

TOTALITARIANISM - POLITICAL TRIALS

1993

JAN. — JUNE

Subpoena threat

PAC faces legal action

Sowetan 5/1/93
By Themba Molefe
Political Reporter

THE GOLDSTONE COMMISSION may subpoena Pan Africanist Congress leaders to testify in its special inquiry into the activities of organisation's military wing, the Azanian Peoples Liberation Army.

This step would be taken if the PAC ignored present requests by the commission to testify voluntarily, a spokesman for the commission said yesterday.

This development came as the PAC claimed the Government had flown in Apla dissidents from abroad to testify before a committee of the commission presently sitting in Port Elizabeth.

Campaign to discredit Apla

The PAC told *Sowetan* that its intelligence sources had information that one of the two dissidents was Mr Justice Nkonyana, a former Apla commander who was allegedly involved in the assassination of former PAC leader Mr David Sibeko in Tanzania in 1979.

The organisation said this was part of a campaign to discredit Apla and the PAC.

The spokesman for the commission said both committee chairman Mr Gert Steyn and the chairman of the Goldstone Commission Mr Justice Richard Goldstone had no knowledge of PAC or Apla dissidents being flown in to testify.

Only South African Police and SA Defence Force witnesses gave evidence yesterday.

The hearing will adjourn until Monday.

Refusing to co-operate

Meanwhile, PAC publicity director Mr Waters Toboti said the organisation remained adamant that its information was true and that it would maintain its stance of refusing to co-operate with the commission even if subpoenaed.

"We have said in the past that the Goldstone Commission was appointed to inquire into public violence between rival political groups in which we are not involved.

"Secondly, the commission was appointed by the Government and is therefore not credible," he said.

● See also page 4

Subpoenas for leaders if they refuse to testify on Apla

Ultimatum to PAC

Own Correspondent

STAR 5/11/93

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had no knowledge of PAC or Apla dissidents being flown in to testify.

The committee heard yesterday that the Azanian People's Liberation Army (Apla) carried out at least 41 terror attacks in South Africa in 1991 and 1992 and used Transkei as the base for its campaign.

Counsel for the South African Police, Francois van Zyl, told the committee investigating the activities of the PAC's military wing that various attacks had been carried out on the instruction of the Apla high command in Transkei.

The police had information from arrested Apla members and other sources that Apla members had undergone military training in Tanzania, Libya, Uganda, China, Zimbabwe, Egypt and Nigeria.

Apla had about 120 trained members inside Transkei, although the number of members who had received "crash training" courses in the territory was not known.

Van Zyl named 10 places in Transkei, including Sterkspruit, Umtata and Butterworth, where Apla recruits had undergone "crash" training in the use of AK-47 and R-4 rifles, landmines,

● To Page 3

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Ultimatum to PAC leaders.

● From Page 1: grenades and 9 mm pistols.

Apla members were ordered to commit robberies and to steal vehicles for sale in neighbouring countries to raise funds, he added.

He told the committee, that the SAP had information indicating that evidence of Apla camps in the homeland was being destroyed.

Referring to an admission by military ruler Major-General Bantu Holomisa that the Transkei Defence Force (TDF) had lent 9 mm pistols and ammunition to Apla and Umkhonto we Sizwe (MK) in April to protect

their leaders, Van Zyl said Transkei should submit those weapons for ballistic testing to see if they had been used in terror attacks.

Apla had plans for more attacks on policemen, farmers and other civilians, he added, submitting that Apla's activities could not be divorced from the PAC.

He presented a memorandum on behalf of the SAP, recommending that the committee:

● Investigate the location of Apla camps or training centres, the alleged training of Apla members in Transkei, the alleged signing of an accord between the TDF

and Apla, and the alleged supply of arms and ammunition to Apla by the Transkei authorities.

● Subpoena all persons within its jurisdiction who may have information that could help the committee.

● Request the Organisation of African Unity to prevent its members from assisting Apla and to pressure the PAC to end its policy of violence.

● Request that Transkei stop supporting Apla at once.

The Transkei government has turned down an invitation by Mr Justice Richard Goldstone for Transkei to give evidence to the committee.

Decision on judge's role in probe awaited

By Bronwyn Wilkinson

Justice Minister Kobie Coetsee is expected to decide today whether to second Mr Justice Richard Goldstone to Transkei to head an independent commission of inquiry into the activities of the Azanian People's Liberation Army (Apla) in the homeland.

A formal request for the judge's secondment from Transkei military ruler Major-General Bantu Holomisa had been passed on to the Justice Ministry and was receiving urgent attention, Foreign Affairs Ministry spokesman Awie Marais said last night. A decision could be expected today.

A Port Elizabeth-based committee of the Goldstone Commission investigating the PAC's military wing went into recess yesterday to allow Transkei and the PAC to respond to evidence led on Monday by the SAP and SADF that Apla had

used Transkei as a platform for terror attacks in South Africa.

Sapa reports that committee chairman Gert Steyn said yesterday that Transkei consul-general August Mapasa had requested copies of the testimonies so that the homeland government could study them and respond.

But Holomisa continued his defiance of requests that Transkei give evidence to the committee, stating: "Transkei will never testify before the Goldstone Commission."

He said the homeland was sticking to its decision to have its own judicial commission of inquiry into Apla activities — and into the "destabilisation of Transkei by the South African security forces" — headed by Mr Justice Goldstone.

He agreed that ballistics experts from neutral countries could test weapons lent by the Transkei Defence Force

to Apla and the ANC's military wing, Umkhonto we Sizwe, for the protection of their leaders in the homeland.

Before going into recess, the committee could find no evidence that the Government had flown in Apla dissidents from abroad to testify before the committee as had been alleged.

According to Sapa, Steyn said reports that the committee intended to subpoena PAC leaders were premature as the PAC had requested copies of the submissions made on Monday by the SAP and SADF. He expected the organisation to respond by Friday.

PAC publicity director Waters Toboti was quoted yesterday as saying the PAC was adamant its information was correct and that it would maintain its stand of refusing to co-operate with the commission, even if subpoenaed.

The committee will sit again on Monday.

Investigation into Apla is adjourned

■ Chance for parties to respond to claims:

THE GOLDSTONE Commission's committee investigating the activities of the Azanian People's Liberation Army has adjourned. *Sowetan 6/1/93*

This is to give parties an opportunity to respond to testimony by the SA Police and SA Defence Force.

Legal representatives of the police and the defence force said in testimony in Port Elizabeth on Monday that Apla had planned and carried out attacks from Transkei. The lawyers said the Pan Africanist Congress had to accept responsibility for its military wing's actions.

The chairman of the committee, Mr Gert Steyn, said yesterday the Transkeian consul-general, Mr August Mapasa, had asked that the testimony be made available to him so that the Transkei government could study it and then decide on whether to respond officially.

The committee will sit again on Monday. - *Sapa*.

Winnie may face longer jail sentence

S/Times 10/1/93 (331)

THE Appeal Court will be asked to reject Winnie Mandela's alibi for the night on which teenage activist Stompie Seipei was brutally assaulted.

And if the state argument is strong enough, the estranged wife of ANC leader Nelson Mandela could face a longer prison sentence than the one imposed at the end of her marathon trial which finished in May 1991.

Mrs Mandela was sentenced to five years in prison after being convicted on four counts of kidnapping.

She was acquitted on four assault charges but convicted of being an accessory after the fact, for which an additional one-year sentence was imposed.

Mrs Mandela's appeal against the conviction and sentence will be heard by the Appeal Court from March 24 to 26.

State advocates will argue that she should, in fact, have been convicted on the counts of assault with intent to do grievous bodily harm.

If the Appeal Court judges can be persuaded that the judge in the Rand-

By CATHY STAGG

Supreme Court should have convicted Mrs. Mandela on these charges, they would be entitled to increase her sentence.

However, her defence team, headed by advocate George Bizos, SC, will argue that Mrs. Mandela should have been acquitted on all eight charges.

During her trial, Mrs. Mandela claimed that she left her Orlando West home on the night of December 29, 1988, and went to Brandfort.

She was, therefore, not present when Stompie Seipei, 14, and three other youngsters were spirited away from the Orlando West Methodist Manse, held at her home and severely beaten.

Stompie later died and Mandela XI coach Jerry Richardson was convicted of his murder. Richardson is currently on Death Row.

Several witnesses supported Mrs. Mandela's alibi and Mr. Justice MS Stegmann found that it was "reasonably possibly true".

He found that she had authorised the kidnapping before leaving for Brandfort, but could have left before the assault began on the four youths. They had been taken to her home for interrogation about alleged sexual misconduct.

Kidnap

Since being sentenced, Mrs. Mandela has been on bail of R200, pending her appeal.

Her two co-accused, John Morgan, 64, and Xoliswa Falati, 38, will also appeal against their convictions and sentences on the grounds that the Supreme Court should not have found that there was a conspiracy to kidnap the youths.

Mr. Morgan was convicted of kidnapping but acquitted on the assault charges and given a suspended one-year sentence.

Miss Falati was convicted on all counts and sentenced to an effective six years.

Mrs. Mandela's appeal runs to 120 pages, while Mr. Morgan's is contained in 30 pages and Miss Falati's fills 20.

The state has filed about 200 pages of legal argument.

Squatter denies causing shooting

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By Tsale Makam

A RESIDENT of a squatter camp near Soweto, who was among people allegedly assaulted by police in February last year, yesterday denied he was responsible for police shooting in the area.

Mr Victor Mbunge told a Johannesburg magistrate, Mrs M Lamprecht, that he was assaulted and arrested without reason at Racecourse squatter camp.

He spent about six weeks at Diepkloof Prison and was let out after paying R2 000 bail. After seven court appearances, the case was dismissed.

He was testifying in the civil case in which 11 residents are suing Law and Order Minister Hernus Kriel for R60 000.

The action follows an incident on February 1 last year when police, who were said

Police allege that crowd became hostile:

to be chasing car thieves, allegedly fired pellets at residents of the squatter camp.

In his evidence Mbunge said on the day in question he had seen people running away. He also ran when he heard gunshots. "I saw police running towards me and I ran into a house."

Counsel for the police, Mr FH de Waal, submitted that Mbunge was the cause of the shooting, saying when the police arrested him the crowd became hostile.

He said he would prove that the chase started when police spotted two vehicles which had been reported stolen. Mbunge was behind the steering wheel and some people were pushing the car.

Proceeding.

Given weapons by ANC – witness

By Michael Sparks

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A witness told the Goldstone Commission yesterday that an executive member of the ANC had provided weapons for an attack on police in Piet Retief, while at the same time being involved in negotiations at Codesa 2.

Brandan Samson was giving evidence to the committee investigating attacks on police. He said NEC member Joe

Nhlanhla had told him to go to Piet Retief in the eastern Transvaal to find out the movements of policemen and later to return and attack them.

Samson told the committee he was given two handguns and an AK-47 in Nhlanhla's office at ANC headquarters in Shell House in Johannesburg in June 1992.

Samson was later convicted of illegal possession of arms and ammuni-

tion, but acquitted of threatening a policeman. He is due for release today after serving six months of his sentence.

When questioned by ANC counsel Azhar Cachalia, Samson said while he did not carry a membership card for the organisation, he regarded himself as a member.

● In a separate hearing into activities of the "third force", George Milaras, who had employed

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Mozambican Joao Cuna, said he had suggested to Cuna that he talk to the Vrye Weekblad, hoping it might give him personal security.

Cuna later claimed that a report that he had been paid to kill ANC activists was not what he told the paper.

The hearing was adjourned until Monday.

● Police said to add to violence — Page 6

ANC witness in Addo trial

By DAWN BARKHUIZEN
ANC activist Valence Watson and Hammer Unit member Daye Mandel are among 34 witnesses subpoenaed by the State to testify in the murder trial of Addo farmer Andre de Villiers.

Also on the list is the dead man's son, Louis, who cradled his dying father in his arms after he had been fatally wounded by gunmen outside their farmhouse on August 17 last year.

The shooting occurred just four hours after Mr de Villiers telephoned Mr Watson to say he had information on the Hammer Unit, which was allegedly responsible for killing Cradock activist Matthew Goniwe in 1985.

Two of three men arrested in connection with the murder — MK members Thamsanqua Mali, 23, and Lindile Semele, 25, of KwaZakhele, are also due to testify at the trial which

starts in Port Elizabeth Supreme Court on February 8.

The third man, Xolani Ncinane, 24, died of what police said was an AIDS-related illness while in custody.

Mr Mali is also ill and is currently receiving medication for a lung-related problem, according to SAP Eastern Cape spokesman Lieutenant Lisbe Vermeulen.

Weapons case bail opposed

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19/1/93
WELKOM — An Afrikaner Weerstandsbeweging member accused of stealing weapons and ammunition from an SADF armoury in Welkom in December had previously been involved in acts of terror, the Welkom Regional Court heard yesterday.

Opposing the bail application of Andries Cornelius Odendaal (26), the State said he had been involved in the 1991 bombing of Cosatu House in Pretoria and explosions at the Verwoerdburg and Krugersdorp post offices in 1992.

Odendaal was arrested with five other AWB members — Cornelius Johannes Strydom, Roelof Johannes Jordaan, Guillaume Cornelius Loots, Rudie Gunther Rossman and Roelof Johannes Fouche — who were granted bail ranging from R7 500 to R3 000 each.

The State said Odendaal had failed to comply with the bail conditions set after his arrest for the bomb attacks.

He was rearrested and released again on bail. But he again broke his bail conditions.

He told the court that at a men's party last year he was issued with a black uniform.

He thought he and the other men were going on a patrol but realised something was amiss when the group began cutting fences.

● Mr Justice G S Cillie ruled in the Supreme Court in Bloemfontein yesterday that the SA Police must pay the costs of a lawsuit brought by the AWB on the release of the six AWB members.

The judge said Section 29 of the Internal Security Act, in terms of which the men were held, was not applicable in this case. — Sapa

MK man on pledge by ANC

By Peter Davies

A man claiming to be a former Umkhonto we Sizwe member told a Goldstone Commission hearing yesterday that he had been promised "special training and a possible study bursary" if he went to Piet Retief to "mess up" and kill policemen. **STAR**

Brandan Samson was testifying in Pretoria to the committee investigating attacks on police. He said ANC national executive committee member Joe Nhlanhla had ordered him to Piet Retief to monitor certain policemen, and later to return and kill them. **20/11/93**

However, ANC lawyer Azhar Cachalia said the allegations against Nhlanhla and Samson's evidence would be proved to be "a tissue of lies".

Samson, who peppered his testimony with expletives, told the committee he was given weapons in Nhlanhla's office at ANC headquarters in Shell House, Johannesburg, in June 1992. He said only he and Nhlanhla knew about the mission.

Samson was arrested on the night he arrived in the eastern Transvaal town, and when he had approached Nhlanhla for legal help, he said the ANC man "Pontius Pilated" his way out of the matter.

Samson said he felt betrayed after his arrest. During interrogation he began to realise the police knew details of his mission. He had then decided to make a confession to a magistrate rather than the police.

The hearing continues today.

Mandela in sanctions offer

WASHINGTON — ANC President Nelson Mandela said yesterday he was anxious to lift sanctions as soon as possible, but South African business would first have to promise to freeze retrenchments and hire more workers.

If he could get such an assurance from companies, he told a news conference here, he would ask his executive to endorse calling off remaining international boycotts as soon as a date for interim government elections had been set.

He added that "once sanctions are lifted there is no reason why the World Bank and IMF should not get involved".

The current ANC sanctions policy was to wait until a new government had been elected, but mounting unemployment and the "threat of further retrenchments" made this untenable, Mandela said.

"It will be difficult to repair the economy if we wait until a democratic government is installed."

On the eve of President-elect Bill Clinton's inauguration, which he has been invited to attend by the Congressional Black

SIMON BARBER

Caucus, the ANC president had kind words for outgoing President George Bush.

Bush had taken a "keen interest" in SA and had "done everything in his power to help", he said. He hoped the new president would continue this approach.

Deputy international affairs director Aziz Pahad could not confirm that Mandela would see Clinton or his Secretary of State-designate Warren Christopher during his five-day stay, but sounded optimistic that meetings would be arranged.

In the meantime, Pahad said, Mandela was seeing US business leaders to encourage them to take a serious look at SA investment opportunities.

Mandela himself stressed the ANC's need for "resources" to help it mount an effective election campaign against the highly "organised and experienced" NP.

On the status of negotiations, the ANC leader said the process was now moving forward smoothly.

Lawyer quits as witness is arrested

AN ATTORNEY representing the family of an ANC member shot dead by police in 1991 withdrew from the inquest yesterday after a heated exchange with the magistrate and prosecutor.

Richard Spoor, representing the family of Vuyani Mabaxa, resigned after magistrate CG de Lange ordered the arrest of a witness for perjury.

The trial started late when the magistrate refused to allow policemen to testify first. When proceedings resumed, Spoor complained that certain witnesses had been asked to remain outside the court, while police witnesses were

LOYD COUTTS

allowed to remain inside and listen to evidence.

De Lange expressed irritation at the "pettiness going on here".

Roos told witness James Gwebu that his testimony contradicted a sworn statement made a year after the shooting.

De Lange accused Gwebu of lying, and warned him about committing perjury. Spoor said he was dumbstruck by the prosecutor's allegation.

The magistrate ordered the arrest of Gwebu for perjury.

Spoor withdrew from the inquest and De Lange postponed it to March 15.

poned it to March 15.

Mabaxa, 22, an ANC Youth League publicity official and Nehawu unionist was shot dead in Diepkloof. Police claimed he was shot after firing at police.

Gwebu said in his evidence he had heard a gunshot on the morning of Mabaxa's death and had seen three policemen chasing him.

A white policeman drove up to Mabaxa in a minibus and fired at him, said Gwebu. He fell to the ground. Roos pointed out to Gwebu that his statement had said Mabaxa had been shot by a black policeman on foot.

Fraud

From Page 1

New taxi association welcomed as 'healthy'

Stan Hlophle

The formation of a new taxi body, Taximax, was yesterday welcomed as healthy competition by the giant Southern African Black Taxi Association (Sabta).

Sabta spokesman Mike Ntlatleng, yesterday said Taximax — formed recently with two former Sabta executives James Chapman and Enos Makena among its directors — posed no threat to Sabta. Both resigned from Sabta last year amid controversy.

A Taximax spokesman said that the new organisation was not set up as a rival to Sabta. Its main objective was to assist legal taxi owners in Pretoria, irrespective of their affiliation.

Ntlatleng said competition would serve the interests of its membership and the industry.

Asked about the resignation of top executives, he said problems which had plagued

the organisation had been resolved and the executives were looking forward to turning Sabta into a profitable organisation.

A meeting to resolve a dispute over the Durban/Johannesburg route between Sabta and Eagle Liner bus company was postponed until February 4 after talks deadlocked yesterday.

This followed allegations by passengers that gunmen had forced them to leave a Johannesburg-bound bus and board minibuses at twice the price of the bus trip.

Passengers, who attended the meeting said they had been threatened and accused of supporting white businesses. Many of them had lost their luggage and food parcels.

A bus company spokesman said it was the right of passengers to choose their mode of transport.

'Poison' killer jailed for 15 years

A taxi driver who shot dead a former policeman and taxi owner from a rival faction, yesterday told a Springs Circuit Court that he committed the deed to "rid the community of poison".

Petrus Khumalo (38) was

sentenced by Mr Justice J F Myburgh and two assessors to an effective 15 years' jail for the murder of Pascallas Mea of KwaThema and for unlawful possession of a firearm and ammunition. — East Rand Bureau.

11 appear over R30-m gold theft

By Anna Louw
East Rand Bureau

Eleven former employees of Rand Refinery appeared briefly in the Germiston Magistrate's Court yesterday in connection with the theft of unwrought gold valued at more than R30 million.

The accused are Jan Botha (25) of Germiston; Jan Fourie (45) of Germiston; Louis Snyman (27) of Johannesburg; Johann Fourie (30) of Primrose; Johann Smit (21) of Springs; Edward Pieterse (23) of Prieska; Rudolph Olivier (23) of Springs; Johan Volschenk (25) of Meyerton; a 17-year-old youth of Elsburg; Andries Swart (32) of Elsburg; and Henry Howell (26) of Rosettenville. 21/1/93.

Bail of between R1 000 and R5 000 was granted. Some were released on warning.

Two other former employees recently appeared in the Kempton Park Regional Court in connection with the same theft.

Jacques Jonck (23) of Heidelberg was jailed for nine years. Reuben Lezar (29) of Elsburg was jailed for five years.

The 11 accused will appear again in March. — Sapa.

Accused 'not trusted enough to get guns'

By Peter Davies

A Goldstone committee chairman investigating attacks on police yesterday told former Umkhonto we Sizwe member Brandon Samson it was unlikely that former ANC security boss Joe Nhlamla had ordered him to Piet Retief, in the eastern Transvaal, to kill policemen because Samson was not trusted by the ANC.

Chairman Gert Steyn said, in Pretoria, that, despite Samson's insistence that Nhlamla had provided him with weapons from ANC headquarters at Shell House in June last year, it was logically "dangerous to hand out weapons to people you don't trust".

Samson claims Nhlamla ordered him to Piet Retief to monitor certain policemen, and later to return and kill them. He said only he and Nhlamla, whom he referred to as "the old man" knew about the mission.

Samson admitted he had been considered a spy by the ANC after returning as a dissident from exile in 1991. He said that Nhlamla had indicated his "case was still open" and that Samson must "show commitment to the movement" by "proving himself" on missions to Piet Retief.

He was also sent to Natal where he was to monitor the movements of alleged Inkatha man Pat "McGregor" Hlongwane. Hlongwane is the head of the returned exiles committee which campaigns on behalf of ANC dissidents.

ANC lawyer Azhar Cachalia said that Nhlamla did not have the authority to dispatch weapons, and that Samson was lying.

Court records in Piet Retief indicated that Samson previously admitted he had received weapons from a man known as Mthobi.

Cachalia said Nhlamla had admitted to "bumping into" Samson on a few occasions, but said they had never discussed any Piet Retief mission.

When quizzed by Cachalia, Samson said the ANC had an official and an unofficial policy towards the assassination of policemen.

He said the official version, as documented by Nhlamla in Durban last year, was that the ANC opposed any campaign to kill policemen.

Samson insisted that this official policy was for "public consumption" and that there was an unofficial ANC policy which tacitly condoned attacks on policemen.

MK-Apla plot to kill policemen, probe told

By Peter Davies

A Soweto police officer told a Goldstone Committee probing attacks on policemen yesterday that the ANC's military wing Umkhonto we Sizwe (MK), the Transkei Defence Force and the Azanian People's Liberation Army (Apla) had agreed last month to attack three homelands and the security forces under the banner of Apla.

ANC lawyer Azhar Cachalia vehemently denied the claim by Soweto crime information service co-ordinator Captain Petrus Grundling and said if necessary MK chief of staff Siphiwe Nyanda would give di-

rect evidence to repudiate Grundling's claims.

Grundling said his information showed that Nyanda had told delegates at a report-back meeting in Transkei on January 5 that MK, Apla and the Transkei Defence Force had made the decision at a meeting last month in Butterworth, Transkei.

In terms of the decision, the South African security forces, KwaZulu, Ciskei and Bophuthatswana were to be attacked from next month.

However Cachalia said a "simple check" would have shown that Nyanda was office-

bound at ANC headquarters in Shell House on January 5.

He said he had contacted Nyanda, who is attending the bilateral meeting between the Government and the ANC at a secret venue in the Transvaal, and Nyanda said it was the "first time he had heard of these serious allegations".

Although Grundling said he had relayed the information to his superiors, Cachalia said neither the Government nor the SAP had ever raised the matter.

Asked if there was a relationship between MK and Apla, Grundling said his informants

had told him that MK had forged close links with Apla members to eliminate as many South African policemen as possible.

Grundling testified that 31 policemen had been killed in Soweto between July 1991 and December 1992.

The areas with the highest casualties were Meadowlands (17), Dobsonville (14) and Diepkloof (11).

During the same period, SAP members had been attacked 79 times and the houses of five policemen had been damaged.

The hearing has been adjourned until March 9.

Racist remarks fly as AWB accused prepare for trial

By DAN DHLAMINI

RACIAL animosity again reared its ugly head in the Free State, but this time in a court of law, as AWB members openly insulted blacks and tried to bar them from the courtroom.

The incident occurred this week in the Welkom Regional Court where six AWB members – Roelf J Fouche, 19; Guilleme C Loots, 39; Rudi G Rossman, 23; Andries C Odendaal, 32; Roelf J Jordaan, 30; and Cornelius Strydom, 36 – appeared on charges of housebreaking and theft of R134 000 worth of weapons and ammunition from the SADF armoury in Welkom.

Before the hearing commenced, AWB members occupied most of the seats in the small courtroom and refused to make way for some blacks who wished to attend the proceedings, despite pleas from the prosecutor, Dawid Appelgryn, who was cursed by the khaki-clad gathering.

Comments such as "kaffirboetie," and "hierdie kaffirs moet hier skoert, hierdie saak het niks met hulle te waai nie" (kaffirs must scram or get out of here. This case has nothing to do with them), were hurled at Appelgryn and the black audience.

C. P. van der Merwe **Opposed 24/1/93**

The tense situation was defused by Regional Court Magistrate Andre Groenewald who decreed that AWB members should make way for other people, following Appelgryn's application.

Earlier, Welkom's control magistrate K Seaman had to put up notices prohibiting the public from entering the court premises carrying firearms.

Witnesses told City Press that AWB members, who attended the bail application hearing on Sunday night, entered the court building with firearms and AWB flags, despite the notices.

Five of the six accused were granted R3 000 bail each except for Odendaal whose application was successfully opposed by the State.

Their bail release follows their successful Supreme Court interdict against the police for holding them under Section 29 of the Internal Security Act.

In opposing Odendaal's bail application, Appelgryn said it was unlikely that Odendaal – who is linked with the bombings of Cosatu House in Pretoria in 1991 and the Verwoerdsburg and Krugersdorp Post Offices last year – would stand trial.

The prosecutor said Odendaal had skipped his R3 500 bail on two occasions and there was no guarantee that he would stand trial this time.

Appelgryn added that should the court decide to grant him bail it should be set at R15 000, after Odendaal said the AWB Legal Fund was prepared to pay R10 000 for his bail.

Forced

In his defence Odendaal said he was not part of the planning of the arms theft and had been forced to take part in the operation.

Odendaal, who confirmed that during the break-in at the SADF he wore a black uniform normally used by the "Ystergarde", the armed wing of the AWB, denied that he was a member of the AWB armed wing. He said he was an ordinary member.

Regarding the bombing of Cosatu House and the two post offices, Odendaal told the court that he had an equal share in that crime.

He told the court that his trial was scheduled for March 8 and that he had applied for indemnity.

In turning down his bail application the magistrate said he was convinced that Odendaal, who was inclined to commit crimes with a political motive, would not stand trial.

The six men will appear in court on March 2 with bail conditions stipulating no communication with State witnesses.

Their lawyers, however, strongly objected to the bail conditions, saying the State must name its witnesses so that the accused can identify them.

Hostel bomb case trio refused bail

Star 26/1/93
Court Reporter

Three men who allegedly bombed the Meadowlands Hostel in Soweto during conflict between residents and hostel dwellers were refused bail in the Rand Supreme Court yesterday.

Johannes Xiba (24) and Petrus Buthelezi (22), both students, and Johannes Matee (32), a supervisor at Dantex Explosives, were refused bail by a Johannesburg

magistrate last year.

Their appeal was dismissed yesterday by Mr Justice JC Labuschagne.

The trio are to stand trial in the Regional Court on February 10.

The Magistrate's Court heard there had been a number of explosions at the Meadowlands Hostel since May 1991 when several people were killed in clashes between the ANC and the Inkatha Freedom Party.

Judge upholds magistrate's bail ruling

THREE men, who are to stand trial in the Johannesburg Regional Court next month on charges relating to attacks on and explosions at the Meadowlands Hostel in Soweto, were refused bail by a Rand Supreme Court judge yesterday.

Johannes Xiba, 24, Petrus Buthelezi, 22, and Johannes Matee, 32, were refused bail by a Johannesburg magistrate.

In that application, police opposed bail on the grounds that Xiba, Buthelezi and Matee had been identified as participants in attacks on the Meadowlands Hostel.

The police, who alleged that Xiba and Buthelezi had received military training in Tanzania, said there were a number of witnesses who feared the three would dis-

appear if they were let out on bail.

According to the police Matee had been a supervisor at Dantex Explosives and there were witnesses who would testify they had received military and explosives training from him. *B/Dm*

Upholding the magistrate's decision to refuse bail, the judge said he could find no misdirection or incorrect conclusions on the part of the magistrate. *26/1/93*

Although he did not completely agree with the reasons given by the magistrate for refusing Matee bail, the judge said he was unable to find that this decision had been wrong.

(331) SUSAN RUSSELL

Kriel releases names of police reporting officers

PRETORIA — Ten "police reporting officers" who will deal with allegations of police misconduct have been appointed by Law and Order Minister Hernus Kriel, in line with the national peace accord. *B/Dm 26/1/93*

The SAP said in a statement yesterday that complaints of police misconduct would be referred to a police reporting officer for investigation.

In terms of the accord, the Association of Law Societies and General Council of the Bar submitted to Kriel the names of three candidates for each region, from which he could make appointments.

The 10 officers are:

- Western Cape — Christoffel Pauw, a former prosecutor and advocate with the office of the attorney-general, now in private practice;
- Northern Cape — Mark Fletcher, an attorney in private practice;
- Free State — Johannes Roets, a legal practitioner with 43 years experience at the Justice Department;
- Eastern Cape — Henning Liebenberg, an advocate well known in legal circles in the region;
- Natal — John Melville, an advocate who formerly served in the Justice Department and has a wide experience of official and private enterprise;
- Eastern Transvaal — Jan Marais, a highly qualified legal practitioner well known in the area;
- Northern and Far Northern Transvaal — Prof P van Warmelo, appointed senior advocate a few years ago in recognition of his academic achievements;
- Witwatersrand — J Munnik, an advocate who has wide legal experience in local and overseas practices;
- Soweto — Kgomatso Moroka, a Supreme Court advocate and a woman with wide legal experience;
- Western Transvaal — Andries Huisamen, a former magistrate with the Justice Department. — Sapa.

RAINBOW
CHICKEN

CHICKEN
LIMITED

(inbow")

No. 66/04972/06)

ANNOUNCEMENT

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AWB bombers refused bail

Pen 31/1/93
FIVE members of the Afrikaner Weerstandsbeweging were formally charged in the Port Elizabeth Regional Court this week for the bombing of the Patensie farm store of an ANC member on January 3.

Acting Attorney-General for the eastern Cape, Mike Hodgen, issued a special certificate which effectively denies the accused bail for four months.

A sixth man, Kirkwood farmer Stephanus Petrus Meiring, appeared in court earlier on separate charges relating to the bombing of the Qhwathi store owned by Patensie's only white ANC member, Malcolm Hepburn.

His bail of R2 000 was extended until February 24.

The case of Barend Mostert, Petrus Cornelius Lombard, Abraham Johannes Young, Andre Johan Vorster and Frans Johannes Strydom of Boksburg was postponed until February 16.

In terms of the special certificate the five "shall not be released on bail or on warnings without the written authorisation of the A-G for a period of 120 days.

The five face three counts of contravening the Explosives Act, one of contravening the Intimidation Act and one count of motor vehicle theft.

Alternative charges of arson, malicious damage to property and conspiracy to steal a motor vehicle were also entered into the record.

The A-G issued a statement saying the issuing of the special certificate reflects the fact that the A-G views the crimes in a serious light.

"The effect of the certificate is, inter alia, to ensure the expeditious trial of alleged offenders," the statement said.

The courtroom was filled with scores of stern-faced AWB supporters wearing khaki and AWB insignias.

Tears

One man, possibly a member of the Ystergarde, was dressed in black.

Outside the court building, members of the movement patrolled the area with two-way radios.

When regional court president Daan Pieterse announced the decision of the A-G, members of the AWB filed passed the dock to shake hands with the five accused.

One woman was in tears as the men were led away to Louis le Grange Square where they will be held in custody. — Pen

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NEWS Killing of Imbali ANC leader

Groups in clash outside court

■ Mayor, deputy mayor and youth on murder charge:

FIGHTING broke out between placard-carrying demonstrators and people leaving the Maritzburg Supreme Court yesterday at the beginning of the murder trial of the mayor and the deputy mayor of Imbali township.

While some spectators were inside the court, awaiting the beginning of the trial, about 20 placard-carrying African National Congress Women's League demonstrators sang and chanted outside the court buildings.

Some of the placards read: "Why are the murderers still free?", "NPA must disband Imbali Council" and "Killers must be brought to justice."

When proceedings began inside, deputy mayor Mr Abdul Awetta (56), mayor Mr Bhikelela Ndlovu (44), and a 16-year-old youth pleaded not guilty to murdering Imbali ANC leader Mr Skhumbuzo Ngwenya.

Mr Justice Combrink had the court cleared because proceedings must be in camera if an accused is under 18 years of age.

Awetta said in a statement that he was at home in Imbali when Ngwenya was killed. He denied allegations by the State that he and others had secured the services of assassins to kill him.

Sowetan

3/2/93

331

(331) ~~7/12~~ STAR 512193
'Comrades' deny killing 13

A group of "comrades" who went on the rampage, allegedly killing 13 people — nine of them children — pleaded not guilty yesterday in the Durban Supreme Court to murder, attempted murder and arson. The court has heard that a meeting, attended by the nine accused, was held at Mahlabathini near Inanda on January 12 1990. Evidence was that the group decided to go to the home of Dingidawo Xulu, an Inkatha supporter. The group armed themselves with petrol and allegedly set fire to Xulu's home and prevented the occupants from leaving.

By FRED KHUMALO

BOTH in and outside court, the trial of two Maritzburg Inkatha leaders and a youth accused of the murder of a prominent ANC activist, was a cauldron of drama, sensation, gore... and dark humour.

Former Imbali mayor and Inkatha member Phikelela Ndlovu, 54, Inkatha leader and councillor Abdul Awetha, 56, and a youth, appeared in the Maritzburg Supreme Court charged with the murder of ANC leader S'khumbuzo Ngwenya.

The state alleged that Ndlovu, Awetha and the youth murdered Ngwenya on February 8, 1992.

The indictment said the attack on Ngwenya was in retaliation for an attack on Awetha on February 5. Three neighbourhood children were killed in the earlier attack

However, a brawl between two women from opposing sides ended up with the arrest of an ANC-supporting woman.

Inkatha supporters surrounded the police van demanding the police release the woman so they could deal with her.

For the duration of the trial, scores of ANC and Inkatha supporters stood outside the court taunting each other while the ANC launched verbal attacks on the three accused as they faced the public during adjournments.

Photographer Mike Matthewsman was rescued by the police from Imbali councillor Michael Gasela and Inkatha crowds who were kicking the newsmen.

The trial continues.

Temperers fray as murder trial begins

which was launched on Awetha's car. The Inkatha leader had been taking the children to school.

Awetha and Ndlovu are alleged to have then planned the revenge attack, choosing Ngwenya as the target. They selected the minor and others to carry out the attack. It is alleged Awetha lent his Imbali town council-issued pistol to the killers.

Ngwenya was gunned down in the parking lot of a Victoria Road restaurant after having a dinner meeting with local church leaders.

It emerged during the trial that attempts had been made to conceal possible ballistic evidence by damaging the barrel and firing pin of

the pistol.

Awetha and Ndlovu, who had similar pistols, are alleged to have then exchanged the barrels and slides of their pistols.

The state alleged that they tried to persuade an official in Imbali responsible for issuing firearms to exchange Awetha's pistol, on the grounds that he was experiencing difficulty with the slide mechanism.

On the lighter side, a young man who testified on Friday had to wear a crash helmet whenever he left the witness box to avoid being identified by members of the public. Once outside the court, the young man — whose identity has

been protected by the court — was whisked away in a car.

When he came back, he was still wearing the helmet despite the searing heat.

The three accused are out on R2 000 bail.

The trial began on a dramatic note on Monday, when Ngwenya's mother sobbed hysterically after seeing a video of the murder scene which revealed her son's limp body lying in a pool of blood.

Justice J Combrink briefly adjourned the proceedings so that state counsel could ask Ngwenya's mother and his wife, Faith Mbatha, if they wished to continue watching the gory scene.

The women were adamant that they would remain.

After the day's adjournment, frenzied Inkatha supporters went on a spree of violence, assaulting pedestrians in Church and Longmarket streets near the court.

One Inkatha supporter drew a gun and pointed it in the direction of the ANC supporters. There was a great stampede as ANC supporters and ordinary passersby ran for cover.

Meanwhile, three youths cornered a schoolboy in full uniform and slapped him several times in the face. Police intervention averted near bloodshed.

Press 712 193

11/2/92

331

Inkatha leader let off hook

By MONWABISI
NOMADOLO

331

WITWATERSRAND Attorney-General Klaus von Lieres will not prosecute Inkatha president and KwaZulu Chief Minister Mangosuthu Buthelezi for leading two defiance marches last year.

In October Buthelezi led two marches in Johannesburg and Durban, protesting against the ban on the carrying of dangerous weapons in public and the fencing off of Reef hostels.

The ban was a sequel to the government and the ANC's agreement in the record of understanding which Inkatha strongly objected to.

The marchers, in the name of the "Zulu nation", defied a police ban on the carrying of dangerous weapons — claiming these were cultural weapons.

SAP Witwatersrand regional commissioner Gen Gerrit Erasmus had turned down a request by march organisers to carry weapons in public.

It has taken the A-G more than a month to reach a decision on the Buthelezi docket. The file was handed to his office just before Christmas.

Von Lieres said from police video footage it would appear the minister was carrying a cane or a walking stick and not a knobkierie.

The ANC, meanwhile, slammed the A-G's decision, saying it would send a "very wrong signal."

Azapo spokesman Dr Gomolemo Mokae said the decision was "utterly regrettable", adding violence would persist until the A-G and security forces got to be "even-handed in meting out justice."

Mayekiso in court on arms charge

THEO RAWANA

331

UNIONIST and civic leader Moses Mayekiso and three other men appeared in the Johannesburg Regional Court yesterday on charges of illegal possession of Russian-made firearms and ammunition.

Mayekiso is National Union of Metalworkers of SA general secretary and SA National Civics Organisation president. He and Mbulatsane Mnyai, 32, and John Phike, 31, all of Alexandra, and Wonga Mrubata, 28, of Plein Street, Johannesburg, were arrested in Alexandra on May 19 last year.

The four, who appeared before Magistrate J P Myburg, have pleaded not guilty. No evidence was led yesterday and the case was postponed to May 17.

A warrant of arrest issued by the court on Wednesday was withdrawn after the court found that the State and the defence had agreed they would not appear in court that day.

Bail of R4 000 for Mayekiso and R1 000 each for the other three was reinstated and extended.

Peace committee to boost advertising

RAY HARTLEY

URGENT moves to increase the powers of the national peace accord and to market the idea of peace are under way as violence continues to plague Natal and PWV areas.

The national peace committee executive was expected to discuss new powers to bolster the accord at a meeting today and a source in the peace accord's marketing committee said efforts to market the idea of peace would be stepped up in March. Peace committee chairman John Hall was unavailable for comment yesterday, but was expected to address the question of new powers for the peace accord after today's meeting.

These developments followed an announcement by Deputy Justice Minister Danie Schutte that attention needed to be given to quicker legal procedures and effective measures to be taken against those violating the accord.

The involvement of parties at local level that had not signed the accord also needed to be explored, Schutte said. He said government would not act unilaterally in increasing the legal powers of the accord, but would consult all its signatories about the new measures.

He said the national peace committee had been asked in January to look into ways of increasing its powers. Five parties had violated the accord in recent months, he added.

The peace accord is expected to adopt a

new logo, which consists of two doves on a pale blue background, by the end of March as part of a campaign with the slogan: "What have you done for peace today?"

The new marketing strategy would aim to "sell the idea of peace" to all South Africans in an effort to break down pessimism and renew hope for a peaceful future, a peace accord source said.

Peace accord structures are also expected to lessen their financial dependence on government when R1,5m in Justice Department funding runs out, the source said. Money will then be collected from foreign donors and businesses to fund the activities of accord structures.

Hall and peace secretariat chairman Antonie Gildenhuys indicated earlier this year that they supported achieving greater independence for accord structures after criticism of government links by UN observer mission chief Angela King.

These initiatives followed an increase in violence in January this year compared with the same period last year.

An monitoring source said UN and EIC monitors had been sent into Boipatong after indications this week of renewed tension between hostel dwellers and residents.

The peace accord's local dispute resolution committee was organising a meeting between Inkatha and ANC leaders and a multiparty workshop was scheduled for this weekend, the source said.

Claims investigator's car burnt as pupils run amok

WILSON ZWANE

PUPILS ran amok in Soweto yesterday morning and attacked two policemen who had entered the township to escort an insurance investigator.

Soweto police spokesman Capt Joseph Ngobeni said in a statement the incident occurred in Zone 5 of Soweto's suburb of Diepkloof.

One of the policemen was in a serious condition in Baragwanath Hospital. The other policeman escaped unhurt.

Ngobeni said the pupils robbed the policemen of their weapons — a shotgun and a 9mm pistol. A car belonging to Allen Gallon was set alight. A colleague said Gallon, who worked for Domestic and Industrial Loss Adjusters, had gone to Soweto to assess damage to a house on behalf of an insurance company.

The colleague said it appeared the damaged house belonged to a school teacher. Gallon went to a school where the man worked. While there, about 25 pupils attacked the policemen and burnt his car.

Gallon was not harmed. Ngobeni said no arrests had been made.

Sapa reports that two men were killed in an attack by a group of unidentified men in Thoboyandou yesterday morning.

Venda police said Tshifhiwa Mulangathuma, 42, was stabbed and died after being admitted to hospital. Police did not name the second person killed, believed to be a milling company representative.

On the Natal South Coast two people were killed in separate overnight attacks at Umlazi near Durban and at Zingolweni near Port Shepstone.

The body of a man was found with stab wounds at Umlazi's K-Section.

The second man died after an attack by unidentified people armed with AK-47 rifles at Qngolweni. A Natal police spokesman said no arrests had been made yet.

However, the two new councillors were "excellent acquisitions" to the council as each brought wide experience in business and an involvement in residents' issues, Stewart said.

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Star 12/2/93
Eight in court

MARITZBURG — Eight ANC supporters appeared briefly in the Donal Magistrate's Court yesterday in connection with the massacre of 24 people at a party in Folweni, Natal, last year. (331)

No charges were put to the eight and the case was postponed to March 12 for further investigation. No bail was granted. — Sapa.

Star 12/2/93

Police 'fabricated massacre evidence'

By Susan Smuts

The State was not interested in securing a conviction for five men accused of taking part in the 1991 Swanieville squatter camp massacre, but wanted to prove Zulus had been responsible for the attack, defence counsel As Burger told the Rand Supreme Court yesterday.

Burger said the State had failed to call any witnesses who saw policemen and white men in the crowd which carried out the massacre on May 12 1991.

Some 28 people were murdered, scores were injured and many homes destroyed.

Burger accused the police of fabricating evidence against the accused, and said crucial documents that could prove the police allegations had "mysteriously disappeared". He described the police's explanation for the disappearance of documents as "more fantastic than *Alice in Wonderland*".

He said the police had tried to mislead the court and prosecution. It would be comfortable

for the SAP and authorities if one Zulu were convicted.

(33) "It doesn't matter how many of the accused are convicted so long as the court finds a Zulu impi took part," Burger told Mr Justice C J Botha.

Vumisani Majola (37), Joseph Mphiwa Khanyile (51), Bakers Dlamini (32), Mzanywa Flash Sithole (44) and Pheyi Mlango (54) have pleaded not guilty to murder, public violence and illegal possession of a machine-gun, firearms and ammunition.

The hearing continues.

ANC hijackers convicted of killing driver

331

STAR 12/2/93.

By Susan Smuts

Two ANC members were convicted yesterday in the Rand Supreme Court of murdering a man during a car hijacking, and one of them was found guilty of five counts of attempted murder during a shootout with traffic officers.

Mr Justice J C Labuschagne found Bathandwa Godlo (24) of Dobsonville, Roodepoort, and Stanley Wanyane (27) of Soweto had the indirect intention to murder Pieter Johan Barbas on September 27 last year when they robbed him of his BMW. The men were also convicted of robbery with aggravating circumstances.

Godlo was found guilty of five counts of attempted murder arising from a shootout with traffic officers on the Brand-

vlei-Orient Road in Krugersdorp earlier that day.

Godlo and Wanyane had been travelling to Rustenburg with two Umkhonto we Sizwe members, known as Shakes and George, for military training.

A traffic officer pulled over their car — which had a load of weapons — and radioed for information about the vehicle. While he was busy, the occupants opened fire on five traffic officers on the scene.

After the shooting, the attackers leapt into their car and sped away. Soon afterwards, they hijacked Barbas and robbed him of his car. One of the men fired two shots at Barbas before the hijackers sped away, leaving Barbas bleeding at the side of the road. He died two days later.

Shakes committed suicide to avoid arrest, and George escaped.

The trial continues today.

Star 12/2/93

'State out to blame Zulus'

The State was not interested in securing a conviction for five men accused of taking part in the 1991 Swanieville squatter camp massacre but merely wanted to prove that Zulus had been responsible, defence counsel As Burger told the Rand Supreme Court yesterday.

(331)

• Page 5

Star 12/2/93 (33)
Mayekiso appears over arms

Trade unionist and civic leader Moses Mayekiso appeared in the Johannesburg Regional Court yesterday charged with illegal possession of Russian-made firearms and ammunition. The president of the SA National Civic Organisation is charged together with his bodyguards, Mbulaisene Monyayi, John Phike and Wonga Mrubata. The hearing was postponed to May 17. (S.A.)

Star 13/2/93

Inkatha train killer to hang

THE Rand Supreme Court yesterday sentenced an Inkatha supporter to death for the "callous and cruel" murder of a fellow commuter.

Xolane Mnguni (27) was convicted of murdering Matsosale William Aphane by forcing him under the wheels of the Naledi-Cleveland train on November 29 1991. It is believed he is the first person to be convicted of murder since train violence escalated in 1990.

Although Mnguni was a first offender — first offenders are not usually given the death penalty.

Mr Justice J H Coetzee found it was the only appropriate sentence in this case.

The judge commended

(331) SUSAN SMUTS

eyewitness Trevor Jabulani Ndlovu for his courage in testifying at the trial.

Ndlovu showed a great level of courage, integrity and civic duty.

If more (witnesses) conquered their fear of reprisals the killing would stop, because the killers would know they would be brought to justice.

The fear of death instilled in witnesses almost gives the killers a licence to kill.

Defenceless commuters were senselessly killed almost every day and only because they belonged to organisations different to those of the killers, the judge said.

Missing witness holds up PE trial

By DAWN BARKHUIZEN

THE trial over the death of an Addo man, Mr André de Villiers, was postponed in a packed Port Elizabeth Supreme Court this week after an application by defence counsel Richard Buchanan SC for more time to find a missing witness.

Mr Buchanan said lawyers were trying to trace an unnamed witness in a neighbouring state who had evidence crucial to the controversial case now being dubbed the "Hammer Unit" trial.

Mr de Villiers was murdered on the steps of his home on August 17 last year after allegedly unearthing information about the secret Hammer Unit, which operated against anti-apartheid activists in the Eastern Cape.

Notables

Three Umkhonto we Sizwe members, Tamsanqa Mali, 23, Linda Stimele, 25, and Xolani Ncinane, 24, were arrested. Mr Ncinane died of what police said was an AIDS-related disease while in custody.

The two other accused are being held in custody until the trial resumes in Port Elizabeth on April 19.

Meanwhile, the state has called several Port Elizabeth notables to testify. The list includes "Biko doctor" Port Elizabeth district surgeon Ivor Lang, ANC member Valence Watson, and Mr de Villiers's business partner and Hammer Unit member Dave Mandel.

IFP killer sentenced to death

THE Rand Supreme Court on Friday sentenced an Inkatha Freedom Party supporter to death for the "callous and cruel" murder of a fellow commuter.

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It is believed he is the first person to be convicted of murder since train violence escalated in 1990.

Although Mnguni was a first offender - first offenders are not usually given the death penalty - Mr Justice JH Coetzee found it was the only appropriate sentence in this case.

The judge commended eyewitness Mr Trevor Jabulani Ndlovu for his courage in testifying at the trial.

"Ndlovu showed a great level of courage, integrity and civic duty.

"If more witnesses conquered their fear of reprisals the killings would stop, because the

■ First murder conviction since train attacks began on Reef:

killers would know they would be brought to justice.

Licence to kill

"The fear of death instilled in witnesses almost gives the killers a licence to kill," the judge said.

Defenceless commuters were senselessly killed almost every day, and only because they belonged to organisations different to those of the killers, the judge said.

Ndlovu had earlier testified in court how Aphane was stabbed and beaten before being thrown out of a train on to the tracks where his body was sliced by the train's wheels.

He said he noticed Mnguni and another man chasing Aphane through the coach of the Naledi-Cleveland train.

When they caught him, one of them said: "Hit him, this dog must die." - *Own Correspondent.*

Sowetan 15/2/93

(331)



Star 16/2/93

Arms smuggling: 3 in court

Three ANC members, including the Natal Umkhonto we Sizwe chief of staff, appeared briefly in court in Bethal yesterday in connection with alleged arms smuggling. (331) (S) ● Page 6

Swanieville suspects freed

17/2/93
■ LOGBOOKS VANISH Judge says the police

and state witnesses were unreliable: (232) (33) (233)

By Tsale Makam

FIVE men charged with taking part in the Swanieville squatter camp massacre of 28 people on May 12 1991 were yesterday acquitted because of lack of evidence.

