some years ago when a landmine exploded in his hands at a cinema complex in Pretoria.

At one stage, Nofemela said, Mr Maponya was blindfolded. Teargas was also sprayed in his face before further questioning.

He said Captain de Kock had

ordered two policemen to leave the scene while two others remained. Mr Maponya was shot in the head with a silenced pistol by Captain de Kock while he lay unconscious on the ground.

Nofemela said he had helped to cover the body in plastic and placed it in the boot of Captain de Kock's vehicle. He had no knowledge of what Captain de Kock did with the corpse.

He felt nothing about the shooting because it was part of his job, Nofemela said.

Under cross-examination by counsel for the three policemen allegedly involved in Mr Maponya's death, he admitted that he had made a statement implicating them on the eve of his hanging because he wanted revenge as Captain De Kock had failed to help him while he was on Death Row.

He had been at Vlakplaas for six years but had witnessed only one murder — that of Mr Maponya. He later admitted that part of his job at Vlakplaas was kidnap and murder.

The hearing continues. — Sapa.

# Court told of 46 attacks on union

By Susan Smuts

25/12/91  
A litany of attacks on Cosatu officials, unions and buildings was led as evidence in a Johannesburg Regional Court yesterday.

Cosatu general-secretary Jay Naidoo (26), assistant general-secretary Sydney Mufamadi (32), staffer Baba Schalk (30) and National Union of Metalworkers of SA general-secretary Moses Mayekiso (32) have pleaded not guilty to kidnapping and assaulting Monge Maleka in August last year.

Defence lawyer J Myburgh said between 1986 and 1990 some 46 attacks on Cosatu were recorded in the press, including the bombing of Cosatu House in 1987.

Mr Myburgh said the accused

would say they were worried about Mr Maleka's behaviour because of the attacks.

Mr Maleka, a security policeman, said under cross-examination that he was unaware of attacks on Cosatu.

He had heard of the Harms Commission but was unaware that CCB agent "Peaches" Gordon had been instructed to burn a minibus which purportedly belonged to Mr Naidoo.

He was also unaware the Hiemstra Commission had heard that the Johannesburg City Council spy ring had a death list which included Mr Naidoo and National Union of Mineworkers general-secretary Cyril Ramaphosa.

Mr Naidoo, Mr Mufamadi and Mr Mayekiso were present during the first of three as-

saults, he said. During the other assaults, none of the accused was present.

Mr Myburgh said the accused had arranged for the police to fetch Mr Maleka from the National Acceptances House.

Mr Maleka was allegedly abducted outside the building by Cosatu officials, assaulted and made to attend a press conference.

He told the men he was a security guard because he was afraid of what would happen if they knew he was a policeman.

● Former SACP leader Sathiyandranath "Mac" Maharaj attended the trial in the morning.

"This trial has no merits as a criminal trial. It is pre-eminently political and emerges from a background of harassment of unions," he said.

# Nofemela testifies at Pretoria inquest

Argus 26/6/91

The Argus Correspondent (331)  
PRETORIA. — Death Row prisoner Butana Almond Nofemela has told the Pretoria District Court of the alleged murder of Krugersdorp security guard Mr Japie Maponya.

Nofemela, on Death Row for the murder of a Brits farmer, was giving evidence during the inquest into Mr Maponya's disappearance in May 1985.

He told the court he and three other security policemen took Mr Maponya to their Vlakplaas base where they assaulted him until he lost consciousness.

Nofemela said the commanding officer of Vlakplaas, Colonel De Kock, and one of the men involved in the assault, said Mr Maponya knew where his brother, Mr Oderile Maponya, was.

Mr Oderile Maponya, a member of the African National Congress, blew himself up while attempting to place a limpet mine at the Sterland cinema complex in Pretoria.

Colonel De Kock sprayed teargas into Mr Maponya's face and then put him into a "kombi" where he was left.

He asked Nofemela if he thought Mr Maponya would be able to recognise him (Nofemela) and said: "I will get rid of him", Nofemela told the court.

Colonel De Kock went to his car and removed a pistol with a silencer. He placed it against Mr Maponya's head and shot him, Nofemela said.

When asked how he felt after Mr Maponya's death, Nofemela said he felt nothing and that it was part of his work.

Nofemela admitted under cross-examination by advocate Mr P Kemp, representing the three policemen allegedly involved in Mr Maponya's death, he made a statement about the policemen and their involvement in Mr Maponya's death the night before he was due to hang as he wanted revenge.

He said his job while at Vlakplaas involved going to places like Swaziland, assaulting people and killing them while they slept.

Nofemela said under further questioning by Mr Kemp it was not his problem whether Mr Kemp accepted what he said or not.

# International unions condemn trial of Cosatu/Numsa leaders

By SHARON SOROUR, Labour Reporter

INTERNATIONAL trade unionists have "strongly condemned" the trial in Johannesburg of senior leaders of Cosatu and the National Union of Metalworkers of S A (Numsa).

Members of 11 overseas unions, who have attended Numsa's annual congress in South Africa, said the accused had their full support.

Cosatu general secretary Mr Jay Naidoo, assistant general secretary Mr Sydney Mafumadi, staffer Mr Baba Schalk and Numsa general secretary

Mr Moses Mayekiso face charges in the regional court of kidnapping and assaulting a security policeman, Mr Monge Maleka.

The international unionists said they intended asking their governments to "make strong representation to President De Klerk to immediately withdraw all politically motivated attacks on the trade union movement".

South Africa's trade union movement, particularly Cosatu, was subjected to "repeated and continuing violence, detentions and political attacks".

"It is our opinion, and we believe it is the opinion of the international trade union movement, that the accused are leaders in developing and struggling for democracy and peace in this country where repression and violence are still a day-to-day occurrence," the statement said.

The unionists also condemned the shooting of Numsa leader Mr Sam Nyawo in Northern Natal in May and said there appeared to be a campaign of intimidation and violence against trade union members in the area.

# Court told of 46 attacks on Cosatu

The Argus Correspondent

JOHANNESBURG. — A long list of evidence about attacks on union officials and buildings has been led in the trial of top Congress of South African Trade Union (Cosatu) officials in the Regional Court here.

Cosatu general-secretary Mr Jay Naidoo, 26, assistant general-secretary Mr Sydney Mufamadi, 32, staff member Baba Schalk, 30, and National Union of Metalworkers of South Africa general-secretary Mr Moses Mayekiso, 32, have pleaded not guilty to kidnapping and assaulting Mr Monge Maleka on August last year.

At the hearing yesterday, defence lawyer Mr J Myburgh said between 1986 and last year 46 attacks on Cosatu were recorded in the Press, including the bombing of Cosatu House in 1987. Mr Myburgh said the accused would say they were worried about Mr Maleka's behaviour because of the attacks.

Mr Maleka, a security policeman, said under cross-examination he was unaware of attacks on Cosatu. He had heard of the Harms Commission, but was unaware that CCB agent "Peaches" Gordon had been instructed to

burn a minibus which purportedly belonged to Mr Naidoo.

He said he was also unaware the Hiemstra Commission heard that the Johannesburg City Council spy ring had a death list which included Mr Naidoo and National Union of Mineworkers general-secretary Mr Cyril Ramaphosa.

Mr Naidoo, Mr Mufamadi and Mr Mayekiso were present during the first of three assaults, he said. During the other assaults, none of the accused was present.

Mr Myburgh said the accused had arranged for the police to fetch Mr Maleka from National Acceptances House.

Mr Maleka was allegedly abducted outside the building by Cosatu officials, assaulted and made to attend a Press conference. He told the men he was a security guard because he was afraid what would happen if they knew he was a policeman.

Former South African Communist Party leader Mr Sathyandranath "Mac" Maharaj attended the trial in the morning. He said: "This trial has no merits as a criminal trial. It is pre-eminently political and emerges from a background of harassment of unions."

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# Officer 'feared for his life in Cosatu exposé'

VERA VON LIERES

A SECURITY policeman has said he deliberately failed to reveal his identity to senior Cosatu officials after he was apprehended outside the labour federation's headquarters last year.

The policeman, Monge Maleka, 25, told the Johannesburg Regional Court yesterday he did not tell his alleged captors that he was a policeman because he wanted to "safeguard his life".

He said he lied about his presence outside Cosatu's head office on August 28 after allegedly being forced to accompany Cosatu general secretary Jay Naidoo and two other officials into the offices.

## Trace

Naidoo, Cosatu assistant general secretary Sydney Mafumadi, National Union of Metalworkers of SA general secretary Moses Mayekiso and Cosatu office staffer Baba Schalk have pleaded not guilty to kidnapping and assaulting Maleka on August 28 last year at the Cosatu offices.

Maleka said yesterday he told Naidoo and other Cosatu officials he was unemployed and had been offered between R500 and R600 by a police officer to trace an official of the SA Communist Party whom he knew only as Miss Fraser.

Asked by John Myburgh

SC, acting for all four accused, why he had not told the Cosatu officials he was on duty as a security police officer, Maleka said he had feared for his life.

He told the court later he had been instructed by his superior, a Lt Engelbrecht, to trace the SACP official and report back to him on a two-way radio.

Asked by Myburgh whether he was aware of extensive attacks on Cosatu offices over the past years and that Cosatu and its officials had been targeted by the Civil Co-operation Bureau, Maleka said he was unclear on the incidents.

Myburgh suggested that Cosatu officials had ample reason to be anxious about Maleka's presence in front of the offices in view of past attacks on the federation.

Maleka insisted he had been assaulted several times, and that Naidoo, Mayekiso and Mafumadi had been present at one of the assaults.

He repeated his testimony that he had been physically forced to accompany the Cosatu officials, among them Mafumadi and Mayekiso, across the road from where he was standing to Cosatu's offices at National Acceptance House. He said he was not aware the offices belonged to Cosatu.

The trial continues.

## Nofomela evidence 'will be denied'

PRETORIA. — The assault and murder of a police informant as alleged by death row prisoner Mr Almond Nofomela would be denied by the three security policemen allegedly involved, an inquest hearing here was told yesterday.

Counsel for Captain (now Colonel) Eugene de Kock and Constables Johannes Mbelo and Moses Ndzimandi, Mr Piet Kemp, said his clients would deny the incident. He intended to apply for them to give evidence in camera to protect their identities, he said.

In a second day of cross-examination, Mr Nofomela repeated that he had felt nothing on seeing police informer Mr Japie Maponya (allegedly) being assaulted, blindfolded and shot in the head by Captain De Kock.

He said police documentation, which showed he was in Josini at the relevant time, could not be trusted. In his case Captain De Kock had been responsible for filling in the relevant forms.

The hearing continues. — Sapa

# Officer tells of delay in rescuing cop

27/6/91

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JOHANNESBURG. — A security police commander said yesterday that he delayed the rescue of a fellow security policeman who was allegedly abducted by senior Cosatu officials because he could not risk exposing a police operation against the ANC's Operation Vula.

Lieutenant Gerhardus Engelbrecht said that although he had been informed as soon as Mr Monge Maleka was abducted on August 28 last year, he did not try to rescue him immediately.

Invoking the Protection of Information Act, he said he could not disclose the number of policemen involved as it had been a secret operation.

The policemen were instructed to watch out for SA Communist Party worker Miss Geraldine Fraser because Mr Engelbrecht thought she would make contact with people involved in Operation Vula, he said.

He was testifying in Johannesburg Regional Court where Congress of SA Trade Unions general secretary Mr Jay Naidoo, 36, assistant general secretary Mr Sydney Mufamadi, 32, staffer Mr Baba Schalk, 30, and National Union of Metalworkers of SA general secretary Mr Moses Mayekiso, 42, have pleaded not guilty to kidnapping and assault.

The trial continues today. — Sapa

# Cosatu trial may backfire on State

South 27/6 - 3/7/91.

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Own correspondent

THREE key leaders of the Congress of South African Trade Unions (Cosatu) are on trial in the Johannesburg Magistrate Court facing kidnap and assault charges, despite indications that their prosecution could backfire on the State.

They are Mr Jay Naidoo, general secretary of Cosatu, his deputy, Mr Sydney Mufamadi, and the general secretary of the National Union of Metalworkers of South Africa, Mr Moses Mayekiso. Also on trial is Cosatu official Mr Baba Schalk.

Demonstrations of support have been held in central Johannesburg and prominent ANC and SACP leaders have been in the public gallery, such as Mr Thabo Mbeki, Mr Steve Tshwete, Mr Aziz Pahad and Mr Essop Pahad, as well as trade unionist Chris Dlamini.

The placard-carrying marchers were this week joined in front of the court by anti-apartheid veteran Archbishop Trevor Huddleston, the ANC secretary-general, Mr Alfred Nzo, treasurer-general Mr Thomas Nkobi, Mr Abdul Minty, Mr Ahmed Kathrada and trade union leader Mr Cyril Ramaphosa.

All four accused have pleaded not guilty to the charges which arose from an incident in August last year when

Mr Monge Maleka (later identified by senior police officers as a police constable) was spotted outside Cosatu's Johannesburg headquarters.

At a time of escalating attacks on Cosatu offices and officials, Cosatu officials took Maleka into the building. This is not in dispute in the trial. Nor is the fact that Naidoo later informed officials of the government's National Intelligence Service (NIS) and asked them to send government officials to fetch Maleka. Defence lawyers are unlikely to dispute the State's charges that Maleka was assaulted three times during his four hours in Cosatu's offices.

What is in dispute is whether the incident constitutes kidnapping and the involvement of the four union officials in the assaults.

They believed that Maleka was reconnoitering either the Cosatu offices or those of the South African Communist Party in the same building for a possible attack. The SACP offices were broken into and equipment stolen or damaged that week.

In court, Maleka alleged that senior Cosatu officials, including Naidoo, threatened to shoot him. He said he was watching SACP offices and was looking for a Miss Fraser.

Naidoo, Mufamadi and Mayekiso are all strong candidates for election to the ANC national executive committee next week. The trial is expected to last for two weeks.

# 'Police spy' acted on his own - claim

CONSTABLE Monge Maleka was not instructed to spy on the building housing the South African Communist Party and Cosatu, a senior police officer said yesterday.

Lieutenant Johan Engelbrecht of John Vorster Square told Mr O Rautenbach in the Johannesburg Regional Court that although he knew that the South African Communist Party's offices were housed at National Acceptance House, he did not tell Maleka to keep an eye on the building.

Engelbrecht said he had information that a Miss Fraser, an employee of the SACP, might visit the building and only told Maleka to look for her at Rissik Street.

Maleka was allegedly accosted by Cosatu officials who took him into National Acceptance House on August 28 last year after being suspected of being a police in-

former. **By MOKGADI PELA**

Four Cosatu officials, Mr Jay Naidoo (36), Mr Baba Schalk (30), Mr Sidney Mafumadi (32) and Mr Moses Mayekiso, face charges of kidnapping and assault. They have pleaded not guilty.

Replying to defence counsel Mr John Myburgh's question as to what the State's interest in Miss Fraser was, Engelbrecht said she was believed to have information about "Operation Vula".

Earlier, Colonel George Lewitt told the court that police became aware that Maleka had been allegedly kidnapped from as early as 11.30am on that day.

He said police only acted on the matter at 5pm, leading to the arrest of Naidoo, Schalk and Mafumadi.

The case is continuing.

# Nofomela quizzed on 'terrorist'

Star 27/6/91  
Pretoria Correspondent

The inquest into Japie Maponya's disappearance and alleged murder has been told he had a second brother who was also a terrorist.

Advocate Elna Revelas yesterday asked Death Row convict Butana Almond Nofomela if he knew that Mr Maponya's second brother, Dan Maponya was also a terrorist. Nofomela said he did not know this.

Mr Maponya, who disappeared on May 18 1985, is alleged by Nofomela to have been abducted by security policemen and taken to their Vlakplaas base, where he was assaulted in an attempt to gather information about his brother. Oderile Maponya, an ANC terrorist.

Ms Revelas also asked Nofomela if he knew that the three policemen whom he alleges took part in Mr Maponya's murder were, according to documentation, in the western Transvaal and northern Natal at the time of the alleged incident. Nofomela said the documentation could not be believed.

The hearing continues.

# 'I couldn't risk exposing operation'

8/27/91

By Susan Smuts

A security police commander claimed yesterday that he delayed the rescue of a man who was allegedly abducted by senior Cosatu officials because he could not risk exposing a police operation against the ANC's Operation Vula.

Lieutenant Gerhardus Engelbrecht said that although he had been informed of Monge Maleka's abduction on August 28 last year, he did not try to rescue him immediately.

## Contact

Invoking the Protection of Information Act, he said he could not disclose the number of policemen involved.

The policemen were instructed to watch out for SACP worker Geraldine Fraser because Lieutenant Engelbrecht thought she would make contact with people involved in Operation Vula.

He was testifying in a Johannesburg Regional Court where Cosatu secretary-general Jay Naidoo (36), assistant general-secretary Sydney Mufamadi (32), staffer Baba Schalk (30) and National Union of Metalworkers of South Africa general-secretary Moses Mayekiso (42) have pleaded not guilty to

kidnapping and assault.

"I received a report that Mr Maleka had been forced by Mr Naidoo and several others to enter the National Acceptances House (where Cosatu and the SACP had offices). I instructed my men to continue their surveillance and reported the matter to my superiors."

In a statement made after his arrest, Mr Naidoo said Mr Maleka had entered the building voluntarily after being approached by the officials.

The Cosatu leaders were worried about his "suspicious behaviour" because of previous attacks on the labour federation.

Lieutenant Engelbrecht denied that Askaris (former ANC members who joined the security police) were involved in the operation.

The trial continues.

● Cosatu members have been turned away from the trial, spokesmen for the organisation alleged yesterday.

Ben Tlale, a Food and Allied Workers Union member, said he was told the trial was closed to the public.

"They said I was not allowed to come in but I could see other people walking into the building," he said.

Cosatu information officer Neil Coleman said about 100 workers had been refused entry to the building since the trial began on Monday.

Divid area

By Jacq

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# Nofemela 'didn't know' of terrorist

The Argus Correspondent

PRETORIA. — The inquest into Mr Japie Maponya's disappearance and alleged murder has been told he had a second brother who was also a terrorist. **Argus 27/6/91**

Advocate Ms Elna Revelas yesterday asked Death Row convict Butana Almond Nofemela if he knew Mr Maponya's second brother, Mr Dan Maponya, was also a terrorist.

Nofemela said he did not know this.

He is a former security policeman who is on Death Row for murdering a Brits farmer.

Mr Maponya, who disappeared on May 18 1985, is alleged by Nofemela to have been abducted by security police and taken to their Vlakplaas base where he was assaulted in an attempt to gather information about his brother Mr Oderile Maponya, an ANC terrorist.

During the assault Mr Maponya was allegedly repeatedly hit by Colonel Eugene de Kock, whom Nofemela described as "an aggressive person", because he refused to answer questions about his brother's whereabouts.

Ms Revelas also asked Nofemela if he knew the three policemen who he alleges took part in Mr Maponya's murder were, according to documentation, in the Western Transvaal and Northern Natal at the time of the alleged incident.

Nofemela said the documentation could not be believed.

(Proceeding)

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# Attacks on Cosatu led as evidence by unionists

**The Argus Correspondent**

JOHANNESBURG. — A list of assaults on Cosatu officials, unions and buildings has been led as evidence in the Johannesburg Regional Court.

Cosatu general secretary Jay Naidoo, assistant general secretary Sydney Mafumadi, staffer Baba Schalk, and National Union of Metalworkers of South Africa general secretary Moses Mayekiso, have pleaded not guilty to kidnapping and assaulting Monge Maleka in August last year.

Defence lawyer Mr J Myburgh said between 1986 and 1990, the Press recorded about 46 attacks on Cosatu, including the bombing of Cosatu House in 1987. The accused would say they were worried about Mr Maleka's behaviour because of the attacks.

Mr Maleka, a security policeman, said under cross-examination he was unaware of attacks on Cosatu. He had heard of the Harms Commission, but did not know CCB agent "Peaches" Gordon had been instructed to burn a minibus apparently belonging to Mr Naidoo. He was also unaware the Hiemstra Commission heard that the Johannesburg City Council spy ring had a death list that included Mr Nai-

doo and National Union of Mineworkers general secretary Cyril Ramaphosa.

Mr Naidoo, Mr Mafumadi and Mr Mayekiso were present during the first of three assaults, he said. During the other assaults, none of the accused were present.

Mr Myburgh said the accused had arranged for the police to fetch Mr Maleka from National Acceptances House.

Mr Maleka was allegedly abducted outside the building by Cosatu officials, assaulted and made to attend a Press conference. He told the men he was a security guard because he was afraid of what would happen if they knew he was a policeman.

Cosatu information officer Neil Coleman said about 100 workers had been refused entry to the building since the trial began on Monday.

"The workers have arranged in a disciplined way to attend the trial on a roster basis. They are not flooding the courts. The court officials are attempting to deprive the union leaders of the visible support the workers are trying to give them."

# Policeman ordered to find SACP official, court told

A SECURITY policeman was ordered to find a senior SACP official and radio her whereabouts to his superior, the Johannesburg Regional Court heard yesterday.

Lt Gerhardus Engelbrecht said he was instructed by security police chief Brig Piet du Toit to order security policeman Monge Maleka to look out for Geraldine Fraser whom police thought would make contact with "other persons".

Maleka has alleged he was kidnapped, assaulted and interrogated by senior Cosatu officials — general secretary Jay Naidoo, assistant general secretary Sydney Mufamadi, office staffer Baba Schalk and Numsa general secretary Moses Mayekiso — at Cosatu's Rissik Street headquarters in August last year.

## Information

The four have pleaded not guilty to kidnapping and assaulting Maleka.

Engelbrecht said Du Toit instructed him to follow up any information on Operation Vula. He said he had obtained information that Vula-linked people were in touch with Fraser.

Engelbrecht told the court he ordered Maleka — who yesterday presented evidence that he was employed by the security police — to look out for Fraser.

He said other policemen were in the

VERA VON LIERES

vicinity of the building at the time of Maleka's alleged abduction.

Investigating officer in the case, SAP Col Edgar John Lewitt said police waited five-and-a-half hours before fetching Maleka from Cosatu's offices.

Lewitt's investigations showed police were aware of Maleka's disappearance from the time he had been taken into the Cosatu building at 11.30 am on August 28.

Asked by defence attorney John Myburgh if he thought it more important to protect the operation than to save Maleka, Engelbrecht said he "was not in a position to save Maleka in that situation".

He denied giving Maleka specific instructions to observe the Cosatu building.

Lewitt said he was first asked to look into Maleka's disappearance four hours later.

Asked by Myburgh why proceedings had been delayed, Lewitt said the incident happened at the time of the Groote Schuur Minute and after the exposure of Operation Vula. He said police did not want to act before they had full confirmation on what had happened as this would have been seen as "victimisation".

Myburgh said police deliberately left Maleka at Cosatu offices.

## Arrests after attack in Pimville

POLICE have arrested a number of people they believe are linked to an attack on the Pimville community in Soweto earlier this year.

However, they might release them because of a lack of co-operation from local residents.

Soweto police spokesman Col Tienie Halgryn said 13 people died and several houses were damaged when the gang launched its attack in May.

Despite repeated appeals, nobody had come forward to assist the police investigation.

Halgryn said the suspects could be charged only if police received sufficient evidence to place them at the scene of the crime.

Police said yesterday they had seized an arms cache, including an AK-47, two magazines, ammunition, two tearsmoke grenades, a zipgun and a panga, while searching a school in Katlehong, near Germiston, on Tuesday.

Meanwhile, at Inhlalakahle near Greytown, Natal, police found the bodies of three men. All had been shot.

In separate incidents in the township four men were injured when gunmen fired shots at them.

At Katlehong police found the body of a man who had been stabbed. — Sapa.

## PEANUTS

By Charles Schulz



# Cosatu trial: Agent testifies

Own Correspondent

JOHANNESBURG. — A magistrate yesterday allowed the testimony of a secret agent to be heard in camera.

The agent of the National Intelligence Service was testifying at the trial of four top Cosatu officials who have been charged with kidnapping and assaulting a security policeman.

Magistrate Mr O Rauténbach allowed the press to be present for the application but instructed journalists not to mention the NIS man's name and to refer to him as Mr X.

He was testifying in the trial of Cosatu general secretary Mr Jay Naidoo, assistant general secretary Mr Sydney Mufamadi, office staffer Mr Baba Schalk and Numsa general secretary Mr Moses Mayekiso, all of whom have pleaded not guilty to kidnapping and assaulting security policeman Mr Monge Maleka.

Mr X said various peoples' lives could be endangered if his testimony were not heard in camera.



Mr Mayekiso



Mr Naidoo

Defence attorney Mr John Myburgh opposed the application on the basis that Mr X's name was already public.

In his testimony, Mr X said he was telephoned by ANC member Mr Gibson Makandla, who told him that a policeman (Mr Maleka) had been "arrested".

Mr Makandla asked for the name and telephone number of a

senior police officer at John Vorster Square.

Mr Naidoo took over the telephone conversation and said he wanted to resolve the incident with the police in the light of the political situation in South Africa.

Mr X said he wrote down the essentials of the conversation and supplied his head office with the information.

Cross-examined by Mr Myburgh on the notes he made after the telephone conversation, Mr X said the fact that Mr Maleka was a security policeman was put to him by Mr Makandla.

He denied that several facts in his notes were inaccurate and had been supplied to him by a person other than Mr Makandla.

District surgeon Dr Mary Darsky testified earlier that she examined Mr Maleka after his alleged abduction and found a bruise on his head, a fresh bloodstain on the left leg of his trousers and an abrasion on his right leg.

The case continues today.

# NIS agent testifies at Cosatu hearing

By Susan Smuts

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Star 28/6/91

A National Intelligence Service agent testified *in camera* and a classified document — with sensitive information deleted — was handed in as evidence yesterday in the Johannesburg Regional Court where four Cosatu leaders are appearing on charges of kidnapping and assault.

The magistrate, Mr O Rautenbach, allowed the press to attend on condition they did not reveal the agent's name.

Cosatu general-secretary Jay Naidoo (36), assistant general-secretary Sydney Mufamadi (32), staffer Baba Schalk (30) and National Union of Metalworkers general-secretary Moses Mayekiso (42) have pleaded not guilty to kidnapping and assaulting Monge Maleka on August 28 last year.

The witness said he had been contacted by ANC member Gibson Makandla, who said Mr Ma-

leka had been apprehended by ANC officials.

Mr Makandla had asked for telephone numbers of senior security policemen.

Mr Naidoo took the telephone from Mr Makandla and said he was not interested in Mr Maleka himself, but wanted to know why he had photographs of SACP worker Geraldine Fraser, the witness said.

The agent sent a report of the conversation (the classified document) to his head office.

Defence lawyer John Myburgh said the facts in the report were incorrect.

## Interested

"Mr Maleka was apprehended by Cosatu, not the ANC. He denied, rather than admitted, he was a policeman," Mr Myburgh said.

Mr Naidoo would say he did not know Mr Maleka's name by the time contact had been made with the witness, and Mr Mufamadi knew a General Erasmus in the security police and did

not need to ask the witness for a contact, Mr Myburgh said.

The witness said Mr Makandla and Mr Naidoo had been interested in establishing contact with two security policemen (a Colonel Voges and a Brigadier du Toit) at John Vorster Square, and not in getting policemen to remove Mr Maleka.

Later, he received another telephone call from the Cosatu offices in National Acceptances House, he said.

He denied he had spoken to Colonel Edgar Lewitt, the investigating officer in the case. During an earlier appearance, Colonel Lewitt said the witness initially told him he had not been contacted by Cosatu, but later said he had.

Dr Mary Barsky, who examined Mr Maleka after his alleged assault, said his head injuries could have been inflicted by a blunt object and that an abrasion on his leg was consistent with being kicked with a booted foot. There was a bloodstain on his trousers, she said.

The trial continues.

# Slain informer not <sup>331</sup> political, says father

Star 28/6/91

Japie Maponya, the police informer allegedly kidnapped and murdered by security policemen at Vlakplaas, near Pretoria, had two brothers who were known ANC members.

One of them was killed by a landmine at a cinema complex in Pretoria and the other was recently released from jail after being convicted of terrorism.

This evidence came to light yesterday before an inquest in the Pretoria Magistrate's Court into the alleged death of Mr Maponya, who disappeared without trace in September 1985.

Death Row prisoner Almond Nofomela, who is a former security policeman, claimed Mr Maponya had been kidnapped and assaulted by himself and three of his colleagues.

He also claimed that Captain (now Colonel) Eugene de Kock had blindfolded and shot Mr Maponya in the head.

Mr Maponya's father, Joseph Maponya (70), yesterday said he had five sons, of whom Oderile Maponya — an ANC member who was killed in an explosion in Pretoria some years ago — was the eldest.

His youngest son, Andries,

was recently released after being sent to jail for terrorism.

Mr Maponya's two other sons, Jeremiah and Daniel, were both arrested at one stage, but released again.

He did not believe that they were members of the ANC or the PAC.

He said that as far as he knew, Japie Maponya had no political aspirations.

He did not believe Japie would have joined the ANC outside the country, as had been suggested by the police.

He now believed Japie was dead as he had not heard from his son since September 1985.

Japie had been arrested early in September 1985 for questioning in connection with his brother Oderile, but was released after one night.

He had told his father that police wanted him to work with them, but he was afraid that his life could be in danger.

Mr Maponya denied he had received money from the police in return for information about his sons.

He would never inform on his sons, he said.

The inquest will continue on Tuesday. — Sapa.

# NIS man cannot be named <sup>331</sup> court

AN application by State prosecutor Joe Davidowitz to hear a National Intelligence Service (NIS) operative's testimony in camera was yesterday upheld in the Johannesburg Regional Court.

Magistrate O Rautenbach ruled that the Press could be present to protect the interest of the public but could not disclose the NIS man's identity.

The NIS man, Mr X, was testifying in the trial of Cosatu general secretary Jay Naidoo, assistant general secretary Sydney Mafumadi, office staffer Baba Schalk and Numsa general secretary Moses Mayekiso, who have pleaded not guilty to kidnapping and assaulting security policeman Monge Maleka.

## Opposed

Mr X said various people's lives could be endangered if his testimony was not heard in camera.

Defence attorney John Myburgh opposed the application on the basis that Mr X's name was already public.

In his testimony, Mr X said he was telephoned at his offices by ANC member Gibson Makandla who told him that him that a policeman, Maleka, had been "arrested".

Makandla asked for the name and telephone number of a senior police officer at John Vorster Square.

VERA VON LIERES

Naidoo took over the telephone conversation and said he wanted to resolve the Maleka incident with the police in the light of the political situation in SA.

Mr X said he wrote down the essentials of the conversation and supplied his head office with the information.

Cross-examined by Myburgh on the notes he took down after the telephone conversation, Mr X said the fact that Maleka was a security policeman was put to him by Makandla. He denied that several facts in his notes were inaccurate.

District surgeon Mary Darsky testified earlier she examined Maleka after his alleged abduction and found a bruise on his head, a blood stain on the left leg of his trousers and an abrasion on his right leg.

The case continues today.

□ In yesterday's report on the trial, Business Day incorrectly reported that Lt Gerhardus Engelbrecht had told the court he had been instructed by security police chief Brig Piet du Toit to order security policeman Monge Maleka to look out for SACP official Geraldine Fraser.

Engelbrecht's evidence in the Johannesburg Regional Court on Wednesday was that Du Toit had ordered Engelbrecht to follow up any information on Operation Vula.

The error is regretted.

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11 533  
(3 560)  
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8 554  
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6 217  
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(9 205)  
18 756

293

9 551

4 593 held in police blitz

# Court <sup>(331)</sup> told of raids on Cosatu

JOHANNESBURG. — A magistrate ruled here yesterday that newspaper reports on union harassment were relevant evidence because they contributed to the state of mind of four Cosatu officials appearing on charges of kidnapping and assault.

Mr O Rautenbach overruled an objection by state prosecutor Mr Joe Davidowitz, who said the validity or correctness of the reports could not be tested.

Defence lawyer Mr John Myburgh said the evidence was not being led for its factual merit, but because it contributed to the state of mind of the union officials.

Cosatu general-secretary Mr Jay Naidoo, 36, assistant general-secretary Mr Sydney Mufamadi, 32, staffer Mr Baba Schalk, 30, and National Union of Metal Workers general-secretary Mr Moses Mayekiso, 42, have pleaded not guilty to kidnapping and assaulting Mr Monge Maleka on August 28 last year.

Mr Naidoo told the court of numerous attacks on unions, including the 1987 bombing of Cosatu House, where several people narrowly escaped death.

There was also a "military assault" on Cosatu's offices in 1987, he said.

The trial continues. —

Sapa

# Cosatu men beat me <sup>331</sup> cop

A SECURITY policeman this week said he was assaulted, forced to undress and was paraded in front of media representatives after senior Congress of South African Trade Unions (Cosatu) officials apprehended him and accused him of spying.

Monge Maleka, 25, was testifying in the Johannesburg Regional Court during the trial of Cosatu general secretary Jay Naidoo, 36; Cosatu assistant general secretary Sydney Mufamadi, 32; National Union of

Metalworkers of South Africa general secretary Moses Mayekiso, 42; and Cosatu staff member Baba Schalk, 30.

The four pleaded not guilty to kidnapping and assaulting Maleka on August 28 last year at Cosatu's Johannesburg headquarters.

Maleka on Monday admitted he had had a police two-way radio and a photograph of a South African Communist Party official, whom he knew only as Miss Fraser, when Naidoo

allegedly threatened to shoot him if he did not co-operate.

He said Mayekiso and Mufamadi forced him to accompany them across the road to Cosatu's offices on the sixth floor of National Acceptance House, where he was accused of being a policeman and was interrogated, punched, kicked and told to undress.

Fraser was called and he was asked to explain his possession of the photograph and the two-way radio. He said he told them

he had been approached by a John Vorster Square police sergeant who gave him the radio and asked him to trace the woman in the photograph by searching for her on Johannesburg's city streets.

He did not tell his captors he was a policeman because he feared they would kill him.

Naidoo said that reporters wanted to see him and that he was to tell them he had entered the building voluntarily.

# When Maki Skhosana was murdered by a mob in 1985, Archbishop Tutu threatened to leave the country. Now two of her attackers have been freed

THE horrific death of Miss Maki Skhosana, murdered on July 20 1985 outside a cemetery at Duduza, Nigel, shocked the world and led Archbishop Desmond Tutu to threaten to pack his bags and leave the country.

She was beaten, kicked, stoned and eventually set on fire by a crowd that believed her to be a police informer. Her death throes were captured on television and shown around the world.

Today two of the people who took part in the attack, Daniel Mbokwane and Linda Hlope, are free by government amnesty. A third, Sanna Twala, still waits in Kroonstad prison.

Her case is one of those before the "scrutiny committee" of government and ANC members that is wrestling over the status of the country's remaining political prisoners.

## Anomaly

The distinction between her and the other two has baffled her lawyers, who point to an Appeal Court ruling in May 1990 in which Mr Justice Hoexter concluded: "I share the opinion of the trial judge that the three merit equal severity of punishment."

Twala's lawyer said: "Twala's actions were, comparatively, less brutal than those of at least one of her co-accused. But he has been released."

The case is one of several that illustrate the anomaly of some members of groups being given amnesty while others who took part in the same acts remain in prison.



VIDEO THAT SHOCKED THE WORLD... Maki Skhosana's prostrate body is trampled by her angry assailants

By DAWN BARKHUIZEN

The Duduza killing took place during the funeral of four activists. There was, according to court records, a widely held belief among the people of Duduza that the four had been shot dead by policemen.

Thousands turned out for the funeral, including Miss Skhosana, who was rumoured to be a police informer and having a love affair with a policeman.

She was surrounded by a mob near the cemetery gates. Mbokwane, Hlope and Twala took part in the assault in the following way:

● Mbokwane heard a

noise while inside the cemetery and went to investigate. Outside he found a group of people and, on pushing his way to the centre of the mob, found a woman on her knees with her hair and back aflame. People were kicking her and calling her an "impimpi".

Mbokwane, who knew the woman and had heard rumours that she was conspiring with the police, kicked her as she lay on her stomach. He was, he said, angry that she was a collaborator and intended causing her pain.

● Linda Hlope was

attracted away from the graveside by a group of people who were singing and chanting. For about five minutes he watched the crowd accuse their victim of being an informer and assault her until she lay motionless in the dust.

Thinking she was dead, he turned to leave, but then spotted a TV camera.

"I got excited, I wanted to appear on TV doing something," he told the court. "I found a big stone nearby and dropped it on her chest."

● Twala, a former nurse-aid from the Tienie Vorster Old Age Home in Nigel, had been in the last

group approaching the cemetery. She pushed her way through the crowd to find the victim, whose hair and clothing were already alight, being assaulted.

She knew Miss Skhosana and had also heard the rumours about her. Angrily Twala kicked her, hit her with a length of hosepipe

and jumped on her prostrate body.

The person responsible for setting Miss Skhosana on fire was never caught.

None of the three were found to have initiated the attack, their lawyer said.

Pronouncing sentence, the judge had deemed any previous convictions for all three accused to be irrelevant and did not take them into account, Twala's attorney said.

In May 1990 the murder charges were set aside by the Appeal Court and changed to attempted murder. Sentences were reduced from life imprisonment to seven years.

## Fatal

The judge found the accused could not be guilty of murder because it was impossible to determine who had delivered the fatal blow.

A spokesman for the Department of Correctional Services said: "Prisoners Daniel Mbokwane and Linda Hlope were released after being given special remission and one-third remission of sentence."

"Due to the fact that Sanna Twala was not a first offender she will only qualify for release in September, unless other remedies become effective in the meantime."

He could not specify Twala's previous offence.

# Naidoo tells court of suspicious behaviour

331  
11/7/91

By Susan Smuts

Several men who allegedly assaulted a security policeman in Cosatu offices could not be identified by Cosatu officials, general-secretary Jay Naidoo said in the Johannesburg Regional Court on Friday.

And union officials, who suspected the man, Monge Maleka, of being an Askari or a Civil Co-operation Bureau agent, only found out during a police raid almost six hours later that he was a policeman, he said.

## Worried

A National Intelligence Services (NIS) officer claimed earlier that Mr Maleka had been identified long before the police raid.

Mr Naidoo (36), Cosatu assistant general-secretary Sydney Mufamadi (32), staffer Baba Schalk (30) and National Union of Metalworkers (Numsa) general-secretary Moses Mayekiso (42) have pleaded not guilty to kidnapping and assaulting Mr Maleka on August 28 last year.

Mr Naidoo said union officials were particularly worried

about Mr Maleka's "suspicious behaviour" because of rumours of an imminent attack on the Cosatu offices.

"Mr Mayekiso, Mr Mufamadi and I approached Mr Maleka after Numsa members had reported he was behaving suspiciously. He denied being a CCB agent or Askari. We heard the crackle of his two-way radio, but he would not say what it was. Mr Mufamadi lifted his jersey and took the radio."

Mr Maleka said earlier that Mr Naidoo had threatened to shoot him if he tried to move.

"I made no such threat. The thought never entered my mind," Mr Naidoo said.

The unionists took Mr Maleka to their offices. Although he was held by both arms and his belt, he did not refuse to go, Mr Naidoo said.

Mr Maleka claimed he had been "welcomed with fists" by two men already in the office.

"No one was in the office and no assault took place in my presence. In fact, no one else knew who he was or what he was doing in the building," Mr Naidoo said.

Mr Maleka had two photographs of SACP worker Geraldine Fraser, a recently returned

exile. Ms Fraser, whose parents' home in Cape Town had been under surveillance, said she had been assured that the police were not watching her.

The unionists decided to hold a press conference to expose the incident as an example of union harassment.

Mr Naidoo looked into the office where Mr Maleka was being held and noticed he was wearing a shirt. "I told him to get dressed and told an 'unknown person' to leave the office," Mr Naidoo said.

At the press conference, Mr Maleka only appeared reluctant to have his photograph taken. He told reporters he had been offered between R500 and R600 to watch out for Ms Fraser.

## Angry

On request from a reporter, he made contact with his superiors over the radio, and told them where he was. The other person seemed very angry and told him to get off the radio and stay off Mr Naidoo said.

Mr Naidoo later received reports that Mr Maleka had been assaulted by unknown men after the press conference. An ANC member, who had

been asked to investigate after the photographs of Ms Fraser had been found, telephoned the NIS officer. He asked him to get hold of someone in the security branch and arrange for Mr Maleka to be picked up.

The NIS officer claimed Mr Naidoo was not interested in anyone fetching Mr Maleka. He said he had not contacted Cosatu or the ANC after the first telephone call. Mr Naidoo said the officer had telephoned again to say police would arrive to fetch Mr Maleka.

At about 5 pm, police armed with automatic weapons and shotguns entered the offices and arrested Mr Naidoo, Mr Mufamadi and Mr Schalk.

The trial is adjourned until tomorrow to allow the accused to attend a meeting between Cosatu, Nactu, Saccola and the Minister of Manpower today.

● Cosatu has declared Thursday a national day of protest in response to the trial. A press statement released last night said: "We believe the trial is a politically motivated attack on Cosatu to hide the fact that the police and other arms of the State are continuing to carry out surveillance and attacks on Cosatu and its members."

# Jay gives evidence

*Sowetan 31/7/91*  
HAD Sergeant Monge Malika disclosed to Cosatu officials who found him watching the organisation's headquarters, that he was a policeman, he would not have been taken in to their offices for questioning, general-secretary Jay Naidoo said. *(331)*

Naidoo said the matter would have been taken up at the highest level through the ANC.

He was giving evidence at the Johannesburg Regional Court yesterday in his defence against charges of kidnap and assault.

His co-accused, Baba Schalk, Sydney Mufamadi and Moses Mayekiso, all high-ranking union officials, have also pleaded not guilty to the same charges.

The four are being charged with kidnapping and assaulting Malika, a young policeman, on August 9 last year. Naidoo said he had confronted Malika after he was found watching the building housing Cosatu.

He had also been talking to an instrument under his jersey and they had become fearful and apprehensive about their safety.

"He confirmed our feelings and that is why we took him into our building. If he had said at that point that he was a policeman we would have left him alone. He would have been regarded as doing his police work."