They were charged with 28 counts of murder, one of public violence and possession of firearms. Sixty-seven other people were injured in the attack.

Yesterday in the Rand Supreme Court Mr Justice CJ Botha criticised the police's handling of the massacre.

He said the attack took place at night but the police only arrived at the squatter camp about 7am the next day and only reported the matter to their superiors at 9am.

Police had earlier told the court that five Casspirs sent to the squatter camp on the West Rand had in fact ended up at Krugersdorp police station because the policemen had suffered stomach cramps.

They said that on arrival in Swanieville they had met a group of about 1 000 men carrying an assortment of weapons and wearing red armbands and doeks and moving from Swanieville towards the Madala Hostel. Police said they then escorted the group back to the hostel.

The judge said he rejected the evidence of the police and that of the State witnesses because they were unreliable.

He said it was surprising that most of the vital police evidence, such as logbooks and files, had disappeared mysteriously when they were needed during the investigation.

He said it could not be proved conclusively that the police had assisted the attackers as some witnesses had claimed.

It was possible that the police were present at Swanieville during the attack because at that time a curfew had been imposed on the area.

If the police had video-taped the men they had escorted to the hostel it would be easy to identify and arrest those responsible.

Out of 1 000 attackers the police had arrested only seven, two of whom were later set free.

Star 17/12/93
(33)
5 plead not guilty to bombing

Three AWB members and two others have pleaded not guilty in the Port Elizabeth Regional Court to charges of contravening the Explosives Act. This follows the January bombing of the Patensie store of ANC member Malcolm Hepburn. The accused are: Barend Mostert, Petrus Lombard, Abraham Young (AWB members) and Andre Vorster and Frans Strydom van der Walt.

Skier
17/2/93
**65 to appear
over carnage
at Boipatong**

(331)
A total of 65 accused are to appear in the Delmas Circuit Court on April 13 in connection with the Boipatong massacre in which 41 people were slain in the Vaal Triangle on June 17, 1982.

Delmas has been selected because the Transvaal Circuit Court, based in the town, is best equipped to accommodate the trial.

The accused were all residents of KwaMadala hostel at the time of the massacre. Eight children and a pregnant woman were among the victims.

East Rand Bureau.

Store bomb, 5 charged

THREE members of the Afrikaner Weerstandsbeweging and two other men this week pleaded not guilty in the Port Elizabeth regional court to charges of contravening the Explosives Act and car theft.

The five are charged with the January 3 bombing of an eastern Cape farm store belonging to Patensie's only white ANC member, Malcolm Hepburn.

The five also entered not guilty pleas to alternative charges relating to the incident. The three AWB members are Barend Mostert, Petrus Lombard and Abraham Young. The other two are Andre Vorster and Frans van der Walt. — Pen

W/mail 19/2 - 25/2/93

Massacre: appeal for bail refused

DURBAN — The Supreme Court in Durban yesterday dismissed the bail appeal of nine Richmond murder accused who, with about 50 others, allegedly killed nine men, burned down 14 huts and damaged two vehicles during an attack in September at Genegeshe, near Richmond.

Evidence was given during their initial bail application in Richmond that the nine sup-

ported the ANC and that nine victims supported Inkatha.

The court was also told that two potential witnesses had been killed.

Dismissing the appeal, Mr Justice Booysen said people would lose confidence in the administration of justice if the accused, some of whom had been positively identified at identity parades, were seen at home.

There was a possibility that some would not stand trial. They could be over the border within hours if they absconded.

The applicants were Thandukwazi Dlamini (18), Mandlenkosi Phoswa (44), Lolo Phoswa (22), Sonnyboy Nzimande (21), Salani Mbono (22), Muzokhanyayo Nxele (22), Mafuka Nzimande (33) and two youths. — Own Correspondent.

5722 23/2/93

331

ANC man guilty of 'revenge' kill

STAR 25/2/93.

331

By Susan Smuts

An ANC Youth League organiser was convicted yesterday in the Rand Supreme Court of murdering a Pan Africanist Congress (PAC) supporter and burning his corpse in a revenge attack for the slaying of a "comrade".

Washington Senti Thage (21) of Munsieville, Krugersdorp, had pleaded guilty to murdering Abinaar Ramphomane Mongwalwa on November 15 1991 during escalating conflict between the two political organisations in the township.

Two co-accused, Andries Monyai (30) and Joseph Malazi (20), had failed to appear in court.

Mr Justice M Stegmann ordered Thage's trial to continue and issued warrants of arrest for the others.

In his plea explanation, Thage said Mongwalwa had

been killed because he and two friends had returned to Munsieville after being driven out by ANC supporters in December 1991.

Since their expulsion from the township, the PAC supporters had killed a "comrade", Joseph Koole, and had attacked and bombed the homes of other ANC members, Thage claimed.

Although a meeting between local ANC and PAC members had failed to agree on the terms for their return to Munsieville, Mongwalwa and his friends "were seen roaring around the township as if they'd been granted permission to return", Thage said.

Thage admitted he had acted in common purpose with the other "comrades".

The trial was postponed for evidence in mitigation of sentence.

Murdered for 'wrong' politics

C Press
28/2/93
(32)

By MARTIN NTSOELENGOE

YOUNG Munsieville school teacher Abner Mongwagela died a cruel death for the "sin" of belonging to the "wrong" political organisation.

This emerged in the Rand Supreme Court this week where 40-year-old ANC Youth League member Washington Senti Thage confessed in the Rand Supreme Court that he and others had murdered the PAC supporter by brutally battering him to death.

Thage said since December 1990 about 20 PAC members were expelled from Munsieville, near Krugersdorp on the West Rand, by the ANC after which the conflict between the two groups became more "intense".

He said the attack on Mongwagela came after a PAC attack on ANC members. He further alleged that Mongwagela had attacked him with an iron rod in a previous clash.

Thage said on November 15 1991, several PAC members were seen "roaming around" Munsieville "in defiance of our wishes".

He said ANC members felt that it was "intolerable" for PAC members to be in the township.

The hearing was postponed indefinitely for judgment.

Scared C/Press witness 28/2/93 accuses police at trial

By DAN DHLAMINI

SOBS filled the Klerksdorp circuit court this week when a state witness in the murder trial of seven Tigané branch ANC members cracked under cross examination and wept (324) (321).

Then he told the court police had forced him to implicate the accused.

ANC Youth League member John Sebetso was testifying against Tigané ANC branch chairman Josias Kgauwe and ANC members Maureen Motsumi, 22; Raymond Modise, 22; Johannes Sebetlele, 18; Solomon Sekute, 21; Amos Shashape and a 17-year-old youth. They are charged with the murder of Inkatha member Joseph Seokolo on June 5 1991.

The accused are also alleged to have attempted to murder Inkatha official Jacob Phoofolo by chopping him with an axe and breaking into the home of Annah Seokolo with intent to murder Joseph Seokolo.

Seokolo was allegedly forced out of the house, chased around the streets, caught and set alight with petrol bombs.

Cracked

Sebetso earlier testified that he was part of an ANC group that went to hunt Inkatha members and had seen how one Skhumbuzo, who has since died, use a big knife to chop the door of the house in which the deceased had been hiding. He said he had seen how Modise and Sebetlele stabbed the deceased. However, Sebetso cracked under cross-examination by Adv Mohamed Patel.

On the first day of his testimony, Sebetso wept openly in court and Judge Strydom had to adjourn the proceedings for some time to afford him a chance to recover.

The second day in the dock seemed just too much for Sebetso, who said he was no longer interested in testifying because all he told the court were lies – “a police fabrication”.

Strydom explained to Sebetso the legal dangers of abandoning giving evidence and successfully persuaded him to continue with his testimony.

Prosecutor PG Huygens' application for an in-camera testimony for another state witness, Ishmael Tsunke, was rejected by the judge, who warned Tsunke to answer all questions satisfactorily even if they were incriminatory and by so doing he would be protected.

Asked by the prosecutor why he had not told the court that he was pressurised, Tsunke said he could not have told him because he was escorted by the very policemen who had exerted pressure on him.

The case continues tomorrow.

ANC organiser tells of revenge murder

SUSAN RUSSELL

(331)

A MUNSIEVILLE ANC Youth League organiser admitted, in a statement submitted to the Rand Supreme Court yesterday, taking part in the revenge murder of a PAC member.

Washington Senti Thage, 22, was convicted of murder by Judge M J Stegmann after pleading guilty to killing PAC member Abinaar Ramphomane Mongwalwa on November 15 1991.

Thage, who described himself as the "pioneer organiser of the ANC's Youth League branch", admitted he and other ANC members had killed Mongwalwa.

Mongwalwa had been one of a group of PAC members expelled from the township after periodic clashes between the two groups in 1990/91, he said.

Hearing that PAC members were returning to the township on November 14/15 1991, he and other ANC comrades had armed themselves with knives. "The expellees were seen roaring around the township as if they had been given permission to return," Thage said. "This was why we attacked the PAC and the deceased in particular. A further factor was the desire to avenge the killing of our comrade Joseph 'Koole' by the PAC."

Thage said comrades reporting to him as a community leader believed it was intolerable that PAC members should roam the township in defiance of the ban on them. "I said to them: 'Comrades, you know these guys have killed our comrade, bombed our houses and now they come into the township without permission — let's go and attack them'."

Thage's group of about 23 people attacked Mongwalwa after his two friends had entered a nearby house. Thage said he stabbed Mongwalwa once.

"I ran away because the deceased's friends had returned and were shooting at us. When I obtained cover I stopped, turned around and noticed the deceased's friends were where he had, by that stage, fallen down. We then launched a second attack. During this attack we made use of a gun which one of our comrades had obtained from the deceased after he had fallen."

Mongwalwa's body was later doused with petrol and burned.

The trial was adjourned to allow the defence to prepare evidence in mitigation.

Star 11/3/93

Goniwe inquest reopens today

By Helen Grange

Today sees the start in the Port Elizabeth Supreme Court of the reopened inquest on the June 1985 death of East Cape activist Matthew Goniwe and his three activist friends.

The inquest is the culmination of nine months of investigation, which began after President de

Klerk's order in May to reopen the case in view of new evidence which indicated State security force complicity.

Goniwe, Fort Calata, Sparrow Mkhonto and Sicele Mhlauli were found dead under bushes at the roadside on June 29 1985, two days after they went missing while travelling to Cradock.

Goniwe was a school teacher and activist in

the United Democratic Front at the time.

Last May, Transkei military leader General Bantu Holomisa released a "top secret" military document in which SADF Intelligence Chief of Staff, Major-General Joffel van der Westhuizen, was named as having issued a signal to "permanently remove" Goniwe from society. He was then a brigadier in East-

ern Province Command.

Former security operatives have since alleged that Goniwe's killing was carried out by a special SADF civilian unit called "Hammer", established by Van der Westhuizen in the early 1980s.

Last August, a farmer, Andre de Villiers — who was apparently leaking information on "Hammer" to the ANC — was shot dead.

Suspect in court 331

A 30-YEAR-OLD man charged with the murder of three people in a train attack in 1991 will appear in the Rand Supreme Court today.

Mr. Albert Dlamini of the Katilehong hostel is facing three counts of murder, nine of attempted murder and one of illegal possession of firearms and ammunition. The State alleges that on October 9, 1991 Dlamini and a group of men carrying an assortment of weapons attacked a train between the Kwešine and Germiston stations. Three people were killed after they were thrown off the train. *Sowetan Correspondent and Sapa.*

2/3/93

Police arrest 76 at ANC hearing

Sowetan 2/3/93

POLICE arrested 76 singing demonstrators inside the Bethal Magistrate's Court yesterday where ANC members were standing trial in connection with arms smuggling.

Eastern Transvaal police spokesman Warrant Officer Izak van Zyl said the protesters were arrested for being within 500m of a magistrate's court.

The demonstration, which began outside the building, then moved inside where the protesters sang songs and waved flags.

All 76 appeared in court about 7pm

■ No bail for alleged MK gun-runners:

last night and were granted bail of R300 each. The case against them was postponed until March 24. Seven people paid bail immediately, Van Zyl said.

Four men, three of them members of the ANC's military wing Umkhonto we Sizwe, were appearing for allegedly trying to smuggle a large arsenal of weapons across the Swaziland border.

They were remanded in custody until March 29.- Sapa.

A chance to clean the slate

YESTERDAY saw the start of what will hopefully yield the solution to one of South Africa's ugliest enigmas — who killed Matthew Goniwe?

After nearly a decade since his disappearance on June 27 1985, an inquest into the death of the eastern Cape activist and his three friends looks certain to reveal far more satisfactory answers than the bland inconclusion of the first inquest in 1989.

The closing of that file on the grounds that Goniwe's death was caused by "a person or persons unknown" has become almost laughable in the light of evidence which has emerged since — evidence which has heavily implicated the State's security establishment and the clandestine operatives being used by it at the time.

The Goniwe affair has acquired huge political significance since the 38-year-old Cradock schoolteacher's body was found — two days after his disappearance — in a bush on an eastern Cape roadside between St George's Strand and Bluewater Bay, his face burnt beyond recognition.

The bodies of his three activist friends, Fort Calata, Sparrow Mkhonto and Sicele Mhlau, were found in bushes nearby, their faces also burnt in what was taken to be an attempt to prevent their identification.

On the day of their disappearance, they had been driving from Port Elizabeth to Cradock after attending a United Democratic Front meeting. The next day, their burnt-out car was found behind a bush off the Addo road near Bluewater Bay.

Goniwe's death unleashed unprecedented anti-Government defiance by the now dis-

The mystery of who killed eastern Cape activist Matthew Goniwe has been weighing heavily on South Africa's national conscience for years. Yesterday saw the beginning of his second inquest and, with it, hope of cleaning the slate. HELEN GRANGE looks at the history of this intriguing case.

banded UDF and its then banned affiliates, the ANC and SA Communist Party.

Activists were convinced Goniwe, a regional organiser of the UDF, was "taken out" by the State because of his crucial role in the forming of street and area committee structures in the eastern Cape in the 1980s.

The day of Goniwe's funeral was the day on which the then President P W Botha declared the first State of Emergency. What followed is the sad legacy of oppression and bitter opposition which epitomised the rest of that decade.

"It was the murder of those four that set off the uprising in the rest of the country, especially the western Cape," Democratic Party defence spokesman James Selfe said recently.

Until last year, the Goniwe question brewed discontentedly without progress towards resolution.

Then, in May last year, Transkei military ruler General Bantu Holomisa released to the media a document recording a military signal made on June 7 1985 — ordering the "permanent removal from society" of Goniwe.

The "top secret" document was signed by a Colonel Lourens du Plessis, then of Eastern Cape Command.

It recorded a conversation in which "Joffel" van der Westhuizen, then a brigadier in Eastern Province Command (currently SADF Intelli-

gence Chief of Staff), told a Major-General J F J van Rensburg, a former State Security Council member, of the order to "remove" Goniwe.

All three officers named will testify at the re-opened inquest.

After the "Goniwe signal" was exposed, a flurry of allegations surfaced as former eastern Cape security operatives ran to the ANC and others for protection and financial support.

It emerged that Van der Westhuizen had set up a clandestine civilian unit called "Hammer", and according to one of its alleged former members, it was this unit which intercepted Goniwe's car in a roadblock on the N2 near Port Elizabeth on the night he disappeared.

In August last year, Colonel Gert Hugo, a former senior Military Intelligence officer who claims he was acquainted with "Hammer" at the time, told the ANC and The Star of the unit's activities.

He described the unit as "a bunch of cowboys calling themselves Special Forces". It was "out of control" and was born in the early 1980s under the protection of President Botha's powerful State Security Council.

Jennifer du Plessis, a former police agent who had strong links with the Port Elizabeth underground at the time, made further claims to the ANC. She said that through her relationship with a former



New pain... Nyameka Goniwe, widow of slain activist Matthew Goniwe, is still looking for answers.

"Hammer" member, John Scott, she learnt that the Goniwe killings were a joint operation involving the SAP and SADF, but including "Hammer" members.

Scott, she said, had been instructed to pack special weapons cases for the operation. Among the weapons was a Gevarm 22, a rare sniper rifle found to have been used to shoot Mkhonto.

Another clue surfaced when Scott said he knew who drove Goniwe's car from the roadblock to Bluewater Bay. Scott said the driver's seat had been pushed back, indicating a much taller man than Goniwe had been the last to drive the car.

Things took on another baffling twist when, on August 17,

an eastern Cape farmer, Andre de Villiers, was shot dead by four or five attackers. Before his death, a frightened De Villiers had apparently been leaking information for months on "Hammer" activities to his long-time friend Valence Watson, an ANC activist in the region.

Watson has claimed De Villiers was receiving death threats prior to the shooting.

In his dying moments, De Villiers is said to have told his son the name of a man he believed was behind the attack, saying the motive was "political". The Goniwe inquest may also unearth clues to De Villiers' death, the reasons behind which remain a mystery despite the R10 000 to R50 000 reward offered by police. □

Star 213 193

Action sought on 'headache' Goniwe

By Helen Grange

PORT ELIZABETH — Matthew Goniwe became such a headache to the State in the months before his killing that the then-Minister of Police, Louis le Grange, was asked to consider possible actions which could be taken

A chance to clean the slate — Page 13

against the eastern Cape activist, according to an affidavit handed to the Port Elizabeth Supreme Court yesterday.

The startling document was handed to the reopened inquest on the death of Goniwe and three activist friends on June 27 1985. The

hearing began yesterday.

The bodies of Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli were found behind bushes on a road near Bluewater Bay two days after they disappeared.

Proceedings yesterday involved the submission to the inquest of piles of affidavits and papers — some top-secret military documents — by Eastern Cape Attorney-General Mike Hodgen.

In one affidavit, General P J Coetzee, a former commander of the SAP Security Branch in the eastern Cape and a member of the now-disbanded State Security Council (SSC), said a top-secret document was prepared on possible action to

● To Page 3

Star 213 193

Act on Goniwe, police told

● From Page 1

be taken against Goniwe, to be considered by the Minister.

The document, which detailed Goniwe's background, raised questions on whether he should be detained or reappointed as a teacher in Cradock, a post he had been dismissed from. Either way, there would be criticism, the document warned.

Other affidavits focused on the June 7 1985 signal sent by Eastern Province Command recording an order for Goniwe's "permanent removal from society".

A number of officers involved with the former administration of Eastern Province Command and SSC structures denied they ever saw or filed such a signal.

However, the man alleged to have received it, General J F J van Rensburg, a former SSC member, said in his affidavit the wording of the message "troubled" him.

The signal is alleged to have been sent by Brigadier "Joffel" van der Westhuizen, currently Military Intelligence chief of staff, who was then commander at Eastern Province Command and creator of a special SADF unit called "Hammer".

Van der Westhuizen said in his affidavit that if the signal existed, he did not remember it. It was possibly written with a view to long-term

detention, he added.

A signalman at Eastern Province Command at the time, H J Pretorius, said he was personally responsible for sending the signal. It had been signed by Colonel Lourens du Plessis, also of Eastern Province Command. He said such a signal would have been kept for three months, then destroyed.

Du Plessis admitted he had the signal sent. It was a written record of a telephone conversation between Van der Westhuizen and Van Rensburg, he said.

Other affidavits and security documents handed to the inquest yesterday revealed widespread State concern about Goniwe's activities. He was the subject of a number of meetings by the Eastern Province Joint Management Centre, a notorious security structure set up by the P W Botha government.

Minutes of these meetings given to the inquest reflect the State's dilemma over how to deal with Goniwe's defiance. It is clear the State's concern was that he had enormous influence locally and internationally.

The inquest was adjourned for the rest of the week so counsel could peruse documents handed in and draw up a list of witnesses they want to take the stand. Van Rensburg is expected to testify first.

NEWS

Inquest scant comfort for Goniwe's wife

By Helen Grange

Nyameka Goniwe has grown weary. It has been nearly eight years since her activist husband Matthew was brutally murdered on an eastern Cape road. His killers have never been identified. Even now that the inquest on his death has been reopened — implicating the State's security establishment — she remains sceptical that the truth about the winter night of June 27 1985

will ever surface. Wearing sunglasses in the public gallery of Port Elizabeth's newly built Supreme Court on Monday, the first day of the inquest, Nyameka took comfort from her old friends — widows of the men who died with Goniwe, and articulate women. Mrs Goniwe has never remarried, and forged ahead

with her life after the tragedy. She moved from the sad memories in Cradock and settled in Cape Town to give her two children a "decent life". She still lives and works there as a social worker. Her return to Cape and the replay in court of her husband's life and sudden death is emotionally exhausting — apart from the concern

from her beloved work. But she appreciates that the investigations have brought to light an unprecedented amount of State security information, mostly in the form of top-secret military documents.

"Yes, I have faith in the rigorous approach by the investigation team to try and crack these guys. I believe this is the

first case which really touches on the secrecy of the State. There has never been a culture of opening up.

"But I suspect that next week (the inquest resumes on Monday) we'll hear lies, lies, lies. I don't think there has ever been a political case like this one where family and friends end up happy with the result," she said.

The inquest is also draining the resources of the widows of Sparrow Mkhonto, Fort Cala and Sicele Mhlawuli. These men were travelling with Goniwe when their car was intercepted at a security roadblock on their way back to Cradock from Port Elizabeth before they disappeared. They were found dead two days later. A quietly spoken Nombuyise to Mhlawuli, whose husband had his hand severed in the attack, wished she did not have to relive the memories.

The Star Wednesday March 3 1993

Wednesday March 31 1993 SOWETAN

NEWS Stemmet did not believe order meant killing ● Legal to own AK-47s say police

Military signal had sinister meaning

■ Top security official testifies at Goniwe inquest:

Report 3/3/93

THE MILITARY signal calling for the "permanent removal from society" of Matthew Goniwe and two other political activists had a sinister meaning if read in its entirety, the former head of the State Security Council's secretariat of strategic communication, Adamas Stemmet, said in Port Elizabeth yesterday.

Stemmet was giving evidence in the inquiry into the deaths of Mr Goniwe and three other United Democratic Front activists.

Stemmet said if the author of the

signal had meant anything sinister, he did not understand why it had been sent to the SSC which did not deal with such matters and had no executive authority.

He did not believe it was a recommendation that Goniwe and the others be killed. Stemmet conceded that his department's function sometimes included spreading disinformation.

Communication committees of joint management centres had also been involved in discrediting certain organisations by spreading disinformation, he said. - *Sapa*.

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Star 4/3/93

False plate link to Goniwe

By Helen Grange

A false number plate found near slain activist Matthew Goniwe's burnt-out car on June 29 1985 belonged to a vehicle which, the year before, parked frequently outside the buildings housing the security police and Murder and Robbery Unit in Port Elizabeth, according to an affidavit in the Goniwe inquest.

The reopened inquest on the brutal killing of Goniwe and three other activists on an eastern Cape road on June 27 1985 began on Monday and is to resume next Monday in the Port Elizabeth Supreme Court.

In an affidavit, Colonel Jacobus Jonker of the SAP outlined his discovery that the number plate — CB10627 — had picked up several parking tickets during 1983 and 1984 in Strand Street, next to Sanlam Building.

The building housed the security branch and the Murder and

Robbery Unit, Jonker said.

He added that the false number plate had been found near Goniwe's burnt-out car on June 28 1985.

During 1983, seven tickets were first issued to a Ford car, but later, tickets were issued to another Ford carrying the same number plates, according to an affidavit by Anna Stoltz of the Port Elizabeth Traffic Department.

All seven tickets had been withdrawn by the senior State prosecutor at the time, she said.

According to an affidavit by Lieutenant-Colonel Ronald Dawson, who ran the SAP's Eastern Cape Vehicle Unit at the time, the number plate concerned was not registered.

Colonel Karel Britz of the SAP Murder and Robbery Unit has stated that during his investigations, he established that false number plates could be used under certain circumstances.

He could not trace which false number plates had been used and when.

Train death accused was a hired gun, says witness

(33) SUSAN RUSSELL

A MAN charged with the murder of three train commuters told another suspect after their arrest that he had been given money and firearms prior to the attack on a Katlehong-Germiston train, a witness told the Rand Supreme Court yesterday.

The witness, Simon Komane, said the accused, Albert Dlamini, had not told him who had paid the money. *B/DAW 4/3/93*

Dlamini has pleaded not guilty to murdering three commuters and attempting to murder nine others on October 9 1991.

It is alleged he was part of a gang that opened fired on commuters and attacked them with knobkerries. The court heard that Komane, injured in the attack, was initially arrested as a suspect, but later freed after an identity parade.

Komane, who described himself as a Xhosa and an ANC member, said Dlamini and he had discussed the attack while they were both being held at Modderbee prison.

Dlamini had told him they would have to get themselves lawyers, that when they got out of prison they had to go and collect R90 000 in cash, and that he (Dlamini) had been given arms.

Komane said Dlamini had not told him why he was to be paid the money or who had paid him before.

He had asked Dlamini why he had attacked commuters.

"He said that was the work they had been given to do," Komane told the court.

Describing the attack, Komane said he was standing in the second last coach, reading his newspaper when he was approached by four men, three of them armed with knobkerries and the fourth with a firearm.

He had heard them say: "Here is the man we are looking for."

"I asked them what I had done. Before I could get an answer, I was hit on my head with a knobkerrie," Komane said.

"I fell. While I was lying on the floor I heard shooting," he said.

There had been more than one shot, but he could not say how many, Komane told the court.

He was later hospitalised for his injuries and arrested.

The trial continues before Judge J Els and two assessors today.

Star 5/3/93

(331)

Fist fights as Apla cadres sent to prison

BLOEMFONTEIN — Fighting erupted in the Bloemfontein Regional Court yesterday when police and Pan Africanist Congress members clashed minutes after two Azanian People's Liberation Army cadres were each jailed for 11 years.

The fist fights started when police tried to take John May (24) and Velile Mxhosana (20) to the cells as PAC supporters sang and chanted.

A PAC supporter lashed out with his fists at a policeman, who responded by kicking and hitting. The fighting was

run concurrently with the seven-year terms.

May and Mxhosana were also sentenced to four years for possession of two AK-47 rifles and a 9 mm Scorpion pistol, four years for possession of nine hand grenades and two years for pos-

session of ammunition, to run concurrently with the four years for possessing weapons. stopped by defence counsel Molefi Ditheko, who ordered May and Mxhosana to leave the court.

The two Apla members, both from Mangaung, were each sentenced to seven years for attempted murder and two years for malicious damage to property, to

session of ammunition, to run concurrently with the four years for possessing weapons.

The court found they had caused an explosion at the Batho police station in Mangaung on December 14 1991. — Own Correspondent.

NEWS IN BRIEF

61 DAY 5/3/93 (331)
Apla men get 11 years

3 TWO Apla men were yesterday
-1 each jailed for 11 years in the
2 Bloemfontein Regional Court for
3 attempted murder, malicious de-
4 struction of property and illegally
5 possessing three machineguns,
6 eight hand grenades and ammuni-
7 tion. The charges arose after a
-4 grenade was thrown into the
-2 Batho charge office in December
1991, injuring a policeman.

Inquest told of flight, stabbing

By Helen Grange

The mother-in-law of Fort Calata, one of three men who died with Matthew Goniwe on June 27, 1985, has claimed in an affidavit that a man told her he saw Calata run behind a tree after the car he was travelling in was stopped at a roadblock.

She said the man, Isak Speelman, told her Calata had run away after the occupants of the car were attacked.

The affidavit, along with others, was handed in to the reopened Goniwe inquest in Port Elizabeth Supreme Court. The inquest resumes on Monday.

Speelman, in a separate affidavit, has denied any knowledge of the deaths of Goniwe, Calata, Sparrow Mkhonto and Sicelo Mhlawuli, saying he was working at Coin Security in Cape Town from April 1985.

He added, however, that Calata's mother, Nomonde — whom he knew well from childhood — had asked him in 1987 to find out how the four men were killed. He had failed to find out and she was "very angry".

Calata's mother-in-law, Vivian McLean, has stated that Speelman came to her home soon after Calata's death and told her that, as a soldier based in Queenstown, he had been ordered to man a roadblock in Port Elizabeth.

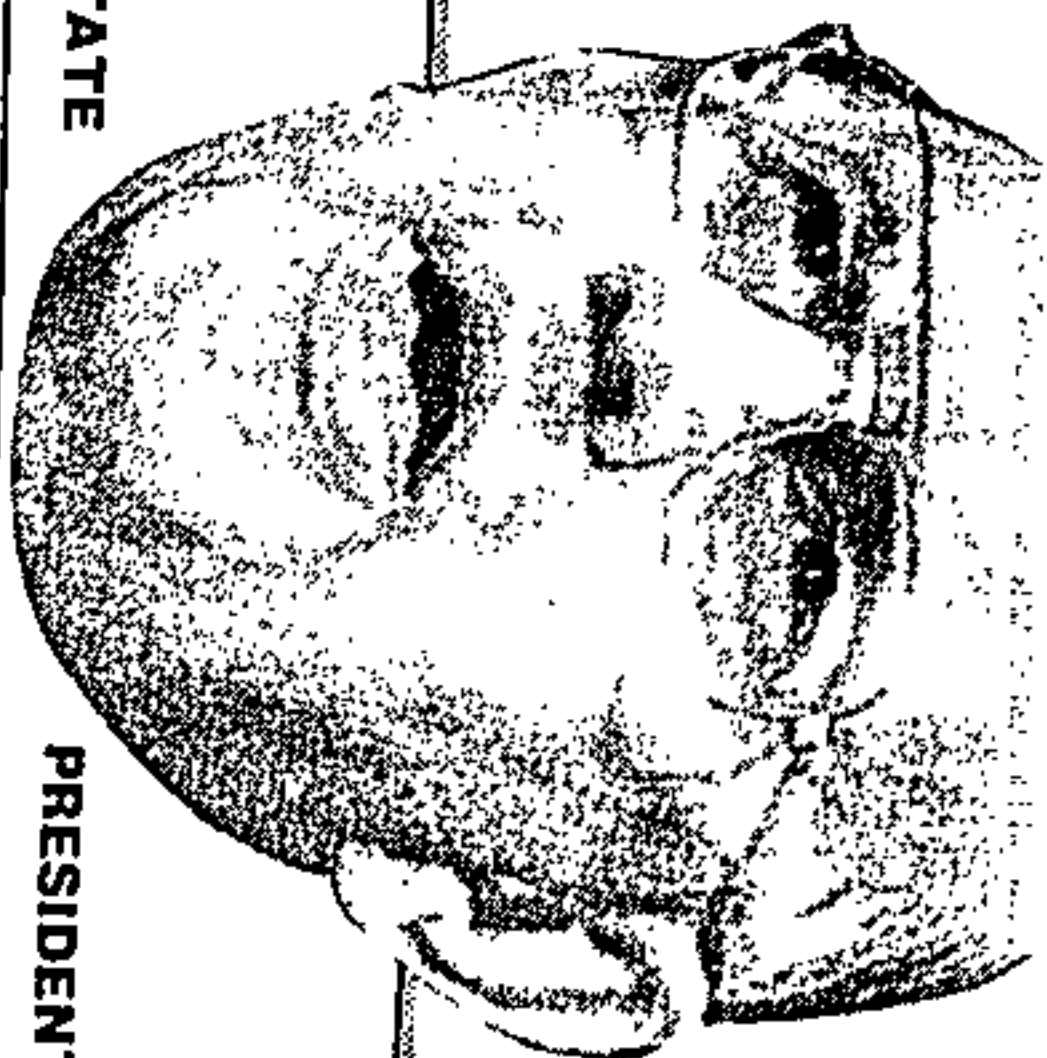
At the roadblock, he saw a girl from Cradock.

"When a vehicle approached the roadblock, he heard a girl say: 'Hier's hulle' ... it was stopped and policemen and soldiers approached it. He said the occupants of the car were treated roughly and he told me that he saw soldiers and policemen assaulting the occupants," McLean's affidavit said.

"As far as I recall, he said the occupants were assaulted with 'skerp goede soos messe'. I understand this to mean they were stabbed. He saw Fort Calata who, he said, ran behind a tree.

"The girl alerted the police and soldiers to the fact Fort was escaping. He said he then ran away because he did not want to see what happened next because he knew Fort."

PW OCTOPUS



NATIONAL MANAGEMENT SYSTEM

STATE

PRESIDENT

CABINET

STATE SECURITY COUNCIL (SSC)

CABINET COMMITTEE FOR CONSTITUTIONAL AFFAIRS

CABINET COMMITTEE FOR ECONOMIC AFFAIRS

CABINET COMMITTEE FOR SOCIAL AFFAIRS

WORK COMMITTEE

SECRETARIAT OF THE STATE SECURITY COUNCIL (SSSC)

INTERDEPARTMENTAL COMMITTEES

- *Manpower
- *Security
- *Constitutional Affairs
- *Security Forces
- *Science & Technology
- *Economic Affairs
- *Cultural Affairs
- *National Supplies & Resources
- *Transport
- *Civil Defence
- *Community Services
- *Telecommunications & Eskom

JOINT MANAGEMENT CENTRES (11)

SUB-JOINT MANAGEMENT CENTRES (± 60)

MINI-JOINT MANAGEMENT CENTRES (± 350)

LOCAL MANAGEMENT CENTRES

ST/Time's
7/13/93

331

SECRET documents filed at the reopening of the Matthew Goniwe inquest in Port Elizabeth this week provide a rare insight into the "total strategy" devised to combat the "total onslaught" against South Africa in the 70s and 80s.

The brainchild of former State President P.W. Botha and his Defence Minister, General Magnus Malan, the National Management System was a giant octopus with tentacles reaching every corner of daily life.

Under the auspices of "state security", the vigilant custodians of peace and political power served on a myriad of committees with mandates that permeated every level of society.

Riots, boycotts, strikes and acts of terrorism were subjects for the closest analysis. But so, too, were sports fixtures, competitions, festivals and even weddings.

SUPPORT

At the apex of this pyramid of snoopers was the State Security Council, chaired by the president. Its twin brief was to advise the government on the formulation and implementation of a national security policy to combat any threat to South Africa, and to determine intelligence priorities.

By mid-1985, as the "revolution" it was designed to counter raged in black townships across South Africa, the SSC's support structure came into its own.

Nowhere was the conflict more intense than in the Eastern Cape, home of school teacher and Initial Democratic Front leader Matthew Goniwe.

In his political power base, Yadcock, the situation verged on anarchy, said former SSC strategic communications chief Edmund Paulus Stemmet in his affidavit to the Goniwe inquest.

As the townships burned, hundreds of carefully selected men and women worked tirelessly to identify flashpoints, subvert elements and security risks. Among the life-threatening situations discussed at the Eastern

Province Joint Management Centre's monthly meetings from March to May were school netball tournaments, library projects and the cost of bus tickets.

Chartered by the SA Defence Force's most senior officer in the region - Brigadier (now Lieutenant-General) Joffe van der Westhuizen, officer commanding EP Command at the time - the Eastern Province Joint Management Committee met monthly.

Uppermost on the March agenda was the situation in Goniwe's home township, Lingshele, Cra-

dock, where a total school boycott was in force.

Goniwe's name appears only once in the minutes of the meeting. At the end of item 7c, he is mentioned as the person influencing a number of teachers to refuse proposed transfers to Graaff-Reinet.

The meeting noted that the Cabinet was expected to make an announcement later in the day on the escalation of the SADF's role in dealing with the unrest. For the fortnight before, the SADF had been deployed in a support role

Most of the meeting focused on matters relating to the Communications Committee - quantity referred to, military-style, as COMCOM.

After briefly discussing newspaper reports on unrest in the preceding month, the meeting of four brigadiers, three colonels, three commandants, a major, a captain, two lieutenants, a doctor and a bevy of public servants turned their full attention to a population development programme planned for East London late in April, and another in Queenstown on May 1.

Three short lines of the minutes record that the revolutionary climate had deteriorated dramatically since 1984. Youth Year projects, on the other hand, warrant half a page.

Youth Year was again high on the EPJMC's agenda at its May 23 meeting.

Item No 6 on the agenda - the schools boycott - evoked grave concern. But the unrest and growing influence of the UDF in rural areas warranted as much attention as a red meat boycott in the Border area after the sacking of a number of abattoir workers, and

the UDF's threat to boycott the East London newspaper, the Daily Despatch, because of its poor coverage of UDF affairs.

While the meeting supported a proposal that more TV programmes should offer dialogue on matters affecting blacks, it roundly condemned as negative a news review shown the previous Sunday night by the SABC on the black school situation.

The school situation in Cradock was dealt with in three lines: classes at Lingshele were still suspended, and there were growing demands for the reinstatement of Goniwe and Fort Calata.

That the EPJMC was, indeed, concerned about the Cradock situation is evident from its decision at this meeting.

Item 25 in the minutes states: "A signal will be sent to the Secretariat of the State Security Council, for relay to the relevant Cabinet ministers, recommending that Matthew Goniwe and Fort Calata never be appointed as teachers again."

STRATEGIES

Last - though clearly not least, given the JMC's brief - was item number 30: possibilities of terrorist attacks. The nine-line report noted that the highest probability was in Natal.

Also included in the hundreds of pages of affidavits, top secret memos and minutes of security meetings that form the basis of the state's case in the Goniwe inquest are the minutes of a June 7 meeting of the Joint Operations Centre, baby brother to the JMC.

Chaired by a senior police officer, this committee's discussions were deemed important enough to be classified SECRET.

On the agenda 20 days before Goniwe and his three comrades were brutally murdered were fears that a church service, at which the Rev Allan Boesak would preach, could spark a new wave of violence. The role of informants in the State's counter-revolution is apparent from the minutes of this meeting. They had to be instructed to glean information about "comrades" rumoured to be launching attacks on police-



ON THE AGENDA

men in the townships from a white Ford Escort and a light blue Peugeot 404, and to infiltrate "organisations" as part of covert action mooted to combat the escalating violence.

Among the top secret documents in the Goniwe file are minutes - retrieved from the NIS archives - of the State Security Council's meeting on June 10.

One item on the agenda was deferred to the SSC's meeting 1 July. It dealt with responsibility for fire-fighting services a national level.

Possibly the most illuminating minutes filed with the Port Elizabeth Supreme Court last Monday, are those of a special meeting of the Joint Operations Centre on June 19.

Chaired by Brigadier CA Swart of the SAP, the gathering of security forces wasted little time in getting down to business - a soccer match between Kaizer Chiefs and Witbank Black Aces at the Boet Erasmus Stadium.

The plan for dealing with an expected riot when the sports arena disgorged the anticipated 35 000 people late on a Saturday afternoon would have done a general proud.

The rest of the meeting - the minutes cover little more than half a page - dealt with the education crisis and a women's meeting in the New Brighton Centenary Hall.

Cape racists found guilty

C Press 7/3/93
FIVE rightwingers, three of them AWB members, were convicted in the Port Elizabeth Magistrate's Court this week on various charges relating to the bombing of a store owned by an ANC-supporting farmer.

Magistrate Peter Campbell convicted Andre Young, an AWB "commandant" from Despatch, and two Transvaal men, Andre Vorster and Frans van Der Walt, for bombing Malcolm Hepburn's Qwhathi store in Patensie in January.

Two other AWB men, Barend Mostert and Petrus Lombard, were convicted on a charge of obtaining illegal explosives, but were acquitted on three other charges under the Explosives Act.

Campbell also convicted Young on charges of intimidation, obtaining explosives without a permit and theft of a motor vehicle. Vorster was also convicted on a vehicle theft charge and Van der Walt for conspiring to steal a vehicle.

(331)
The case was postponed to March 22 for sentencing. Mostert and Lombard were granted bail of R200 each, but Young, Vorster and Van der Walt were remanded in custody.

The court was a hive of activity last Thursday with khaki-clad AWB members packing the gallery.

Afterwards, Hepburn's daughter Rosemarie said she feared the family would be intimidated again. - Pen

Three in court over killing of six

Sowetan 9/3/93
■ Alleged ANC members in custody: 331

Sowetan Correspondent

THREE alleged African National Congress members yesterday appeared in the Maritzburg Magistrate's Court in connection with the killing of six schoolchildren and attempted murder of six other people on March 2.

They were not asked to plead and are to be kept in custody for further investigation. The case was postponed to March 30.

Magistrate Mr D Robertson cleared the court when one of the accused said he was 17.

Another accused, Mr Sibusiso Zulu (19) of Sinating near Edendale, told the magistrate he had been slapped and choked by the police.

Robertson asked him if he had injuries and he said: "No."

Robertson sent Zulu to the district surgeon for an assessment of whether he was injured or not.

The third accused is Mr Jeramiah Veda Zulu (33) of Dinahni location.

Mr Ashraff Ismail of Cajee and Associates appeared for the men. Miss Amanda Wilmot appeared for the State.

Man faces murder rap

■ Natal man appears in court over killing of 10 people:

Sowetan 9/3/93
Sowetan Correspondent

March 22

331

A YOUNG man appeared briefly in the Camperdown Magistrate's Court yesterday in connection with the killing of 10 people near Table Mountain on Friday.

He is 24-year-old Mabhungu Absolom Dladla of Mboyi Village, Table Mountain.

No charges were put to Dladla and he was remanded in custody until

His appearance in court was a sequel to the ambush of a minibus by a group of armed men and the killing of 10 of the occupants.

Prosecutor Mr Sandas Sankar said the Attorney-General would be approached to have the matter declared "a special offence" for which no bail could be granted.

He asked magistrate Mr PSM Nel to inform Mr Dladla of his right to make representations to the Attorney-General for bail.

Star 9/3/93 (231)
AWB man's trial postponed

The murder trial of an Afrikaner Weerstandsbeweging member who allegedly severely assaulted and killed a black man on his property in 1991 was yesterday postponed in the Vereeniging Regional Court. The case against John Franklin Owens (44), of Tedderfield smallholdings near Eikenhof, was postponed to May 1994.

Star 9/3/93 (331)
Sabotage trial postponed

A sabotage trial against five rightwingers was postponed by the Pretoria Regional Court yesterday to August 16 on the grounds that one of the accused, Koos Botha, had applied for indemnity. Botha, a former MP for Wonderboom, and four others were arrested last year in connection with explosions at the Hillview school in Pretoria, Cosatu House in Johannesburg, and the Lyttelton and Krugersdorp post offices.

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STEPHANE BOTHMA

In a statement made shortly after his arrest, Albert Dlamini told the police how six men armed with pangas and other sharp weapons entered a train coach on October 9 1991, and indiscriminately launched an attack.

Dlamini, in possession of an unlicensed firearm he intended taking to Natal, had opened fire on the attackers and hit one before receiving a blow to his head with a panga, he stated. He was assaulted several times more before being thrown off the moving train.

After his arrest, he was transferred to the Boksburg-Benoni hospital.

"I think the reason for my transfer was because one group of nurses wanted to give me a lethal injection, while the others said that I should live," Dlamini said in the statement.

He denied that he had attacked anybody on that train or that he had thrown any commuter from the train. He had only fired shots in self-defence, he said.

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It is still the intention to phase out the functions and activities of the SA Development Trust Corporation on 31 March 1993, where it is practically feasible. Arrangements have, however, been made for the said corporation to continue carrying out its project functions and activities should it not be possible for a recipient organisation to take over timeously. The phasing out of the corporation is therefore synchronized with the transfer of the projects concerned.

Depending on the advice of the Advisory Commission on Land Allocation and negotiations between the RSA and KwaZulu regarding the utilization of, *inter alia*, the sugar farms near Eshowe in Natal, it is in the meantime intended to transfer the management of the project concerned to the KwaZulu Finance and Investment Corporation.

As result of a report by a bilateral working group regarding the future status of the Rust Der Winter farms it is the intention of the Advisory Commission on Land Allocation to hear evidence in this regard shortly. The findings and advice will thereafter be submitted to the hon the State President for consideration. In the meantime it is intended to entrust the management of the Rust Der Winter project to the KwaNdebele Agricultural Company.

LBS countries/RSA: constitutional future

*3. Mr H D K VAN DER MERWE asked the Minister of Constitutional Development:†

- (1) Whether (a) Lesotho, (b) Swaziland and (c) Botswana have at any time been invited to take part in talks with a view to a new constitutional dispensation for Southern Africa; if not, why not; if so, what are the relevant details;
- (2) whether he will make a statement on the matter? B312E

The MINISTER OF CONSTITUTIONAL DEVELOPMENT:

- (1) No. These states are not involved in South Africa's internal constitutional process. Their relationship with South

HOUSE OF ASSEMBLY

Africa is one in terms of the international law, which will have to be addressed by way of diplomatic channels. I am not aware of any interest shown by any of these countries regarding participation, in the wider sense, in the South African constitutional changes.

- (2) No.

Political party: changing of name

*4. Mr H D K VAN DER MERWE asked the Minister of Home Affairs:†

- (1) Whether his Department has received an application to change its name from a certain political party, the name of which has been furnished to the Minister's Department for the purpose of his reply; if so, (a) when and (b) what is the name of this party;
- (2) whether he will make a statement on the matter? B313E

The MINISTER OF HOME AFFAIRS:

- (1) No. (a) and (b) fall away.
- (2) No.

Minister Pk Bohla: undesirable person in Angola

*5. Mr J M BEYERS asked the Minister of Foreign Affairs:†

- (1) Whether he paid a visit to Angola recently; if so, what was the (a) purpose of and (b) cost involved in this visit;
- (2) whether he or the South African Government has since been informed that he has been declared an undesirable person in that country; if so, (a) why has he been declared an undesirable person and (b) in what manner was he or the Government informed of this action;
- (3) whether he is still regarded as an undesirable person in that country; if not, why not; if so, what are the relevant details? B317E

The MINISTER OF FOREIGN AFFAIRS:

- (1) I paid two visits to Angola during October 1992.
- (a) (i) These visits took place between 12 and 17 October and 19 and

20 October 1992 respectively and were undertaken at the request of both the Angolan Government and Unita to act as mediator in the post-election crisis between the two parties. I was initially hesitant to do this while I was aware of the deep-rooted distrust which existed within the ranks of both parties. After the request to act as mediator had been supported by various governments, I nevertheless decided to endeavour, for the sake of peace and stability, in Southern Africa. After five days I succeeded in obtaining an agreement from the two leaders to meet each other on 19 October 1992. Agreement was also reached that the two leaders would at this meeting both commit themselves to a peaceful resolution of their differences and to co-operating to promote the economic rebuilding of Angola. I have no doubt that if that meeting could have taken place, Angola could have avoided the destruction and bloodshed which followed later. Unfortunately advisers of the leaders suggested at the last moment that delegations of the two leaders should first meet to draw up an agenda.

This delay led to a shooting incident in Luanda which was the spark that ignited the powder-keg.

- (ii) The two trips to Luanda and back from Luanda to South Africa, as well as the two trips from Luanda to Huambo and back to Luanda, amounted to approximately R13 000 per person. The accommodation costs of my delegation were carried by the Angolan Government.

- (2) I have never been declared an undesirable person in Angola. This was incorrect speculation on the part of the media. The South African Government

has been assured of this on two separate occasions:

- (i) On 16 November 1992 Mr Venancio De Moura, the then Angolan Vice-Minister of Foreign Affairs, now Minister of Foreign Affairs, assured the South African Representative in Luanda of the invalidity of such reports.

- (ii) The former Angolan Minister of Foreign Affairs, Mr "Loy" van Du-nem, who reportedly made the original statement, assured my Department during his visit to Cape Town on 10 February 1993 that the media reports in this regard were unfounded.

- (3) Falls away.

Mr Lolo Sono: disappearance

*6. Mr L FLUCHS asked the Minister of Law and Order:

- (1) Whether, with reference to the reply to Question No 3 on 20 May 1992, the investigation by the South African Police into the circumstances surrounding the disappearance of Mr Lolo Sono has been completed; if not, (a) why not and (b) when is it anticipated that it will be completed;
- (2) whether he will make a statement on the matter? B332E

The MINISTER OF LAW AND ORDER:

- (1) Yes. (a) and (b) Fall away.
- (2) Yes. The case docket is at present in the hands of the Attorney-General of the Witwatersrand. This investigation into the disappearance of Lolo Sono is part of the controversy concerning Mrs Winnie Mandela and her so-called "soccer club". The appeal by Mrs Mandela against her conviction on a charge of the murder of Stompie Seipei is to be heard on 24-26 March 1993. The Attorney-General will decide on the matter of Lolo Sono after the appeal of Mrs Mandela has been heard.

HOUSE OF ASSEMBLY

Slain Goniwe 'was enemy'

Sowetan 10/3/93

■ **COUNTER ACTION** Former SADF general

tells inquest UDF activist was a revolutionary:

UNITED Democratic Front (UDF) activist Mr Matthew Goniwe had been a revolutionary and had been regarded as an enemy of the State, a former SADF general said at an inquest into his death yesterday.

Major-General Johannes Janse van Rensburg said that in 1985 — the year Goniwe and Mr Fort Calata, Mr Sparrow Mkonto and Mr Sicelo Mhlawuli were slain — the South African Defence Force had believed itself to be involved in a revolutionary war.

Organisations such as the UDF and African National Congress alliance were making the country ungovernable and the Defence Force was involved in counter-revolutionary action.

During cross-examination by Mr George Bizos, SC, for the families of the deceased, Van Rensburg denied he had ever considered himself or any member of the SADF as above the law.

"A defence force which regards itself to be above the law is extremely dangerous and I can't see that this would have been the prevailing

impression in 1985."