## Policemen to give evidence in camera

THREE policemen who allegedly took part in a killing will give evidence in camera at an inquest on the dead man. ~~285~~ 331

Pretoria District Court magistrate Mr KD Kruger yesterday granted an application by Mr P Kemp - representing Colonel Eugene de Kock, Constable Joseph Mbelo and Constable BM Ndzimande - for their evidence to be heard in camera.

The three men are due to give evidence at an inquest on Mr Japie Maponya, who his family claims died at the hands of the Civil Co-operation Bureau in September 1985. Sowetan 3/7/91

Mr Butana Almond Nofemela, a death-row prisoner, alleged in a statement the night before he was to be hanged that the three men were responsible for Maponya's death.

Any evidence they would present to the inquest would be available to interested parties.

Kemp, in making his application, said the issue dealt with the physical identification of witnesses.

Kruger said he was granting the application to protect the physical identity of the witnesses and prevent them from being physically recognised.

Mr Kemp said one of his witnesses, who had testified before the Harms Commission, had been murdered after giving evidence to the commission.

## Abducted man 'safe if he had confessed'

JOHANNESBURG. — Cosatu officials would have left the man they allegedly kidnapped alone if he had confessed to being a policeman, general-secretary Mr Jay Naidoo said yesterday in the Johannesburg Regional Court.

Mr Naidoo, Cosatu assistant general-secretary Mr Sydney Mafumadi, staffer Mr Baba Schalk and Numsa general-secretary Mr Moses Mayekiso, have pleaded not guilty to kidnapping and assaulting Mr Monge Maleka on August 28 last year.

Mr Maleka had been watching Cosatu House, but denied being a policeman when approached by officials.

Mr Naidoo said the matter would have been pursued through a "liaison mechanism" established through the Pretoria Minute had Mr Maleka confessed. "We did not believe his claim to be a security guard, and when we heard the crackle of his radio we assumed he was a dark and sinister force," he said.

● About 100 trade union supporters were arrested for protesting outside the court yesterday, police confirmed.

Wednesday July 3 1991

# Unionists saw spy as 'sinister force'

By Susan Smuts

Cosatu officials would have left alone the man they are accused of kidnapping if he had told them he was a policeman, the organisation's general secretary, Jay Naidoo, told the Johannesburg Regional Court yesterday.

Monge Maleka had been watching the building housing Cosatu offices, but denied being a policeman when approached by the officials.

Mr Naidoo said the matter would have been pursued through a "liaison mechanism" established through the Pretoria Minute, had Mr Maleka admitted he was a policeman.

"We did not believe his claim to be a security guard, and when we

heard the crackle of his radio we assumed he was a dark and sinister force," Mr Naidoo said.

Mr Naidoo (36), Cosatu assistant general secretary Sydney Mufamadi (32), staffer Baba Schalk and National Union of Metalworkers (Numsa) general secretary Moses Mayekiso (42) have pleaded not guilty to kidnapping and assaulting Mr Maleka on August 28 last year.

Under cross-examination by prosecutor Joe Davidowitz, Mr Naidoo said: "It would have been a police matter, and we would have been extremely foolhardy to take a policeman into the building."

Mr Davidowitz said Mr Maleka thought he would be killed if he admitted he was a policeman.

Mr Naidoo replied that Mr Maleka had had noth-

ing to fear. Cosatu members included policemen and prison wardens, and the union federation had helped to form a union for policemen.

The trial continues.

● Five unionists were bitten by dogs and 100 arrested yesterday after a protest march by supporters of the Cosatu leaders on trial.

Police spokesman Captain Eugene Opperman said the protesters were arrested when they refused to leave the area after being warned.

All those arrested must appear in court on August 28 unless they pay an admission-of-guilt fine of R300 each. They are charged with demonstrating within 500 m of a court building.

Cosatu information officer Neil Coleman criticised the arrests, saying they were "unnecessary and provocative".

## Maponya death: police to testify in camera <sup>3/7/91</sup> (331)

Pretoria Correspondent

The three policemen who allegedly took part in the murder of police informer Japie Maponya in September 1985 will give evidence *in camera*.

Pretoria District Court magistrate Mr K D Kruger yesterday granted an application for this facility by Mr P Kemp, who is representing Colonel Eugene de Kock, Constable Joseph Mbelo and Constable B M Ndzi-mande.

The three men are due to give evidence at the inquest into the death of Mr Maponya. Butana Almond Nofemela, a Death

Row prisoner, alleged in a statement the night before he was to be hanged that the three men were responsible.

Mr Kemp, in making his application, said the issue dealt with the (physical) identification of the witnesses.

He said one of his witnesses, who had testified before the Harms Commission, had been murdered after giving evidence to the commission.

Mr Kruger said the evidence presented by the three policemen would, however, be available to interested parties.

## Cosatu officials 'held policeman as he failed to reveal his identity'

VERA VON LIERES

SENIOR Cosatu officials would not have taken a security policeman into their offices had he revealed his identity to them, Cosatu general secretary Jay Naidoo told the Johannesburg Regional Court yesterday.

Naidoo said if the man had told Cosatu officials he was a policeman the organisation would have reported him to the ANC for further investigation.

Naidoo, Cosatu assistant general secretary Sydney Mafumadi, office staffer Baba Schalk and Numsa general secretary Moses Mayekiso have pleaded not guilty to kidnapping and assaulting security policeman Monge Maleka.

Naidoo said once it had been established that Maleka was a policeman on police surveillance, Cosatu would have used the channels "at highest level" to find out why the federation was being watched.

Union officials intended to contact the authorities through the ANC. The organisation had a "liaison mechanism" with the government to deal with issues such as harassment.

Naidoo said the intention at the time was not to contact the SAP, as it was felt the matter required a political intervention. He said he did not trust the SAP in regard to the matter.

Union officials felt apprehensive when Maleka claimed he was a security guard at Sterns Jewellers, had a two-way radio in his possession and was allegedly seen to be keeping the Cosatu offices under surveillance. "In that context we believed he was connected to some dark and sinister force."

Naidoo confirmed that Maleka would have posed the same threat if he had

revealed he was a policeman but said the incident would then have been a police matter.

Asked to comment on Maleka's evidence that if he revealed he was a policeman he feared he might have been killed, Naidoo said it was far-fetched for someone trained as a policeman to assume he would be taken into a public building by senior trade union movement leaders to be killed.

The prosecution contended there existed a very real apprehension among relatively untrained security policemen that because of their positions they had to fear for their lives.

Naidoo said a security policeman's protection in a circumstance such as the one Maleka was in was to disclose his identity and say he was involved in a lawful activity as a policeman.

Naidoo said he believed it was Cosatu's right to apprehend Maleka and to get him to accompany them into the building for further investigation as he had given what seemed to be false reasons for standing in front of the building. He had also acted suspiciously.

He denied Maleka was physically forced into the Cosatu buildings.

The trial continues.

## More whites than blacks back Inkatha

Business Day Reporter

A SURVEY by market researchers Markinor has found that Inkatha has more support among whites than blacks.

Its poll of 800 whites and 1 300 urban blacks found that 19% of whites would vote for Inkatha, compared with 16% of blacks.

The survey also found that 68% of blacks would "definitely vote" for the ANC, while 42% of whites would definitely support the NP at the polls.

Respondents were allowed to express degrees of rejection for various parties and 62% of blacks completely rejected Inkatha while only 3% rejected the ANC. More than 42% of whites rejected the ANC.

The researchers were unable to find a single white who would definitely support the ANC and only 2% said they would possibly vote for it.

The NP and PAC were found to have a potentially large following among blacks - 40% and 41% felt "quite good" or would possibly vote for the NP and PAC respectively.

Some 16% of whites would definitely vote for the CP and 6% for the DP.

### ADVERTISEMENT

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# Naidoo: we had right to seize him

By Susan Smuts and Sapa

Cosatu officials were not taking the law into their own hands when they apprehended a man outside their offices, general-secretary Jay Naidoo said yesterday in the Johannesburg Magistrate's Court.

"The primary responsibility for the prevention of crime lies with the police, but individuals have a right to apprehend when they believe their lives are threatened, and get the police to investigate further," he said.

A code of conduct was to be drawn up for police because "it is widely held that they are not operating in a non-partisan way".

Mr Naidoo (36), Cosatu assistant general-secretary Sydney Mufamadi (32), staffer Baba

Schalk (30) and National Union of Metalworkers general-secretary Moses Mayekiso (42) have pleaded not guilty to kidnapping and assaulting Monge Maleka on August 28.

Mr Naidoo said he was angry when he saw that Mr Maleka had been made to undress, because "incidents like that happening in detention were always criticised".

Prosecutor Joe Davidowitz said: "Knowing that Mr Maleka had been forced to strip, you took no steps to ensure his future safety."

Mr Naidoo replied that he had instructed another unionist not to allow anyone to enter the room where Mr Maleka was being held.

Although Mr Maleka's presence would have "strengthened"

331 a press conference to expose union harassment, it would have been held even if the police had come to fetch Mr Maleka before it started, Mr Naidoo said.

"You are embellishing your evidence and using Mr Maleka as an excuse," Mr Davidowitz said.

Mr Maleka's presence at the press conference was not a "premeditated decision", Mr Naidoo said.

The hearing continues.

● The Civic Associations of the Southern Transvaal has called on members to take action today in support of the four accused unionists.

General-secretary Sam Ntuli warned: "We will defy the orders of any policeman taking action against anyone."

# Cosatu trial: Policeman's story 'far fetched'

Weekly Mail Reporter

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"FOR any sane person, especially one trained as a security policeman, to suspect that he would be killed after he had been taken by senior leaders of the trade union movement to a press conference in a public building is a bit far fetched," Congress of South African Trade Unions secretary general Jay Naidoo told the Johannesburg Magistrate's Court this week.

Naidoo, National Union of Metalworkers secretary general Moses Mayekiso, Cosatu assistant general secretary Sidney Matumadi and Cosatu staffer Baba Schalk are facing charges of kidnapping and assaulting Constable Monge Maleka at Cosatu headquarters on August 28 last year.

Under cross-examination, Naidoo said union officials feared the presence of Maleka outside National Acceptance House because he might have been "part of a dark and sinister force" responsible for attacks on Cosatu personnel and offices.

Naidoo insisted that if Maleka, a security policeman, had told the men who approached him he was a policeman, they would not have asked him into the building.

"It would have been a police matter and we would have been extremely foolhardy to take a policeman into our building."

Naidoo said he had received reports from Mayekiso and other Cosatu members that a suspicious looking man was watching the building. He looked out of an office window and saw Maleka observing the building.

Attacks on Cosatu personnel and buildings had caused Cosatu members to fear for their lives. Naidoo, Mayekiso, Mufumadi and a fourth man, named only as Lazarus, went to investigate why Maleka was keeping the building under surveillance.

Mufumadi asked Maleka if he was a policeman. He denied this and claimed he was a guard at Stems Jewellers.

They did not believe this story and asked him to go with them into the building to investigate further.

The prosecutor put it to Naidoo that Maleka's fear of revealing himself as a policeman was understandable as black policemen were regarded by large sections of the black community as traitors and had been killed.

Naidoo responded: "Cosatu's position is that policemen are workers. Municipal policemen are members of the South African Municipal Workers' Union. Cosatu has helped organise a

police and prison warders' union. Cosatu does not have a policy that says anyone should be killed."

He said that while Maleka appeared reluctant, he did not physically resist being taken into the building.

Asked why he had not called the police when they noticed the suspicious man Naidoo replied that Cosatu viewed harassment as a political issue to be solved through political channels.

He added that he did not trust senior SAP officers at John Vorster square with political matters. He decided to pursue the matter through the liaison mechanism, established by the Pretoria Minute, between the African National

Congress and the government.

Describing Maleka as "a pitiful, cowering figure at the press conference" the prosecutor asked Naidoo if he expected the court to believe Maleka had willingly attended the conference.

"In my presence Maleka agreed to attend the press conference," answered Naidoo. "Maleka's fear only came when he saw photographers and realised that his picture would appear in the press."

Yesterday the state finished two days of cross examination of Naidoo. The defence surprisingly closed its case without calling any other witnesses. Argument begins today.

**POLITICAL TRIALS** *Wimail 5/7-11/7/91*

There were 228 political trials still under way in South Africa and the so-called independent states in May. According to the HRC, 1 342 people were on trial — a figure which included trialists who had absconded or escaped. **331**

# Nofemela shows 'site of shooting'

Pretoria Correspondent

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The Pretoria District Court made an on-site inspection of the Vlakplaas police base yesterday where Death Row prisoner Almond Butana Nofemela alleges Japie Maponya was assaulted and killed.

Nofemela pointed out a deserted spot about 500 m from the base's buildings where he alleges Colonel Eugene de Kock, Constables Joseph Mbelo and B M Ndzimande, and himself assaulted and then shot Mr Maponya in September 1985.

The outing was part of the inquest being held into Mr Maponya's disappearance and alleged death.

The site, not visible from the buildings, was between two low hills 50 m from the Hennops

River, which runs past Vlakplaas.

Major Dave Baker, commander of Vlakplaas, fired a bullet from a 9 mm Beretta pistol into the ground so that the court could gauge how far the noise travelled.

Nofemela said the area had changed since the time of the alleged shooting but that he recognised two trees growing nearby.

He said the grass was shorter and a dirt road which runs past the site was only a track in 1985.

He could not remember exactly where the four-wheel-drive stationwagon which Colonel de Kock drove had been parked.

Nofemela alleges that Colonel de Kock removed a pistol

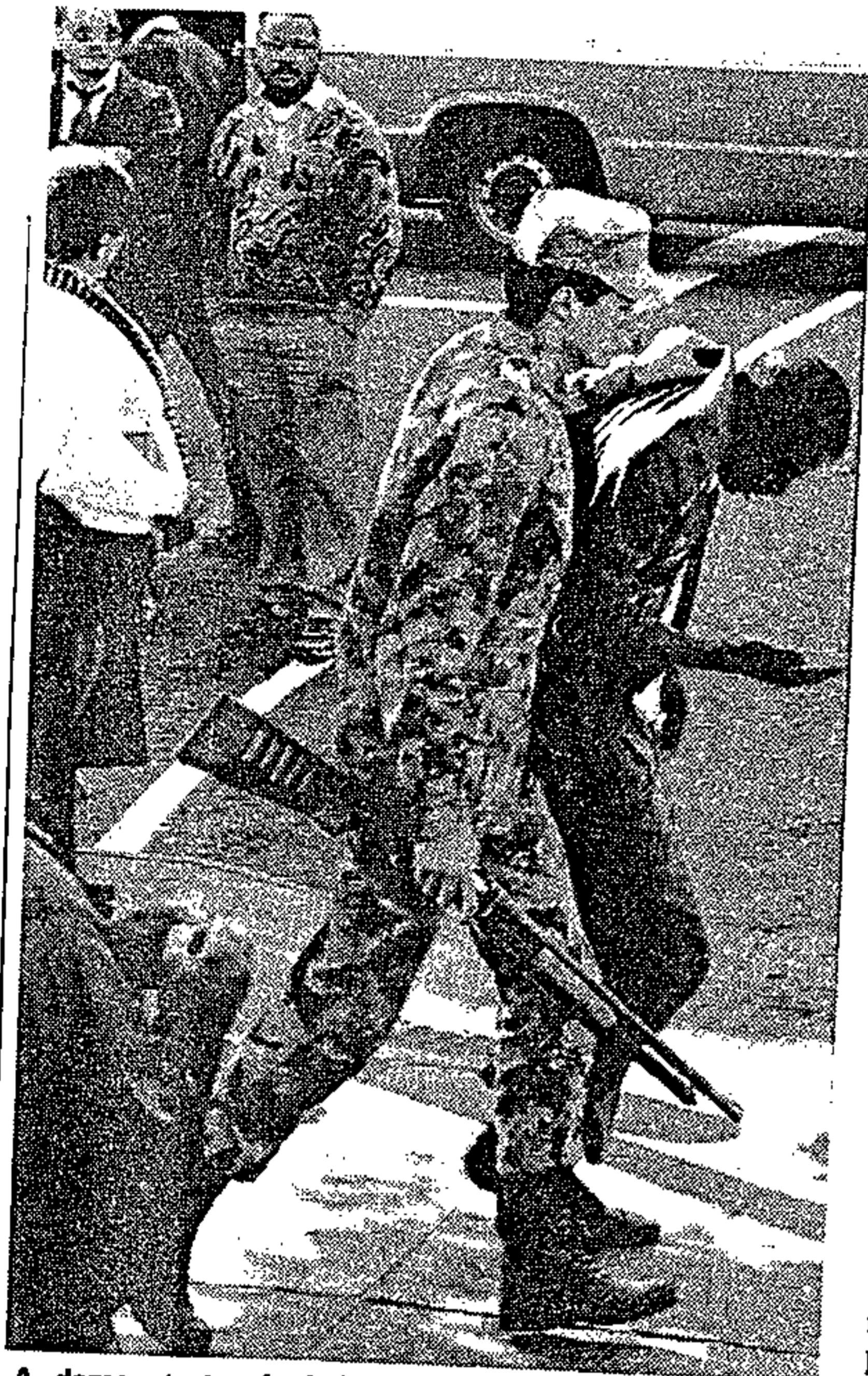
and silencer from the vehicle and shot Mr Maponya in the head, after which Mr Maponya was wrapped in a plastic sheet and placed in the rear of the stationwagon.

Brigadier Krappies Engelbrecht, the investigating officer into Mr Maponya's death, said Vlakplaas, in existence since 1980, was now used for administrative purposes.

The base and personnel were involved in criminal investigations after they had been retrained.

The base's sphere of operations was now criminally oriented, in place of its previous political orientation.

After the inspection, the hearing will continue in the Pretoria District Court.



A demonstrator is led away from the Johannesburg Magistrate's Courts yesterday, after a crowd gathered to show support for Cosatu leaders on trial for kidnapping and assault.

Picture: ROBERT BOTHA

## Protesters clash with police at Cosatu trial

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VERA VON LIERES

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POLICE yesterday told a group of Cosatu demonstrators that a union member, who had been bitten by a traffic officer's dog and lay bleeding in front of the John Vorster Square police station, had to be charged before an ambulance could be called.

The woman, Alvina Nkosi, was bitten on a leg by the dog after police dispersed protesters who gathered to demand the release of about 30 Cosatu members arrested earlier in front of the Johannesburg Regional Court.

The 30 had been demonstrating for an end to the "political trial" of Cosatu leaders Jay Naidoo, Sydney Mufamadi, Baba Schalk and Numsa general secretary Moses Mayekiso.

All four union leaders have denied charges of kidnapping and assaulting a security policeman at Cosatu's head offices in Johannesburg on August 28.

Several hundred workers from Cosatu's 14 affiliates gathered in the morning to show support for the four accused.

Before the trial began police moved in and arrested about 15 people. A short while later a second group of about 15 were arrested and taken to John Vorster Square. They were still in the process of being charged and summonsed last night.

Cosatu said in a statement last night 11 of its members had been bitten by traffic department and police dogs and its lawyers had been instructed to lay charges against police and traffic officers involved.

During the trial magistrate O Rautenbach granted a request by prosecutor Joe Davidowitz for more time to prepare the State's case.

Defence counsel John Myburgh objected to the request, saying there was pressure for the trial to be concluded as soon as possible.

The trial continues today.

# Cosatu threat on court hearing

By JOHANNES NGCOBO  
and THEMBA KHUMALO

COSATU has threatened to stage a five-day national stayaway next week if the trial of its leadership currently being heard in Johannesburg is not ended before the federation's congress later this month. The threat was made by Cosatu information officer Neil Coleman on Thursday after police had arrested 90 protesters outside the Johannesburg Magistrate's Court. They were protesting against the trial of four Cosatu leaders on charges of assault and kidnapping.

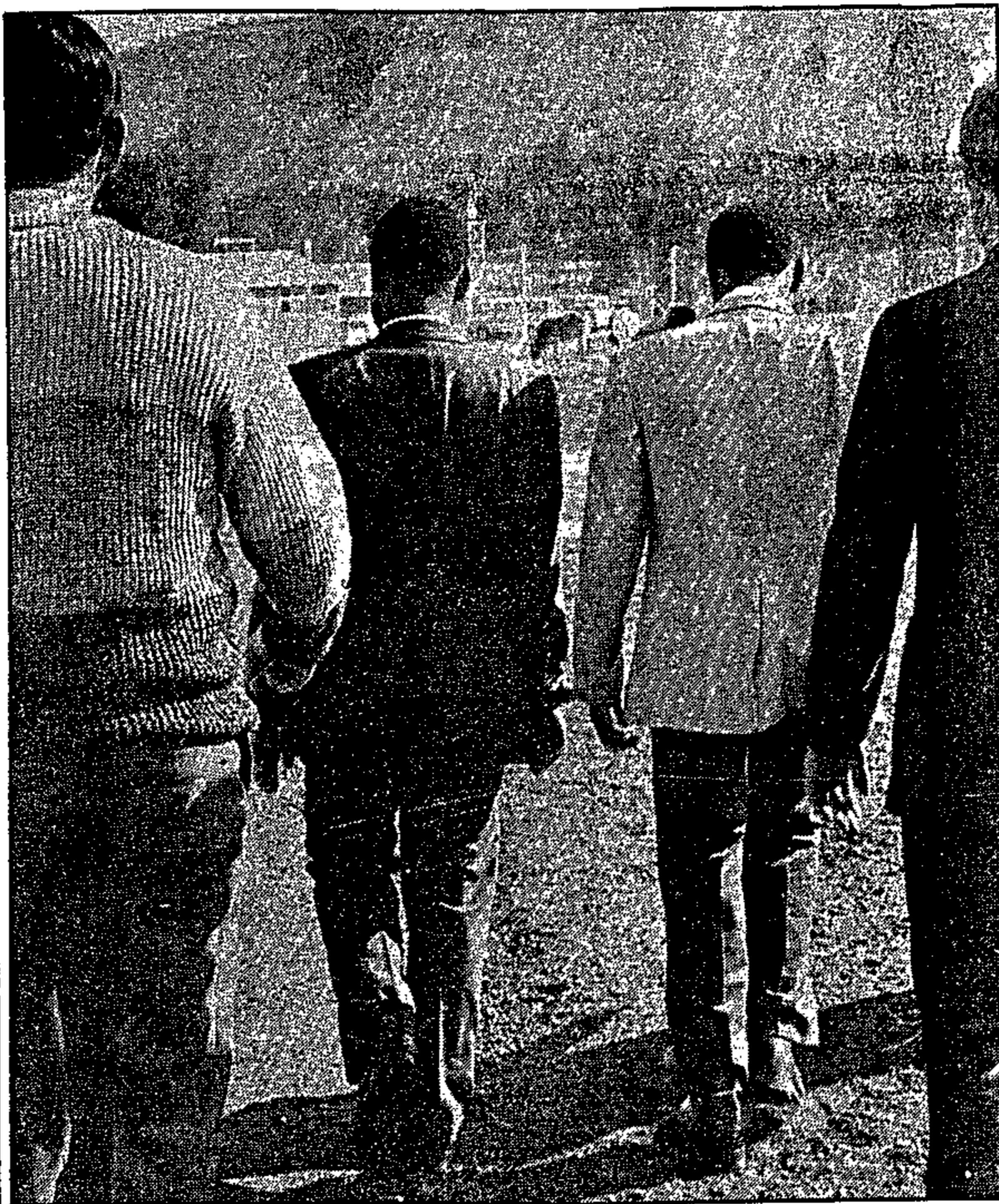
The accused are Cosatu general secretary Jay Naidoo, assistant general secretary Sydney Mufamadi, National Union of Metal Workers of South Africa general secretary Moses Mayekiso, and Cosatu employee Baba Schalk.

The four are charged with the kidnapping and assault of Constable Monde Maleka whom they suspected of being a spy. They allegedly held him at Cosatu's Johannesburg offices in August and continually assaulted him.

All those arrested on Thursday were released hours later on their own recognisances after the police had warned them to appear in court on August 28. Alternatively, they could pay R300 admission of guilt fines.

Coleman told newsmen outside the court that Cosatu's four-day congress was scheduled to start on July 24. Because of the prolonged hearing, there was a danger of the trialists not being able to attend.

Coleman claimed his federation had received messages of support from overseas and local trade unions and political organisations.



**Butana Almond Nofomela, handcuffed to a policeman, is taken around the Security Police premises at Vlakplaas** ■ Pic: TLADI KHUELE.

## Inquest: Nofomela taken on tour around Vlakplaas

By MARTIN NTSOELENGOE

THE GATES of Vlakplaas, the dreaded Security Police hideout, were thrown open to outsiders for one day this week.

This happened after former inmate Butana Almond Nofomela told a Pretoria inquest magistrate that he and four other Askaris kidnapped Japie Maponya in Krugersdorp, tortured him and later one of them shot him dead.

After Nofomela's evidence, presiding magistrate KD Kruger ordered an inspection at Vlakplaas.

During the visit Nofomela pointed out a spot about five kilometres from the main building as the place where Maponya was beaten up and later shot dead.

Three Askaris who, according to Nofomela, were present when Maponya was killed, are giving evidence behind closed doors in the Pretoria inquest court.

Their defence counsel, Adv P Kemp SC, pointed out that a former client of his who had given evidence in an open court before the Harms Commission had later been murdered.

Kruger granted the application for the three policemen to testify in camera.

Maponya was allegedly kidnapped by Askaris in September 1985 in Krugersdorp.

Maponya was allegedly interrogated about the whereabouts of his elder brother, ANC member Odirile Maponya.

Nofomela told the court he was in the group that brutally assaulted Maponya until his condition became serious.

He said that after the assault Col De Kock asked him whether Maponya would recognise him. When he answered that he would, De Kock shot Maponya in the head.

Nofomela's evidence was denied by Warrant Officer Willem Albertus Nortje, who testified that during the time of Maponya's death, he and other policemen implicated by Nofomela were in Josini, in Northern Natal.

Maponya's former live-in lover, Maureen Zondi, said Maponya had told her some policemen wanted him to "go with them".

She said that after her boyfriend's disappearance, she informed his family and also unsuccessfully inquired about his whereabouts from the police and his employers.

Zondi said she knew her boyfriend's elder brother, Odirile, was a member of the ANC.

# Maleka was a pawn - State

Sowetan 8/7/91

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By SONTI MASEKO

THE State asked a regional court magistrate on Friday to convict Cosatu general secretary Mr Jay Naidoo and three senior officials on charges of kidnapping and assault.

Presenting his closing argument, prosecutor Mr Joe Davidowitz said the State had proved that Naidoo and two co-accused, Mr Sidney Mufamadi and Mr Moses Mayekiso, used physical force to drag a policeman from the streets into the Cosatu offices and assault him, with fourth accused, Mr Baba Schalk.

He said rather than checking whether or not Sergeant Monge Maleka was a policeman, the accused's primary concern was to convene a Press conference to make politi-



MOSES MAYEKISO

cal propaganda.

"Maleka was a sorry sight and was used as a political pawn," he said.

However, defence counsel Mr John Myburgh asked the court to reject the evidence of Maleka - who was found outside the Cosatu offices with photographs of a

political activist working there and a two-way radio - because it was improbable and contradictory.

The State had failed to contradict Naidoo's version that they had apprehended Maleka because he was a potential threat to Cosatu, given the history of harassment of trade unions and attacks on the homes of officials. The court had to accept this version as truthful, he said.

Myburgh opposed the State's submission that Schalk, Mufamadi and Mayekiso, - who elected not to give evidence - should be found guilty of all charges because of their failure to testify.

He said Naidoo's testimony provided direct evidence of the State of mind of his co-accused when they apprehended Maleka because they had acted in concert.

ANI

# Maponya inquest

331

AN inquest into the alleged death of missing police informant Mr Japie Maponya will continue in the Pretoria Magistrate's Court on July 15, following postponement.

The court last week heard evidence by three policemen, who death-row prisoner Almond Nofomela claimed had been involved in Maponya's alleged murder at Vlakplaas, near Pretoria, after his disappearance in September 1985. - Sapa

for 8/17/91

# Cosatu accused 'were reckless'

331

8/7/91

VERA VON LIERES

JUDGMENT in the trial of four senior Cosatu officials was postponed to October after the Johannesburg Regional Court was told on Friday that the accused were reckless about the safety of a security policeman they allegedly kidnapped.

In his closing argument, State prosecutor Joe Davidowitz said the four accused clearly foresaw the possibility Monge Maleka was a policeman, but were "reckless as to the consequences of this".

Cosatu general secretary Jay Naidoo, assistant general secretary Sydney Mufamadi and Numsa general secretary Moses Mayekiso, who "forced" Maleka to enter Cosatu's building in August last year, should be found guilty of kidnapping, he said. Cosatu office staffer Baba Schalk, who watched over Maleka at one stage, should also be found guilty of kidnapping.

The accused were reckless about Maleka's safety, Davidowitz said.

"They had the duty and opportunity to control the actions of others," he said.

He asked that Naidoo be found liable and culpable for all assaults on Maleka, and for Mufamadi and Mayekiso to be found guilty as accomplices.

There was no evidence that Schalk knew about the assaults, and he should be found not guilty on the assault charge.

Davidowitz asked the court to accept that Maleka was, as he testified, taken by physical force from the street.

He said Naidoo was "hard pressed" to

try to convince the court Maleka was not coerced at any stage. The only reasonable inference that could be drawn from Naidoo's denial was that if he admitted physical force he knew he would be admitting his actions were wrongful.

Defence lawyer John Myburgh argued that the intention of the accused from the moment of apprehending Maleka was that the authorities should resolve the matter.

He asked the magistrate to acquit them on both counts of kidnapping and assault.

The accused had intended to investigate Maleka's presence on the pavement, not to take the law into their own hands, he said.

There was no evidence to support the assertion that Naidoo knew Maleka was a policeman, as Maleka had denied throughout the day he was a policeman.

"The evidence was unambiguous that if Maleka had revealed he was a policeman he would have been left and the accused would have taken it further once they returned to the building."

Myburgh said the court should find Maleka's evidence as to the number and nature of assaults and the nature of his injuries untruthful. His evidence was confusing, contradictory, and not supported by the evidence of other state witnesses, including Col Edgar John Lewitt of the SAP.

He said the accused should be acquitted on the basis that they were not present when the assaults occurred, if at all.

Judgment was postponed to October 15.

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**They will be temporarily accommodated at the school before being transferred to other schools in the area, the Department of Home Affairs said.**

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## ANC members appear over murder attempt

FIVE ANC members appeared in Hermanus Magistrate's Court yesterday in connection with a murder attempt on a community councillor's wife at the weekend.

Police are still investigating the matter and charges were not put to Mr Melville Makeleni, 19, Mr Kamuhelowo Ponoane, 19, Mr Richard Mago-gotya, 30, Mr Mbulelo Sompane, 30 and a 17-year-old youth from the Zwelihle township.

The men were released on R200 bail each and the youth was released into his parents' custody.

Their appearance follows a murder attempt on Mrs. Nocwaka Thelma Faku, the wife of a Zwelihle community councillor.

The hearing has been postponed to August 7.

# Winnie back in court soon

JOHANNESBURG. — Winnie Mandela returns to the Rand Supreme Court next week to fight for her freedom and her future in politics, but to survive, she has to get past a judge who regards her as a common criminal, not as the high-profile wife of ANC president Mr Nelson Mandela.

Mrs Mandela and her high-powered defence team on Tuesday begin the lengthy process of trying to reverse a Supreme Court finding when they launch an application to appeal against

her conviction on four charges of kidnap and four of being an accessory to assault.

The presiding judge is Mr Justice M S Stegmann, who found her guilty two months ago and sentenced her to six years' imprisonment without the option of a fine.

Reading his verdict at the end of the three-month-long trial, Mr Justice Stegmann rejected Mrs Mandela's plea of innocence, describing her as "a calm, composed, unblushing liar".

Mrs Mandela had been evasive, deliberately vague, calculating and brazenly untruthful in her attempts to mislead the court, Mr Justice Stegmann said, finding that she had been part of a conspiracy to kidnap four youths and deprive them of their liberty.

He also found that she had been an accessory to assault after the fact because she concealed knowledge of a severe sjambok beating administered to the four youths at her Diepkloof, Soweto, home on December 29, 1988. — Sapa

## Winnie's appeal this week

WINNIE Mandela's leave to appeal against her conviction and six-year sentence for kidnapping and being an accessory to assault is expected to be heard on Tuesday by Mr Justice M S Stegmann in the Rand Supreme Court.

This was confirmed by Jan Swanepoel, prosecutor in the trial and deputy Attorney-General for the Witwatersrand.

But he said if Mrs Mandela was granted the right to appeal it could take up to three years before her appeal was heard.

Mrs Mandela is on bail.

Her lawyer, George Bizos, has filed an 11-page application for appeal.

The application submits claims that in passing judgment Mr Justice Stegmann had misdirected himself in a number of aspects, including his use of evidence that had been rejected as unreliable.

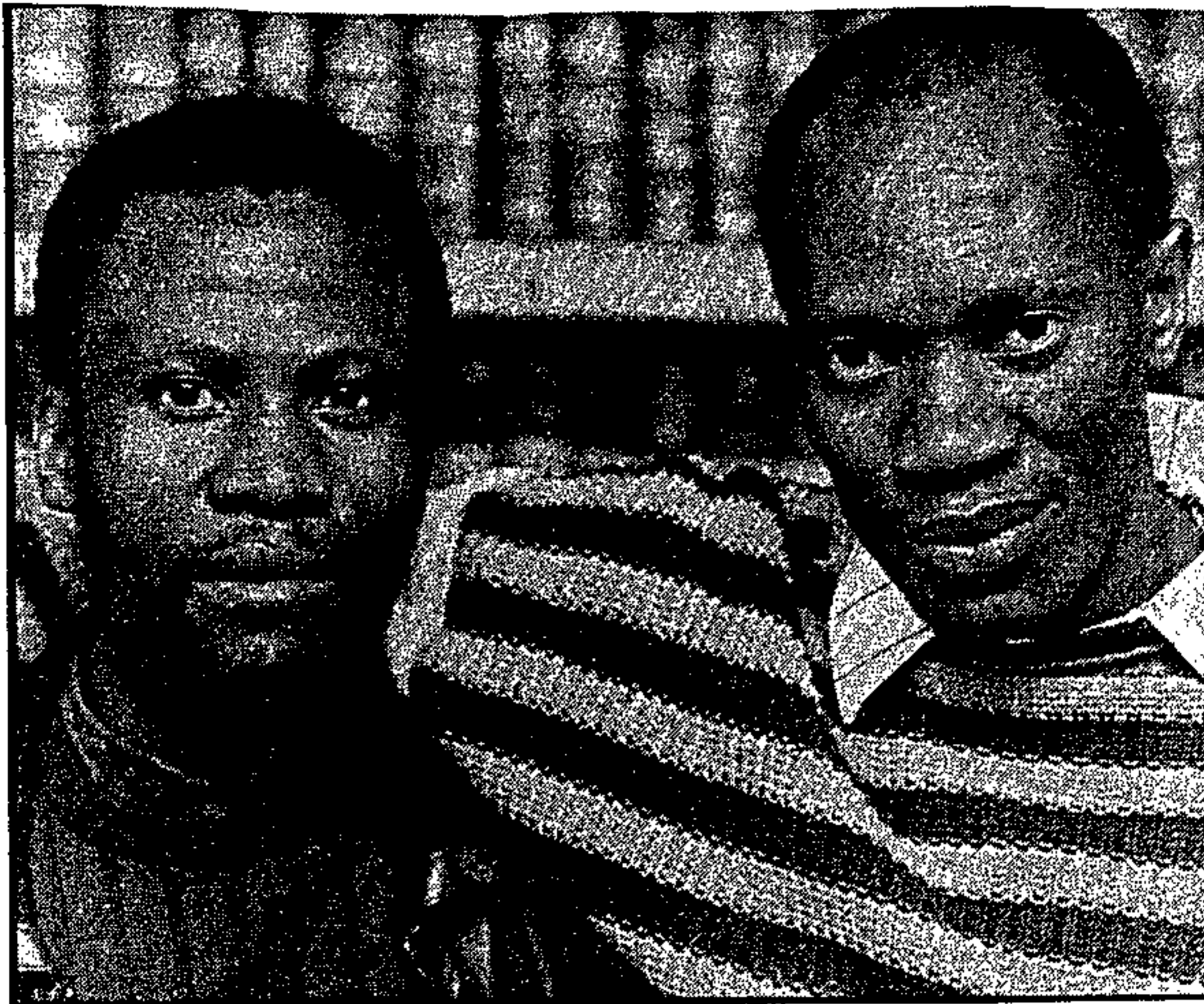
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The application also suggests that the judge erred in his finding that it had been proved beyond reasonable doubt that Mrs Mandela had been party to a conspiracy to kidnap four youths from the Orlando West Methodist Church manse.

The judge is also said to have erred in his findings that Mrs Mandela was guilty as an accessory after the fact to assault, without details of that specific charge being put to her.

Originally, eight accused were expected to stand trial, but four failed to appear and another was acquitted.

Sentenced with Mandela were Xoliswa Falati, who got six years jail, and John Morgan, who received a suspended sentence.



**FREEDOM ... Released "Sharpeville Six" prisoners Oupa Dinsa (left) and Joshua Khumalo.** ■ Pic: SIPHIWE MHLAMBI

# 'God saved me from Death Row'

By **THEMBA KHUMALO**

DEATH Row inmate Oupa Moses Diniso dreamed that God would save him and five comrades from the gallows.

This week, three years after his dream, Diniso and fellow "Sharpeville Six" inmate Joshua Khumalo stepped out of prison, very much alive.

Lawyers for the remaining prisoners said they were working on their release and were optimistic.

Pointing to his Bible, Diniso says he is now on a crusade to tell the whole world that God really works.

"God is there for everyone," says the man who came back from hell.

The Sharpeville Six were saved from the gallows after an eleventh-hour reprieve by former State President PW Botha.

It was the second time they were saved. In March 1988 the Appeal Court stayed their executions to allow defence counsel to introduce new evidence. In December that year Botha commuted their death sentences to jail terms.

Diniso, however, appears not to put much store in the huge civil rights effort that went into his reprieve. He puts it all down to dreams.

He said: "A month before the first stay of execution I had a dream in which I was returning to the township. I dreamed of a woman at my hearing who told me to look behind me.

"When I responded I saw a strange township which had many routes and I didn't know which one to take. The woman told me to go, and I woke up as

I was joining one of the routes.

"The dream came as a big relief to my soul because I knew God had spoken to me through it. He was telling me that my comrades and I would not hang," Diniso said.

Despite having access in prison to library books and the daily newspapers, Diniso threw himself into studying the Bible.

Although he was a believer before his ordeal, he had not been very devoted.

Another dream "to the effect that I should read the whole of the New Testament", had him ploughing through this section of the Good Book.

He became so well versed in the text that he was allowed to conduct sermons for other "Death Rowers".

"Unfortunately I could not tell my dream to other comrades because we were placed in different sections of Death Row. This was done so that we couldn't communicate."

Later, however, they were allowed to communicate.

He said they had struggled to arrange visits by the only female Sharpeville Six prisoner, Theresa Ramashamola, from the female section.

"Finally she was allowed to visit us once a month under guard. Now that I'm out she is the first person I'm visiting this weekend at Johannesburg Prison," said an elated Diniso.

■ Diniso's release coincided with the return of their attorney, Prikash Diar, who went into exile three years ago after a brief spell in detention. Diar spent the time in Canada.

# Farmers on violence rap

By DAN DHLAMINI

A TENSE atmosphere prevailed in the small Venterdorp Magistrate's Court this week where three rightwingers appeared on a charge of public violence.

The appearance of Frederick Jacobus Smith, 38, Christian Smith, 45, and Nico Meiring, 47, all farmers in Coligny in the Western Transvaal, follows an incident on May 11 when more than 1 000 white farmers allegedly attacked Goedgevonden squatters and Tshing shack dwellers.

The farmers attempted to forcibly remove 112 families from Goedgevonden farm - which the government has leased to white farmers to use as grazing land.

*clipper 14/7/91* *331*

## Goedgevonden battle rages in courtroom

The attempt resulted in a confrontation between the farmers and police. The police opened fire, injuring three whites.

No charges were put to the trio whose appearance attracted a big crowd of rightwing sympathisers who crammed the small courtroom.

Magistrate AN Lourens adjourned the case to September 24 for further investigation.

The three are out on their own recognisances.

Meanwhile, the battle to remove the Goedgevonden squatters has been going on since

April this year when the squatters, led by Levi Segopolo, defiantly occupied Goedgevonden and claimed it was their ancestral land.

The black farmers - as Segopolo prefers to call them - were forcibly removed from Goedgevonden 13 years ago and dumped at Vrisgewacht in Bophuthatswana.

They reclaimed the land in April and have vowed to fight their removal with everything at their disposal.

After the attempt to remove the squatters failed on May 11, the farmers instituted court

action.

Farmers won the first round of the battle on June 3 when a Pretoria Supreme Court judge ruled that they be evicted.

The eviction order was, however, temporarily halted following a decision by the Supreme Court to grant the black farmers leave to appeal against the eviction order.

The squatters scored yet another victory when Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche and his organisation were ordered by the Transvaal division of the Supreme Court in Pretoria not to interfere with the Goedgevonden residents.

Segopolo and six others who have been charged with trespassing on Goedgevonden farm will appear in court on August 5.

# Winnie due in court to fight for freedom — hers

Aug 15/7/91 (331)

JOHANNESBURG. — Winnie Mandela, wife of ANC president Nelson Mandela, returns to the Rand Supreme Court this week to fight for her freedom and her future in politics, but to survive she has to get past a judge who has already adjudged her a common criminal.

Mrs Mandela and her high-powered defence team tomorrow begin the lengthy process of trying to reverse a supreme court finding when they apply for leave to appeal against her conviction on four charges of kidnap and four of being accessory to assault.

The presiding judge is Mr Justice M S Stegmann, who, for purposes of judgment, paid scant attention to Mrs Mandela's prominent political position when he found her guilty two months ago and sentenced her to six years imprisonment without the option of a fine.

Reading his judgment at the end of the three-month trial, Mr Justice Stegmann rejected Mrs Mandela's plea of innocence, describing her as "a

calm, composed, unblushing liar".

Leave to appeal is granted only when the presiding judge is convinced a higher court might come to a different conclusion on the verdict or sentence.

Refusal by Mr Justice Stegmann to allow Mrs Mandela's case to be heard in the Appeal Court in Bloemfontein will not automatically close the prison doors on her, but it will make her efforts to avoid the six year prison sentence that much more difficult, and costly.

If the application fails, Mrs Mandela's advocate Mr George Bizos is certain to exercise Mrs Mandela's right to approach the Chief Justice to overrule and grant her an Appeal Court hearing.

Mrs Mandela will go to jail only if the Chief Justice refuses to grant her an Appeal Court hearing, or if the Appeal Court, after reconsideration of all the facts presented in her trial, comes to the same conclusions as Mr Justice Stegmann. — Sapa.

Winnie to

# challenge judgment

Southern 15/7/91 (331)

WINNIE Mandela returns to the Rand Supreme Court tomorrow to fight for her freedom and her future in politics, but to survive she has to get past a judge who regards her as a common criminal.

Mrs Mandela and her high-powered defence team on Tuesday begin a lengthy process of attempting to reverse a Supreme Court finding when they launch an application to appeal against her conviction on four charges of kidnap and four of being accessory to assault.

The presiding judge is Mr Justice M S Stegmann, who, for purposes of judgment, paid scant attention to Mrs Mandela's prominent political position when he found her guilty two months ago and sentenced her to six years imprisonment without the option of a fine.

## Plea

Reading his verdict at the end of the three-month trial, Mr Justice Stegmann rejected Mrs Mandela's plea of innocence, describing her as "a calm, composed, unblushing liar".

Mr Justice Stegmann found that she had been part of a conspiracy to kidnap four youths and deprive them of their liberty.

## Sjambok

He also found that she had been accessory to assault after the fact because she concealed knowledge of a severe sjambok beating administered to the four youths at her Diepkloof, Soweto home on December 29, 1988.

If the application next week fails, Mrs Mandela's advocate Mr George Bizos will undoubtedly utilise her right to approach the Chief Justice to overrule and grant her an Appeal Court hearing. - Sapa

## Self employed or



I never got round to saving for a pension - I try to get by on R304 a month.

Typical pensioner receiving the current Government Old-Age Pension of R304 a month.

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### Valuable inflation benefit

This Plan incorporates an automatic inflation benefit, which increases your contributions every year.

# Piet 'Skiet' waiting for the sheriff

**FUGITIVE**  
rightwinger Piet  
"Skiet" Rudolph said  
on Saturday evening  
he wanted to spend  
the weekend with his  
wife before he would  
allow police to arrest  
him today.

A warrant was issued  
for the arrest of the  
volatile spokesman of the  
Afrikaner Weer-  
standsbeweging after he  
refused to acknowledge  
the authority of a  
"coloured" magistrate  
and a black prosecutor in  
Krugersdorp Magistrate's  
Court on Friday. He  
walked out of the court.

SAP police spokes-  
woman Lieutenant Nina  
Barkhuizen said the  
clerks processing war-  
rants did not work over  
the weekend, and that the

warrant for the Boerstaat  
Party leader's arrest  
might therefore only be  
carried out today.

"I will not be ashamed  
to walk into a police sta-  
tion on Monday morning  
to have myself arrested ...

"I did not want to in-  
sult the magistrate and the  
prosecutor by telling them  
that I considered them  
'aliens'.

## Stranger

"I merely want to be  
tried by my own fellow-  
Boers, which I believe is  
my civil right. If I am  
being treated in my own  
country as a stranger, this  
will start happening to all  
my fellow Boers. All of  
us will become strangers  
in our own land.

"I will insist that my  
civil rights must not be

usurped by the courts."

He has also submitted  
an application for politi-  
cal indemnity in connec-  
tion with a video he dis-  
tributed through the Boer  
underground and in which  
he called up fellow Boers  
to join the armed struggle.

The Justice Depart-  
ment on Friday strongly  
denied an allegation by  
Afrikaner Weer-  
standsbeweging leader Mr  
Eugene Terre'Blanche  
that a black prosecutor  
and a coloured magistrate  
had been deliberately ap-  
pointed to try Rudolph.

Mr Nic Grobler of the  
Justice Department said  
the magistrate was ap-  
pointed in March 1991  
and the prosecutor had  
been at Krugersdorp  
Magistrate's Court even  
longer. - Sapa

Induction . . . deputy mayor of Sandton Bruce Burns (left), world president of International Chamber of Commerce, and new members Winnie Netshifhefhe, Colleen van Ellewee and Pat Kho  
Chamber of Commerce induction ceremony.

## Winnie appeal starts tomorrow

Winnie Mandela returns to the Rand Supreme Court tomorrow to fight for her freedom and her future in politics.

Her defence team will launch an application to appeal against her conviction on four charges of kidnap and four of being accessory to assault.

The presiding judge is Mr Justice M S Stegmann, who found her guilty two months ago and sentenced her to six years' imprisonment without the option of a fine.

Reading his verdict at the end of the three-month-long trial, Mr Justice Stegmann rejected Mandela's plea of innocence, describing her as "a

Star 15/7/91 (331)  
calm, composed, unblushing liar".

Mandela had been evasive, deliberately vague, calculating and brazenly untruthful in her attempts to mislead the court, Mr Justice Stegmann said, finding that she had been part of a conspiracy to kidnap four youths and deprive them of their liberty.

He also found that she had been accessory to assault after the fact because she concealed knowledge of a severe sjambok beating administered to the four youths at her Diepkloof home in Soweto on December 29 1988.

Leave to appeal is granted

only when the presiding judge is convinced that a higher court might come to a different conclusion with regard the verdict or sentence passed.

If the application fails, Mandela's advocate, George Bizos, will undoubtedly seek to approach the Chief Justice to overrule and grant her an Appeal Court hearing.

If she goes to jail, it will be a severe set back to Mandela's political career — particularly after her good showing at the ANC's national conference in Durban this month where she secured 26th position in voting for the National Executive Committee. — Sapa.

# Nofemela quits inquest

(331)  
Soweto 16/7/91

DEATH Row prisoner Butana Almond Nofemela yesterday withdrew from further participation in the inquest into the disappearance and alleged murder of Mr Japie Maponya.

Nofemela asked the Pretoria District Court to be excused from further proceedings shortly after the inquest restarted after a week's adjournment.

He had been attending the inquest as an interested party.

Magistrate Mr KD Kruger excused Nofemela

and thanked him for the part he had played in the proceedings.

Nofemela was welcome to request further attendance at the inquest, at a later date, if he so wished, Kruger said.

Nofemela said he was no longer able to attend the inquest into the disappearance and alleged murder of Krugersdorp security guard Maponya.

He said he had other matters to attend to - such as his family - and could no longer attend the inquest.

# Winnie to know her fate today

*Sowetan 16/7/91*  
WINNIE Mandela will know her fate today when her lawyers attempt to convince Mr Justice MS Stegmann in the Rand Supreme Court to grant her leave to appeal against his findings.

Mandela's team, led by Mr George Bizos, SC, will launch an application for leave to appeal against a six-year jail term imposed on her.

**Liar** (331)

She was convicted on four counts of kidnapping and four of being an accessory to assault.

In his judgment, Justice Stegmann said Mandela was "a calm and unblushing liar".

If the application fails Mandela might be required to serve her jail term unless her lawyers use her right to petition the Chief Justice to overrule and grant her an Appeal Court hearing.  
*Sowetan Reporter.*

# Maponya son of an informer, court told

331  
Star 16/7/91  
Pretoria Correspondent

The father of Japie Maponya, missing since September 1985 and allegedly murdered by security policemen, was considered an informer by the Krugersdorp security police.

Major JP Kleynhans, formerly attached to the Krugersdorp security police and now working with the SAP's Crime Information Service, yesterday told an inquest in the Pretoria District Court into Mr Maponya's disappearance and alleged murder that Mr Maponya's father had repeatedly been an informant for the Krugersdorp security police since 1977.

Major Kleynhans said Mr Maponya had also been regarded as an informant even though he had helped the police on only one occasion, receiving R15 for "travel costs" after showing the police where he thought his brother, Oderile Maponya, was.

Oderile Maponya was an ANC terrorist who later blew himself up at the Sterland cinema complex while trying to plant a mini-bomb.

On another point, Colonel Piet Retief Gouws of the SAP's Ballistics Unit told the court he had been unable to confirm whether the South African Police possessed or used silencers.

He said the standard weapon of the SAP was a Model 22 9 mm Beretta pistol. Silencers could be attached to this pistol, but it was not standard and the weapon had to be modified.

This evidence was led with reference to Butana Almond Nofemela, who alleged in a statement in 1989 that Captain Eugene de Kock had shot Mr Maponya with a service pistol which had a silencer attached.

Nofemela yesterday asked the court to be excused from further proceedings after explaining that he had been attending the inquest as an interested party.

Magistrate KD Kruger excused Nofemela and thanked him for the part he had played in the proceedings.

# Winnie may wait two years

CT17/1/91 (331)

From PATRICK COLLINGS

JOHANNESBURG. — Winnie Mandela could wait up to two years before her appeal against her conviction and six-year jail sentence is heard by the Appellate Division, state advocate Mr Jan Swanepoel, SC, said yesterday.

Mandela, 56, was yesterday granted leave to appeal by Mr Justice Michael Stegmann, who said another court might reasonably arrive at a different verdict and sentence after studying the trial evidence.

Mr Justice Stegmann found Mandela guilty, in the Rand Supreme Court on May 13, of kidnapping four people from a Soweto church manse on December 29, 1988, and of being an accessory after the fact to their assault.

Mandela's co-accused Xoliswa Falati, 37, was also granted leave to appeal against her conviction and six-year jail sentence, while John Morgan, 63, was granted leave to appeal against his conviction.

Morgan is not appealing against his one-year sentence, which is suspended for five years.

Mandela's bail of R200 and Falati's bail of R500 was extended pending the outcome of their appeals.

## Two years

Mr Swanepoel said it would take at least nine months before the Appellate Division, the highest court in South Africa, would be able to hear the appeals, but added that he had known of appeals to take up to two years.

Mandela's lawyer, Mr Ismail Ayob, said he expected to wait between six months and a year before the appeal was heard by the Appellate Division.

UPI reports that it is widely expected that the appeal will be rushed through for the sake of avoiding extended political complications.

Mandela attended the brief hearing with her husband, Mr Nelson Mandela, and daughter Zinzi. They sat behind the media in the public gallery and smiled

broadly when Mr Justice Stegmann made his ruling.

Outside the courthouse Mandela declined to comment, while Mr Mandela told journalists "the matter is in the hands of the courts".

Mr Justice Stegmann said Mandela's defence team had presented a good, comprehensive application for leave to appeal, and had provided "very intelligent criticism" of his judgment.

Mr Justice Stegmann said there was no need to hear testimony from Mandela's counsel, Mr George Bizos, SC, or from the defence counsel of Mandela's co-accused.

While he did not believe he was wrong in his findings, he had no difficulty believing there was a reasonable prospect that another court could draw different inferences from the weak evidence provided by the state's key witnesses, Mr Kenneth Kgase and Mr Thabiso Mono.

Mr Swanepoel unsuccessfully opposed the application for leave to appeal against conviction, and did not oppose the application for leave to appeal against sentence.

## Winnie (331)

From Page 1

that the possibility of another court arriving at a different conclusion was not sufficient reason for them to be granted leave to appeal.

Swanepoel said although the evidence of the main State witnesses Mr Kenneth Kgase and Mr Thabiso Mono, was weak, the court had only used their evidence where it was corroborated by other evidence before court.

Mandela's defence counsel, led by Mr George Bizos, SC, submitted that the six-year sentence imposed on Mandela was so severe as to induce a sense of shock. *Sowetan*

The judge had misdirected himself on the appropriate sentence by holding that Mandela did not show any remorse.

While the judge had rejected the evidence of both Kgase and Mono as unreliable, he erred by proceeding to use portions of that evidence to establish facts from which inferences were drawn against Mandela, Bizos said. *17/7/91*

Further, through a process of inferential reasoning, the judge erred in finding that Mandela was part of a conspiracy to kidnap in the absence of direct evidence on which to base the finding.



Winnie Mandela leaves the Rand Supreme Court after she was yesterday granted leave to appeal against her conviction and six-year jail sentence.

# Winnie granted leave to appeal

*Sowetan 17/7/91*  
WINNIE Mandela was yesterday granted leave to appeal against her conviction and a six-year sentence for kidnapping and assault.

Mandela (56), convicted on four counts of kidnapping and four of being an accessory to assault after the fact, sought leave to appeal on the basis that Mr Justice MS Stegmann had erred in his judgment.

Her co-accused, Xoliswa Falati (36), convicted of kidnapping and assault with intent to commit grievous bodily harm, and John Morgan, convicted only of kidnapping, were also granted leave to appeal against

their convictions.

Mandela and Falati are out on bail of R200 each, which has been extended. Morgan, who was given a suspended sentence, did not appeal against his sentence.

The case is to be heard by the Appellate Division in Bloemfontein.

The applications were opposed by Mr Jan Swanepoel, for the State, on the basis

● To Page 2

*229/51 Sowetan 17/7/91*  
**to**

FARMER Mr John Van der Westhuizen would admit to welding a boy to a steel table but deny setting him alight with petrol, the Louis Trichardt Regional Court heard yesterday.

Defence attorney Mr JLC van Vuuren was closing cross-examination of the 15-year-old boy, who had earlier told the court of his ordeal at the hands of Van der Westhuizen.

Van Vuuren told the magistrate, Mr GJJ van Deventer, that Van der Westhuizen, who has pleaded not

## Millionaire

A PUNTER became an instant millionaire yesterday when there was one winning ticket in the Pick Six at the Vaal racecourse meeting.

The winning combination was 2; 3, 4; 11; 5; 4; 4.

The payout was R1 041 871,10. See page 24.

# Mandela threat: Cop in court

By SELLO MOTLHABAKWE

331 A POLICEMAN appeared in the Protea Magistrate's Court yesterday on charges of improper conduct and/or alternatively bringing the South African Police into disrepute.

Warrant Officer Gideon Lubbe pleaded not guilty before Mr K Bekker to an allegation arising from an incident on May 1 when he is alleged to have told a group of Inkatha supporters: "If you want to kill Mandela wait till tonight." *Sowetan 17/7/91*

A sound man with Worldwide Television News, Mr Brian Green, testified that he was on duty as a cameraman in Soweto that day.

He said he found it unbecoming and improper of a policeman to have made such a statement even though the violence had abated by then.

Testifying for the State, Colonel Jac de Vries, the head of Soweto's police public relations department, said defusing a volatile situation such as the one on that day was not the responsibility of a junior officer.

He said Lubbe's remarks were unfortunate and improper as such statements damaged the police's standing abroad. De Vries denied that police were using Lubbe as a scapegoat.

# Winnie, two others given leave to appeal

By Cathy Stagg  
and Susan Smuts

Winnie Mandela and her two co-accused were yesterday granted leave to appeal to the highest court in the land.

Mandela (56) will appeal against her conviction on four counts of kidnapping and four counts of being an accessory after the fact to assault with intent to commit grievous bodily harm.

Xoliswa Falati (37), who was convicted of kidnapping and taking part in the assault of four youths at Mandela's Diepkloof home on December 29 1988, was given leave to appeal against her eight convictions.

Both women were also granted leave to appeal against their sentences — an effective six years in each case.

John Morgan (61), who was acquitted on the assault charges, was given leave to appeal against his conviction on four counts of kidnapping. He did not seek permission to appeal against his one-year suspended sentence.

Mr Justice M S Stegmann, who presided over the trial earlier this year, yesterday said he was granting leave to the Appellate Division in Bloemfontein, instead of referring the case to the full Bench of the Witwatersrand Local Division or the Transvaal Provincial Division. This was because it

could prove a waste of time and money for the case to have an "intermediate" hearing.

Mr Justice Stegmann said the intelligent grounds set out in the application had not persuaded him that he was wrong — but another court, bringing a fresh mind to the matter, might draw different inferences.

The judge referred to the relatively weak evidence produced to support the prosecution case which had led to reliance on circumstantial evidence for an inference of guilt.

The judge had not relied on the evidence of eye-witnesses Kenneth Kgase and Thabiso Mono unless it had been corroborated by other evidence.

## Kidnappings

Bail was extended.

Lawyers estimated it could take between 18 months and two years for the matter to come before the Appellate Division.

Outside the courtroom, ANC leader Nelson Mandela said he preferred not to comment as the matter was in the court's hands. He said it would be inappropriate for him to say anything at this stage. His wife stood silently at his side, dressed in a smart leather coat.

The trial, which lasted from February 4 to May 15 this year, attracted intense media attention and public interest.

The charges arose from the kidnapping of Mr Kgase, then 29 years old, Mr Mono and Gabriel Pello Mekgwe, both then 19 years old, and 14-year-old Stompie Seipei. The court heard that the four were taken from the Orlando West Methodist manse to Mandela's Diepkloof home on December 29 1988.

Mr Kgase and Mr Mono testified that they were sjambokked, kicked, punched and dropped on to a cement floor.

Stompie's body was discovered in the veld on January 6 1989. Mr Kgase escaped from the house on January 7 and the other two were later handed over to community leaders, the court heard.

Mr Mekgwe was due to testify during the trial but disappeared from Johannesburg and was later seen in Lusaka.

Mandela's defence was an alibi: that she was in Brandfort when the four youths were taken from the manse to her house and assaulted. She said she had not known of a plan to kidnap the youths.

Handing down judgment on May 14, Mr Justice Stegmann said the State had had a heavy onus to prove that the alibi was false beyond a reasonable doubt. He could not find that it was definitely false, but he had found that once Mandela had returned, she had known that the young men had been assaulted and had done nothing about it.

Star 17/7/91  
**Nofemela**  
**'lied to save**  
**his neck'** 331

When the probabilities were considered, Death Row prisoner Almond Nofemela's claims that he had seen police informer Japie Maponya being murdered by a security police captain could not possibly be true, counsel for three policemen allegedly involved in the killing argued before a Pretoria inquest court magistrate yesterday.

Piet Kemp — appearing for Captain (now Colonel) Eugene de Kock, Constable Johannes Mbelo and Constable Moses Mdzimandl — said Nofemela's story that Mr. Maponya had been kidnapped and taken to Vlakplaas for questioning was highly unlikely when he could have been held for questioning.

It was probable that Nofemela, a former policeman, had known about Mr. Maponya's disappearance through his police connections, and he had fabricated a sensational story on the eve of his execution to save his own neck, he added.

Mr Kemp said it was unlikely that subsistence and travel forms, showing that his clients had not been at Vlakplaas in May 1985 — the date of Mr. Maponya's disappearance — were wrong.

Elna Revelas, for Mr. Maponya's family, submitted that the court should not reject Nofemela's evidence outright.

She said the subsistence and travel forms did not necessarily reflect that the accused were not at Vlakplaas that day.

A finding is due to be delivered this morning. — Sapa.

# Policeman in court

## over 'jest'

Star 17/7/91.  
Staff Reporter

The policeman, filmed by an international television crew telling a group of men in Soweto, "If you want to kill Mandela, take until tonight", appeared in the Protea Magistrate's Court yesterday.

Warrant Officer Gideon Cornelius Lubbe (36) of Randfontein was charged with having acted in an unlawful and irresponsible manner not compatible with his duties as a member of the police.

He has pleaded not guilty.

The incident happened on May 1 at the Meadowlands hostel in Soweto during faction fighting between township residents and hostel dwellers.

Parts of the video tape of the incident were shown to court officials and members of the media.

Worldwide Television News cameraman Arthur Brian Green, who filmed the incident, agreed during the hearing that the statement was said in jest.

He described the crowd as having been "quite jovial", adding that the incident had occurred in a "pretty relaxed atmosphere".

Mr Green told magistrate JP H Oliver that he found it "unbecoming" for a policeman to utter such an "irresponsible" statement, especially when there was so much tension at the time between supporters of the ANC and the Inkatha Freedom Party.

He testified that he supposed the "Mandela" referred to by W/O Lubbe was ANC president Nelson Mandela, then deputy-president.

The hearing continues today.

# Soldiers shone spotlight for killers, say residents

SECURITY forces were accused yesterday of involvement in the killing of five ANC members in a Natal shooting on Sunday.

The attack, on a house in Magoda township near Richmond, came two weeks after the wife and two children of an ANC official were killed at Boipatong near Vanderbijlpark.

An independent unrest monitor, who asked not to be named, said yesterday residents had alleged that an SADF armoured vehicle shone a spotlight at the Magoda house during the attack about 11.30pm on Sunday.

The monitor said residents alleged the light was switched off immediately after the attack.

SAP spokesman Lt Henry Budram declined to comment yesterday on allegations concerning the spotlight.

Our Durban correspondent reports the claim is the latest of several allegations of police involvement in violence in the area.

JONATHAN REES

Two weeks ago police were blamed for the murders of 12 people in the Richmond district.

SAP Maritzburg district commissioner Brig Chris Jonker said yesterday police had been accused in spite of the fact that 15 people had appeared in court in connection with the killings.

Jonker said the presence of the ANC, the media and DP MP Pierre Cronje on the scene before police arrived on the scene on Monday had jeopardised investigations.

Sapa reports a top-level police team travelled to Richmond yesterday to investigate the killings.

The team is led by Gen Ronnie van der Westhuizen and comprises several top ballistics and forensic specialists.

Budram said the bodies of three men and two youths, all with bullet wounds, were found inside the house

on Monday.

The unrest monitor said spent .308 cartridges were found at the scene of the killings. A lot of .308 rifles were used for hunting and there was "compelling evidence" of white rightwing involvement in recent killings near Richmond, he said.

The latest killings showed that despite recent arrests of alleged killers in the area, the main perpetrators were still at large, the monitor said.

He called for a reinforced security force presence between the predominantly Inkatha area of Mkobeni and ANC-aligned Magoda township, both near Richmond.

The police unrest report yesterday said a petrol bomb attack caused extensive damage to a home at Rodenbeck in the Free State.

It also said a man was arrested after damage was caused to a home in a similar attack at Inanda, near Maritzburg.

## Winnie granted leave to appeal

SUSAN RUSSELL

WINNIE Mandela was yesterday granted leave to appeal against her conviction and six-year prison sentence for kidnapping and assault.

Mr Justice M Stegmann yesterday granted Mandela leave to appeal in the Rand Supreme Court on the basis that another court might draw different inferences from the circumstantial evidence on which he convicted Mandela and her co-accused Xoliswa Falati and John Morgan.

She was sentenced on May 14 in the Rand Supreme Court to an effective six years' imprisonment for her part in kidnapping four youths from the Methodist manse in Orlando West on December 29 1988 and for being an accessory to their subsequent assault.

Falati, 37, was granted leave to appeal against her conviction and sentence for the kidnap and assault of the four youths.

Morgan, 61, was given leave to appeal against his conviction for kidnapping. He is not appealing against his one-year suspended sentence.

During yesterday's hearing which lasted less than 30 minutes, Mandela's counsel, George Bizos SC submitted written argument setting out



● MANDELA

the basis of her application.

It was submitted that the judge had erred in finding that the kidnapping could not have been executed without Mandela's knowledge and consent.

This was especially so in view of the court's own findings that Mandela left for Brandfort shortly before Falati and others fetched the youths from the manse and assaulted them.

State prosecutor Jan Swanepoel SC opposed the application for leave to appeal against conviction. He did not oppose leave to appeal against sentence after the judge granted the application.

Mr Justice Stegmann said there had been legitimate criticism of the two main prosecution witnesses and he had had to draw inferences from circumstantial evidence.

Mr Justice Stegmann said: "I am not persuaded that I was wrong in my findings. But another court may be persuaded by argument that I was wrong."

In granting leave to appeal to the Appellate Division in Bloemfontein rather than a full bench of the Transvaal Provincial Division, the judge said the case presented some unusual features.

Mandela was a prominent figure and the matter had aroused great public interest and concern. There was also great public interest in the effectiveness of SA's criminal justice system.

Although Mandela was not obliged to attend yesterday's hearing, both she and her husband ANC president Nelson Mandela were present in the public gallery with daughter Zinzi.

STAFF REPORTERS

# A joke says Mandela 'threat' cop

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By SELLO MOTLHABAKWE

JUDGMENT in the case of Warrant Officer Gideon Lubbe (36), appearing in the Protea Magistrate's Court on charges of improper conduct and/or bringing the South African Police into disrepute, will be delivered on August 5. Soweto 18/7/91.

On the second day of the trial Lubbe, who has been suspended for six months from the police force for remarks he allegedly made about Mr Nelson Mandela to Inkatha supporters, said he now thought the words he uttered were not necessary.

He, however, denied that the words were inciting.

Earlier in his evidence before Mr IG Olivier, Lubbe said he was stopped by a group of Inkatha supporters who told him they wanted to kill Mandela. He said he realised the situation was tense and explosive and thought of a way of defusing it. He told the group: "If you want to kill Mandela, wait till tonight".

Lubbe said he was joking and had no intention of hurting or instigating anybody.

Miss Carin Nienaber, for the State, said Lubbe ought to have been cautious, particularly in view of the public's perception of the police-Inkatha relations.

Mr I Swartzberg, for Lubbe, submitted that the police were overreacting because of the political atmosphere.

# Jest aimed at defusing tension, says policeman

By Abel Mushi

18/7/91  
Judgment will be given on August 5 in the trial of a policeman who was filmed telling a group of men in Soweto: "If you want to kill Mandela, take until tonight."

Warrant Officer Gideon Cornelius Lubbe (36) of Randfontein was charged in the Protea Magistrate's Court with acting in an unlawful and irresponsible manner not compatible with his duties as a policeman.

He has pleaded not guilty.

Parts of the video tape of the incident on May 1 were shown in the courtroom yesterday.

Worldwide Television News cameraman Arthur Brian Green, who filmed the incident,

agreed on Tuesday that the statement, which he said had been uttered to a "jovial" crowd in a "pretty relaxed atmosphere", had been said in jest.

Mr Green said he thought Warrant Officer Lubbe had acted in an "unbecoming" manner.

Warrant Officer Lubbe told the court he had felt at the moment that it was "the only way" he could make a joke to defuse tension.

He denied having acted irresponsibly.

Ike Schwartzberg, for the defence, argued that his client had been driven to utter the statement in jest, a fact which he said was corroborated by Mr Green's testimony.

He said the utterance had not incited nearby hostel dwellers to acts of violence.

## Defending Winnie a costly affair

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LAWYERS here believe that legal costs for defending Winnie Mandela, wife of the ANC president Nelson Mandela could well be more than R100 000. South 18/7-24/7/91

They estimate that an R20 000 would be added to her legal costs by taking the case to the Appellate Division in Bloemfontein. Lawyer George Bizos said it could be 18 months before the appeal was heard.

Mandela, 56, will appeal against her conviction on four counts of kidnapping and four counts of being an accessory after the fact to assault with intent to commit grievous bodily harm.

# Exiled MK cadre returns to testify

Sowetan 19/7/91

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A MEMBER of the African National Congress' military wing Umkhonto we Sizwe has returned to South Africa temporarily to give evidence into the death of ANC members killed by police at Piet Retief.

Mr Richard Vallihu, who arrived in the country on Saturday, will leave Durban for Piet Retief next week to help piece together the baffling circumstances surrounding the deaths of Mr Surendra Lenny Naidu and three women, Ms Makhosi Nyoka, Ms Lindiwe Mthembu and Ms June-Rose Cothoza.

All four were crossing into South Africa from Swaziland on

June 8 in 1988 when the vehicle in which they were travelling was shot at by police under the command of Major Eugene de Kock, based at Vlakplaas.

Vallihu said this week he was the last person to see Naidu alive.

The inquest court has heard from De Kock that the police believed the people in the vehicle were trained ANC members.

The court has been told that police approached the group at the Swazi border.

De Kock said when police approached Naidu's vehicle and ordered out the occupants, Naidu fired at police from inside the car.

Lawyers acting for the families

dispute this and claim that De Kock and his command intended to kill all those in the vehicle.

Former Death Row prisoner, Butana Almond Nofomela, whose shock allegations about a police hit squad helped uncover the Civil Cooperation Bureau, testified at the inquest that De Kock was a police officer "who specialised in destruction" and was involved in stealing motor vehicles and kidnapping.

On Sunday, Naidu's family hosted a memorial service at the Chatsworth cemetery which was attended by hundreds of ANC members.

Vallihu spoke briefly at the service. He joined the ANC with Naidu in 1986. - *Sowetan Correspondent.*

## No proof of death — inquest

By MARTIN  
NTSOELENGOE

NOBODY was to blame for the death of Japie Maponya because it could not be proved that he was dead, Pretoria inquest magistrate KD Kruger found this week.

Japie disappeared in September 1985 only weeks after he had been interrogated by security police in Krugersdorp about his brother, Odirile.

Japie's sister, Nkele Lettie Letseka, told the court this week that her brother told her he feared for his life because he refused to inform for the security police.

She told the court that her family had been harassed by the security police since Odirile skipped the country to join the ANC military wing.

She said most of her family members had been terrorised by the security police — including her nephew, Robert Shakung, 15, who was assaulted in 1985.

Letseka described how she, Japie and other family members were de-

tained at Chamdor Police Station in 1985.

"We were taken into different rooms and grilled about Odirile's whereabouts.

"When I told the police I was also looking for Odirile, they told me not to try and be clever."

After their release Japie looked terrified.

When she asked him what the matter was, he said: "One of these days I am going to die."

When she pressed him he said the police wanted him to become an informer but he was not prepared to be one.

A few weeks later Japie went missing.

Self-confessed hit-squad member Butana Almond Nofomela — who is on Death Row for the murder of a Brits farmer — earlier described in court how Japie was tortured and shot dead by Colonel Eugene de Kock, who was then chief of Vlakplaas, a training centre for Askaris.

He said Japie was killed after he was kidnapped — on the instruc-

tions of De Kock — by Nofomela, Johannes Nofomela and Moses Ndzi-mande from the Krugersdorp United Building Society.

Nofomela said Japie was kidnapped because his brother — Meshack Odirile Maponya — was a highly trained ANC member. Odirile was subsequently killed in a bomb blast in Pretoria.

Kruger said there could be no doubt that Japie had disappeared in September 1985.

He rejected allegations by Major Johannes Petros Kleynhans that Japie was a police informer and said Nofomela's story was highly probable.

"It is unlikely that a man would remember a tiny piece of information about the disappearance of Maponya and then use it four or five years later against a story that was so near to the truth that it was in many ways supportable," Kruger said.

He made a special plea to the Maponya family to abide by the court's ruling.

# Who'll laugh las

By MARTIN NTSOELENGOE

**SUSPENDED** Warrant Officer Gideon Cornelius Lubbe will know on August 5 whether a "Kill Mandela" remark he made to a group of Inkatha supporters was funny or not.

Lubbe is charged with unlawfully conducting himself in a manner unbefitting a policeman or alternatively of undermining the control or discipline of the SAP.

This week he told Protea Magistrate IG Olivier that he only meant it as a joke to defuse tension.

But World Time Television cameraman Alfred Brian Green, who filmed the incident, was not amused.

## Footage

Said Green: "While I have always believed the statement was said in jest, I found it unbecoming in that it was irresponsible for a policeman to make such a joke."

Television footage played to the court showed Lubbe saying to a group of Inkatha supporters: "If you want to kill Mandela, wait until tonight."

The remark was made at the height of bloody fighting between township residents and hostel dwellers in Meadowlands on May 1. Lubbe has been suspended pending the outcome of the hearing.

Lubbe, 36, a resident of the conservative town of Randfontein, told the magistrate the remark was not made with the intention of undermining the discipline of the SAP.

Giving evidence, Lubbe said he was commissioned to monitor the situation at the Meadowlands hostel during fighting between Inkatha and ANC members.

He said while at the hostel he spoke to many people with the aim of assessing the situation.

While still driving around the hostel he



**IN THE SOUP ...** Warrant officer Gideon Lubbe and his wife outside the Protea Magistrate's Court. He is on trial for making a "Kill Mandela" remark to a group of Inkatha supporters.

■ Pic: ANDRIES MCINEKA

## Cop's 'joke' remark lands him in court

heard shots being fired but never saw the actual shooting.

When he was about to drive out of the hostel premises, his vehicle was stopped by a group of Zulu-speaking men who wanted to know why police were shooting at them.

Lubbe said he told them everything was calm. He said they then told him they wanted to kill Mandela.

He responded by saying they should wait until

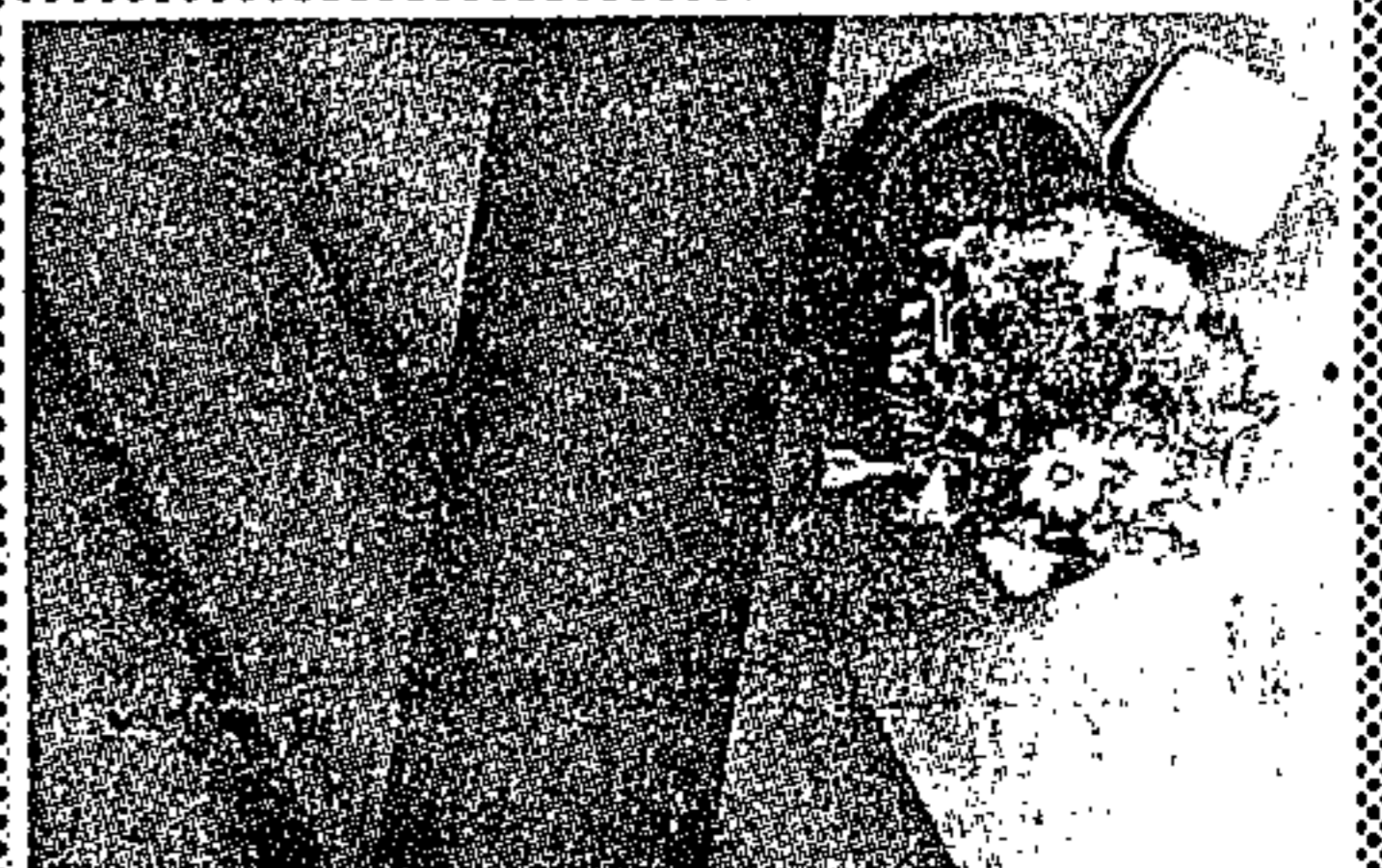
that night. Everybody took it as a joke and laughed, Lubbe said.

He added that he did not realise his remark had been recorded.

Speaking through his lawyer I Swartzberg, Lubbe said he had no hostile feelings against Mandela or the Inkatha Freedom Party (IFP).

Swartzberg said if his client had had enough time to think about another remark, he would not have chosen the "Kill Mandela" one.

# LET'S TALK



# Student jailed by man who bust him

By DAN DHLAMIN

AN Ipelegeng student who was arrested by a Schweizer-Reneke magistrate for picketing in front of his court two months ago was this week sentenced to nine months' jail by the same magistrate on a separate charge.

Magistrate CC Butler halted court proceedings on May 27, and, still wearing his magisterial gown, went outside and arrested Taung College of Education student teacher, Aubrey Matsau, 24.

Matsau was allegedly picketing outside the court with 15 others to demand the release of political prisoners.

Matsau — who still faces a charge of taking part in an illegal march — will appear again on August 22 to face the picketing charge.

He is likely to appear before magistrate Butler.

This week Matsau was found guilty of attempting to defeat the ends of justice by influencing state witnesses to give false evidence in court.

In sentencing Matsau to an effective nine months' imprisonment Butler said he was grossly irresponsible and wondered what type of teacher he was going to be.

■ Meanwhile, a group of 28 Ipelegeng residents, including a 10-year-old boy and a 65-year-old woman, briefly appeared before magistrate Kruger on a charge of taking part in an alleged illegal march on May 31.

The case was referred to the attorney-general and the accused were warned to appear on August 22.

# Lawyers fight indemnity cut-off date

South

25/1-31/7/91

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LAWYERS plan to challenge the conditions of the Pretoria Minute by bringing indemnity applications for scores of people who were arrested for political offences several months after a government cut-off date for clemency.

In at least two instances in recent weeks, lawyers have succeeded in having political trials postponed to allow them to lodge the indemnity applications.

The applications are for offences committed in the past three months, whereas the Pretoria agreement between the African National Congress (ANC) and the government stipulates that the indemnity applies only to offences committed before October 8 last year. The indemnity applications will be brought for 37 people who were arrested in May on charges of illegal gathering, and three others who were arrested last month on charges of illegal possession of a firearm and two hand-grenades.

Lawyers representing the 40 people will argue that the political offences fall within the ambit of the Pretoria Minute and that the government cut-off date for clemency and indemnity should be changed to include political offences of recent months.

In the past few months several thousand ANC supporters have been



**DEMO ARRESTS:** Lawyers are seeking indemnity for people arrested during demonstrations, as above

PHOTO: YUNUS MOHAMED

arrested on charges of illegal gathering and trespassing after widespread protests to demand the release of political prisoners.

About 700 protesters, including several members of the ANC national

executive, were arrested in the Western Cape after protests in the city centre near parliament.

A Cape Town lawyer who is monitoring the trials this week said that several hundred of these had already

appeared in court. He also confirmed that warrants of arrest has been issued for about 200 trialists who did not turn up at court for the hearings.

Several of them had subsequently paid admission of guilt fines, he said.

# Court told of attack victims' fear

By Philip Zolo 25/7/91

Several former squatters at Goedehoop School in Germiston told yesterday of their terror when an Afrikaner Weerstandsbeweging (AWB) commando allegedly raided their dwellings and beat them up.

They told the Germiston Magistrate's Court that khaki-clad white men arrived before midnight on June 1 and attacked them indiscriminately.

Settlers Masha said he was hit twice while lying

in his bed. He received 33 stitches for a leg wound.

Maureen Dlamini said her door was kicked down and that she and her boyfriend were hit with sjamboks.

AWB "corporal" Carel Venter said that earlier that evening about 30 commando members gathered at Boksburg Lake and then went to the school to "teach a lesson" to a few "houtkoppes" who they knew were squatting illegally.

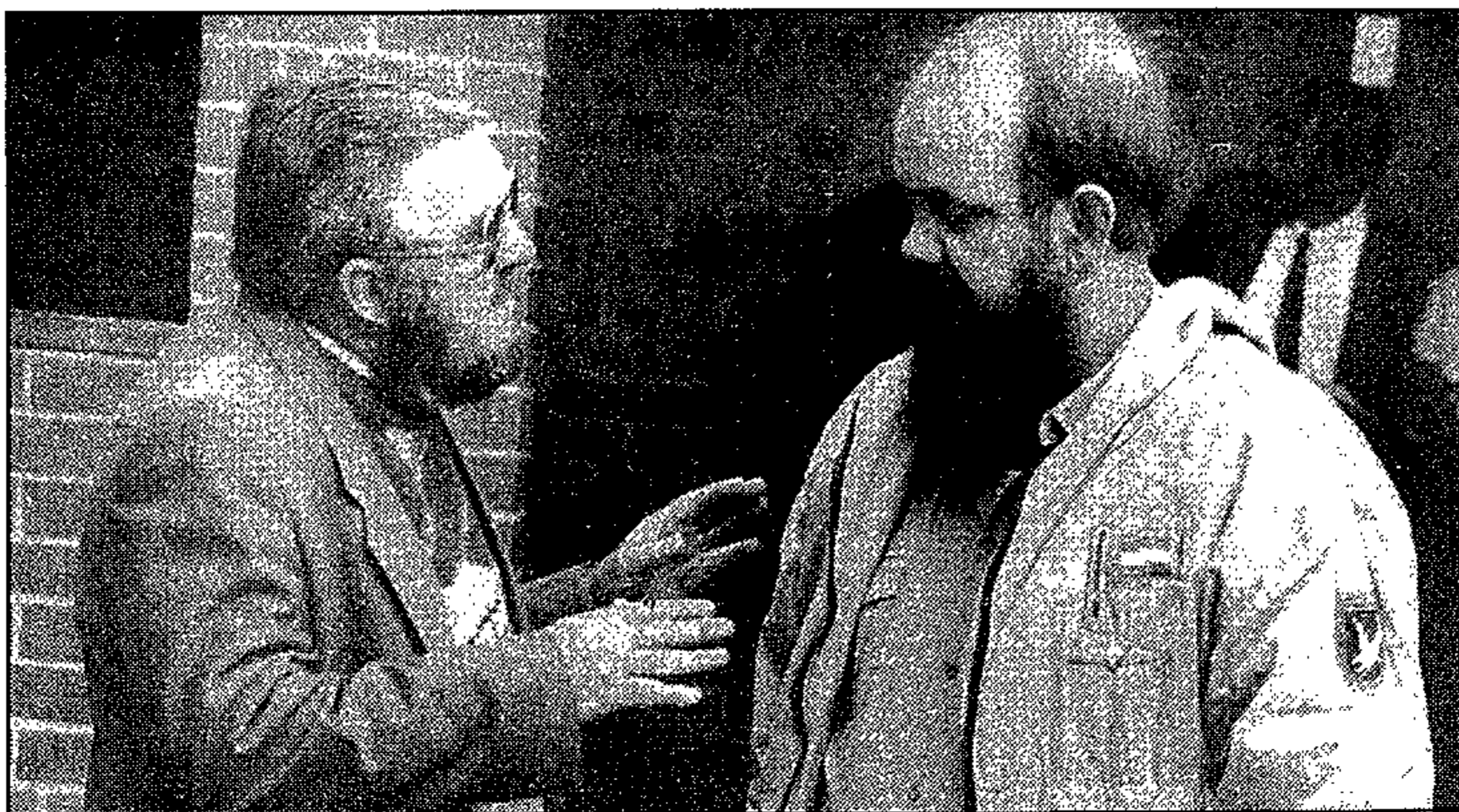
They entered the grounds, beat up squatters for about five mi-

nutes, and left, he said.