The inquest into the killing was reopened by State President FW de Klerk after the *New Nation* newspaper published a signal which was sent from the Eastern Province Command Secretariat of the State Security Council suggesting that three political activists, including Goniwe, be "permanently removed from society".

Van Rensburg told the inquest he could not remember what he had done with the written signal after receiving it. The signal could have been interpreted as an order to kill but he had known it was merely a suggestion that the Goniwe brothers and Calata be detained.

Bizos put it to him that he had done away with the signal for sinister reasons and had tried to keep his options open by saying he could not recall what had happened to it.

The signal could not be interpreted as a desire to detain the three men, said Bizos, as it referred to three Port Elizabeth Black Civic Organisation officials who had "similarly been removed from society". The hearing continues. — Sapa.

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By Helen Grange

The SADF officer who drafted the signal ordering Matthew Goniwe's "permanent removal from society" will testify that it was a death order, the Port Elizabeth Supreme Court heard yesterday.

In a dramatic turn in the reopened Goniwe inquest, Glenn Goosen, counsel for Colonel Laurens du Plessis, formerly of Eastern Province Command, said his client would say the signal was sent at the instruction of then-Brigadier "Joffe" van der Westhuizen, and that it meant that Goniwe, Sparrow Mkhonto, Fort Calata and Mbulelo Goniwe — whose names appeared on it — should be killed.

Goniwe signal was 'death order', court told

ent would say the signal was sent at the instruction of then-Brigadier "Joffe" van der Westhuizen, and that it meant that Goniwe, Sparrow Mkhonto, Fort Calata and Mbulelo Goniwe — whose names appeared on it — should be killed.

Van der Westhuizen was the former officer commanding of Eastern Province Command at the time the signal was sent and is now a general and Military Intelligence Chief of Staff.

Goniwe, Calata, Mkhonto and Sicele Mhlawuli were murdered on June 27 1985, 20 days after the date which appeared on the signal.

Goosen made the submissions during his cross-examination of former State Security Commission (SSC) member General Johannes van Rensburg. Van Rensburg has denied the signal was a death warrant, saying it meant the men should be detained indefinitely.

Goosen charged: "My client will say that the signal was sent on instruction from Van der Westhuizen and that he (Du Plessis) correctly reflected the instruction in writing. He will say it meant that Goniwe and the others should be killed."

Van Rensburg insisted, however, that the telephone conversation between himself and Van der Westhuizen, on which the signal was based, included no mention of the words "permanent removal". They had spoken of detention only.

He told the inquest on Tuesday that Du Plessis had written the signal and that he knew Van der Westhuizen would not have used unclear language.

Goosen has also charged that the telephone conversation the signal was based on took place at 2 pm on June 7, 1985 — shortly after a special committee had met and recommended that Goniwe be reappointed to the teaching post he had been dismissed from.

Transkei Military leader Bantu Holomisa is expected this morning to release several top-secret military documents which he says will prove the extent of "dirty tricks" being indulged in by the State during the '80s.

The inquest continues.

● Colonel opts for ANC-aligned advocate — Page 3

Star 11/3/93

Surprise as colonel opts for new counsel

By Helen Grange

PORT ELIZABETH — The surprise move by a top SADF officer to turn to an ANC-aligned advocate to represent him in the Goniwe inquest has sparked speculation that his testimony will heavily implicate two generals in Goniwe's murder.

Colonel Lourens du Plessis, a former member of Eastern Province Command and the man who drafted the notorious military signal ordering the "permanent removal from society" of Matthew Goniwe, is being represented by former Port Elizabeth ANC official Glenn Goosen.

Goosen, an advocate and still an ANC mem-

ber, has been tight-lipped about his unexpected appearance for Du Plessis on Monday. It is understood that SADF counsel Anton Mostert last week withdrew from representing Du Plessis.

Mostert is representing General Johannes van Rensburg, former State Security Council member, and General "Joffel" van der Westhuizen, former officer commanding of EP Command and currently Military Intelligence Chief of Staff.

(331)
Du Plessis confirmed the authenticity of the signal sent on June 7 1985 — before Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlawuli were slain.

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 ly with visi- the "Hands for Peace" campaign, she said.

Officer 'is misleading commission'

ADRIAN HADLAND

PRETORIA — A police witness was attempting to mislead the Goldstone commission, ANC legal adviser Azhar Cachalia claimed yesterday.

Testifying at the commission's investigation into attacks on police, Sgt Frederick van Tonder cited several incidents from the Natal Midlands area as proof of ANC involvement in violence against the security forces.

In his original testimony in January, Van Tonder alleged that the ANC Women's League had helped to plan the escape from a Natal hospital of an MK member who was being held in custody, as well as ANC participation in an attack on a police station in June last year.

During cross-examination yesterday, Cachalia said Van Tonder's evidence had been a "transparent attempt to distort the facts in order to mislead the commission".

This was denied by Van Tonder who restated his belief that ANC leaders in the Natal region had planned and condoned violent acts against members of the police force.

"You haven't pointed to a single, confirmed incident where any ANC leadership person has given an instruction to any of its members to attack policemen," Cachalia said.

At the very best, Van Tonder had indicated the possible involvement of ANC members acting in their individual capacities without any mandate from the organisation's leadership, he said.

"My opinion is otherwise," Van Tonder replied.

The hearings into attacks on police will continue until the month-end.

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Inkatha man gets 8 years for train attack

THE police had done everything they could to solve a 1991 train attack, a Rand Supreme Court judge said yesterday as he sentenced an Inkatha member to eight years in jail for attempting to murder a commuter.

The judge, Mr Justice J Els, found Albert Dlamini (30) of Mazibuko Hostel, Katlehong, guilty of attempting to murder a commuter on a Germiston-bound train on October 9 1991 and of illegal possession of a firearm and ammunition.

Dlamini was jailed for eight years for attempted murder and two years for illegal possession of the gun and ammunition. The sentences are to run consecutively.

■ Judge rejects ANC supporter's evidence of R90 000 payment:

The judge found two groups had battled on the train, which made it impossible to find Dlamini had acted in common purpose with other attackers.

Give evidence

Not all the people who were attacked had been called to give evidence, and Dlamini could not be convicted for attempting to murder these people. Of the four victims who did testify, the judge accepted the evidence only of one.

(331) The judge rejected as false the testimony of ANC supporter Simon Komane, who said Dlamini had told him he had been promised R90 000 for the "work" of attacking commuters. Komane claimed Dlamini told him the money and guns for the attack had been supplied from Kwesine Hostel on the East Rand.

● In another train violence trial, judgment is expected today in the trial of Mr Icam Bongani Mazibuko (24) and Mr Michael Mguni (26) who have pleaded not guilty to murdering a commuter and attempting to murder seven others on a Germiston-Johannesburg train on October 17 last year. - Sapa.

SADF plot papers submitted to Goniwe inquest

Star 12/13/93

Dirty tricks furore

By Helen Grange
and Esther Waugh

PORT ELIZABETH — Extraordinary evidence of an SADF plot in 1986 to "remove" then-Ciskei president Lennox Sebe and form a Xhosa resistance movement against the ANC was unexpectedly handed in to the Goniwe inquest yesterday.

The evidence was submitted to the Port Elizabeth Supreme Court by former Eastern Province Command officer Colonel Lourens du Plessis within hours of Transkei military leader Bantu Holomisa unveiling the same material at a press conference.

Holomisa said yesterday that the plan, known as Operation Katzen, was drawn up after a meeting of the State Security Council in Port Elizabeth in 1985 attended by former president P W Botha and (now) President F. W. de Klerk.

The Government said last night that the Cabinet and the State Security Council had never approved "illegal actions" or murder.

It repeated a statement made by De Klerk in May about the death of UDF activist Matthew Goniwe.

"The Government has no knowledge whatsoever of the alleged action and at no stage was this or similar cases discussed or considered by the Cabinet or the State Security Council. Any insinuation that the Cabinet or the State Security Council planned or approved of murder or of any other crime at any stage, is devoid of all truth."

The Government stressed that the events referred to in the documents were planned seven years ago "when various organisations were involved in terrorist actions against society, including indiscriminate bomb attacks and necklace murders".

At that time, the Government had a duty to take "appropriate action to restore order".

"In this process it did use extraordinary powers and unconventional strategies. However, at no time did the Cabinet or the State Security Council order or approve any illegal actions."

In its statement, the Government reiterated De Klerk's statement that it has never ruled out the possibility of unauthorised actions.

The Government said it would study the documents and would then decide whether any further action was warranted.

Sebe said in Johannesburg last night that he found out about the plan in 1986/87 and reported the matter to the

Furore over more dirty tricks

● From Page 1

South African authorities. After he had received another report on the matter, he contacted the South African ambassador to Ciskei.

The ambassador told Sebe he would inform the Government.

The same night — February 19 1987 — Sebe said, his house was attacked.

He said he was not shocked at the revelations, which included plans for a coup against his government and to "remove" him.

"You leave it to time because time will expose them," he said.

The inquest has now been postponed to March 29 to give Du Plessis an opportunity to apply for indemnity from prosecution before he testifies, and to allow legal counsel to study the dramatic new evidence.

Du Plessis, if granted indemnity, is expected to testify that the signal ordering Matthew Goniwe's "removal" from society was in fact a death warrant issued by General Joffel van der Westhuizen, formerly of EP Command and now Military Intelligence Chief of Staff.

Du Plessis would also testify that orders to "remove" people were common during the turbulent 1980s, and that the term meant their assassination, said his counsel Glenn Goosen.

The words "remove"

and "made to disappear" appear frequently in the new evidence, copies of which were given to the media by Holomisa.

Most of the documents are top-secret strategy outlines allegedly drawn up by Van der Westhuizen, the alleged mastermind of the plot to form a Xhosa power base.

The Goniwe inquest will be determining the authenticity of the documents, using a handwriting expert to verify Van der Westhuizen's own writing.

Springing

According to the documents, Operation Katzen involved:

● Establishing a Xhosa resistance movement in the eastern Cape under the leadership of Charles Sebe, brother of Lennox Sebe, and under the covert control of South African security forces.

● The springing of Charles Sebe from jail for this purpose, and a coup against Lennox Sebe and colleagues.

● To form a security alliance between EP Command, Transkei Defence Force (TDF) and Ciskei Defence Force (CDF) to forge a consolidated "Xhosaland State".

Events as they actually occurred were that Charles Sebe was sprung from prison in September 1986, but that a coup attempt in February 1987 against Lennox Sebe failed. He narrowly

escaped death.

Charles Sebe was later ambushed and killed under direct orders from current Ciskei leader Oupa Gqozo when he tried to re-enter the homeland.

A separate document allegedly compiled by Van der Westhuizen states that a Colonel Hall and Commandant du Plessis, both of EP Command, were fully aware of the plan. Among those partly aware of the plan were General Gleeson, former SADF deputy commander, and General van Deventer, then Ciskei ambassador.

It also alleges that Local Government Minister Tertius Delpoit — then dean of the faculty of law at the University of Port Elizabeth — "partly" knew about and endorsed the plan.

Delpoit has denied knowing about Operation Katzen.

Afterwards eastern Cape Acting Attorney-General Mike Hodgson told the press: "It is time to clean the slate of offences that occurred in the '80s. We now have a precedent."

He appealed to anyone having information affecting the inquest to come forward, saying provision for their indemnity would be made.

Goniwe and three other activists were brutally murdered on an eastern Cape roadside on June 27 1985.

Picture: Stephen Davimes

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● To Page 3

State's top secret

CPress 14/3/93 (321)

Signal record 'not important'

THE public had a brief but fascinating glimpse this week into the minds of the men who saw themselves as fighting off the "revolutionary onslaught" of the mid-80s.

Reading evidence in the Goniwe inquest in Port Elizabeth, retired general Johannes Janse van Rensburg, at the time chief of the strategy branch of the State Security Council, described the situation in the eastern Cape as "chaotic" in 1985.

Advocate George Bizos, appearing for the families of murdered activists Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicele Mhlau, produced a copy of an article, marked "restricted" and entitled: *Lessons learnt from past revolutionary wars*, written by Brig CA Fraser, SM, then Commander of 12 Combat Group.

Janse van Rensburg, referring to the author as "my heir", confirmed that not only did he know the work but he had taught it.

The State of Emergency declared in the eastern Cape the day after Goniwe's funeral in Cradock and later extended to the entire country for several years accords with Brig Fraser's rules. "A declaration of a State of Emergency at the earliest opportune moment is imperative.

"It is essential to identify the enemy exactly - and then to isolate him from the population," stated Fraser, urging that rebels be publicly declared the "enemy". Janse van Rensburg confirmed in court this week that Matthew Goniwe was regarded as the "enemy" - as were the UDF, ANC and Azapo.

Fraser recommended granting wide powers to the police as early as possible, but warned against indiscriminate actions "even if some brutality is inevitable".

"Not all revolutionaries are Communists, but all Communists are revolutionaries," concluded Fraser.

Military sources have previously confirmed that in 1985 Cradock was seen as not just a political flash-point, but the beginning of organised Communist Party cells in the country. Goniwe was seen as the key man behind this.

Counsel for the families are arguing that the murders were in line with military counter-revolutionary theory of the time and that the disputed signal message referring to the "permanent removal" of Goniwe and his comrades should be seen in that light.

Janse van Rensburg has been unable to explain just what he did with his copy of the Top Secret signal and why it is no longer in the files. He said it was not an important document and he was within his rights to destroy it.

"If this document meant that people should be killed then one can understand why it was destroyed," commented eastern Cape Judge President Justice Neville Zietsman earlier this week.

The inquest took a dramatic turn on Thursday when Col Lourens du Plessis, the man who drafted the Goniwe signal, handed in a bombshell affidavit and



KEY MAN ... Murdered eastern Cape activist Matthew Goniwe was regarded as the "enemy" by the State Security Council who allegedly called for his "permanent removal from society".

indicated that he intended applying for indemnity from prosecution.

The affidavit stated that the officer commanding the Eastern Province Command at the time, then brigadier (now general) Joffel van der Westhuizen, ordered him to compile and send the Goniwe signal and that he understood the instruction to mean that Goniwe, his brother Mbulelo and Fort Calata were to be killed.

Eastern Cape acting Attorney-General Mike Hodgson appealed to anyone with information affecting the inquest to come forward, adding provision would be made for indemnity.

The court has been packed daily as the public await more dramatic evidence. Outside the building, over 200 singing ANC supporters wave banners. -Pen

AWB members guilty

TWO former members and one current member of the AWB have been found guilty in the Potgietersrus Regional Court on charges of intimidation and each has been sentenced to three years' correctional supervision. (33)

They are Hendrik Gerhardus Marthinus Oosthuizen, 20, of Pietersburg, and Eckhardus Greeff, 20, and Marius du Preez, 22, both of Potgietersrus.

B/DAY
15/3/93

Police discover 'gun factory' 331

BIDAM 19/3/93
DURBAN — Three men appeared briefly in the Durban Magistrate's Court yesterday afternoon after police discovered a "gun factory" at a Telkom workshop in Rossburgh earlier in the day.

Nicholaas Johannes Visser, 29, of Umbilo; Wayne Nel, 28, of Queensburgh; and Lucas Joseph Ngcobo, 60, of Umlazi were charged with possession of illegal weaponry. Visser and Nel pleaded guilty to some of the charges, while Ngcobo pleaded not guilty.

SAP spokesman Maj Hamilton Ngidi said police had raided the premises after a tip-off and seized two state-of-the-art homemade firearms and ammunition.

Police believed weapons had been manufactured there for some time, and that more would be recovered. Ngidi said: "According to our information these deadly homemade weapons were freely available

to whoever wanted them. The guns were very similar to the real thing."

Police regarded the find "as a big breakthrough, if one takes into account the number of homemade weapons used in the current wave of violence and the increasing number of armed robberies".

Meanwhile, in unrest-related incidents in Natal, at least four people were injured and one shack was razed in a clash yesterday between ANC and Inkatha supporters in the Malukazi settlement, near Umlazi, Durban. Ngidi said police found cartridges from AK-47 rifles, 9mm pistols and shotguns at the scene.

On Wednesday, two people were shot dead in separate incidents south of Durban, while on Tuesday a bus was ambushed near Port Shepstone. Four people, including the driver, were injured in the hail of AK-47 fire, Ngidi said. Sapa.

id' with primary school pupils

'Fatherly kiss' leaves girl injured

By Sipho Mthembu

A 13-YEAR-OLD Soweto schoolgirl fell and fractured her wrist while running away from a teacher who allegedly made advances to her.

But the teacher denied this, saying he just wanted to give the girl "a fatherly kiss".

The incident took place at Ndondo Primary School in Rockville, Soweto, last Friday. Jabulile Mthethwa, who had her left arm in a sling when *Sowetan* visited her at school this week, said she was still in pain and could not use her injured hand.

Jabulile said she was injured when she fell as she tried to escape from Mr Vusi Mazibuko, a teacher well into his 30s, who allegedly would not take no for an answer. "It was about 12.30pm when Mr Mazibuko approached me and asked for a kiss. I refused. He started chasing me and I fell down,

BROKEN WRIST Teenager hurt as she tries to flee amorous teacher:

fracturing my wrist. "He always wants to kiss me and sometimes when I refuse he beats me until I agree," she said. She had been afraid to report the teacher's advances to her guardians. Mazibuko, who pleaded with us not to publish the story, said: "I normally play around with her but there is no sexual motive behind my kisses. I even made a point of it that she be taken to Tshiawelo Clinic after the fall. "For the record: she is not the only child I kiss."

Mr Moses Ngwenya, Jabulile's guardian, said they were still deciding what action to take. The girl's parents live in Hammanskraal, near Pretoria.

The school's principal confirmed that the girl had reported the incident and that it was being investigated.



Jabulile Mthethwa

ANC trio on murder rap

By Tsale Makam

THREE members of the African National Congress yesterday pleaded not guilty in the Rand Supreme Court to murdering a policeman in Alexandra Township last year.

Mr Happy Mahlangu (26), Mr Lawrence Myendeki (18) and a 17-

year-old youth are accused of the murder of Mr Simon Pilane on May 31 last year.

They have also been charged with robbery with aggravating circumstances and unlawful possession of a firearm and ammunition.

The defence counsel submitted that Mahlangu had admitted taking

Pilane's service revolver, firing four times from it but only hitting him once.

In his statement, Myendeki admitted to stabbing Pilane with a spear. He said there was confusion and violence in the township on that day.

Dr Joseph Moar, who conducted the post mortem, said Pilane's lung had been punctured.

Sowetan 19/3/93

(331)

Chief Justice... 11

Appeal judges to decide Winnie's fate on Stompie

By CATHY STAGG

331

AT 9.45am on Wednesday, five of South Africa's most experienced judges will part a blue velvet curtain and file into Court No 1 at the Appeal Court in Bloemfontein.

Their solemn entry will mark the start of the final chapter in the saga of Winnie Mandela and the death of teenage activist Stompie Seipei.

For three days, the judges — whose names will not be known until they enter the court — will listen to legal teams arguing Mrs Mandela's appeal against her conviction on charges of kidnapping and an accessory after the fact of assault.

They will also hear similar appeals of two of her co-accused — her former driver, John Morgan, and ANC activist Xoliswa Falati.

The state contends that the sentence imposed on Mrs Mandela at her 1991 trial in the Rand Supreme Court was too lenient. Her legal team argues that she should never have been found guilty.

Manse

Last September, the Appeal Court reduced to life imprisonment the death sentence handed down to former Mandela XI soccer coach Jerry Richardson, who was convicted in August 1990 of murdering Stompie.

Mrs Mandela was sentenced to an effective six years in prison on May 13 1991 after the Rand Supreme Court found she had authorised the abduction of Stompie and three other youths from the Methodist manse in Orlando West.

She was also found guilty of being an accessory after the assaults on the youths.

Mr Morgan was given a one-year suspended sentence after being convicted of kidnapping, and Miss Falati, found guilty of four charges of kidnapping and four of assault, was sentenced to an effective six years in prison.

The youths were taken from the manse in December 1988 and held captive at Mrs

Mandela's home in Diepkloof.

Stompie was last seen alive on January 1 1989, and his partly decomposed body was found in the veld near Soweto five days later. He had been stabbed and beaten.

Mrs Mandela's trial was marked by an unprecedented demand for seats in the public gallery.

The atmosphere at the Appeal Court is customarily more dignified. Appeal hearings are normally attended only by legal teams, and the debate tends to be scholarly.

However, Mrs Mandela's hearing is expected to attract much attention, even though judgment on the appeal is almost certain to be reserved.

The state will argue that she should have been found guilty of assault in addition to abduction, and ask the Appeal Court to increase the sentence already imposed on her.

Lengthy bail bid for local MK man

331

SITING (Cape metro) 21/3/93.

By AYESHA ISMAIL

A MARATHON bail application by a member of the ANC's military wing, uMkhonto weSizwe, who is facing two charges of murder, has been postponed to tomorrow for argument after a magistrate heard more than 10 hours of evidence.

An urgent bail application was brought on Friday night in the Mitchells Plain Magistrates' Court for the release of Mr Isaac Pumelele Bengé, 28, charged with murdering two men in KTC on January 21.

Mr Bengé has pleaded not guilty. The court sat until 2.30am yesterday

and continued at 1pm yesterday, before being postponed. He was remanded in custody.

The application for bail is being opposed by the police.

The court heard that on March 17 this year Mr Bengé was stopped and searched by police.

A Sergeant Imer Pikker told the court that a 9mm pistol was found in Mr Bengé's possession. When he was taken to the police station, he produced a gun licence, which had been issued in Transkei.

Mr Bengé was in possession of three magazines at the time, the court heard.

Sergeant Pikker said Mr Bengé was allowed to leave the police station but his weapon was confiscated and sent to Pretoria for ballistics tests.

These tests showed that "projectiles" found at the scene of the two murders had been fired from the firearm found on Mr Bengé.

When Mr Bengé was arrested on March 4 he had refused to make a statement, Sgt Pikker said, but responded to questions put to him.

Sergeant Pikker said Mr Bengé had told him that he had gone to Transkei in 1987 and from there had travelled to Zimbabwe.

Studies

He studied at a college in Harare but did not complete his studies as he was instructed to return to the Republic.

Sergeant Pikker said Mr Bengé told him he returned to South Africa in May 1991.

"He emphatically denied that he was a member of MK," Sergeant Pikker said.

"When I asked him why his firearm licence was issued in the Transkei, he replied that he intended becoming a Transkeian citizen and spent more time there than here."

Mr Bengé is believed to be linked to two or three other murders, the court heard.

When Sergeant Pikker was asked by Prosecutor Mr D J Oosthuizen whether in view of what he had told the court, Mr Bengé would stand trial.

Sergeant Pikker said he did not think so as Mr Bengé had left the country before and those avenues were still open to him.

Legal representative for Mr Bengé, Mr Vuyani Peter, argued that his client would stand trial as his client had a family, a job and property in Cape Town.

Winnie's appeal set for Wednesday

Sowetan 22/3/93
By Mzimasi Ngudle

■ **Stompie saga continues at the Appellate Court:**

(331)

MRS Winnie Mandela's appeal against her conviction and six-year jail sentence will be heard in the Appeal Court in Bloemfontein on Wednesday.

Mandela was sentenced to an effective six years in prison on May 13 1991 for kidnapping teenage activist Stompie Seipei and three other youths and being an accessory after the assault on the youths.

The youths were allegedly kidnapped from a Methodist manse in Orlando West in December 1988 and held captive at Mrs Mandela's home in

Diepkloof.

Stompie was last seen alive on January 1 1989 and his partly decomposed body was found in the veld near Soweto five days later.

The State contends that Mandela's sentence was too lenient, while her legal team argued that she should never have been found guilty.

The State would argue that she should have been found guilty of assault in addition to abduction and to ask that the sentence be increased.

Last September the Appeal Court reduced to life imprisonment the death sentence handed down to former Mandela XI soccer coach Jerry

Richardson, who was convicted in August 1990 of murdering Stompie.

The court on Wednesday will also hear similar appeals of two of her co-accused — John Morgan, her former driver, and African National Congress activist Xoliswa Falati.

On Friday Transvaal attorney-general Mr Klaus von Lieres said renewed investigations, following Falati's and Morgan's allegations that they lied in court to protect Mrs Mandela, had come to nothing.

Mrs Mandela has been on bail of R200 pending the appeal.

I was forced to make confession - ANC man

Sowetan 23/3/93.
By Tsale Makam

A MEMBER of the African National Congress yesterday told the Rand Supreme Court he was forced by police officers to confess to crimes he did not commit.

Mr Solomon Mnqanqeni (33), of Phola Park, appeared with Mr Makhosi Phuthumile (28), also of Phola Park, and Mr Daniel Motaung (35), of Katlehong, on three counts of murder and robbery involving more than R500 000.

Mnqanqeni told Mr Justice R Strydom that a Captain Koekemoer had also forced him to incriminate senior members of the ANC in the crimes.

The men are also facing five counts of

ANC men face murder and robbery charges: (33)

attempted murder, robbery with aggravating circumstances and the illegal possession of firearms and ammunition.

The charges arise from several robberies and car hijacks committed in 1991 and 1992. Mnqanqeni said Koekemoer had also told him to admit to having handed the money to Mr Chris Hani and Mr Tokyo Sexwale, both senior members of the ANC.

He said he had "made a mistake" when he said he was tortured in the bush on May 20 last year. "In fact, all the events I said took place on May 20 actually happened on the 19th (May)," he said. (Proceeding).

Mandela (331) to appeal tomorrow 5 PM 23/3/93

Winnie Mandela's appeal against her 1991 conviction in the high-profile "Stompie Seipei" kidnapping trial is to heard by the Appellate Division in Bloemfontein tomorrow.

She is to appeal against her conviction on four counts of kidnapping and four of being an accessory after the fact to assault.

Co-accused Xoliswa Falati and John Morgan will also appeal against their sentences. ANC activist Falati was sentenced to an effective six years' jail for four counts each of kidnapping and assault.

Morgan was given a one-year suspended sentence for kidnapping. — Court Reporter.

Winnie starts her appeal

THE appeals of Mrs Winnie Mandela, Miss Xoliswa Falati and Mr John Morgan against their convictions arising from the kidnapping of Stompie Seipei will be heard in the Appeal Court in Bloemfontein from today.

The two women also appeal against their effective imprisonment for six years.

They were convicted by Mr Justice MS Stegmann in the Rand Supreme Court on May 13 1991.

Five years' jail was imposed on Mrs Mandela for kidnapping Seipei and three others on December 29 1988 and one year for being an accessory after the fact of the subsequent assault of the four.

Morgan, who drove the vehicle used to abduct the four from the Methodist manse at Orlando West, was convicted on four charges of kidnapping and sentenced to one year, suspended.

Sowetan 24/3/93
■ Stompie Seipei saga draws to a dramatic close:

331
The State is to ask the Appeal Court to find that Mrs Mandela was a co-perpetrator of the assaults on the four and not merely an accessory after the fact

Falati, who worked at the manse, was guilty on four counts of kidnapping and four of assault with intent to do grievous bodily harm. She was imprisoned for four years for the kidnapping and two years for the assault.

The four were taken from the manse to Mrs Mandela's house at 585 Diepkloof Extension, Soweto.

Seipei was removed from there on January 1-2 1989. His body was found in an open field between Noordgesig and New Canada on January 6 1989.

Jerry Richardson was sentenced to death for the murder but on September 8 1992 the Appeal Court changed the sentence to life imprisonment.

Kenneth Kgase (31) escaped from the Mandela premises on January 7 1989, while Barend Thabiso Mono (21) and Gabriel Pelo Mekgwe (22) were released to Methodist Bishop Peter Storey on January 16 1989.

The State is to ask the Appeal Court to find that Mrs Mandela was a co-perpetrator of the assaults. — Sapa.

Winnie's kidnapping appeal to start today

BIDAY 24/3/93

(331)

WINNIE Mandela's appeal against her conviction and six-year prison sentence for kidnapping teenager Stompie Seipei and three other young men begins today before a full bench of five judges in the Appellate Division in Bloemfontein.

Judge M Stegmann sentenced Mandela on May 14 1991 to five years for the kidnappings and a further one year's imprisonment for being an accessory to assault.

Mandela was acquitted of assaulting the four after the judge found that her alibi that she was in Brandfort when the assaults took place could "reasonably, possibly be true".

The state is to ask the Appeal Court to confirm her conviction and sentence on the kidnapping charges and to also find her guilty on the four counts of assault, with an appropriate adjustment of her sentence.

Her co-accused Xoliswa Falati is also appealing against her conviction and six-year sentence on all eight counts of assault and kidnapping.

Mandela's driver, John Morgan, who was found guilty of kidnapping for driving the minibus in which the four were abduct-

SUSAN RUSSELL

ed from the manse, was sentenced to one year's imprisonment which was wholly suspended.

He is also appealing against his conviction and sentence.

Seipei, 14, Gabriel Mekgw'e, 22, Barend Mono, 21, and Kenneth Kgase, 31, were kidnapped from the Methodist manse in Orlando West, Soweto by Falati, Morgan and Mandela United football coach Jerry Richardson on December 29 1988.

The judge found that the four were kidnapped and held in rooms behind Mandela's house, where they were assaulted, as part of a campaign aimed at ousting the Rev Paul Verryn from the manse.

During the trial the state was unable to disprove Mandela's alibi.

However, the judge convicted her of being an accessory after finding she had been aware the four had been assaulted and kept against their will by Richardson, but had done nothing to secure their release.

Mandela has been out on R200 bail since her conviction and sentence.

Civics call for the removal of white local authorities

THE civics and the ANC are calling for the removal of white local authorities, and mass action may be used if they do not make way for "interim structures" within the next year.

The organisations, which have run campaigns since the early '80s aimed at removing black local authorities, say the emphasis will now switch to removing white town councils.

On Monday, ANC department of local government head Thozamile Botha told the Local Government Negotiation Forum: "Up to now the emphasis has been on black local authorities, as if these were the only apartheid structures.

"White councils must

GAVIN DU VENAGE

also be replaced with interim structures," he said, adding that these should be in place before an interim government was installed.

Cast general secretary Dan Mofokeng said yesterday that the civics wanted to see white local authorities replaced "very soon" with a system that would lead to non-racial cities with a single tax base.

He said Sanco did not recognise the legitimacy of the white local authorities, which were also set up under apartheid law. Now that a forum had been set up to establish interim structures, the white au-

thorities should resign, he said.

Mofokeng said that while the forum was the preferred avenue for facilitating their removal, he did not rule out mass action.

If no agreement was reached, he said, "the masses will respond."

Alexandra Civic Association general secretary Richard Mdlakane said yesterday that the Sandton Town Council should resign "by the end of July." The launch of the forum this week would lead to their replacement, whether they liked it or not, he said.

He added to the call for white local authorities to resign.

Winnie's leadership role 'swayed judge'

BLOEMFONTEIN — Winnie Mandela's leadership position and the public concern aroused by her trial had unduly influenced the judge who sentenced her to six years for kidnapping, it was argued yesterday.

Her counsel, George Bizos SC, made this submission to a full Bench of five judges headed by Chief Justice M Corbett in the Appellate Division.

The other judges hearing Mandela's appeal against her conviction and six-year sentence are J Milne, J W Smalberger, J Ecksteen and A J Botha.

Bizos said the overemphasis placed on

SUE RUSSELL

her leadership position explained some of the findings of fact made against Mandela by Judge M J Stegmann in May 1991.

The judge sentenced her to five years' imprisonment for her involvement in the kidnapping of Stompie Seipei and three other young men in December 1988. She was sentenced to a further one year's imprisonment after the judge found her guilty of being an accessory to assault.

Mandela is appealing against both her conviction and sentence.

The State, however, is cross appealing and is asking the court also to find her guilty of assaulting the four after they were kidnapped and held on her premises against their will.

Seipei, 14; Gabriel Mekgwe, 22; Barend Mono, 21, and Kenneth Kgase, 31, were abducted from the Methodist manse in Soweto by Mandela's two co-accused Xoliswa Falati and John Morgan and Mandela United Football coach Jerry Richardson on December 29 1988. Stegmann found that the four had been kidnapped with

□ To Page 2

Winnie Mandela

Mandela's authority as part of a conspiracy to oust the Rev Paul Verryn from the manse.

Bizos submitted yesterday that Stegmann had seriously misdirected himself by finding that there had been a conspiracy to which Mandela had been a party. There had been no evidence of a conspiracy during the trial, he said, nor had it been put to any of the witnesses.

The judge had been incorrect in finding that Mandela was part of this conspiracy, which included kidnapping the four to answer questions about homosexual activities and allegations of sexual abuse by Verryn at the manse. Bizos submitted that the judge had also misdirected himself by rejecting Mandela's evidence that the four were staying on her premises of their own free will because of incidences of sexual abuse by Verryn.

It was also submitted that the judge

should have accepted Mandela's testimony that she was not involved in the assault of the four. The evidence that she had no contact with the people living in the rooms behind her house was uncontradicted.

Bizos said the judge had approached Mandela's evidence and actions by over-emphasising her leadership position.

"He bears it in mind when assessing how he believes she should, or should not, have behaved and also in making important decisions in relation to the conduct of the case."

Bizos said the judge had also gone out of his way not to be seen to be treating Mandela differently from Falati.

"People in leadership positions are entitled to be treated equally, not adversely."

There was a heavy police presence outside the Appeal Court. The public gallery was also full, but Mandela did not attend. Argument continues today.

□ From Page 1

Winnie's appeal begins in Bloem

Sowetan 25/3/93

BLOEMFONTEIN — Winnie Mandela was convicted for kidnapping and being an accessory after the fact to assault because the trial judge assumed she and co-accused Xoliswa Falati shared the intention to discredit Methodist minister the Reverend Paul Verryn, defence counsel George Bizos, SC, told the Appeal Court yesterday.

Bizos said Mr Justice Michael Stegmann had "gone off on a tangent" when he found Mandela had authorised the abduction of four young men to her Soweto home in December 1988 as part of a smear campaign against Verryn.

Allegations against the minister were that he was sexually abusing youths in

■ Defence claims Mandela convicted on an assumption:

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his care at the Methodist manse.

Mandela is appealing against her conviction on four counts each of kidnapping and being an accessory after the fact to assault. Falati is appealing against her conviction on four counts each of kidnapping and assault. Mandela's driver, John Morgan, is appealing against his conviction for kidnapping.

Bizos told the court there had not been sufficient reliable evidence for Mandela's conviction. — *Sowetan Correspondent*.

Confession was made voluntarily

Sowetan 25/3/93

By Tsale Makam

A MEMBER of the African National Congress charged with murder and robbery had made his confession "freely and voluntarily", a Rand Supreme Court judge ruled yesterday.

Mr Solomon Mnqanqeni (33), who, together with Mr Phuthumile Makhosi (28) and Mr Daniel Motaung (35), faces charges of murder and robbery involving more than R500 000, had earlier told the court he had made the statement under duress.

Mnqanqeni had told the court a captain Koekemoer had forced him to admit to the crimes, gave him names of senior ANC members, including Mr Chris Hani, to incriminate and names of places they were supposed to have robbed.

■ Judge says ANC man is an unreliable witness: (331)

Mr Justice R Strydom also said although most of the policemen were unreliable witnesses, Mnqanqeni was equally unreliable and had lied to the court.

"Why would police force him to say things which had no bearing on the case?" the judge asked.

The judge and his two assessors also found that in his statement Mnqanqeni had confessed to a robbery police did not know he was involved in.

The State also found that the case on the Southdale Standard Bank robbery was already closed but was reopened after Mnqanqeni's confession to the robbery.

(Proceeding)

Bill provokes huge row

Sowetan 25/3/93

By Musa Zondi

THE Tobacco Institute of Southern Africa has complained about the proposed legislation on cigarette control.

The Tobacco Products Control Bill was tabled in Parliament this week and seeks to control the sale of tobacco to youths under the age of 16. The bill will also reduce advertising of these products and demands a much more detailed health risk warning.

Tisa said the youth was not the target of marketing of tobacco products anyway. It said it "has no objections to the proposed

■ Tobacco bosses complain about new law:

ban on sales of cigarettes to people under the age of 16. However, strict compliance by the trade may be difficult for purely technical reasons and the Institute therefore suggests that consultation be entered into with retail business sector on the matter".

On advertising, the institute says it is a misconception to believe advertising plays a determining role in influencing people to take up smoking.

'High profile hurt Winnie'

By Bronwyn Wilkinson
and Susan Smuts

BLOEMFONTEIN — Winnie Mandela's position as a public figure could have counted against her in the trial which led to her conviction on charges of kidnapping and being an accessory after the fact to assault, her counsel George Bizos, SC, told the Appeal Court yesterday.

Bizos said trial judge Mr Justice Michael Stegmann had been "over-concerned with the public concern" in the case.

There could be no other explanation for some of Stegmann's findings other than that the judge had not wanted to be seen to be treating Mandela differently to co-accused Xoliswa Falati.

Certain evidence, which may otherwise have been declared inadmissible, was heard by Stegmann because the case was one of public concern and because Mandela was a public figure, Bizos argued.

He said some of this evidence may have been detrimental to Mandela's case.

Thus, Bizos said, Stegmann's entire judgment was permeated with the premise that people in leadership positions should behave differently to others.

Bizos said that being a leader did not place any more judicial responsibility on a person in relation to criminal conduct.

The cases against Mandela and Falati were different and should have been treated as such. But the "different" treatment should have been equal.



Winnie Mandela . . . "wanted to contain the manse case".

Stegmann had instead treated the cases as one because he had not wanted to be seen to be treating a leader differently to anyone else, Bizos argued.

About 60 people crammed into the court at the beginning of the hearing but the sense of anticipation waned quickly as it became clear Mandela would not appear.

After about 30 minutes into Bizos's argument at least five people in the gallery nodded off and 10 others had walked out.

Calling for an acquittal, Bizos said the trial judge had "gone off on a tangent" when he found that Mandela had authorised the abduction of four young men to her Soweto home in December 1988 as part of a smear campaign to discredit Methodist minister Paul Verryn.

The State had not contended that Mandela had associated herself with an attempt to oust Verryn from his position as resident minister of the Methodist

manse in Orlando West.

Instead, the State had alleged that three of the men were kidnapped because Falati believed they were involved in homosexual activities at the manse and that they were assaulted as punishment. The State had submitted that the fourth youth, child activist Stompie Seipei, had been assaulted and killed because he was believed to be an informer.

Stegmann had described the smear campaign as speculation, yet used it to make a finding adverse to Mandela, Bizos said.

The judge had made no distinctions between Mandela's and Falati's state of mind.

"While Falati wanted a full-blown inquiry before various religious leaders in order to expose Verryn, Mandela wanted to contain the matter."

Mandela's uncontradicted evidence indicated she had not been party to a campaign to accuse Verryn falsely. Instead, as a social worker, she had wanted to solve a problem which had been brought to her attention.

Falati, who was much closer to the manse than Mandela, had been described by the trial judge as vindictive. She was "a dangerous liar" who wanted to get rid of Verryn "by hook or by crook". Bizos said Mandela's conviction had been based on circumstantial evidence against which she had offered a credible denial.

Chief Justice Mr Justice M M Corbett, Mr Justice A S Botha, Mr Justice J V Smalberger, Mr Justice A J Milne and Mr Justice J P G Eksteen will hear separate appeals from Falati and Mandela's former driver John Morgan. The case continues.

STAR 25/3/93

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Winnie's role 'influenced judge'

Own Correspondent

BLOEMFONTEIN. — Mrs Winnie Mandela's leadership position and the public concern aroused by her trial had unduly influenced the judge who sentenced her to six years for kidnapping, it was argued yesterday.

Her counsel, Mr George Bizos, SC, made this submission to a full

bench of five judges headed by Chief Justice M Corbett in the Appellate Division.

Mrs Mandela is appealing her conviction and six-year sentence.

Mr Bizos said the overemphasis placed on her leadership position explained some of the findings of fact made against Mrs Mandela by Mr Justice MJ Stegmann in May 1991.

The judge sentenced her to five years' imprisonment for her involvement in the kidnapping of Stompie Seipei and three others in December 1988. She was sentenced to a further one-year's imprisonment after the judge found her guilty of being an accessory to assault.

The state is cross appealing and is asking the court also to

find her guilty of assaulting the four after they were kidnapped and held on her premises against their will.

Mr Bizos submitted yesterday that the judge had seriously misdirected himself by finding that there had been a conspiracy to which Mrs Mandela had been a party. Argument continues today.

(331) CT 25/93

Assault explained

Sweeten 26/3/93.

■ Falati believed she acted to protect children from Verryn: (331)

THE Appeal Court in Bloemfontein has been told that Xoliswa Falati, convicted of kidnapping and assaulting teenage activist Stompie Seipei and three others, believed her actions were in the interests of the "children".

Her counsel, Mrs Sita Kolbe, said she wanted to protect them from the influence of the Rev Paul Verryn, the Methodist minister at Orlando West.

They were abducted from the church mansion on December 29 1988 and taken to the back rooms of Mrs Winnie Mandela's luxury home in Diepkloof, Soweto, where they were assaulted.

The body of 14-year-old Stompie was found several days later in an open field.

Earlier yesterday, the court heard Mrs Mandela's counsel, Mr George Bizos, SC, and Mr Deon Basson, submit that Mr Justice MS Stegmann, in the Witwatersrand Local Supreme Court on May 13 1991, had over-emphasised her leadership position when he convicted her on the basis that she had conspired to kidnap the young men and as an accessory after the fact of their assault.

Bizos submitted the State had failed to prove that Mandela was guilty of any crime.

Both Mandela and Falati were given effective prison sentences of six years.

Kolbe submitted the judge's finding that Falati had kidnapped the complainants was based on his finding she had some ulterior motive. — Sapa.

Winnie was guilty of assault, judges are told

Blom 26/3/93
(331)
SUSAN RUSSELL

BLOEMFONTEIN — Winnie Mandela should have been found guilty of being a co-perpetrator in the assaults of Stompie Seipei and three others and not merely an accessory.

State counsel Jan Swanepoel SC made this submission yesterday to the full Bench of the Appellate Court judges hearing Mandela's appeal against her conviction and six-year sentence for kidnapping and being an accessory to assault.

Swanepoel also said the trial judge should not have accepted that her alibi for her whereabouts when the assaults took place, "was reasonably, possibly true".

The State is asking the court to confirm Mandela's conviction and sentence on four counts of kidnapping.

It is also asking the court to find her guilty on four counts of assault and to increase her sentence appropriately.

Seipei, Gabriel Mekgwe, Barend Mono and Kenneth Kgase were abducted from the Methodist manse in Soweto on December 29 1988 and taken to Mandela's home where they were assaulted by her co-accused Xoliswa Falati and others.

Mandela, Falati and co-accused John Morgan were convicted of kidnapping the four by Judge M Stegmann in May 1991.

The judge found that Falati and Mandela United football coach Jerry Richardson had, with Mandela's authority, abducted the four as part of a conspiracy to oust the Rev Paul Verryn from the manse.

He also found that Seipei and the others had been kept against their will in rooms

behind Mandela's house and assaulted by Falati and Richardson to obtain incriminating evidence against Verryn who was alleged to have sexually abused youths living in his house.

Falati was convicted on eight counts of kidnapping and assault and sentenced to six years' imprisonment. Morgan received a one-year suspended sentence for kidnapping. Both have also appealed.

Richardson is serving a life sentence for murdering Seipei.

Mandela has denied that she was involved in any conspiracy to oust Verryn or the kidnapping. She has also denied being involved in the assault or being aware of it.

Swanepoel argued yesterday that Mandela's explanation for failing to take active steps to release the four after being told of the allegations against her in early January 1989, was false.

Mandela has said she had been outraged by the untruthful allegations against her and had wanted nothing to do with the three remaining on the premises.

Swanepoel submitted that faced with these allegations any reasonable person would have immediately gone to the rooms to investigate for herself or have arranged for the removal of the youths.

He said the defence submission that Mono and Kgase had falsely implicated Mandela should be rejected as there had been no motive for them to do so.

Winnie 'untruthful' witness

By Susan Smuts

(331)

STAR 26/3/93

BLOEMFONTEIN — Winnie Mandela had been an unsatisfactory witness who had been untruthful in many respects during her testimony in the high profile 1991 "Stompie Seipei" kidnapping and assault trial, the Appeal Court heard yesterday.

State advocate Jan Swanepoel said Mandela's alibi — that she had been in Brandfort on the day four youths were assaulted at her Soweto home — should be rejected.

He asked a five-judge panel chaired by Chief Justice Mr Justice Corbett to find Mandela

guilty of perpetrating assault rather than being an accessory after the fact as the trial court had found. He said her effective six-year sentence should be adjusted accordingly.

The convictions and sentences of her co-accused, activist Xoliswa Falati and driver John Morgan, should be upheld, argued Swanepoel.

Falati's counsel, Sitha Kolbe, said her client had been acting in the best interests of the youths when she organised their removal from the Orlando West Methodist manse on December 29 1988. This meant she did not have the intention to kidnap them and could not be convicted on this charge.

Falati had been "disgusted" by allegations that the youths

were being sexually abused by Methodist minister Paul Verryn and were taking part in homosexual activities. However, the court should not have inferred from this that she would have gone to the extent of assaulting the youths, Kolbe submitted.

In the event of Falati's conviction being upheld, Kolbe asked the "excessive" six-year sentence to be reduced.

Andre Landman, appearing for Morgan, described the driver as a compliant person under Falati's dominant influence.

Morgan had no reason to be suspicious of his instructions.

Nor was there any reason why he should have been informed of the reasons for fetching the youths.

Mandela's counsel, George Bizos SC, said there was no di-

rect credible evidence to find his client guilty of kidnapping or being an accessory after the fact to assault.

He said trial judge Mr Justice Michael Stegmann had drawn on his own experience which may have been different to the circumstances in which Mandela found herself.

Evidence led in the trial had failed to prove she was guilty of any crime and although Mandela's evidence had not been satisfactory in every respect, there was no evidence to show that her claims were invalid, Bizos said.

Weighing up Mandela's testimony against non-existent evidence "was a new way of administering justice". The trial continues.



Sally Peterson, Winnie Mandela's representative in Phola Park squatter camp Photo: KEVIN CARTER

MANDELA APPEALS AGAINST KIDNAPPING, ASSAULT CHARGES

WINNIE MANDELA'S appeal against a five-year jail sentence for kidnapping began in the Appellate Division in Bloemfontein this week with none of the drama of her Johannesburg appearances. (331)

She did not attend court, although it was still packed and police maintained a high profile.

The state will ask a full bench of five judges to confirm her conviction on kidnapping and to also find her guilty on four counts of assault.

Bizos' plea will focus on the argument that there is insufficient reliable evidence to support the state's case. W/Mand 26/3 - 1/4/93.

He resurrected his controversial argument that Mandela could reasonably have assumed that there was homosexual activity at the Methodist church manse of Paul Verryn, where the youths were being held.

He added that the trial judge had erred by not calling Verryn to give evidence.

Appealing with her are her co-accused, Xoliswa Falati and John Morgan.

ANC youth *Sowetan* 26/3/93. 'must hang'

■ Activist murdered PAC man:

331

By Tsale Makam

THE State yesterday called for the death sentence to be imposed on an ANC Youth League member who was found guilty of murdering a Pan Africanist Congress activist about two years ago.

Mr Washington Thage (21), of Munsieville on the West Rand, had earlier pleaded not guilty in the Rand Supreme Court to stabbing Mr Abinaar Magoa and setting him alight in 1991.

Sentence is expected to be passed today.

Two other accused have since fled the country.

Mrs S Spies, for the State, said it was time the court "did something" to deter unruly and dangerous behaviour among political party members.

Mr Bonga Majola, an executive member of the PAC in the West Rand region, told the court yesterday that the feud between the ANC and the PAC started when ANC members in Munsieville declared the township an ANC zone.

Majola said the ANC had claimed Munsieville was too small to have many political organisations.

As a result of the feud, some PAC members had to flee the township, Majola said.

He said the ANC and the PAC later agreed at a meeting on November 14 to allow the PAC members to return.

In his confession, Thage said the November 14 meeting had deadlocked and no agreement had been reached.

He said the following day PAC members were seen roaming the streets as if they had been granted permission to return.

Magoa, who was among the five who were trying to enter Munsieville, was killed and the others fled, the court heard.

Winnie's alibi slated

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APR 26 1993

Defence claims State's 'evidence' non-existent

The Argus Correspondent

BLOEMFONTEIN. — Winnie Mandela had been an unsatisfactory witness who had been untruthful in many respects during her testimony in the high profile 1991 "Stompie Seipei" kidnapping and assault trial, the Appeal Court here was told.

State Advocate Jan Swanepoel said yesterday Mandela's alibi — that she had been in Brandfort on the day four youths were assaulted at her Soweto home — should be rejected.

He asked a five-judge panel chaired by Chief Justice Mr Justice Corbett to find Mandela guilty of perpetrating assault rather than being an accessory after the fact as the trial court had found.

He said her effective six-year sentence should be adjusted accordingly.

The convictions and sentences of her co-accused, activist Xoliswa Falati and driver John Morgan, should be upheld, argued Mr Swanepoel.

Falati's counsel, Sitha Kolbe, said her client had been acting in the best interests of the youths when she organised



DEFENCE: George Bizos SC, who heads Winnie Mandela's defence team, leaves the Appeal Court, followed by junior counsel Dion Basson.

their removal from the Orlando West Methodist manse on December 29 1988. This meant she did not have the intention to kidnap them and could not be convicted on this charge.