He denied knowledge of a court order served on the squatters to vacate the property by June 4 — two days after the alleged incident.

Facing public violence charges are Johan Grundlingh (30) of Krugersdorp and AWB members "General" Johann Thompson (38) of Brakpan, Willem Potgiek (33) of Elandspark, Japie Oelofse (30) of Germiston, Christo van den Berg (27) of Boksburg North and Isak Redelinghuys (31) of Leondale.

## NEWS



Discussion . . . AWB "general" Johann Thompson (right) with his lawyer, Jackie Nel, outside court yesterday.  
Picture: Alf Kumalo

### AWB 'general' denies hitting squatters

By Philip Zoio

AWB Witwatersrand leader and Wenkommando "general" Johann Thompson (38) admitted in a statement in Germiston Magistrate's Court yesterday that he smashed windows of a squatter's car during an alleged raid on their dwellings at Germiston's Goedehoop School.

But he denied taking part in alleged late-night assaults at the school on June 1.

In another statement, AWB member Isak Redelinghuys (31) of Leondale admitted hitting a squatter with a truncheon.

Both men have been charged with public violence after allegedly beating up squatters and damaging school property.

Their co-accused are Johan Grundlingh (30) of Krugersdorp, Willem Potgieter (33) of Elandspark, Johannesburg, Christo van den Berg (27) of Boksburg

North and Japie Oelofse (30) of Germiston.

Lieutenant Struwig Mackey of the SAP in Germiston said Mr Thompson had told him after his arrest that members of the public had complained to the AWB about illegal squatters at the school.

The rightwingers later drove in a convoy of cars to the school, said the lieutenant.

The case has been postponed to Monday.

## Warning on insurance firm's cover

SEAN VAN ZYL

ILLEGAL short-term insurance cover was being provided by a company operating mainly on the East Rand, Financial Services Board (FSB) spokesman Piet Badenhorst warned yesterday. Bravo Insurance was operating mainly in the Kempton Park and Germiston areas, providing motor and household cover, he said in a statement. Badenhorst said Bravo Insurance was not a registered insurance company, and was therefore not in a legal position to undertake short-term underwriting business.

### Check

He said that, following an initial investigation by the FSB, the matter had been forwarded to the commercial branch of the SAP.

Further information regarding the FSB's investigation would not be made available at this stage, due to legal constraints, Badenhorst added.

However, the statement advised members of the public who had entered insurance dealings with the company to check whether their cover had been underwritten by a registered short-term insurer.

The statement noted that the inception date of the cover provided by Bravo Insurance appeared to be August 1.

# Club Mykonos problems hurt sales of timeshare

CAPE TOWN — The negative publicity surrounding the Club Mykonos resort on the Cape west coast has resulted in a slide in timeshare sales there. The resort claims a 50% share of all timeshare sales in SA.

The resort has come under the spotlight recently as police investigate allegations of financial irregularities (R930 000 has been reported missing) and shareblock owners protest against high levy increases that have been proposed.

Timeshare sales reached R8.5m a month at their peak but have fallen to about R6m a month over the past few months, with the winter slowdown in sales contributing to the decline, said developers Masterbond Trust MD Johann Brits at a news conference yesterday.

About R90m has been invested so far in timeshare and shareblock units at Club Mykonos, near Saldanha Bay, by about 5 000 people. The resort has 236 units, with 700 more planned, and

has R10m worth of unsold stock on its books.

Responding to reports of a police probe into the management of the resort, Masterbond Trust and Club Mykonos chairman Koos Jordaan said he believed the complaints to be malicious.

Jordaan said an audit was in progress and no misappropriation of funds had been discovered. He said there was a possibility, were it to transpire that the complaint to the police was vexatious, that a claim or charges would be brought against the person who lodged it.

He said "the future is not all that bleak" regarding the recovery of some of the R300 000 allegedly misappropriated by a former employee.

Jordaan admitted that the resort's management had not been up to standard in some respects in the past, but said a new company, Renaissance Resorts, had taken over management

and he was now satisfied with the standards of management.

He admitted, too, that there had been dissatisfaction over the number of management companies that had been involved in running the resort — Renaissance is the fourth company to take over its administration.

Brits announced that there would be a restructuring of levies which would mean a lesser increase than originally proposed. Shareblock owners were up in arms a few months ago over the levy increases which in the case of a sole owner of a luxury three-bedroom unit was to rise from R500 to R3 600.

The levies affect 700 shareblock owners.

Brits said a levy increase from R500 to R2 552, including service, was being proposed for a luxury three bedroom unit; or alternatively, R1 624 without service. An assurance would be given to shareblock owners that for the next five years annual levy increases would be kept within 5% above the rate of inflation.

## ANC murder accused acquitted

SUSAN RUSSELL

TWO ANC members charged with the murder of an Azapo opponent in a Bekkersdal shebeen last year were acquitted in the Rand Supreme Court yesterday.

Jacob Seoka, 27, and Alfred Soxokashe, 21, pleaded not guilty to murdering Azapo member Mbuyiselo Norman Montshiwa in a shebeen in the ANC area of Bekkersdal on March 17 last year.

The State alleged they were part of a group of ANC members who were looking for Montshiwa intending to kill him.

Montshiwa was attacked with pangas, knives and an iron bar and

died from his injuries in hospital nine days later.

According to the indictment the incident occurred at a time of clashes between the ANC and Azapo over an ANC call for a school stayaway.

Mr Justice du Plessis, sitting with two assessors, acquitted Seoka and Soxokashe after finding that contradictory evidence from four State witnesses had not established the accused's guilt beyond reasonable doubt.

None of the four impressed the court as reliable witnesses, he said.

## Joker cleared in subversion trial

MICHAEL HARTNACK

HARARE — An Esigodini hotel manager has been acquitted on a charge of subversion but fined R46 under Zimbabwe's Miscellaneous Offences Act for joking to bar patrons that the July 20 bomb blast at Harare's Sheraton hotel was "part of the structural adjustment programme".

Bulawayo magistrate David Johnstone Butcher told Rodney Robert Green, 37, his remarks were "ill-advised" but did not constitute an attack on the constitution of Zimbabwe, an offence which would have carried a maximum seven-year jail term.

(331) (351)  
**2 ANC men  
acquitted<sup>star</sup><sub>11/8/91</sub>  
of murder**

Two ANC members were acquitted yesterday by the Rand Supreme Court of stabbing and hacking to death a member of Azapo.

Mr Justice B R du Plessis, with two assessors, found that State witnesses had given contradictory evidence and that it could not be proved beyond reasonable doubt that the men were guilty.

Jacob Seoka (27) and Alfred Soxokashe (21), both of Bekkersdal near Westonaria, had pleaded not guilty to murdering Mbuyiselo Norman Montshiwa in a shebeen last year.

"The four witnesses did not give reliable accounts of the events of the night," the judge concluded. — Staff Reporter.

# Fawu members in court for assault

Sowetan 1/8/91 (331)

SEVEN members of the Food and Allied Workers Union appeared in the Randfontein Magistrate's Court yesterday on charges of assault, intimidation, public violence and contempt of court.

The trial is a sequel to a demonstration by the accused at Delmas Milling Company - where they were employed - against a member of a

By SONTI MASEKO

rival union on April 19 this year.

Mr Jack Silowa, Mr Simon Matlala, Mr William Leebo, Mr Frank Mashobane, Mr Moses Mogale, Mr Johannes Motlasedi and Mr Edwin Nthusang pleaded not guilty to all charges.

Silowa and Mashobane, both union shop-stewards, and Matlala and Leebo have been suspended since April 19.

The men are also charged with having disobeyed a court order obtained by the company on March 4 this year restraining employees at the plant and their unions from engaging in acts of violence and intimidation.

## Singing

The State witness, Mr Rodney Teu, a member of the rival Food and Beverage Union, testified that he was forcibly removed from his office by the ac-

cused and about 300 Fawu members on that day.

He heard singing while in his office which was later invaded by Fawu members who demanded he meet them outside.

They threatened to harm him if he did not comply, he said.

Teu identified some of the accused as having kicked him on two occasions as he walked with them.

Workers were singing and chanting slogans and he was told he had to leave the company because he had not joined Fawu.

The hearing continues.

# High-tech 'dirty tricks'

South 1/8-7/8/91

From Eric Naki  
East London

RIGHT-WING pamphleteers have gone high-tech, sending their material out on fax.

Several different pamphlets have been circularised over the past few weeks, bearing no hint of their source.

Issued under the title "Factsheet", the pamphlet claims to have "no fixed editorial policy, but the editors are committed to the

free market system.

The publication claims to come from a team of "highly-informed and well-connected information brokers".

Most of the pamphlets so far have been taken up with long lists of names of about 170 trade union officials who are allegedly members of the SA Communist Party (SACP). It claims the SACP is using the ANC and Cosatu as "tools" to further its aims.

A spokesperson for the Post Office said numerous complaints had been received, but nothing could be done about it because there was no senders' number on the faxes. — *Elnews*

## Suspended sentence for MK man

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South 1/8-7/8/91

A PORT Alfred regional magistrate suspended the sentence of an Umkhonto we Sizwe member this week after he pleaded guilty to possessing two hand-grenades and two detonators.

Phakamile Mtya, 27, was sentenced to three years' imprisonment, suspended for five years, on condition that he is not found guilty of a similar offence during that time.

— *Ana*

# Pharmacists' exodus 'may affect safety of patients'

THE exodus of pharmacists from public hospitals has reached a point where the safety of patients can no longer be guaranteed, the SA Association of Hospital and Institutional Pharmacists (SAHIP) has warned.

SAHIP president Tienie Britz said yesterday the association was concerned at the deteriorating control of medicines in hospitals caused by the increasing numbers of pharmacists leaving state hospitals.

He said poor salaries were the main reason for the exodus and an increase of about 25% was probably needed to keep pharmacists. They had not received an occupational increase since 1985 and this year had to be content with the 6% increase awarded to all public hospital staff.

Britz said pharmacists working in private hospitals earned between R800 and R1 200 a month more than their public sector counterparts.

SAHIP vice-president Sue Putter said the association expected the losses to increase and feared that it could lead to "a total breakdown" in

TANIA LEVY

hospitals' pharmaceutical services.

She said about 16% of pharmaceutical posts in Transvaal's hospitals were vacant last year and about 20% of those in the Free State. In Natal the figure was about 11%.

She believed the figures were much higher by now. At least half the starting posts were unfilled at present. Senior people were resigning.

Natal MEC for Health Services Peter Miller said he would raise pharmacists' "deep discontent" at a meeting with National Health Minister Rina Venter on August 12. Representation would also be made to the Minister of Administration.

He denied pharmacists were leaving hospitals "in droves" but said action had to be taken on salaries.

Transvaal Provincial Health Services spokesman Jan van Wyk said vacant posts had arisen over the years. He said at most times 80% to 90% of posts in Transvaal hospitals were filled.

## Death of ANC member: man in court

CAPE TOWN — A 31-year-old man appeared briefly in the Wynberg Magistrate's Court in Cape Town yesterday in connection with the death of ANC worker Michael Mapongwana last month.

Eric Mahlutshana, of R432 Khayelitsha, was arrested in Crossroads on Wednesday. A formal bail applica-

tion is to be heard on Monday.

Western Cape Civic Association chairman Mapongwana, of Khayelitsha, died when balacava-clad gunmen opened fire on a taxi in which he was travelling in Philippi on July 8.

No charges were put to Mahlutshana. The case was postponed for further investigation and for the bail application. — Sapa.

## Protest against 'white' school

TANIA LEVY

MAYFAIR residents will hold a picket on Monday outside a local whites-only nursery school facing closure at the end of the year.

A spokesman for the parents, Ahmed Suliman, said the Magrietjie Nursery School is currently only 30% full because it operates on a "whites-only" basis.

"Although the school exists in an area which has effectively been non-racial for the past few years, many local children are turned away for being the 'wrong' colour," he said.

A TED spokesman yesterday said the school could accommodate 120 pupils and currently had an enrolment of 40.

He confirmed that closure had been recommended by the school management committee, which was under consideration. Other options were also being considered.

Suliman said there was a dire need for education facilities in the area but the school restricted its admission to white children, many of whom did not live in Mayfair and were bused in.

Practices at the school contradicted recent statements by government Ministers regarding under-utilised schools and the need to avoid bussing in pupils.

Education Ministers recently said red tape would be removed to allow empty white schools to be used by pupils of other races.

# Liquidation of timeshare lodge might be averted

CAPE TOWN — The threatened provisional liquidation of timeshare resort Kruger Park Lodge could be averted if negotiations with an international partner were successful, Pretoria developer Willem Bester said yesterday.

A court application for the provisional liquidation of the resort was opposed and is due to come before the court again in about two weeks' time.

It is believed R8m will be injected into the R16m resort and that the 1 000 timeshare owners, owed R2,4m, will not lose anything of their investment.

The resort apparently ran into cash flow difficulties due to lower than expected sales, and could not proceed with the development.

The problems with Kruger Park Lodge bring to four the number of resorts which have experienced financial difficulties recently. Seafields in Durban, Mavula Lodge and Halyards in Port Alfred and Sudwala also had problems.

Timeshare exchange organisation Resorts Condominium International (RCI) hosted a function yesterday to celebrate the achievement of 100 000 SA members.

MD Steve Griessel said these four prob-

lematic resorts represented a small proportion of SA's 148 resorts.

He said that 1991 was the worst year for the industry in terms of public perceptions, but new timeshare sales this year had not been as bad as forecast.

Liquidations were not the real issue facing the timeshare industry, Griessel said. The real issue was the unethical marketing techniques operating on the fringes. The five major players which sold 80% of the timeshare in SA had high ethical standards, he said.

RCI had decided to enforce the Timeshare Institute of SA (Tisa) code of ethics on all its resort clients whether they were members of Tisa or not, and they would face disaffiliation if the Tisa code was broken.

Griessel believed the industry was maturing and consolidating into fewer, bigger players.

An exciting deal to be announced in a couple of months' time would be fundamental to the future of the industry, he said.

## Unionists deny murder charges

FIVE National Union of Metalworkers (Numsa) members and a man they allegedly paid to help intimidate non-striking colleagues at Haggie Rand in 1989 pleaded not guilty to five counts of murder in the Rand Supreme Court yesterday.

Shop stewards chairman Richard Khazamula Ngobeni, 38, and workers representatives Jeffrey Sipho Mtshali, 34, Malvert Ngubane, 40, Malan Khumalo, 42, and Samuel Kgoshiekholo Malepo, 39, also pleaded not guilty to nine counts of attempted murder, two counts of arson and one count each of unlawful possession of firearms and ammunition.

The alleged "hitman" Joseph Mdumiseni Bhengu, 25, also pleaded not guilty to the same charges.

Their trial is a sequel to a strike at Haggie Rand during October 1989.

All five Numsa members were employed by the company and were dismissed during the strike.

It is alleged they and others employed Bhengu after deciding to intimidate work-

ers into joining the strike.

Two firearms were also allegedly acquired for that purpose.

The State alleges that under the leadership of Ngobeni and Khumalo, certain non-strikers were identified as targets for intimidation and acts of violence.

The alleged murder of five non-strikers, the attempted murder of nine others, as well as petrol bomb attacks on the homes of two employees, occurred at various places on the Witwatersrand from November 1989 to April last year.

Prosecution counsel Chris van Vuuren said the State would lead evidence in support of charges of a conspiracy among the accused to intimidate non-strikers.

He said the state would also lead evidence by Haggie Rand personnel to explain events at the factory at the time of the strike.

The trial continues today.

# Non-strikers intimidated, trial told

By Susan Smuts 2/8/91

Five sacked National Union of Metalworkers of SA shop stewards and an alleged hitman pleaded not guilty yesterday in the Rand Supreme Court to five charges of murder, nine of attempted murder, two of arson, and illegal possession of arms and ammunition.

Richard Khamamula Ngobeni (38), Jeffrey Siphio Mtshali (34), Malvert Ngubane (40), Malan Khumalo (42) and Samuel Kgoshiekgolo Malepo (39) allegedly hired Joseph Mdumiseni Bhengu (25) to help the union to intimidate non-striking workers into taking part in an illegal strike at Haggie Rand in October 1989.

Several workers, including the five Numsa members on trial, were sacked on October 23 1989 but the strike continued.

Mr Ngobeni was the chairman of the shop stewards committee, and the other four were members of the "Committee of 10". Both organisations played a significant role in the strike, said State advocate L.C.J. van Vuuren.

He said the five Numsa accused and other strikers had used violence to intimidate non-striking workers to take part, and hired Mr Bhengu to help them. Haggie Rand's activity came to a standstill as a result.

Mr van Vuuren said the trial was not political and that the accused had all been charged with common-law crimes.

Mr Justice B.R. du Plessis, with two assessors, ruled that evidence from State witnesses would be heard *in camera*.

The trial was postponed to today because Mark Smit, appearing for Mr Khumalo, Mr Malepo and Mr Bhengu, had flu.

● According to a press release given to reporters, the six men have applied for indemnity. Claiming they were arrested on instructions from Haggie Rand, the "Numsa Six" said they were among a group of 200 workers dismissed and claimed they were part of "the struggle".

# Youth describes attack on Soweto home

Staff Reporter

(331)

A member of the Soweto Youth Congress (Soyco) told a Rand Supreme Court yesterday how a Soweto house had been attacked by a group of people known as the "Marastas" on February 27 1990 after one of the Marastas had been interrogated by the Comrades. Nhlapo (20) was Professor Nhlapo in a trial giving evidence in a trial.

of assault with intent to do grievous bodily harm, two of attempted murder, one charge of attempted kidnapping and one attempted housebreaking with intent to kidnap.

Skumbuso Mfeka (18), Dibe Nhlapo (19), Simon Sibisi (18), Sifiso Chango (18) and a 17-year old youth, all of Soweto, have pleaded not guilty to all the charges.

Professor Nhlapo, who described Dibe Nhlapo as family, said a group of Soyco members were sitting at a house when a man called Sugar came to fetch the youth.

"While we were sitting there, we heard knocking at the front and back doors and on the bed-rooms. As we ran to the front room, we heard shots fired. The Soyco members and were usually left the house and were

# 'I was kidnapped by Winnie's men'

A CO-ACCUSED in the Winnie Mandela trial, Katiza Cebekhulu, who is being held in Lusaka's Central Prison, said he was kidnapped by "Winnie's men" in South Africa and taken to Zambia. *C/Prm 4/8/91*

He has threatened to go on hunger strike to secure his release from the prison where he is being held by the Zambian government, the *Zambian Weekly Post* reported this week.

Cebekhulu has asked the South African government and Amnesty International to intervene on his behalf. Representations by the UN High Commission of Refugees met with little success, the newspaper reported.

"The Zambian government is reported to have conducted high-level consultations with the ANC on Cebek-

hulu's predicament," the newspaper said. (331) (2180)

In an interview, Cebekhulu said Winnie Mandela "promised me everything — a car, a house, money and education" in exchange for his disappearance from the trial in which she was found guilty of kidnap and assault.

Cebekhulu, who initially attended the trial without being apprehended by the police, said he had no choice but to follow her directives.

"He said he was no longer interested in Mrs Mandela's promises because she betrayed him to save her neck," the newspaper reported.

He denied reasons given by the Zambian authorities that he was being held because he was a prohibited im-

■ To Page 2

# Jail for death squad

331  
Cipren 4/8/91

THE action of a "racial clean-up squad" which resulted in the death of a black man was barbarous and unjustifiable, a Klerksdorp circuit court judge said this week.

Justice NC de Klerk found Adrian Roets, 26, of Swartruggens and Jacob du Plooy, 28, of Orkney, both guilty of culpable homicide. They were sentenced to seven years' imprisonment each.

They admitted rounding up about 11 black people in Klerksdorp and assaulting them during a "clean up" of the town in February last year. As a result Johannes Makgetlana died. - CP Correspondent

# 'Kidnapped to save Winnie'

■ From Page 1

clips 4/18/91  
migrant. "I was kidnapped and brought here by Winnie Mandela's men."

Both the Zambian government and the ANC in Lusaka have refused to comment on Cebekhulu's detention but their silence lends credibility to the theory that Cebekhulu is being victimised to save Mrs Mandela", the newspaper said.

"What is obvious is that the government is embarrassed by his presence and tries to hide the fact that he is in Lusaka."

Cebekhulu told the newspaper how the ANC allegedly kidnapped him in

South Africa and persuaded him to go undercover. (331) (33)

He was flown from South Africa to Angola, making a stopover in Mozambique, before being smuggled into Zambia.

The ANC accommodated him in the Fairview Hotel in Lusaka. When he realised that "Mrs Mandela was in no hurry to fulfil her promises" to him he spoke to the press in frustration.

He was held at Kamwala Remand Prison but after reporters reached him there, he was secretly transferred to Lusaka's Central Prison.

ANC spokesman Carl Niehaus said the ANC had referred the matter to representatives in Lusaka for further investigation and the ANC could not comment at this stage. - ANO

Political comment and newsbills by K Sibya, headlines and sub-editing by S James, both of 2 Herb Street, Johannesburg.

# Fur flies over FW posters

By DAN DHLAMINI

THE cold weather could not cool the tempers of NP members in Ventersdorp after their posters announcing president FW de Klerk's visit to the AWB "base" this Friday were stolen or defaced.

As one enters the CP-controlled town one is greeted by defaced placards reading "Kaffir de Klerk, Hotnot de Klerk".

Three Ventersdorp men appeared in court following the theft. Duan Vogel, 22, Gerhardus van Staden, 22, and Richter Heyneke, 23, allegedly each stole a poster worth R100.

The trio were not asked to plead and will appear again on September 16.

NP supporters in the town said they were infuriated by the mindless vandalism.

But, some women in the company of khaki-clad men told a City Press reporter he was a "hotnot borselkop" and they would not talk to him about a matter which concerned whites.

# Court told of 'threat of violence during strike'

Friday 5/8/91  
A NATIONAL Union of Metalworkers (Numsa) shop steward threatened that there could be violence during a strike at Haggie Rand Ltd in 1989 if workers' demands were not met, the Rand Supreme Court was told on Friday.

Factory production manager "JC" du Plessis was giving evidence at the trial of five Numsa members and a sixth man they allegedly hired to intimidate non-strikers.

Numsa shop steward chairman at Haggie Rand, Richard Ngobeni, 38, and workers' representatives Jeffrey Siphon Mtshali, 34, Malvert Ngubane, 40, Malan Khumalo, 42, and Samuel Kgoshiekgo Malepo, 39, pleaded not guilty to murdering five non-striking colleagues and attempting to murder nine others.

The man allegedly hired to assist in the violent in-

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timidation of non-strikers, Joseph Mdumiseni Bhengu, 25, also pleaded not guilty to the charges.

All six also pleaded not guilty to two counts of arson for allegedly petrol-bombing the homes of two other non-striking Haggie Rand employees. They also pleaded not guilty to two further charges of unlawful possession of firearms and ammunition.

The alleged offences took place at various places on the Witwatersrand over several months from November 1989 to April last year.

All five Numsa members were employed by Haggie Rand and were dismissed during the strike, which began in October 1989 after the company refused to adhere to an overtime ban imposed by the union.

It is alleged they and others decided to use violence to intimidate non-strikers into joining the strike. Bhengu was allegedly recruited and two firearms obtained.

On Friday Du Plessis described discussions he had with Ngobeni and other workers' representatives after the strike began.

He said Ngobeni told him he should not ignore a possibility of "another Germiston" if workers demands were not met.

Du Plessis said this was a reference to earlier clashes between workers at the company's Germiston plant which had left a number of employees dead.

He had understood Ngobeni's statement to be a threat and was not happy about it.

The trial continues before Mr Justice du Plessis and two assessors today.

## **'Free me,' says jailed Winnie trial witness**

(331) ET 5/8/91  
LUSAKA. — A witness in the Winnie Mandela kidnapping case, Mr Katiza Cebekhulu, who has been in Lusaka Central Prison since May, has threatened to go on a hunger strike if he is not released.

The 21-year-old South African charged in an interview in a Zambian newspaper that he was being held against his will in a bid to prevent him from testifying against Mrs Mandela.

"I am a prohibited immigrant, they say, but I am not. I was kidnapped and brought here," he alleged.

Mr Cebekhulu stated the affiliation of his attackers, but the Cape Times is not publishing this for legal reasons.

He appealed to the South African government and Amnesty International to help him get out of the prison.

"I have been denied visitors and basic amenities that other inmates enjoyed," he said.

The Zambian government and the ANC here declined to comment on the issue. — Sapa

# Massacre: Police captain denied bail

THE State has opposed a bail application by Captain Brian Mitchell of the South African Police, who was arrested on Friday night in connection with the massacre of 11 people, including young children, during a funeral vigil in Trust Feeds, Natal, in 1988.

The case was postponed in the New Hanover Magistrate's Court until August 16.

Mitchell, who is stationed at

Ladysmith, was remanded in custody in Maritzburg after he appeared in court at 10pm on Friday.

His arrest followed information from two former SAP special constables, David Khambele (26) and Dumisane Ndwalane (27) both of Mpumalanga, who were arrested on July 31 in connection with the case and who appeared earlier on Friday in the New Hanover Magistrate's Court.

In statements to the court they

alleged the New Hanover station commander, BV Mitchell - who was a lieutenant at that stage - had instructed them and others to surround and attack a house where "terrorists" were said to be hiding.

Four other unidentified former policemen are being sought in connection with the incident.

The Attorney-General of Natal has appointed a senior advocate from his staff to assist the investi-

gating team.

The case against the two former special constables was on Friday postponed to August 16, pending a decision by the Attorney-General.

The two former special constables pleaded not guilty to the murders on December 3 1988.

They also allege that policemen, including Mitchell, had set fire to and then looted a store and a house nearby. - *Sapa*.

# Unionists threatened violence, court told

By Susan Smuts

National Union of Metalworkers (Numsa) shop stewards threatened violent action if Haggie Rand did not enforce a ban on overtime, a production manager told the Rand Supreme Court on Friday.

JC du Plessis said he had been told at a meeting on October 18 1989 that if he did not stop workers doing overtime, he could expect a "second Germiston" — an allusion to another Haggie Rand factory where five workers died in a conflict.

He was giving evidence in a trial in which five Numsa workers, and a man they are claimed to have hired to intimidate union members, have pleaded not guilty to five charges of murder, nine of attempted murder, two of arson, and a charge of illegal possession of arms and ammunition.

Richard Khamamula (38), Jeffrey Sipho Mtshali (34), Malvert Ngubane (40), Malan Khumalo (42) and Samuel Kgoshiekgo Malepo (39) allegedly hired Joseph Mdumiseni Bhengu (25) to intimidate workers into joining an illegal strike.

Mr du Plessis said that during the meeting on October 18 union officials demanded that the management enforce the union's ban on overtime.

## Pay deduction

Haggie Rand personnel manager David Redelinghuys told Mr Justice B R du Plessis that a report-back meeting between shop stewards and workers appeared "tense", with some workers wanting to work and others trying to prevent them.

The strike was sparked by management's decision to deduct pay after the report-back meeting ran overtime by 90 minutes.

When the workers at the wire mill realised that their wages were to be docked for the time spent at the meeting, they asked for further meetings with management. In response to a management restriction on the number in the delegation, workers downed tools and occupied managers' offices.

Management issued ultimatums, but dismissed the workers later that day when they failed to respond. The night shift workers asked for meetings to discuss the dismissals, then also downed tools. Ultimatums were again issued, and the workers were dismissed.

The next day, management offered to re-employ dismissed workers. On October 25 workers again occupied offices, said Mr Redelinghuys.

Dismissed workers living in Haggie's hostel were evicted, and Numsa demanded reinstatement, rather than re-employment, from the company.

# Inquest probes Daveyton deaths

AN INQUEST began in the Rand Supreme Court yesterday into the deaths of 14 people — among them a policeman and an eight-year-old girl — in a clash in Daveyton near Benoni earlier this year.

On March 24 a group of ANC supporters was holding an outdoor meeting next to the Daveyton swimming pool at the same time that an Inkatha rally was being held at a nearby stadium, when the incident occurred.

Police allegedly fired at the ANC group after ordering it to disperse.

Sgt Jan van Wyk was allegedly attacked with pangas and certified dead on arrival at hospital.

The other victims were eight-year-old Tami Nomathansanga, Zwelangile Diko, Lelton Ndlabi, Simon Mdlazi, Mbovisele Ngckuka, Simon Nsondwa, Aaron Prusent, Nunuse Stuurman, Galelekile Mkrozo, Douglas Noabcha, Zingile Penxa, Tembinkosi Vevelo and Speelman Ngozi.

Immediately after the incident police announced the formation of a special in-

SUSAN RUSSELL

vestigation team under the command of Deputy CID chief Lt-Gen Jaap Joubert.

When the inquest court convened yesterday, presiding judge Mr Justice B O' Donovan said he would ensure all parties were able to present evidence.

Transvaal Deputy Attorney-General Anton Ackerman, who has been appointed to lead the evidence, said the purpose of an inquest was not only to investigate the cause of death and establish whether the deaths were caused by any act or omission amounting to a criminal offence.

An inquest, he said, had also to administer justice and instil confidence, satisfying the public and interested parties that a fair investigation had been made.

The court was then adjourned to allow the judge and legal representatives to conduct an inspection in loco of the site where the incident occurred.

Proceedings continue today.

## Benoni help for neighbour

WILSON ZWANE

THE Benoni Town Council had agreed in principle to take over distribution of electricity and other services to the neighbouring Daveyton township, a source close to the Daveyton Interim Committee said yesterday.

Benoni had told the multiparty Greater Benoni Forum that it was prepared to take over the distribution of bulk services from Daveyton provided "the rates it is charging its residents are accepted by Daveyton residents", the source said.

It is understood Daveyton residents have indicated to the interim committee that they will pay the Benoni tariffs if their demands are met. These demands include the scrapping of all rent and services arrears.

The source said the Greater Benoni Forum would hold a "crucial" meeting tomorrow at which, it was hoped, the TPA would come forward with proposals that could lead to a Greater Benoni Accord.

## PEANUTS

By Charles Schulz



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# Policeman warned for Mandela remark

Star 6/8/91  
By Montshiwa Moroke

The policeman who made the "kill Mandela" remark to Inkatha supporters outside a Soweto hostel in May was reprimanded and discharged when he appeared in the Soweto Magistrate's Court yesterday.

The suspension which was imposed on Warrant Officer Gideon Cornelius Lubbe (36) of Randfontein has been lifted and he can resume his duties, said the Regional Commissioner of Police for Soweto, Major-General J Swart.

Warrant Officer Lubbe appeared on charges of acting in an unlawful and irresponsible manner not compatible with his duties as a policeman.

The charges arose from an incident outside the Meadowlands hostel on May 1 at a time when there had been fighting

between township residents and hostel dwellers.

Warrant Officer Lubbe told a group of Inkatha supporters: "If you want to kill Mandela, take until tonight." He was filmed speaking the words by a cameraman of Worldwide Television News.

The remark referred to ANC president Nelson Mandela.

Magistrate Mr I P H Olivier said the State had proved its case beyond reasonable doubt, but he had to take into account that Warrant Officer Lubbe had already been punished by the police and that he had served the force for 17 years without a blemish on his record.

Warrant Officer Lubbe's attorney, I Swartzberg, said outside court yesterday: "We are satisfied. The magistrate understood the situation."

Warrant Officer Lubbe had told the court he had been joking when he uttered the words.

"I have no hostile feelings

about Mr Mandela, the ANC or the Inkatha Freedom Party, and at no time did I have any intention to harm the image of the SAP," he said.

General Swart said any further steps would be considered after police had read the judgment and testimony.

Because of the prosecution and depending on his superiors' decision, the outcome could affect Warrant Officer Lubbe's future in the police force. For instance, the verdict could delay for six months whatever promotion may have been due to him, a senior police source said yesterday.

Warrant Officer Lubbe, an administrative clerk at the Soweto East district headquarters, was suspended from his duties on May 4 following the remark.

Since then he has received only a fraction of his salary. He is expected to be paid his full salary retrospectively.

Star 6/8/91

## Inquest into Daveyton killings begins

An inquest into the death of 14 people killed during a clash between ANC supporters and policemen at Daveyton on the East Rand in March began yesterday with an *in loco* inspection.

The inquest is being heard by Mr Justice B O'Donovan in the Rand Supreme Court.

331 According to press reports at the time, some 13 ANC supporters were shot and a policeman hacked to death.

It seemed a crowd had gathered to protect themselves from a feared Inkatha attack.

Police said they had to defend themselves after being attacked.

# Witness afraid to testify at trial of Numsa members

10 cm 7/8/91  
A MAN whose house was allegedly burnt down for his not taking part in a strike said in the Rand Supreme Court yesterday he was afraid to testify in open court against five National Union of Metal Workers (Numsa) members charged with the murder of other non-strikers.

All five have pleaded not guilty to murdering five people and attempting to murder nine others during a campaign of violent intimidation against non-strikers during an industrial dispute at Haggie Rand in 1989.

Shop steward Richard Ngobeni, 38, and workers' representatives Jeffrey Mtshali, 34, Malvert Ngubane, 40, Malan Khumalo, 42, and Samuel Malepo, 39, have also pleaded not guilty to two counts of arson and one count each of unlawful possession of firearms and ammunition.

Joseph Bhengu, 25, who they allegedly hired to assist in the intimidation, has also

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pleaded not guilty on all counts.

The witness yesterday came into court after Mr Justice du Plessis rejected an application by State counsel Chris van Vuuren to have the man's evidence heard in camera.

The judge said the state had failed to place sufficient material before the court to warrant such an order. Van Vuuren, he said, could reapply for evidence to be heard in camera at a later stage.

When the witness took the stand, Van Vuuren asked him if he was afraid to testify in open court.

He said he was because he feared for his children's lives. His house had been burnt down and during the dispute three men had accosted him on his way to work.

The identity of the witness and certain State witnesses may not be made public at this stage in terms of a provisional ruling made by the judge at the start of the trial.

# Inquest told of order to leave pool in Daveyton

By Susan Smuts

Star 7/8/91  
A clash between the ANC and the police — which left 14 people dead — took place after about 200 ANC supporters refused to disperse from a swimming pool where they had gathered, the Rand Supreme Court heard yesterday.

Major Frederick Killian, giving evidence at an inquest into the deaths, said about 15 000 Inkatha supporters had gathered for a rally in Daveyton, near Benoni, on March 24.

Police had set up three roadblocks to search Inkatha supporters for weapons, and were patrolling the township, he said.

The police were also monitoring the number of "Zulus" going to the rally, he told Mr Justice B O'Donovan.

A group of Inkatha people approached the police, demanding the release of 11 supporters who had been arrested for illegal possession of firearms.

They demanded to know why Inkatha people had been arrested, when ANC supporters were allowed to gather illegally.

Major Killian said he later received a report that about 200 ANC supporters had gathered at a swimming pool in the Xhosa section of Daveyton.

He asked a Sergeant Smal to monitor the situation, and to tell the group to disperse as they were outnumbered by Inkatha. Sergeant Smal said about 60 ANC members had blankets.

"I told him to be careful because I know from past experience that they usually carry guns under the blankets."

Major Killian sent dog patrols and an SADF unit to the pool, after Sergeant Smal had asked for reinforcements. At 12.45 pm Sergeant Smal radioed to say they were under attack. The next report Major Killian received was that Sergeant Jan van Wyk had been badly hacked.

About 235 men were under his control on the day, although he could not say how many had been sent to the swimming pool.

The inquest was adjourned until tomorrow.

# Talks called off as TPA pulls down more shacks

THE Transvaal Provincial Administration (TPA) yesterday pulled down more than 150 squatters' shacks at Ivory Park, near Tembisa, prompting an organisation representing homeless people to call off high-level talks with the administration.

The TPA pulled down the shacks after the Rand Supreme Court ruled on Tuesday that the squatters were there illegally. Some shacks were pulled down two weeks ago before two squatters sought a court order restraining the TPA from demolishing their shacks.

A TPA spokesman said most of the shacks were pulled down after the squatters had ignored an early-morning warning to dismantle them.

More than 3 000 shacks had been dismantled in the area during the last few weeks, the TPA spokesman said, leaving about 1 000. The remaining shacks would be re-

DARIUS SANAI

moved within the next few days.

Responding to squatters' claims that they had nowhere to live, the spokesman said: "They can go back to where they came from."

He said the TPA had earmarked the 14 000 sites in Ivory Park for low-income housing, and that the squatters were depriving prospective residents of their homes.

Operation Masakhane for the Homeless (Omhle) chairman Basheer Lorgat said the dismantling of the shacks was irresponsible and "likely to cause mayhem".

Omhle claims to represent squatters at more than 60 camps in the PWV area.

Lorgat said the talks were aimed at establishing a forum for community groups and municipalities to find land for homeless people.

## Judge rejects closed hearing

A WITNESS in the trial of five National Union of Metalworkers (Numsa) members charged with murdering five non-striking co-workers during an industrial dispute gave evidence in open court yesterday after the judge rejected a second application to have his evidence heard in camera.

The witness's home was allegedly petrol-bombed by the accused and others in an intimidation campaign

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against non-striking Haggie Rand workers during the dispute which began in October 1989.

Numsa shop steward Richard Ngobeni and workers' representatives Jeffrey Mtshali, Malvert Ngubane, Malan Khumalo and Samuel Malepo have all pleaded not guilty to murdering five colleagues and attempting to murder nine others during the dispute.

They have also pleaded not guilty to two counts of arson and one count each of unlawful possession of firearms and ammunition.

A sixth man, Joseph Bhengu, whom they alleg-

edly hired to help with the intimidation, also pleaded not guilty on all counts.

The five Numsa members were fired by Haggie Rand during the strike.

The application was made after the witness said he was afraid that if he gave evidence in open court his children's lives would be in danger.

Mr Justice du Plessis said the facts on which the witness based his fears were too general to "upset the considerations in favour of a trial open to public scrutiny".

An order prohibiting publication of the witness's identity still stood.

# Indemnity granted to former SADF officer

Star 8/8/91  
By Philip Zoio

Former South African Defence Force major Nico Basson was yesterday granted indemnity from prosecution after he said he did not know the whereabouts of a man who has alleged SADF involvement in Reef train attacks.

Mr Basson had been subpoenaed under section 205 of the Criminal Procedure Act to reveal the location of former Five Reconnaissance member Felix Ndimene, who alleged that his unit, which is based at Phalaborwa, carried out attacks on civilians.

He told magistrate Mr R G le Roux in the Johannesburg Magistrate's Court that he had made a point of not knowing where former 5 Recce Battalion member Mr Ndimene could be found.

Mr Basson, whom Mr le Roux described as a credible witness, confirmed reports that he would rather go to jail than reveal the whereabouts of his informant.

Mr Basson is the leader of Soldiers of Peace, an organisation established to help former military and police members to release information about alleged atrocities committed by



Indemnified . . . former major Nico Basson.

the security forces.

He said that because the police had "techniques" for extracting that sort of information, he had spoken to Mr Ndimene only when the latter had telephoned him.

He told the court that he had told General R N van der Westhuizen, Colonel Niels Langenhoven and other policemen during a meeting on July 23 that he would produce Mr Ndimene — on condition that Mr Ndimene's indemnity and safety could be guaranteed.

But on July 25 he told them that since the law made no provision for indemnity, he was not prepared to deal directly with the police.

He said he had made representations to President de Klerk for a general amnesty that would

allow police and military personnel to give evidence on atrocities and malpractice for political purposes — without fear of prosecution or fear for their safety.

Mr Basson said the use of the subpoena under section 205 was simply an attempt by police to intimidate security force members to remain silent on abuse of power in the security forces.

He said he was prepared to release information to the Commission on Intimidation, an independent body that would be acceptable to political parties outside the State mechanism.

President de Klerk has promised to establish this body.

Mr Basson said statements supporting Mr Ndimene's allegations of SADF involvement in the Benrose train massacre were being prepared for submission to the Attorney-General's office.

It was impossible for police to be impartial in probes of such incidents because they themselves were usually involved.

During the Harms Commission, General van der Westhuizen had congratulated alleged CCB operative Staal Burger for his evidence, and that showed their collaboration.

# ANC youth leader jailed for 15 years

Aug 9/87 (231)

The Argus  
Correspondent

DURBAN. — An African National Congress youth leader, Tom Jabulani Madlala, 24, has been jailed for 15 years on four counts of murder arising from a raid he led against a Natal South Coast community.

A Supreme court judge sitting in Scottburgh, Mr. Justice Wilson, said yesterday that in passing sentence he could not have regard for the recent release of large numbers of political prisoners.

He added that had it not been for the fact that Inkatha had carried out an attack the day before, he would have considered imposing an even heavier sentence, possibly death.

Madlala was convicted on four of eight counts of murder arising from an attack by a large group of people on March 25 this year on a community near the Sizabantu beerhall at Umtwalume.

He was found guilty of murdering three men and one woman.

Spec 10/8/9

**PAT DEVEREAUX**

proached the Zambian authorities.

Earlier this year, shortly after the trial of Mrs Mandela began, Mr Cebekhulu was allegedly kidnapped. A key witness in the trial, Gabriel Pello Mekgwe, disappeared from the Soweto Methodist manse in February this year, reportedly in the company of ANC members. He has not been seen since.

Interviewed by a local newspaper in Lusaka Central Prison, Mr Cebekhulu asked the South African Government and Amnesty International to intervene on his behalf.

**hunger strike to secure his release from jail.**

**"I was kidnapped and brought here by Winnie Mandela's men."**

ANC spokesman Carl Niehaus told the press that the ANC had referred Mr Cebekhu's case to representatives in Lusaka for further investigation and that the ANC could not comment at this stage.

**The Deputy Attorney-Gener-**

"If he returns to South Africa, as a co-accused in the Mandela trial he will have to be charged as soon as he re-enters the country."

He added that the Red Cross "had no mandate to intervene on this individual's behalf".

# Non-striker shot down, court hears

A MAN who was allegedly attacked because he did not join a strike at Haggie Rand Ltd in October 1989 told the Rand Supreme Court yesterday how he was shot twice by an unknown gunman during the industrial dispute.

The witness, whose name may not be published in terms of a court order, was testifying at the trial of five National Union of Metal Workers of SA members.

Shop steward Richard Ngobeni, 38, and workers' representatives Jeffrey Mtshali, 34, Malvert Ngubane, 40, Malan Khumalo, 42, and Samuel Malepo, 39, have pleaded not guilty to murdering five non-striking co-workers and attempting to murder nine others.

## Gunman

The men were all dismissed during the strike which began after a dispute over an overtime ban imposed by the union.

A sixth man, Joseph Bhengu, 25, who was allegedly hired to help with the violent intimidation of non-strikers also pleaded not guilty.

All six pleaded not guilty to two counts of arson and the unlawful possession of firearms and ammunition.

The offences are alleged to have occurred in various places on the Witwatersrand between October 1989 and April last year.

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Yesterday, the witness told the court he was approached by two men in the Haggie Rand parking lot at about 7.45pm on November 24 1989.

One of them pulled a firearm from the front of his trousers and pointed it at him.

"I stopped. A shot was fired and I moved my head towards the left," he said.

The witness said he felt something "very heavy" on his right shoulder and nearly fell.

"I was wounded in the right shoulder," he said.

He ran until he fell on his stomach in the middle of a tarred road nearby.

He said he tried to lift himself up, but managed only to raise his head.

Hearing a sound he looked back and as he did so the gunman who was standing close by fired at him again.

This second shot struck him on the chin and the bullet passed through his neck, he said.

"After being shot for the second time I stood up and ran to the first aid office."

From there Haggie Rand personnel took him to Hillbrow Hospital.

He said he had not recognised the person who shot him.

The trial continues today before Mr Justice du Plessis and two assessors.

# Five killed in renewed clashes

FIVE people were killed and at least 60 injured when fresh clashes broke out between Zulu-speaking hostel dwellers and squatters in Alexandra township yesterday morning, a civic leader said yesterday.

The deaths pushed the death toll to 10 since violence broke out, apparently between Inkatha-supporting hostel dwellers and ANC-supporting squatters, in the Johannesburg township on Saturday.

Alexandra Civic Organisation official Richard Mdakane said the hostel dwellers attacked the squatters yesterday morning. "The township is very tense with people fearing further attacks from the hostel vigilantes," he said.

He would not speculate on when such attacks might be launched.

"But I am convinced that these vigilantes want to instil fear in our people and

to undermine democratic structures in the township," he said.

Asked what could have led to the violence after an apparent lull in Alexandra, Mdakane said: "There has not been any quiet in Alexandra but the latest wave of violence could be linked to the Inkatha's refuse-clearing operation last week." Five people were injured when clashes broke out during the Inkatha clean-up operation.

Inkatha central committee member Musa Myeni would not comment on Mdakane's allegations, saying they were "typical bankrupt politics of the civics".

A police spokesman declined to comment.

Meanwhile, at Gingindlovu, near Stanger on the Natal North Coast, three policemen shot their way

through a 150-strong mob which attacked them at the weekend, Own Correspondent reports.

An 18-year-old man later died of gunshot wounds in hospital.

Police spokesman Capt Bala Naidoo said yesterday the policemen were on investigations in the area when they were surrounded by the mob — wielding traditional weapons — which began to attack them. The police vehicle was overturned and set alight.

Const D P Gumede was stabbed in the head and chest and robbed of his gun. The other two policemen fired several shots and the mob dispersed.

Police later established that two people were admitted to the Eshowe Hospital with gunshot wounds. One of them later died.

It is suspected that they were part of the mob that attacked the policemen.

## Charges against Rudolph withdrawn

TANIA LEVY

TRESPASS charges against AWB secretary-general Piet Rudolph were provisionally withdrawn in the Ventersdorp Magistrate's Court yesterday, investigating officer Lt Wak Viljoen said.

Cases against five other people, including town engineer Cornelius Tereblanche, were remanded until September 24.

Tereblanche faces a charge of subversion after Ventersdorp was plunged into darkness shortly before violence erupted outside an NP meeting in the town on Friday night. *Blow 13/8/77*

The remaining four — Hendrik du Preez, Johan Derkson, Rots Nel and a minor — have been charged with illegal possession of dangerous weapons. They were released and warned to appear in September, Viljoen said. *Blow 13/8/77*

A charge of illegal possession of a firearm against a sixth man was withdrawn after he produced a gun licence.

Viljoen said the charge against Rudolph was temporarily withdrawn after Rudolph objected to the case being postponed.

Rudolph insisted there was nothing to investigate about trespassing, and wanted the case led yesterday.

Charges would be brought against him again in about a fortnight, Viljoen said.

Viljoen added that more people could be arrested after police investigations into the violence had been completed.

He said a docket of public violence had been opened, and the "common cause" of the crowd involved in Friday's violence would be investigated.

# Dead man identified by shoes, socks

By Susan Smuts

331

A man who had been "neck-laced" in Newlands, Johannesburg, lay on the ground screaming for help while he was assaulted, the Rand Supreme Court heard yesterday.

Philemon Motimona told Mr Justice Joffe that he and Johannes Masango had been attacked by two men who called them "kaffirs".

Deon Frederick van Deventer (24) of Jan Hofmeyer and Evert Jan Jacob Boonzaaier (23) of Newlands pleaded not guilty to murdering Mr Masango on September 14 and assaulting Mr Motimona.

Mr Motimona identified Mr Masango at the morgue the next day from his shoes and socks. His corpse was unrecognisable.

Mr Motimona told the court that he and Mr Masango had walked past Mr van Deventer's house after buying paraffin. They were sworn at, and Mr van Deventer chased and threw a brick at Mr Motimona.

Mr van Deventer then joined Mr Boonzaaier and they attacked Mr Masango.

The hearing continues.

## Whites appear on 'necklace' charge

(331) SUSAN RUSSELL

A RAND Supreme Court judge yesterday warned people attending the trial of two white men charged with "necklacing" a black man that "the necessary steps" would be taken if they continued intimidating State witnesses.

Mr Justice Joffe issued the warning after a complaint from State counsel D Dorfling that individuals in the public gallery had been intimidating witnesses.

Earlier the judge issued a similar warning to members of the public who made a number of audible remarks during a witness's evidence, including references to the "kaffir".

The witness was giving evidence in the trial of Deon Frederik van Deventer, 24, and Evert Jan Jacob Boonzaaier, 23.

They have pleaded not guilty to murdering Johannes Masango in Newlands on September 14/15 last year.

Both have also pleaded not guilty to assaulting Masango's companion Philemon Motimona.

It is alleged Van Deventer and Boonzaaier attacked the two men in a Newlands Street. The State alleges Van Deventer and Boonzaaier then loaded Masango onto a bakkie and drove him to a spot near Newclare Station where they placed a tyre over him and set it alight. His body was found the following morning.

Motimona, who testified for the State, said he and Masango had been to buy food and paraffin when they were attacked by Van Deventer and Boonzaaier.

□ To Page 2

## 'Necklace'

Masango, he said, could not run away because he was handicapped by a foot injury sustained in a car accident.

Motimona recounted seeing his friend lying on the ground, screaming and calling to him.

He told the court he ran back to where they lived and tried to summon the landlord, a policeman who lived in the main

house.

The man's wife told him her husband was not at home but told Motimona to go to another house in the street, also occupied by a policeman.

Motimona said when he and that policeman arrived at the spot where he had left Masango they found only some blood.

The trial continues today.

□ From Page 1

# Woman: two told of necklacing man

*B/day 15/8/91*  
TWO men who allegedly attacked and necklaced a black passerby told a woman friend they met later that night that they had "killed a kaffir", the Rand Supreme Court was told yesterday.

Giving evidence before Mr Justice Joffe and two assessors, the woman, Maria Margaret Welgemoed, described her meeting with Deon Frederick van Deventer and Evert Jan Jacob Boonzaaier.

Both men have pleaded not guilty to murdering Johannes Masango and assaulting his friend, Philemon Motimona, on the night of September 14/15 last year.

It is alleged Van Deventer, 24, and Boonzaaier, 23, both of Newlands, attacked Masango and Motimona in the street.

They allegedly loaded Masango on to a bakkie after assaulting the pair and drove him to a spot near Newclare station where they placed a tyre over him and set it alight.

Motimona earlier told the court he ran to fetch a policeman who lived in the street, but on his return to the spot all they found were patches of blood.

Welgemoed said she went to the Belmont Hotel on the night of September 14.

*B/day*  
**SUSAN RUSSELL**

It was after 1am and she was in the bar when she saw Van Deventer and Boonzaaier.

Welgemoed told the court she asked Van Deventer to give her niece and herself a lift home, knowing his mother lived close to their home.

On the way to her flat Van Deventer told the women "they had killed a kaffir".

At her flat, Welgemoed said, she noticed blood on the hands and clothes of both Van Deventer and Boonzaaier.

"They asked me if they could wash their hands," she said. "I asked Deon what had happened; why they looked like that.

"Deon replied: 'We killed a kaffir, put a tyre over him and burnt him'." Welgemoed said the men appeared to be joking and she had not believed them.

"Both accused were strongly under the influence," she said.

Welgemoed said both men did not stay at the flat for long and she had gone to bed while they remained for a short while talking to her niece.

The trial continues today.

## Hired man identified as assailant

*B/day 15/8/91*  
A MAN allegedly hired by National Union of Metalworkers of SA members to help intimidate non-striking co-workers during an industrial dispute in 1989 was identified by a witness in the Rand Supreme Court yesterday as his assailant.

Joseph Bhengu, 25, and five Numsa members have pleaded not guilty to murdering five non-striking Haggie Rand Ltd employees and attempting to murder another nine during an industrial dispute which began at one of the company's factories in October 1989.

Shop steward Richard Ngobeni, 38, and workers'

*B/day 15/8/91*  
**SUSAN RUSSELL**  
representatives Jeffrey Mtshali, 34, Malvert Ngu-bane, 40, Malan Khumalo, 42, Samuel Malepo, 39 and Bhengu also pleaded not guilty to two counts of arson as well as the unlawful possession of firearms and ammunition.

It is alleged the five Numsa members, who were dismissed by Haggie Rand during October 1989, were involved in a conspiracy by strikers to use violence and intimidation to force non-strikers to participate in the dispute.

Bhengu, who did not

work at Haggie Rand, was allegedly hired to assist with intimidation. *(331)*

The witness, who may not be named, yesterday identified Bhengu as the man who fired at him and a co-worker while on their way home from work on December 6 1989.

He said while walking with a friend, he turned around after hearing a shot and saw Bhengu about three paces behind him holding a firearm.

The man said another two shots were then fired.

The trial continues today before Mr Justice du Plessis and two assessors.

# AWB men in court on public violence charges

By David 15/8/91  
JONATHAN REES  
and DARIUS SANAI

Koen's funeral is expected to be held in the Blipemhof Town Hall later today.

Meanwhile, the CP, said yesterday it would not tolerate any disruptive action at a peaceful placard demonstration planned for outside a closed NP function to honour President F W de Klerk in the Alberton civic centre tonight.

Alberton GP caucus chairman Ian Slabber, said 50 people had perdition from the local town council for the demonstration to express sympathy with those killed and injured at Ventersdorp.

Conditions imposed on the demonstration by the NP-controlled council include a ban on firearms or other weapons, including teargas.

Three of the CP members expected to join the picket were among those wounded in Ventersdorp, Slabber said.

He said the CP would not endorse any interference with De Klerk's address.



AWB commando members carry the coffin of slain comrade, Jacobus Conradie, 32, to his grave in the western Transvaal town of Orkney yesterday.

Picture: AP

TWO AWB members appeared in the Ventersdorp magistrates court yesterday on charges of public violence following the clash between police and the AWB in the western Transvaal town on Friday night.

Western Transvaal CID chief Col Henry Austin said the case against Cornelius Mostert, 46, from Stilfontein, and Henry de Beer, 40, from Krugersdorp, was postponed till September 23 and they were released on their own recognisances.

Austin declined to comment on whether police expected further arrests or whether the SAP was getting co-operation in the investigation from the AWB. Yesterday AWB member

Jacobus Conradie, a western Transvaal businessman and former policeman shot in Friday's clashes, was buried in a semi-military ceremony in the western Transvaal town of Orkney.

Among the mourners were an estimated 65 khaki-clad AWB members, who were largely unarmed. AWB leader Eugene Terre-Blanche and other prominent right-wingers were absent from the funeral, but Conradie's coffin was carried to the grave by several AWB "generals".

Two other AWB members, Gerhard Koen, 36, and Andries Badenhorst, 37, died when they were struck by vehicles which had become embroiled in the confrontation.

Sapa reports that an estimated 4 000 mourners, including CP leader Andries Treurnicht and wrestler Jimmy Abbot, attended the funeral of Badenhorst who was buried in Randfontein yesterday morning.

# 2 boasted of necklacing, court told

331

Star 15/8/91.  
By Susan Smuts

Two men accused of a "necklace" murder bragged in a bar that they had "killed a kaffir", the Rand Supreme Court heard yesterday.

Maria Welgemoed told Mr Justice M M Joffe she had been to the disco in the Belmont Hotel with her niece, Betty Thompson. She noticed Deon van Deventer at the bar, and asked him for a lift home because she knew his mother lived near to her flat. Mr van Deventer and Evert Boonzaaier (whom she knew as "Jaapie") were talking to some people at the bar, she said.

"On the way home, Deon said they'd killed a kaffir. I didn't pay much attention to him because I wanted to get home. At the flat, I saw blood on their hands and clothes," Mrs Welgemoed said.

She asked Mr van Deventer about the blood, and he replied: "We killed a kaffir, put a tyre around him and burnt him out," she told the court.

The men, who were heavily under the influence of alcohol, did not want to stay long at her

flat because they had to wash out their bakkie.

Under cross-examination, Mrs Welgemoed said she had been drinking but was aware of all that had happened on the night. She also denied she wanted to take her eight-year-old daughter to buy Mandrax.

Although the accused would give different versions of the events, Mrs Welgemoed said she had no way of knowing about the necklacing except that the accused had told her.

Mr van Deventer (24) and Mr Boonzaaier (23) have pleaded not guilty to murdering Johannes Masango on September 14 last year. They allegedly assaulted Mr Masango and his friend Philemon Motimona, who ran away. The accused allegedly loaded Mr Masango on to a bakkie and took him to Newclare station where they necklaced him.

Another witness, John Moe-ketsi, told the court he had been driving up Italian Road in Newclare — where Mr Boonzaaier lived — where he noticed two men assaulting someone.

"One man poured beer on the person lying on the ground and they both kicked him. I stopped my car and hooted. They looked up once and continued to assault the man."

The hearing continues.

"Investigations by the SA Police and United Bank are continuing and are at an advanced stage," the statement said.

Bank deputy MD Nallie Bosman described the attempted fraud as "very amateurish". Firstly, the notes were

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## Necklace victim was urinated on, says man

61 Day  
16/8/91

SUSAN RUSSELL

(331)

TWO men who are alleged to have necklaced a black passerby poured beer over their victim before one of them urinated on him, according to evidence in the Rand Supreme Court yesterday.

John Moeketsi told the court he was driving down Italian Street, Newlands, on the night of September 14 last year when he saw Deon van Deventer and Evert Boonzaaier assaulting a man in the street in front of him.

Van Deventer, 24, and Boonzaaier, 23, both of Newlands, have pleaded not guilty to murdering Johannes Masango on December 14/15 last year or assaulting his companion Philemon Motimona.

It is alleged Van Deventer and Boonzaaier attacked the pair and after Motimona ran away, loaded Masango on to a bakkie and drove him to a spot near Newclare station. There Van Deventer and Boonzaaier allegedly put a tyre over Masango and set it alight.

Moeketsi said he was driving down Italian street with his lights on bright when he saw two men kicking a man on the ground.

Moeketsi said he turned his car and drove back and around a circle before returning to the spot.

It was then he saw them pour beer over the man on the ground and Boonzaaier urinated on him.

When the two men started walking towards him, Moeketsi said, he drove to the Newlands police station.

Moeketsi said the policemen on duty told him they had no vehicle so he took three of them to the scene. When they got there neither the two men nor their victim could be seen.

The police searched the area, Moeketsi said.

They were also directed to the semi-detached houses where Van Deventer and Boonzaaier lived, but did not find the three there.

The trial continues before Mr Justice Joffe and two assessors today.

Continued from

## Policeman had 'things to do' before giving help

Court Reporter

Star 16/8/91  
(331)

A policeman did not rush to the help of a man who was being assaulted — and who later died of his wounds — because he had "a few things to do first", the Rand Supreme Court heard yesterday.

Sergeant Johannes Louw, giving evidence in a "necklace" murder trial, said his wife had telephoned him to say two men were assaulting Johannes Masango, who lived on Sergeant Louw's property.

Philemon Motimona, who had also been assaulted, had told his wife. She telephoned him at about 8.45 pm, and he arrived at the scene in Italian Road, Newlands, at about 10 pm.

"I asked some people in the area whether they had seen Johannes. I couldn't find him so I went back home. A few hours later I returned to see if he had come back, but he hadn't."

Sergeant Louw told Mr Justice M M Joffe he did not rush to the scene because he had to "finish up at work and do some things at home". He said he didn't think it was that serious.

Deon van Deventer (24) and Evert "Jaapie" Boonzaaier (23) have pleaded not guilty to murdering Mr Masango and to assaulting Mr Motimona on September 14 last year.

This week the doctor who conducted the post-mortem told the court Mr Masango had probably been dead by the time his body was burned.

His injuries were consistent with evidence that he had been repeatedly kicked. He suffered brain haemorrhages.

Constable Moffat Segal said he had found the body of a man who had been badly burnt by a tyre. Nearby was a 5 litre can which had contained an inflammable substance, he said.

The trial was adjourned to today when Mr van Deventer's lawyer will object to a statement made by Mr van Deventer being handed in as evidence.

# Thirteen rightwingers appear in court

By Guy Jepson

So far 13 rightwingers, among them AWB secretary-general Piet "Skiet" Rudolph, have appeared in court following Friday's mayhem in Ventersdorp — and police say further arrests are possible. (33)

A 15-year-old boy is to appear in court next Thursday on a charge of possession of

a dangerous weapon.

In the latest arrests, Henry Johan de Beer (40) of Krugersdorp and Cornelius Theodorus Mostert (46) of Stilfontein, were taken into custody on Tuesday on public violence charges.

They appeared in the Ventersdorp Magistrate's Court on Wednesday. They were released and their case was postponed to September 23.

Western Transvaal police spokesman Major Ben van Heerden identified 11 other rightwingers, who appeared in court on Monday, as:

● Mr Rudolph, whose trespassing case was provisionally withdrawn.

● R Nel (30), Johan Derker (28) and Hendrik Lambert du Preez (45) for possession of dangerous weapons.

● Cornelius Petrus Ter-

blanche (32) for sabotage.

● Fred Christiaan Stephen de Bod (25), Jacques van der Westhuizen (21), Johannes Hendrik de Bod (20) for misuse of SADF uniforms.

● J C Steyn (41), J Botha (34).

(All cases were postponed to September 23 and September 24.)

● Gideon Scheepers (30), held for the unlawful possession of ammunition, had his case withdrawn.

# Racist killing a

## White men

18/8/91  
'boasted  
of murder'

By MARTIN  
NTSOELENGOE

CRIPPLED Johannes Masango lay spreadeagled in the middle of a road while being kicked, urinated on and doused with beer.

His body was then allegedly thrown in the back of a bakkie and driven to the nearby Newclare Station. A car tyre was placed around the neck before being set alight.

His assailants then went to the Belmont Hotel in Hillbrow with bloodied hands and allegedly boasted to a woman how they had murdered a "kaffir".

This ghastly tale unfolded in the Rand Supreme Court this week, where Deon Frederick van Deventer, 24, of Suikerbos Street, Jan Hofmeyer, and Evert Jan Jacob Boonzaaier, 23, of 150 Italian Street, Newlands, are appearing on a count of murder and one of assault with intent to cause grievous bodily harm.

They have pleaded not guilty before Judge Joffe and two assessors.

Boonzaaier is out on R3 000 bail and Van Deventer is in custody.

John Moeketsi told the court that on the night of September 14 last year, he was driving in Italian Street when he saw the two men assaulting a man.

He saw Boonzaaier pour beer over Masango's body and then urinate on him.

He said the two men tried to confront him, but he drove away at high speed.

He returned to the street and saw the men were still attacking Masango. He decided to report the case to the police.

He returned accompanied by two policemen, but the place was deserted. A search of the surrounding area proved fruitless.

Philemon Mthimunya told the court he and Masango were walking past a house when they heard two white men shouting: "Hey kaffir come here."

Mthimunya said he saw trouble and told his friend they must run.

But his friend replied: "You know

very well, my friend, that I am a cripple and I cannot run."

Maria Welgemoed, of Vrededorp, told the court she met the two at the Belmont Hotel in Hillbrow where they told her they had killed a "kaffir".

"I did not take them seriously because they treated the whole thing as a joke," she said.

Later, when they went to her flat, she realised their hands were covered with blood.

Welgemoed said the two did not stay long, saying they wanted to wash the bakkie before daybreak.

■ See Page 6

Political comment and newsbills by K Sibya, headlines and sub-editing by S James, both of 2 Herb Street, Johannesburg.

'big joke'

## Judge warns spectators a third time

SUSAN RUSSELL

FAMILY and friends of two men on trial for allegedly necklacing a black passer-by were given a third warning by the judge about their conduct during proceedings in the Rand Supreme Court on Friday. 19/8/91

Mr Justice Joffe warned people watching the trial of Deon van Deventer and Evert Boonzaaier from the public gallery that "necessary steps" would have to be taken if they did not refrain from passing comments and remarks during evidence. Last week the judge issued two similar warnings after audible comments were made during the evidence of a black witness. 19/8/91

It was also brought to the judge's attention by prosecuting counsel D Dorfling that state witnesses had been intimidated by people in the public gallery.

Van Deventer, 24, and Boonzaaier, 23, both of Newlands, have pleaded not guilty to murdering Johannes Masango in September. They have also pleaded not guilty to assaulting Masango's companion Philemon Motimona.

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# Confession was a bail deal - necklace accused

Staff Reporter

(321)

Deon van Deventer, standing trial for a "necklace" murder, told the Rand Supreme Court he had been promised bail if he made a confession to a magistrate.

He was giving evidence on Friday in a trial within a trial to determine whether a statement he made was admissible evidence.

Mr van Deventer said he was taken to a magistrate on September 24 last year. Detective Sergeant Pierre Potgieter, the investigating officer, had told him he would organise bail and visits from his family if he made the confession.

However, while he was in the magistrate's office, he decided not to make a statement unless he had a lawyer.

Mr van Deventer told Mr Justice M.M. Joffe that Detective Sergeant Potgieter had thrown the papers on to the floor and said: "I thought we could have organised something."

Three days later, he was taken back to the magistrate and made the confession.

Detective Sergeant Jan Kruger told him that his co-accused, Evert "Japie" Boonzaaier, had made a statement laying all blame for the killing on him.

Mr van Deventer (24) and Mr Boonzaaier (23) have pleaded not guilty to murdering Johannes Masango and to assaulting Philemon Motlano.

Detective Sergeants Potgieter, Kruger and Hendrik Claassen all denied trying to influence Mr van Deventer.

Mr van Deventer (24) and Mr Boonzaaier (23) have pleaded not guilty to murdering Johannes Masango and to assaulting Philemon Motlano.

Detective Sergeants Potgieter, Kruger and Hendrik Claassen all denied trying to influence Mr van Deventer.

Detective Sergeants Potgieter, Kruger and Hendrik Claassen all denied trying to influence Mr van Deventer.

possible and to maintain law and order.

SAP spokesman Maj Dave Bruce confirmed the SAP and NECC had met and that police would protect the NECC and children if they engaged in legal protest.

ahead in a peaceful and orderly manner.

The NECC's aim was not to terrorise residents or to place children at risk but to highlight government's inaction regarding practical solutions to black education problems, Msane said.

## Accused decline to testify in 'necklace' murder trial

TWO men who allegedly assaulted a black passerby before necklacing him declined to testify in a Rand Supreme Court murder trial yesterday.

Legal counsel for Deon van Deventer, 24, and Evert Boonzaaier, 23, both of Newlands, closed their cases without leading evidence from their clients.

Van Deventer and Boonzaaier have pleaded not guilty to murdering Johannes Masango in Newlands on September 14 last year.

They have also pleaded not guilty to assaulting Masango's companion Philemon Motimona.

The state alleges the pair put a tyre around Masango

and set it alight.

Last Friday the court heard a "trial within a trial" to determine the admissibility of a statement Van Deventer made before a magistrate shortly after his arrest last year.

Its admissibility was contested by Van Deventer's counsel on the grounds that undue pressure was put on him to make a statement.

Van Deventer claimed he made the statement after he was promised bail, visits by his family while in custody and that "things would be easier for him".

Yesterday Mr Justice

Joffe ruled the statement inadmissible without giving reasons for his finding.

Van Deventer's common law wife Bernadette Ackerman told the court yesterday the only assault she saw on January 14 was Boonzaaier hitting a black man across the road.

She said the statement she made on September 19 which implicated Van Deventer in the assault contained a number of untruths.

Asked why she had not told the truth, Ackerman said she had just been sedated by a doctor when the statement was taken.

The judge will give judgment today.

SUSAN RUSSELL

INFORMED TO KEEP THEM EVERY HALF HOUR TO

# Numsa members face 5 charges of murder

SIX members of the National Union of Metalworkers of South Africa appeared yesterday before a Rand Supreme Court judge on multiple charges of murder, attempted murder, arson and unlawful possession of firearms and ammunition.

Dressed in tracksuits bearing ANC colours, they pleaded not guilty before Mr Justice J du Plessis, aided by two assessors, to five counts of murder, nine of attempted murder, two of arson and a charge of unlawful possession of firearms and ammunition.

Up to 76 witnesses are listed

By SONTI MASEKO

in the indictment in a spate of alleged crimes triggered by a strike at Haggie Rand, Cleveland, Johannesburg during October last year.

## Strike

The court heard evidence from Mr Mack Thabo, who testified that he and another, Mr Peter Maponya, were shot at and injured near Oakmore station in Tembisa as they returned home from work.

They had been hired during the strike when a number of people, including the accused, were dismissed.

Five of the accused, Mr Richard Khazamula Ngobeni (38), Mr Jeffrey Siphon Mtshali (34), Mr Malvert Ngubane (40), Mr Malan Khumalo (42) and Mr Samuel Malepo (39), were employees of the company.

According to the indictment, they had participated in an illegal strike which resulted in their dismissal.

## Intimidation

Not all the employees at Haggie Rand participated in the strike, so the accused decided to engage in acts of intimidation and violence in a bid to force non-striking workers to join the strike. Certain non-striking

workers were identified as targets and the accused allegedly obtained firearms and ammunition.

The State alleges that they secured the services of the sixth accused, Mr Joseph Mdumiseni Bhengu (25), an inmate at Nancefield hostel, Soweto.

Between November 1989 and May last year, the accused were allegedly involved in acts of murder, attempted murder and arson on the East Rand, Johannesburg and Soweto.

Ngobeni, Mtshali and Ngubane are being defended by Mr Modise Khoza and Khumalo, Bhengu and Malepo are represented by Mr Mark Smit.

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Sowetan 20/8/91

2

# 'Necklace' killing judgment today

By Susan Smuts

(331)

Judgment in a "necklace" murder trial will be given today. The defence closed its case yesterday without calling either of the accused to give evidence.

State advocate Danie Dorfling told the Rand Supreme Court that the State had a strong prima facie case which Deon van Deventer (25) and Evert "Japie" Boonzaaier (23) did not contest in evidence.

They alone could tell the court their state of mind on the night they allegedly committed the crime, he said.

Both men have pleaded not guilty to murdering Johannes Masango and assaulting Philemon Motimona.

Mr Dorfling said evidence that the men had repeatedly kicked Mr Masango was consistent with the post-mortem findings.

Witnesses had said they heard Mr Boonzaaier say: "Hit him, Deon, hit him," and Mr van Deventer say: "I'll kill you, kaffir."

Evidence by Mr van Deventer's common-law wife, Bernadette Ackerman, should be disregarded. She had contradicted herself about how much the men had drunk, her evidence differed from a statement made

to the police, and she had made the "improbable" claim that Detective-Sergeant Pierre Potgieter had threatened to lock her and her two children up if she did not make the statement.

Mr Dorfling said her claim to have been sedated when she made the statement should also be dismissed.

Although she had told the court the assault started after 10 pm, evidence by four other witnesses indicated it began before 8.45 pm.

The assault had lasted a "long time", and the accused had no reason to attack Mr Masango. Even if the accused had not intended to kill, they should have foreseen that Mr Masango might die, so they should be found guilty of murder.

Mr van Deventer's lawyer, J Vardy, said the evidence did not indicate which of the accused had used the most force, and each should be given the benefit of the doubt.

J Steyn, appearing for Mr Boonzaaier, said the accused could be found guilty of assault, but it had not been proved that they intended to murder Mr Masango.

After assaulting him, the accused allegedly drove him to Newclare station where they placed a tyre around his body and set it alight.

## Two guilty of 'necklace' murder

Blom 21/8/91 SUSAN RUSSELL (331)

TWO men who repeatedly kicked a black passerby before putting a tyre over him and setting it alight were found guilty of murder in the Rand Supreme Court yesterday.

Mr Justice Joffe, sitting with two assessors, found that Deon Frederik van Deventer, 25, and Evert Boonzaaier, 23, both of Newlands, had intended killing Johannes Masango when they assaulted him in Newlands on September 14 last year.

Van Deventer was also found guilty of assault with intent to do grievous bodily harm for throwing a stone at Philemon Motimona who was with Masango at the time, but who then ran away.

The judge rejected defence submissions that alcohol had lessened the blameworthiness of the pair. The pair had not been intoxicated to the extent that they were unable to act rationally, he said.

Giving evidence in mitigation, Van Deventer said he was "not proud about what had happened. We didn't think, we were drunk." Asked how he felt about blacks, Van Deventer said he believed in apartheid. "But we would not have attacked them unnecessarily, they swore at us first." Boonzaaier told the court he had spent nights thinking about the dead man's family and whether they had been able to afford a funeral.

Mr Justice Joffe will pass sentence on Friday.

## Deal signed to end rent boycott

Blom 21/8/91

AN AGREEMENT to end a seven-year rent and services boycott in townships on the Vaal Triangle was signed yesterday.

The document was signed by, among others, the Transvaal Provincial Administration and the Vaal Civic Association (VCA) at a ceremony in Johannesburg.

The agreement, regarded as a major breakthrough in the nationwide rent and services boycott, was negotiated over nine months and took eight drafts to complete.

Meanwhile, TANIA LEVY reports that the East Rand Regional Services Council (RSC) is to provide R23,6m to prevent a collapse of essential water, refuse removal and sewerage services in East Rand townships.

At its monthly meeting this week the RSC resolved to provide R13,3m for sewerage treatment, R6,3m for partial payment of costs involved in refuse removal and R4m for water supply. The funding would be provided over the next 11 months.

The RSC said the funding was aimed at avoiding health dangers and the total collapse of essential services in the townships of Thokoza, Katlehong, Vosloorus, Tembisa, Daveyton, Wattville, Kwa-Thema, Ratanda, Tsakane and Duduza.

The RSC would not finance payment boycotts, but wanted to prop up non-viable black towns and prevent possible health hazards.

RSC CE Gerrie Swart said yesterday

that black local authorities around the country could not generate enough income even if all their residents paid their services accounts in full.

The TPA had requested RSCs to help it make up shortfalls to ensure continued services.

The East Rand RSC had decided not to assist with electricity but to concentrate its financial assistance mainly on waste water treatment.

The RSC also decided to allocate R15m a year, for the next three years, to regional community projects such as clinics, creches, sports facilities and libraries.

Yesterday Vaal Civic Association publicity secretary Paul Sithole described the historic agreement with the TPA as "realistic".

TPA negotiator Nigel Mandy, said the document set the "framework for much better things in the future".

Mandy said that whether the agreement would function depended on residents resuming payments in terms of the protocol.

It sets out service and electricity charges, which for a typical household would be R30 for services, R17,50 for the electricity service charge plus the metered electricity consumption.

Electricity would be reconnected if 70% of township residents paid their accounts. In order to facilitate this process, the Vaal townships have been split into smaller "zones" for collection purposes. — Sapa.

MINISTRY OFFICE  
later Alexander

SEAM 100

## Court hears of murder threats

A SURVIVOR of a murder attempt yesterday told a Rand Supreme Court judge that one of six unionists accused of murder had threatened to kill people who went back to work after a strike. *Sowetan 2/1/81*

Several weeks later the witness and his friend were shot and injured by a group including the accused man.

Mr Justice J du Plessis and two assessors presided over the trial of six members of the National Union of Metal Workers of South Africa charged with five counts of murder and nine of attempted murder.

Messrs Richard Khazamula Ngobeni (38) Jeffrey Sipho Mtshali (34) Malvert Ngubani (40) Malan Khumalo (42) Joseph Mdumiseni Bengu (25) and Samuel Malepo (39) have pleaded not guilty to the charges.

# 2 guilty of murder by 'necklace'

Sowetan  
21/8/91

331

FAMILY and friends sobbed when two men were found guilty in the Rand Supreme Court yesterday of a "necklace" murder.

Mr Justice MM Joffe found Deon van Deventer (25) and Evert "Japie" Boonzaaier guilty of murdering Mr Johannes Masango on September 14 last year.

"It was clear they both assaulted Mr Masango

and the nature and the length of the assault indicates that they intended to murder him.

"It was argued that the amount of alcohol the accused consumed meant they did not have the intention to kill him.

"I can find no merit in this. Although they took alcohol they were not so under the influence that they could not act rationally," the judge said.

Although the State

could not show the exact time of Masango's death, he had been with the accused from the time the assault began until his body was burnt.

No one else could have caused his death, the judge said.

Van Deventer was also found guilty of assault with intent to do grievous bodily harm to Mr Philemon Motimona. - Sowetan Correspondent.

# I simply cannot stand blacks, 'necklace' murderer tells court

Star 21/8/91

By Susan Smuts

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One of two men found guilty yesterday of kicking a disabled person to death before "necklacing" him told the Rand Supreme Court that he hated black people.

Deon van Deventer (25) and Evert "Japie" Boonzaaier were found guilty of murdering Johannes Masango on September 14 last year.

Giving evidence in mitigation of sentence, Van Deventer told Mr Justice MM Joffe he believed in apartheid, but if black people "leave me alone, I'll leave them alone".

He said: "I call black people 'kaffirs' because that is how I grew up. My father always said it."

Under cross-examination by Danie Dorfling for the State, Van Deventer said he did not know that Mr Masango was disabled. "I can't even remember what he looked like," he said.

Mr Dorfling said: "You don't remember his face or that he was a cripple — he meant nothing to you, he was just another black man in the street, and you took his life."

Replying to further questions, Van Deventer said although he hated blacks, it was not his intention to kill them. He then said he did not hate black people, he simply couldn't stand them. He said that during his 11 months in custody he had felt remorse.

Van Deventer, and Boonzaaier (who did not give evidence before judgment), both

said they had consumed vast quantities of beer and spirits, and smoked dagga with Mandrax, before the attack.

In mitigation, Boonzaaier said he "could not believe the lies" the court had heard, and could not understand how he was landed in "this situation".

"I was very drunk, and every day I thank the Lord we got home (from a party) without anything terrible happening to us."

Boonzaaier said he confronted two men who were looking into his sitting room window when he returned. His fiancée was alone at home and he had previously been threatened with a petrol-bomb attack on his house.

"They swore at us and I probably reacted too quickly and hit one of them. He hit me back."

He said he never called black people "kaffir" but called them "baba".

In passing judgment, the judge said the nature and duration of the assault indicated that the men intended to kill their victim.

He found "no merit in the argument that they had consumed too much alcohol to form an intention to murder".

Although the State could not prove exactly when Mr Masango had died, he had been with the accused from the time of the assault until they placed a tyre around his body and burnt him, he said.

Sentence will be passed on Friday.

# I can't stand black people, says killer

331  
Sowetan  
22/8/91

ONE of two white men found guilty yesterday of kicking a cripple to death before "necklacing" him told the Rand Supreme Court he hated black people.

Deon van Deventer (25) and Evert "Japie" Boonzaaier were found guilty on Tuesday of murdering Mr Johannes Masango last year.

Sentence will be passed on Friday.

Giving evidence in mitigation of sentence, Van Deventer told Justice MM Joffe: "If black people leave me alone, I'll leave them alone."

He said: "I call black people 'kaffirs' because that is how I grew up. My father always said it."

Under cross-examination from State advocate Mr Danie Dorfling, Van Deventer said he did not know Masango was a cripple.

"I can't even remember what he looked like," he said.

Dorfling said: "You don't remember his face or that he was a cripple - he meant nothing to you, he was just another black man in the street, and you took his life."

Replying to further questions, Van Deventer said although he hated blacks, it was not his intention to kill them.

He then said he did not hate black people, he simply couldn't stand them.

Van Deventer said during his 11 months in custody, he had felt remorse.

"It was a terrible thing, but it could have happened to anyone. Looking back, it's like watching a movie. It's not true."

He fought back tears, and family and friends in the public gallery cried audibly as he told of his step-son's death in a car accident.

"My life went wrong from that day. Why should someone be punished like this?" he asked.

Van Deventer and Boonzaaier (who did not give evidence before judgment) both said they had consumed vast quantities of beer and spirits, and smoked dagga with Mandrax, before the incident.

Boonzaaier said he "could not believe the lies" the court had heard, and could not understand how he landed in "this situation".

"I was very drunk, and every day I thank the Lord we got home (from a party) without anything terrible happening to us."

He said he had spent many nights thinking of Masango's family and the cost of the burial. Since

the incident, he had stopped drinking and taking drugs.

In passing judgment, the judge said the nature and duration of the assault indicated that the men intended to kill their victim. He found "no merit" in the argument that they had consumed too much alcohol to have an intention to murder. - Sowetan Correspondent.

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LAD

# Cries as necklace killers led to cells

THERE were cries of anguish in the public gallery of a Johannesburg Supreme Court yesterday when Mr Justice M Joffe sentenced two white men to 25 years in prison each for necklacing a crippled black man last year.

The common-law wife of Deon van Deventer and the fiancée of Evert (Japie) Boonzaaier screamed and then burst into tears when the judge delivered his sentence.

The women ran to embrace the two men who had killed Johannes Masango on the night of September 14 1990 before they were led out of court.

"Thank you for a very pleasant week in court," Boonzaaier called out

sardonically as he descended the steps to the cells below.

Before pronouncing sentence, Mr Justice Joffe said aggravating circumstances in the case had been that Van Deventer and Boonzaaier had not taken the court into their confidence when giving evidence.

Van Deventer (25), of Jan Hofmeyr, and Boonzaaier (24), of Newlands, had earlier refused to give details of what happened the night they killed Mr Masango.

The court also found that the two men did not feel any real remorse over what they had done. The burning of the deceased's body after they had assaulted him was

JACQUELINE MYBURGH

(231)

cruel and insensitive, the judge said.

"Then they threw beer and urinated on the body — this indicates a lack of respect for the deceased's dignity," Mr Justice Joffe said.

"Your behaviour after the incident is also indicative of a contemptive attitude towards the victim and a lack of remorse."

The men had gone to the Belmont Hotel — "with clothes and hands stained with blood" — where Van Deventer spoke light-heartedly of how he and Boonzaaier had killed a "kafir", put

ser 24/8/91  
a tyre around him and burnt him.

In mitigation of sentence, however, Mr Justice Joffe said the attack and murder had not been premeditated.

Earlier in the day, the State called for the death sentence for both men. The court found that this was not the only suitable sentence.

Other mitigating factors were that the men had been under the influence of alcohol at the time of the attack and both could be considered first offenders. Boonzaaier had a constant work record and Van Deventer had "taken part in the economy".

Mr Justice Joffe also remarked that Van Deventer had clearly been

under the influence of the other accused, upon whom he depended for work and shelter.

The men murdered Mr Masango by kicking him to death on September 14. They then necklaced him.

Van Deventer was earlier found guilty of assaulting Philemon Motimona, Mr Masango's companion, with intent to do grievous bodily harm. Sentence for the assault was included in the 25 years' jail.

Family and friends of the two men became aggressive towards members of the press when they left the court.