Falati had been "disgusted" by allegations the youths were

being sexually abused by Methodist minister Paul Verryn and were taking part in homosexual activities. However, the court should not have inferred from this she would have gone to the extent of assaulting the youths, Ms Kolbe submitted.

In the event of Falati's conviction being upheld, Ms Kolbe asked that the "excessive" six-year sentence be reduced.

Andre Landman, appearing for Morgan, described the driver as a compliant person under Falati's dominant influence.

Morgan, who drove the youths from the manse to the Mandela home, had no reason to be suspicious of his instructions.

Nor was there any reason why he should have been told of the reasons for fetching the youths.

Mandela's counsel, George Bizos SC, said there was no direct credible evidence to find his client guilty of kidnapping or being an accessory after the fact to assault.

He said trial judge Mr Justice Michael Stegmann had drawn on his own experience, which might have been different from the circumstances in which Mandela found herself.

Evidence led in the trial had failed to prove she was guilty of any crime and although Mandela's evidence had not been satisfactory in every respect, there was not evidence to show her claims were invalid, Mr Bizos said.



Winnie Mandela

Winnie verdict delayed

331

ARC 27/3/93

BLOEMFONTEIN. — The Appeal Court reserved its judgment in the appeals of Mrs Winnie Mandela, her driver Mr John Morgan and Miss Xoliswa Falati here.

All three appealed against their convictions for kidnapping 14-year-old teenage activist Stompie Seipei, Mr Kenneth Kgase, 31, Mr Barend Thabiso Mono, 21, and Mr Gabriel Pelo Mekgwe, 22, from the Orlando West Methodist manse on the night of December 29, 1988. Stompie's body was found in an open field on January 6, 1989.

Mrs Mandela also appealed against her conviction as an accessory after the fact of the assaults on the four men and against her effective sentence of six years for both counts.

Miss Falati's appeal was also against her conviction for assaulting the four and against her effective imprisonment for six years.

The appeal was heard by Chief Justice Mr Justice Corbett, who sat with Mr Justice Botha, Mr Justice Smalberger, Mr Justice Milne and Mr Justice Eksteen.

Shortly before the lunch adjournment yesterday, Mr J A Swanepoel, senior counsel for the State, concluded his argument against the appeal.

He said it was common cause that the four captives suffered severe assaults in an outer room of Mrs Mandela's Diepkloof house on the night they were kidnapped.

Mr Kgase and Mr Mono

should have been believed when they said that Mrs Mandela, together with Miss Falati and others, was a co-perpetrator of the assaults.

Mr Swanepoel submitted that Mr Morgan was correctly convicted on the four counts of kidnapping and that his convictions should be confirmed.

There was no appeal against Mr Morgan's sentence of 12 months' imprisonment, wholly suspended.

Miss Falati, he said, had been correctly convicted on all eight counts and her convictions should be confirmed.

He submitted the trial court had been correct to criticise the evidence of Mrs Mandela and that she was a poor witness.

Mr George Bizos, senior counsel for Mrs Mandela, in his reply to the State argument, submitted that there were cogent reasons why Mrs Mandela had "fudged" certain of her evidence.

He asked the court to take the following into consideration:

- That she was a woman who was accused of serious assaults, of which she might not have been guilty.

- That she was accused of kidnapping where there was no direct evidence.

- That she sat in court and listened to the evidence of Miss Falati, who was "garrulous, argumentative and contradictory", and who was alleged to be one of Mrs Mandela's co-conspirators and whose evidence might adversely affect Mrs Mandela.

Mr Bizos submitted the fact the Mrs Mandela chose to "fudge" or be non-committal showed concern with her own position.

He said the "fudging" did not deserve to be elevated to the status attached to it by the State, which had described Mrs Mandela's evidence as unsatisfactory and untruthful.

■ The African National Congress has distanced itself from reports that congress members said all hell would break loose if the Appeal Court confirmed Mrs Mandela's prison sentence.

Bloemfontein's Volksblad newspaper reported on Thursday that 100 people, including ANC members, warned of chaos should Mrs Mandela's six-year sentence be upheld.

"We would like to place on record the fact that none of the ANC members, supporters and even regional executive committee members (of the southern Orange Free State) are authorised to speak to the Press on Mrs Mandela's appeal hearing," the ANC said in a statement.

"The ANC is concerned that the Press report is creating the impression that the ANC supporters and other people will act in an unbecoming manner should the verdict not be in favour of Mrs Mandela. This impression is incorrect and should not be promoted.

"The ANC does not foresee a situation where people will react in such a manner should the verdict be unfavourable to her, nor will the ANC promote such behaviour." — Sapa.

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Mandela trial threats

Star 27/3/93

not our policy - ANC

(148) (331)

THE African National Congress has distanced itself from reports that members had said "all hell would break loose" if the Appeal Court confirmed Winnie Mandela's prison sentence. Bloemfontein's Volksblad newspaper yesterday reported that 100 people, including ANC members, warned of chaos should Mandela's six-year sentence be upheld.

"Any remarks made outside the Appeal Court can only be regarded as the views of the individuals concerned. They in no way reflect the policy or opinion of the ANC," the congress said yesterday. "We would like to place on record the fact that none of the ANC members, supporters and even regional executive committee members (of the southern Free State) are authorised to speak to the press on Mrs Mandela's appeal hearing." — Sapa.

Winnie 'had reason to fudge evidence'

STAR 27/3/93

BLOEMFONTEIN — The Appeal Court reserved its judgment in the appeals of Winnie Mandela, her driver John Morgan and Xoliswa Falati in Bloemfontein yesterday.

All three appealed against convictions for kidnapping Stompie Seipei (14), Kenneth Kgase (31), Barend Thabiso Mono (21) and Gabriel Pelo Mekgwe (22). Stompie's body was found on January 6 1989.

Mandela also appealed against her conviction as an accessory after the

fact of the assaults on the four and against her effective sentence of six years.

Falati's appeal was also against her conviction for assault and against an effective six years' jail.

The appeal was heard by Chief Justice Mr Corbett and Justices Botha, Smalberger, Milne and Eksteen.

J A Swanepoel, senior counsel for the State, said it was common cause the four captives suffered severe assaults.

Kgase and Mono

should be believed when they said Mandela, with Falati and others, was a co-perpetrator.

Swanepoel said Morgan was correctly convicted on four counts of kidnapping. His convictions should be confirmed.

Falati, he said, had been correctly convicted on all eight counts and her convictions should be confirmed.

He submitted that the trial court had been correct to criticise the evidence of Mandela and in saying she was a poor

witness.

George Bizos, senior counsel for Mandela, submitted there were cogent reasons why Mandela had "fudged" certain of her evidence.

He asked the court to take into consideration that she was a woman, accused of serious assaults, of which she might not have been guilty; that she was accused of kidnapping where there was no direct evidence; that she sat in court and listened to the evidence of Falati who was "garrulous, argumentative and

contradictory" and who was alleged to be one of Mandela's co-conspirators, and whose evidence might adversely affect Mandela.

Bizos submitted that the fact that Mandela chose to "fudge" or be non-committal showed concern with her own position.

He said the "fudging" did not deserve to be elevated to the status attached to it by the State, which had described Mandela's evidence as unsatisfactory and untruthful. — Sapa.

ANC rejects chaos claim

JOHANNESBURG. —
The ANC yesterday dis-
tanced itself from re-
ports that its members
claimed "all hell would
break loose" if the Ap-
peal Court confirmed
Mrs Winnie Mandela's
prison sentence. (331)

Bloemfontein's
Volksblad newspaper on
Thursday reported that
100 people, including
ANC members, warned
of chaos should Mrs
Mandela's six-year sen-
tence be upheld.

The ANC said the re-
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the ANC".

Mrs Mandela is ap-
pealing against her con-
viction and sentence for
the kidnapping of teen-
age activist Stompie Sei-
pei and three others and
as an accessory after the
fact in their assaults. —

Sapa CT 27/3/93

Tigane seven walk free

By DAN DHLAMINI

TIGANE'S ANC branch chairman and six others were last week acquitted on eight charges, including murder and attempted murder of Inkatha members.

Appearing before Judge JJ Strydom and two assessors in the Klerksdorp Circuit Court were Tigane ANC chairman Oupa Kgauwe, 35, Maureen Motsumi, 28, Amos Shashape, 22, Solomon Sekhute, 23, Johannes Sebetlele, 20, Raymond Modise, 24, and a 17-year-old teenager.

Their appearance followed the attempted murder in 1991 of Inkatha deputy chairman Jacob Phoofolo and the death of Molatihegi Seokolo, housebreaking with intent to commit murder, robbery, the illegal possession of a firearm, two counts of malicious damage to property and the possession of explosives.

Strydom heard earlier that Seokolo was chased, killed and set alight, allegedly by ANC members.

State witness John Sebetso, who had earlier told the court in detail how the crimes were committed, wept while under cross examination.

Sebetso, an ANC Youth League member, later told the judge that all he said was lies, adding he had been put under pressure by police.

Another state witness, Ishmael Tsunke, also told Strydom that he had been forced by police to testify against his comrades.

PHONE-CALL DISTANCE
FROM THE ACTION...

Appellant No 3 is still the star of the show

SJ Times 28/3/93, (331)

By CATHY STAGG

WINNIE MANDELA was not at the Appeal Court in Bloemfontein this week to hear her future being debated.

Instead she remained in touch with her legal team by telephone while her role in what has become known as "the Stompie trial" dominated proceedings.

The three-day hearing ended on Friday afternoon when judgment was reserved.

The case was heard by Chief Justice Mr Justice Corbett, Mr Justice Botha, Mr Justice Smalberger, Mr Justice Milne and Mr Justice Eksteen.

Mrs Mandela and co-appellant, Miss Xoliswa Falati, will remain on bail until judgment is handed down.

The hearing opened on Wednesday amid intense public and media interest and drew a strong police presence.

At stake was the future of John Morgan, Mrs Mandela's driver, who had been found guilty of kidnapping and given a one year's suspended sentence; Miss Falati, convicted of kidnapping and assault, and sentenced to an effective six years' imprisonment; and Mrs Mandela, convicted of kidnapping and being an accessory after the fact of assault. Her sentence was also six years.

Rumour

The trial court had found that four young men had been taken from the Orlando West Methodist manse on December 29 1988, held captive in a back room at Mrs Mandela's Diepkloof home and assaulted there.

A few days later, one of the four, 14-year-old Stompie Seipei, was taken away and never seen alive again. His decomposing body was found on January 6 1989.

One of the other young men, Kenny Kgase, escaped shortly afterwards, while Thabiso Mono and Pelo Mekgwe were eventually freed after negotiations with several people, including ANC leader Nelson Mandela, who was in jail at the time.

On Wednesday, Mr George Bizos SC, who appeared for Mrs Mandela, was given permission to present his argument first — even though Mrs Mandela was listed as "appellant number 3".

Mr Bizos attacked the judge's finding that Mrs Mandela was part of a conspiracy to seize the youths.

He said the state had not led any evidence that Mrs

Dali faces threat of being struck off

By JOCELYN MAKER

LAWYER Dali Mpofu, once named as Winnie Mandela's lover, appeared briefly in the Johannesburg magistrate's court this week.

Mr Mpofu, former deputy head of the ANC's welfare department, was arrested earlier this week on a charge of attempted cheque fraud involving R50 000.

In May last year he and Mrs Mandela made headlines when the ANC investigated an alleged fraud involving cheques for R400 000 issued while the couple were in charge of the organisation's welfare department.

He said that he and Mrs Mandela normally issued cheques about five times a day for values ranging from R3 000 to R10 000. At the time he said: "The signatures on the cheque which I later saw were remarkably similar to those of mine and Mrs Mandela."

Mr Mpofu's career at the Johannesburg Bar, to which he was admitted two weeks ago, could hinge on the outcome of the trial. His court appearance this week was in connection with a R50 000 ANC cheque, which he allegedly issued to a fictitious person and attempted to lodge in a bank account.

The case was postponed to April 22.

Mandela identified herself with a rumour campaign aimed at ousting Rev Paul Verryn as the resident minister at the Orlando West Methodist manse — yet a specific finding of fact was made and the supposed existence of this campaign loomed large in the judgment.

If anyone had a campaign, it was Miss Falati, he said. He argued that the trial judge should have treated the two women differently because Miss Falati had her own agenda.

There was only circumstantial evidence to link Mrs Mandela to the removal of four children from the manse, he said.

Mr Justice Milne noted at this point that Mr Kgase, Mr Mono, Mr Mekgwe and Stompie Seipei had often been referred to as "children" during the trial.

As their ages were 29, 19, 19 and 14 respectively, only Stompie Seipei could correctly be called a child, he said.

He asked why it was necessary to offer protection to young men who were free to leave the manse and if it made any difference whether Miss Falati and Mrs Mandela believed the allegations of homosexual activities at

the Methodist manse or not.

Mr Justice Botha and Mr Justice Milne asked Mr Bizos why Mrs Mandela had taken no action once members of the Crisis Committee, and her doctor and old friend, Dr Ntatho Motlana, had told her that people believed the four youths had been kidnapped, assaulted at her home and that Stompie had "disappeared".

At first, said Mr Bizos, Mrs Mandela had been infuriated because people were saying she had something to do with Stompie's murder. But on checking the record, he discovered that murder was never mentioned.

Former Mandela XI Football team coach, Jerry Richardson, was convicted of Stompie's murder at an earlier trial and is serving a life sentence.

Mr Bizos agreed that Mrs Mandela's "Pontius Pilate" action of "washing her hands of the affair" may have been unwise — but he argued that it was understandable.

Mr Jan Swanepoel SC, for the state, said no normal human being could be faced with such dreadful allegations and not take the trouble to walk to the back of the house to find out if the remaining young men wanted to leave and whether there was any truth in the other allegations.

Alibi

During the trial, the state had suggested that the four young men had been assaulted as "punishment" for the suspected sexual misconduct.

During the appeal, the state argued that the judgment was correct, except that Mrs Mandela's alibi — that she had been visiting Brandfort at the time of the assault — should have been rejected and she should have been convicted of assault, as charged, rather than as an accessory after the fact of assault.

Mr Andre Landman, who appeared for John Morgan, took less than two hours to complete his argument, while Mrs Sita Kolbe, who represented Miss Falati, took not much longer.

Mr Morgan appealed only against his conviction, not against his suspended sentence.

Miss Falati and Mrs Mandela both face six years in prison should their appeals fail.

Loot went to ANC, court told

29/3/93
A MAN charged with being a member of an AK-47-wielding gang which netted about R1m in armed robberies told a magistrate a large percentage of the loot had been taken to the ANC's Johannesburg headquarters to fund returning exiles.

Solomon Mnqanqeni, of Phola Park, also said in a sworn statement that former ANC military wing chief of staff Chris Hani had supplied ammunition to Phola Park residents to do battle with the now defunct 32 Battalion.

Mnqanqeni and two co-accused pleaded not guilty in the Rand Supreme Court to three charges of murder, six of attempted murder, five of armed robbery and nine charges of illegal possession of firearms and ammunition. The State alleged

STEPHANE BOTHMA

they had robbed the Southdale branch of Standard Bank of R571 280 on May 29, 1991 and Fidelity Guards of R401 880 on November 25 that year. The State further claimed the accused had killed two Fidelity Guards employees and a traffic officer.

In a statement admitted to court as evidence on Friday, Mnqanqeni said he had been told after the Standard Bank robbery that because the gang had managed to snatch such a large amount of money, Chris Hani had the right to be informed.

At the time it was not clear if the money should go to ANC headquarters at Shell House or direct to Lusaka. However, that was a

decision for Hani to take, he stated. The 10 people who had participated in the Standard Bank robbery had each received R35 000 as their share of the loot. Of that money, each gave R17 000 which had eventually been taken to Shell House where it was handed to one "Tokyo".

Tokyo had been very grateful that the robbers had not shot or killed anybody during the robbery and said they had done a good job, Mnqanqeni said in the statement he made to a magistrate after his arrest.

Mnqanqeni opposed the admittance of his statement as evidence, claiming that he had not made the statement freely and voluntarily. But Judge M J Strydom ruled it could be admitted. The trial was postponed to May 3.

Dissident is gagged

at meeting

BIDAY 29/3/93
KATHRYN STRACHAN

CHAOS erupted at an ANC Women's League meeting yesterday when suspended executive members — who were ousted a year ago when they protested against Winnie Mandela's enforced resignation from her post as head of social welfare — attempted to speak to the media.

The confrontation arose during a Women's League meeting called to discuss the issue of holding an AGM to elect a new executive. Since the suspension of the entire executive, the organisation has been headed by a task group.

When Nompumelelo Madlala, spokesman for the 18 suspended executive members, called journalists to brief them, the task group physically prevented her from doing so.

The task group initially denied that Madlala was present at the meeting. "She's here, but tell her she's not," a task group member told another in Zulu in answer to a question on Madlala's whereabouts.

The media was then escorted out of the building by ANC security.

A fracas followed when Madlala then attempted to speak to reporters in the street outside the ANC headquarters. 29/3/93.

Security guards — who asked a black reporter why she was siding with whites — also threatened journalists that they would be blacklisted by the ANC if they spoke to Madlala.

The executive members believed they had been unfairly and unconstitutionally suspended, Madlala said. They had a right to put their side to the media.

Govt warned on growing problems in education

BIDAY 29/3/93

GOVERNMENT's plan for creating a new regional dispensation for a nonracial education system, unveiled last week, would not solve all SA's schooling problems, the Urban Foundation warned at the weekend.

Urban Foundation senior education policy analyst Jane Hofmeyr said that when racial barriers in education were broken down, the discrepancies between suburban and township schools and between urban and rural education systems would become far more significant.

There was no clear information from government on how these "gaps" could be bridged, Hofmeyr said, adding that there was a need for a thorough monitoring system to assess progress on equity.

The ANC's education desk also ex-

pressed its concern at National Education Minister Piet Marais' announcement last week of the establishment of an education co-ordinating service to streamline schooling and overcome its fragmented nature.

At the centre of ANC concern lies the issue of its repeated calls for a national forum on education, where all major stakeholders could negotiate on the way ahead.

For negotiations to be meaningful, they had to be conducted in a national forum, and not within the context of a state structure, the ANC said.

"The dismantling of apartheid education structures must be negotiated from top to bottom, otherwise the transition to a single national system will lack any shred of legitimacy and will run a serious risk of major oppo-

sition from important political and professional interest groups."

GERALD REILLY reports from Pretoria that frustration and dissatisfaction in the teaching profession over salaries and service conditions will explode into a full-blown crisis unless immediate government action is taken to defuse the situation.

This, according to educationists, would be "put on the line" at a meeting today between President F W de Klerk, the Teachers' Federal Council and the National Professional Teachers' Organisation who together represent 120 000 teachers.

A major grievance on the agenda is the profession's lack of negotiating muscle and the need for a more democratic and effective bargaining mechanism.

● Comment: Page 6

Mandela awaits her appeal judgment

BIDAY 29/3/93

ALMOST two years after she was sentenced to six years' imprisonment, Winnie Mandela's future now lies in the hands of the five judges who heard her appeal in Bloemfontein last week.

A full Bench of five judges, chaired by Chief Justice M Corbett, reserved judgment at the conclusion of Mandela's appeal on Friday.

Mandela was sentenced in May 1991 by Rand Supreme Court Judge M Stegmann to five years in jail for her involvement in the kidnapping of teenage activist Stompie Seipei and three other young men from the Methodist manse in Soweto in December 1988.

She was sentenced to an additional year of imprisonment for being an accessory to the assault of the four, who the court found had been kept at her house against their will. Stegmann found she and co-accused Xoliswa Falati and John Morgan had conspired to kidnap the four young men as part of a conspiracy to oust

SUSAN RUSSELL

the Rev Paul Verryn from the manse.

Seipei, 14, Gabriel Mekgwe, 19, Thaiso Mono, 19 and Kenny Kgase, 29, were abducted by Falati, Morgan and Mandela United football coach Jerry Richardson on December 29 1988 and taken to Mandela's home where they were assaulted. Stompie was removed from the premises on January 1 1989 and never again seen alive.

Kgase escaped and Mekgwe and Mono left the premises after the Mandela Crisis Committee, had negotiated their release. Stegmann found the four had been assaulted by Falati and others to obtain evidence of sexual abuse by Verryn.

Falati was sentenced to six years' imprisonment by Stegmann who convicted her on all eight counts of kidnapping and assault. Morgan was found guilty of kidnapping and sentenced to a one-year suspended sentence. Richardson was sentenced to death for Seipei's murder, his sen-

tence reduced to life imprisonment on appeal. 331

The judge acquitted Mandela on the assault charges and found her guilty of being an accessory.

During the appeal last week the State asked the court to confirm Mandela's conviction and sentence for the kidnappings and find her guilty of the assaults.

Mandela's counsel George Bizos SC said there was no evidence Mandela had been involved in the kidnapping, taken part in the assaults or been aware that any of the young men at her house had been assaulted. He asked for an acquittal on all counts.

Bizos said the judge had erred in finding that the conspiracy to oust Verryn had been the motive for the abductions. Even if there had been a conspiracy against Verryn, Falati had had an independent agenda to Mandela who believed Verryn was sexually abusing youths. Bizos said Kgase was a publicity seeker who had falsely implicated Mandela.

AWB member jailed

A MEMBER of the Afrikaner Weerstandsbeweging was sentenced to five years' imprisonment — two years of which were suspended — on a charge of intimidation in the Pietersburg Regional Court on Friday, SABC radio news reports. (331)

Johannes Andries Venter (27) of Potgietersrus was found guilty on March 13. *Soutman 29/3/93*

Two facets of Winnie presented

STAR 29/3/93

Staff Reporter

(331)

Two portraits of Winnie Mandela were presented last week to the Appeal Court in Bloemfontein where her appeal against her conviction for kidnapping and being an accessory after the fact to assault was heard.

Mandela has also appealed against her six-year jail sentence. Co-accused Xoliswa Falati appealed against her conviction for kidnapping and assault as well as her six-year jail sentence. Mandela's driver, John Morgan, appealed against his kidnapping conviction.

Judgment in the appeal has been reserved.

The charges relate to the ab-

duction of four youths — Stompie Seipei, Kenneth Kgase, Gabriel Pelo Mekgwe and Thabiso Barend Mono — from the Orlando West Methodist Manse to Mandela's Soweto home on December 29 1988.

The trial court found the youths had been removed as part of a campaign to oust the Rev Paul Verryn, who had allegedly sexually abused them.

Defence counsel George Bizos, SC, painted a picture of Mandela as a concerned social worker who took the youths to her home because they had no other place of refuge.

The State had failed to prove Mandela had been part of a conspiracy to oust Verryn, nor had it showed she had planned or

supported the kidnappings and assault, Bizos told a full Bench of the Appellate Division.

Chief Justice Mr Justice M M Corbett, Mr Justice A S Botha, Mr Justice J V Smalberger, Mr Justice A J Milne and Mr Justice J P G Eksteen were presented with a different version from State advocate Jan Swanepoel, SC.

Swanepoel said Mandela was an unsatisfactory and frequently untruthful witness. He said this indicated her guilt.

Mandela and her co-accused did not attend the appeal, and they do not have to be in court when judgment is delivered.

They will be informed of the decision by a notice which will be served on them.

The eastern Cape, transformed into a time-bomb because the Government had failed to meet demands by residents, exploded in the 1980s — sending shivers down the spines of the country's securocrats.

Something had to be done, they realised, whether overtly or covertly, to crush the massive anti-apartheid campaigns staged in the townships of Langa in Uitenhage, New Brighton, Zwijndam and KwaZakhele in Port Elizabeth, and Langa in Cradock.

It was the epoch that saw the mushrooming of United Democratic Front (UDF) affiliated student, civic, youth and teacher organisations — filling the void left by the banning of the ANC in 1960.

In Port Elizabeth, protests to back short- and long-term demands by residents reached a head in 1983 with the formation of the Kayamandi (now Ibhayi) Town Council (KTC), led by the controversial Tamsanga Linda, now one of Ciskei military leader Brigadier Oupa Gqozo's advisers.

Linda once enraged blacks in Port Elizabeth by taking over

Goniwe inquest could shed light on E Cape cauldron

Star 29/3/93

The Goniwe inquest resumes in Port Elizabeth today. BRIAN SOKUTU takes a look at the seething cauldron that was the Eastern Cape in the '80s, during the time of Matthew Goniwe.

an eight-roomed house in Veeplaas, after its previous occupant Alice Mavela, a widowed mother of seven, was evicted.

Under pressure from residents, Linda, the man who found himself always at loggerheads with activists, was forced to leave Port Elizabeth in 1986 — where he was under constant police guard.

Bodies such as the Port Elizabeth Black Civic Organisation (Pebco) led by Qagawuli Godolozzi, Champion Galela and Siphon Hashe, were formed to

air grievances on matters such as rent hikes and inadequate services.

Pebco implemented street and area committee structures in the region — an initiative by the late Cradock civic leader Matthew Goniwe, who was found murdered on June 27 1985 with three fellow UDF activists: Silelo Mhlawuli, Sparrow Mkhonto and Fort Calata.

The street and area committee structures, dubbed by security policemen "alternative structures of the ANC and the

SACP", held house meetings and helped residents to join civic organisations.

The three Pebco leaders vanished without trace a month before the killing of the four Cradock activists. Then came President P W Botha's declaration of a state of emergency.

Pebco president Godolozzi, secretary-general Hashe and organising secretary Galela disappeared on May 8 1985 when they went to meet an overseas visitor at the H F Verwoerd Airport, now renamed Matthew Goniwe Airport by ANC supporters in the area.

In April 1982 Congress of South African Students (Cosas) leader Siphon Minkhulu and fellow activist Topsy Madaka disappeared without trace.



Matthew Goniwe ... Inquest reopens today.

Minkhulu was suing the then police Minister Louis le Grange for R150 000 in damages, after a five-month solitary confinement detention in terms of Section 6 of the Terrorism Act.

He started complaining of pains in his feet and stomach on the day of his release on October 20 1981. He was paralysed two days later. With his hair falling out, Minkhulu was rushed to Livingstone Hospital in Port Elizabeth, from where he was later transferred to Groote Schuur.

Medical tests showed that he had been poisoned with thallium, a chemical substance.

On April 14 1982 Madaka drove Minkhulu, who was in a wheelchair, for treatment to Livingstone Hospital. It was the last time the two men were seen alive.

New light on the disappearance of Minkhulu was shed in 1990 by former police hit squad commander Dirk Coetzee, on the eighth day of the Harms Commission of Inquiry, sitting in London.

Coetzee testified that Minkhulu was "exterminated" by the security police.

With the Goniwe inquest resuming in Port Elizabeth today, there is hope in the eastern Cape that what really happened to all these activists will eventually be revealed.

Signal 'most likely' a death order

PORT ELIZABETH — The most likely interpretation of the signal recommending the "permanent removal from society" of Matthew Goniwe and two other United Democratic Front campaigners was that they be killed, a former senior Department of Education and Training official said yesterday.

Former DET community communications deputy director-general Johan Vermaak told the Port Elizabeth Supreme Court inquest into the killing of Goniwe and three other political campaigners the signal could also be interpreted to mean the men should be permanently failed or put under house arrest.

Vermaak participated in a task group in June 1985 appointed to decide whether Goniwe should be reappointed to his post as a teacher in Cradock.

Vermaak said Goniwe was regarded in security circles as an enemy of the state and they seemed opposed to his reappointment. However, the DET had regarded his reappointment as central to defusing the unrest situation in Cradock and the rest of the eastern Cape. Children in Cradock had boycotted their schools for more than 15 months. The task group, which included DET, SADF and SAP members had unanimously agreed to

recommend Goniwe be reappointed.

George Bizos SC, for the victims' families, told Vermaak the signal was sent from Eastern Province Command to the State Security Council (SSC) secretariat for presentation to the task group.

According to a former witness, head of the secretariat's strategies branch Gen Johannes Janse van Rensburg, the signal had never been presented to the group because it had somehow been delayed. By the time it arrived the group had already completed its task.

Vermaak said although he was not familiar with military terminology the most likely interpretation was that it was a recommendation that Goniwe, his brother Mbolelo and Fort Calata be killed. He said if that had been the document's intention he and his DET colleague Jaap Strijdom would have objected strongly.

Bizos said he would submit to the court that this was the reason why the document had never reached the task group.

Earlier a former head of the secretariat's strategic communications branch Adarnus Stemmet also conceded the signal could have a sinister meaning. But he denied it could have been a recommendation that the three be killed as the SSC did not deal with such matters. The signal, allegedly sent by the then head of

Eastern Province Command Brig-Jeffrey van der Westhuizen to the SSC on June 7 1985, stated the permanent removal of important people like Matthew and Mbolelo Goniwe and Calata could lead to national reaction as had happened when three Port Elizabeth Black Civic Organisation officials had disappeared.

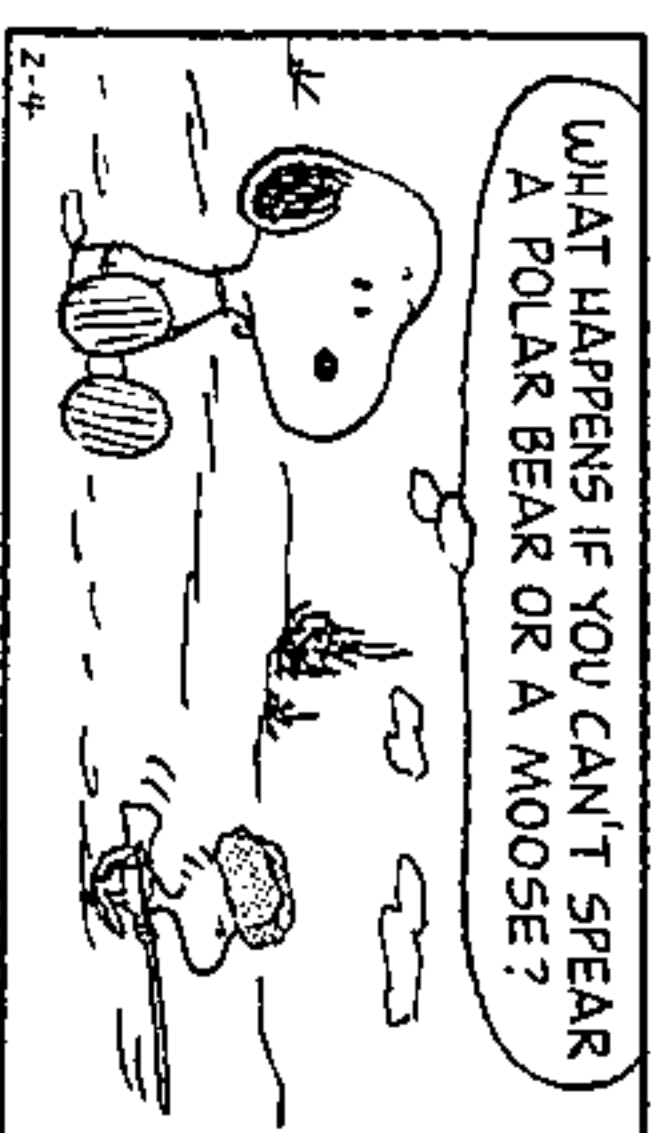
The three Peco officials referred to in the signal, Qaqawali Godolozzi, Sipho Hashe and Champion Galela, are still missing. Van der Westhuizen, now Military Intelligence head, has denied knowledge of the signal. Glenn Goosen, SC for former Eastern Province Command staff officer and alleged author of the signal Col Lourens du Plessis, said Du Plessis would testify that it was a recommendation they be killed.

"I would say he is not telling the truth," replied Stemmet. Stemmet told the court he had not felt morally obliged to inform those investigating the death of Goniwe and the others that the signal had existed.

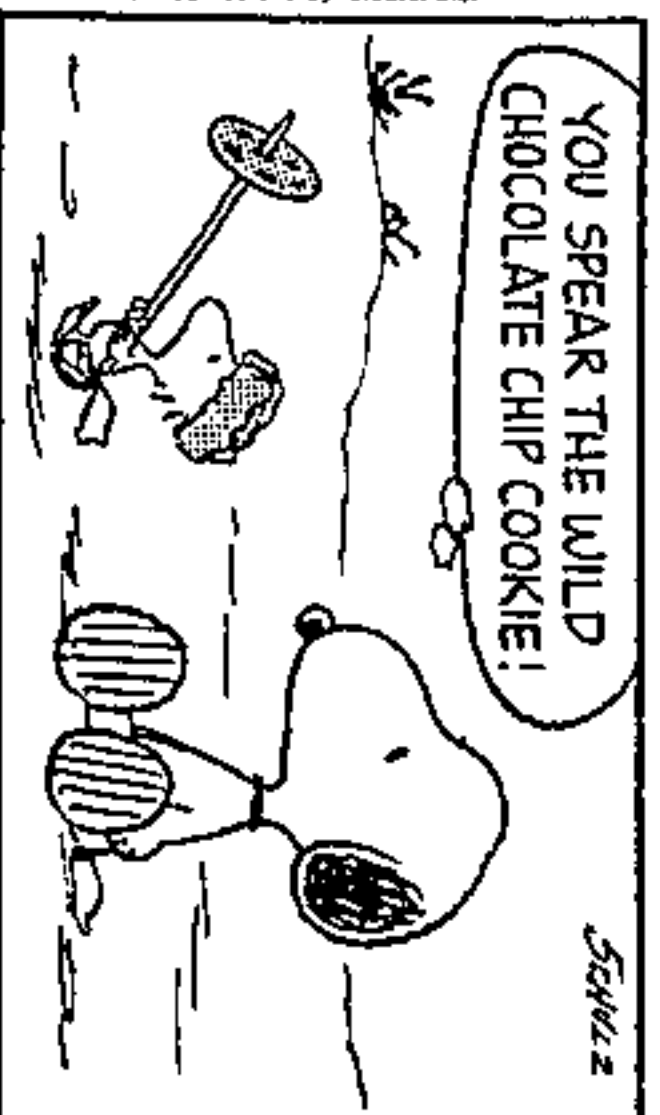
Goniwe, Calata, Sicele Mhlawuli and Sparrow Mkonko were killed 20 days after the signal was sent. Three years later when an inquest was held in 1989 Stemmet had still not considered it his duty to make his knowledge public. — Sapa.

PEANUTS

By Charles Schulz



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Viva's R15m helping hand

THE VIVA Trust had given more than R15m to welfare organisations since its formation in 1991. National Council for the Physically Disabled SA chairman Willem Steenkamp said in Johannesburg yesterday.

Speaking at the handing over of R520 000 to 37 beneficiaries, Steenkamp said

RAY HARTLEY

Viva Trust was "principally run by the disabled for the disabled and consequently very little money is lost along the way".

A trust statement said that the organisation had allocated R2,3m to national welfare organisations.

National Council for the Physically Disabled in SA chairman Willem Steenkamp puts the finishing touches to cheques worth R520 000 which were distributed to welfare organisations yesterday.

Picture: ROBERT BOTHA



Stan 31/3/92

ANC men appear in court 331

Four ANC members appeared briefly in the Bethal Magistrate's Court in the south-eastern Transvaal on Monday in connection with arms found on the Swaziland border earlier this year. Their lawyer, Bheka Shezi, said the case was postponed until April 16.

Court hears debate over two words

■ The meaning of 'remove' and
'permanent': Sowetan 11/4/93

THE definition of the words "remove" and "permanent" were again the focus of evidence led at the Goniwe inquest yesterday.

Counsel for the SADF, Mr Anton Mostert, SC, offered no less than four dictionary definitions of the word "verwyder" (remove) during his cross-examination of Mr Johannes Vermaak, former DET deputy director of community communications.

Mostert's submissions were challenged by Mr George Bizos, SC, counsel for the families of Mr Matthew Goniwe and three other UDF activists whose murders in June 1985 are being probed at the inquest.

Bizos submitted that the controversial words "permanent removal" (from society) contained in the signal message must be read together.

Mr Justice Neville Zietsman, who is presiding over the reopened inquest, asked Vermaak, a former Afrikaans teacher, what he would understand by an instruction that a pupil be permanently removed from a school.

Vermaak said that this implied the pupil was to be expelled from the school and could not return. — Pen.



Anglo American chairman Julian Ogilvie Thompson at the opening of the Sagewood Education Centre in Midrand yesterday.
Picture: GARTH LUMLEY

Co-operation 'symbolises new hope'

BIDAY 11/4/93
THE opening of the R11m Sagewood Education Centre in Midrand yesterday symbolised the reawakening of SA's desire to take charge of education as the key to national survival, Peninsula Technikon rector Franklin Sonn said yesterday.

The co-operation developing between business and communities was a first step towards economic revival and a sign of hope for SA, he said at the opening of the Anglo American-funded complex.

Anglo chairman Julian Ogilvie Thompson said Sagewood was a good example of what "a handful of people can do when they believe in an ideal, hard work, and overcome odds which would have deterred the more faint-hearted".

The centre started as a community project with 16 nursery and Grade One pupils

KATHRYN STRACHAN

in 1985. It now has 300 pupils and offers nonracial, holistic education at four levels: nursery, primary, secondary and adult.

Sonn said the intense interaction between business and communities — not just the provision of resources — had raised hopes. It had produced joint development strategies and programmes which served SA's interests.

Pupils and teachers should not sacrifice long-term educational development for short-term political gains. "No matter how big our frustrations may be, we must not declare the right to learn expendable. There will be no freedom for the uneducated and the unskilled in a new and increasingly technological SA."

Language in Goniwe signal was 'unusual'

BIDAY 11/4/93
PORT ELIZABETH — The language used in the signal ordering that Matthew Goniwe and two other political campaigners be "permanently removed from society" was unusual, a former Air Force general and member of the State Security Council said yesterday.

Maj-Gen Johan Geldenhuys told the Goniwe inquest in the Port Elizabeth Supreme Court that SADF members tended to use "exaggerated" language, but it would be unusual for such language to be used in the Air Force.

Geldenhuys chaired a committee in June 1985 to decide whether Goniwe should be reappointed to his teaching post in Cradock. The court had been told earlier the security forces were against his reappointment and believed it would have been better to detain him.

The committee included SADF, SAP Security Branch and DET members.

Geldenhuys denied he or the committee had received input from the Eastern Province Joint Management Centre. He said at no stage had council secretariat strategies head Gen Johan van Rensburg told the committee the management centre recommended that Goniwe be detained.

Van Rensburg has testified he passed on the management centre's views to the committee on June 7 after a telephone conversation with then Eastern Province Command head Brig Joffel van der West-

huizen. He said Van der Westhuizen had subsequently sent him a signal recommending the "permanent removal from society" of Goniwe, his brother Mbolelo and Fort Calata.

Geldenhuys said if the signal had been put before the committee he would have remembered it.

George Bizos, SC, for the victims' families, submitted to Geldenhuys that the reason he remembered the signal had not been put before the group was because he recognised it as an order to kill the three men.

The general denied this and said he interpreted the signal as a suggestion that the three men be permanently detained.

"In my wildest dreams I can't believe anyone would write a signal saying 'please kill these three people' and then send it to the State Security Council, of all places."

Bizos retorted: "It was never brought to the attention of the committee, it was not filed ... and it disappeared without trace, and yet you do not interpret it as a death warrant?"

The general said he could not interpret it in that way because in the context of the committee's task it could be interpreted only as a suggestion they be detained.

He conceded that, out of context, it could have been "interpreted differently".

Zietsman postponed the inquest to May 17. — Sapa.

DET official compiled 'profile' of Goniwe

By SHADLEY NASH: Port Elizabeth

AN indecisive, manipulated man of not above average intelligence — that's how top Department of Education and Training officials viewed Cradock activist Matthew Goniwe in 1985.

The officials also regarded Goniwe, who was at the time a teacher, as being "indebted" to the "children, parents and community" of Cradock for a 15-month "sacrifice" for him during the school boycotts.

This profile of the brutally murdered United Democratic Front activist was compiled by the former deputy director of Community Communications in the DET, Johannes Vermaak.

Vermaak, former head of Strategic Communications on the Secretariat Adamus Stemmet, and an Air Force general seconded to the Secretariat, General Pieter Johannes Geldenhuys, gave evidence in Port Elizabeth this week in the reopened inquest into the deaths of Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlauli.

The DET assessment of Goniwe was contained in handwritten minutes, read before the inquest this week, which Vermaak compiled after he and senior DET official Jaap Strydom met Goniwe in Cradock on May 24 1985. The purpose of the meeting was to discuss Goniwe's position with the DET and the ongoing strife in Cradock schools.

After the meeting, which was held a day after the Eastern Province Joint Management Centre — headed by General "Joffel" van der Westhuizen — had recommended that Goniwe should never be reappointed, Vermaak compiled Goniwe's "profile".

In the minutes Vermaak said Goniwe gave them the impression that he did not have an above average intelligence level, that he was not the "brain behind everything" because he hesitated when answering their questions and could not take immediate decisions.

The purpose of the meeting, Vermaak wrote, was to establish if Goniwe was "militant or peaceful", if he was arrogant and if he would publicly support violence.

But during June, a task group set up by the State Security Council (SSC) on the instruction of then deputy minister of defence and police Adriaan Vlok convened another task group, headed by General Pieter "Kiewiet" Geldenhuys, to decide Goniwe's future.

In court this week Geldenhuys denied that his group requested input from the Eastern Province JMC as earlier claimed by a South African Defence Force officer, also seconded to the SSC, General Johannes Janse van Rensburg.

EP Command sent the controversial signal ordering the "permanent removal from society" of Goniwe and others. Geldenhuys testified that he had not seen the signal message and that it was not placed before the task group.

He confirmed that opposition in the task group to Goniwe's reappointment came from a Colonel McDonald of the South African Police.

He also conceded under cross-examination by counsel for the families of the slain men, George Bizos SC, that if the signal message was tabled before his task group he would have wanted a full explanation on it.

However, his interpretation of the words "permanent removal from society" was that Goniwe had to be detained for a long time. Geldenhuys conceded that the language used in the signal was "unusual" if it meant Goniwe had to be detained.

Stemmet testified that he could not remember if he had seen the signal message, but that he had been told of its contents. He said the common use in security circles of jargon like "eliminate", "destabilise" and "take out" was undesirable. — Ecna

Wednesday April 7 1993

the nation in brief

Eikenhof ⁽³³¹⁾ trial begins

TWO men appeared in the Meyerton Magistrate's Court on Monday in connection with last month's Eikenhof shooting attack in which three people died and two were wounded.

Sphiwe James Bholo (24) and Titi Ndweni (19), both of Soweto, are facing three charges of murder and six of attempted murder.

The case was postponed to April 19. The two will remain in police custody.

As the suspects were taken away in a police vehicle, four unidentified men shouted "hang them high".

Bholo and Ndweni are suspected of killing Sandra Mitchley (35), her son Shaun Nell (14) and Clare Silberhauer (13), all of Eikenhof, on the Vereeniging-Johannesburg road last month.

Soweto 7/4/93

Inkatha men jailed

FOUR Inkatha Freedom Party members and two Mozambicans were sentenced to 12 years imprisonment in the Durban Regional Court on Monday for the possession and smuggling of arms and ammunition from Mozambique into South Africa. *Swellan*

The six men were arrested on February 7 this year in the Ingwavuma area in northern KwaZulu, near South Africa's border with Mozambique.

The six include IFP Ingwavuma chairman Isaac Godi Nsele (45) and his son Mgadi Nsele (22). *7/4/93*

Others are Harry Zikhali (40), all of KwaNgwanasi in the northern KwaZulu area of Ingwavuma, Peter Ntuli (30) of Umlazi, and two Mozambicans, Mandla Ernest Gumede (26) and Vasco Pardfinho (40). *(33) (23) (22)*

Court clamps down on gun runners

By SIPHO KHUMALO

THE AK-47 assault rifle has become synonymous with violent crimes in the country, a Durban magistrate said this week as he slapped a severe 12-year sentence on six men found guilty of smuggling arms into Natal. *CIPress*

Magistrate JE Howse jailed Manguzi Inkatha branch chairman Isaac Godi Nsele, his son Mgadi Nsele, two Inkatha members, Peter Jabulani Ntuli and Harry Zikhali, and two Mozambicans, Vasco Parafino and Mandla Ernest Gumede. (331)

The six men were found guilty of smuggling 13 AK-47 assault-rifles, two Mauser rifles and 499 rounds of ammunition into KwaZulu from Mozambique.

The court said the "inescapable conclusion was that the arms in question were to be used illegally and with devastating effect".

The accused were apprehended by police at Mahlungulu near the Mozambique border on February 6.

Defence counsel MJ Lasich told the court that in Mozambique AK-47 assault rifles were being sold to pay for food.

Lasich said the situation in SA "amounted to state of war" and the state was inadequate in protecting average citizens against violence.

However, Howse ruled this did not justify bringing arms into the country.

It's ANC Star 12/4/93 facing ANC in this trial (10)

By Jo-Anne Collinge

The murder trial in which the State plans to pit renowned poet and ANC member Antjie Krog against the chairman of the ANC's Kroonstad branch, Dennis Bloem, starts in the Bloemfontein Supreme Court on Tuesday. (331)

The Maokeng branch of the South African National Civic Organisation (Sanco) has called a work stayaway and protest march in Kroonstad on the opening day of the trial, in which Bloem and two others stand accused of killing George "Diwithi" Ramasimoeng, leader of the Three Million Gang which wreaked havoc in Maokeng in 1990/91.

Krog and a member of the ANC's branch executive committee, Daniel Hankan, are both listed as prospective State witnesses in the case.

According to the indictment, Bloem, Roland Petrus and Cassius Ntlokosi were in possession of a gun, when they used Hankan's car to travel into Kroonstad on February 25 1992.

Petrus is alleged to have donned a balaclava and followed Ramasimoeng to the taxi rank where he was murdered.

NEWS Race violence erupts in townships after Hani murder



BANG BANG ... Police react to gunfire in Katlehong township on the East Rand, where protesters gathered at a stadium yesterday for a rally in memory of assassinated South African Communist Party leader Mr Chris Hani, who was gunned down outside his home in Boksburg.

Chris Hani suspect in court today

Sowetan 13/4/93
■ Alleged assassin an AWB member says radio broadcast:

By Abbey Makoe

THE alleged assassin of Mr Chris Hani will appear in the Boksburg Magistrate's Court today in connection with the killing.

Witwatersrand police spokesman Brigadier Frans Malherbe said yesterday that since his arrest on Saturday Polish-born Janusz Jakub Waluz has not uttered a word. "He does not talk and does not comment. He just breathes. He is unco-operative," Malherbe said.

Waluz (40) was arrested shortly after SACP chief Hani was gunned down in the driveway of his home in Boksburg on Saturday morning.

Malherbe said Waluz would be charged with murder as well as possession of a stolen firearm.

Police were searching for the Pretoria-based owner of the Ford Laser car Waluz was driving. "It is possible that he might have skipped the country," Malherbe said. Police Commissioner General Johan van der Merwe said ballistic tests had confirmed that a pistol found on Waluz had been used to kill Hani.

● Waluz was confirmed as a member of the Afrikaner Weerstandsbeweging by AWB leader Eugene Terre'Blanche, according to a broadcast on Radio 702 last night.

ANC alliance threatens 'rolling mass action'

Star 13/4/93

Court remands Waluz

(331)

(331)

(331)

Staff Reporters

An impeccably dressed Janus Jakub Waluz (40) of Pretoria appeared in court today, amid stringent security measures, in connection with the killing of SACP leader Chris Hani on Saturday.

Hundreds of heavily armed policemen surrounded the Boksburg Magistrate's Court and police marksmen took up positions before Waluz's appearance at 8.30.

Waluz, who slept in the holding cells last night to avoid any contact with the public, appeared before magistrate Peet Swanepoel.

He was dressed in a fawn and green checked suit with a pale green shirt and green, blue and cream striped tie.

Waluz, a slender figure with a straight back, stood in the dock and the clenching of his jaw was the only sign of tension.

Boksburg senior public prosecutor Jan Ferreira requested the case be postponed to May 12 for further police investigation.

No formal charges were put to Waluz.

The magistrate postponed the case and asked Waluz, of 105 Milewanda Flats, Bourke Street, Muckleneuk, if he understood the proceedings.

He answered: "Yes, your magistrate."

The alleged assassin's legal team said the accused had not told them much but would have further consultations later today.

They said no bail application would be made "at this stage".

A small crowd gathered outside the court.

Thousands of demonstrators were set to march on Boksburg's CBD in protest at the killing of Hani who was gunned down outside his Dawn Park home on Saturday.

In the wake of Hani's murder, the ANC-led tripartite alliance in the PWV region yesterday warned that it would embark on "rolling mass action" if a date for elections were not set and a



Volatile farewell . . . thousands took part in a memorial march at Katlehong on the East Rand yesterday to commemorate the death of slain ANC and SACP leader Chris Hani.
Picture: Mykel Nicolaou

transitional executive council (TEC) established as soon as possible.

The alliance also called for a stayaway in the region tomorrow and day-long picket demonstrations at all major routes to towns, cities and townships in the area today.

● More reports — Pages 3 and 6

Speaking at the end of a meeting of the ANC-SACP-Cosatu alliance yesterday, ANC PWV regional chairman Tokyo Sexwale said any further delay in announcing the election date and establishing a TEC would "unleash an unprecedented wave of anger".

He said demonstrations in the PWV were due to begin at 6 am today and continue throughout the day; memorial services would be held for Hani during the stayaway tomorrow; and "a massive protest march" would be held in Johannesburg on Saturday.

The Law and Order Ministry yesterday said the planned protests were a recipe for confrontation, and called for calm.

Sexwale said the international community had to be involved in the investigation of Hani's murder.

He said the use of a silencer with a pistol stolen from the South African Air Force in 1990 raised questions about Waluz's links with the people involved in the theft.

Sexwale also appealed for

calm and restraint, and said his region backed the decision of the alliance's national leadership that negotiations should be speeded up.

He said the call by the ANC's Natal Midlands and western Cape regions for a suspension of negotiations were expressions of anger which did not challenge the national leadership.

Constitutional Development Ministry liaison officer Marius Kleynhans said it would be impossible to comment fully on the demand for an election date, Brendan Templeton reports.

He said the extent of the ANC national executive committee's involvement in the decision had to be clarified first.

Boipatong: men to stand trial

Soweleni 13/4/93.

(33)

A GROUP of Inkatha Freedom Party supporters from KwaMadala Hostel in the Vaal Triangle will appear in the Delmas Circuit Court today in connection with the Boipatong massacre on June 17 last year.

More than 40 people were killed when a large group attacked residents that night in the Vaal township.

The case was initially heard in the Vanderbijlpark Magistrate's Court and dragged on for months.

More than 10 people, who were originally accused of the killings, have had charges against them withdrawn. Most of those who will appear in court today are out on bail.

■ KwaMadala Hostel inmates to appear in the Delmas Circuit Court today:

The killings prompted the African National Congress to temporarily suspend bilateral talks with the Government.

The massacre also widened the rift between the ANC and President FW de Klerk, who had to flee the area when angry youths threatened him with violence during a visit to the township at the time.

Charges withdrawn in Boipatong trial

DELMAS — The State yesterday withdrew all charges against 27 of the Boipatong massacre accused and postponed the case against the remaining 47 to May 10.

Though no charges were put to the suspects in the Delmas Circuit Court, prosecutor A de Jager said the 47 remaining accused, mostly residents of the KwaMadala hostel in the Vaal Triangle, would face more than 100 charges, including murder, attempted murder, public violence and malicious damage to property.

The case stems from the June 17 1992 attack on Boipatong residents in which 41 people were killed. (331) (782)

All barring one of the remaining 47 accused were again released on bail, and have to report to the Vanderbijlpark police station each Monday. 6/07/93

The hearing was held in camera with only lawyers, reporters and two UN observers permitted to follow the proceedings from behind a glass partition. — Sapa.

Sixteen deaths still unsolved

Political Staff

CAPE TOWN — The police had still not detained, arrested, charged or convicted anyone in connection with the assassination of 16 anti-apartheid campaigners, Law and Order Minister Hernus Kriel told Parliament yesterday. *40M*

These unsolved cases included the murders of Natal University academic Richard Turner, Cradock community leader Matthew Goniwe and Wits University academic David Webster. *14/4/93*

Police had also not arrested or charged anyone in connection with the bombing of 12 buildings which housed anti-apartheid organisations in different parts of SA.

Kriel was responding to questions tabled by Peter Soal (DP, Johannesburg North) in the fourth consecutive year Soal has raised the issue in Parliament. On each occasion he has been told police have not made any progress in their investigations.

"Nobody has as yet been charged or convicted in connection with these murders as there is no evidence to implicate any person," Kriel said.

He also said no one had been detained,

arrested, charged or convicted in connection with the 12 bombings. *(SP)*

Soal also tabled questions about the fatal stabbing of Durban attorney Griffiths Mxenge outside his home in 1981 and the murder of his wife, Victoria Mxenge, who was hacked to death outside the same home in 1985. *(20)*

He also asked about the murder of Goniwe's three Cradock colleagues — Sparrow Mkhonto, Fort Calata and Sicelo Mlawuli — who were abducted and killed on the Grahamstown-Port Elizabeth road in 1985.

Kriel was questioned about the bombing of Cosatu House in Johannesburg in May 1987; Khotso House, the headquarters of the SA Council of Churches, in Johannesburg in August 1988; Khanya House, the headquarters of Southern Africa Catholic Bishops Conference, in Pretoria in October 1988; Community House in Cape Town in August 1987; the offices of Grassroots newspaper in Cape Town in October 1985; and various other buildings.

Former detainees owe State R200 000

Political Staff

CAPE TOWN — Former detainees owed the State more than R200 000 for the costs of unsuccessful court applications, Law and Order Minister Hernus Kriel said yesterday. *6/08/14/4/93*

The total outstanding value in 15 cases was R204 522,21.

Kriel, who was replying to a question tabled in Parliament by Hennie Bester

(DP, Green Point), did not give details of which former detainees or former banned people still owed money to the State. *(33)*

Kriel said that in five cases civil proceedings had been instituted by the state attorney, and the writing off of the debt was being considered in five cases

where the debtors had not been traced. *(SP)*

In four other cases, the debtors were already paying without any steps being taken, while in one case the debtor had requested the writing-off of the debt. Although this request had been referred to the Treasury, its decision was not yet known, Kriel said.

Waluz in court early 'for security reasons' (331)

A LARGE crowd of ANC supporters who gathered outside the Boksburg Magistrate's Court yesterday demanded to see the alleged assassin of SACP secretary general Chris Hani, Janus Jakub Waluz, who had appeared in court earlier.

However, Polish immigrant and AWB member Waluz, 40, was brought into the court shortly before 8.30am, half an hour before proceedings had been expected to begin, and was driven away in an armoured police vehicle after being in court for just a few minutes.

He was not asked to plead and no charges were put to him. The case was postponed to May 12.

LLOYD COUTTS
and SUSAN RUSSELL

Waluz made no attempt to look at the gallery or speak to anyone while in court.

Witwatersrand police spokesman Brig Frans Malherbe confirmed later that Waluz had been taken into court early for security reasons.

Police snipers were positioned on the court roof and at least 200 armed policemen were deployed. A large number of light and heavy armoured vehicles surrounded the court and some areas were cordoned off with razor wire. There was also a heavy police presence inside the

building and the courtroom itself.

Outside the court, one man shouted: "Where is the killer? We want the killer now!" Others — some carrying banners calling for Waluz's hanging and demanding that he not be granted bail — shouted at a phalanx of policemen: "Apla is coming!"

The demonstration took an ugly turn when an Afrikaans-speaking white man drew a firearm at the building's main entrance, where a throng of ANC supporters were being addressed by local leaders.

The man, accompanied by a bulldog, was attacked by youths after allegedly slipping through a police cordon and say-

□ To Page 2

Court (331) 14/4/93

ing: "This is not Chris Hani's place." He was arrested and disarmed by police. An armed friend waiting in a bakkie was also taken into custody.

ANC supporters were eventually persuaded to adjourn to a nearby stadium, where they were addressed by ANC PWV chairman Tokyo Sexwale, who said his organisation would resist a race war.

The demonstration eventually swelled to about 6 000 people, who marched to the Hani home in Dawn Park, where ANC president Nelson Mandela and several Cosatu officials were visiting the Hani family.

East Rand police spokesman Maj Ida van Zweek said several houses in the area were stoned and plants were ripped out of gardens. In one case, about 40 people

dashed into a house and, in the owner's presence, took clothes, food, hardware, cameras and watches worth R15 000.

A man was later arrested and some of the stolen items were recovered.

A lorry which had been hijacked in near-by Vosloorus earlier was also recovered in Dawn Park after it was spotted at the Hani home. Three men were arrested.

Mandela condemned the plundering, saying it had been committed by people who had lost their decency.

PAC official Johnson Mlambo told the gathering his organisation would participate in today's commemoration. Mandela said this would signal to the killers that they had succeeded in uniting liberation organisations.

● Picture: Page 3

□ From Page 1

Boipatong accused acquitted

By Mzimasi Ngudle

TWENTY-SEVEN of the seventy-four Boipatong massacre accused went free when charges against them were withdrawn in the Delmas Circuit Court on Tuesday.

The acquittal follows that of more than 10 other people who were also originally accused of the killings. The earlier group was released last year.

The case was postponed to May 10 after the defence asked for more time to consult with some of the accused who were arrested after the initial group.

One accused was kept in custody while bail conditions for others were modified.

Instead of reporting twice a week at Vanderbijlpark police station they will now only report on Mondays.

Mr Justice Smit turned down the request of defence counsel Mr Rean Strydom that the case be heard in Vereeniging.

He said transport to ferry the accused to Delmas would be provided and also cited security as one of the reasons why the trial should be heard in Delmas.

The accused are facing charges of

murder, attempted murder, public violence and malicious damage to property.

More than 40 people, including a pregnant woman, were killed when a large group of alleged Inkatha Freedom Party supporters from the Kwa-Madala Hostel attacked residents in Boipatong on June 17 last year.

The killings led to the African National Congress pulling out of negotiations amid allegations of police complicity.

The IFP has promised to pay legal costs provided it is allowed to instruct its own lawyers.

Two charged with 111...

Marchers bay for Walus' blood

HUNDREDS of ANC supporters besieged the Boksburg Magistrate's Court this week baying for the blood of alleged Hani assassin Janusz Walus.

ANC supporters besieged the court demanding that Walus be released to them to face their anger. However, the angry crowd missed Walus, 40, who had made his brief appearance more than an hour earlier. *CIPress 18/4/93*

Walus - represented by Adv P Sieberhagen, who reportedly represented Piet 'Skiet' Rudolf earlier - was not asked to plead by Magistrate P. Swanepoel and the case was postponed until May 12. During the four minutes Walus spent in court, he only uttered three words. Asked if he understood the proceedings, he replied "Yes, your magistrate". *(331)*

Horror as 27 suspects freed

CIPress 18/4/93

By MARTIN
NTSOELENGOE

THE withdrawal of charges against 27 men who were to stand trial along with another 74 suspects for the murder of 41 people in Boipatong last year, has the Vaal community feeling angry and scared.

State prosecutor A de Jager gave no reasons for the withdrawal of charges at the Vanderbijlpark Regional Court, while the remaining 74 men were not asked to plead before Judge MJ Smit and two assessors. The case was postponed to May.

A few Vaal residents, who attempted to gain entry into the court, became angry when told by police that the case was in camera.

Outside the court crowds expressed dismay when they heard that charges against 27 of the men had been withdrawn.

Said Joel Khobi from Boipatong: "The trial is a sham, it is going to end up like the Alexandra and Swanieville trials.

"It is obvious that police acted in collusion with the attackers on the night of the massacre."

Sebokeng sales repre-

sentative Allison Banda added: "How can we have confidence in the police when they use guesswork?"

"It seems police arrested any person they came across in KwaMadala Hostel. Police were not serious and their actions show that they attempted to appease the international community. Why were the murderers not arrested on the same day after the killings?"

De Jager said the 74 would face more than 100 counts including murder, attempted murder, public violence and malicious damage to property.

The case is a sequel to June 17 last year, when 41 people were brutally murdered in Boipatong township.

Although there were no incidents outside the court this week, police cordoned off the road leading to the building. The accused, who attempted to hide their faces, arrived from the Vaal in a bus.

Defence counsel Strydom unsuccessfully applied for the trial to be transferred to the Vereeniging courts, after submitting that the daily trip may be risky for the accused.

Rightist in court

By Abbey Makoe and
Kenosi Modisane

AN AFRIKANER Weerstandsbeweging supporter arrested in connection with the fatal shooting of two ANC marchers at the weekend is expected to appear in the Vanderbijlpark Magistrate's Court today.

Police yesterday identified the suspect as rightwinger Mr Mike Odendaal, a builder with Conservative Party and AWB connections.

The two ANC marchers, Mr Jabu Linda and Mr Thabo Madayi, were killed and two other people injured when an armed man, said to be a member of the CP, shot at demonstrators during a protest march in Vanderbijlpark on Saturday.

In the only ugly incident during the marches in the PWV area, police arrested Odendaal on the scene after he had allegedly opened fire at the 3 000

Sowetan 19/4/93
■ AWB supporter arrested after two marchers shot dead:

marchers.

Witnesses said Odendaal had driven through a convoy of police vehicles alongside the crowd marching through Vanderbijlpark.

ANC PWV region spokesman Mr Obed Bapela, who narrowly escaped death during the shooting, said: "The AWB has declared war on the ANC." Bapela was not injured.

In the incident-free march in Johannesburg, South African Communist Party executive committee member Mr Ronnie Kasrils led about 15 000 ANC and SACP supporters to John Vorster Square police headquarters.

Addressing the marchers, Kasrils warned the Government that the pace of negotiations for a democratic country was a constant frustration to the majority of the people.

"The people's patience is not endless," Kasrils said.

He also attacked Inkatha Freedom Party leader Chief Mangosuthu Buthelezi, Bophuthatswana's Chief Lucas Mangope and Ciskei's Brigadier Oupa Gqozo.

He called Gqozo a "donkey from Ciskei", saying he and Buthelezi had a tendency to stall things at the negotiating table.

"That must stop, we want an election day now," Kasrils said.

The march was also led by the ANC's Steve Tshwete and Tokyo Sexwale as well as Cosatu's Sam Shilowa.

Speakers described the march as "not one of those marches", some saying it was hopefully the last on John Vorster Square before the ANC took power at the polls.

"We lay you to rest with the pledge that the day of freedom you lived and died for will dawn. We all owe

ers in our history.
Hani was "one of the best-loved leaders" in the country. Hani was the first ANC national executive committee

presented itself. Those who see killing as the only answer can never step into Hani's shoes... he hated unnecessary violence and cruelty," Slovo said.

Suspect in court over Vaal deaths

By Anna Louw

STAR 20/4/93

Ignatius Michael Kruger Odendaal (51) appeared before a Vanderbijlpark magistrate yesterday following the fatal shooting of two ANC marchers and the wounding of two others in Vanderbijlpark on Saturday.

Odendaal, a member of the Conservative Party, was sent for 30 days' psychiatric observation at the request of

his defence.

He was arrested by police in terms of section 29 of the Internal Security Act after protesters pointed him out as the gunman.

Odendaal was in a bakkie and allegedly fired shots into the crowd near the end of the march route. Police recovered the murder weapon, a .357 Magnum, at the scene.

The place at which he is to undergo psychiatric observa-

tion has, for security reasons, not been disclosed, police said.

Prosecutor P du Plessis requested a 30-day postponement, which was granted by magistrate G J Reynders.

Odendaal, who faces two charges of murder and two of attempted murder, was not asked to plead.

He is expected to appear in court again on May 19.

CP man in court on two murder charges

Sowetan Correspondent

MR Ignatius Michael Kruger Odendaal (51) appeared before a Vanderbijlpark magistrate yesterday following the fatal shooting of two ANC marchers and the wounding of two others in Vanderbijlpark on Saturday.

Odendaal was sent for 30 days psychiatric observation at the request of his defence.

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Suspect killer sent for mental observation:

num, at the scene.

The prosecutor, Mr P du Plessis, asked for a 30-day postponement, which was granted by magistrate Mr GJ Reynders.

Odendaal, who faces two charges of murder and two of attempted murder, was not asked to plead.

An unidentified member of the AWB was briefly detained with Odendaal on Saturday but was later released when police found no evidence linking him to the shooting.

Odendaal is expected to appear in court again on May 19.

Court told of wounded farmer's dying words

11/10/93 20/11/93 Own Correspondent

331

PORT ELIZABETH — Wounded and dying, Addo businessman and farmer Andre de Villiers told his son his shooting was a "political setup", that "Dave Mandell is involved" and to "ask Valence Watson about it", the Supreme Court, Port Elizabeth, heard yesterday.

Appearing before Judge Van Rensburg and two assessors are alleged Umkhonto we Sizwe member Tamsanqa Mali, 23, and Lindile Stemele, 25.

Both have pleaded not guilty to a charge of murdering De Villiers, a former Eastern Province rugby forward, on his farm Athelstone on the night of August 17 last year.

De Villiers was shot while sitting in his bakkie outside his home. He died on the way to hospital.

Mali and Stemele have also pleaded not guilty to two counts of attempted murder arising from an incident shortly after the shooting of De Villiers when shots were fired at his wife, Elizabeth, and his son, Louis, 19.

The men also denied guilt on a fourth charge of attempted armed robbery, alternatively conspiring to commit armed robbery.

Louis de Villiers told the court he was watching television with his stepmother and two young brothers when his father arrived home shortly after 8pm.

"After his bakkie stopped outside, I heard two shots. I looked through the window and saw four or five men standing around the vehicle. One of them shone a flashlight at me. Some four shots were fired at me.

"I noticed that one of the men had a shiny object in his hand. Then I ran outside to help my dad."

De Villiers said he was unarmed when he dashed outside. He saw a group of men fleeing the scene. "I opened the bakkie's door. My father was still conscious. He told me to look after my family. He said it (his shooting) was a political setup, that Dave Mandell was involved, and that I should ask Valence Watson about it."

Mandell and Watson are Eastern Cape businessmen, Watson an ANC member. Mandell's name has also been linked to the controversial SADF Hammer unit.

town clerk Antonie Heyneke said that a full report was expected to be made available today.

wasrec belonged to the Public Works Department.

The department could not be contacted before going to press.

Murder weapons 'not linked'

810m 21/4/93
PORT ELIZABETH — A .22 calibre bullet found at the scene of Addo businessman Andre de Villiers' murder was not fired from the weapon used to kill Matthew Goniwe, ballistics expert Capt Thomas Wolmarans told the Port Elizabeth Supreme Court yesterday.

The barrel of the gun in question had 10 grooves twisting to the right, while the Goniwe weapon had only six.

Wolmarans was testifying in the trial of Tamsanqa Mali — an alleged member of Umkhonto we Sizwe — and Lindile Ste-mele, who have been charged with the murder of De Villiers on his farm Athelstone on August 17 last year, and the attempted murder of De Villiers' wife Elizabeth and his son Louis.

The two accused also face a charge of attempted armed robbery. They have pleaded not guilty to all charges.

Wolmarans told the court tests showed that De Villiers had been killed by a shot fired from a 9mm Makarov pistol at a distance of less than two metres.

The bullet shattered the window of De

Villiers' bakkie before striking him in the side. A second bullet, fired from the same weapon, had passed through the cab and the passenger door.

Three bullet marks were found in the wall of the house. A fourth, caused by a calibre smaller than the Makarov's, was found on the garage door, and a .22 bullet was found on the ground nearby.

The court also heard that Mali's fingerprints were on a newspaper found at the scene of the murder. The newspaper was in a brown paper bag with a blue plastic bag which bore the fingerprints of Xolani Ncinane, a former accused and alleged Umkhonto member who died of an AIDS-related illness soon after his arrest.

Retired crime investigation unit district head Col Izak du Plessis said that when he visited the farm he found a spot between aloe plants from which "someone" had spent a reasonable amount of time observing De Villiers' house. A freshly trampled path led to the house.

The trial continues.

Own Correspondent

Accused blame shooting on others

Own Correspondent

(381)

PORT ELIZABETH — Two men accused of murdering Addo farmer and businessman Andre de Villiers made statements to the police in which they admitted participating in a robbery attempt which led to the fatal shooting of De Villiers, the Port Elizabeth Supreme Court heard yesterday.

However, the statements made by alleged Umkhonto we Sizwe member Tamsanga Mall, 23, and Lindile Stemele, 25, place the blame for the shooting on two men who had accompanied them on the robbery. Mall, who claims to be an ANC exile, and Stemele are facing charges of murder, two counts of attempted murder and a charge of attempted armed robbery. They have pleaded not guilty to all charges.

The attempted murder charges relate to shots fired at De Villiers' wife, Elizabeth, and his son Louis, 19, *24/4/93*.

Stemele's statement was read out in the court yesterday by Lt Henry Trytsman.

In the statement, Stemele said he had been asked by Xolani Nelane (a former accused in the case who recently died of an AIDS-related ailment) to join him and others on the robbery. *24/4/93*

He said Nelane had fired at the "white man". Another accomplice also fired shots. Stemele said he had fled.

He said he was threatened with death if he talked of the incident, and went home after he had been given some money.

Mall said in his statement that Xolani was a friend. He said when he and Stemele realised "things were going" they fled the scene of the robbery.

Negotiating parties prepare to do battle

22/4/93

BILLY PADDOCK

POLITICAL parties are gearing themselves for a tough battle today when they meet to set the agenda for Monday's start of substantive negotiations.

All indications point to government and the ANC getting set to force the pace and deal harshly with any parties which balk at finalising the details of a transitional executive council as the main priority.

Government and the ANC's chief negotiators speak as if there are no alternative ways of moving forward to elections.

However, this is probably the most fundamental difference between parties because it deals with the crucial issue of how to move negotiations forward.

Constitutional Development Minister Roelf Meyer said the assassination of SACP leader Chris Hani meant there was an urgent need to implement the council so that attention could be focused on preparing for elections.

ANC secretary-general Cyril Ramaphosa said on Tuesday there was consensus among the major players in the process that a settlement could be reached by mid-June.

Should agreement not be reached on the implementation of the council and an election date within the six-week period, increased pressure would be applied, including regular stayaways, he said.

SACP negotiator Joe Slovo said the plans for the transition had to be tied up by the end of May and no party should be allowed to hold the

process hostage. Yesterday a government spokesman said it was imperative that the transitional council be established so it could get the independent electoral commission off the ground.

It was the responsibility of the commission, headed by eminent South Africans, to decide on the date for elections following negotiations.

At the same time Inkatha president Mangosuthu Buthelezi said there was absolutely no possibility of holding elections before stability had been achieved.

He also rejected any need for an interim government or a transitional council. The matter that had to be finalised before negotiations on any other constitutional issue started was the form of state for the new SA, Buthelezi said.

Following his return to SA on Tuesday after meeting UN Secretary-General Boutros Boutros-Ghali in Rome, Buthelezi said the way forward was to finalise all the constitutional principles in the multiparty negotiations, have experts draft the new constitution and have this approved in a referendum before holding elections for a new government.

The 10-man planning committee will also have to deal with issues arising out of Hani's death. Ramaphosa has said that the ANC intends raising the "insensitivity" of government and the parliamentary parties that refused to adjourn parliamentary proceedings while Hani's funeral was taking place.

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Own Correspondent (331)

PORT ELIZABETH —
Two men charged with murdering Addo farmer Andre de Villiers said in statements yesterday that they intended only to rob him and not kill him.

Tamsanqa Mali (23) and Lindile Stemele (25) have pleaded not guilty to murdering De Villiers on his farm Athelstone, at Addo, on August 17 last year.

They have also pleaded not guilty to charges of attempted murder and a charge of armed robbery.

In a statement read in court yesterday, Mali said he and Xolani Ncinane were both exiles from the ANC and met in Lusaka. Ncinane, a former accused in the case, died shortly after his arrest.

Mali met a Mr Gobayi, whose MK name was Kenneth, and he told him he wanted to rob a farm in Addo.

On the night of August 17 they and another man, known as Tiera (identified in court as Stemele) took a taxi to Addo.

It was dark when a vehicle approached the house. He saw Kenneth point a firearm and shoot at the vehicle. Ncinane also fired shots at the house. He said he and Tiera ran away, followed by the other two.

Stemele said they had gone to rob the farm with a man known only as Sammy.

Stemele and Mali said they did not know they were going to use firearms. The intention was only to rob.

Investigating officer Lieutenant Henry Trystsman said both men had made statements voluntarily and had assisted the police wherever possible.

He said the man referred to as Sammy could not have been implicated as he had been arrested and was in jail in Addo on the Saturday before the murder.

The trial continues.

Two killed: white youth faces charge

■ Woman's body buried on farm:

By Abbey Makoe

A 17-year-old white boy appeared in the Koster Magistrate's Court yesterday in connection with the gruesome murder of two black women in Geyserspan early this year.

The youth, who may not be named because of the Child Protection Act, appeared before Mr JP Potgieter.

He was remanded into police custody until April 28. He was not asked to plead and no charges were put to him.

His appearance is a sequel to the police discovery on a farm where he worked of the body of a woman murdered and buried.

The youth was also arrested following the discovery of another woman's body on a rubbish dump.

She was reportedly found with her throat slit. The body was decomposed and partly eaten by a wild animal.

The suspect's parents were not in court.

Attempts by the prosecutor, Miss JC Kruger, to contact them by telephone failed.

The State indicated it was seeking accommodation for the suspect at a psychiatric institution for observation.

Star 23/4/93

'Murder admitted before Aids death'

331
PORT ELIZABETH — Before dying of Aids an Umkhonto we Sizwe member allegedly admitted shooting Addo businessman André De Villiers, the Port Elizabeth Supreme Court heard yesterday.

Testifying in the murder trial of alleged MK member Tamsanga Mali and his co-accused, Lindile Semele, Port Elizabeth detective Lieutenant Henry Trytsman said MK member Xolani Ncinane made the admission in a statement after being arrested.

Ncinane, a co-accused in the murder with Mali and Semele, died of an Aids-related illness before the trial.

De Villiers was gunned down outside his farmhouse near Addo on August 17 last year. He was allegedly giving the ANC information on hit-squad activities.

Mali and Semele have both pleaded not guilty to the murder charge. They have also pleaded not guilty to two charges of attempting to murder De Villiers's wife Elizabeth and his son Louis, and to a fourth charge of attempted robbery or conspiracy to commit robbery.

Lieutenant Trytsman, a member of the Port Elizabeth

Murder and Robbery Unit, told the court that Ncinane's statement was made before those of Mali and Semele. The statement corroborated those made later by the Mali and Semele.

Defence counsel Glen Goosen accepted the accuracy of the statements and said he was satisfied that they were made freely and voluntarily.

The statements indicated that Ncinane and another alleged MK member, Kenneth Kabayi, who is being sought by police, had allegedly fired all the shots at the scene of the murder.

The commander of the Port Elizabeth Murder and Robbery Unit, Major Johannes van Heerden, testified that 21 members of his unit had investigated a possible political motive to the murder.

He said this followed a statement by De Villiers's son Louis who had alleged that, before his father died, he had said the incident was a "political set-up", that Dave Mandel was involved, and that ANC member Valence Watson had information to this effect.

Mandel is a Port Elizabeth businessman and a former partner of André De Villiers, while Watson is an ANC member and an old family friend. — Pen,

Murder 'not political'

Own Correspondent

(331)

PORT ELIZABETH — There was no evidence indicating that the killing of Addo businessman and farmer Andre de Villiers was a "political setup" as he had allegedly told his son minutes before his death, the Supreme Court heard yesterday.

East Cape murder and robbery squad head Maj Johannes van Heerden told the court police had treated the political claim as a priority.

He was testifying in the trial of two men charged with the murder of De Villiers on his farm, Athelstone, on August 17 last year.

The accused, Tamsanqa Mali, 23, and Lindile Stemele, 25, have pleaded not guilty. They have also pleaded not guilty to two charges of attempted murder after shots were fired at De Villiers' wife, Elizabeth, and son, Louis, and to a fourth charge of attempted armed robbery.

Van Heerden said 21 policemen investigated De Villiers' claim that his shooting "was politically motivated". The dying man was said to have told his son: "Dave Mandell is involved. Ask Valence Watson." Mandell is a businessman and Watson an ANC member.

Investigating officer Lt Henry Trytsman told the court three of the four men who took part in the incident were Umkhonto members. Xolani Ncinane, who fired the fatal shot, had since died of an AIDS-related illness. Ernest Gabaji was thought to be in Transkei. Trytsman said only Stemele was not an Umkhonto member.

Mali and Stemele have claimed that they went with the others to rob De Villiers, but did not have firearms.

The trial was adjourned to Monday.

Judgment today in murder trial

Own Correspondent

PORT ELIZABETH — Two men accused of killing Addo farmer and businessman Andre de Villiers will know their fate tomorrow when judgment in the trial will be passed in the Port Elizabeth Supreme Court.

Umkhonto we Sizwe member Tam-sanqa Mali, 23, and Lindile Stemele, 25, have both pleaded not guilty to the murder of De Villiers outside his home on the farm Athelstone, near Addo, on the night of August 17 last year.

De Villiers was fatally wounded with a Makarov pistol when he arrived home at about 8pm that night.

The two men have also pleaded not guilty to two counts of attempted murder arising from shots fired at De Villiers' wife, Elizabeth, and his son, Louis, 19, on the same night.

They have also pleaded not guilty to a fourth charge of attempted armed robbery, but admitted to a conspiracy to

commit armed robbery. (331)

No evidence was led by the defence yesterday and counsel for the accused, Glenn Goosen, told Mr Justice Van Rensburg the defence wished to close its case.

Etienne Pretorius, SC, for the State, asked for the conviction of Mali and Stemele on all charges.

Pretorius said if the men were not found guilty of murder, they should be found guilty of culpable homicide on the grounds that they had known that firearms would be used, and by acting in common purpose with the men who had the guns. B/DAY 27/4/93.

He said Mali, Stemele and the other two men had planned the robbery together. They had travelled to the farm together, waited together for De Villiers to arrive, and upon returning home together they spent the night together in Port Elizabeth.

Land sale would have paid Absa debt Key

LINDA ENSOR

CAPE TOWN — Former Motor Racing Enterprises chairman Mervyn Key has claimed in an affidavit that Absa Bank "vindictively" prevented him selling his Paarl wine estate, Rhebokskloof, so that he could settle fully his debt with the bank.

The affidavit has been filed to oppose his sequestration — at the instigation of Absa — on grounds that he is not insolvent. The case is due before the Cape Town Supreme Court this week.

Absa brought the provisional sequestration application on March 19 in the light of an alleged debt by Key of R21m.

Key said he intended to claim damages against Absa for unlawfully breaching the banker-client relationship by disclosing his financial circumstances to a prospective purchaser of part of Rhebokskloof, a Mr Weedon.

By February this year he had reached an agreement in principle with Weedon for him to buy the less productive part of the estate, Homestead Valley, for R11m.

He claimed that First National Bank had agreed in principle to take over the balance of Absa's exposure to Key on condition the sale was concluded.

Key said Weedon's legal representative told him on March 4 that Absa senior manager Danie Brits had advised him not to proceed with the sale and Weedon had then immediately suspended negotiations.

Key claimed that this act so severely prejudiced him in his capacity as surety that it extinguished his R20,7m surety obligations to Absa.

"In the present economic climate it is almost impossible to credit that Absa would actively discourage a willing purchaser of this calibre," Key said.

He submitted that the total security held by Absa in terms of mortgage bonds over Rhebokskloof, which he said was valued at about R25m, exceeded its total claim.

Key asserted that if Rhebokskloof was sold, all the liabilities of Rhebokskloof, its sister company Parmalat Investments and himself to Absa would be wiped out.

He noted his intention to bring a substantial claim for damages against Absa, Absa regional GM Dudley Davies in his personal capacity and all those involved in publishing unfounded, untrue and unsubstantiated allegations that he had committed fraud, foreign exchange contraventions, forging and uttering.

Davies made these allegations in Absa's application for Key's provisional sequestration.

Key said the allegations, all of which he denied, had had a "devastating effect" on him. He had not been charged with these offences, and even if he had been it was a breach of the sub judice rule and contempt of court to refer to evidence having a bearing upon them.

Key said he had been arrested on a suspicion of fraud and had not been given any further information on the case.

It was a matter of "grave concern" that Absa professed to be privy to the investigations, he said.

NEWS IN BRIEF

Three in court

THREE men appeared briefly in the Vereeniging Magistrate's Court yesterday in connection with the murder of SABC-TV reporter Calvin Thusago. James Thlobane, Ezekiel Tyobeka and Lawrence Hlatshwayo pleaded not guilty to a charge of murder. The case was postponed to May 3.

The Media Workers' Association of SA said it would organise a march in Sharpeville today to "protest against mindless thuggery directed at journalists".

Nominations flood in

LAST-minute nominations for the 21 seats on the new SABC board flooded into the board secretariate offices yesterday to beat the April 26 deadline.

Spokesman Rene Alberts said some were incomplete, and did not contain written acceptances from nominees.

Tolls lose millions

THREE Natal toll road plazas lost R18,2m in the past financial year, said Transport Minister Piet Welgemoed in reply to a question by DP MP for Pinetown Roger Burrows. They were the Oribi plaza, Mtunzini and the Tugela plaza.

The Mooi River plaza, however, showed a R12,2m profit.

Desecration denied

AN AWB official calling himself "General Terre Blanche" yesterday denied AWB members had desecrated Sharpeville graves, and said the AWB's fight was against living communists.

It has been alleged the action was in retaliation for Germiston grave desecrations during SACP chief Chris Hani's funeral.

Concern over payment

CONFEDERATION of Zimbabwe Industries marketing development officer Richard Mubayiwa urged local exporters to demand payment guarantees from US exporters after some complained about non-payment to Zimbabwe's Washington embassy.

But Brian Hillen-Moore, executive director of Zimbabwe's Credit Insurance Corporation which covers local exporters, said he had not yet received any claims.

REPORTS: Business Day Reporters, Sapa-Reuter.

Subsidy for home owners extended

CAPE TOWN — National Housing Minister Sam de Beer announced yesterday that the interest subsidy for black first-time home buyers would be extended to existing houses.

The department expected the extension — which would come into effect from May 1 — to almost double in one year the total number of black participants in the scheme.

The scheme offers a 33,3% subsidy on the interest on a bond. It will continue to be limited to home buyers earning less than R3 500 a month buying houses for less than R65 000 with bonds of less than R40 000.

The subsidy was introduced for white first-time home buyers in 1983, extended to blacks in 1985 and further extended to white buyers of existing houses about three years ago.

De Beer said it was hoped that the extension would have a positive effect on the second-hand house market and would achieve parity between racial groups.

Blacks were excluded from the extension of the scheme in order to encourage the building of new houses. The department continued to hope that the scheme would promote this goal by creating more mobility in black home ownership.

De Beer said the amount of R99,3m would be available for the 1993/94 financial year and that an estimated 24 000 additional home buyers could be subsidised from this amount.

TIM COHEN

R30m of this total was rolled over from last year.

So far there were 29 000 blacks taking part in the scheme, and 49 000 whites, coloureds and Asians.

Dealing with the national housing forum, De Beer said during his department's budget vote in Parliament that he was optimistic that international support for SA's housing backlog could be forthcoming.

This, however, was dependent on agreement on a new constitutional dispensation and consensus at the forum.

Sapa reports that he said all political parties, including the DP and CP, ought to take part in the forum.

The forum had a great degree of legitimacy, and its negotiated policy was expected to have broad community support. The most important aspects of this policy were expected to be in place before the end of the next financial year.

It would meet on May 4 to formulate specific structures and set a target date for their implementation.

Replying to debate on the housing vote, he said red-lining — financial institutions' practice of defining areas perceived to represent undue risk, and within which bonds would not be granted — was an undesirable practice.

He believed the extension of the subsidy scheme would help alleviate the problem.

Township development is held up

GAVIN DU VENAGE

THE proposed Liefde en Vrede township development south of Johannesburg may be put on hold for three months, after the Hong Kong developers failed to come up with bank guarantees within the stipulated period.

Johannesburg Commerce and Industry director Colin Wright said yesterday he would recommend to the council that it put the project on hold for three months, when it would be reassessed.

The consortium of Chinese businessmen were planning to bring in R500m into the development, but political uncertainty in this country

had sunk attempts to raise loans overseas.

It was a suspensive condition of the deed of sale that the purchaser obtain financial approval within 45 days of the council giving its go-ahead.

Wright said that although this was a setback to the city's economy, which was expecting to benefit from rates, as well as business opportunities created by Chinese immigrants, it was not a major loss.

He said the township infrastructure had been developed prior to the agreement, and would not be a financial burden to the city.

No bail for four suspects

A BAIL application by four suspects in the shooting at Eikenhof, south of Johannesburg, in which three people were killed, was turned down in the Meyerton Magistrate's Court yesterday. (331)

The prosecutor, Miss Susan van Deventer, opposed the bail applications of Mr Titi Ndwemi, Mr Siphiwe Bholo, Mr Zipho Gavin (alias Fish) — all of Evaton — and Mr Davis Mokoena, of Odendaalsrus in the Orange Free State, saying the Attorney-General had applied to have the crime declared a special felony.

Sowetan 28/4/73
The case was postponed to May 10. — *Sowetan*
Reporters and Sapa.

Police oppose bail move

Southern 28/4/93

By Themba Molefe
Political Reporter

POLICE ARE to apply for an order in the Pretoria Supreme Court tomorrow to further detain senior Conservative Party member Mr Clive Derby-Lewis under Section 29 of the Internal Security Act.

Derby-Lewis was detained at his Krugersdorp home on April 17 in connection with the assassination of South African Communist Party general secretary Mr Chris Hani.

Derby-Lewis' wife Gaye was also detained in terms of the same Act on April 21.

According to Witwatersrand regional police commissioner Brigadier Frans Malherbe, Gaye Derby-Lewis' son, Mr Herman Graser, has made two urgent applications to stop the detention of the couple.

"We are obviously opposing the application as we believe the couple is still needed for further

FURTHER INVESTIGATION Police want

Supreme Court order to extend detention of CP

executive member Clive Derby-Lewis:

investigation, Malherbe said. He would not elaborate. Mrs Derby-Lewis' 10-day detention in terms of the Act will expire on Saturday.

Malherbe said one option was to charge the Derby-Lewises but investigations were at a critical and "sensitive" stage. Again, he would not elaborate.

Mr Derby-Lewis was arrested after prime suspect Polish immigrant Janus Waluz "eventually co-operated" with the police. Waluz was arrested minutes after he allegedly shot Hani at his Dawn Park, Boksburg, home on April 10. Malherbe confirmed the firearm which killed

Hani was allegedly supplied by Derby-Lewis.

The investigation into Hani's assassination is being closely monitored by former head of Scotland Yard's anti-terrorist branch, Commander George Churchill-Coleman, and Dr Ralf Kruger, former head of the State Bureau for Criminal Investigation of Baden-Wurttemberg in Stuttgart, Germany.

Witwatersrand Attorney-General Mr Klaus von Lieres und Wilkau said this week that he was studying documents supplied by the police and would decide later whether to charge Derby-Lewis and his wife.

Mass action to go ahead if govt fails to meet demands

THE ANC/SACP/Cosatu alliance yesterday said it would press ahead with plans for mass action unless government met its demands by the end of May.

The alliance said it believed finality had to be reached on an election date, a transitional executive council and joint control of the security forces.

It said if government acted "irresponsibly" and continued to drag its feet beyond May, "a complete review of the negotiations will have to take place".

The organisations added that unless government met their May deadline, a programme of action, which would include a boycott of taxes and national strikes, would be embarked upon.

The first phase had begun with regional actions. These included consumer boycotts, marches, demonstrations and occupations. The far right would be made a special target of regional mass action, including consumer boycotts, as well as international campaigns against those supporting them abroad.

May Day would launch these regional programmes and alliance speakers would address more than 70 rallies throughout the country.

Our Cape Town correspondent reports that ANC regional chief Tony Yengeni said yesterday that the alliance would include a consumer boycott in its mass action campaign in the western Cape.

Speaking at a May Day rally news conference yesterday he said: "We are still in

WILSON ZWANE

the process of finalising our mass action plans for the Western Cape but you can rest assure that consumer boycotts figure high on the agenda."

Yengeni did, however, give his assurance that consumer boycott action would not simply be directed at all white-owned businesses. "We will focus on specific areas of business," he said.

Yengeni said the mass action campaign would also be focused at the grass roots level of specific areas of power, such as local government, health services and the education crisis.

Our Durban correspondent reports that Natal is bracing for a month-long deluge of marches, rallies and city blockades by the alliance.

No stayaways have been planned yet.

Maritzburg looks set to become the focus of most of the rolling mass action, beginning with a lunchtime memorial service in Market Square in the city at noon today to mark the death of the ANC national chairman Oliver Tambo.

The events of the past three turbulent weeks have given impetus for what the alliance calls "the final push" beginning on Workers' Day.

□ Sapa reports from Cape Town that President F W de Klerk said a rolling mass action programme was in order as long as it was conducted with great responsibility.

Witnesses corroborate massacre accused's alibi

MARITZBURG — Two men gave evidence in the Maritzburg Supreme Court yesterday supporting the alibi of Nkanyezini massacre accused, Nkayiso Wilfred Ndlovu, 20, for the duration of an attack on minibus passengers that left 10 dead and four wounded.

Ndlovu denied that he took part or was present when the minibus was ambushed on March 5 allegedly to avenge the killing of Inkatha-affiliated school-children a few days earlier.

He denied evidence by co-accused Mabhungu Absolom Dladla, 23, that he provided the firearms and forced Dladla to take part in the attack.

In evidence before Natal's Judge President Howard, Ndlovu said he had been at the home of Bonginkosi Ntombela in the company of KwaZulu policeman Michael Mkhize, on the day of the incident.

Ntombela and Mkhize gave evidence supporting

Own Correspondent

his version.

Ndlovu alleged that Dladla had arrived at his residence on the evening in question with a shotgun and had asked him to keep it. Ndlovu said he had concealed it behind a wall.

Dladla had also indicated a place across the river and had said he had concealed other firearms there, Ndlovu said. He later pointed out the spot to police who recovered an AK-47 rifle and an R1 rifle.

Les Roberts, SC, yesterday urged the court to convict Dladla and Ndlovu. He described Dladla as a "clearly lying witness" and said the version offered by Ndlovu was extremely improbable. Ntombela and Mkhize's evidence should not be relied on as they were clearly "sympathetic" to Ndlovu and vague about events.

Judge Howard is expected to deliver judgment in the case today.

Warning on timber use

MARIANNE MERTEN

THE Water Affairs and Forestry Department warned yesterday that at current levels of consumption SA's natural timber resources would be exhausted within 30 years.

It said about 30% of the population depended on wood as its primary energy source. It projected that from 2 000, about 8,3-million tons of firewood would be consumed every year.

For this reason, said Water Affairs and Forestry Minister Japie van Wyk, the department would move from promoting commercial timber growing to rural forestry extension schemes. This shift in emphasis was "a matter of necessity".

The department had identified more than 3 000 rural forestry projects to be implemented over the next decade. The success of the projects would, however, lie in community involvement and not with policymakers.

Addo killers found guilty

Own Correspondent

PORT ELIZABETH — An Umkhonto we Sizwe member and another man were found guilty in the Port Elizabeth Supreme Court yesterday of murdering Addo farmer and businessman Andre de Villiers.

They will be sentenced today. The State has asked for a minimum of 20 years' imprisonment.

De Villiers was gunned down outside his farmhouse on August 17. Shots were also fired at his wife Elizabeth and son Louis.

Umkhonto member Tamsanqa Mali, 23, and Lindile Stemele, 25, were convicted on a count of murder, two counts of attempted murder and a charge of attempted robbery.

Judge Van Rensburg said there was nothing in the evidence to suggest that the motive for De Villiers's killing was political.

Sapa reports the court found that another accused, Xolani Ncinane, who died earlier this year of AIDS, and a fourth man, Kenneth Gabayi, had fired the shots that killed De Villiers. Gabayi is still at large.

Murder suspect dies in Natal shootout

Own Correspondent

DURBAN — Police tracking three killers who shot dead a man in his Winklespruit home on Natal's south coast early yesterday came under "heavy fire" from residents in the nearby Umgababa area who thought they were being attacked.

Hearing the exchange of gunfire between police and the three suspects, residents began shooting, forcing police to take cover. In a subsequent shootout with police one of the suspects was killed.

Earlier, Desmond Badenhorst, 34, was shot dead at his home. The suspects stole a hi-fi set, video recorder and some clothes. Some of the items were recovered.

Durban murder and robbery detectives have begun a major manhunt for the remaining suspects.

A search involving 100 policemen and soldiers is also on for Camperdown farmer Alex Kalafatis, 45, whom police believe was abducted from his farmhouse by gunmen early on Tuesday. A R20 000 reward has been offered for information leading to Kalafatis's whereabouts.

A man suspected of murdering farmer's wife Sandra Swanepoel at Letsitele near Tzaneen in the northern Transvaal yesterday was shot dead by police while resisting arrest, a police spokesman said. Three other suspects were arrested and two AK-47s and a 9mm Tokarev pistol confiscated.

Swanepoel, 37, was shot dead in her bedroom after her husband Johannes was at-

tacked outside their house.

Sapa reports that six men were remanded after appearing briefly in the Durban Magistrate's Court yesterday in connection with a gang shooting in which four people died at the weekend. The six, of Maphumulu near Durban, were arrested soon after residents in the Tongaat area were terrorised on Saturday night.

East Rand police have arrested two more suspects in connection with Monday night's Katlehong attack on Worldwide Television News cameraman Sam Msibi.

Police spokesman Maj Ida van Zweel said murder and robbery unit members arrested the two men after Msibi's car was found in Thokoza. Six men were arrested earlier in connection with the incident, in which Msibi was shot five times. All eight suspects are to appear in the Alberton Magistrate's Court today.

In the Border region, a suspect in last Thursday's murder of Det-Sgt Ian Richardson of East London was shot dead by police and a second suspect arrested.

Meanwhile, Cape Town town clerk Graham Lawrence said Khayelitsha's municipal services would be suspended as guarantees of safety for council workers appeared to have been ignored.

Khayelitsha traffic chief Graham Bell and a colleague were injured when their vehicle was stoned by crowds yesterday, and a lorry was set alight.

7
in former MK cadres case

MK pair found guilty of Addo farmer's murder

Sowetan 29/11/93
■ No evidence to suggest killing politically motivated:

TWO men were yesterday found guilty of murdering Addo farmer and businessman Mr André de Villiers.

Tamsanqa Mali (23), a former member of Umkhonto we Sizwe, and Mr Lindile Stemele (25) were also convicted of attempting to murder De Villier's wife Susan and son Louis and robbery with aggravating circumstances.

Mr Justice van Rensburg said not a single shred of evidence had been given

to indicate the killing was a political setup. (3310 844)

De Villiers was murdered with a Makarov pistol on his farm Athelstone on August 17 last year. (2978)

Van Rensburg said though the actual shooting was done by a third accused who died while awaiting trial and a man known as Kenneth, the pair before court should have known shots could be fired to execute the robbery.

The case is continuing. — *Sowetan Correspondent.*

NEWS Alleged assassin on Hani killing • Tip-off led police to search for explosives

CP man 'gave me gun to shoot Hani'

THE ALLEGED ASSASSIN of Mr Chris Hani has claimed that top Conservative Party member Mr Clive Derby-Lewis gave him a gun and a silencer to shoot the South African Communist Party chief.

This is what Mr Janus Waluz, the man accused of assassinating Hani, allegedly told police, according to documents filed in the Pretoria Supreme Court yesterday.

Legal counsel for the police were applying for an extension of the 10-day limit on Derby-Lewis' detention under Section 29 of the Internal Security Act

makes startling claims in court papers:

■ CP CONNECTION Janus Waluz 331

in connection with the assassination. Reference was also made in the documents to an affidavit in which Derby-Lewis admitted he had identified certain "enemies".

He said in the affidavit that he had decided that Hani and these "enemies" should be killed.

Affidavits made to and by police conducting the investigation were handed in the application before Mr Justice Curlewis.

Derby-Lewis will know today whether he is to remain in detention.

Justice Curlewis withheld judgment in yesterday's application by General LP du Toit that the detention period be extended for another 10 days.

Derby-Lewis' wife, Gaye, is expected to be released today. - Sapa.

Addo murder robbery not politics

By BEVERLEY GARSON

THE motive for the murder of Addo businessman Andre de Villiers was armed robbery, not politics, the Port Elizabeth Supreme Court found this week.

Convicting Umkhonto weSizwe member Tamsanga Mali (23) and Lindile Stemele (25) of murder, Justice J van Rensburg said apart from a statement by the dying De Villiers that "this is a political set-up", nothing had been placed before the court

to suggest a political motive.

Before dying of wounds sustained in an ambush outside his Addo farmhouse, De Villiers also told his son, Louis, that a former business partner was involved in the "set-up" and that Louis should ask a family friend and ANC member about it.

Before he was killed, De Villiers offered to provide information about the activities of the SADF's Hammer Unit — which has been linked to the Matthew Goniwe murder — and

other covert state operations.

The judge also convicted the men of attempting to murder De Villiers' wife, Elizabeth, and son, Louis, and of attempted robbery with aggravating circumstances. A fourth man, MK member Kenneth Gabayi, is being sought by police.

Mali and Stemele had pleaded not guilty. Another accused in the case MK member, Xolani Ncinane, died of an Aids related illness before the start of the trial. — Pen

CP's Gaye faces murder charge

**NORMAN CHANDLER
and SAPA**

GAYE Derby-Lewis, wife of Conservative Party member Clive Derby-Lewis, had been charged with the murder of SACP general secretary Chris Hani, a senior police spokesman said last night.

After hours of confusion following her appearance in the Boksburg Magistrate's Court, Brigadier Frans Malherbe said Gaye Derby-Lewis had been charged with murder, even though no formal charge had been presented in court.

"She appeared on an indictment as a second accused after Janus Waluz, who appeared previously in connection with the same case," Malherbe said.

No bail application was lodged and the case was postponed to May 12, when Waluz would also appear in court.

Earlier Boksburg chief prosecutor Jan Ferreira said he had asked the court for her name to be added to the murder charge sheet drawn up for Waluz.

Police yesterday won an application before Mr Justice Curlewis to hold Clive Derby-Lewis in terms of the Internal Security Act until May 8.

Hit list

The Derby-Lewis were detained in the week after Hani's assassination. Polish immigrant Waluz was arrested in connection with the murder several hours after the event, and is being held in terms of section 29 of the Internal Security Act.

Waluz, in whose Pretoria flat police allegedly found a hit list naming nine prominent South African politicians and journalists, has not yet been charged.

Dismissing an application for damages resulting from wrongful arrest, the judge said he did not see anything sinister in Gaye Derby-Lewis having been held in terms of the Act. He did, however, agree with counsel for Clive Derby-Lewis, Hannes de Vos SC, who argued on Thursday for his release, that legislation such as the Act was unfair because it deprived detainees of freedom and access to others. However, when it came to the interests and integrity of the State, such legisla-

● TO PAGE 2.