Bernadette Ackerman, common-law wife of Van Deventer, would not respond to questions. Dressed in a glossy pur-

ple dress, she pulled a black jacket over her head and hid her tear-stained face.

"It's got nothing to do with you. Go away," a friend of hers told the Saturday Star.

Another young girl, who would not give her name, lashed out at a photographer in Prichard Street. A number of black passers-by rushed to his assistance, and the group sped off in a red car.

Other friends remained inside the court until the press had gone. They were all sobbing.

The fiancée of Boonzaaier, who could not be identified, left the court house immediately, shielding her face with her handbag.

# Cripple's cruel, lonely death

By MARTIN  
NTSOELENGOE

CRIPPLED Johannes Masango died after a cruel assault at the hands of two racists.

No bells rang to announce his death; no family member mourned his loss and no priest recited the requiem mass.

Masango earned his living as a builder, but was buried a pauper. He may have been buried with a dozen others in a single grave or coffin.

Masango lived with his friend Philemon Mthimunya in a backyard room in Newlands.

They were together on that terrible night when Masango was brutally killed.

After his death, Mthimunya tried unsuccessfully to locate Masango's family.

"He used to tell me that he had relatives in Daveyton. But after his death, I spent a whole week looking for them in vain. I could not find them anywhere in Daveyton," said Mthimunya.

He said Newlands police had also tried to find Masango's relatives, to no avail.

This week judge Joffe,

sitting with two assessors, convicted and sentenced Deon Frederick van Deventer, 25, of Jan Hofmeyer, and Evert Jan Jacobs Boonzaaier, 24, of Newlands, to 25 years' imprisonment each for murdering Masango last year.

The judge found that Van Deventer and Boonzaaier mercilessly kicked Masango on his body over a long period of time while he lay defenceless on the ground.

Their intention to kill was shown by the prolonged assault of a defenceless cripple.

He rejected an argument by both Van Deventer and Boonzaaier's defence counsels that the two had been under the influence of alcohol and could not have formed the intention to kill.

In mitigation of sentence, Van Deventer said he went to help Boonzaaier assault Masango because he was a friend.

He raised his eyebrows when asked by the prosecutor how he felt about black people.

He said: "I believe in apartheid.

"I will not say I hate blacks. I just cannot stand them."



**CLOSE TO BLOWS . . Relatives leave the Rand Supreme Court after Van Deventer and Boonzaaier were sentenced.**

■ Pic: ANDRIES MCINEKA

# Blood boils after killers jailed

By MARTIN NTSOELENGOE

*clprens*  
25/8/91

THERE was nearly a bloody clash outside the Rand Supreme Court this week after two white men were sentenced to 25 years' imprisonment each for murdering an elderly black man.

The confrontation came when the brother of one of the two men tried to prevent newspaper photographers from taking pictures.

The man tried to grab Alf Khumalo's camera and pushed away another photographer.

Angered by this, a group of black people outside the court rushed towards the man, who ran to his car and threatened to shoot.

The altercation followed the sentencing of Deon Frederick van Deventer, 25, and Evert Jan Jacob Boonzaaier, 24, for the brutal murder of crippled Johannes Masango on September 14 last

year.

After severely assaulting Masango, the two men had burnt his body near Newclare Station. They then went to the Belmont Hotel with their bloodied clothes and hands and boasted to a woman that they had killed a black man.

Before passing sentence, Judge Joffe said Masango's only sin was his black skin.

"Two innocent black men were going from a shop back to their room, when you decided to attack them for no good reason.

"Everybody in this land has the right to move about without being molested or killed, irrespective of his colour, religion or sex," said Joffe.

He said the two men showed no remorse for their cruel deed.

According to Joffe, the assault had been cruel

and callous and continued for a very long time. Boonzaaier had also poured beer over the body and urinated on it.

Outside the court building after sentence was passed, Van Deventer's younger brother threatened to shoot black onlookers after he had confronted photographers.

One black man said to him: "Shoot right now and you will go to jail like your two AWB brothers."

Another black onlooker said: "You are a bunch of killers, but the day will dawn when you won't get the chance to kill blacks."

One man went to a young woman who was crying and asked: "Do you think they should have been given a suspended sentence? You must be crazy."

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alive in a hostile world.

removing unnecessary constraints.

tra-regional trade. — Sapa.

## Call for consolidation of health services

By Gerald Reilly

PRETORIA — Health services had to be consolidated as far as possible within the limitations of the present constitution, National Health director-general Coen Slabber said at the weekend.

Speaking at a meeting of the United Municipal Executive in Uvongo, Natal, Slabber said Cabinet had decided all primary health care services should be provided by local authorities.

Increasing criticism of the present system had necessitated its restructuring. This included too many authorities involved in the same functions inside the same geographical region. Services were also not accessible to all.

"We cannot afford the existing duplication of services. One authority must take full responsibility for a specific service within a defined geographical region."

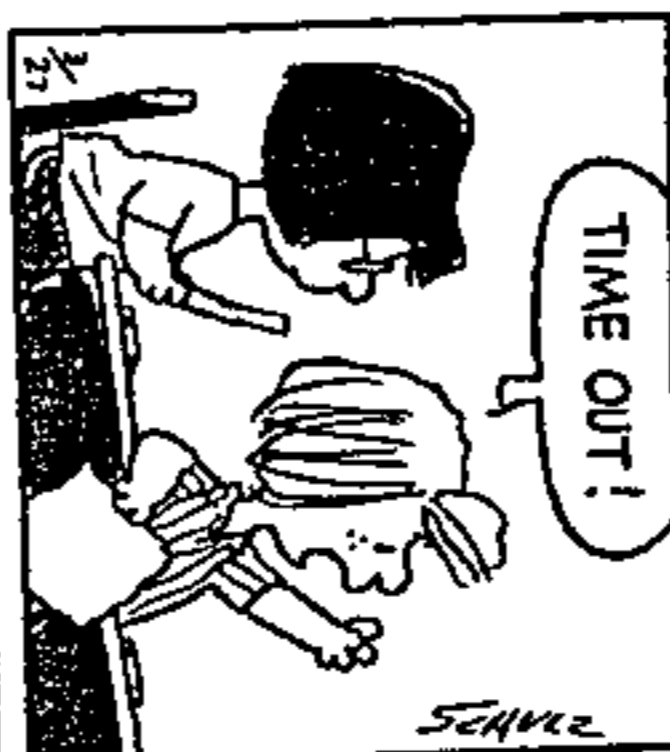
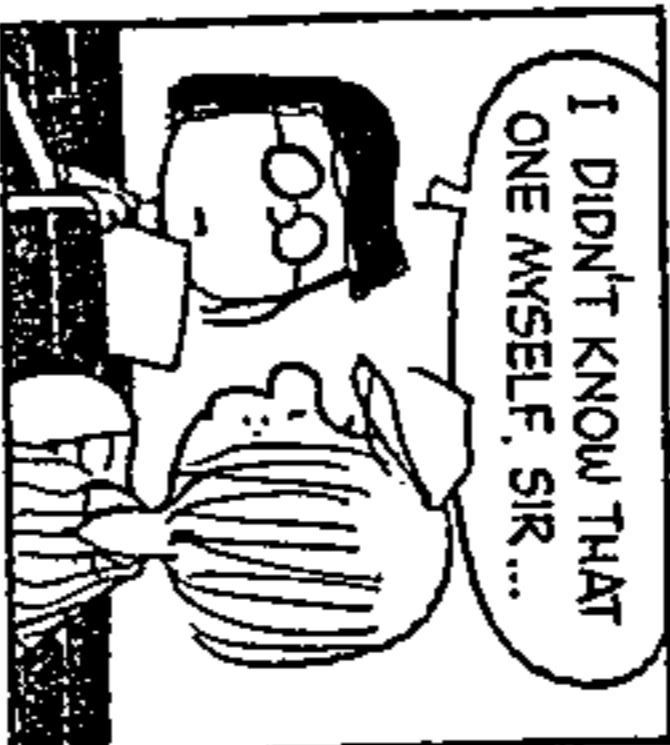
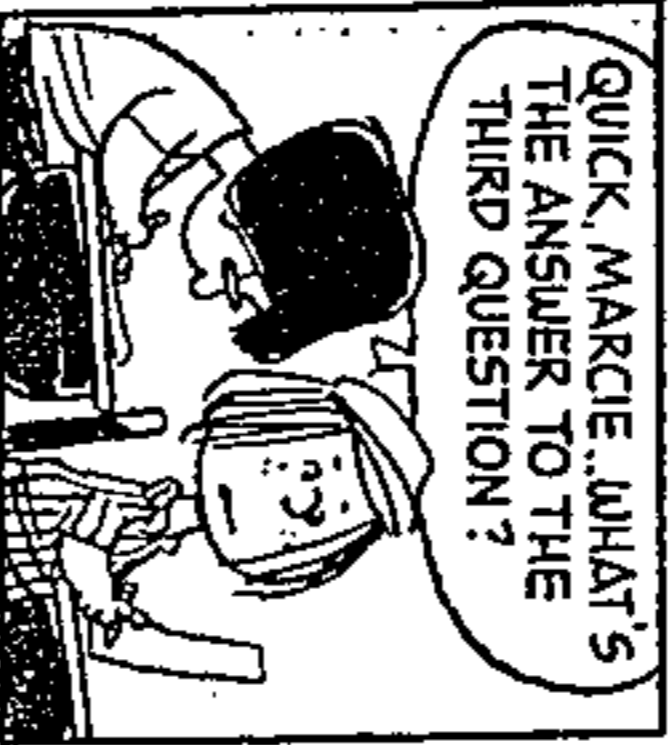
Slabber said further negotiations on the issue were needed.

It could take five years to complete the implementation of the policy.

The transfer of functions had to be accompanied by a transfer of personnel and funds. This did not mean government would scale down its involvement in health services, he said.

## PEANUTS

By Charles Schulz



## Teachers' body formed

AN association representing teaching groups with a membership of more than 100 000 was founded on Saturday at a meeting in Johannesburg.

The National Professional Teachers' Organisation of SA (Naptosa) incorporates 12 teaching bodies with, as vice-president John Stonier said, very disparate views into one umbrella body which would ensure that the interests of the child would not be harmed.

Among others, the organisation is committed to non-racialism and political non-alignment.

Stressing that Naptosa was not set up in opposition to the SA Teachers' Union, president Leepile Tanyane said his organisation differed in methods of dealing with educational issues.

— Sapa.

## 25 years for racist killing

By Susan Russell

TWO Newlands men who murdered a disabled black passerby by kicking him to death before putting a tyre over his body and setting it alight were sentenced to 25 years imprisonment each in the Rand Supreme Court on Friday.

Sentencing Deon Frederik van Deventer and Evert Boonzaaier, Mr Justice Joffe said the only reason the pair had murdered Johannes Masango was because he was black and had happened along the same time as they had.

### Attacked

In judgment earlier last week Mr Justice Joffe, sitting with two assessors, found that the pair had the direct intention of killing Masango.

Masango and his friend Philemon Motlomo were walking home after buying some food on the night of September 14 last year when they were attacked by Van Deventer and Boonzaaier.

Motlomo managed to run away but Masango handicapped by an old foot injury, was assaulted by the two men. Van Deventer and Boonzaaier repeatedly kicked Masango who fell to the

ground. After pouring beer on him and urinating on him they threw his body on to the back of a bakkie. They offloaded the body near Newclare station where they put a tyre over him and set it alight.

State counsel Danie Dorfling asked the judge to impose the death sentence.

Mr Justice Joffe said mitigating factors included the fact that the murder had not been pre-meditated and both had been under the influence of strong drink and drugs.

Among the aggravating factors was that both men had elected not to take the court into their confidence and testify about what had happened that night.

Both men also showed no remorse, the judge said, and the attack on Masango had been unprovoked and prolonged.

They had also shown no respect for Masango's body by burning it.

"They went to the Belmont Hotel after this gruesome attack," the judge said, "with their hands and clothes smeared with blood."

Van Deventer then told an acquaintance they had "killed a kaffir, put a tyre over him and burnt him".

# Claim of police assault is under investigation

INVESTIGATIONS have been launched against six policemen who allegedly assaulted four suspects, one of whom suffered severe burns after being allegedly neck-laced at the Pretoria North police station two weeks ago.

Police liaison officer Major Hennie Vlotman yesterday said none of the six policemen - four whites and two blacks - had been suspended from their official duties.

A 22-year-old Soshanguve builder, Mr Sipho Mazibuko, alleged that he and three of his friends were collected from their home and taken to the Pretoria North po-

By MONK NKOMO

lice station on August 11.

They were suspected of being in possession of a firearm.

He said a tyre was placed on his chest and stomach, methylated spirits sprinkled over it and the tyre set alight. He said this took place while he was fastened to a chair.

Mazibuko sustained injuries to his neck and chest.

His three colleagues were also allegedly assaulted.

Mazibuko has claimed R50 000 in damages from the Minister of Law and Order, Mr Adriaan Vlok.

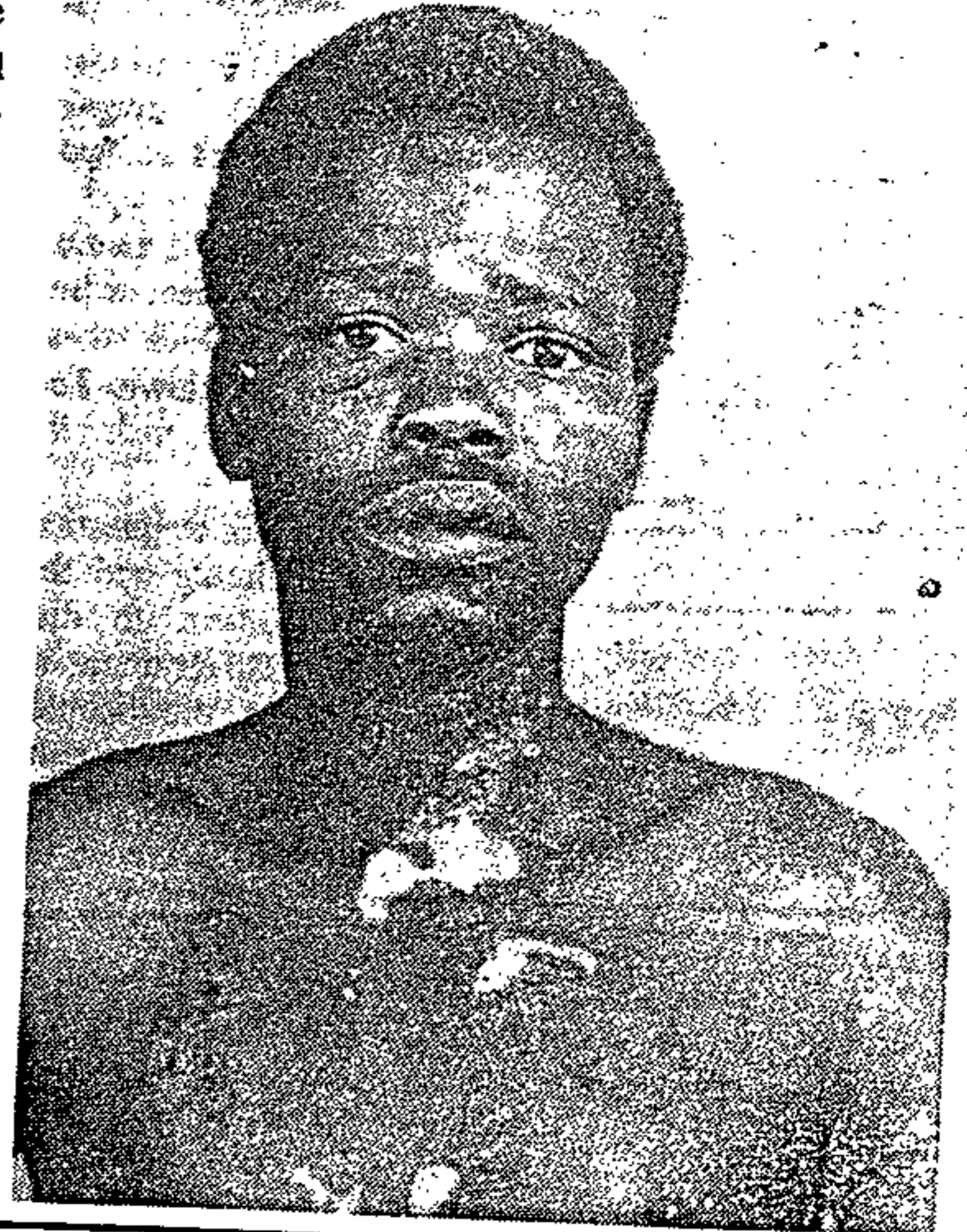
Vlotman yesterday confirmed that three of Mazibuko's friends, brothers Moses and

Christopher Dibakwane and Jafta Mashidi, had also laid charges of assault against the six policemen.

The charges were laid at the Soshanguve police station last week.

"We view these allegations in a very serious light. Instructions have been received to investigate the matter as quickly as possible," said Vlotman.

National Director of Lawyers For Human Rights Mr Peter Motlhe yesterday said there had been an increasing tendency in the police force to assault and intimidate people, especially ever since State President FW de Klerk's reform initiatives started.



Mr Sipho Mazibuko who was allegedly assaulted at the Pretoria North police station earlier this month.

# Party members back Chissano to the hilt

Star Africa Service

MAPUTO — President Joaquim Chissano's firm position at the head of Mozambique's ruling Frelimo party was confirmed over the weekend when he received an overwhelming vote of confidence at the party congress.

He was re-elected party leader by 98 per cent of the delegates.

Although the voting for party officials was for the first time conducted by secret ballot, opening the way for a challenge from a contender, nobody else sought the post.

His massive support is seen as a mandate for him to continue with his policies of implementing a multiparty system and negotiating an end to the war with the MNR rebels.

Party sources said

Marcelino dos Santos, who occupied second place in the Frelimo hierarchy and who at first declined to seek re-election, was re-elected to the central committee.

Among those who failed to be elected to the central committee was former Minister of Security, Sergio Vieira.

Behind President Chissano in the voting for membership of the central committee came Felicio Gundana, Minister in the Presidency; Aguiar Mzula, Minister for State Administration, and Armando Guebuza, Minister of Transport and leader of the Frelimo team in the peace negotiations with Frelimo in Rome.

Graca Machel, widow of former president Samora Machel, won most votes among the women candidates.

## Two necklace killers jailed

Two white men who necklaced a disabled black man last September were each sentenced to 25 years' jail by Mr Justice M M Joffe in the Rand Supreme Court on Friday.

The State had called for the death sentence.

Arguing before sentence, State advocate Danie Dorfling said the men's motive had not been morally justifiable

and called on the court to set an example to the community by expressing its disapproval.

Deon van Deventer (25) of Jan Hofmeyer and Evert "Japie" Boonzaaier (24) of Newlands murdered Johannes Masango by kicking him to death on September 14 last year. They then necklaced him. — Court Reporter.

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ment, brought by Nuwe Suid-Afrikaanse Prinsipale Beleggings and CC Exchange earlier this year.

## Policemen at murder trial

DURBAN — Two Natal police captains pleaded not guilty to 11 charges of murder in the New Hanover Magistrate's Court yesterday, said prosecutor Anthony Irons. (331)

The case was adjourned to September 5, when the outcome of bail applications for six accused policemen would be heard, Irons added.

Former New Hanover station commander Capt Brian Mitchell, Maritzburg riot unit officer Capt Jakobus Jonker, and former special constables David Ndwalane, Dumisani Khambule, Thabo Sikhosana and Kehla Zwane are appearing after the 1988 killing of 11 people in Trustfeed, New Hanover.

At the time of the attack on a funeral vigil, media reports blamed Inkatha-ANC confrontations for the murders. — Sapa.

## Death tied to Welverdiend riot police unit to be probed

JOHANNESBURG — An inquest into the death of Thomas Tshabalala, who died in an unrest-related incident in Khutsong connected to the former Welverdiend riot police, is to be held tomorrow at the Carletonville Magistrate's Court. ~~331~~ (331)

The Independent Board of Inquiry into Informal Repression said yesterday five more members of the former Welverdiend riot unit, pointed out at an identification parade, were suspended on Friday.

This brought to 10 the number of policemen suspended at the station. ~~331~~ 28/8/91

The police station, 8km from Carletonville, was closed at the end of July, after the deaths of 17 people and allegations of torture against members of the unit.

Tshabalala was killed when police allegedly fired rubber bullets and birdshot after a group of about 100 youths ambushed a police patrol.

Police said investigating officer Col Dirk Stear would only be available for comment today. — Sapa.

# Witnesses give conflicting evidence on killing of chief

Star 27/1/91.

MARITZBURG — Two witnesses described at an inquest yesterday how they had come to the aid of Chief Mhlabunzima Maphumulo after he was shot outside his Havelock Road home in Maritzburg on February 25 this year.

Several witnesses also delivered conflicting evidence during the inquest at the Pietermaritzburg Supreme Court into Chief Maphumulo's death.

Colin Brown and Mlungisi Madondo testified that they were watching television together in the house directly opposite when they heard several shots at about 8 pm.

They heard the sound of wailing women outside and decided to investigate.

## Slumped

The two men ran across to the chief's house and found him in the driver's seat of his car with his head slumped backwards against the headrest.

The car had come to rest against the garage wall and its hooter and seat belt alarm system were activated.

Mr Brown said he opened the left front door and turned off the ignition. He was the first person to open one of the car's doors after the murder, he told the inquest court.

Chief Maphumulo's wife and two daughters were weeping

outside the house.

Mr Brown claimed that the chief's body was removed through the left front passenger door by Mr Brown, Mr Madondo and Fano Zuma, the chief's brother-in-law.

The chief was then put on to the back seat of Mr Brown's car and taken to Northdale Hospital, where he was pronounced dead from bullet wounds.

Mr Brown testified it had been raining and that he drove to the hospital slowly.

However, Mr Madondo testified the body had been removed through the right hand driver's door, which was opened by Mr Zuma. He also implied in an unsworn statement that Mr Brown had driven rapidly.

The inquest court also heard evidence from a Havelock Road resident, who had seen three men running down the street shortly after the gunshots were heard, and had seen a white Mazda or Meteor driving off.

Another witness testified having seen a white truck speeding off about three or four minutes after the shooting.

One key witness expected to testify later this week is Sipho Madlala, who has claimed he fears for his life following the murder of Chief Maphumulo's driver Jabulani Hudla two weeks ago.

The inquest continues today.  
— Sapa.

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# Man jailed in Zambia fears to come home

(331)  
AUG 28/8/91

**BARNEY MTHOMBOTHI**  
**Argus Africa News Service**

**LUSAKA.** — Katiza Cebekhulu, one of the accused in the Winnie Mandela trial, wants desperately to be freed from his Zambian jail, but is unwilling to return to South Africa.

"It is not safe for me to go back," Cebekhulu said from Lusaka Central Prison, where he is held.

Cebekhulu is a man in limbo. The Zambian government, which put him behind bars, and the African National Congress, which he accuses of forcing him out of South Africa, refuse to take any responsibility for his predicament.

Also international humanitarian organisations, such as the International Committee of the Red Cross and Amnesty International, have so far shown no interest in Cebekhulu's plight.

Although he has not been found guilty of any crime in Zambia or South Africa, he is denied privileges granted even convicted criminals.

The Argus Africa News Service visited Cebekhulu in jail last week.

Prison sources say he suffers from bouts of depression, and often screams and cries.

He has been kept under close surveillance since a newspaper interviewed him a few weeks ago. However a list of written questions was smuggled in, to which Cebekhulu responded.

Cebekhulu, 23, has reiterated he was abducted from South Africa, and wants to be helped out of jail, but does not want to go home.

He believes those who took him to Zambia were acting on Mrs Mandela's instructions.

Cebekhulu said he knew what had happened to Gabriel Mekingwe, a state witness who had also disappeared, but refused to say where he is or what had happened to him.

"I will only talk about it when I am released."

He said the truth did not come out during Mrs Mandela's trial. He would reveal everything he knew about the death of Stompie after his release.

Cebekhulu spent his first few weeks in Zambia in March this year at Fairview Hotel in Lusaka. But after his presence in Zambia was revealed, he was moved to Kamwala remand prison.

Reporters reached him there and he was moved to the top-security Lusaka Central Prison, reputed to be one of the worst prisons in Zambia.

Cebekhulu said his mother, Mrs Joyce Cebekhulu, lived in Hammarsdale, in Natal and "was still alive when I left South Africa".

His father died more than 10 years ago.

The Zambian government is not making any comment about Cebekhulu's detention. But it is understood his presence in the country is highly embarrassing to the authorities.

The ANC has also washed its hands of the matter, and information spokesman Mr Pallo Jordan said last week detainees in Zambian jails were the responsibility of the Zambian authorities.

# Judge queries torture

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A RAND Supreme Court judge yesterday pointed out to a witness that several claims of torture have been made against the Brixton police by suspects awaiting trial.

Mr Justice R Sutej asked Warrant Officer Felix Tiedt if he had heard about policemen nicknamed "Chunkie Charlie" and "Gasmark B", notorious as two of the men named in torture claims.

He said he had sat on several commissions set up by the Department of

**By SONTI MASEKO**

Justice investigating such claims. Subsequently, the State had paid amounts of money in settlements.

Tiedt denied that he had himself used electric shocks, assaulted and suffocated two murder suspects on trial for the killing of Bryanston businessman Mr Johannes van der Luytgaarden in February last year.

However, he said he had heard of various methods of torture used by police during inter-

rogations.

*Sovetan 29/8/91.*  
Tiedt was being cross-examined in a trial-within-a-trial to determine the admissibility of an alleged confession made by the accused murders of Van der Luytgaarden: Mr William Mhlongo (36), Mr Sonnyboy Moloi (32), and Miss Martha Raot-someng (30).

Moloi testified that he was assaulted and given electric shocks. He also said that a sack was put over his face and water poured over him so that he could not breathe.

He said Tiedt then took him to a magistrate and told him to repeat before the magistrate the same admissions or he would be tortured again.

Advocate Andre du Plessis, counsel for Raot-someng, said that his client had made the same allegations against Tiedt.

Tiedt replied that it was not unusual for accused people to create stories.

Du Plessis further asked Tiedt whether it was not strange that the accused would retract their statements so quickly.

# Appeal against people's court sentences

Southern 29/8-4/9/91

By HENRY LUDSKI

NINE George community leaders jailed for up to 30 months for assaulting two people at a people's court, have appealed against their conviction and sentences.

The sentences have been described as "disturbingly inappropriate" by their legal counsel in their notice of appeal to the Cape Supreme Court.

The nine were recently convicted on charges of assault after Mr Patrick Dyala and Mr Zalisele Noko were sjamboked when a people's court in the Sandkraal township found them guilty on charges of assault.

The people's court offences took place during April and May 1990.

Two of the accused, Wilson Sipati and ANC education officer Mr Mbuyiseli Dikumbana, were given suspended sentences while the seven others were given sentences of between 20 and 30 months.

Afrika Booi Johannes Vur-Vur,

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David Nole and Forman Madikane were sentenced to 30 months with 10 months suspended for four years, with Headman Maneli, Khulekele Nomsatha and Jimmy Stokwe were sentenced to 20 months with nine months suspended for four years.

In the appeal, legal counsel argued that the magistrate, Mr E Engelbrecht, had not attached "due weight" to the evidence of the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) and the director of the University of Cape Town's Institute of Criminology, Mr Wilfred Schaft, who supported the imposition of community service orders.

"Sending people who volunteered to serve their community to prison for something the community itself approved of, would be manifestly wrong," Schaft argued.

The court also failed to establish that the accused were not acting in the execution of the decisions of a responsible informal dispute settlement structure widely accepted by the Sandkraal community, the legal counsel argued.

# Killing of boy: AG refuses plea for appeal

Southern 29/8-4/9/91

LAWYERS have failed in the attempt to persuade the Attorney-General of the Northern Cape to appeal against the sentence of an Uppington policeman who shot dead a 15-year-old schoolboy who was being held in custody.

Constable John Short, who shot Pieter Booysen in January this year while playing a "game" with him with his firearm, was given a R2 000 fine and a 12-month suspended sentence after being found guilty of culpable homicide last month.

According to the post-mortem report, Booysen was shot in the head from a range of about 15cm.

The Lawyers for Human Rights supported the request for the AG to appeal a sentence which they described as

"totally inappropriate". Booysen was convicted of rape in December and was in custody awaiting transfer to a reform school when he was killed.

The Northern Cape AG turned down the request on the grounds that there was "no reasonable prospect" of the appeal being successful.

In a letter to the AG, Ms Sandy Liebenberg, a lawyer, said that an aggravating circumstance was the fact that the victim was a minor who had been entrusted to the safekeeping of the SAP who are "under a strong duty to ensure that persons in their custody are properly looked after and kept in safe custody". Short is still employed by the SAP, police have confirmed.

# Boland constable 'unfamiliar' with rules of arrest

Southern 29/8-4/9/91

A BOLAND policeman with 11 years experience has admitted in the Stellenbosch Magistrate's Court to not being familiar with the regulations under which he arrested a farm worker who he "unlawfully" detained for three days.

Detective Constable Gerrit van Schalkwyk made this admission in the case of Mr Karel Joubert, who

was last week awarded damages of R3 000 by the Minister of Law and Order for the unlawful arrest and detention.

Van Schalkwyk told the court that when Joubert was arrested last January 19, he was not aware that in terms of police regulations he needed a warrant to arrest him.

Joubert, who was arrested on a

charge of assault with intent to do grievous bodily harm, also spent the Friday and the week in jail after Van Schalkwyk failed to bring him before a local magistrate to be granted bail or released on a police warning.

Van Schalkwyk also admitted to having regularly arrested people on similar charges without a warrant.

# Suspended cop shot youth - claim

Sowetan  
30/8/91

ONE of the 10 policemen suspended following an investigation into the activities of the unrest unit at Waverdiend police station is alleged to have shot a youth last weekend.

A spokesman for the Western Transvaal police confirmed that 20-year-old Enos Mhlongo of Khutsong, Carletonville, had made a formal complaint to the police.

Mhlongo handed in an affidavit alleging he was confronted by the suspended constable near a shebeen in Khutsong on Saturday night. Without provocation, the policeman shot him in the leg, Mhlongo claimed.

When Mhlongo tried to speak to his assailant, the policeman told him not to

address him in the manner he did - "I am not a baboon".

The policeman then allegedly hit him on the head with the butt of his gun.

The police confirmed that the constable was suspended on August 23.

The Waverdiend police station was closed last month when Colonel Dirk Stear started investigating the activities of its unrest unit.

Witnesses alleged that police were responsible for or implicated in as many as 17 violent deaths. Four of these occurred in police custody.

Some of the fatalities occurred during situations of unrest.

Scores of witnesses have given testimony and attended identification parades. - *Sowetan Correspondent.*

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# Feared cop out on free bail

By DAN DHLAMINI

*City Press 1/9/91*  
**POTCHEFSTROOM**  
cop Ephraim "Fente"  
Rampeta is still on the job  
despite facing a charge of  
pointing a firearm.

Western Transvaal po-  
lice spokesman constable  
F Bezuidenhout said no  
action had been taken  
against him because the  
alleged offence was  
"minor".

He said: "If convicted,  
he will have the option of  
a fine and can still keep  
his job."

Bezuidenhout was re-  
plying to a City Press in-  
quiry following constable  
Rampeta's appearance in  
court this week.

The State alleges Ram-  
peta pointed the firearm  
at Clifford Daniel Bur-  
ford on July 21 in Ikageng  
township.

He was not asked to  
plead and magistrate E  
Schutte adjourned the  
case to October 3. Ram-  
peta was released on free  
bail.

On September 27  
Rampeta must give evi-  
dence in the inquest of  
Tlokwe Secondary pupil  
Bongi Nyokong.

It is alleged that Ram-  
peta shot the schoolboy  
who was hiding under a  
bed.

# Were Hanover victims IFP?

By S'BU MNGADI 2/1/91

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A WRANGLE has erupted over the political affiliation of 11 victims of the 1988 Trust Feed massacre in New Hanover, Natal, in 1988.

Inkatha Freedom Party claims the 11 – including seven women and two children – who were shot dead at a vigil in the early hours of December 3, 1988, were its members.

But two survivors of the attack and members of their family claim they were politically neutral.

Two white police captains and four former special constables are in custody in connection with the killings and will face murder charges in the Maritzburg Supreme Court in October.

Captain Jacobus Pieter van den Heever, 34, of the Maritzburg Riot Unit, former New Hanover station commander Captain Brian Victor Mitchell and Kwa-Zulu policemen, David Ndwane, 27; Dumisani Khambule, 26; Thabo Sikhosana, 29; and Khehla Ngubane, 32, all of Mpumalanga, have been accused.

Following the arrests, Inkatha and *Ilanga* newspaper made claims that the victims were "paid-up" members.

Inkatha central committee member John Bhengu said Inkatha had been blamed for the attack, which was odd because the victims were its members.

While police have not disclosed the political affiliations of those killed, local residents have said those killed had no political affiliations.

Evart Nyoka, 73, whose sister-in-law Sara Nyoka, 66, was killed in the attack, said most of the victims supported the non-aligned Trust Feed Crisis Committee.

CITY PRESS

# Mum tells of inquest mixup

City Press 11/9/91  
By DAN DHLAMINI

THE Carletonville Magistrate's Court was brought to an abrupt halt on Thursday when a woman who was to give evidence into the death of her unrest victim son disappeared minutes before the matter came to court.

Now Magistrate HC Raath has issued a warrant for the arrest of Onica Baby Tshabalala. The inquest into the death of her son, Thomas "Mavovo" Tshabalala, 18, who was allegedly shot dead by Carletonville police, was postponed to Friday.

Prosecutor E Erasmus told City Press that Tshabalala had been present in the morning and she asked her if she had brought her lawyers along. She said no.

"The next moment she had vanished. We sent police to her home and we were told she no longer lived there," said Erasmus.

City Press however traced Tshabalala, who works about two streets away from the magistrate's court.

She said she left after Eras-



**BITTER ... Baby Tshabalala now faces arrest.**

mus, who was in the company of a Major Vorster – a witness for the police – told her that if her lawyers were not present she would have to withdraw the matter.

Tshabalala said when Erasmus did not tell her what the next step would be, she took it for granted the matter had been withdrawn.

The bitter Tshabalala said she suspected an attempt to sweep her son's case under the carpet.

A spokesman for the Indepen-

dent Board of Inquiry into Informal Repression (IBIIR) said the Tshabalala matter would receive attention following the new developments.

Some parents of the more than 17 unrest victims and those who died in detention at the notorious Welverdiend police station this week told City Press they were encouraged by the fact their children's deaths were getting attention.

■ In another development, police are investigating an attempted murder charge against one of the 10 suspended Welverdiend policemen.

The policeman, whose identity is being withheld, is alleged to have shot and injured Enos Mhlomo in the leg with his service pistol on August 24, a day after his suspension.

Western Transvaal police spokesman Constable F Bezuidenhout told City Press his service pistol had not been taken away from him because he had complained of death threats.

# Shot man claims R750 000

A YOUNG man who suffered permanent injuries after being allegedly shot and assaulted by cops in Afteridgeville, Pretoria, last year is suing Minister of Law and Order Mr Adrian Jlok for R750 000 damages.

Mr Collen Chabane has claimed, in papers served on the Minister, that as a result of the injuries he sustained on October 21 1990, he has since suffered permanent psychological damage and frequent lapses of

memory.

A spokesman for Chabane's attorneys said that after the alleged shooting and assault, his client was arrested and charged with possessing an automatic rifle.

Chabane has already pleaded not guilty and the trial will be heard in the Pretoria Regional Court on October 16.

Chabane alleges in summons served on Jlok that he was unlawfully

shot at by the police who also "pushed the barrel of a gun into the exit of the gunshot wound", and that he was handcuffed and assaulted on October 21 last year. *Sowden 2/9/91*

## Paralysis

According to his claim, Chabane suffered extensive bruising of the kidneys which resulted in his urinating blood for about three months.

He also suffered extensive damage to the intestinal walls and bruising over his whole body and

head.

Chabane also suffered a temporary paralysis from the waist down for about two weeks as a result of the assault by police, his lawyers claim.

The Minister's attorneys have indicated

that they will defend the civil action. *2/9/91*

Chabane's attorney said they were still waiting for a date for the trial which is scheduled to be heard in the Pretoria Supreme Court. Chabane is claiming

R400 000 for loss of amenities of life, some permanent, R200 000 for disfigurement, R120 000 for estimated future loss of earnings and a total of R30 000 for pain, suffering and shock, as well as medical expenses.

# Whites on trial for fatal assaults on blacks

TWO unrelated murder trials in which groups of young white men are alleged to have beaten black men to death began in the Rand Supreme Court yesterday.

In the first trial, Ettiene Thomas Ferreira, 19, Deon Meyer, 25, and a 16-year-old youth, all of Germiston, pleaded not guilty to murdering a still unidentified black man on an open piece of ground near where they lived on November 12 last year.

The State alleges the three assaulted the man with a wooden bed leg and karate sticks, as well as their fists and feet. His body was found in the veld the next day.

The trial is being heard in camera by Mr Justice Stegmann and two assessors be-

SUSAN RUSSELL

cause the youth may not be identified.

A State witness, Dorris Olivier, told the court that the morning after the alleged murder, the youth had told her he had beaten a "kaffir" to death with a bed leg. She said he had laughed as he watched police remove the body.

She described how the three had bathed and washed their bloody clothes after coming home the night before.

In the second, unrelated trial, before Mr Justice Laubschagne and two assessors, four Edenvale teenagers, Brian Derek

Scheepers, 19, Brenden Greig Hastings, 18, Craig Lambton-Carr, 18, and Gary Richard Martin, 19, pleaded not guilty to murdering Sicelo William Mbethe on May 26 last year.

The State alleges Mbethe was walking down Van Riebeeck Avenue in Edenvale when the four youths drove past before allegedly getting out of the vehicle and attacking him.

Mbethe ran down the road in an attempt to escape, but the four allegedly caught him and attacked him again, using their hands and feet, a hammer and a hockey stick. He was also stabbed several times with a sharp object and died on the spot.

Both trials continue today.

# Youth 'told me he had beaten a kaffir to death'

Staff Reporter

Two Germiston men and a teenage boy appeared before Mr Justice MS Stegman in the Rand Supreme Court yesterday charged with beating an unidentified black man to death with karate sticks and the leg of a bed.

Ettiene Thomas Ferreira (19), Deon Meyer (25) and a 16-year-old, who may not be named because he is a minor, pleaded not guilty.

The State alleges that on the night of November 12 1990 the three repeatedly assaulted the black man using a wooden bed leg and karate sticks or "nunchakkas" and/or their fists and/or their feet.

Giving evidence in court yesterday, Dorris Roda Olivier said she and her husband had lived in a house with the three at the time and she had seen them with blood on their clothes and bodies the night of the alleged murder.

## 'Laughed'

The men had woken Mrs Olivier, and Mr Ferreira had said: "Ons het 'n kaffir gebliksem."

She said the youth had told her they had hit a "kaffir" to death with a bed leg and the following morning he had laughed when the police discovered the body of the deceased.

"He thought it was a big joke," Mrs Olivier

said.

State Advocate H J Broodryk handed in statements which had been made by the youth and Mr Ferreira before a magistrate on November 16 last year.

The youth said he and the other accused had been drinking at Germiston Lake, after which they had gone for a walk in the veld.

They had come across a black man whom they hit repeatedly with a bed leg.

Mr Ferreira said they had found the black man sleeping under a piece of plastic.

They had hit him with a bed leg and karate sticks.

The case continues today.

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## 'Evidence was dumped'

SUSAN RUSSELL

4/9/91  
A GERMISTON man tried to protect his brother and two friends by throwing away a wooden bed leg allegedly used by the three to beat a black man to death, the Rand Supreme Court heard yesterday.

10/10/91  
Johannes Olivier said he had thrown away the leg after finding it in the kitchen of the house he shared with the three.

He was testifying on behalf of the state at the trial of his brother Etienne Thomas Ferreira, 19, Deon Meyer, 25, and a 16-year-old youth who may not be identified.

The three have pleaded not guilty to murdering an unidentified black man in open veld in Germiston on November 12 last year.

They allegedly attacked the man after finding him asleep and beat him to death with a wooden bed leg and karate sticks.

The trial continues.

# TPA under fire for stance on squatters

8/20/91 4/9/91  
A ROW has broken out between the Soweto City Council and the TPA over the resettlement of the 1 500 people in the troubled Mshenguville squatter camp.

At least six people died in the reputed Inkatha stronghold at the weekend, prompting Soweto mayor Oscar Maseko to declare it a "crisis area" and call for 24-hour police protection for its residents.

Soweto council PRO Mojalefa Moseki yesterday accused the TPA of "not applying its mind" to the urgency of providing land for the resettlement of the residents of Mshenguville.

TPA spokesman Magda du Toit in turn called the accusation "utter rubbish" because, she said, the council had failed to stop more people from flocking to the area when the original residents were moved to Orange Farm in 1989.

There were no more stands available in serviced areas and the identification, acquisition and developing of more land for squatters required money and time, Du Toit said.

Maseko said that since fighting had

THEO RAWANA

broken out in the area in July, the Soweto council has done all in its power to stop the violence. "On the other hand we have held several meetings with top TPA officials for more than a month to provide land, either at Doornkop or elsewhere, for the permanent resettlement of all Mshenguville families."

Moseki said all the council was getting from the TPA was promises.

Meanwhile, Inkatha secretary for the West Rand Humphrey Ndlovu dismissed allegations that Mshenguville was an Inkatha stronghold, saying the area was occupied by people of mixed political affiliation.

"We don't go about creating strongholds, but people themselves go out and seek Inkatha membership," he said.

Ndlovu denied allegations that his organisation was involved the fighting at Mshenguville.

But he welcomed the council's moves to bring order to the camp and said his organisation had been holding talks with other groupings to resolve the issue.

## Post mortem to determine

concentrate on the individual and encourage students to achieve their full potential. Our lecturers are a carefully chosen group of recognised University of South Africa lecturers.