Hani

FROM PAGE 1

tion... justifiable.

According to affidavits submitted to the court, police officer Captain Nic Deetleefs said Waluz had told him that Clive Derby-Lewis had given him a gun and silencer and had told him to shoot Hani during the Easter weekend.

Waluz told Deetleefs he had made five reconnaissance trips to Hani's house before seeing him there on April 10 and seizing the opportunity to kill him.

Meanwhile, people on the hit list allegedly found in Waluz's flat could still be at risk, according to an affidavit by SAP Colonel Adriaan van Niekerk handed to the Pretoria Supreme Court this week.

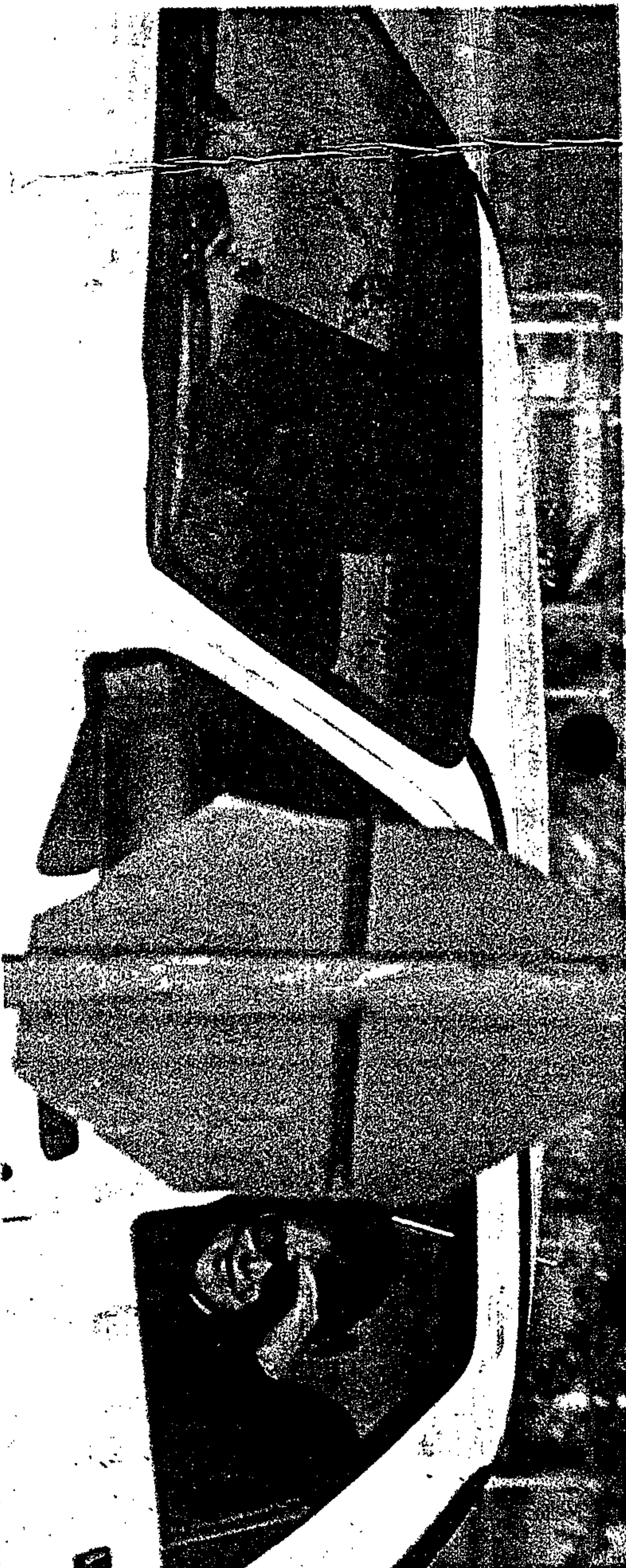
Supporting the application for the continued detention of Clive Derby-Lewis, van Niekerk said he suspected that more people were involved in a plot to kill those on the list — one of whom had been Hani.

Waluz had said after his arrest that more people would be assassinated despite his detention.

Walus and Derby-Lewis complain of long grillings and sleep denial

21st Times 21st 1983

By NICK OLIVARI



NEXT STOP PRETORIA CENTRAL PRISON: Police speed away from the Boksburg magistrate's court with Mrs Gaye Derby-Lewis after she was named as co-accused in the Hani murder

Picture: JON HRUSA

CHAMBERLAINS PLOT WITH THE RIGHT

21st Times 21st 1983

PLANS for a right-wing power bloc led by retired police and army generals will be disclosed at a mass meeting in Potchefstroom on Thursday.

The generals were asked by Conservative Party politicians to forge an alliance between the squabbling right-wing splinter groups to oppose a future ANC government.

One of their first objectives is the formation of a "White People's Army" drawn from traditionally conservative white quarters — farmers, miners and railway workers.

The "army" is part of a renewed strategy of the right-wing forces after the tensions caused by the assassination of SA Communist Party leader Chris Hani and a burst of apparently racially inspired attacks on white farmers.

By JOCELYN MAKER

THE man accused of assassinating Chris Hani and the former Conservative Party MP who allegedly supplied him with the murder weapon claim they are being interrogated day and night.

The claim was made this week in affidavits filed with the Pretoria Supreme Court during an application for the release of right-winger Clive Derby-Lewis.

Alleged assassin Janusz Walus and Mr Derby-Lewis is claimed in the affidavits that they were being subjected to extended periods of interrogation after first being deprived of sleep.

In a handwritten affidavit, Mr Walus vehemently denies that any statements the police claim he has made to them about his — or anyone else's — involvement in the murder have been made "willingly or whilst I had been by my full conscience".

Death (231)

He says he is "in a healthy and fit condition", and that he has "no intention to make any statement whatsoever in regard to this matter".

But he adds that since his detention, he has been interrogated for "lengthy periods" and "denied sleep for very lengthy periods before such interrogation".

In an affidavit made to attorney Hennie du Plessis, Mr Derby-Lewis, 57, says: "I have already been threatened with death three times while I have been in detention."

He claimed that one night when he was asleep, unknown people had entered the holding area outside his cell and stood outside his door. He had heard voices saying, "We will come and get you ... we will kill you."

Since the public did not have access to his cell, Mr Derby-Lewis said he presumed the threats were "made by members of the police".

He complained of being taken for interrogation the minute his evening meal

□ To Page 2

New law nails
Satax dodger



2.10

Walus complains of sleep denial

51 Times 215193

From Page 1

arrived and only being returned to his cell at midnight. "I am being psychologically broken down."

He added he was being "virtually forced to answer questions and thus denied my right to silence".

In his affidavit, the SAP's Colonel Ivor Human confirmed Mr Derby-Lewis was being questioned intensively. (331A)

Denying an urgent application for Mr Derby-Lewis's release, Mr Justice Curlewis agreed with Mr Hennie de Vos, counsel for Mr Derby-Lewis, that the Internal Security Act was unfair as it denied a detainee access to legal representatives and visitors.

But, he said, such legislation was the same the world over, and was intended to uphold the integrity of the state.

He granted the police request for Mr Derby-Lewis to be held for another 10 days under the Internal

Security Act for further questioning.

In affidavits before the court, investigating officers said Mr Walus had told them he had been given a gun and a silencer by Mr Derby-Lewis, and told to shoot Mr Hani during the Easter weekend.

They said Mr Walus had also revealed that Mr Derby-Lewis had given him a "hit list" of nine people who were to be killed, and that he had shot Mr Hani after five reconnaissance trips.

The addresses of those on the list had been supplied to Mr Derby-Lewis's wife, Gaye, by former journalist Arthur Kemp, the court heard.

In his affidavit, Mr Derby-Lewis denied he had ever given orders for Mr Hani or anyone else to be murdered, that he had provided Mr Walus with a pistol and silencer or that his wife had received a hit list from anyone.

State prosecutor Mac van der Merwe told the

court it appeared Mr Derby-Lewis had been involved in the planning of several killings besides that of Mr Hani, and that he was believed to be withholding information about the weapon used to kill Mr Hani. (331)

Less than three hours after Mr Derby-Lewis's application for release was turned down, his wife appeared in the Boksburg magistrate's court in connection with the assassination of Mr Hani.

Mrs Derby-Lewis, 54, listened impassively and declared she had nothing to say after being told she was a co-accused in the Hani murder. (331B)

Her surprise court appearance came less than 18 hours before the expiry of her 10-day detention period under section 29 of the Internal Security Act.

She was remanded and will be held in Pretoria Central Prison until her next court appearance — with Mr Walus — on May 12.

Derby-Lewis's lawyer hits out at prosecutor

Star 3/5/93

By Brendan Templeton

Hani murder suspect Gaye Derby-Lewis's advocate has accused a State prosecutor of breaking a promise to allow him time to appear for his client on Friday.

Derby-Lewis appeared in the Boksburg Magistrate's Court and had her case was postponed in the absence of her advocate, Hennie Aucamp.

Aucamp yesterday threatened to take the matter up with the Commissioner of Police and the Attorney-General.

Sapa reports Aucamp said that press stories mentioning his absence had prejudiced him as they did not say why he was not present.

He was informed at 2pm on Friday that his client was about to be charged. But the police officer who contacted him could not give the scheduled time of the appearance, Aucamp said.

"I informed him that it was very short notice."

He immediately called the State prosecutor who agreed to wait until the advocate had time to arrive and represent Derby-Lewis.

"However, in violation of this agreement, the State prosecutor proceeded and the case was postponed in my absence," Aucamp said.

Boksburg chief prosecutor Jan Ferreira said after the hearing that he had asked the court for Gaye Derby-Lewis's name to be added to the murder charge sheet drawn up for Janus Waluz.

The Polish suspect appeared on April 13 in the court in the connection with the death of slain SACP leader Chris Hani.

The detention under Section 29 of the Internal Security Act of Derby-Lewis's husband and President's Council CP member, Clive, was extended to May 8 on the same day.

Wife of top CP *Sweeten 3/5/93* member charged

■ Mrs Gaye Derby-Lewis in court over the murder of Chris Hani:

THE wife of Conservative Party member Mr Clive Derby-Lewis was charged with the murder of South African Communist Party general secretary Chris Hani on Friday.

Police spokesman Brigadier Frans Malherbe said Mrs Gaye Derby-Lewis had been charged in the Boksburg Magistrate's Court with murder, even though no formal charge had been presented in court and she had not been asked to plead. (331) ~~(331)~~

No bail application was lodged and the case was postponed to May 12, the date on which Mr Janus Walus will also appear.

Walus appeared in the Boksburg Magistrate's Court on April 13 in connection with the murder of Mr Hani.

Meanwhile, the Pretoria Supreme Court ruled on Friday that top Conservative Party member Clive Derby-Lewis may be detained for another 10 days in terms of Section 29 of the Internal Security Act.

The ruling by Mr Justice Curlewis extends Derby-Lewis' detention for another 10 days as from midnight on Thursday.

The judge dismissed applications against the further detention of Derby-Lewis and his wife Gaye.

Derby-Lewis detention necessary, court rules

PRETORIA — Continued detention of CP member Clive Derby-Lewis under Section 29 of the Internal Security Act was justified, Judge T J Curlewis ruled in the Pretoria Supreme Court last week.

Derby-Lewis, arrested last month in connection with the assassination of SACP leader Chris Hani, will be due for release on May 9 if a further extension is not sought by police.

Curlewis said the use of "drastic" legislation to detain Derby-Lewis — Section 29 allows for solitary confinement and no access to lawyers or family — was justified as activities he was allegedly involved in could be seen as a threat to the integrity of the state.

The 10-day extension was granted by Curlewis on the basis that Derby-Lewis was withholding information regarding a right-wing "conspiracy" to murder political opponents.

Papers and affidavits before the court alleged Derby-Lewis and Janusz Walus, also in custody, had

ADRIAN HADLAND

drawn up a list of political opponents to be assassinated. These opponents were identified due to their participation in political developments contrary to the beliefs of Derby-Lewis and Walus.

Police documents also indicated that Derby-Lewis had given Walus a gun and silencer with which to kill Hani over Easter.

Curlewis expressed surprise during the application last week that proceedings were not held in camera. Information made available to the public could prove contrary to Derby-Lewis's legal interests.

By the time Derby-Lewis appeared in court, if this happened, he would already have been tried and hanged by the media, he said.

Two further applications, brought by Derby-Lewis's stepson Andre Graser for the release of his parents on grounds of unlawful arrest, were dismissed with costs.

In turning down the application for the release of Gaye Derby-Lewis, Curlewis said she had not been detained simply on the grounds that she was married to Clive, as argued by her counsel Hennie de Vos.

The police had every reason to believe that she was "involved in the matter and was reluctant to talk", Curlewis said.

It was alleged in court documents that Gaye Derby-Lewis had asked (Citizen reporter) Arthur Kemp to provide her with the addresses of people on the "hit list" in order that they could be murdered, Curlewis said.

"If one reads the affidavits fairly it is perfectly clear the facts, if correct, demonstrate that she was involved whether directly or indirectly".

Should police require a further extension of Derby-Lewis's detention and interrogation under the Internal Security Act, a new application would have to be submitted before midnight on May 9.

Star 4/5/93 (331)

Youths on terrorism rap

Two University of the Witwatersrand students and members of the ANC Youth League were charged with terrorism in the Roodepoort Magistrate's Court yesterday in connection with a handgrenade attack on Conservative Party offices at Roodepoort two weeks ago, police said. They were granted bail. — Sapa.

Witness fears repatriation (331)

LUSAKA. — South African fugitive Mr Katiza Cebekhulu has refused to be repatriated from Zambia "for fear of his life". CT 6/5/93

A police spokesman said yesterday: "Mr Cebekhulu fears for his life if sent back to South Africa."

Mr Cebekhulu has been in detention for the past two years. He claims he was smuggled into Zambia by the ANC at the time of the trial in Johannesburg of Mrs Winnie Mandela. He was wanted as a key witness.

— Sapa

STAR 7/5/93

E Cape 'king' seeks reparation

PORT ELIZABETH — Judgment in the hearing of a Uitenhage man seeking a court order compelling the Government to recognise his claim as the king of the eastern Cape will be given in the Port Elizabeth Supreme Court today.

Patrick Cuntu (29), who also claims he is Jesus II, is also seeking R23 million from the South African Government for its attempt "to impair my sovereign dignity by refusing to recognise me and my kingdom".

He has named Constitutional Development Minister Roelf Meyer as respondent.

In papers before court

yesterday, Cuntu said that by "divine right" he was the king of the Zion World Autocratic Kingdom (ZWAK) which, he says, is roughly the whole of the eastern Cape, excluding Ciskei and Transkei.

He said that in terms of its constitution he enjoyed legislative, judicial and executive powers. He is also head of the ZWAK police and defence force and chief judge of the supreme court.

He has named ANC president Nelson Mandela as his prime minister, Cosatu leader John Gomo as vice-president, B.P. Mayekiso as bishop of the church of ZWAK and UN Secretary-Gen-

eral Boutros Boutros-Ghali as Minister of Order and Defence.

Like all serious lawyers, Cuntu thumbed through mountains of papers he had prepared for court, shuffling through a plastic bag holding more documents.

Cuntu also wanted Mr Justice Jennett to compel the Government to pay him not less than R1500 as a "temporary subsidy" while his claim was being disputed. He also wants a house, because he is at present having problems with the people with whom he lives in Uitenhage, and a car.

"A Jetta will do. And now I sit," he said, ending a four-hour submission. — PEN.

3 charged with Hani murder

THREE suspects have now been charged with murder in the Hani assassination case, but the investigation is continuing, police spokesman Brig Frans Malherbe said last night.

Malherbe said high-profile CP member Clive Derby-Lewis was now charged, along with his wife Gaye and Polish immigrant Janusz Walus, for the April 10 assassination of SACP general-secretary Chris Hani.

None have had formal charges put to them in court.

"That is for the Attorney General to

do, but as far as the police are concerned they are charged with murder," the brigadier said.

Clive Derby-Lewis appeared briefly in the Boksburg Magistrate's Court on Friday afternoon.

No formal charge was put to him, no plea was tendered and no bail application was lodged. He now stands remanded, along with Gaye Derby-Lewis and Walus, to this Wednesday.

"The investigation is continuing. No further comment or details will be given," Malherbe said. - Sapa

Body dug up: 4 cops held

TWO policemen and two assistant constables have been arrested in connection with the body of an unidentified man which was unearthed from a shallow grave on a farm near the Natal town of Raisenhorpe this week.

An SA Police spokesman said the four men arrested had also been connected with the killing of Capt J Durugiah in the South Coast town of Umkomaas on April 21 this year.

"The SA Police has made it known on numerous occasions that it does not tolerate or condone this type of behaviour from members of the service," said the spokesman. - Sapa

Mom w

By FRED KHUMALO
NOMATHEMBA Dlamini forget standing before the flames engulfing her shack 14-month-old son, Sifiso, side.

Her home in the sprawling shackland near Durban which were burnt to after being torched by 20 men amok in the sprawling shack following an argument with her.

Her fury and frustration etched on her face as she stumbled in the darkness shack after hearing gunshot.

Outside she was confronted by a wall of flames. When she turned

Hani: trio to appear in court (331)

East Rand Bureau

Clive Derby-Lewis, his wife Gaye and Polish immigrant Janus Waluszewski will all appear in court on Wednesday in connection with the murder of SA Communist Party general-secretary Chris Hani.

Derby-Lewis, a former Conservative Party MP, appeared briefly in the Boksburg Magistrate's Court on Friday, 48 hours before the expiry of his second 10-day period of detention under section 29 of the Internal Security Act.

No formal charges were put to Derby-Lewis and he was remanded until Wednesday.

A bail application for Derby-Lewis on Friday was referred to the Witwatersrand Attorney-General, who will decide in a fortnight whether to grant bail or not.

A senior SAP spokesman said that as far as the police were concerned, the three were facing murder charges.

UK economy takes turn for better

LONDON — A strong set of economic data pointing to recovery and weak inflation gave Prime Minister John Major's ruling Conservative Party a timely boost yesterday.

Figures from the Central Statistical Office showed the cost of goods entering British factory gates actually fell one percent in April, a welcome drop after recent rises in inflation.

Consumers

Separate figures showed consumers much more willing to borrow money, with new credit rising to £4.73 billion (\$7.52 billion) in March from £4.42 billion (\$7.03 billion) in February.

And net credit — new borrowings minus debt

repayments — jumped by £232 million (\$369 million) in March, confounding economists who had forecast a slim rise.

The twin set of encouraging figures suggested the economy was recovering without setting off the inflationary fires that have damaged Britain's economic performance for decades.

For the ruling Conservative Party, nursing wounds inflicted in last week's local government elections, the good figures were most welcome.

The figures also offer some comfort to Chancellor of the Exchequer Norman Lamont, who has been under fierce press and party pressure to resign for past policy blunders.

While the path to sustained recovery may be

becoming clear, economists said yesterday that Britain and the government still faced a long haul.

Performance

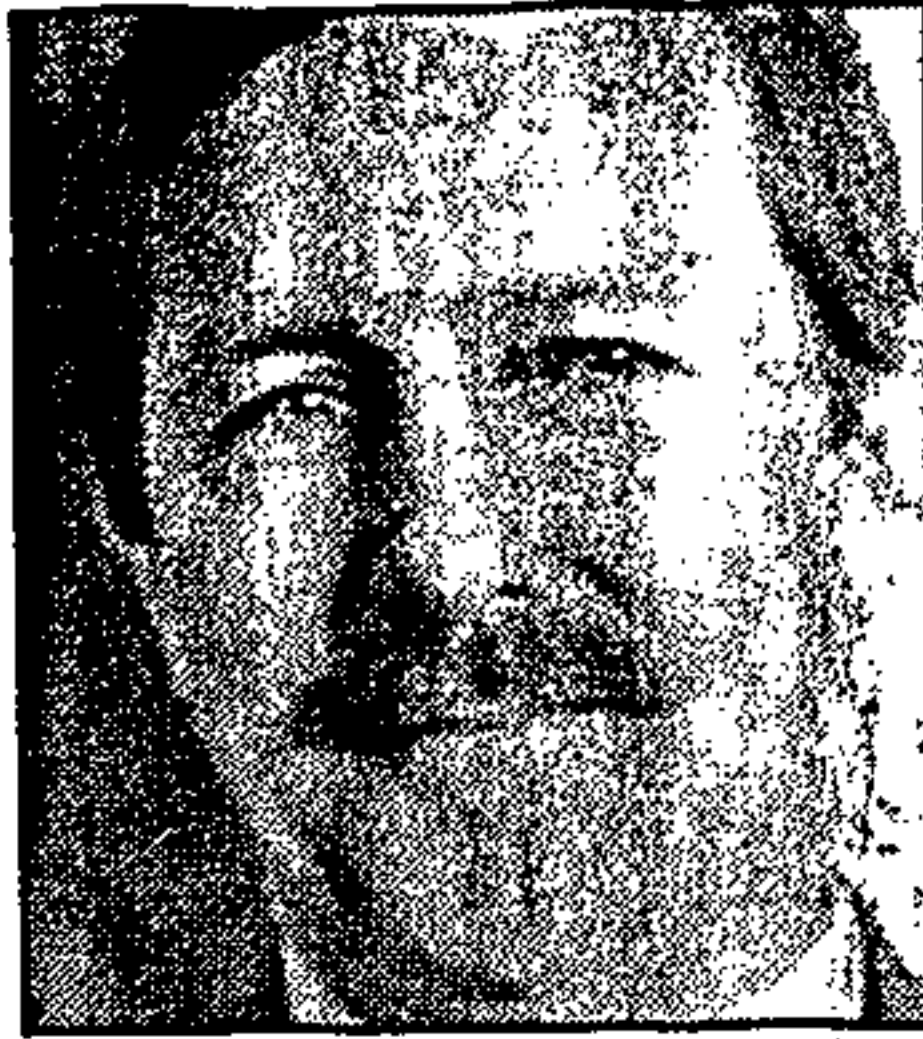
But many economists believe Britain's economic performance has been so poor in recent years that it can only improve, a trend which should mark a turning

point in government fortunes.

The one percent fall in the cost of goods entering Britain reflected the pound's recent rise on world markets and was a surprise to economists.

The cost of goods leaving factory gates was also low, rising just 0.4 percent on the month to a 3.8 percent annual rate.

— Sapa-Reuter.



Accused . . . Gaye Derby-Lewis and her husband Clive.

Hani suspect ^{Star 11/5/93} Gaye seeks bail

By Anna Louw
East Rand Bureau

(331)

Gaye Derby-Lewis, who faces a murder charge in connection with the assassination of Chris Hani, yesterday applied for bail in the Boksburg Magistrate's Court. (2011)

This was her second court appearance since her arrest.

Derby-Lewis, her husband, Conservative Party President's Councillor Clive Derby-Lewis, and suspected assassin Janus Waluz will appear in court again tomorrow.

During the hearing, Mrs

Derby-Lewis wore a blue dress, and showed no trace of emotion. Her legal representative, Harry Prinsloo of Pretoria, applied to magistrate Jurg Viviers to have Derby-Lewis released on bail. TW

The application was referred to the Attorney-General of the Witwatersrand, Klaus von Lieres, who will make a decision within 14 days.

Boksburg's senior prosecutor, Jan Ferreira, appeared for the State.

Clive Derby-Lewis is also waiting for a review of his bail application, which was lodged on Friday.

NEWS

Boipatong murder charges dropped

By McKeed Kotlolo
Pretoria Bureau

Murder charges were yesterday withdrawn in the Delmas Circuit Court against a further 15 hostel dwellers accused of taking part in the massacre of at least 45 people in the Vaal Triangle township of Boipatong last year.

The remaining 32 pleaded not guilty to 45 counts of murder, attempted murder and malicious damage in connection with the attack on June 17.

Yesterday's withdrawal of charges against the 15 brought to 42 the number of those freed since the resumption of the trial in Delmas early last month.

No reasons for the withdrawal were given in court.

Shortly afterwards, the four defence advocates stepped down from the case due to their clients' inability to pay legal costs.

However, Victor Botha, A J Swart, J A C van Eck and R Strydom agreed to serve as pro Deo lawyers and continue with the case.

Waited

Police fingerprint expert Sergeant Gordon Gregory Morison testified he had difficulty getting to the scene on the night of the massacre. When he did, he found onlookers had interfered with evidence. Morison said he and a colleague drove to Unipark Garage outside Boipatong and waited for other SAP and SADF members as instructed.

They used Casspirs and Buffels to enter the area at about midnight.

He said when they arrived they found that corpses had been moved and surrounding objects had been handled, making it difficult to take fingerprints.

He also said some residents were not prepared to co-operate with the police.

Asked by Botha how they had located the bodies at that time of night, Morison said they received information from members of the Internal Stability Unit.

He said that, while they were investigating, they received reports of more victims but could not go to the areas because groups in the streets had become aggressive.

At one stage, we were fired at and were forced to leave the area. But we returned in the morning to continue the investigations.

He said he personally found a used AK-47 bullet near one house.

Asked about the alleged police involvement in the attack, Morison said he had read about it later in the press.

The case continues today.

Court frees 15 IFP members

■ No proof of involvement in
Boipatong massacre:

Sewetani 11/5/93

By Tsale Makam

THE Delmas Circuit Court yesterday acquitted 15 Inkatha Freedom Party members who were accused of taking part in the Boipatong massacre on June 17 last year.

Last month, 27 IFP men had charges against them withdrawn.

The men were facing 45 counts of murder and more than 80 charges of attempted murder.

Seventy four KwaMadala Hostel inmates were initially arrested.

A nine-month-old baby

Yesterday's dismissal leaves the number of the accused at 32. (331)

The Boipatong massacre, as it became known, left 45 people dead, including a nine-month-old baby.

Most people were attacked in their sleep.

Defence lawyers Mr J van Elk, Mr V Botha, Mr R Strydom and Mr J Swart yesterday asked to withdraw from the case, saying that the person funding the accused no longer had money to pay legal fees.

Boipatong massacre

evidence

A Vanderbijlpark man, Johan de Jager, told the Delmas Circuit Court yesterday that on the night of the Boipatong massacre he saw about 150 men walking across a main road towards the township.

Thirty-two men are facing 45 charges of murder resulting from the killing of Boipatong residents on June 17 last year. They have pleaded not guilty.

De Jager said the men he saw while on his way to work were walking with such "determination and speed" that he became afraid, went back home and phoned the police. They told him someone had already been sent out there.

He tried to go to work later but saw a group of about 40 men running from the direction of Boipatong. He also saw a police vehicle driving towards the township.

The hearing continues. —
Own Correspondent.

Star 12/5/93

Hani case: cordon around court

By Anna Louw
East Rand Bureau

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Security forces this morning cordoned off the Boksburg Magistrate's Court with barbed wire and positioned sharpshooters on rooftops before the court appearance of the three Chris Hani murder suspects.

Soon after 8.30 am, Janus Waluz, Conservative Party President's Councillor Clive Derby-Lewis and his wife Gaye were brought from the cells below to appear before magistrate Mr Jurg Viviers.

The three had been

brought secretly to the court building early this morning.

They appeared in connection with the murder of Hani, a former SA Communist Party and ANC leader.

Hani was gunned down in the driveway of his East Rand home on April 10.

All three appeared cheerful and were wearing carnations in their lapels.

Gaye Derby-Lewis sat between her husband and Waluz holding their hands.

Boksburg's senior public prosecutor, Jan Ferreira, asked that the case be postponed to May 21, the date of

the expiry of the 14-day period of Clive Derby-Lewis's further detention period.

Rightwingers, including Nic Strydom, father of mass murderer Barend Strydom, packed the courtroom.

Several of Hani's relatives were also present.

The three were not asked to plead and the case was postponed to May 21 for further investigation.

As the three appeared, policemen and South African Defence Force members were out in force outside the court, on foot and patrolling

in Casspirs and military vehicles.

Sharpshooters were positioned on the roof of the court building as well as on surrounding buildings.

By 8.30 am there was no sign of ANC members who had promised to stage a protest outside the court.

Before 8 am court officials were permitting only those directly linked to court cases into the building and police were conducting body searches for weapons.

Police were also positioned in force inside the court buildings.



'Silver' bars

Tale of terror on night of massacre

By McKeed Kotlolo
Pretoria Bureau

A woman told the Delmas Circuit Court yesterday how she hid, terrified, under the bed while her relative was butchered and a three-year-old girl was stabbed in the buttocks during the Boipatong massacre on June 17 1992.

Thirty-two accused from the KwaMadala hostel in the Vaal Triangle are facing 45 counts of murder, attempted murder and malicious damage to property arising from the attacks on houses in Boipatong.

Johanna Moeti of 104 Majola Street, Boipatong, yesterday told Mr Justice Smit that just after 9.45 pm on June 17 she was sleeping in one bedroom with Aletta Moeti (24) and her daughter, also Aletta.

Moeti said a group of men forced the front door open and she hid under her bed. Two men then entered the bedroom.

Moeti said two men climbed on the bed where Aletta Moeti and her daughter were sleeping. She heard screams and remained under the bed until the attackers left.

She heard a knock at the kitchen door but did not respond until a person identified only as William called her.

She and William went to check on the others.

The baby's mother asked William to look after her baby, before falling motionless. The baby was taken to hospital. Ambulance staff declared Aletta dead.

Another witness, who may not be named, told the court how he was stabbed and his wife killed by attackers.

He later found his wife's body at the corner of Lekoa and Bafokeng streets.

The hearing continues.

Hani murder suspects appear in court

610m 13/5/93
A SMALL group of protesters chanted outside the Boksburg Magistrate's Court yesterday morning when three right-wingers appeared in connection with the assassination of SACP chief Chris Hani.

No charges were put to CP member Clive Derby-Lewis, his wife Gaye and Polish immigrant Janusz Walus, who held hands during their five-minute appearance. They were remanded in custody and the case was postponed to May 21 for further investigation.

Boksburg chief prosecutor Jan Ferreira said an additional reason for the postponement was that by May 21, the period in which the attorney-general was allowed to decide on Clive Derby-Lewis's bail appli-

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STEPHANE BOTHMA

cation — in terms of the Criminal Procedure Act — would have expired.

Friends and family members stood up when the three entered the courtroom, and repeatedly shouted: "We love you."

Clive Derby-Lewis smiled throughout, but his wife appeared nervous and tired. Walus showed no emotion.

Outside, a handful of chanting ANC and SACP supporters shouted: "Kill the Boers, kill the bastards, shoot to kill." The building was ringed with barbed wire and a large contingent of police, including snipers on the rooftop, kept a close watch.

● Picture: Page 3

Mother describes Boipatong slayings

By McKeed Kotlolo
Pretoria Bureau

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DELMAS — A young mother, who is a matric pupil, told the Delmas Circuit Court yesterday how her three relatives, including an eight-year-old girl, were brutally murdered by three Zulu-speaking men in Boipatong on the night of June 17 1992.

A total of 32 KwaMadala Hostel inmates are appearing before Mr Justice Smit on 45 counts of murder, attempted murder and malicious damage.

Alice Nonjoli (22), who was dressed in school uniform when she gave her evidence, told the court that her family was sleeping on the night of the attack. When she heard window panes breaking she jumped out of bed.

She said she went to the dining room to see what was happening and saw a group of between 100 and 200 men standing at the corner of Hlubi and

Lekoa streets. They were dressed in overalls and were wearing white headbands.

Shortly afterwards the group split up and three of them came rushing towards her home. "I quickly ran into my bedroom, grabbed my four-month-old daughter and went into the next room in which Ndo (14) and Fikile (8) were sleeping."

She said the two girls were underneath the bed. She hid herself and her baby inside the wardrobe. The wardrobe's door was partly open and she could see everything inside the room.

Grabbed

She said the men started kicking the front door and a few seconds later she could hear that there were people inside the house. Three of them entered through a window, came to the bedroom in which they were hiding and switched on the light. They grabbed Ndo from underneath the bed. One of the men demanded cash, but Ndo said she did not have any.

One attacker shot Ndo eight

times and another stabbed Fikile.

Nonjoli said one of the men had meanwhile left the room and gone to another room, from where she could hear her mother-in-law, Martha Nonjoli, screaming for help.

After the men left the house she got out of the wardrobe and found her mother-in-law lying with bullet and hack wounds in the dining room.

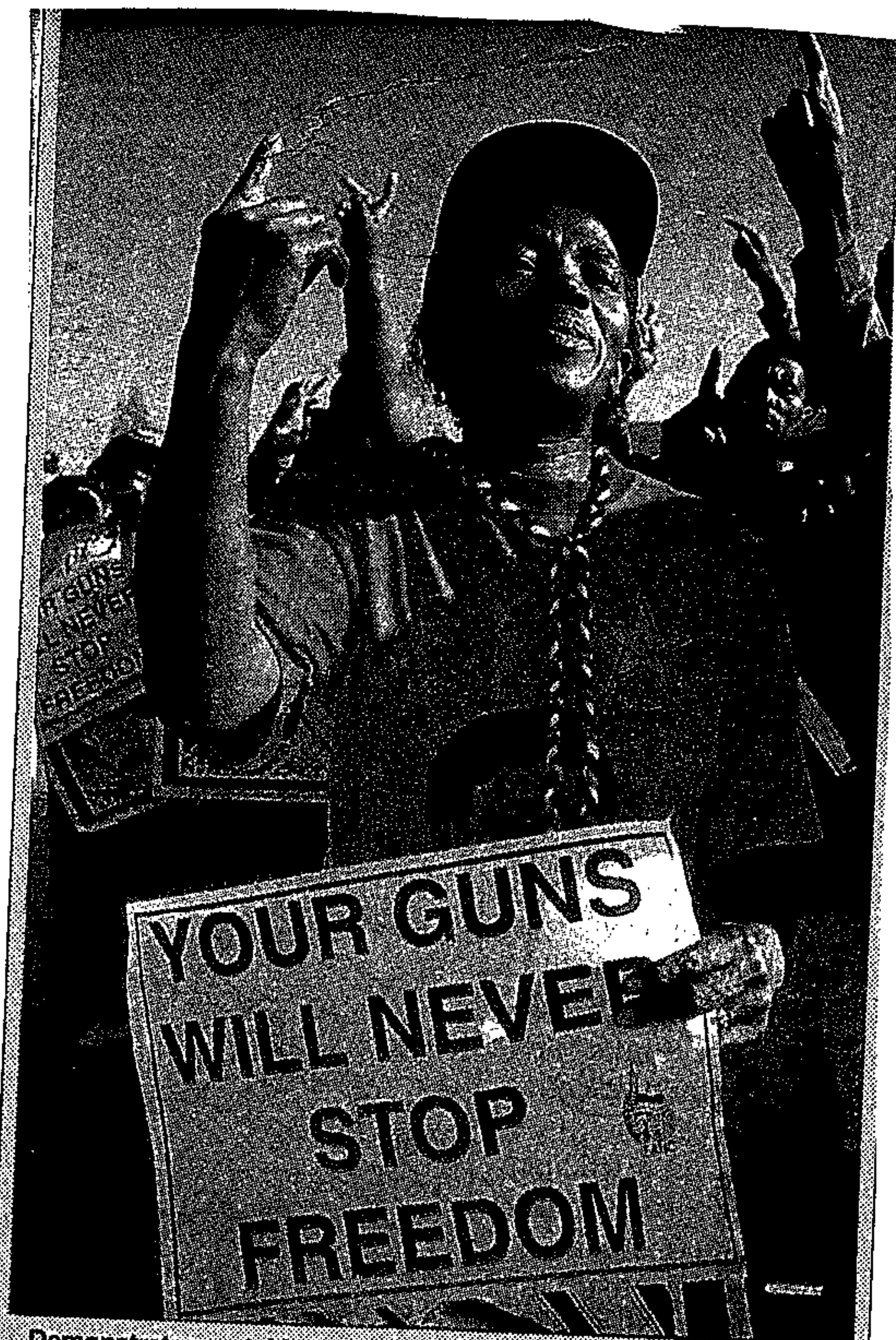
During cross-examination, Nonjoli said she had refused to give her statement to police because she had been warned after the attack not to talk to anyone as she might be killed.

Nonjoli said she was visited by people from various organisations, including the ANC and the SAP, who tried to gather information. However, she was not convinced the men were policemen.

It was only this year that she had decided to make a statement to the police after they said she could come to the police station.

The hearing continues.

Star 14/5/93



Demonstrators outside the Boksburg court Photo: KEVIN CARTER

Tight security, small crowd

By JACQUE GOLDING

SEVERAL hundred policemen and South African Defence Force members were deployed outside the Boksburg Magistrate's Court earlier this week to contain a small crowd of protestors at the Chris Hani murder trial.

The appearance of Polish immigrant Janus Waluz, top Conservative Party councillor Clive Derby-Lewis and his wife Gaye encouraged police to pull out all the stops for the occasion. Razor-wire cordoned off the court building, sharpshooters were positioned on rooftops and security force members in Casspirs and on foot patrol were on guard throughout the appearance of the three alleged assassins of Chris Hani.

Hani was gunned down outside his Dawn Park home on April 10

and Waluz was arrested minutes after the killing. Derby-Lewis was detained a week later and his wife Gaye was arrested in a pre-dawn raid on April 20. The suspects were not asked to plead and the case was postponed until May 21, the expiry date of Clive Derby-Lewis' 14-day period of detention under the Internal Security Act.

Sitting between her husband and Waluz, Gaye Derby-Lewis held their hands in the dock shortly before court proceedings started. After court adjourned, wellwishers in the gallery greeted the three but outside demonstrating African National Congress supporters toyi-toyed, chanted and carried banners with slogans: "You can never kill what Chris Hani stood for" and "Your guns will never stop freedom".



Testimony

C/PRESS 16/5/93 of terror

By MARTIN
NTSOELENGOE

"WILLIAM, please look after my child."

These were the last faint words uttered by a dying mother to her husband moments after marauding hostel dwellers bludgeoned to death members of the household in Boipatong on June 17 last year.

Thirty-two men have pleaded not guilty to 45 counts of murder and several charges of attempted murder.

Aletta Moeti, bludgeoned to death in cold blood during the attack, could not be resuscitated by family members who hid under a bed during the raid.

A state witness in the Delmas Circuit Court this week said she remembered hearing Aletta pleading with her husband to look after their child.

Dinah Moeti said she saw her relatives being attacked with pangas and an assortment of sharp instruments during the Boipatong massacre.

She, Aletta's husband and another man hid under the bed when they heard footsteps in the

Boipatong: 32 plead not guilty to 45 murders

yard.

She said she warned others not to go outside the house "because those people have come" - referring to Kwamadala hostel dwellers.

Dinah Moeti told Judge AJ Smit that at the time of the attack, Aletta Moeti was asleep on a bed with a 12-year-old child.

She hid under a bed when people outside started breaking window panes.

She said she could see two men in the house wearing blue overalls. She also realised that there was a third person in the kitchen when she heard utensils breaking.

Moeti said she came out from under the bed when a familiar voice called her name, and saw that her radio and video machine were missing.

She said Aletta and the child were bleeding pro-

fusely.

Aletta died on the scene and the young girl spent two weeks at the Sebokeng Hospital, but has still not recovered fully.

Another young mother told the court how her relatives, including an eight-year-old girl, were brutally murdered by three Zulu-speaking men who were part of a group of about 200 others.

She also described how a 14-year-old girl was bludgeoned to death because she had no money to give to one of the attackers.

Alice Nonjoli said seconds before the attack she peeped through a window and saw a group of men dressed in blue overalls and wearing white headbands.

She grabbed her sleep-

ing four-month-old daughter and hid in a wardrobe, but left the door slightly open.

Nonjoli said Fikile and Ndo were sleeping under the bed when two men entered the bedroom and demanded money from Fikile.

When she told them that her mother had the money, they dragged her from under the bed and one of the men shot her eight times at point-blank range.

After the attackers left, Alice found her mother-in-law groaning in pain on the dining-room floor. She had been shot and stabbed.

Another state witness, Dinah Manyeka, said when she realised that an attack was about to take place, she tried to push her daughter out of the window but was stopped by the attackers.

Manyeka admitted that two weeks before the attack, a woman who was in love with a man at the Kwamadala Hostel, was necklaced by "comrades".

The case continues.

In the months leading up to the brutal assassination of the SACP's Chris Hani, a sinister and sophisticated disinformation campaign, discrediting both the ANC and Hani, took form. Senior SACP member JEREMY CRONIN questions whether the character assassination of Chris Hani was directly connected to his physical assassination.

SOON after the assassination of Chris Hani, the SAP's Capt Craig Kotze announced that the arrested suspect was "a lone gunman acting without political motive". Was this plain stupidity, or something more sinister on the part of Kotze?

Just five months earlier, De Klerk's Minister of Justice, Kobie Coetzee, provided plenty of gunmen with a political motive. "The ANC", said Coetzee in October last year, "would be well advised to sever its links with the Communist Party, and especially one Mr Hani."

Of course, the police are no longer opting for the "political motive" explanation. In the forthcoming trial of Waluz and the Derby-Lewis couple, the prosecution will argue for an ultra-right conspiracy.

But is that the end of the Hani assassination story? Is there a first force lurking behind an ultra-right third force? Whatever our suspicions, we simply do not know at this stage.

What we DO know (it is a matter of public record) is that in the months, weeks and literally days before his death, Chris Hani was the target of a sophisticated and extensive disinformation campaign.

The April 10 assassination was not the first attempt on Hani's life. In July 1992, alert shop workers in central Johannesburg warned Chris just in time that he was being tailed by a man cocking a gun. When he realised he had been spotted, the man fled across Marshall Street. He was picked up by two white males in a car which sped off at high speed. The number plates turned out to be false.

Significantly, the would-be gunman on this occasion was not an East European immigrant nor a white farmer. He was a young black male.

Disinformation

In the weeks before this attempt, an intense anti-ANC disinformation campaign had been launched, in which Hani's name featured prominently. The campaign centred around Patrick Dlongwana (also known as Hlongwane) of the so-called Returned Exiles Committee. Dlongwana had been arrested by the ANC in Lusaka in 1987, after trying to infiltrate the organisation. He was a notorious security policeman, and confessed to a lengthy and brutal career as an agent.

Not long before the July 1992 attempt, Dlongwana appeared on SATV and threatened that his committee would kill MK leadership figures like Hani.

What if the July 1992 attempt had succeeded? Would the SAP have failed to find a killer (as in the case of numerous other assassinations)? Or would they have conducted a seemingly professional investigation, finding that it was "just a former ANC member with a personal grudge"?

In the second half of last year, the focus of the disinformation changed. Regime intelligence services produced an 18-page disinformation document, entitled "New political development - formation of South African People's Party (SAPP)". The document claimed that Hani, together with Winnie Mandela, was preparing a breakaway party, and that he had established a secret army in Zimbabwe, drawing on disenfranchised elements of Apla and MK. According to some sources, Hernus Kriel was involved in the disinformation document.

Kriel's document came back to haunt him in parliament nine days after Hani's assassination. In the face of international and national outrage, the De Klerk government was keeping a very low profile, hoping everyone would forget their own intense anti-Hani campaign in the preceding months. But not everyone had forgotten. Not everyone thought it was disinformation - Schalk Pienaar, for instance.

On April 19, the CP's Schalk Pienaar asked in parliament why the government was suddenly so silent about Hani's renegade army in Zimbabwe. As far as I know, Pienaar never got an intelligent answer.

No wonder, this renegade army was a complete invention. It was part of a broad disinformation cam-

Invisible behind HANI

C/Press

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PLOTTED AGAINST . . . A disinformation campaign against Hani and the ANC was

paigned in which the government has used real (or fictional) Apla activities, and straightforward criminal attacks on white farms, to stir up white hysteria. The real targets of this disinformation were not Apla or the

PAC, but Holomisa and Hani. Every attempt was made to associate Hani, one way or another, with alleged Apla activities. A whole series of attacks on journalists, plus the SABC, were also

le hand hind DEATH

C/Press 16/5/93



The ANC was launched by the government months before Hani's murder.

and Hani. Every attempt was made to Hani, one way or another, with activities. A whole series of newspapers, plus the SABC, were active in this

campaign.

Just six days before Hani's assassination, the Afrikaans-language Sunday newspaper, *Rapport*, again tried to blow fresh life into the Hani character assassi-

operation so as to derail the negotiations process". Some of the meetings were alleged to have happened in the Transkei.

This disinformation continued to be spread in the days before Hani's assassination, despite his outright denials and despite his outspoken criticism of the PAC and Apla.

Against the background of the murder of whites in the Border regions and at Eikenhof, and against the regime-inspired hate campaign against the Transkei and Apla, everything was being done to link Hani, in some way, to anti-white terrorism.

When a white, rightwing extremist was arrested shortly after Hani's slaying, a motive had been well established by months of systematic disinformation.

But this was not the only anti-Hani dirty tricks campaign pulled in the days before his death.

In November last year, the Goldstone Commission raided the secret headquarters of the SADF's Department of Covert Collection. It seized five files which proved that Ferdi Barnard had been employed by Military Intelligence until December 1991, despite official denials. Barnard, a convicted double murderer, had been employed to discredit MK. The manner of discrediting, according to the Goldstone Commission, was to be by "linking it to criminal acts and crime syndicates".

This kind of dirty tricks campaign has continued, with or without Ferdi Barnard.

For instance, on March 26, just two weeks before Hani's assassination, Solomon Mqanqeni and two others appeared in the Rand Supreme Court, charged with murder and bank robbery. The three were alleged to be self-defence unit members with MK connections. In a statement, Mqanqeni said the murder weapons were distributed to the group by Hani and Tokyo Sexwale.

On the very evening of this statement being presented in court, Mqanqeni and his accomplices mysteriously escaped from Diepkloof Prison. Two days later, after the convenient court appearance and the alleged escape, Hennis Kriel went on the rampage against MK in parliament. He accused MK of being "nothing but criminals".

Basson

The whole affair had all the hallmarks of a stage-managed operation. The investigating officers into the bank robbery never once questioned, let alone contacted, either Hani or Sexwale. Yet the police and the prosecutor were implicating them in extremely serious crimes. These "public servants" along with their minister Kriel, seemed to be more intent on making political propaganda, than on investigating serious crime.

On the eve of his murder, then, an intense campaign of character assassination had been directed against Hani. Who was behind it?

In 1991 Major Nico Basson began talking to the media. Basson was the former head of Military Intelligence's Comops (that is, disinformation) operation in the run-up to the Namibian independence elections in 1989.

According to Basson: "Discrediting political leaders in the opposition camp is a popular strategy, especially in the army. In Namibia, one of the main themes was the discrediting of the senior leadership of the party. In SA this strategy has also been used with great success."

Basson said that a sub-department of the army's propaganda department, "Kompas Vyand", had been working with great success over many years "in the planting and dissemination of false information" on, for instance, Winnie Mandela.

De Klerk has failed to dismantle his dirty tricks department. Under pressure from the Goldstone revelations, he has retired some operatives, but secretly and without taking the South African public into his confidence. Parliament has recently voted R3,7-billion of taxpayers' money to the SADF's secret account. What for?

Was the character assassination of Chris Hani directly connected to his physical assassination? Or did the two things just happen to come together in time?

Either way, those involved in the disinformation campaign against Hani must not be allowed to escape their share of blame for the terrible crime that has been committed.

Man pleads not guilty to Thokoza hostel killings

Star 17/5/93

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By Susan Smuts

A 45-year-old man pleaded not guilty in the Rand Supreme Court on Friday to 47 charges, including 21 of murder and 19 of attempted murder following an attack on a group of Thokoza hostel dwellers in 1991.

Michael Phama was allegedly part of a group of people who used AK-47 rifles to fire on a crowd of about 800 people going to the Thokoza sports stadium to attend a meeting organised by the East Rand Hostel Dwellers Association on September 8 1991.

He and his gang allegedly attacked a group of commuters on their way

to work on February 26 1992, and fired on a group of traffic officers on March 27 last year after being caught in a speed trap.

Phama also pleaded not guilty before Mr Justice M C de Klerk and two assessors to three counts of illegal possession of a machine-gun and ammunition.

The public gallery was packed with Inkatha Freedom Party supporters.

Secretary of the IFP Women's Brigade in Thokoza, Gertrude Mzizi, identified Phama as a man she had seen jumping over a fence while the marchers were on route to the stadium.

"As he jumped I saw a rifle. He pulled out a whistle and blew it. He then dropped to his knees and started firing into the crowd," Mzizi said.

She said the meeting had been organised by the hostel dwellers to discuss living conditions and peace.

The IFP, ANC and residents of the township had been invited to the meetings, she added.

Mzizi said a shot entered the car in which she was travelling with her husband.

They had alerted soldiers at a local military base, but were told there were only four soldiers as the others had gone to church.

The trial continues.

Monday May 17 1993 SOWETAN

NEWS Valuable Boipatong evidence destroyed, court told ● Fired workers "threatened?"

Dramatic turn in massacre trial

■ Senior cop allegedly ordered destruction of cartridge cases:

THE Boipatong massacre trial took a dramatic turn on Friday when a police lieutenant told the court his senior had ordered the destruction of eight 9mm cartridge cases and bullets found at the scene of the murder on June 17 last year.

(331)
Lieutenant DC van der Merwe of the Vereeniging police told the Delmas Circuit Court that he was at the Sebokeng mortuary on June 18 1992 when a female special constable gave him five cartridge cases and three undamaged bullets.