By Jacqueline Myburgh

# Blood found on bed leg 'same type as murdered man'

The brother of one of three German youths accused of murdering a black man testified in the Rand Supreme Court yesterday that he had thrown away the alleged murder weapon in order to protect the accused.

Ekstene Thomas Ferreira (19), Deon Meyer (25) and a third youth, who cannot be named because he is a minor, have pleaded not guilty before Mr Justice

MS Stegmann and two assessors to the charge of murdering an unidentified man on November 12 1990.

The trial is being heard in camera to protect the identity of the youngest accused.

The State has alleged the three assaulted the man with a leg of a wooden bed, karate sticks, and their fists and feet.

State witness Johannes Jacobus Olivier, brother of Mr Ferreira, told the court yesterday that on the night of the alleged murder there had been a party at the house where he lived with the three accused.

They had smoked dagga, and drunk brandy and champagne, he said, adding that one of the accused had later tried to wake

him (Mr Olivier) to ask him for his firearm, but he had failed to respond.

The next morning he had found the bed leg in the kitchen and driven to the Heidelberg road where he dumped it, Mr Olivier told the court.

On November 16 he had shown the police where the bed leg had been dumped.

The court also heard that police forensic laboratories had identified blood on the bed leg as the same type as that of the murdered man.

In a sworn statement submitted by State advocate H J Broodryk, Major Johannes Claassen of the SAP's forensic laboratory said there was also blood on a pair of jeans that had

belonged to one of the accused, but it could not be analysed.

Earlier, the doctor who had carried out the post-mortem on the deceased's body said the unidentified black man had died of a fractured skull and cortical contusions.

Death had been due to a hard blow, Dr Jan Georg Pieterse said.

The head injuries would have been caused by a blow with a blunt object. It was possible the blow could have been made with the wooden bed leg exhibited before the court, he said.

Asked by the defence counsel whether the blows could have been caused if the deceased had fallen on to a stone in a hole, Pieterse said this was possible.

He estimated that the victim was between 18 and 25.

slit way

## We tried to help black victim, claims murder accused

SUSAN RUSSELL

A 19-YEAR-OLD Germiston teenager told the Rand Supreme Court yesterday he assaulted a black man with karate sticks after encountering him on a piece of open veld, but that he had no intention of killing him.

Etienne Ferreira is one of three young white men charged with murdering an unknown black man in Germiston on November 12 last year.

Ferreira, co-accused Deon Meyer, 25, and a 16-year-old youth have pleaded not guilty to the charge.

It is alleged the three fatally assaulted the man in a veld close to where they shared a house.

The 16-year-old allegedly assaulted the man with a wooden bed leg while Ferreira attacked him with karate sticks.

Before the start of the defence case, Mr Justice Stegmann dismissed an application for the acquittal of Meyer and Ferreira on the grounds that the State had no evidence that the body found on the spot was that of the person allegedly attacked by the pair.

In his evidence, Ferreira said he and the 16-year-old were walking

across the veld when the black man suddenly jumped up in front of them and the 16-year-old hit the man with a wooden bed leg he was carrying.

Ferreira said after this he also hit the man with his karate sticks.

The man fell into a ditch and they went home.

Later they returned to help the man, who then tried to grab Meyer, and he (Ferreira) kicked him twice.

He said they went back to assist the man a second time and found him climbing out of the ditch.

They helped him out and went home. The trial continues.

## Uganda suspends

## arms haul pilots

KAMPALA — The Ugandan government has suspended five pilots suspected of smuggling weapons from SA to Yugoslavia in a Ugandan-registered plane.

Transport minister Ruhakana Rugunda announced the pilots' suspension and the establishment of six-man committee to investigate the incident, Sapa-AP reports.

The plane was impounded in Zagreb, Yugoslavia, on Saturday after being found carrying 19 tons of arms and ammunition that had been picked up in SA.

Rugunda said the plane made several flights to pick up arms in SA, but declined to say how many or give any other details on the apparent gun running.

And in Belgrade a Croatian-born Canadian businessman Anton Kikas, who was aboard the plane, was fined nearly \$1m for attempting to smuggle 18 tons of weapons into Croatia.

Yugoslavian military spokesman Col Miodrag Starcevic said on Tuesday the fine was levied by customs authorities. Kikas remained in custody and could still face criminal charges.

He said the shipment worth \$1.1m, which included 520 Singapore-made automatic rifles, 1 350 rifle-launched grenades and 621 000 bullets, had been impounded. Kikas told military investigators the

arms had been bought for the Croatian government with money collected by the Croatian National Fund in Canada. He arranged a deal for the weapons with a British citizen living in SA, Starcevic said.

The Boeing 707 used in the operation had been leased by Uganda from the Kansas City-based Aviation Leasing Group from October 1990 until August 15. It had not been deregistered, however, because Uganda planned to lease it again in October, a Ugandan government spokesman disclosed earlier.

In Pretoria Foreign Affairs Minister Pik Botha said yesterday government had not authorised the sale or delivery of arms to Yugoslavia. He said government believed arms should not be delivered to any of the conflicting parties in that country.

Armcor has already denied supplying weapons to groups in Yugoslavia.

KIN BENTLEY reports from London that a Jane's Defence Weekly spokesman says weapons allegedly bought in Johannesburg and flown illegally from Mmabatho to Yugoslavia could have come from the Bophuthatwana Defence Force.

He stressed, however, that there was no evidence to confirm this.

Armcor was unlikely to want to risk damage to its international reputation for such a small order, he said.

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**Cautionary announcement**

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# I was in state of shock, says alleged killer

By Philip Zoio

A Germiston man accused of murdering a black man told the Rand Supreme Court yesterday that his 16-year-old companion hit the man with a wooden bed leg after taking fright when the black man suddenly appeared in front of the youths.

Ettiene Thomas Ferreira (19) said that his co-accused, who is a minor and may not be named, struck the unidentified man while they were walking in the veld near Germiston Lake.

Mr Ferreira said that he himself then hit the man three or four times with his karate sticks, which he always carried for self-protection, because he was in a "state of shock".

The two youths then returned to their residence in Germiston, where 25-year-old Deon Meyer was living, Mr Ferreira said.

The three returned to Germiston Lake to help the man they had just attacked, he said. The man who they had just beaten tried to grab Mr Meyer, but he couldn't see if Mr Meyer hit him, Mr Ferreira said.

Mr Ferreira then

kicked at the man but was not sure whether he made contact.

The youths left the lake and returned a third time. After flashing a lighter they saw that the man had blood on his face. They then saw him walk away, Mr Ferreira said.

The three youths have been charged with murdering the man by assaulting him with the wooden bed leg, karate sticks and with their fists and feet on November 12 last year.

Mr Ferreira said under cross-examination that a photograph of the deceased showed a different man from the one they had assaulted.

He said that the man in the photo had head injuries, and that they had not struck the man on the head.

Earlier yesterday shortly after the State closed its case against the youths, Mr Justice Stegmann rejected an application to have charges against Mr Ferreira and Mr Meyer withdrawn on the grounds of insufficient evidence.

The defence counsel had argued that there was no evidence to prove that the person they admitted assaulting was the same as the man delivered to the mortuary the following day.

The hearing continues.

# Murder accused sheds tears in court

SUSAN RUSSELL

AN EDENVALE man broke down and cried while telling the Rand Supreme Court yesterday he did not know why he had fatally assaulted a black man.

Craig Lambton-Carr, 20, and three co-accused have pleaded not guilty to murdering Sicelo William Mbethe in Edenvale on May 26 last year.

Lambton-Carr, who was driving the car at the time

of the attack on Mbethe, told the court yesterday he remembered seeing Mbethe walking along the road.

He could not remember stopping the car.

He said yesterday that all four assaulted the man.

Lambton-Carr said he remembered making stabbing motions with the knife

that had been given him by co-accused Derek Scheepers, 19, but could not remember actually stabbing Mbethe.

Asked yesterday why he had assaulted Mbethe, Lambton-Carr replied: "Out of stupidity."

He began crying in the witness box and told the court he felt "pretty disgusted" with himself.

The trial continues.

# Orgy horror "a big joke"

By MARTIN  
NTSOELENGOE

CLP 1015 8/9/91  
331  
A TALE of horror in which white youths allegedly beat a black man to death in a wild orgy of "kaffir bashing" unfolded in the Rand Supreme Court this week.

Ettiene Thomas Ferreira, 19, Deon Meyer and a 16-year-old youth pleaded not guilty to murder before Judge M Stegmann and two assessors.

In November last year the three allegedly came across the unidentified black man sleeping under

a sheet of plastic, and started attacking him.

The youth beat the man with a wooden bed leg and Ferreira assaulted him with karate sticks.

Later they tried to wake up Ferreira's brother, Jacobus Olivier, to borrow his firearm.

Olivier's wife, Doris who shared a house with the three accused at the time of the alleged murder, told the court the three came into the bedroom where she was sleeping with her husband.

Ferreira asked her to lend them her husband's

firearm, but she refused.

Ferreira allegedly told her: "We have beaten up a kaffir". She saw the three men had blood on them.

The following morning the youth boasted of how he had beaten up a black man.

"He treated it as a big joke," she said, adding her domestic servant discovered the wooden bed legs under Meyer's bed.

Olivier said she threw the bed legs away to protect the three youths, but later showed police where she had thrown them.

# 'Friend of Buthelezi'

## ordered killing

A Pietermaritzburg Special Branch policeman who told five men to kill Chief Mhlabunzima Maphumulo in February this year was known as a "great friend" of kwaZulu's Chief Mangosuthu Buthelezi.

The Pietermaritzburg Supreme Court was told this on Friday by Siphso Madlala, a key witness in the inquest into Chief Maphumulo's death.

Appearing before Judge Page and two assessors, he told the court of his role in the assassination of the chief at his Havelock Road home.

Madlala said a security policeman, Warrant Officer Wolfgang Warber, who ordered the assassination because the chief was "a danger to the government", had supplied people in Imbali with firearms with which to kill "comrades". He had been doing this since 1986, Madlala said.

Warber had supplied certain leaders in the Inkatha movement with firearms.

Earlier, Madlala said Warber had instructed him and four others to kill the chief.

The hearing continues.—Sapa

# Teacher tells of assault

BY ELIAS MALULEKE

A TEACHER at Marble Hall, in the north-eastern Transvaal, says he was brutally assaulted and tortured by two farmers and a policeman and left for dead last Wednesday.

The allegation was made by Terrence Shumaki Sethoga, 55, father of four and a teacher at Onverwacht Farm School, who says the incident happened at a farm in Roedtan, about 50 km from Marble Hall.

He named his assailants as Schakie Pretorius, a businessman who owns a butchery and a farm known as Eland's Kurk in Roedtan; his brother, Abie Pretorius, and an unnamed policeman.

Sethoga says he was mercilessly punched and kicked, had his private parts squeezed, was dragged from behind a bakkie and had shots fired close to his head in an ordeal that lasted more than three hours.

He has laid charges with the Marble Hall police and engaged lawyers to press charges.

Eastern Transvaal police spokesman Maj W Pienaar confirmed charges were laid on August 8.

Sethoga's ordeal started when his car stalled on the Marble Hall-Roedtan road due to a snapped clutch cable.

He went to a farm for help and the farmer, Schakie Pretorius, arrived home with his son, aged about four.

Sethoga told Pretorius he was a teacher.

The farmer "grabbed at me and said teachers were members of the ANC. He started to strangle me and said I was in A WB territory," Sethoga said.

He alleged that Pretorius then dropped him to the ground, punching and kicking him and demanding to know what Sethoga had done with his cows.

"The farmer fastened a rope around my ankles, tied the other end to the bakkie and dragged me," Sethoga said.

He lost consciousness and when he came to, Abie Pretorius was at the scene and the two again punched and kicked him.

Abie called for a knife to castrate "die kaffer" but was not given one. "He then grabbed my private parts and squeezed until I fainted."

Sethoga showed City Press the marks and scars all over his body.

He was dragged and beaten again before a uniformed policeman arrived. The policeman punched and kicked him before he was dragged around again. The policeman also fired three shots near his head and then put the barrel to his forehead.

After all this Sethoga was dumped on the road and left for dead.

## Boy mean Mr Postmaster

SPECIAL CORRESPONDENT

DEWETSDORP, a sleepy little Free State town, is all abuzz about the new postmaster — because he is black.

NM Ramatlaleng takes up his new job on November 1.

And to crown it all, the postmaster's official residence is next-door to Abrie Oosthuizen, Conservative Party MP for Smithfield.

Oosthuizen has taken

up Ramatlaleng's appointment with the Postmaster-General.

But Joe de Jager, a senior manager of the Department of Posts and Telecommunications in the Free State and northern Cape, has bad news for Oosthuizen. He said Ramatlaleng was promoted to his new job on merit.

"We promote people according to a merit system," he said.

## Readers pick City Press

FOR the second year in a row, City Press has come out on top as the nation's favourite Sunday newspaper among black readers.

AMPS research for 1991 has recorded a total of 1 122 000 black readers for City Press. This is the highest black readership for any weekly newspaper in the country — with 19 000 more black readers than the Sunday Times.

This total is less than

the 1 160 000 readers measured in the 1990 AMPS survey, but there have been some significant changes in our readership profile.

The number of male readers has increased by 17 000 (2 percent) to 846 000, while female readership has declined to 276 000.

Changes in our readership profile, which will be of great value to advertiser

tisers, include increases in the number of readers in the upper income brackets; in the economically important age group of 30 to 40 years and in the Super Lifestyle groups.

City Press reaches 75 percent of black people with a monthly household income of more than R2 000.

It is clear that City Press remains "The People's Paper"

By DAN DHLAMINI

NO one could be held criminally responsible for the death of an activist who was fatally wounded when police opened fire on a group of youths in Khutsong, near Carletonville, last year.

These were the findings this week of Magistrate HC Raath who presided over the inquest into the death of Thomas "Mavovo" Tshabalala, 18, who was shot dead on March 7 last year during unrest in the township.

The proceedings were delayed for 18 minutes on Friday when a City Press

# No one to blame for Killing of activist

reporter objected to a surprise request by prosecutor E Erasmus for the inquest to be held "in camera".

She gave no reasons in court for her request. After City Press challenged the suggestion, the magistrate went into chambers with the prosecutor.

He returned and ruled that the press be allowed

in the courtroom.

The dead youth's family did not have a legal representative and only one policeman, Major Johannes Hendrick Vorster of the Potchefstroom based Riot Unit, gave evidence.

Tshabalala's mother, Onica Baby Tshabalala, told the magistrate her lawyers had withdrawn because their witnesses

version of the incident supported that of the police.

Erasmus told the court the policemen implicated in the matter, who had been summoned to give evidence, could not be found.

Vorster said he was in charge of the riot unit which had gone into Khutsong to search for stolen firearms and other

weapons after the township was gripped by violence which had led to two black policemen being killed.

At about 4am a group of about 100 people, armed with pangas, stones and petrol bombs attacked the police, he said, adding the lives of the policemen were in danger and they had no alternative but to shoot.

Asked by magistrate Raath if she had anything to say before he made his findings, Erasmus said that according to Vorster's evidence nobody was to blame for Tshabalala's death.

# **'Friend of Buthelezi ordered killing'**

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Appearing before Judge Page and two assessors, he told the court of his role in the assassination of the chief at his Havelock Road home.

Madlala said a security policeman, Warrant Officer Wolfgang Warber, who ordered the assassination because the chief was "a danger to the government", had supplied people in Imbali with firearms with which to kill "comrades". He had been doing this since 1986, Madlala said.

Warber had supplied certain leaders in the Inkatha movement with firearms.

Earlier, Madlala said Warber had instructed him and four others to kill the chief.

The hearing continues. — Sapa

# Police 'take note' as SADF hitman names his bosses

8 Times 8/9/97 331  
A SELF-CONFESSED hitman and informer, giving evidence at an inquest, this week named several members of the security police and SADF as his commanders.

Sipho Madladla, 28, claims he was a member of a SADF hit-squad with security police connections who killed several people and carried out a number of attacks in Natal.

Mr Madladla, who disappeared after giving a dramatic newspaper interview in April, was escorted by ANC officials and police into the Maritzburg Supreme Court on Thursday and Friday. He was wearing a bulletproof vest under his shirt.

Giving evidence into the death of Chief Mhlabunzima Maphumulo, who was shot earlier this year outside his Maritzburg home, Mr Madladla told the court that he and other men in the SADF had operated from the military police offices in Stanger Street in Durban for more than four years.

Those he named in evidence were a Staff Sergeant Grobbelaar of the military police, and security police warrant officers Wolfgang Warber and Peter Scott.

Police spokesman Major Coert Marais said the

By RYAN CRESSWELL

police were "taking note" of the inquest. A spokesman for the SADF said: "We are aware of this inquest."

Mr Madladla said he was paid R9 800 extra by the army for taking part in a number of attacks.

He said he started working as an informer for the military police as a teenager in 1977, but was later employed full time and received training in the use of R4 rifles, .38 revolvers, 9mm pistols and hand grenades.

In April, Mr Madladla confessed in a tape-recorded interview with the Natal Witness that he and four others shot Chief Maphumulo during an operation planned by Maritzburg police security branch officers and members of the military police from Natal Command.

He told Mr Justice NS Page and two assessors that he and a Mr Van Rooyen, a Mr Sabasaba, a Mr Gumede, and a man whose name he did not know were shown photographs of Chief Maphumulo and told to "get rid of him because he was a danger to the government and a bad influence on the general public".

# Murder trial judgment awaited

By Philip Zola

Judgment is expected in the Rand Supreme Court today in the trial of three Germiston youths accused of murdering a black man by beating him to death with a wooden bed-leg and karate sticks, and by punching him and kicking him.

Ettiene Ferreira (19), a 16-year-old youth who may not be named and Deon Meyer (25) are charged with killing the unidentified man in the veld near their Germiston home on November 12 last year.

In his closing argument on Friday, prosecu-

tor H Broodryk said Mr Ferreira and the minor intended to kill the man when they attacked him with karate sticks and a bed leg.

He said Mr Meyer was guilty of common purpose in the crime.

## Weakened

The youths' defence argued that the State did not prove that the man whom Mr Ferreira and the minor admitted assaulting was the dead man found later, in the veld.

Although it had been claimed that the blood on the bed leg matched a sample of the victim's blood, the State could not

prove that the sample was indeed from the dead man's body, Mr Ferreira's lawyer said.

Mr Broodryk conceded that the case was weakened by the death, before the trial, of the investigating officer who handled the blood sample.

But he submitted that the deceased was indeed the man Mr Ferreira and the minor admitted assaulting.

The defence also said it was possible that when the minor left the house, armed with the bed leg, he intended to assault and not kill a black man.

The minor's lawyer also said the evidence of

Dorris Olivier was so riddled with contradictions that it should be disregarded.

Mrs Olivier had told the court that the youths returned to the house with blood-stained clothes, and the minor laughingly admitted to "beating a kaffir to death".

## Grab

Mr Meyer's lawyer said the evidence against him showed no participation in a "common design" to kill.

Mr Ferreira told the court that Mr Meyer hit the black man only after the victim had tried to grab him.

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## AWB trial delayed

10/9/91 Own Correspondent

(331)

THE trial of two hunger-striking AWB members, facing charges of murder for allegedly playing a part in the shooting of bus passengers near KwaMashu last year, was adjourned in their absence until tomorrow.

The Supreme Court, Durban, heard that Piet Botha and Adriaan Smuts were not fit to stand trial yesterday. The two were experiencing dizziness, but were not seriously ill. A report by a specialist physician said that the two, who have been on a hunger strike since August 19, were "malnourished".

AWB member Eugene Marais was sentenced to death in April for his part in the bus attack, in which seven people were gunned down with R-1 and AK-47 assault rifles on October 17.

Shortly after beginning their hunger strike, Botha and Smuts were transferred from Durban/Westville Prison to the Westville Hospital.

Mr Justice Squires said yesterday it was in the interests of everyone that "some finality be reached in this matter", and adjourned the trial until tomorrow.

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# Teenager gets 12 years for murder of black man

A 19-YEAR-OLD Germiston man wept in the arms of his mother and his 16-year-old co-accused yesterday after he was sentenced to 12 years' imprisonment for murdering a black man.

Ettiene Ferreira and the 16-year-old fatally assaulted the man after finding him asleep on a piece of veld close to the house they shared on the night of November 12 last year.

The Rand Supreme Court sentenced the 16-year-old, who was 15 at the time of the murder, to be held at a reformatory.

A third accused, Deon Meyer, 25, was acquitted yesterday after the court found the State had not proved he was involved in the man's death.

In terms of the law the youth may, at the discretion of the relevant authorities, be held there until he is 21 years old.

The court found the teenagers had set out armed with a bed leg and karate sticks intent on finding a victim to assault.

Their victim, whose body was found on the spot the following day,

SUSAN RUSSELL

has still not been identified.

According to the evidence Ferreira assaulted the victim with the karate sticks after his companion attacked the man with the bed leg and struck him on the head.

Mr Justice Stegmann, sitting with two assessors, accepted that the pair had not formed the direct intention to kill their victim.

However, the court held that they should have foreseen that the man would die from their attack.

The court accepted in mitigation the age of the pair at the time of the murder and at present.

This was the most important mitigating factor, the judge said.

The judge said in their particular case their consumption of strong liquor before the assault constituted a mitigating circumstance.

He said the court accepted that both had already to some extent been under the influence of strong liquor when they decided to seek a victim.

However, he held as an aggravat-

ing factor the fact that both, acting together, had deliberately gone out with weapons in search of a victim and attacked a helpless, sleeping man and killed him.

The judge accepted the State's submission that cases involving attacks on black passersby by whites had increased within the area of the court's jurisdiction.

It was the court's duty to put a stop to it, the judge said, adding it was important that the sentences he imposed in this case should serve as a deterrent to others.

He accepted both teenagers had shown genuine remorse for what they had done.

Earlier Ferreira told the court he "bitterly regretted" what had happened.

He had nothing against black people, he said, adding that but for the alcohol consumed that night he would not have done what he did.

His mother, Helena Ferreira, also told the court her son had expressed remorse to her and told her "I cannot believe I killed someone".

Police...

return would be

TIM COHEN

# 12 years' jail for beating man to death

By Susan Smuts

Courts must act to stop the increasing number of unprovoked attacks on blacks by whites, a Rand Supreme Court judge said yesterday when he sentenced two teenagers who beat an unidentified black man to death in Germiston.

Mr Justice Stegmann sentenced Ettiene Thomas Ferreira (19) to 12 years' jail, and a 16-year-old youth to reform school.

A third accused, Deon Meyer (25), was acquitted of murdering the man last November.

Summing up the aggravating factors in the case, the judge said:

## Helpless

"You acted with common purpose by arming yourselves and going to look for a victim. You came across a sleeping man, a helpless victim, and cruelly assaulted him."

It appeared that this kind of crime was on the increase and the courts should act to stop it, the judge said.

However, mitigating factors included the ages of the men (who were 18 and 15 at the time), that they had been drinking alcohol, and they had shown genuine remorse.

Although Ferreira was not mature at the time, he should have acted more responsibly.

"You must serve a lengthy sentence. It is late in your career to send you to a reformatory, because you can only stay until you are 21 years old.

"You have taken a life and this demands a longer sentence."

The youth would probably stay in a reformatory until he was 21, the judge added.

Ferreira and the youth, in separate statements to a magistrate, said they had armed themselves with nunchaka sticks and a wooden bed leg, and walked into a veld opposite their house.

A black man, who had been sleeping, leapt up and they attacked him.

They went home and fetched Mr Meyer, who accompanied them to the veld to see if the man was injured.

The man lunged for Mr Meyer and the men assaulted him again. They went to the veld a third time and found the man trying to climb out of a ditch.

Mr Meyer was not present at the main assault, and the only witness to link him to it, DR Olivier (who lived in the same house as the accused), was an untrustworthy witness, the judge said.

The two should have foreseen the man's death, he said.

# Edenvale youths intended to kill, court told

Court Reporter

(331)

PRIE  
REV.

TEL:

Four Edenvale teenagers intended to kill a man whom they repeatedly stabbed, hit with a hammer and hockey stick, and knocked down with a car, the Rand Supreme Court heard yesterday.

State advocate H de Beer said the four acted

with common purpose, and the State had proved their intention to kill Sicelo William Mbethe on May 26 last year.

Brian Derek Scheepers (19), Brenden Greig Hastings (18), Craig Lambton-Carr (19) and Gary Richard Martin (19) have all pleaded not guilty.

They inflicted about 45 wounds on Mr Mbethe,

Mr de Beer told Mr Justice J J Labuschagne. He added that they must have planned the assault because they all had weapons. *Star 12/9/91*

Their claim of being drunk at the time did not diminish their responsibility, he said.

J van Vuuren, acting for Mr Scheepers, Mr

Hastings and Mr Martin, said the most his clients could be found guilty of was attempted murder as they had not had the intention to kill. IP

They had armed themselves against attack when they went to buy dagga, he said.

Judgment will be given tomorrow.

# Talks on return of exiles

*Sowetan 13/9/91*

TALKS between the Government and the visiting delegation of the United Nations High Commission for Refugees continue in Pretoria today after the group's return from Cape Town last night.

The delegation is in South Africa to discuss "technical" aspects of the repatriation of an estimated 36 000 exiles.

A spokesman for the Department of Foreign Affairs said yesterday talks were proceeding well and "both sides are very happy".

Matters being discussed include points of entry, reception centres, the setting up of an UNHCR office and transport arrangements for the returnees. - *Political Staff.*

# A day in the park

TO escape the stress of city life over a long weekend, think about the country's national parks for a well-deserved breather...

South Africa's 17 national parks offer a rich variety of natural assets from green forests to desert-like landscapes, golden beaches to dramatic sand dunes, majestic mountains and African bush.

National Parks Board chief executive Dr Robbie Robinson says all South

**Staff Reporter**

Africans can look at the national parks with new eyes.

"Until now, only affluent whites have had the opportunity of appreciating the beauty of our parks, even though the national parks were open to all races before the repeal of racial legislation.

"Black people dominate our society in terms of

numbers. A lot more emphasis will have to be placed on introducing everyone to the national parks."

Robinson says parks offer a value for money package that is unmatched by any holiday.

"From the country's 17 national parks you get the choice of camping, from about R9 to R55 a night for fully equipped huts with toilet and showers to luxurious chalets.

# Funeral of MK cadres

*Sowetan 13/9/91*

**Staff Reporter**

TWO Umkhonto we Sizwe cadres who died in exile in Tanzania will be buried this weekend.

Mr Benedict Kgori of Orlando West, Soweto, and Mr Sammy Baepi of Bothaville in the Free State were flown back to South

Africa last week.

Kgori of 7504 Orlando West, will be buried at the Avalon Cemetery at 11am tomorrow after a service at 8am at the Orlando West Methodist Church.

Baepi will be buried at Bothaville Cemetery tomorrow.

They left South Africa in 1981 and both died on July 6 1991.

Kgori died of diabetes and Baepi was killed in a car accident.

# OB two guilty of murder

*Sowetan 13/9/91*

TWO Orde Boerevolk members were yesterday found guilty on seven counts of murder and 27 counts of attempted murder in the Durban Supreme Court for attacking a bus with machineguns near KwaMashu in October last year.

**24-day fast**

Mr David Petrus "Piet" Botha and Mr Adrian Smuts had earlier pleaded guilty to the charges.

Mr Justice Galgut found the men guilty "as they have pleaded".

The rightwingers ended a 24-day fast on Wednesday which was aimed at trying to secure their release as political prisoners. - *South African Press Association.*

## Killer tells of Boerevolk's revenge policy

*5 (Daw) 13/9/91*  
DURBAN — An Orde Boerevolk member convicted on seven counts of murder and 27 of attempted murder told the Durban Supreme Court yesterday that it was the organisation's policy to kill 10 blacks for every white killed in political violence.

David Petrus "Piet" Botha, 47, was giving evidence in mitigation of sentence.

He and Adriaan "Arrie" Smuts, 38, both of Richards Bay and Orde Boerevolk and AWB members, were convicted yesterday on all counts after pleading guilty.

The charges arose after the men attacked black bus commuters with automatic rifles near KwaMashu last October.

*331*  
On Wednesday the two ended a 24-day fast aimed at securing their indemnity.

Botha, an Orde Boerevolk cell leader, told the court their attack was an act of revenge following a stabbing spree by a group of blacks on white shoppers in Durban. One person died in that attack.

He said he, Smuts and Eugene Marais — sentenced to death seven times earlier this year — had decided to "launch a counter-attack against blacks in Durban".

The three went to Durban from Richards Bay and Smuts and Marais opened fire with an AK-47 and an FN rifle on passengers when they came across a bus. — Sapa.

# 'OB policy means 10 must die'

Own Correspondent

DURBAN — A convicted AWB man and member of the Orde Boerevolk, Piet Botha, said it was the organisation's policy that for every white killed because of politically inspired violence, 10 blacks had to die.

Botha and Adriaan Smuts pleaded guilty and were convicted by Mr Justice Galgut in the Supreme Court in Durban yesterday on seven counts of murder and 27 counts of attempted murder.

Both were involved in last year's bus massacre near Kwa-Mashu, a revenge attack for a killing by a group of blacks on Durban's beachfront.

During his evidence in mitigation, Botha said that after the killings he had felt remorse — the same remorse a soldier would after killing an enemy.

Smuts refused to give evidence in mitigation. A psychiatrist said he was of "borderline intellectual ability". Argument on sentence begins today.

# New killing trend as old order decays

Star 13/9/91.

(331)

**O**N THE NIGHT of September 14 1990, Deon van Deventer (24) and Evert Boonzaaier (23) assaulted a crippled black man, Johannes Masango, who was walking near the Newclare railway station.

They beat him, poured beer over him, urinated on him and necklaced him.

The two men were sentenced to 25 years each in prison.

On November 12 1990, Ettiene Ferreira (19) and a 16-year-old youth who may not be named beat an unidentified black man to death with a wooden bed-leg and karate sticks in Germiston.

Ferreira was jailed for 12 years and the minor will spend five years in a reformatory. A third man was acquitted.

These are two of the four cases that in the past month have pointed to an increase of white-on-black violence.

Two similar cases are currently being heard in the Rand Supreme Court and the Pietersburg Magistrate's Court.

In one, four Edenvale youths have been accused of bludgeoning to death a black man on his way to work. The State has claimed they attacked the man with a hammer, knocked him down with a car, hit him with a hockey stick and stabbed him. Judgment was due to be handed down today.

And in Pietersburg, six whites have been arrested and charged with murdering a black worker. The case was postponed until September 30 for the Attorney-General's decision.

Why all this violence?

Fink Haysom, deputy director of the Centre for Applied Legal Studies, offers two explanations for the apparent increase in white-on-black crime.

On the one hand, there had been a general increase in in-

In the past month, Transvaal courts have heard evidence in four separate cases in which gangs of white men killed, or were accused of killing, innocent black men.

JACQUELINE MYBURGH reports.

terracial violence — arising out of the growing insecurity of whites — and the increase in the number of trials might indicate more effective policing of the crimes.

There had been a change in the political attitudes to crimes committed by whites against blacks, Mr Haysom added. Now there was pressure on the police and judiciary to be seen to be prosecuting whites as vigorously as they prosecute blacks.

The words of a Supreme Court judge this week illustrate this change in attitude.

In sentencing Ferreira and the minor earlier this week, Mr Justice M S Stegmann said the courts had to act to stop the increasing number of unprovoked attacks on black people by whites.

Similarly, Mr Justice M M Joffe pointed out that the two men who had murdered Johannes Masango had done so only because the crippled man had been black. Defence counsel had argued in mitigation that the men had not been brought up to respect blacks.

Graeme Simpson, acting director of the Project for the Study of Violence, said white South African males were struggling to cope with the new South Africa.

In the process of moving to-

wards the new dispensation — with negotiations and the peace process being the order of the day — white male South Africans who had previously been accustomed to exclusive access to political and economic power now felt threatened.

A combination of the objective political reality, the economic recession and the required adaptation to a new lifestyle had resulted in a feeling of a loss of power.

The consequence was that they felt impotent. "The sources of the loss of control were inaccessible, and they did not feel there was anything they could do to influence the political or economic situation," Mr Simpson said.

"That's when we find this reassertion of control taking a symbolic form."

He added that the violence was reflected in other dimensions and not only in the political sphere: these included child abuse, wife battering and assaults on domestic workers.

The ultimate expression of the white male's feeling of impotence was the family killing — men asserting their control in the only remaining arena they felt they commanded.

He said the only solution to this worrying phenomenon was the start of a real peace process to allay white fears.

The project earlier suggested that in unbanning the ANC and other political organisations, what President de Klerk had done was to unshackle the enemy within — rather than convince whites that these were no longer external enemies.

"It may sound like a hack comment, but that is when society turns on itself to purge the pain within," Mr Simpson said. □

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**Boerevolk men  
guilty of murder**

*13/9-19/9/91 (331)*  
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The two right-wingers ended their 24-day fast on Wednesday which was aimed at trying to secure their release as political prisoners. — Sapa

**CP Correspondent**

AN inaudible tape recording and unclear transcriptions of Sipho Madlala's confession led to the adjournment of the Maritzburg Supreme Court inquest into the death of chief Mhlabunzima Maphumulo.

Judge MS Page adjourned the inquest to tomorrow to allow counsel for both parties to sort out the problem.

Counsel for Madlala, Colleen Thomas, told the judge that, after listening to a recorded interview between Madlala and *Natal Witness* reporter Lakela Kaunda, she found that the transcriptions were not correctly translated from Zulu to English and the tape was itself not clearly audible.

Madlala earlier told the inquest the confession he made to newspapers about his involvement in the actual shooting of Maphumulo were part of a plot to infiltrate the ANC.

Maphumulo was gunned down on February 25 this year at his

# Madlala tapes not audible

*CP/en 15/9/91*

Havelock Road home in Maritzburg.

Counsel for the SAP, Kobus Booyens, this week continued to produce documentary proof that Madlala was a security police informer and not a Military Intelligence agent.

Madlala has, however, dismissed this and accused police of forging certain documents and his handwriting.

He said W/O Wolfgang Waber of the security police and a Sgt Grobler of MI were good at forging.

Booyens also put it to Madlala that some of the dates on which he claimed to have conducted certain missions conflicted with police records.

One such incident was an attack on a University

of Zululand lecturer's home, which Madlala said happened in 1988.

Booyens said that according to records, the incident occurred in April last year. Madlala said this was a second attack and he just heard about it.

He maintained he was present during the first attack in 1988.

Booyens also said Nato Mkhize, whom Madlala claimed to have shot in 1987, had denied having sustained any gunshot wounds. He said he only had scratches from an attack by Inkatha vigilantes.

Madlala answered: "Is it not correct that this was drawn up by the SAP? Whatever they may do I still stand by one thing - that I know who killed chief Mhlabunzinma Maphumulo."

By MARTIN *apren*  
NTSOELENGOE *15/9/91*

## Killers await their fate

FOUR whites who killed a black man by beating him, knifing him, hitting him with a hockey stick and knocking him down with a car, were found guilty of murder at the Rand Supreme Court on Friday.

They will be sentenced

on September 25 after a probation officer's report has been heard.

Their victim, Sicelo Mbethe, died after sustaining 45 wounds - 13 to his head and 32 to his body.

The judge described the early morning attack

on Mbethe as "extremely brutal, senseless and reckless".

Before convicting Brian D Scheepers, 19; Brendon G Hastings, 18; Graig Lambton-Carr, 19; and Gary R Martin, 19; Judge Labuschagne and two assessors, said the

four had a common purpose to murder Mbethe on May 26 last year.

"You armed yourselves to attack blacks after Hastings was hit with a bottle by a another black man during the day," said the judge.

The judge also found

that Lambton-Carr and Martin left their car and started punching and hitting Mbethe with a hammer.

Scheepers got out of the car and started chasing Mbethe down the road on foot, while Lambton-Carr and Martin got into the car and joined in the chase.

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# Workers, hit man 'killed 5'

By MARTIN NTSOELENGO

CHILLING evidence of how five scabs were gunned down in cold blood was heard in the Rand Supreme Court this week. *Press 15/9/91* (331)

The murders follow an illegal strike allegedly initiated by members of the National Union of Metalworkers of South Africa (Numsa) at Haggie Rand, Cleveland, in October 1989.

Appearing before judge Du Plessis and two assessors are Richard Khazamula Ngobeni, 38; Jeffrey Siphon Mtshali, 34; Malvert Ngubane, 40; Malan Khumalo, 42; Joseph Mdumiseni Bhengu, 24; and Samuel Kgosiengolo Malepo, 39.

The accused pleaded not guilty to five counts of murder, nine attempted murders and two of arson. The State alleges five of them were employed by Haggie Rand, while Bhengu was a hired hit man.

A State witness, who may not be named, said he was ordered by Ngobeni and Khumalo to hunt down scabs. The State alleges that on November

24, 1989, Khumalo and Bhengu attempted to kill Abel Matsapo near the Haggie Rand Jupiter Hostel.

It further alleges that on December 6, 1989, Ngubane, Khumalo and Bhengu attempted to murder Johannes Mabaso.

On January 27 last year, Ngubane and Khumalo allegedly shot dead Samuel Ntshuntsha and attempted to kill Lawrence Maseko and Abram Mbatha.

On March 28, Khumalo, Bhengu and Malepo allegedly shot dead Bernard Marakane in Katlehong.

On April 3 last year, Khumalo and Bhengu allegedly shot dead Dugmore Bongani April in Thembisa.

Fourteen days later Mtshali and Khumalo allegedly shot dead Meshack Bhakuyise Mabizela. The next night Mtshali and Khumalo allegedly attempted to shoot dead Elias Ntsibanyoni.

Last April, Ngobeni, Khumalo and Malepo allegedly shot dead James Mokoena Mothokoa.

# Venda back to SA fold

By THEMBA KHUMALO

15/9/91

VENDA had a strange holiday on Friday, the 12th anniversary of its independence.

Yet no one took to the streets to celebrate – not even Brigadier Gabriel Ramushwana, chairman of the homeland's National Council of Unity.

"I'm indifferent to the holiday because I don't recognise it," Ramushwana told City Press.

The homeland leader this week announced the establishment of a broad-based "Reincorporation Forum" to advise him on Venda's reincorporation into new South Africa.

Ramushwana also announced elections for the traditional leaders known

as mahosi.

Asked why he could not hand over to a civilian government, Ramushwana said his people were "sick and tired of being ruled by corrupt leaders".

"We can't risk that happening again," he said.

Asked why Venda was seeking reincorporation, Ramushwana said: "The loss of sponsorship and the pressure by political organisations opposed to the homelands policy and the resultant balkanisation of South Africa influenced Venda to demand reincorporation."

He pointed out that his council would ensure that Venda was returned to a democratic South Africa, and "not under the present racist regime".

## Riot chief 'ordered killings'

THE State alleges that the former head of the police riot unit in the Maritzburg and surrounding areas, the late Maj Deon Terblanche, gave instructions for the slaughter of 11 people.

In the mass killing in the New Hanover district in December 1988, 11 people were shot dead, while Terblanche, who has since been murdered, was still a captain.

In an indictment served in the New Hanover Magistrate's Court on Friday, the State alleged the attack was carried out by a group of SAP members.

The seven accused are Capt Jakobus van der Heever, Capt Brian Mitchell, Sgt Neville Alexander Rose, Special Sgt Dumisani Ndwalane and Special Constables Khehla Ngubane, Thabo Sikhosana and David Khambule.

The men face 11 charges of murder and eight of attempted murder. The case has been postponed to October 15 in the Supreme Court.

Political comment and newsbills by K Sibya, headlines and sub-editing by S James, both of 2 Herb Street, Johannesburg.

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ruling.

## Sentences racist, says legal body

By MARTIN  
NTSOELENGOE

THE sentences passed on two young racists who murdered a defenceless man they found sleeping under a plastic sheet is causing an outcry in public and legal circles.

The two attacked the unknown man three times with wooden bed legs, karate sticks and by punching and kicking him last November 12.

Judge Stegmann of the Rand Supreme Court this week sentenced killer Etienne Thomas Ferreira, 19, to 12 years' imprisonment and his 16-year-old

murderer, who may not be named, to a reform school. A third accused, 25 year-old Deon Meyer, was acquitted.

The national director of Lawyers for Human Rights, Brian Currin, said his organisation believed there was racial discrimination in the administration of justice in South Africa.

Currin said there was substantial evidence demonstrating that among the factors which influenced sentencing, the race of both victim and accused plays a significant role. He added that the entire bench (with one notable exception) was white.

## Two jailed for orgy of terror

By DAN DHLAMINI

TWO men who virtually replayed scenes from the

Later that evening, after they had been drinking, they terrorised every

# Brother's death revealed in trial

CP Correspondent

CP Press 15/9/91.

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A SCHOOL teacher had to wait five years to find out how his younger brother was killed.

Now he waits to see if the man who shot him will pay.

Michael Ncence, of Alice, last saw his brother alive in December 1986.

Seven months later, Eric Ncence and his childhood friend, Mbulelo Masiza, were gunned down at an East London primary school.

The first time Ncence heard details of his brother's death was when City Press told him about the evidence led this week in the marathon trial of alleged mass murderer Louis Van Schoor.

Van Schoor faces 19 charges of murder, 21 of attempted murder and three of assault with intent to do grievous bodily harm.

The alleged crimes took place between 1986 and 1989.

The court heard that ex-cop Van Schoor told policemen that the young Ncence and Masiza were trying to steal sports equipment from Stirling Primary School. He told them the two were running away when he shot them.

District surgeon Dr Basil Wingreen earlier testified that two bullets hit Masiza in the chest. He said Ncence was shot twice in the back.

Evidence was also led this week into the alleged murder of Kolisile Ngesi, who Van Schoor shot dead at a sports club in May 1987.

According to a police video commentary by Van Schoor, Ngesi attacked him with a knife.

Van Schoor said he fired four shots at Ngesi, who finally staggered away and collapsed - still clutching the knife in his right hand.

# Witness fails to pick out police he accused

Own Correspondent

Star 18/9/91

MARITZBURG — Sipho Madlala, key witness in the inquest into the death of Chief Mhlabunzima Maphumulo, yesterday failed to correctly identify, during a courtroom line-up, two security policemen whom he claimed in earlier evidence were involved in aspects of the chief's murder.

Mr Madlala has implicated himself and members of the security and military police in the murder of Chief Maphumulo, who was gunned down at his Havelock Road home in Maritzburg on February 26.

In earlier evidence, he referred to two special branch policemen, Sergeant van Tonder and Warrant Officer van Rooyen.

He said Warrant Officer van Rooyen had driven the getaway car after the fatal shooting of the chief.

He named Sergeant van Tonder as one of the policemen who was later involved in a plan to leak misleading information to the press.

However, during yesterday's courtroom line-up of five policemen, Mr Madlala wrongly identified one of the men as Sergeant van Tonder and failed to recognise the true Sergeant van Tonder in the court.

Asked by Mr Kobus Booyens SC, representing the South African Police, whether he could identify Warrant Officer van Rooyen, Mr Madlala said he could not see Van Rooyen in the line-up.

Warrant Officer van Rooyen was in fact the second policeman in the line-up, but Mr Madlala said he had never seen him before.

Mr Madlala said his big problem was that "they all tend to look alike".

(Proceeding)

# ANC's Gwala 'topped police hit list'

MARITZBURG — The inquest into the death of Chief Mhlabunzima Maphumulo was told yesterday of the existence of an alleged police "hit list" of people to be killed, topped by ANC Midlands leader and national executive committee member Harry Gwala. *By Peter Maritzburg*

## Own Correspondent

Scott, who was implicated by Madlala during his testimony, was initially involved in the investigation into the death of Chief Maphumulo.

Under cross-examination by Kobus Booysens SC for the police, Madlala said Gwala's name was first on the list, followed by trade unionist Alfred Ndlovu. There were "many" names, he said.

Madlala said he subsequently read in a newspaper that one person whose name was recorded was killed at Mooi River with his family.

Madlala said the list bore the heading "Hit List" and alleged he had seen similar lists on other occasions at police headquarters in Stanger Street, Durban.

He claimed a member of the Durban Murder and Robbery Unit, a Capt Engelbrecht, was a CCB member and that his position with the Murder and Robbery Unit was a "cover". He came to know this from his superior in the military, a Sgt Grobler, he said. Madlala claimed he had been involved in "raids" with CCB members in Lamontville, Umlazi and Richmond. The hearing continues.



**CP Correspondent**

SELF-confessed Military Intelligence (MI) hitman Sipho Madlala has told the Maritzburg Inquest Court he did not sign any forms or receive any training when he joined the army in 1986.

Madlala is giving evidence at the inquest into the death of pro-ANC Chief Mhlabanzima Maphumulo who was gunned down on February 25.

Christo van Schalkwyk, for the SADF, put it to Madlala that no person could become a permanent force member

## Why no questions — Madlala

without going through all the necessary procedures.

Madlala said three other MI hitmen — a Gumede, a Van Rooyen and an unknown young man — also did not sign forms or receive training.

Counsel for the SAP, Kobus Booyens, said W/O Wolfgang Warber and Det W/O Piet

Scott denied having had anything to do with the murder.

Madlala then asked why he was not detained or interrogated when Scott fetched him from Durban on March 4, because they already knew he had information about Maphumulo's murder.

*CP Press 22/9/91*  
He said City Press had already reported on March 3 that he had telephoned the *Natal Witness*, saying he had information regarding the chief's murder.

The inquest continues.

# AWB men to stand trial

*Sowetan 23/9/91 331*

THE trial of nine AWB members from Louis Trichardt, who allegedly assaulted Sunday school children in November last year, will begin on November 22.

Announcing this yesterday, Pietersburg senior prosecutor Mr JH Viljoen said the trial would be held in Pietersburg. The men would be charged with public violence.

The men allegedly assaulted Apostolic Faith Mission children from Nzhelele at a park in Louis

By MATHATHA  
TSEDU

Trichardt on November 24 last year. The children, whose ages range from six to 15, were attacked with sjamboks, dogs, fan belts, sticks, spiked knobkerries and also kicked around while at a park during a church outing.

Many of the children had to receive medical treatment while a few were admitted to hospital. The trial comes two days before the anniversary of the incident.

# Witness tells inquest about secret explosives training

MARIZBURG — Inquest witness Sipho Madlala, who claims to have been a member of a secret military police hit squad, alleged yesterday that his unit had received clandestine training in the use of an explosive chemical at La Mercy beach.

Giving evidence at the inquest into the death of Table Mountain chief Mhlambuzima Maphumulo before Mr Justice Page and two assessors, Madlala said he and his colleagues had trained secretly in the use of R4 rifles, as well as 9mm and .38 firearms at a place in Hammarsdale.

It was suggested to him by advocate Christo van Schalkwyk, for the SADF, that the shooting range he referred to at Hammarsdale was that of the Umkomaas Commando which was unsuitable or dangerous for the use of high

velocity firearms such as the R4.

Madlala replied that his superior in the SADF, a Sgt Grobler, should be questioned about that.

Madlala said he could not recall what types of 9mm or .38 firearms he had used in training.

He said in his opinion his unit did not use the official military training areas because Grobler did not want others to be aware of the unit.

He told the court that he and other members of his unit, the four he alleges were involved in the assassination of Maphumulo, were trained in the use of an explosive chemical known as M75 at a plantation at La Mercy beach at night.

He testified previously that he had used the M75

chemical during a hit squad attack on the home of a Zululand University lecturer at Esikhaweni near Empangeni in 1989.

Madlala protested yesterday when he was questioned about the rank insignia and uniform worn by members of the military police, saying he was not a member of the uniform branch although he was based at the military police offices in Stanger Street, Durban.

Van Schalkwyk said there would be evidence that Grobler was not a member of the SADF prior to 1984, and suggested to Madlala that he was mistaken in his version that he worked with Grobler in 1983.

Madlala denied this and alleged it was part of a scheme by the SADF to discredit him.

Own Correspondent

3/Jan 24/9/91

21 Jan

# CP man's appeal fails

THE appeal by the national secretary of the Conservative Party against his 14-day prison sentence has failed in the Pretoria Supreme Court.

Andries Beyers refused to disclose the identity of his source for a report claiming State Intelligence kidnapped a witness in the "Winnie Mandela trial".

Mr Justice van Dijkhorst yesterday said the reasons offered by Beyers for not revealing his source were insufficient. *Sowetan* 24/9/91

Beyers was appealing against the finding of a Pretoria magistrate, who sentenced him to 14 days' imprisonment for not disclosing the source for the report "State abducts witness" which appeared in the February 15 issue of the CP mouthpiece *Die Patriot*.

Although Beyers testified and disclosed all the information he said he had, he refused to give any information which could lead to the identification of the source.

Mr Justice Roos was also on the Bench.

Van Dijkhorst said Beyers' first reason for not disclosing his source because he had given his source his word, was insufficient.

So too was the second that, as it was the duty of the official Opposition to make known allegations of alleged malpractices by the Government, their sources would dry up should they disclose their identities.

He said it was strange that, although Beyers could have made the information known in private before a magistrate, he chose to testify in open court. - *Sowetan Correspondent*

Star 24/9/91  
**2 AWB members  
appear in court**

Two AWB members appeared in the Ventersdorp Magistrate's Court yesterday on charges of public violence following the battle between the right-wing movement and police over President de Klerk's visit to Ventersdorp on August 9. Henry de Beer (40), of Krugersdorp West, and Cornelius Mostert (46), of Stilfontein, were warned to appear again on November 19. Their 12 co-accused are expected to appear in court today. (33) (24)

*Star 25/9/91*  
**12 more AWB  
men in court** *331*

Twelve AWB members appeared in the Ventersdorp Magistrate's Court yesterday on charges of public violence following the clash between the organisation and police during President de Klerk's visit to Ventersdorp on August 9. The men were ordered to appear again on November 19.

# 'Hit squad' members identified

*Sowetan 26/9/91*

*331*

*250*

*250*

TWO South African Defence Force men implicated in events surrounding the death of Chief Mhlabunzima Maphumulo were correctly identified by inquest witness Siphso Madlala at an identity parade yesterday.

Fourteen SADF men in civilian clothes filed into the Maritzburg Supreme Court and Madlala was asked if he recognised any of them.

He named the second man in the lineup as Sabasaba, one of three men he alleges shot Maphumulo and who was a member of an alleged SADF hit squad unit.

He named the last man in the lineup as a Sergeant Grobler, who he claims was in charge of an alleged SADF hit squad unit.

Madlala has claimed Grobler knew about the plot to kill Maphumulo and gave the unit its orders on other operations in which people were killed.

He also recognised a third man in the parade who identified himself as a Gumede. Although Madlala has named a Gumede as one of the men who shot Maphumulo, he said this was not the same man.

The hearing is continuing. - Sapa.

# ANC asks firms to help exiles

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Sowetan  
26/9/91

The ANC in Natal yesterday appealed to the business community to try to employ returning exiles.

The organisation said it was having financial difficulties in reintegrating returnees into South African society.

At a Press conference in Durban, southern Natal ANC chairman Mr S'bu Ndebele said there were still 40 000 exiles waiting to return to South Africa.

The exiles who had returned after June had not received any cash from the ANC because of a lack of funds, he added.

Prior to the financial difficulties, returning ANC members had each been given R300 by the National Co-ordinating Committee for the Repatriation of South African Exiles and R2 225 by the ANC.

About 100 ANC members recently confronted officials at the ANC's Durban headquarters, demanding to know why

SAPA

they had not received the cash pay-out due to them.

Officials explained that the money for returnees had run out but added the ANC was presently raising funds and they would be credited as soon as possible.

The ANC was also expecting the United Nations to begin bearing the costs of returnees from later this year.

Meanwhile, the ANC in Natal was working on programmes to reintegrate returnees into society.

This process was difficult as "we are still a liberation movement, yet we're assuming the responsibilities of a government," said Ndebele.

ANC information official Mr Dumisani Makhaye appealed to the business community to try to employ returnees.

# Paralysed Soweto teenager claims R800 000 from police

By 10 Aug 26 1991

SUSAN RUSSELL

THE mother of a Soweto teenager who was left partially paralysed when he was allegedly shot by police during unrest at a funeral in 1989, is suing the Minister of Law and Order for R880 000 damages in the Rand Supreme Court.

Paulina Monamodi is suing on behalf of her son David who turned 15 in January.

He suffered spinal injuries which left him partially paralysed after he was shot in Zola, Soweto, on September 16 1989.

He is claiming past and future medical expenses, loss of amenities of life, disfigurement and pain and suffering.

The police deny they shot Monamodi during a Soweto funeral. They claim they fired towards a procession, but the injured youth was found in a coal yard about 50 metres behind them.

Capt Jacobus du Preez told the court yesterday he gave the order to open fire after a man at the front of the procession fired two to four shots in rapid succession.

Du Preez said ammunition and not tear-gas was used because police lives were in danger.

"It was an 'us or them' situation," he said.

Du Preez said he ordered his personnel

to stop shooting when people began running away and told them to look for dead and injured, but none were found on the spot.

However, cries were heard coming from the coal yard, and it was there that an injured child was found.

Du Preez, who said he was stationed in Soweto from 1984 to 1989, told the court it was common practice for crowds in riot situations to remove the injured and dead to prevent police questioning those who had been hurt.

The injured were not usually taken to hospital, but treated in people's homes.

According to his experience, there was always violence at funerals with political overtones, and funerals had been used for political purposes and hijacked by comrades.

Residents were forced to participate in processions, he said.

He told the court he did not know if the funeral had been political although there had been ANC and SA Communist Party flags displayed.

# Youth (15) sues Minister, claiming police fire left him semi-paralysed

By Susan Smuts

28/9/91  
A semi-paralysed 15-year-old youth is suing the Minister of Law and Order for R880 000, claiming the police caused his injury by firing at him during a funeral in Soweto in 1989.

His mother has brought the application in the Rand Supreme Court on his behalf.

Mr Justice N MacArthur heard yesterday that the police found no injured or dead people after firing at a crowd 400 to 500 strong on September 16.

Captain Jacobus du Preez, who was stationed in Soweto at the time, said he and a colleague stopped their car in front of the crowd — which was holding an ANC and a SACP flag — and climbed out. Someone in the crowd immediately fired at them. They fired back with their 9 mm service pistols.

Two more policemen arrived and the crowd threw stones at them.

"I realised our lives were in danger. It was us or them, and I gave orders for shotguns to be used. The group turned

around and ran away, and we stopped firing."

He said the police did not use teargas as it would not have helped at that stage.

The police then combed the area for injured or dead. While they were searching, someone called Captain du Preez and said a child had been injured. However, the police did not find the child and left the scene. Captain du Preez said injured people were usually taken away by sympathisers to prevent the police questioning them.

Captain Du Preez said

in his experience, funerals with political overtones were characterised by violence.

"Stone-throwing was the order of the day. There were also an extraordinary number of stolen weapons, mostly shotguns stolen from police . . .," he said.

Under cross-examination by Danny Berger for the youth, Captain du Preez said innocent people and police were often injured or killed by those attending political funerals. Private funerals were often hijacked.

The trial continues.

# Four teenage murderers in court

Court Reporter

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Four Edenvale teenagers, who brutally killed a black man by stabbing him and hitting him with a hammer and a hockey stick, appeared briefly in the Rand Supreme Court yesterday.

Brian Derek Scheepers (19), Brenden Greig Hastings (18), Craig Lambton-Carr (19) and Gary Richard Martin (19) were

found guilty earlier this month of murdering Sicele William Mbethe on May 26 last year.

Mr Mbethe had been walking along a road in Edenvale when the four, who were travelling in a car, stopped. They all climbed out and hit him with fists and a hammer. They also kicked him.

Mr Mbethe tried to escape, but was knocked down by the car driven

by Lambton-Carr.

The four again assaulted him, and then stabbed him several times. The teenagers left, and Mr Mbethe died on the scene of a fractured skull, cerebral contusions and stab wounds which penetrated his lungs.

Probation reports, which were to be handed to the court yesterday, were not ready and the trial was postponed to December 4.

# Arrested man to get R22 000

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*Sowetan 27/9/91*

**THE Appeal Court yesterday dismissed an appeal by the Minister of Law and Order against a judgment in which he was ordered to pay a trade unionist R22 000 for unlawful arrest and detention.**

Mr David Mthuzimele Thandani, an organiser of the Transport and General Workers' Union, was arrested on August 17 1983 at the African Food and Canning Workers' Union office in East London.

He was detained by the security branch of the South African Police and, later the same day, was handed over to members of the Ciskei Security Police, who detained him until October 14, 1983.

While he was detained in the Ciskei he was neither interrogated nor charged with any offence. He was never brought before a court of law in Ciskei.

On October 11, 1989 Mr Justice JFJ van Rensburg, in the Eastern Cape Supreme

## SA Press Association

Court, ordered the Minister to pay damages of R22 000, with costs, to Thandani.

Yesterday Mr Justice Joubert said the Minister's defence was a denial that the detention and handing over of Thandani was wrongful and unlawful. It was also claimed that he was lawfully detained by the government of Ciskei.

The judge said that the evidence of the police captain, who testified at the trial on behalf of the Minister, was virtually destructive of the Minister's entire defence, save for the alleged validity of Thandani's detention in Ciskei.

He correctly conceded the invalidity and unlawfulness of Thandani's arrest and detention without a warrant of arrest.

The arrest and detention was executed on the instructions of the captain's commanding officer, since a request had been received from the Ciskei government.

# Funding drought for human rights trials

(331)

ANY defendants in what would normally be regarded as political cases are going unrepresented because human-rights funding is drying up.

One attorney working for a major law firm told *The Weekly Mail* that their public-interest department had two clients facing capital charges whom they were unable to continue representing. He has had to give the same message to the family of a man allegedly electrocuted by the police: "We want to represent the family at the inquest, we want to institute civil proceedings, because we've got two reliable witnesses. But we can't take it further, because we don't have the funds."

Another attorney told of phone calls he kept receiving from a paralegal in the Eastern Cape who was trying to keep his law firm going — after his broke employer decamped to join a major corporation — from a tickey box on the local beach front. The aspiring clerk was checking in at his

open-air "office" and making as many calls as coins and queues permit, phoning around the country in a despairing effort to get money and representation for frantic clients.

Recently, when asked by the Johannesburg lawyer why he had not gone to the African National Congress for help, the paralegal said he had tried: "Their switchboard kept him on hold for so long that he kept running out of money."

Although few public-interest lawyers are reduced to such straits, all are feeling the squeeze as the drought in human-rights funding continues. Specialist departments of major partnerships and some smaller firms are threatened with closure and some advocates are having difficulties collecting their fees.

Especially hard hit are the rural districts. According to one attorney: "There has been a flood, particularly in the *platteland* areas, of people having their attorneys withdrawn weeks or days before their trials come up — even in murder cases."

The flow of foreign money for legal fees in human rights cases has been reduced to a trickle and lawyers are battling to adequately represent clients.

By BELINDA BERESFORD

More sceptically, another lawyer said that although there was a drought in funding, it tended to be possible to get money for "genuine human rights work" such as removals. "Whereas before it (funding) was a wonderful tap that one could switch on whenever one wanted, that no longer exists. Which is not a bad thing at all."

Whatever its merits, the financial crunch appears to have been the product of a range of factors. One of them has been a bumpy hand-over to local control of the funding operations of the London-based International Defence and Aid Fund (Idaf). The London agency was to have shut down its operations in April, but the Cape Town-based South African Legal De-

fence Fund (Saldef) — which was to have taken over its fund-raising activities — failed to get its act together in time. Idaf had to be asked to keep going until the end of this month by which time Saldef hopes to be up and running.

Idaf's director in London, Horst Kleinschmidt, confirmed to *The Weekly Mail* this week that funding was slightly down on last year, when R35-million was sent out to South Africa by the agency to fund political trials. The agency had more than 150 attorneys and 80 advocates on its books in 1990.

The fall-off in funds is due partly to the rival attractions to donors of the Eastern bloc. As Kleinschmidt put it: "The money will never be quite at peak levels again. In times of repression we had an issue that we could trade around the world. Now it isn't as burning an issue as it was."

A perception is apparently developing among donors that it is time South Africa developed its own legal aid structures to fund defence lawyers. A

campaign along those lines is expected to be a priority of Saldef when it finally gets going.

There is also seemingly a reluctance among donors to remit funds to a London-based agency when there is no longer any bar to their paying directly to South Africa. During the quarter of a century that it was outlawed by the National Party, Idaf ran an extraordinary covert operation by which it managed to smuggle an estimated £100-million to fund defence teams in political trials as well as supporting political prisoners and their families.

Other factors behind the funding drought include an apparent switch in the type of work demanded of public-interest lawyers as a result of changed political circumstances. Although political trials are continuing — in the form of public violence cases — a growing demand for legal assistance is reported in the area of development or "pro-active" work. Some, more critically-minded attorneys, argue that the "civil rights" experts are proving overly slow at making the transition.

# Payout not enough — burnt kid

By **MONWABISI NOMADOLO**

**FIFTEEN-YEAR-OLD** Frank Mukhwathi will soon be the the richest person in Tshituni, a miserable village in a poverty-stricken area a few kilometers from Thohoyandou, Venda's capital city.

He will get R40 000 court-ordered compensation from farmer John van Deventer, who was found guilty of assault in the Louis Trichardt Magistrate's Court after he had fastened a metal ring around Frank's left hand which he welded to a steel table. He then poured petrol over the boy, turning him into a human torch.

But the R40 000 will not take away the burn scars on Frank's chest, chin and hands — which will be a reminder of his terrible ordeal for the rest of his life.

Van der Westhuizen had pleaded not guilty to the charges of assault, but the court accepted Frank's evidence that the farmer had assaulted him and chained his legs before the ordeal started.

Van der Westhuisen was fined R5 000 or two years' imprisonment.

In addition, he was sentenced to five years' imprisonment, which would be suspended if he paid the youngster R40 000 compensation. He chose to pay.

The magistrate ordered him to pay R10 000 by Tuesday, R15 000 by October 15 and the outstanding balance by November 15.



**PAYOUT ... Frank now wants to become a taxi driver.**

**Torched  
boy will  
get R40 000**

Frank told City Press that the the money was "okay," but not enough.

"It's better than nothing. But he should have paid more, because this was the worst thing that has ever happened to me."

During the trial it was revealed that Van der Westhuizen's only asset was a motorbike. He earned R2 000 a month, but said his em-

ployer had given him a loan.

He agreed outside court that he would pay the money to stay out of jail.

Frank's mother, Johanna Lefoka, 57, told City Press she was happy with the outcome of the trial.

"At first I could not believe my eyes when I saw my son in agony," she said.

Lefoka, who has five other sons, told City Press from her dusty hut that her family was on the verge of starvation as she was no longer employed. She left her job when Frank was assaulted.

Originally from Hammanskraal, she came to Venda with her now divorced husband, Gidion Mukhwathi, in November, 1969.

Lefoka has since remarried, and gets no maintenance from her former husband.

"I left him when he brought a pregnant woman called Rosina to our quarters on the farm, and the boys became my responsibility," she said.

Frank has not decided what to do with the money, but his big wish is to become a taxi driver. His mother is going to look after the money and he wants all of it put in a bank so it earns interest while he makes up his mind.

■ Frank will be sentenced in the regional court tomorrow for stealing a TV set from a holiday resort which borders the farm where he was "welded" and burnt. He has three previous convictions for similar offences.

# Madlala: 'no talk of hit list'

CP Correspondent

LAKALE Kaunda, the *Natal Witness* reporter who was first to interview self-confessed military intelligence agent Sipho Madlala, this week denied Madlala told her about a security police hit list.

Kaunda said the only name of a person supposed to be killed, and mentioned by Madlala, was that of trade unionist Alfred Ndlovu.

Kaunda was giving evidence at the Pietermaritz-

burg Supreme Court inquest into the death of former head of the Congress of Traditional Leaders of South Africa (Contralesa) Chief Mhlabunzima Maphumulo, who was gunned down on February 25. *CP Press 29/9/91*

Madlala - who confessed to being part of a plot to murder Maphumulo - told the court he had seen a two-page hit list at the Halfway House police station in the possession of Det WO Piet Scott.\*

He said he told Kaunda about this but had asked her not to publish it.

Madlala said Ndlovu's name was second on the list behind that of local ANC leader Harry Gwala. *(331)*

Kaunda also pointed out that some parts of the transcription of their recorded interview were incorrect and the tape itself was inaudible.

Madlala had earlier refused to answer questions related to contents of the tape as he believed it had

been edited. He also said he had made the interview as part of a security branch plot to infiltrate the ANC. *(334)*

City Press reporter S'bu Mngadi told the court about his meetings with Madlala. The inquest was adjourned to October 21. Meanwhile, the house of an interpreter at the inquest, Themba Qwelane, was set alight last week. It could not be established if the attack was connected with the inquest.

## MK man jailed over arms

A GRAHAMSTOWN Umkhonto weSizwe member has been sentenced to an effective six months' imprisonment for illegal possession of arms and ammunition.

Tony Yaka appeared in the Kenton-On-Sea Magistrate's Court charged with 20 counts of attempted murder, malicious damage to property and possession of firearms. But he was found guilty only of the charge

of illegal possession of arms and ammunition, and sentenced to three years' imprisonment. Two and a half years were suspended for five years.

He had pleaded guilty to the arms charge.

The charges stem from bombing incidents at councillors' houses in Queenstown in January. It was alleged Yaka had attempted to murder the councillors with hand-

grenades.

It was further alleged that an AK-47 rifle, hand-grenades, limpet mines and rounds of ammunition were found in his possession. (331)

However, in court the defence argued that a "confession" the State alleged Yaka had made regarding bombing councillors' houses in Queenstown was made "under pressure".

# Cop shot schoolboy hiding under bed

By DAN DHLAMINI

A POTCHEFSTROOM inquest was told this week how a policeman shot Std 9 schoolboy Bongi Nyokong, 17, as he hid under a bed in a teacher's home on February 23 last year.

Schoolteacher Marcus Mosete told magistrate Piet Myburgh that his

neighbour, Const Ephraim "Fente" Rampete, rushed into his home carrying a gun and asked where Nyokong was.

Rampete went into the bedrooms and then told some policemen waiting outside that he could not find him.

"A white policeman

pointed at a window of my house. Rampete ran back inside. Shots rang out. The white policeman and I also rushed into the house where we found Rampete dragging the injured boy by his leg from underneath the bed."

The captain called an ambulance and Nyokong died in hospital.

The inquest was adjourned to October 7, when further evidence will be led. (331)

■ In a separate case Rampete will appear before a Potchefstroom magistrate on October 3 charged with pointing a firearm at Clifford Daniel Burford on July 21 at Ika-geng.



**HORROR RELIVED...** Frank Mukwathi at home with his mother, Johanna Letoka. Right, Mukwathi recreates the ordeal in which a farmer bound him in chains before welding him to a workbench. He was then accused with petrol and set alight. **PHOTO: SIPHERI MHLAMBI**

## R40 000 'not enough'

**FRANK** Mukwathi might soon be the richest person in the impoverished village of Tshitumi — but he doesn't know whether to laugh or cry.

This week Mukwathi, 14, was awarded R40 000 damages by a Messina magistrate after his ordeal at the hands of an enraged farmer, John Van Deventer.

Mukwathi was bound in chains which were welded to a work bench. He was then set alight.

His story hit the headlines throughout the country, highlighting the plight of farm workers at the hands of their employers.

With a yawn smile, Mukwathi told City Press the money was "okay, but not enough".

He said: "It is better than nothing because this is the worst thing that ever happened to me."

The court heard that although Van Deventer earned R2 000 a month as

manager of the farm, his only asset was his motor-cycle. (331)

In another apparently racist attack in Messina, a City Press team covering Frank's story was attacked without reason at a Messina hotel.

Reporter Monwabisi Nomadolo and photographer Sipheri Mhlambi were assaulted for chatting to, and sharing a drink with, a white man. **See pages 4, 5**



# Murder court 331 awaits report

By MARTIN  
NTSOELENGOE

SENTENCING of four whites who brutally murdered a black man was again postponed to December 4.

After they were found guilty in the Rand Supreme Court this week for the "extremely brutal and senseless unprovoked attack" on Sicelo William Mbethe, their defence counsels asked that their case be postponed for a probation officer's report.

The four - Brian D Scheepers, 19; Brenden G Hastings, 18; Craig Lambton-Carr, 19; and Gary R Martin, 19; all of Edenvale, are in custody.

Convicting them of murder, Judge Labuschagne, sitting with two assessors, found the four knew they could cause the death of their victim in Edenvale on May 26 last year.

The court had heard that Mbethe started running away when the men's car stopped next to him, but the four gave chase. Lambton-Carr punched Mbethe and Martin hit him with a hammer.

Lambton-Carr, who was driving, ran down Mbethe then got out and kicked him.

Hastings hit Mbethe on the head with a hockey stick and Lambton-Carr and Scheepers stabbed him with a knife.

They left him there and drove off. Mbethe died of his injuries.

# IFP train suspects get bail

By MARTIN  
NTSOELENGOE

THREE Inkatha Free-  
dom Party supporters  
who were allegedly in-  
volved in the Kliptown  
train massacre on June 25  
were each granted  
R5 000 bail by a Johan-  
nesburg Magistrate this  
week.

Khulekani Mvelase,  
21; Mlanduleni Mchunu,  
22; and Richard Majola,  
28, were not asked to  
plead before R Le Roux  
and their case was post-  
poned to November 12.

They must report to  
Protea police daily.

The three are alleged to  
have killed seven people:-  
Lea Ledwaba Peterson,  
Blatina Mmabatho Se-  
lepe, Moses Matsabela,  
Johannes Banda, Marie  
Maggie Nzimande, Al-  
bert Ramokgadi and Ella  
Jane Xaba - and attempt-  
ed to murder 18 others.

Granting bail, Le Roux  
said the brothers of the  
three, who lived with  
them in Nancefield hos-  
tel, promised they would  
ensure the trio stood trial.

INTEREST rates moved into the forex market limelight again this week as the long-awaited US unemployment figures faded into the distance and sentiment towards the dollar turned bearish.

Forex markets switched their focus from the better-than-expected unemployment figures towards an expected US interest rate cut, which would widen the already significant interest rate differential between the US and Germany. The differential between German and US three-month Eurodollar interest rates is currently at 3.6% in favour of the Deutschmark.

Market sentiment is divided on the possibility of a decline in the interest rate and most expect that the Fed will wait until the release of inflation and retail sales data later this week before moving interest rates. But the sharp fall in the dollar during the past week indicates that an interest rate cut has already been largely discounted into the currency.

The dollar was unexpectedly battered by the unemployment data and lost ground against most of the major currencies from Wednesday last week to yesterday morning. It fell by 2.5% against the Deutschmark, 2.3% against the sterling and 0.8% against the yen.

US unemployment remained unchanged at 6.8% in August, with non-farm payrolls rising

# Interest rates loom over dollar

SHARON WOOD

by 34 000. This was better than the forecast 6.9% unemployment rate or 22 000 rise.

The fall in the dollar could be due partly to the fact that July's unemployment figures were revised downwards substantially. Standard Bank says this encouraged the normally forward-looking forex market to sell the dollar and break out of the trading range of between DM1,72-1.75 which has governed since the end of the Soviet crisis.

FNB technical analysis shows the dollar at last penetrated below the longer-term neckline of the head and shoulders formation. The dollar breached a resistance level of DM1,6850 yesterday, leaving a reasonable medium-term objective of DM1,6430. The expected trading range for the dollar this week is DM1,6850-1,7171.

Analysts say although sentiment against the dollar turned bearish last week the long-term trend was still expected to be upwards.

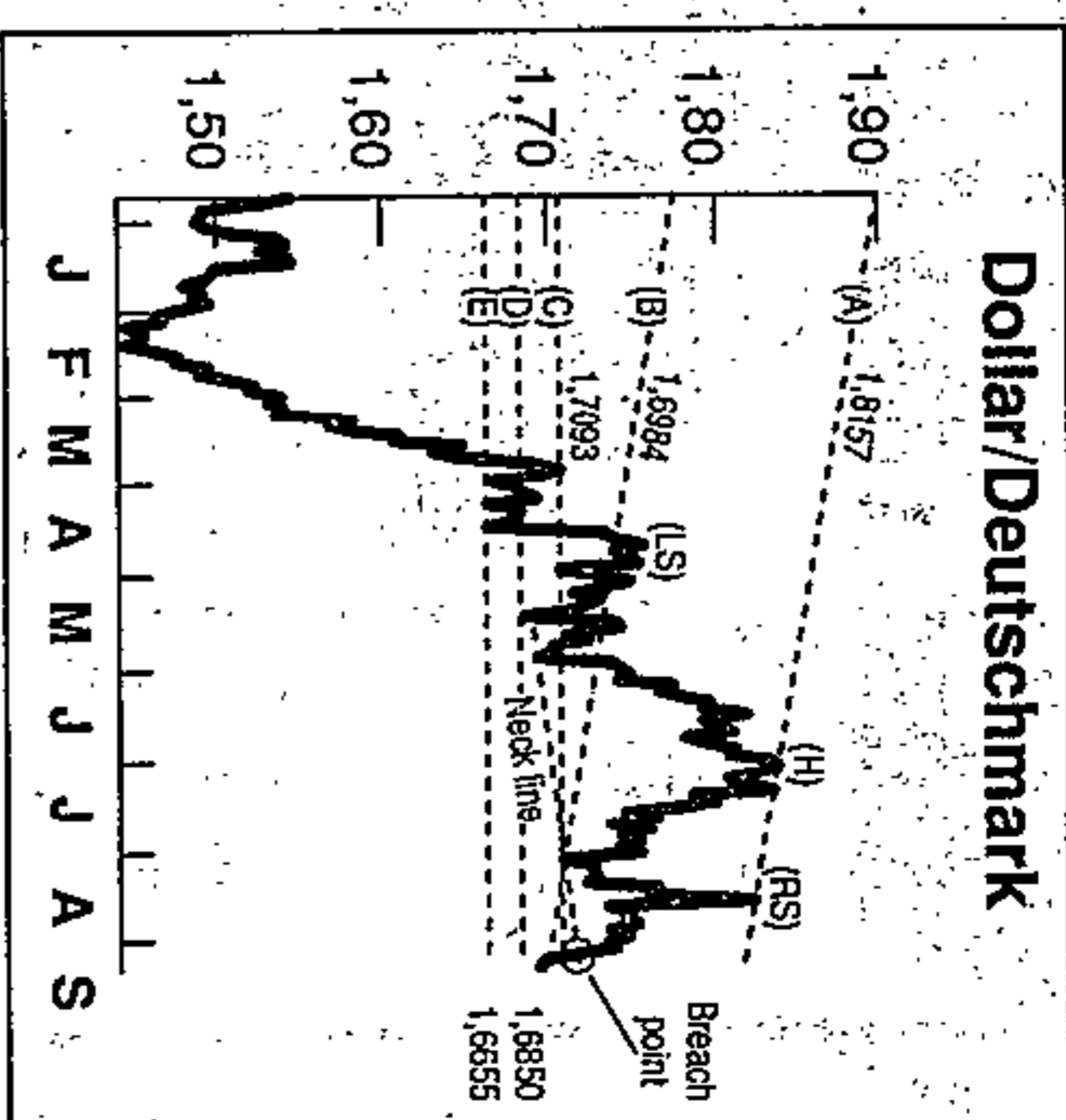
Sentiment towards sterling has turned bullish despite a cut in UK domestic lending rates last week. Better political sentiment towards the Conservative Party, ahead of a possible general election as early as October this year, probably outweighed the effect of lower interest rates on sterling.

Standard Bank says it has been generally believed that sterling would be vulnerable to political uncertainty ahead of the election. But it is now felt that as long as the Conservatives can sustain and build on their current opinion poll lead, sterling's perceived political risk premium may not be as great as originally thought.

There are also signs that the UK economy is moving out of the recession, which is adding further strength to sterling.

Political and economic activity in Japan was quiet and movements in the dollar dictated the yen's direction. Expectations of a cut in Japanese interest rates have been pushed forward to October.

The rand gained 1.1% against the dollar from Wednesday last week to yesterday on the back of the weaker dollar.



Graphic: FIONA KRISCH Source: TELETRAC

Movements in the international gold market were uneventful, with the gold price consolidating below the \$352.20 resistance level. FNB says although there may be tests of this resistance level, they are expected to fail and eventually the price is likely to retest a support level at \$346.70.

FLYING paper aeroplanes, doing the cross-world and relaxing over a cup of coffee were just some of the activities in international forex markets last week as dealers waited for currencies to break out of their extremely narrow trading ranges.

US unemployment data due at the end of this week should end the boredom and determine dollar direction in the short term.

If a forecast 27 000 rise in non-farm payrolls for August materialises, the dollar should be jolted out of the lethargy characterising forex markets at present. This would follow a disappointing 51 000 drop in July.

Currencies traded narrowly worldwide and on Tuesday the dollar/yen traded in the narrowest range for 16 years between 136.81-136.85 yen. Forex markets are wary of taking a stand based on the mixed US economic data released last week and the still uncertain conditions in the Soviet Union.

Economic indicators released last week reaffirmed views that the economy was moving unevenly out of recession, with consumers not spending because they could not afford to.

The pressure of recession on individuals' wealth in the US was reflected in figures released last week. Jobless claim figures showed the growing number of jobless workers exhausting their unemployment insurance benefits and not qualifying for further aid.

Analysts say confidence would improve if US

# Narrow ranges make life dull

SHARON WOOD

President George Bush signed the emergency order to activate the extension of unemployment benefits.

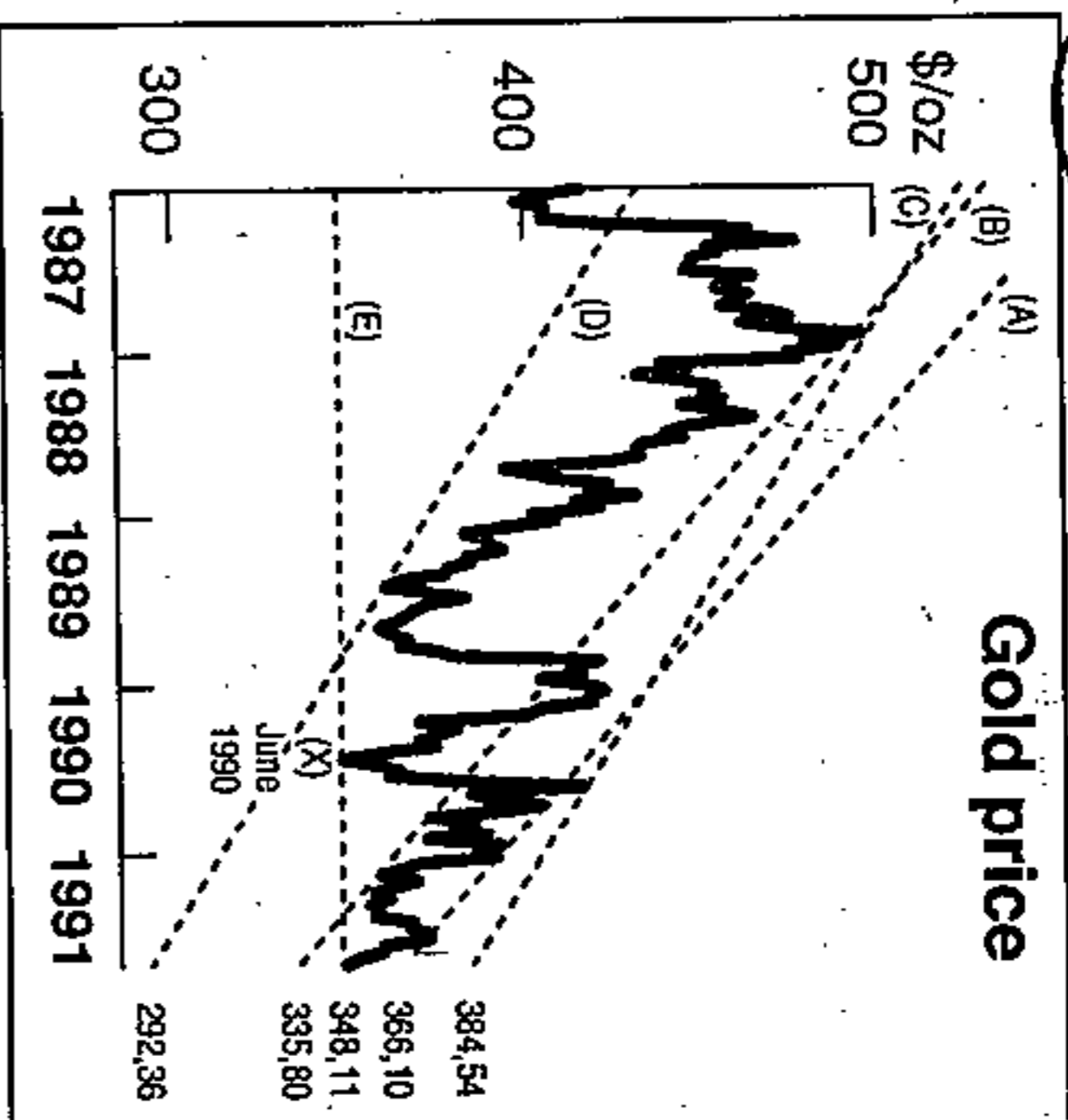
The direction the dollar will take at the end of the week will also depend on whether the speculated US interest rate cut occurs. The Fed has already indicated it will not cut its discount rate.

Market expectations of an interest rate cut in the US are based on the belief that the economic recovery needs a push in the right direction.

FNB technical analysts say the ranging activity of the dollar is expected to continue for the time being but the range is narrowing, suggesting a breakout can be expected in the near term.

The longer-term view is the dollar will test and break through the neckline of the head and shoulders formation at DM1,7148. The forecast range for the week is DM1,7148-1,7644.

Political uncertainty in the Soviet Union continues to overshadow international conditions. Forex markets will probably remain wary of



Graphic: FIONA KRISCH Source: TELETRAC

the Deutschemark until the uneasy calm in the Soviet firms into stability.

The Soviet financial situation is much the same as SA's. Investors are only prepared to invest short term and longer-term money will

flow in only once political and economic confidence has been established.

Once this happens the Japanese may lead the way because they are geographically well positioned to do business with the Soviet Union. Trading companies are already looking at developing markets as the republics break up into separate entities.

On the local front the rand shadowed the dollar, weakening slightly during the week. A decisive breach of the rand's support levels at \$2,8623 could be precipitated by a stronger dollar, if employment figures are favourable, say FNB analysts.

Against the third currencies the rand gained ground against the Deutschemark and yen but weakened slightly against the pound.

The gold price continued to disappoint, finally breaking below the \$350 level during the week.

The graph shows a longer-term perspective of the gold price since 1987. The recent performance indicates the precious metal's price has real potential of breaking out of the medium-term bear trend (AB) it has been in since mid-1990 into the longer-term bear trend (CD).

The gold price is now retesting the low weekly close in June 1990 (X), when it fell to \$348.11. A penetration of support here is very bearish because it will herald much lower levels, perhaps as far down as \$330, say FNB technical analysts.

## Data show US economy making a slow recovery

WASHINGTON — The number of Americans filing new unemployment claims remained frozen at 421 000 in late August, says government — a sign that employers are still letting workers go.

In other weak economic news, US workers' productivity rose 0,5% year on year in the second quarter — a much weaker performance than first believed — and business investment plans were at a five-year low.

Leading retailers reported that the consumer spending slump extended into the back to school shopping season, when the sales pace usually accelerates.

Analysts said the numbers added up to an economy that had failed to make much headway toward recovering from the recession. "In past recoveries, 'shot out of a cannon' is a typical phrase for describing the economy. What's happening here is crawling out of a hole," said Boston Company chief economist Allen Sinai.

The unemployment claim report could mean equally bleak numbers in the unemployment report for August, analysts said. Most said the unemployment rate probably inched up to 6,9% from July's 6,8%. A separate survey of business establishments would probably show that the economy added relatively few jobs last month, they said. — Sapa-Reuter.