He said the cases and bullets were destroyed on November 20 last year at the instruction of a Major van Wyk, who has since retired.

Thirty-two KwaMadala Hostel dwellers have pleaded not guilty to 45 counts of murder, one of public violence, 22 of at-

tempted murder and 85 of malicious damage to property.

He said the constable, who was at the mortuary to identify a corpse, told him the cases and bullets were found by a witness to the brutal murder of three family members at Hlubi Street in Boipatong.

Since he was not a member of the team investigating the massacre, he submitted the remains to the Vereeniging police station where they were recorded.

Asked what had happened to the evidence, he said a report stated they were destroyed on November 20 last year.

He said the cases and bullets were not subjected to ballistic tests.

"Had they been ballistically tested, they could have been valuable evidence," he added.

Suspect in court today

LLOYD COUTTS

A MAN suspected of masterminding a plot to assassinate SACP chairman Joe Slovo is expected to appear in the Johannesburg Magistrate's Court this morning.

Police spokesman Capt Nina Barkhuizen confirmed yesterday that John Beck, a 38-year-old former SA Air Force radio technician, would be charged with conspiracy to murder.

According to reports, Beck was arrested at his flat in the Johannesburg suburb of Parktown North on Thursday following claims by a Hungarian immigrant, John Psenak, that Beck had tried to recruit him as a getaway driver.

Psenak, a police informer, alleged the plot involved shooting Slovo from an Air Force communications tower in Observatory, Johannesburg, as Slovo emerged from his home.

The assassination was to have been carried out between May 15 and 21.

Parties to debate concrete proposals

FUNDAMENTAL progress can be made at tomorrow's negotiations council meeting because parties will have before them a comprehensive document on the future form of state and constitutional principles to be included in a transitional constitution.

A source in the 10-man planning committee said the technical committee dealing with the myriad of proposals on constitutional matters had been able to get straight down to work and "they really produced something substantial that the council can discuss fruitfully and systematically".

The other committees had not made as much progress because they had not had enough input from parties to fully exercise their briefs.

Apparently the committee dealing with the transitional structures will submit a fairly substantial report recommending that a transitional executive council and sub-councils be established.

This is likely to result in censure from the Concerned SA Group, and possibly the negotiations council as a whole, because it

BILLY PADDOCK

is not part of the committee's business to make such recommendations.

The committee on constitutional principles also believes it has made such good progress that it could draft an interim constitution right away. The committee includes Unisa's Marinus Weichers and advocate Arthur Chaskalson who both were involved in drafting Namibia's first constitution — Weichers on the side of the DTA and Chaskalson for Swapo.

This committee has also put forward a recommendation that the sensitive issue of drafting regional boundaries be sorted out by a regional demarcation commission.

Negotiators said yesterday they were impressed by the progress made in the constitutional committee, where the members managed to piece together an outline and a foundation document to be used by politicians as a basis to negotiate.

The committee had considered a variety of proposals from different parties and looked to find where compromises were possible and drafted these into its report.

PAINE

Profit after tax

Drama comes to life in quiet court

By Patrick Laurence

It was a moment of high drama yesterday in a trial of great potential political significance but which — paradoxically — has been largely ignored by the media, local as well as foreign.

Thirty-two men sat before Mr Justice J M Smit in the Delmas Circuit Court, having been charged with murder, attempted murder and malicious damage to property arising from the attack in Boipatong on June 17 last year, in which 46 people were killed.

A witness from Boipatong — the judge ruled yesterday that the media could not identify witnesses who live in Boipatong — had described the man who stabbed him on the night of June 17 as neither light nor dark-skinned, of medium height and build and with a small mark on his forehead.

The witness, who was still at school at the time, was asked by Eric van der Merwe, for the prosecution, whether he would be able to identify the man if he was

among the accused.

The witness replied positively.

The tension was palpable as the witness walked towards the dock. The public gallery, however, was empty — except for two wardens from the Department of Correctional Services and The Star's reporter as the sole representative of the media and the public — for those highly charged minutes.

Counsel for the defence interrupted, arguing briefly that the accused should be given a chance to remove the numbered labels hanging around their necks. His request was granted.

The witness moved forward and then started his search, going along the front row of men.

As he stood before the first man in the dock the accused stood up. The witness scrutinised him, then shook his head.

The process was repeated until every man in the front had stood up, to be greeted, after intent staring, by a

● To Page 3

Drama at Boipatong trial

● From Page 1

shake of the head. The witness moved on to the second row, repeating his examination of the men before him.

About halfway down the row, he stopped, identifying the man before him — Mxoliseni Mkhize — as his alleged attacker. The defence immediately asked for an adjournment, presumably to consult Mkhize, a 21-year-old man from Kwamadala Hostel near Boipatong.

There was an excited buzz in the corridor outside the courtroom as the accused discussed the day's evidence. When Mkhize rejoined his co-accused just before the trial resumed, they thronged around him, inspecting his face for the mark.

Afterwards defence counsel Vic Botha cross-examined the witness slowly and methodically. The cross-examination ended as dramatically as the witness's evidence-in-chief.

The witness agreed that he had recognised Mkhize as his alleged attacker from the witness box even before he began his examination at close quarters of the faces of the accused. He agreed, too, that he could not see the mark — described as

a scratch or burn mark, about a centimetre long — from the dock.

He had recognised Mkhize by the shape of his face and his hairline, he said in response to further questioning from Botha.

When Botha put it to him that many men could have a similar hairline, he conceded the point but added:

"If a person does something bad to you, you will not forget that person easily."

Under further questioning from Botha's colleague, Rian Strydom, the witness agreed that everything had happened very quickly and that he had been very frightened on the night of June 17.

The apparent lack of interest in the trial may be the calculated result of the decision to hold it in Delmas, a small farming town about 60 km east of Johannesburg, rather than in Vereeniging near Boipatong, or in one of the main cities.

A ruling by Mr Justice Smit, declaring the public gallery in the courtroom out of bounds to all but relatives of the 32 men in the dock and the media, has contributed to the low profile of the trial. Police roadblocks en route to the court and police guards around and

at the entrance to the court building ensure that the ruling is carried out.

The trial is taking place in Court D, the same courtroom where many hours of evidence were heard in the trial for treason in the '80s of United Democratic Front leaders.

There is one difference, however: since the treason trial a wooden and glass barrier has been erected, separating the accused, the lawyers, the court officials and the judge from the public gallery. Journalists have to strain to hear.

Evidence is led and cross-examination is conducted in Afrikaans, with consecutive translations in Zulu and Sotho, which may account for the apparent lack of interest by the foreign press.

The Sotho translations, provided at the request of some of the accused, appears to contradict the widely held assumption that alleged attackers were all Zulu-speaking.

Proceeding. (Appearances: For the prosecution: A de Jager, E van der Merwe and C Taute; for the defence: V Botha R Strydom, A Swart and J van Eck, all pro deo (instructed by Van der Westhuizen Steyn).

re accused identified as attacker

He stabbed me — Boipatong witness

Sowetan 18/5/93 (331) ~~18~~
■ 'I used a bed frame as a shield and a weapon'.

By Tsale Makam

A WITNESS at the Boipatong massacre trial in the Delmas Circuit Court yesterday identified one of the accused as the man who had stabbed him at his home last year.

Mr Mxoliseni Mkhize (21) is one of the 32 Inkatha Freedom Party members who have pleaded not guilty to murdering 45 Boipatong residents on June 17.

The judge, Mr Justice AJ Smith, yesterday ruled that the names of Boipatong residents who are witnesses in the case should not be used. The witness said the attackers entered the room where he and

his brother were hiding under a bed. One dragged his brother out.

He was left in the room with one attacker and used a bed frame as a shield and weapon. "I hit the man with the bed frame. He fell into the kitchen but came back. I hit him again. He fell and called out to his friend for help.

Realising that he was being overpowered, the witness rammed his forehead against the window, which shattered.

"As I put my head out I was stabbed in the side with a spear. I pulled the spear and jumped through the window with my forehead bleeding profusely."

still in the investigative, speculative

Drop trial, says Numsa

3/12/94 18/5/93
MARIANNE MERTEN

NUMSA said yesterday charges against its secretary general Moses Mayekiso and three others should be dropped as they were "insensitive".

Mayekiso and his co-accused appeared briefly in the Johannesburg Magistrate's Court yesterday in connection with illegal possession of two Makarov pistols. (331)

The case against them was postponed to June 17 and bail was extended.

Numsa said in a statement the "insensitive charges" (against the four) should be dropped.

Numsa national organiser Alfred Woodington said the continuing trial was "a reason simply to harass Mayekiso", who had been arrested twice.

Woodington said Mayekiso obtained a Transkeian licence for the firearms after attempts to get an SA licence had proved unsuccessful.

He charged that police had refused to extend the validity period of the Transkeian license.

He also called upon government to set up a fund, which would be administered by the national peace accord structures, to pay for protection of national leaders.

The fund could also be linked to a witness protection programme and other measures necessary in light of the recent plot to kill SACP chairman Joe Slovo, Woodington said.

From Page 1

the rival organisations who clashed outside the court building.

Four women were stabbed in the incident and taken to hospital.

There was a heavy police presence outside the building yesterday and in the

February 20 last year, and fired on a group of traffic officers the following month after going through a speed trap.

The trial is being heard by Judge M C de Klerk and two assessors.

● Picture: Page 3

Young Boipatong survivor identifies alleged attacker

DELMAS — A matriculant, who lost three family members and narrowly escaped death himself during last year's massacre in Boipatong, yesterday identified one of the KwaMadala Hostel residents as his attacker.

The young man, who may not be named following a court ruling that residents of Boipatong testifying in the trial may not be identified, was the first of eight witnesses the State has called so far.

The youth said he was stabbed in his side with a spear, but managed to escape to safety. When he returned home later, he found his sister, brother and another family member dead.

He pointed out Mncediseni Sibongeleni Mkhize as the man who had stabbed him.

The youth, a Zulu, said he had no idea why they were attacked and said his family had no political affiliations.

When one of the attackers dragged his younger sister out of the house, he (the attacker) shouted "come dog", but said nothing else, the court heard.

Thirty-two former residents of the Kwa-Madala Hostel near Boipatong, in the Vaal Triangle, have pleaded not guilty to 45 charges of murder, attempted murder and malicious damage to property.

STEPHANE BOTHMA

Earlier, the State withdrew murder charges against 15 other hostel dwellers, bringing the number of suspects freed since the massacre to 42.

The witness, cross-examined by two advocates for several hours on the identity of Mkhize, said he had no doubt in his mind as to the identity of the alleged murderer.

"If somebody does something bad to you, you never forget his face," he told defence advocates Vic Botha and Rian Strydom.

Another witness, who suffered no injuries but witnessed the large group of attackers roaming the Boipatong streets, said he saw a group of men entering the house of Paulina Dlamini, where the old lady lived with her grandchildren.

The group later left the house and when the witness investigated, he had found a very young girl, Maria, dead in the living room and Paulina severely injured in her bedroom. She was stabbed in her upper leg, the court heard.

At another house, he found a young boy with half his face hacked away and the boy's mother stabbed in the back and shot in the neck.

His evidence continues today.

Slovo plot: man in court

MARIANNE MERTEN

FORMER SA Air Force radio technician John Beck will be held in Pretoria Central maximum security prison until he appears in court next week in connection with a plot to kill SACP chairman Joe Slovo.

Beck appeared in the Johannesburg Magistrate's Court for the first time yesterday. He was unrepresented and was not asked to plead. The case was postponed to May 25.

Senior prosecutor Hans Wolfaardt asked for the postponement, and requested that Beck be remanded in custody in maximum security.

Investigating officer Sgt Chris Lombard of the Crime Intelligence Service said yesterday it was "a very difficult case in the sense that there were many little points to prove".

The police had to act quickly after Beck was named by an informer in connection with a plot to kill SACP chairman Joe Slovo last week, he said.

Beck is being held under section 50 of the Criminal Procedure Act.

Public searched after court alert

POLICE body-searched members of the public attending the trial of an ANC man charged with 21 counts of murder in the Rand Supreme Court yesterday after finding a number of knives under the benches in the public gallery.

The court was cleared before proceedings got under way, after the police were alerted to the fact that some people in the public gallery were armed.

Four knives were found under the benches in the public gallery.

The trial of 45-year-old Michael Phama, which began last Friday, has already led to confrontations between Inkatha and ANC supporters outside the Rand Supreme Court building.

After the trial adjourned on Friday the police used teargas to disperse members of the rival organisations who clashed outside the court building.

Four women were stabbed in the incident and taken to hospital.

There was a heavy police presence outside the building yesterday and in the

second floor courtroom where Phama was on trial. A group of about 100 Inkatha members carrying shields and knobkerries chanted and sang outside the building for part of the morning.

Phama has pleaded not guilty to 47 charges, which include 21 counts of murder and 19 of attempted murder.

Most of the charges arise out of his alleged involvement in an attack on Thokoza hostel residents in 1991.

Phama was allegedly part of a group armed with AK-47s which fired on hostel residents on their way to a meeting on September 8 1991.

He was also allegedly part of a group which fired on commuters in a minibus on February 26 last year, and fired on a group of traffic officers the following month after going through a speed trap.

The trial is being heard by Judge M C de Klerk and two assessors.

● Picture: Page 3

SUSAN RUSSELL

improving the environment
other groups addition

Evidence of massacre

Sowetan
18/5/93

■ IFP GRUMBLES Witness tells how alleged killer blew whistle before shootout:

By Mzimasi Ngudle

INKATHA Freedom Party supporters grumbled in the Rand Supreme Court yesterday after Mr Justice MC de Klerk ruled that the trial of an alleged ANC member be heard in camera.

Mr Michael Phama (45) has pleaded not guilty to 21 charges of murder, 26 of attempted murder and the illegal possession of a firearm and ammunition.

The State alleges that Phama fired shots at a group of IFP supporters who were on their way to a rally in Tokoza on September 8 1991.

A trial within a trial was held after the state council requested that one Tokoza resident was prepared to testify provided his name was withheld.

The judge ruled that the witness was entitled to protection as people who were called "mpimpis" were necklaced in Tokoza.

Another witness, who cannot be identified

following a court ruling, told the court that Phama was the man whom she had seen with a rifle before the shootings.

The witness said Phama and another man had approached her asking for a quick and short route to where the IFP supporters were marching.

Moments after showing them the route she heard a volley of shots being fired.

The picture of the accused was identified by both witnesses as that of the man who was at the scene of the incident

Testified

Another witness, a member of the IFP Women's Brigade, had earlier testified that she and her husband were part of the IFP group that was marching to the local football stadium. She saw Phama holding a rifle.

She said Phama blew a whistle before he fired on the marchers. Her husband, who was driving, sped off from the scene as more shots were fired at the IFP supporters.

The case is continuing.

331

8 to appear today over N Tvl killing

Staff Reporter

331

Eight alleged members of an Apla task force are to appear in court in Tzaneen today in connection with the murder of a woman on a smallholding near the northern Transvaal town last month.

Another suspect and member of the group, named as Mben-
geni Modau, was shot dead by police after the murder.

Ministry of Law and Order spokesman Captain Craig Kotze said the arrests were the biggest breakthrough in investigations since the PAC military wing began its terror campaign in earnest in December.

The PAC confirmed this week that Modau was a PAC member who was killed in a military-style skirmish, but has not yet commented on whether the men formed an Apla task force.

Sandra Swanepoel (37) was killed as she tried to save her husband from armed attackers on their smallholding at Letsitele.

Johannes Swanepoel had been confronted by two armed men. His wife fired a shot at the men and was then hit by a hail of bullets.

A variety of weapons have been seized.

The eight expected to appear today are Donald Mukhawana (23), Khalifani Nukeri (40), Jameson Baloyi (41), Thomas Ngu-beni (19), Lucky Mhlongo (20), Moses Malesa (36), Mahumi Malatji (35) and a youth (17).

ANC won't offer legal help

Sawetun 19/5/93

Member alleged to have fired shots at IFP supporters:

By Mzinase Ngudle

THE African National Congress has refused to provide legal representation for a member who is appearing on multiple murder charges, the Rand Supreme Court was told yesterday.

Mr Justice MC de Klerk also turned down a request by Mr Michael Phama that the trial be adjourned so that he could meet the ANC.

Phama, an ANC member who allegedly fired shots at Inkatha Freedom Party supporters at a rally in Tokoza on the East Rand on September 8 1991, has pleaded not guilty to 21 charges of murder, 26 of attempted murder and four of possessing firearms and ammunition.

His *pro-deo* counsel, Mrs Riana Essack, told the court yesterday the ANC had said it did "not intend to appoint legal representation for the accused". She said the ANC was satisfied with the advocate appointed by the State who now had an assistant. Yesterday evidence continued to hinge on whether State witnesses had correctly identified Phama as the person responsible for the shooting.

State witness identifies 30 alleged killers

Sowetan 19/5/93

■ Former inmate lived at hostel
at the time of Boipatong
massacre:

Tsale Makam

DWELLERS of KwaMadala Hostel launched six attacks on Boipatong residents in the Vaal Triangle last year, a State witness told the Delmas Circuit Court yesterday. (331)

The witness, who cannot be named because of a court ruling, said he lived at the hostel during the Boipatong massacre which left 45 people dead on June 17 last year. (278)

Thirty two members of the Inkatha Freedom Party, all resident at KwaMadala, have pleaded not guilty to the 45 charges of murder.

The witness, a 37-year-old man, said he sought refuge at KwaMadala Hostel on June 22 last year after "comrades" burnt his home in Sebokeng.

One of the accused, Mr Themba Mabothe, who was his friend, arranged accommodation for him at the hostel. The witness remained there until his arrest on August 3 last year.

He is being kept in police custody for his own protection.

During the in-camera trial yesterday, he identified 30 of the accused as people who lived at KwaMadala and said he had also seen them at the hostel meeting. He identified 28 of them by name.

NEWS Inyanga made hostel dwellers immune from bul

Attackers drank muti

By Tsale Makam

KWAMADALA Hostel dwellers drank "muti" to make them fearless in preparation for the attack on Boipatong residents on June 17 last year, a witness told the Delmas Circuit court on Wednesday.

Thirty-two KwaMadala Hostel dwellers, who are members of the Inkatha Freedom Party, have pleaded not guilty to charges of murder and attempted murder resulting from the attack, in which 45 people were killed.

The witness, who sought refuge at the hostel in June last year after his house was "burnt by comrades", said he saw one of the accused shoot at a man who tried to escape when his house was attacked.

About 280 hostel dwellers gathered

■ Boipatong massacre trial told how AK-47 rifles were handed out to KwaMadala Hostel dwellers: (331)

at the hostel's stadium after they were summoned by an alarm. Women were ordered out of the meeting and the men were told to fetch their weapons.

"I took a steel rod. When we were all armed we were made to drink "intelezi" (muti) to make us fearless.

White headbands

"At the gate two men sprinkled us with more muti to render us immune to bullets," the witness said.

Outside the gate he noticed that the men were wearing white headbands.

"They said they got the bands from Mntwana Zulu's room. I went to get mine," he said.

The witness identified Mntwana Zulu

as Mr Prince Zulu, who was said to be an inyanga.

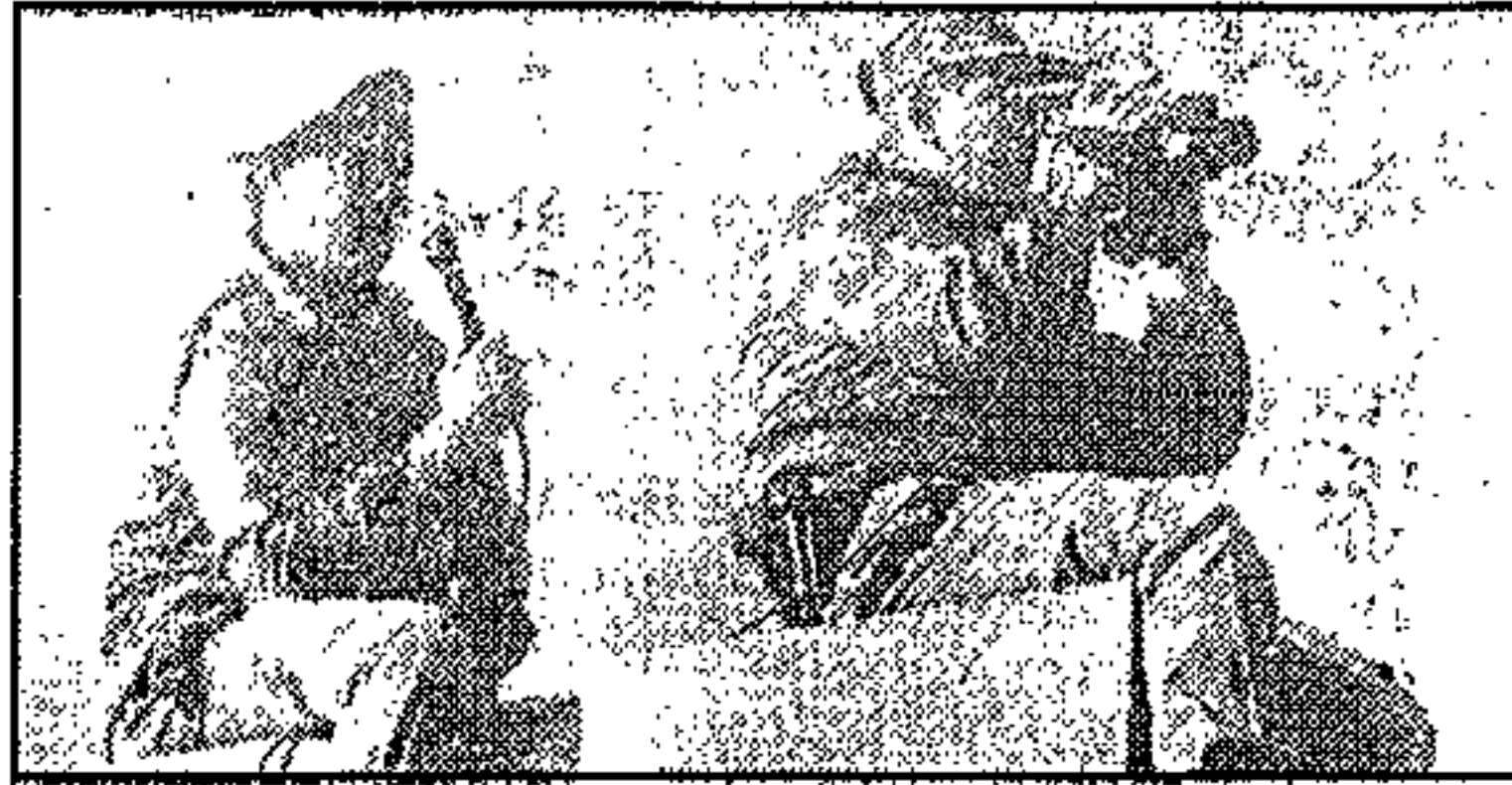
After getting his headband, a car arrived carrying AK-47 rifles. These were given to some of the men, among them four of the accused.

"Before entering Boipatong we stopped and split into two groups. We were also told that those who were not brave enough to enter the houses were to break windows," he said.

The witness said he broke the windows of several houses and some of the men looted the houses they had attacked.

His brother, who lives at KwaMadala Hostel, was ordered out of the courtroom after the witness complained that his brother's presence intimidated him.

Date set for Hani murder hearing



CHRIS Hani's alleged assassin and co-conspirators are to appear in the Rand Supreme Court on June 23 on charges of murder, conspiracy to murder and unlawful possession of a firearm and ammunition.

Clive Derby-Lewis, his wife Gaye and Janus Waluz were told during an appearance in the Boksburg Magistrate's Court yesterday what charges they faced, but were not asked to plead.

Hani, the South African Communist Party general-secretary, was gunned down outside his Dawn Park, Boksburg, home on

STAFF REPORTER

April 10.

State advocate Gerrit Nel said Witwatersrand Attorney-General Klaus von Lieres had issued a statement stating that the Derby-Lewises would not be granted bail, as bail would be likely to "adversely affect public safety". Waluz has not applied for bail.

Harry Prinsloo, appearing for Gaye Derby-Lewis, objected to the trial date. He told magistrate Jurg Vivier he had not been consulted and needed more time to prepare the

defence case.

Prinsloo accused Von Lieres of making decisions in secret and "playing cat and mouse with the defence". The State was denying the accused their basic rights in the interests of an "instant case", he claimed.

The magistrate said the trial had received much attention. It was in everyone's interests that it be finalised as soon as possible.

If the defence was not ready to proceed on June 23, it could apply for a postponement in the Supreme Court, Vivier ruled.

Stew 22/5/78

(331)

Right-wingers 'targeted eight others'

RIGHT-WINGERS Clive Derby-Lewis, his wife Gaye and Polish immigrant Janusz Walus face charges of conspiracy to murder ANC leader Nelson Mandela, the SACP's Joe Slovo, Judge Richard Goldstone, Foreign Affairs Minister Pik Botha and four others.

The three were officially charged on Friday in the Boksburg Magistrate's Court with the April 10 murder of SACP leader Chris Hani.

The State alleged Derby-Lewis had sup-

STEPHANE BOTHMA

plied the 9mm Z88 pistol and a silencer used in the killing and that Walus pulled the trigger.

The three face a murder charge, charges of conspiracy to murder nine people and the illegal possession of a firearm and ammunition.

The court did not ask them to plead, and postponed the matter to June 23 in the

☐ To Page 2

Derby-Lewis

Rand Supreme Court.

The postponement date, set by the Transvaal judge president, was strongly criticised by the defence team, who said the State had embarked on an "instant trial" and did not allow the accused time to prepare their defence properly.

Witwatersrand Attorney-General Klaus von Lieres und Wilkau SC issued a certificate in terms of the Criminal Procedure Act in which he opposed granting bail to the Derby-Lewis couple. Walus has not applied for bail.

The summary of substantial facts attached to the indictment served on the trio said on January 29 Gaye Derby-Lewis obtained details, such as home addresses, of nine people the State claim they conspired to kill. The details were allegedly supplied by former Citizen journalist Arthur Kemp at her request.

Other names on the list were ANC executive committee member Mac Maharaj, journalists Karen Brynard and Tim

du Plessis, and Sunday Times editor Ken Owen.

The State alleged that during February this year, President's Councillor Clive Derby-Lewis asked an S Venter where he could obtain a firearm. Venter provided him with a 9mm pistol, which Derby-Lewis took to Cape Town.

In Cape Town he allegedly had a silencer fitted to the pistol and obtained five sub-sonic 9mm cartridges from a gunsmith.

The indictment states that Walus was arrested 10 minutes after Hani's killing with this firearm in his possession.

Police later found the list of names in Walus's Pretoria flat.

Attached to the indictment, as annexure A, was a note with a detailed description of Mandela's home and its high-tech electronic surveillance systems. A photograph accompanied the note.

The note also had a fairly detailed description of Slovo's house on the Observatory/Yeoville border.

☐ From Page 1

Hani culprits' lawyers apply for more time

Sowetan 24/5/93
■ Defence team wants to prepare:

By Mzimasi Ngudle

LAWYERS for three suspects in the murder of South African Communist Party leader Mr Chris Hani have indicated they will apply for a further postponement when the trial resumes in the Rand Supreme Court on June 23. (331) (25/5/93)

The suspects, Mr Januz Walus, Mr Clive-Derby Lewis and his wife Gaye, were remanded in custody after the Attorney-General, Mr Klaus von Lieres, said the granting of bail was likely to "adversely affect public safety".

All three lawyers told magistrate Mr Jurg Vivier in the Boksburg Magistrate's Court on Friday that they had not been consulted and needed more time to prepare the defence case.

Walus, dressed in a brownish-grey suit, stood emotionless when it was announced that the three would face charges of murder, conspiracy to murder and illegal possession of a firearm and ammunition. (25/5/93)

The bespectacled Derby-Lewises, both clad in navy jackets, smiled uneasily, waving to family and friends as they were taken back into custody.

3 Boipatong accused arrested

Sardam

25/5/93

228

331

By Tsale Makam

THREE of the accused in the Boipatong massacre trial were arrested on criminal charges at the weekend, the Delmas Circuit Court heard yesterday.

The three accused, who cannot be named because of a court ruling, were absent at the trial yesterday and were

■ Trio on criminal charges:

said to have appeared in the Sebokeng Magistrate's Court yesterday morning. Mr Justice AJ Smit said the trial could not go on in their absence and postponed the case.

The three are among 32 men who have pleaded not guilty to murdering 45

Boipatong residents on June 17 last year.

Another accused in the case is serving a six-year jail term for kidnapping and assault. Two prison warders escort him daily and guard him throughout the proceedings. The accused are taken to court and back to the KwaMadala Hostel near Vanderbijlpark every day.

Slovo plot suspect sent for observation

BLOOM 26/5/93

(331)
LLOYD-COUTTS

A MAN suspected of conspiring to assassinate SACP chairman Joe Slovo suffered from a personality disorder which caused him to fantasise and boast of grandiose achievements, a psychiatrist told the Johannesburg Magistrate's Court yesterday.

A dishevelled John Beck, 38, of Parktown North, made his second appearance in court yesterday since his arrest two weeks ago and was referred to the Weskoppies hospital for psychiatric observation after evidence by TPA community psychiatrist Isaac Berman.

Beck, a former SAAF radio technician, was arrested after a police informer told reporters of a plot to shoot Slovo from a tower in Observatory, Johannesburg.

Berman, who interviewed Beck in the court cells yesterday, said the accused's personality disorder could, for want of a better description, be termed a "Walter Mitty-type syndrome".

Beck had urges to boast of grandiose achievements "in a fantasising way", Berman said.

"In this particular case the accused tells me that the fantasies often originate during a drinking

spell. But they then overlap into his sober state, at which time the masquerade, or fantasy, may be carried on."

Berman said Beck had seen a neurologist "where the question of brain damage was raised" in 1989.

Beck had suffered a number of "concussive episodes", including one during a rugby match where he lost consciousness for 15 minutes.

The accused also had a drinking problem which could contribute to brain damage.

"These details raise doubts about his full ability to act in accordance with an appreciation of wrongfulness," Berman said, and suggested Beck be sent for 30 days' mental observation.

He added that Beck appeared suicidal, and needed to be observed diligently.

Beck, who conducted his own defence, declined to cross examine Berman.

Magistrate C van Heerden ordered that Beck be sent to Weskoppies and postponed the trial to June 24.

Actors thrilled over success of movie

Hostel men burnt looted goods

Sowetan 26/5/93

By Tsale Makam

■ BOIPATONG MASSACRE Alleged

warning from IFP officials after attack:

THE Inkatha Freedom Party's Humphrey Ndlovu and Themba Khoza told KwaMadala Hostel dwellers to burn everything they had looted at Boipatong during an attack on residents last year, the Delmas Circuit Court heard yesterday.

A witness said Ndlovu and Khoza were addressing a meeting at the hostel "a day or two" after the dwellers had attacked Boipatong on June 17.

Although he was among the attackers, the witness said he turned State witness at his own wish.

Thirty-two men from the KwaMadala Hostel have pleaded not guilty to 45 charges of murder resulting from that attack. The witness has

identified most of them as having taken part in the attack.

He had earlier testified that he only broke windows at the houses during the attack while others, armed with an assortment of weapons including AK-47 rifles, broke down doors and entered the houses.

Some of the attackers had emerged from the houses carrying TV sets, radios and other items.

On arrival at the hostel, the attackers gathered at the stadium where they were told to go and check on those who did not join the attack.

"We refused, saying we were tired

and wanted to sleep," the witness said.

"The next day (June 18), at another meeting, we danced and sang a song that went 'Umkhonto ubomvu ngegazi' (The spear is red with blood)."

They were told by one of the accused that 37 people had been killed in the previous day's attack.

The meeting addressed by Khoza and Ndlovu took place after police had raided the hostel, confiscating an assortment of weapons. "They (Ndlovu and Khoza) also told us to burn all the stuff looted during the attack. We were told to burn all clothes that had blood on them and not to try to wash them."

3 let off

after MK

Star 21/5/92 slaying

By Abdul Milazi

A Johannesburg magistrate yesterday found three policemen not criminally responsible for the killing of an Umkhonto we Sizwe cadre and his girlfriend during a police raid in Soweto a year ago.

Itumeleng Padi and Nokuzola Ncalo were shot dead during a pre-dawn raid by Captain Herman Havenga, Warrant-Officer Marthinus Johannes Schoeman and Warrant-Officer Daniel Knoetze on May 19 1991.

Magistrate Willem Botha said the three policemen could not be held "criminally responsible" for the death of the couple because they were acting in "an emergency situation".

331 Burst in

Knoetze and Havenga claimed that they shot the couple because they believed Padi was about to attack them with a hand grenade.

However, Schoeman said that he did not see a hand grenade.

Havenga, who was commanding the unit during the raid, earlier described to Botha how he and his men had burst into a room in Phiri, Soweto, where they believed 21-year-old Padi, who had escaped from the Johannesburg prison the previous November, was hiding.

He knocked on the door and identified himself. The door was unlocked and on entering, he found Padi sitting on a bed pulling at the pin of a hand grenade.

He shouted "hand grenade" and fired from his R-5 assault rifle. Schoeman entered and also fired his R-1 rifle and Knoetze then entered and fired at Ncalo and Padi.

Boipatong men 'told to burn bloodied clothes'

W/Mail 28/5-3/6/93
Immediately after the Boipatong massacre, senior Inkatha Freedom Party officials Themba Khoza and Humphrey Ndlovu told kwaMadala hostel dwellers to burn their clothes to remove all traces of blood, the Delmas Circuit Court heard this week.

They also warned the hostel dwellers of an imminent police raid.

This evidence was given earlier this week by a state witness at the trial of the 32 inmates of the kwaMadala hostel, who have pleaded not guilty to 45 counts of murder stemming from the attack in Boipatong on June 17 last year. Forty-five township residents were killed in the massacre.

"They also told us to get rid of all the goods stolen (during the massacre)," said the witness, who cannot be named.

He said that on June 18, after the massacre, a meeting was held at the Jabulani stadium where the attackers sang "*Umkhonto umbomvu ngegazi* (The spear is red with blood)".

At this rally, Khoza, chairman of the Transvaal branch of Inkatha's Youth Brigade, and Ndlovu, chairman of Inkatha's Transvaal branch, warned that the hostel would soon be searched for weapons.

The witness, a former kwaMadala inmate, was one of the attackers arrested on August 3 last year. He told the court that his decision to turn state witness was voluntary, and that he had lied when he had earlier told the police and the magistrate that he had been a member of an unarmed group which marched to Boipatong.

The witness told Mr Justice MJ Smit he had seen many people from his group carrying television sets and

Startling evidence presented to the court reveals that Boipatong massacre accused were told to destroy bloodstained clothing and hide their booty.

By JACQUIE GOLDING

other electrical appliances from the township to the hostel after the attack on the night of June 17. He estimated 400 people from the hostel had attacked Boipatong and testified that in his group alone, there were about 20 AK-47s.

Others carried shotguns, spears and knobkieries. "There was also a few handguns, a pump-action gun, a pistol number 765 and a Z-88," said the witness.

Asked by the prosecutor if he knew the difference between a revolver and a shotgun, the witness explained that a shotgun had to "be broken" before firing while a revolver had to be cocked.

The witness pointed out 24 of the accused in the dock as either being involved in the planning, the attack itself or the post mortem at Jabulani stadium. He used their court numbers and names interchangeably as he described events.

Describing the state of Boipatong during the attack, he said: "There were burning barricades in the township. At one point, the group wanted to attack two houses but they were stopped and that one (pointing to the dock) said: 'This is our people'."

After the attack, the assailants had regrouped on Frikkie Meyer Boule-

vard, the main road which runs past Boipatong. They then marched homeward, pausing at intervals to allow splinter groups to join them.

"We went in two separate groups. Those carrying TVs and appliances could take the short route across the field to the hostel because police were in the vicinity. I went along the same tarred road that we used to enter the township," he said.

The witness told the court that while they were marching back to the hostel, one of the accused — whom he indicated — had fired at an army vehicle with his pistol.

"As we got closer to the hostel we were told that we had to gather at the stadium again," he said.

Here, he claimed, the group was told to "get hold" of all those who had not participated in the attack, but that the attackers had been too tired to carry out the instruction. "We were tired and wanted to sleep. Some of us had to go to work the next day."

The witness said he did not know what had happened to the weapons used in the attack since it was the "indunas' business".

"A collection of all the stolen goods was held the following day, so that they could be destroyed," said the witness.

"There was also general discussions and people told me how many comrades they had stabbed with their spears."

The witness said a fellow hostel inmate had told him that 37 people had been killed. "I thought most of the people were just boasting," he said, "but when the police came asking questions and demanding statements, I had no more doubts."

Accused threaten reporter

Sowetan 28/5/93
■ Boipatong massacre defendants take umbrage over reports:

By Mzimasi Ngudle

SOWETAN journalist Tsale Makam is living in fear of her life after she was threatened by some of the accused in the Boipatong massacre trial in Delmas on Wednesday. (331.0 28/5/93)

This was the second time she had been harassed by defendants in the trial within a week.

Thirty-two men, all Inkatha Freedom Party members, are facing 45 counts of murder and 31 of them are on bail of between R500 and R1 000 each. The charges arise from an attack on Boipatong residents by a group of men on June 17 last year.

Wednesday's fracas started when one of the accused, who is in custody, objected to a report by Makam that he was a serving a six-year jail term for kidnapping and assault.

"He claimed my report endangered his life," Makam said. "In fact, his name was not mentioned in

the report nor did we mention the prison in which he is held."

About five more men entered the fray, saying they too objected to her mentioning that they were bused to court from the KwaMadala Hostel near Vanderbiljpark every day.

The case was postponed to next Tuesday.

Judgment in Winnie appeal due in August

By CATHY STAGG

JUDGMENT in the Winnie Mandela appeal case is unlikely to be handed down until August. (331)

The appeal was heard in the last week of March, but by Friday, when the Appellate Division closed its second term of the year, the outcome had not been announced.

The third term starts on August 15, and the findings of the full bench of five judges — Chief Justice Mr MM Corbett, Mr Justice AS Botha, Mr Justice JV Smallberger, Mr Justice AJ Milne and Mr Justice JPG Eksteen — will probably only be released after that date.

A spokesman for the Appellate Division said intervals of up to nine months between the hearing of an appeal and the judgment were "not uncommon", though this usually applied to "complex civil cases".

Mrs Mandela was sentenced on May 13, 1991, in the Rand Supreme Court to an effective six years' imprisonment after being found guilty on four counts of kidnapping and four counts of being an accessory after the fact of assault.

She was released on R200 bail pending the outcome of her appeal against both her conviction and sentence.

NEWS Bloemhof's peace deal collapses as consum

29 ANC members to appear in court

Sowetan 116193

By Ike Motsapi

THE 29 members of the ANC who were arrested during a protest march at Bloemhof will appear in court today on charges of public violence.

Of the 29, 11 were minors released into the custody of their parents.

The remaining 18 were released on bail of R100 each.

They were arrested when they marched to Bloemhof to protest against a meeting of farmers which was held in the town on May 21.

The situation has been tense in Bloemhof since a consumer boycott was implemented.

Blacks have been banned by whites from coming into town. Residents of Boitumelong countered by also banning whites from entering their area.

Meanwhile, a deal that was brokered by the ANC and representatives of white businesses collapsed at the weekend.

The deal called for the unconditional release of the 29, one of them a mother with a four-month-old baby.

Definitely still on (331)

General secretary of the Boitumelong ANC branch Mr Andrew Hank said: "As far as we are concerned the boycott is definitely still on. The Attorney-General has not dropped charges against those arrested — a precondition to lifting the boycott."

Youths in the township originally refused to honour the fragile peace brokered last Wednesday night between the ANC and its allies and the Bloemhof Town Council and representatives of the business sector in the town.



Mr Jacobus Brown, man replaced her son's stole

Checkers strike drags on

■ Management refuses to comment on labour dispute:

By Ike Motsapi

Sowetan 116193

THE national strike by more than 10 000 workers at Shoprite-Checkers stores is continuing after attempts to resolve the dispute through mediation failed last week.

Mr Jeremy Daphne, who is a spokesman for the South African Commercial Catering and Allied Workers Union strike co-ordinating committee, said a meeting on May 25 and 26 between the union and the management of Pepkor, which is the holding company of Check-

ers-Shoprite, failed to reach an agreement on how to end the strike.

Daphne said the union was now waiting to hear from the company whether it was reconsidering its position on reinstating the recognition agreement which was terminated in 1990 when Pepkor took over control of Checkers.

This led to a national strike which started on May 8.

Daphne said: "The industrial action will now be intensified."

Management is still refusing to comment on the strike.

Busi

of st

E Rand dead now number 70

East Rand Bureau

Eight bodies were found in Katlehong and Tokoza at the weekend, bringing the death toll since last week to a total of 70.

Yesterday, East Rand police liaison officer Major Ida van Zweel said, however, that it appeared that the situation was now returning to normal.

She said the bodies of four men were found in Katlehong's Ramakanopi Section, near the hostel.

They had gunshot wounds. Two bodies with gunshot wounds were also found at the Selumaview School in Tokoza.

A man was shot dead with an AK-47 rifle in his house in Katlehong's Gadebe Section on Sunday night.

Another man was shot dead in the vicinity, presumably by the same attackers, she said.

A group of 15 youths stoned police vehicles in Khumalo Street on Sunday morning.

And in other violent inci-

dents on the East Rand:

● About 80 youths stoned a bakkie on the Holfontein Road in KwaThema, injuring a worker sitting in the back of the vehicle.

In another attack on the same road, a mob of about 100 youths set a minibus alight after they had slashed its tyres with knives.

● In Daveyton, near Benoni, a number of youths petrol-bombed a house in the Etwa-twa Section on Saturday.

Police said the same youths later stoned a minibus in the area.

Bomb: 3 expected in court

Crime Reporter

Three suspected Azanian People's Liberation Army (Apla) members arrested in Bellevue, Johannesburg, on Saturday in connection with a plan to bomb a local restaurant are expected to appear in court today, police said.

Colonel Johan Mostert said the three, arrested at a games hall in Rocky Street and suspected of wanting to bomb the Rockerfella's restaurant,

should be charged today.

But if police needed more time to investigate, the terms under which they were arrested could be changed to Section 29 of the Internal Security Act.

A fourth suspect who was arrested in Soweto in connection with the alleged plan was still in hospital under police guard and would be charged as soon as possible, said Mostert.

The suspect was wounded in a shootout

with police at the house where he was arrested.

Police confiscated a stick grenade, 250 g of Russian-made TNT explosives and 1 kg of plastic explosives from the men arrested in Bellevue.

A R-4 rifle with a magazine and ammunition, an AK-47 rifle with a magazine and ammunition, two Chinese stick grenades and a R-1 rifle "of SADF origin" were found in the Soweto man's home.

David Waisglass
Jordan Coulthart



SS/COULTHART

enough for

Star 116193

Star 116193

Judgment on Winnie's appeal today

Buss. day 2/16/93

SUSAN RUSSELL

WINNIE Mandela will know today whether she is to go to jail when judgment in her appeal against a six-year prison sentence for kidnapping and being an accessory to assault is handed down by the Appellate Division. (231)

Lawyers confirmed yesterday they had been notified that judgment would be handed down this morning. (231)

Mandela was sentenced to an effective six years in prison by Rand Supreme Court Judge M Stegmann in May 1991 for her involvement in the kidnapping of Stompie Seipei and three other young men from the Methodist manse in Soweto during Decem-

ber 1988. She was sentenced to five years for her part in the kidnapping and an additional year for being an accessory to their assault.

The trial court found that Seipei, Gabriel Mekgwe, Barend Mono and Kenneth Kgase were abducted and taken to Mandela's home where they were assaulted by her co-accused, Xoliswa Falati, and others.

Mandela's appeal against her conviction and sentence was argued over three days in front of a full Bench of five Appellate Court judges chaired by Chief Justice M Corbett in March.

331 CT 2/6/93

"The fund was started for the 'forgotten children' who fled South Africa into exile in the 1970s and 1980s and ended up in refugee camps in Africa," Archbishop Tutu said in a statement.

"We are deeply grateful to all those in Africa and the US who assisted our children."

"Our mission has been accomplished. Refugees have come home," Archbishop Tutu said. — Sapa

REF ID: A66541

Judge said Winnie Mandela bore heavy responsibility as leader

□ Background to six-year sentence for involvement in kidnap, assault

Staff Reporter

WINNIE Mandela was sentenced to six years' jail in May 1991 for her involvement in the kidnapping and assault of murdered teenage activist "Stompie" Moeketsi Seipei and three other young men.

They were taken to Mrs Mandela's home after being kidnapped from the Methodist Church manse in Orlando, Soweto on December 29 1988.

There Stompie was accused of being a police informer and selling out four comrades to police in his home town, Parys.

The others, Barend Mono, Gabriel Mekgwe and Kenneth Kgase were accused of having homosexual relations with Methodist minister the Rev Paul Verryn.

Stompie's decomposed body was found in the veld in Soweto in January 1989.

Former Mandela United Football Club coach Jerry Richardson was convicted of his murder on May 26 1990.

Mandela was not charged in that case and not called as a witness, but Mr Justice O'Donovan found she was present when the four who were kid-

napped were assaulted by Richardson and his associates at her home.

In a separate trial, Mr Justice Stegmann sentenced Mandela to five years' imprisonment for kidnapping and a year for being accessory to the assault.

He said she had displayed bad leadership and had "fundamentally misunderstood her responsibilities when she conspired to deprive four young men of their liberty".

Co-accused Xoliswa Falati, 39, the manse housekeeper, was sentenced to four years for kidnapping and two for assault.

John Morgan, 65, who was convicted on four counts of kidnapping, was sentenced to a year's imprisonment, suspended for five years.

Mr Justice Stegmann said Mandela bore a heavy responsibility as the leader who was called on for guidance when the kidnap was planned.

There was no indication that any of the accused felt the slightest remorse.

He said that thrashing the victims put the kidnap — already a serious crime — in an even more serious light.

Defence advocate Mr George Bizos



Mrs Winnie Mandela

SC, arguing in mitigation of sentence, said the crimes of which Mandela had been found guilty should be placed at the bottom of the scale of such crimes.

He said it had not been found that Mandela was an accessory to assault with intent to do grievous bodily harm, or if it was common assault.

But Mandela was given a six year

sentence. She was immediately released on bail pending an application for leave to appeal.

Mandela's conviction drew a reaction of "dismay" from the ANC, which said "the last word on the matter had not been spoken. We elect to leave the matter in the hands of the courts, fully confident that in the end the truth will emerge".

A strained-looking Mr Nelson Mandela, who was speaking at Stellenbosch University when sentence was passed, told the Press minutes after hearing the news that he had "never believed she was guilty of assaulting anyone" and his faith in her had been fully vindicated.

Commentators on the trial noted the "startling" fact that, of the 12 key witnesses, 10 failed to give evidence.

Two were murdered, one was abducted and taken to Harare, four went on the run from police, one was a co-defendant of Mrs Mandela, while another, Jerry Richardson, was already on Death Row when the trial began.

The 10th, the Rev Paul Verryn, the Methodist minister whose alleged homosexual misdemeanours were said to have prompted the kidnaps, was not called.

(331) All 52/6/93

Winnie Mandela

won't go Star 2/6/93 to jail

By Bronwyn
Wilkinson

Winnie Man-
dela's appeal
against her
conviction on
four counts of
kidnapping
has been dis-
missed, but
she has been
given the op-
tion of paying
a fine of
R15 000 in-
stead of serving time in jail.



Mandela ...
option of fine.

The Appellate Division today ruled that Mandela's conviction, on four counts of accessory after the fact to assault, be set aside. (331)

Her conviction on four counts of kidnapping was upheld, but the six-year jail sentence handed down in the Rand Supreme Court in May 1991 was set aside in part.

Mandela is to pay a R15 000 fine for the kidnapping of 14-year-old activist Stompie Seipei, Kenneth Kgase (31), Barend Thabiso Mono (21) and Gabriel Pelo Mekgwe (22) from the Methodist manse in Orlando West on the night of December 29 1988.

Stompie was found dead in an open field on January 6 1989.

If she does not pay the fine, Mandela is to spend one year in prison, and another two years conditionally suspended for five years.

She must pay each of the three surviving complainants compensation of R5 000 each.

The compensation is to be paid to the registrar of the Rand Supreme Court within 30 days.

John Morgan's appeal against his conviction on the four counts of kidnapping was dismissed, as was Xoliswa Falaleti's conviction on these counts.

Falaleti's effective imprisonment of six years was set aside and four years substituted, of which two years was conditionally suspended.

□ Kidnapping guilt stands; Mrs Mandela stays out of jail

Winnie appeal

verdict

ARG 2/6/93
331



Mandela to pay R15 000 fine for kidnapping four boys in December 1988.

The judge said instances of their evasiveness, untruthfulness, contradictoriness and dishonest improvisation would emerge from his detailed

It was beyond question that both Winnie Mandela and Xoliswa Falati were on occasion evasive, untruthful, contradictory and capable of dishonest improvisation, the Chief Justice Mr Justice Corbett said in his judgment.

Mr Justice Botha, Mr Justice Smalberger, Mr Justice Milne and Mr Justice Eksteen concurred in the 192-page judgment.

Mr Justice Corbett said that after a careful reading and analysis of the recorded evidence of Mandela and Falati, he thought there was much substance in the trial judge's general strictures on their evidence.

treatment of the evidence. Neither could be regarded as a truthful, reliable witness.

The judge held that the trial judge's findings that a kidnapping took place and on its duration could not be faulted.

The true motive for the kidnapping was not directly relevant to the guilt or innocence of the appellants.

Clearly the motive put forward by the defence (that the Rev Paul Verryn sexually abused young boys at the

Appeals by co-accused John Morgan and Xoliswa Falati against their convictions were dismissed.

Should it not be possible to effect payment to one or more of the men within three years, the sum or sums will be forfeited to the State.

The compensation is to be paid to the registrar of the Rand Supreme Court within 30 days.

Another condition is that she pays compensation of R5 000 each to Mr Kgase, Mr Mono and Mr Pelo Mekgwe.

She was sentenced to two years' imprisonment, suspended for five years, on condition she is not convicted of kidnapping in that time.

Mandela must pay the fine or spend a year in jail.

Stompie was found dead in a field in Soweto on January 6, 1989.

Instead Mandela is to pay a R15 000 fine for kidnapping Stompie, Mr Kenneth Kgase, 31, Mr Barend Thabiso Mono, 21, and Mr Gabriel Pelo Mekgwe, 22 from the Methodist manse in Orlando West, Soweto on the night of December 29, 1988.

Mandela successfully appealed against her conviction on four counts of being an accessory after the fact in the assault on 14-year-old activist Stompie Seipei and three others and against an effective six-year jail sentence handed down in the Rand Supreme Court in May, 1991.

WINNIE Mandela's appeal against her conviction on four counts of kidnapping was dismissed by the Appeal Court in Bloemfontein today, but she was given the option of paying a R15 000 fine instead of going to jail.

The Argus Correspondent and Sapa

had no belief in the allegations of sexual misconduct on the part of the Rev Verryn made to them.

He was also of the view that it was reasonably possible that such a belief motivated the kidnapping.

'WINNIE BORE RESPONSIBILITY AS LEADER'

● See page 9

Falati's effective imprisonment of six years was set aside and substituted with four years, two conditionally suspended.

Morgan did not appeal against his suspended sentence.

Mrs Mandela was not immediately available for comment today.

manse) did not, in law, justify the forcible removal and detention of the complainants. It was relevant to the question of credibility of witnesses and could have a bearing on the gravity of the offence, said the Chief Justice.

It was his opinion, after a consideration of the evidence, that it was not established that Falati and Mandela

'Fortunate' Winnie avoids imprisonment

SUSAN RUSSELL

WINNIE Mandela was fortunate to escape imprisonment for the kidnapping of Stompie Seipei and three other young men, Lawyers for Human Rights said yesterday.

Commenting on yesterday's Appeal Court judgment setting aside Mandela's six-year prison sentence, LHR national projects director Jody Kollapen said while the question of an appropriate sentence was problematic, the judgment was well reasoned and motivated.

Mandela had been sentenced to an effective six years in prison by Rand Supreme Court Judge M Stegmann in May 1991 for her role in the abduction of Seipei, Barend Mono, Gabriel Mekgwe and Kenneth Kgase in December 1988.

Her appeal was heard in March this year by a full Bench of five judges, headed by Chief Justice M Corbett.

The Appeal Court confirmed Mandela's conviction on four counts of kidnapping, but set aside her five-year sentence and substituted a R15,000 fine. She was also ordered to pay a total of R15 000 in compensation to the victims.

Mandela's conviction and one-year sentence on four charges of being an accessory to assault were overturned.

Reacting to the judgment, the NP said whatever people might feel about Mandela and her "irresponsible political behaviour", the law had taken its course, evidence had been put before the court and a considered decision made.

"We believe very strongly in equality before the law and that the rules of justice must be properly adhered to," NP spokesman Marthinus van Schalkwyk said.

"We also value very highly the independence of the judiciary in our country. Therefore we respect the ruling on Mrs Mandela in the knowledge that the Appeal Court would have considered very thoroughly all aspects of this case."

DP justice spokesman Tony Leon said it was not possible to comment fully without a full reading of the judgment. The DP was, however, concerned that the prosecution had been adversely affected by the

□ To Page 2

Winnie

fact that two key witnesses, including Mandela's co-accused Katiza Cebekhulu, had failed to appear in court.

"We note with concern that Mr Cebekhulu has been detained in jail in Zambia and was allegedly removed from SA against his will. It is very alarming that one of the reasons delaying his return to SA is that he fears for his life and safety as a result of the trial."

Leon said the State had also been remarkably passive on the question of prosecuting Mandela for a range of other actions on which the police had evidence.

The DP said the ANC should explain

whether Mandela would continue to hold executive office in the organisation.

ANC Youth League leader Peter Mokaba said Mandela had been vindicated by yesterday's judgment. He claimed that the confirmation of her conviction on the kidnapping charges and imposition of a fine constituted a "political sentence".

Our Cape Town correspondent reports that ANC president Nelson Mandela said he was happy his estranged wife was not going to prison. He said it would not be wise to comment further until he saw the full copy of the judgment.

● Comment: Page 6

Buss. day 316/93

From Page 1

STOMP! Winnie fined

Sowetan 3/6/93

(331)

A N ecstatic Mrs Winnie Mandela remained holed up with family and friends in her Braamfontein, Johannesburg, office yesterday after hearing she will not have to serve a six-year jail term.

"She is ecstatic, very happy," said family friend Mr Yusuf Asmal.

Mrs Mandela declined to comment immediately on the judgment, saying she was waiting for word from her lawyers.

Mrs Mandela, estranged wife of ANC president Mr Nelson Mandela, was convicted on a charge of kidnapping.

Besides the R15 000 fine she must pay for the kidnapping of Stompie Seipei (14), Mr Kenneth Kgase, Mr Thabiso Mono and Mr Gabriel Peto Mekoewe, she must pay each of the surviving complainants compensation of R5 000.

The compensation is to be paid to the registrar

of the Rand Supreme Court within 30 days.

Her appeal against the four counts of kidnapping was dismissed but her six-year jail sentence was commuted to the R15 000 fine.

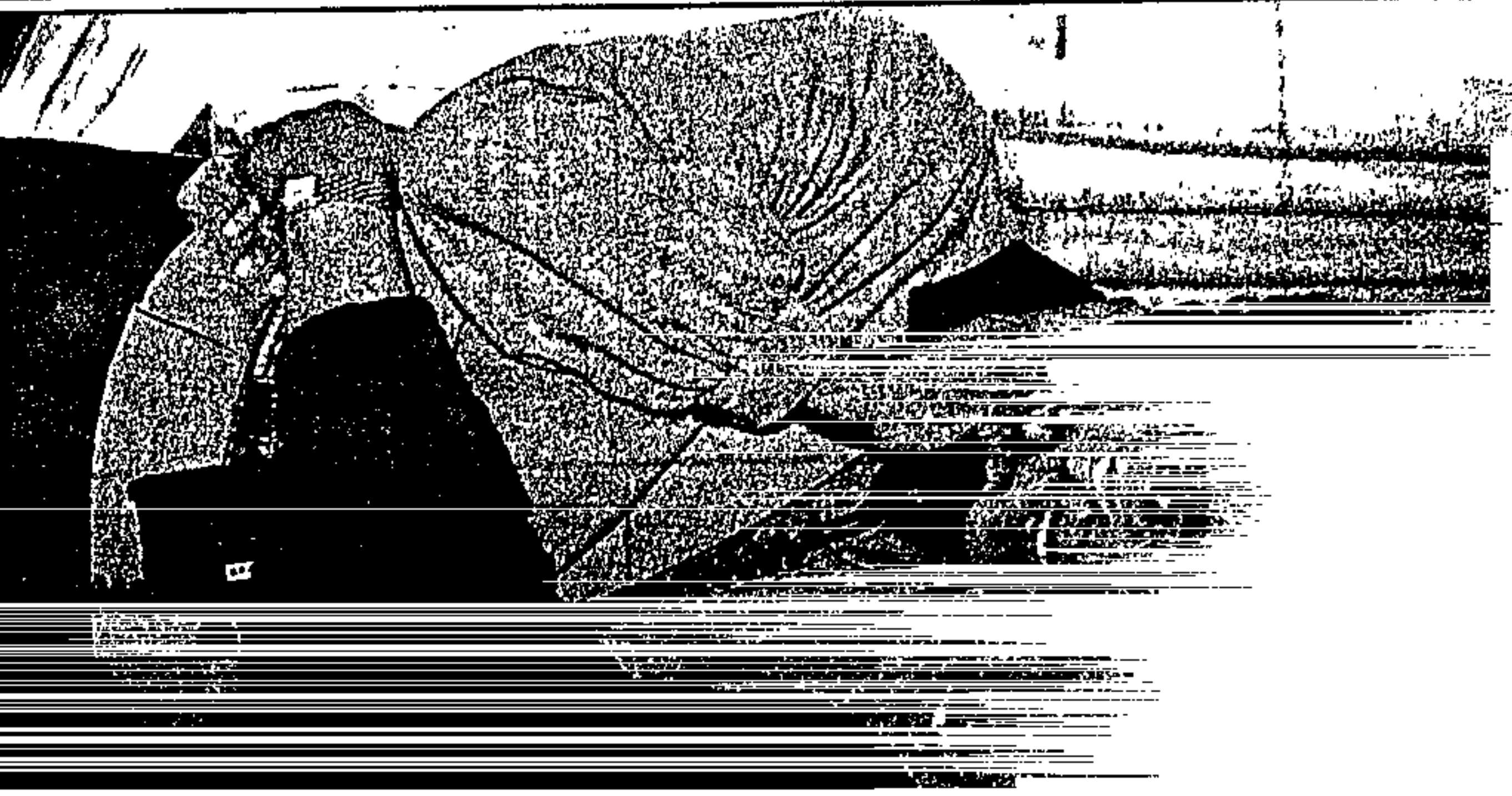
Mr Mandela said yesterday he was happy his estranged wife was not going to jail.

Nevertheless, he said after an engagement at a school in Athlone, Cape Town, he would have to study the full text of the judgment before commenting further.

"I am happy my estranged wife will not go to jail. To make an informed response I must study the document carefully," he said.

The appeal of Mrs Mandela's co-accused, John Morgan, against his conviction on the four counts of kidnapping was dismissed as was Xoliswa Falati's conviction on the same counts.

Falati's effective imprisonment of six years was set aside and four years substituted, of which two years was conditionally suspended.



Mandela hugs her daughter Zinzi after hearing her jail sentence was suspended. (IC: AP)

Reaction to verdict

Sowetan 3/6/93

"We hope that those who thought she would be buried by this action will say they were wrong"

Peter Mokaba

Lawyers for Human Rights said yesterday Mrs Mandela was fortunate to have escaped imprisonment.

LHR national projects director Ms Jody Kolipen said although the question of the appropriate sentence was problematic, the judgment was nevertheless well-reasoned and motivated.

She said the findings of the Appeal Court, which differed from those of the trial court, were notable factors in determining the sentence.

However, the Azanian People's Organisation has condemned the judgment. ANC Youth League leader Peter Mokaba, who has shared platforms

with Mrs Mandela, said yesterday he was pleased she had been "vindicated".

"We hope that those who thought she would be buried by this action will say they were wrong, unless they are malicious," he said.

On Mrs Mandela's acquittal on the charge of accessory to assault after the fact, Mokaba said: "What was taken from her as a result of these allegations must now be given back."

Mokaba added that Mrs Mandela's trial was now part of the past. "She will be judged on her political work and the work she has done for the community." — Sapa.

Famous for their unvarying quality

NEWS *She is dogged by controversy, but she does not let misfortune get her down*

Winnie always comes up smiling

By Mathatha Tsedu
Investigations Editor

Soweto
21/6/93

■ DETERMINED FOE

231

THERE are few people in this world who would go through what Mrs Winnie Nomzamo Mandela went through and still come out smiling. But then Mandela is no ordinary person. Worshipped and shunned by a community she has both served and allegedly terrorised, she has also been a consistent victim of police harassment, with detentions and raids an everyday routine. Few women, even those married to political prisoners of note, can claim to have enjoyed the hero-worshipping that went with being the "mother of the nation".

She became the toast of a nation struggling to be free. And in the process she was made infallible, thereby laying the foundation for her eventual downfall.

Or was it downfall?

The background to yesterday's dramatic outcome of Mandela's appeal goes back to December 29 1988 when a youth, Stompie Seipei (14), and three men, Mr Kenneth Kgase (31), Mr Barend Thabiso Mono (21) and Mr Gabriel Pelo Mekgwe (22), were removed from the Methodist manse in Orlando, Soweto, by Miss Xoliswa Falai and John Morgan.

The youths were driven in Mandela's kombi to her house in Diepkloof Extension where, according to evidence, Mandela and her bodyguard, Morgan, repeatedly assaulted the youths.

It was later claimed that the four had been removed from the manse to save them from the alleged homosexual activities of the Reverend Paul Verryn.

The youths were spanked by an allegedly drunk Mandela, who accused Seipei of being a spy for the police. Seipei was later taken out of the house and killed and his body dumped outside Soweto.

The disappearance of Seipei unleashed a series of events that culminated in a Soweto Crisis Committee being formed to look into the matter and try and contain the affair.

The Mass Democratic Movement, after the scandal broke, issued a denunciation of Mandela for which many of its leaders are still paying today.

Mandela was sidelined but bounced back when her husband was released from jail in 1990. Then came the trial and the sordid details that were revealed.

Details of a drunk woman beating children to a pulp as she drank wine. Details of a terror campaign that was unleashed by her so-called football team, the Mandela United Football Club.

Details of a team that raped schoolchildren who later retaliated by burning Mandela's house down. Mandela denied in court that she had taken part in the beatings.

She said she had been in Brandfort to which she had earlier been banished.

Uphill

The court found her to be an unblinking liar and sentenced her to six years in jail. Parts of her sentence were set aside by the Appellate Division in Bloemfontein yesterday.

Life for Mandela has since been difficult. She is estranged from her husband, ANC president Mr Nelson Mandela, after a scandal involving her alleged lover, lawyer Mr Dali Mpofu.

An elected member of the ANC national executive committee, Mandela was also forced to resign from the position as pressure mounted on her.

She also lost her position as chairman of the PWV region of the Women's League, thereby becoming a freelance activist.

Never one to be dampened by trials and tribulations, Mandela has continued to be a feature of the political landscape of South Africa.

A social worker by profession, Mandela has built herself strong bases among poverty-stricken and homeless residents of the Reef's mushrooming informal settlements, where her name is revered.

She can be counted upon to make an appearance when police make raids into these areas, to be there and stand up for the rights of the residents.

She has recently been openly critical of ANC leadership positions on negotiations and was closer to slain SACP secretary-general, Mr Chris Hani, with whom she led many marches and shared many platforms.

Of late, she has been accompanying youth leader Mr Peter Mokaba, with whom she has been accused by the Government of inciting violence against white farmers.

As the dust now settles on the Seipei affair, still looming over her is the as yet unexplained alleged involvement in the murder of well-known Soweto medico Dr Abu Baker Asvat.

Asvat, who was health secretary of the Azanian People's Organisation, was killed in his surgery in Soweto a few days after he had examined Seipei and his comrades.

Immediately after his death, Mandela said she knew who had killed Asvat and why but has since refused to divulge the information.

And so, as one hurdle is overcome another seems to emerge. But for Mandela, for whom life has been a succession of one controversy after another, this is nothing new. She is bound to continue to be a force to be reckoned with, within the ANC and outside.



Winnie Mandela ... came out smiling.

Star 446193

Winnie says she was victimised

(321)

Winnie Mandela, who had four criminal counts of accessory after the fact of assault set aside by the Appeal Court on Wednesday, said yesterday she was glad her claim that she would "never lift a hand to a child" had been vindicated by the court.

Reacting to an announcement by the Bloemfontein Appellate Division that her appeal against her conviction on four counts of kidnapping 14-year-old activist

Stompie Seipei and three other youths had been upheld, but that her five-year jail sentence had been commuted to a R15 000 fine, Mandela said she had been "victimised" by the press and some colleagues.

"The press and unfortunately some of my comrades in the struggle created an atmosphere before and during my trial where I felt that I was being tried by the media and many of those who were opposed to me

and the organisation to which I devoted a great part of my life," she said in a prepared statement.

Mandela said she had always maintained that her involvement with the four youths, who were brought to the rear of her house in her absence and beaten, had stemmed from her belief they were being sexually abused.

"This was a social problem which I saw as my duty to solve," she said. — Sapa.

Judgment vindicates my claim — Winnie

MARIANNE MERTEN

WINNIE Mandela felt her claim that she "would never lift a hand onto a child" had been vindicated by the Appeal Court's judgment which set aside four charges of being an accessory to assault.

The court upheld her conviction on four counts of kidnapping Stompie Seipei and three other youths. But it commuted a five-year prison sentence to a R15 000 fine and ordered Mandela to pay R15 000 compensation to the victims.

Mandela — who would not speak to the media in person — said in a statement yesterday she would have welcomed "a judgment which had absolved her of all blame".

"During my trial, I felt that not only was I facing specific charges, but that my whole personal and political life was on trial."

She claimed her co-accused had been "paid to lie against me".

She said: "The Press and unfortunately some of my comrades in the struggle created an atmosphere before and during my trial where I felt that I was being tried by the media and many of those who were opposed to me and the organisation to which I devoted a great part of my life."

In response to allegations that her punishment was too light, she said in the past she had been falsely accused and convicted. "Before unfairly judging me again, at least take the trouble to read the court of appeal's full judgment."

She described allegations that she was responsible for Seipei's death as "ridiculous".

Her involvement with the four youths was based on a genuine belief they were being sexually abused. "This was a social problem which I saw as my duty to solve."

ANC information department spokesman Ronnie Mamoepa would not comment on whether Mandela would be prohibited from holding ANC office because of her conviction. It was a hypothetical question and it sufficed to say she resigned all her positions last year, he said.

I feel vindicated — Winnie

JOHANNESBURG. — Winnie Mandela said yesterday that her assertion that she "would never lift a hand to a child" was vindicated by the Appeal Court judgment setting aside four counts of being an accessory to assault.

Mandela — who refused to speak to the media — said in a statement she would have welcomed a judgment that absolved

her of all blame.

"During my trial, I felt that ... my whole personal and political life was on trial."

Co-accused were "paid to lie against me" and she felt "tried by media", she said.

Dismissing claims she was responsible for Stompie Seipei's death as "ridiculous", Mandela said in the past she had been

falsely accused and convicted.

● A city advocate belonging to a civil rights group said Mandela's R15 000 fine was "too lenient". He commented on condition of anonymity.

A city magistrate — who also asked not to be named — said there were "no carbon-copy sentences for specific crimes". — Sapa, Staff Reporter

(331)

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Twist in Boipatong trial

WMA 4/6 - 10/6/93

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VANDERBIJLPARK policemen assaulted a key state witness in the Boipatong massacre trial and pushed a gun into his mouth to force him to implicate fellow hostel dwellers in the massacre, according to a statement by his brother, read out this week in the Delmas Circuit Court.

The state witness, who may not be named, has denied the alleged assault. But he admitted earlier this week that some of the accused in the trial had been beaten by the police.

His brother's statement was to have been a centrepiece of the defence case in the trial of 32 inmates of the kwaMadala hostel, facing murder and attempted murder charges in relation to the massacre.

But the statement was not admitted as evidence by the judge because, in a bizarre twist in the case, the court was

Unknown assassins have effectively destroyed vital evidence in the Boipatong massacre trial.

JACQUIE GOLDING reports

informed on Wednesday that the brother had been murdered by unknown gunmen last week. This means that his statement cannot be verified in court.

Nonetheless, extracts from the statement are being used by the defence attorneys to "test" the state witness, in an attempt to prove that he did not voluntarily testify for the prosecution.

The witness, a former kwaMadala inmate, has given startling evidence implicating fellow hostel dwellers in the killing of 45 Boipatong residents on the night of June 17 last year.

He has also implicated senior Inkatha Freedom Party members as having told hostel dwellers immediately after the massacre to burn their bloodied clothes and looted goods.

The defence team argues that he was forced to make a false statement at the Vanderbijlpark police station after being beaten. It was this that prompted him to turn state witness, rather than standing trial.

Though the witness vehemently denied this, he conceded that some of the accused had been assaulted and forced to make statements to the police.

"Those that were beaten were taken to the doctor and I was left behind," he said. "I remember translating for one of the accused. He was badly beaten up and his lip was broken. It was this man who was assaulted, not me."

In his brother's statement, the witness is said to have feared a certain Colonel Griel, who was in charge of the interrogation of the accused. He allegedly told his brother that Griel had threatened to "feed" him to African National Congress supporters, who would "necklace" him if he did not reveal everything he knew about the massacre.

The witness admitted knowing Griel but denied fearing him, saying his decision to testify for the state was voluntary. "What happened at Boipatong was awful and I can't imagine how I would've felt if one of my children was one of the victims of the massacre," he said in dismissing the claims of coercion.

I have been vindicated, says Winnie

(331) ARG 4/6/93
JOHANNESBURG. — Winnie Mandela says she is glad her claim that she would never lift a hand on to a child "has been finally vindicated".

She made the statement after four criminal counts of accessory after the fact to assault were set aside by the Appeal Court.

The Appellate Division announced that her conviction on four counts of kidnapping 14-year-old activist Stompie Seipei and three other youths had been upheld, but her five-year jail sentence had been commuted to a R15 000 fine.

Mandela said she had been "victimised" by the Press and some of her colleagues.

She said she had always maintained that her involvement with the four youths, who were brought to the rear of her house in her absence and beaten, had stemmed from her belief they were being sexually abused.

Mandela added she would have welcomed a judgment absolving her of all blame. — Sapa.

Winnie: ANC sigh of relief

W/Mand 4/6-10/6/93

Weekly Mail Reporter

WINNIE MANDELA'S avoidance of jail this week may have been the most convenient outcome of her appeal for the African National Congress.

Had she gone to jail, ANC insiders commented, hard-line activists would have characterised any refusal by the organisation to campaign on her behalf as another betrayal by the leadership.

The Appellate Division (AD) finding had left the situation substantially unchanged, the sources added. With Mandela out of jail but with her conviction upheld, the ANC would be able to continue with its policy of ignoring her and her efforts to build a power-base and constituency independent of her estranged husband. Yesterday, ANC spokesman Carl Niehaus blandly said the organisation would accept the judgment.

Mandela's appeal against her conviction on four counts of kidnapping was dismissed. However, the AD set aside her five-year jail sentence and instead gave her the option of a fine of R15 000 or a year in jail, with a further two-year sentence suspended for five years. She was also ordered to pay R5 000 to each of the three youths who survived the 1988 kidnapping. The court quashed her conviction on four charges of being an accessory to assault after the fact.

Despite the equivocal nature of the judgment, Mandela's supporters are using the easing of her sentence to demand her reinstatement in the organisation's leadership. Commenting on her acquittal on the assault charges, ANC Youth League president Peter Mokaba said: "What was taken from her as a result of these false allegations must now be given back."

He described the AD decision as "a political sentence", saying: "It has nothing to do with whether she was guilty or not."

Mandela's conviction on kidnapping charges was widely cited as the reason for her resignation from ANC and ANC Women's League executive structures. The ANC will now have to decide if they will allow a convicted criminal — who has cultivated an important constituency within the organisation — to hold an official position.

'Winnie vindicated'

South 516 - 9/6/93

— Peter Mokaba

By Quentin Wilson

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A CLEARLY relieved Mr Peter Mokaba, ANC Youth League president, said Ms Winnie Mandela, estranged wife of ANC president Mr Nelson Mandela, was "vindicated" in the Appeal Court this week.

On Wednesday the Appeal Court in Bloemfontein set aside Mandela's five year prison sentence for her role in the kidnapping of four youths in December 1988, and slapped her with a R15 000 fine instead.

While the Appeal court ruled Mandela had kidnapped the youths, she was found not guilty of being an accomplice to assaults on them.

One of them, teenage activist Stompie Sepei, was found dead in January 1989.

The Rand Supreme Court sentenced Mandela to a five-year jail term in May 1991 for kidnapping and one year's imprisonment for being an accessory to assault.

Soon after the Appeal Court announced their judgement, Mokaba, a close friend of Mandela, said the decision would go a long way towards clearing her name.

Said Mokaba: "In the first place I am happy she has been vindicated along with all of us who have been on her side through this whole thing.

"Her name has been cleared. She is not a murderer, she was not

involved in the assaults and now it is up to those people who have been campaigning for her isolation to publicly apologise."

Mokaba said did not believe the Appeal Court was justified in slapping a R15 000 fine on Mandela.

"She did not do anything her enemies have said. There should be no fine."

Mr Nelson Mandela said on Wednesday morning that he was pleased his "estranged wife will not be going to prison" but would not comment further until he had seen the full court order.



Winnie Mandela

Goniwe: witness

Star 516193
may
reveal
all

**MARTIN CHALLENGOR
and SAPA**

CAPE TOWN — The true story behind the murder of anti-apartheid activist Matthew Goniwe and three others nearly eight years ago could unfold in court next week.

This follows a decision by President F W de Klerk to grant indemnity from prosecution to a key witness, South African Defence Force Colonel Lourens du Plessis.

Du Plessis is expected to testify on a military signal ordering the "permanent removal from society" of Goniwe and other political activists.

In a statement last night, De Klerk said he had given Du Plessis indemnity in terms of the Further Indemnity Act of 1992, in respect of the dispatch of a signal on June 7 1985.



**MURDERED: Activist
Matthew Goniwe.**

This would allow Du Plessis to give evidence in an impartial way at the judicial inquiry in Port Elizabeth before Judge President Zietsman into the death of Goniwe and other people, De Klerk said.

Du Plessis delayed giving evidence to the inquiry pending the outcome of his application for indemnity.

Du Plessis is scheduled to give evidence on Tuesday when the inquest resumes in the Port Elizabeth Supreme Court.

He has alleged in an affidavit that the military signal sent from Eastern Province Command to the State Security Council on June 7 1985, was a death warrant.

Du Plessis said the then head of the command, Lieutenant-General "Joffel" van der Westhuizen, had ordered him to send the signal.

● TO PAGE 2.

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● FROM PAGE 1.

Van der Westhuizen, now head of Military Intelligence, has denied all knowledge of the signal.

Less than two weeks after the signal was sent, Goniwe, Sparrow Mkhonto, Sicelo Mhlawuli and Fort Calata — activists in Cradock civic politics and in the United Democratic Front — were slain and their charred and bullet-riddled bodies found at Blue Water Bay near Port Elizabeth.

Police last year offered a reward of R200 000 for information leading to the conviction of Goniwe's murderer.

The inquest into Goniwe's death, which began in Port Elizabeth in March, heard that a task group had met to consider whether Goniwe should be reappointed to his post as a teacher.

Witnesses present at the meeting, including Johan Vermaak, a former DET official, and Major-General Johan Geldenhuys, a former air force general who was in the chair, denied

that the signal had ever been presented to them.

Part of the inquest was spent trying to establish the whereabouts of the "Goniwe signal" which had disappeared during the inquiry.

Adamus Stemmet, former strategic communications officer of the State Security Council, said he recalled being shown the signal but was almost certain it had not been left with him. The man who showed it to him, General Johannes van Rensburg — former head of the strategies branch — said he could not remember whether he had given it to Stemmet or destroyed it.

The existence of the signal was revealed last May, after Transkei military leader General Bantu Holomisa released a military document in which Van der Westhuizen, then a brigadier in Eastern Province Command, was named as having issued a signal to "permanently remove" Goniwe from society.

That led to the a nine-month investigation and a second inquest on the orders of De Klerk.



LIFE GOES ON . . . Maninki, mother of murdered activist Stompie Seipei, hopes to meet Winnie. With her is his sister, Martha, 6. ■ Pic: TLADI KHUELE

I feel a terrible pain, says Stompie's mother

BY BERENG MTIMKULU

THE front door of her shack in Parys in the Free State was padlocked as news broke this week that justice would finally take its course against those implicated in the killing of her 14-year-old son and political activist Stompie Seipei.

And when Maninki Seipei, 37, finally agreed to see reporters this week, her shy smile suggested she had made peace with herself.

However, time has not healed the wounds of having lost a child, although she has found some solace by assisting as a volunteer in Tumahole's Operation Hunger feeding scheme.

It was on New Year's Eve in 1988 that Stompie was kidnapped and later assaulted along with three other youths at the Orlando West, Soweto, home of Winnie Mandela, estranged wife of the ANC president.

Stompie was later found dead in a ditch in a nearby field. His throat had been slit.

His mother stared sadly at the picture of her son when City Press approached her for comment on Wednesday, soon after the Bloemfontein Appeal Court's decision on the fate of Winnie Mandela, Xoliswa Falati and John Morgan.

Seipei told City Press she hoped to meet Winnie Mandela so that they could "talk as women" one day.

"We will definitely meet and you must remember that I'm an ANC member," she said.

Was she satisfied with the Appeal Court's judgment?

"Please, let's not talk about that now. I would like to forget about all that," she replied.

"While these things are constantly being talked about, it makes me feel a terrible pain in my heart. Sometimes it just makes me feel like I'm dreaming and as though I will see Stompie again," she said.

According to court records, Stompie

Seipei was kidnapped with other youths from the Orlando West Methodist manse by members of the Mandela Football Club after allegations of sexual abuse.

Stompie was also accused of being a police informer, although the court found there was no evidence to prove this. He was murdered by Mandela Football Club coach Jerry Richardson, who was convicted and sentenced to death which was later commuted to life imprisonment.

One of the accused in the trial, 18-year-old Nompumelelo Falati, was acquitted on charges of kidnap and assault, but her mother, Xoliswa Falati, was originally sentenced to six years' imprisonment on four counts of kidnapping and four counts of assault with intent to do grievous bodily harm.

Winnie Mandela's driver, John Morgan, who had driven her vehicle used for the kidnapping, was also found guilty of kidnapping, but was given a suspended sentence.

Winnie Mandela was originally convicted on four counts of kidnapping and four counts of being an accessory after the fact for the assaults on the youths.

All three accused appealed against their convictions and severity of sentence.

The Appeal Court upheld Winnie Mandela's conviction of kidnapping but set aside her five year sentence and replaced it with a fine of R15 000 or one year with two years' imprisonment suspended. Her conviction for being an accessory after the fact was also set aside.

Mandela was also ordered to pay each of the three victims R5 000 in compensation.

The money must be paid through the registrar of the Rand Supreme Court within 30 days.

Morgan and Falati's appeal against their convictions was dismissed, but Falati's six-year prison sentence was reduced to four years of which two years were suspended.



ACCUSED . . . Xoliswa Falati will go to jail, but on a reduced sentence
Picture: JOE SEFALE



SIBUSISO MABUZA
Disappeared



JOHN MORGAN
No longer a driver

THE WINNIE DOSSIER

WINNIE MANDELA'S six-year prison sentence for kidnap and assault was this week reduced by the Appeal Court to a kidnapping charge. She was given a fine and suspended sentence. She celebrated victory as she did defeat — with defiance and champagne. Lawyers for Human Rights has suggested she was "fortunate" in the Appeal Court's decision. The astonishing four-year record of this most controversial of South African criminal trials suggests why.



ACCUSED . . . Winnie Mandela, isolated by ANC leaders, is perhaps the biggest victim of the affair

THE CRIME

ON THE night of December 29 1988, four males ranging in age from 14 to 29 were abducted from the Methodist manse in Soweto's Orlando West.

The abductors, identified as members of Winnie Mandela's circle of henchmen, her "football club", were acting under the instructions of Mrs Mandela and a friend, Miss Xoliswa Falati, who claimed the four were being sexually molested by a priest, the Reverend Paul Verryn.

The four were subsequently assaulted at Mrs Mandela's Soweto home. The body of one of them, 14-year-old Stompie Seipei, was found in the veld on January 6.

Subsequently, Jerry Richardson, "coach" of the "football club", was convicted of murdering Stompie and sentenced to life imprisonment. He is still in jail.

THE ACCUSED

ON THE basis of Richardson's evidence and other information, the police formally charged Mrs Mandela and six others with kidnapping and assault of Kenneth Kgase, then 29, Stompie Seipei, then 14, Barend Thabiso Mono, then 19, and Gabriel Pelé Mekgwe, then 19.

Mrs Mandela's key defence was that she was not at her home on the night of the alleged abduction — she claimed she was in Brandfort.

Her story was backed up by her driver, John Morgan, and Falati. The court accepted her claim, but found she had plotted the kidnappings and was involved in the assaults. It sentenced her to six years.

The Appeal Court's decision ensures she will not go to jail. This week, in her Braamfontein office, she expressed delight at the outcome and insisted she had been tried by the press and "some of my comrades in the struggle".

THE CO-ACCUSED

LESS happy, however, is Xoliswa Falati. Her conviction was confirmed, although her sentence was



VICTIMS ... Joyce Seipei and her son, Stompie, whose body was found in the veld

As Mandela celebr co-accused are bitt

S1 Times 6/6/93

SPECIAL REPORT by BRIAN SOKUTU and EZRA MANTINI



PAUL VERRYN
Happy with verdict

reduced from six years to two. Within two days, she will have to hand herself over to the police in Soweto.

"Can you ever (drink a) toast when another woman (Joyce Seipei) has lost a child?" she asked bitterly this week, although being careful not to refer directly to Mrs Mandela.

Relations between the two are sour. Last year, Mrs Mandela allegedly turned Falati out of her home and threatened to cut off the funding for her legal defence.

So, while Mrs Mandela celebrates, Falati waits for jail.

Also bitter is John Morgan, the driver whose evidence that Mrs Mandela was in Brandfort was so crucial to the defence. He subsequently recanted and claimed Mrs Mandela was in Soweto on the night of the assaults.

He received a 12-month suspended sentence, but being spared prison does not mean one is spared destitution.

This week, he expressed sympathy for Falati.

The unemployed father of four said he "lost a lot of money in legal fees during the trial".



"Since the trial began, I decided not to go back to Winnie as her driver. I earned R80 a month, sometimes getting nothing," he added.

For survival, Mr Morgan said he "relies solely on the support I get from my daughter".

THE MISSING CO-ACCUSED

BUT, if the two main co-accused are bitter about the outcome of the trial, the fate of the remaining four co-accused is little short of astonishing.

The four, all members of the Mandela Football Club, were Joseph Sithole, 18, Katiza Cebekhulu, 22, Mpho Mabalane, 19, and Sibusiso Mabuza, 19.

They failed to report at either Orlando or Kliptown police stations in December 1988, as laid down by bail conditions.

Mabalane, Mabuza and Sithole went to ground and, despite police insistence that every effort was made to trace them, they have disappeared.

Even more intriguing is the case of Katiza Cebekhulu...

THE EXILED CO-ACCUSED

CEBEKHULU pitched up outside the Johannesburg court building the very day he was due to appear in the dock alongside Mrs Mandela. He was snapped by a Sunday Times photographer lolling nonchalantly on the steps of the Supreme Court.

Within days, he subsequently claimed, he was spirited out of the country by ANC officials and dumped in Zambia, where he was promptly arrested and has been in prison since.

Both Zambia and the ANC have declared him free to leave, but he has remained cowering in prison — claiming he fears for his life if he comes home.

This week, ANC spokesman Ronnie Mamoepa said there were no plans to bring him back as the organisation was "not involved".

THE STATE WITNESSES

THE state's case hung largely on the evidence of the three surviving, and very nervous, kidnap victims — Kgase, Mono and Mekgwe.

In February 1991, the court was shaken to learn that Mekgwe was kidnapped again from the Methodist manse by unnamed men — a grim replay of the events that led to the trial.

Some witnesses claimed Mekgwe had been seen in the company of senior ANC officials when he disappeared.

The disappearance of a key state witness had its effect. The other two wit-

nesses told the court they feared for their lives if they testified. They were later ordered by the judge to give evidence — which they reluctantly did.

In terms of this week's judgment, the three stand to get R5 000 each from Mrs Mandela. But by week's end, there was no sign that they were willing to come forward to collect the money.

THE VICTIMS

■ Joyce Seipei

APART from the most obvious victim, Stompie, the next most affected was his mother, Joyce Manankie Seipei.

She has been under the

"protection" of the local ANC organisation, which has deftly prevented the press from interviewing her except in the presence of officials of the organisation.

"I still wish to see Mrs Mandela, woman to woman, to find out what really happened. Maybe only then will things get better in my heart," she has said.

■ Paul Verryn

ACCUSED of molesting boys at the Orlando West Methodist manse, the Reverend Paul Verryn is "happy that Mrs Mandela was not sent to jail".

Mr Verryn said this week: "Out of my deepest heart, I am happy Mrs Mandela has not been in jail, although I regret that Mrs Falati had to go to prison."

'Evidence was distorted'

By MARTIN NTSOELENGOE

AN ANC supporter told the Rand Supreme court this week how two "racist" magistrates on the East Rand "distorted and altered" statements he had made before them.

Michael Phama, 45, formerly of Phola Park, told Judge MC De Klerk that two court interpreters had also misinterpreted what he told the magistrates. Phama said the interpreters had spoken Zulu while he had been speaking Xhosa.

Phama is contesting a statement made before an Alberton magistrate last year when he "pleaded guilty" to 21 counts of murder and 24 attempted murders - as well as another statement made early this year when he also "pleaded guilty" to all charges.

At the start of his trial in the Rand Supreme Court this week he changed his plea to that of not guilty.

The state alleges that Phama and two others fired on Inkatha members who

were on their way to a rally on September 8 1991.

Inkatha members earlier told the court that they were travelling along Khumalo Street to Thokoza Stadium when Phama blew a whistle which was followed by a volley of gunfire.

After Phama's allegations were made tapes were brought from the Alberton Magistrate's Court and replayed to check if Phama's accusation against court officials were correct. Two special senior interpreters were also called in from the Westgate Magistrate's Court to help analyse the tapes.

Their analysis on the validity of the statements is yet to be heard in court.

Phama claimed in his statement made in Alberton that on the day of the shooting he and two others were ordered by a Capt Mbalathe to shoot at Inkatha followers.

It is also alleged Phama confessed to shooting to death traffic officer Jacobus Lukas Van der Merwe and attempting to kill his two colleagues on April 14 last year.

But Falati would not accept this: "A mistrial should
■ To Page 4

Missing witness in from the cold

By DAN DHLAMINI

GABRIEL ^{Pelo} Mekgwe, the Ikageng man who chose to skip the country rather than testify against Winnie Mandela, this week welcomed the court's decision to compensate him R5 000 for his ordeal.

The Appeal Court replaced Mandela's five-year prison sentence with a R15 000 fine plus compensation of R5 000 to each of the three youths assaulted.

City Press traced Mekgwe to the Lusaka squatter camp near Potchefstroom this week where he lives with his parents.

He agreed to an interview on condition issues relating to his ordeal were not delved into.

Said Mekgwe: "Let bygones be bygones. I have no grudge against Mama and am looking forward to making a new life for myself."

Mekgwe, who has enrolled at a correspondence college, was this week busy writing his matric examinations.

He said although it would not erase the trauma in his mind, the compensation would come in handy because he wanted to go to college next year to study teaching or journalism and to upgrade his humble shack.

■ 'The real culprit is Winnie, I have no blood on my hands'

■ 'She sent me to fetch the kids and beat them in front of me'

WHY ME?

ASKS BITTER FALATI

C. Press 6/6/93

(331)

CRYING
nocent

By MONWABISI NOMADOLO

WHILE Winnie Mandela rejoiced this week, her bitter co-conspirator Xoliswa Falati prepared herself for a two-year jail term, starting on Wednesday.

Falati lashed out after learning that the Appeal Court had ruled that Winnie be fined R15 000 instead of going to jail for kidnapping murdered child activist Stompie Seipei and three other youths.

Falati was bitter because, although the Appeal Court reduced her own sentence from six years to an effective two years, she would still have to spend time in jail - but not Winnie.

"The fine will mean nothing to Winnie, she has money like dust," said Falati. "The culprit is Winnie and I don't have a drop of blood on my hands but I am being jailed. Winnie is the one who is guilty of everything."

Falati felt the case should never have gone to appeal, but instead there should have been a retrial.

"After the trial I publicly admitted that I had perjured myself in evidence before the court to protect Winnie and said there should be a retrial, but was ignored."

"The fact that a key witness, Katiza Cebekhulu, who was sent out of the country by the ANC before the trial, was available to come back and give evidence at a retrial was also ignored."

Falati again claimed, as she did when she and Winnie fell out after the trial, that "the truth is that Winnie instructed me to go and fetch the kids and she beat them in front of me. They were not supposed to be beaten, because they were innocent."

However, Appeal Court judges found the lower court's acceptance of Winnie's alibi - that she was on the way to Brandfort when the assaults took place - created a significant breach in the state's case.

The Appeal Court found that there was no sufficient evidence to prove Mandela was an accessory after the fact to the assaults. It did not accept the finding of the lower court that Winnie should have foreseen the assaults and her conviction was set aside.

In a press statement after the Appeal Court's verdict Winnie maintained that she had been "victimised" by the press and some of her colleagues. She claimed that while the appeal was pending "my co-accused were paid to lie against me".

Winnie said she had always maintained her involvement with the four kidnapped youths had stemmed from the belief that they were being sexually abused. "This was a social problem which I saw as my duty to solve," she said.

The Appeal Court also set aside the finding by the lower court that Falati personally took part in the assaults on the youths, but still found her guilty of assault because "she was indeed present when the assaults took place and was a party to them".

This was one of the reasons her jail sentence was reduced.

The Appeal Court found Falati was shown to be a totally unreliable witness and had lied blatantly in evidence.

Judge Corbett said the fact that both Winnie and Falati lied in evidence had a bearing on Winnie's complicity in the kidnappings, but said Falati's culpability for the kidnappings was, in some respects, more serious than that of Winnie.

But Falati would not accept this: "A mistrial should

■ To Page 4

Why me?

asks
bitter

Falati

■ From Page 1

have been declared and a new trial instigated... If someone other than Winnie Mandela was involved this would have been done."

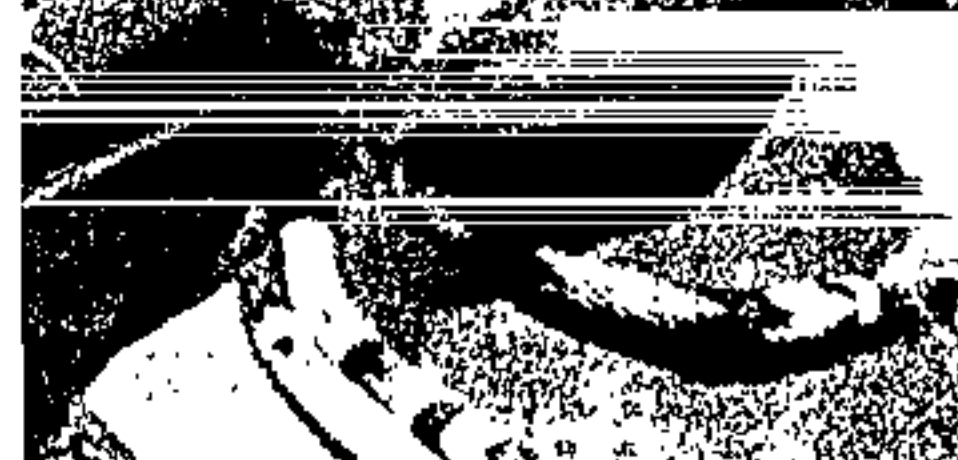
"I protected Winnie because I was under her spell at the time."

She also alleged that Winnie Mandela had flown her to Durban under a false name after the Stompie murder to keep her out of the way. "But the police arrested my 18-year-old daughter who was innocent and I was forced to return. I had to borrow R45 in Durban to return home."

Falati, who was once a close confidante of Winnie's, said that even after she had given evidence to protect Winnie, efforts were made to get her to change some of the evidence to help Winnie Mandela even further.

"During my cross-examination, which lasted days, I was awoken late at night by much hammering on my door by a close male companion of Winnie's."

"He said: 'Xoliswa you have to change some of your evidence.' He kept at me for about half an hour before I could get him to leave."



"I moved to Springs, but was called back by Winnie like a dog."

Falati accused Winnie of exploiting "underdogs like myself" for her own ends.

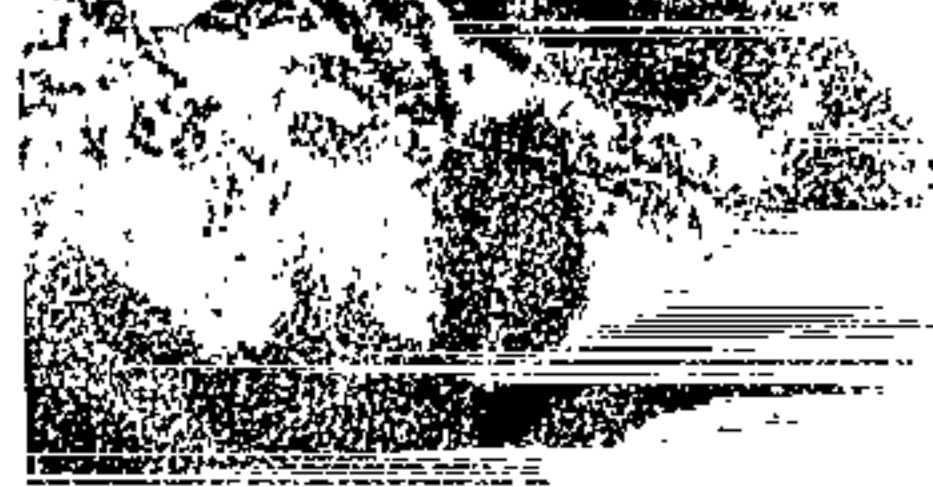
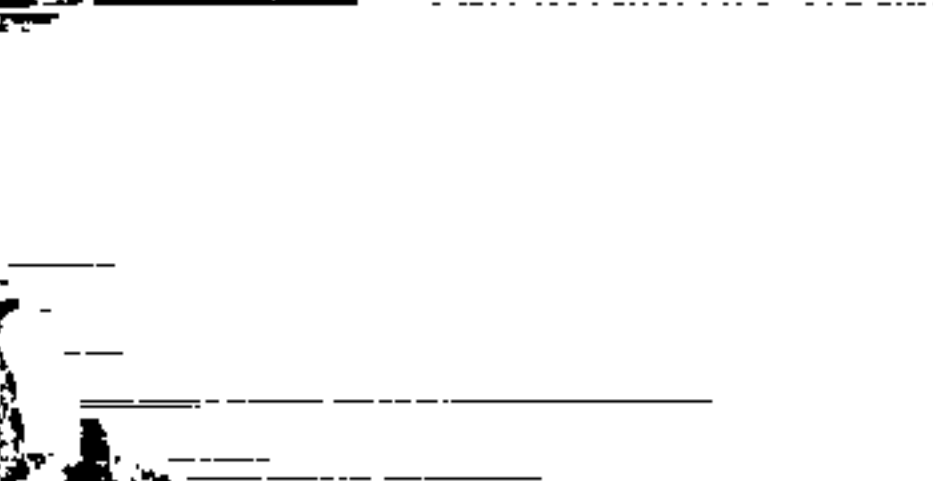
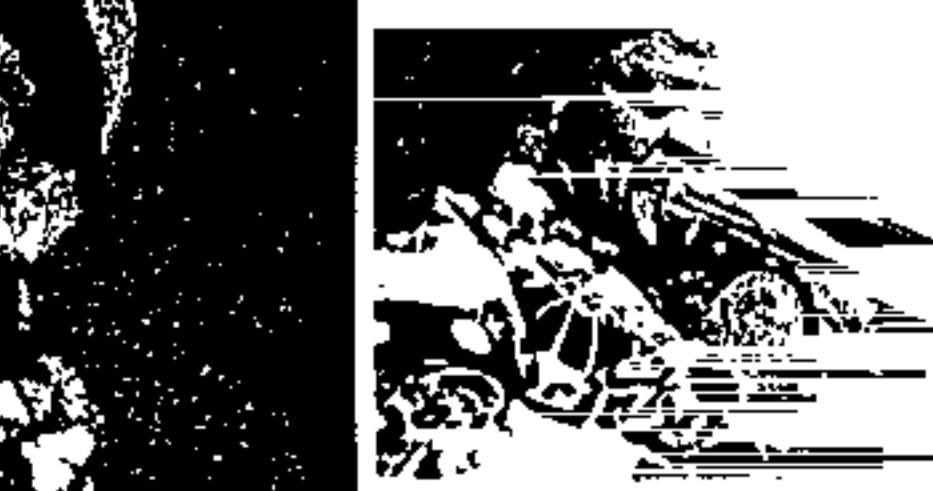
"I am not afraid of jail. I have been detained many times by the security police, but I don't want to go to jail on lies."

She said she had also been warned that she would be poisoned in jail, "to silence me for ever".

At 5 pm on Wednesday afternoon, Falati will hand herself in at Orlando Police Station to start her sentence.

According to the law Falati must hand herself over to the authorities within seven days after an appeal ruling.

Legal representative Michael Parker said there was no chance of Falati qualifying for indemnity because the case was not political.



"concert held at the Standard Bank desired, that did not stop the fly sophistication. The concert ulu and Jonas Gwangwa. ■

Star 7/16/93

Charge Strydom, urges widow

The State would be obliged to prosecute paroled mass killer Barend Strydom for murder if it were clear that the death of one of his victims last week resulted from wounds inflicted by Strydom, Lawyers for Human Rights director Brian Currin said yesterday.

Oupa Geelbooi Ma-

bena (48) died in Kala-fong Hospital near Pretoria on Wednesday, allegedly due to complications caused by the injuries he had suffered in the Strijdom Square massacre in Pretoria almost five years ago.

Mabena was paralysed after Strydom shot him at close range on November 15 1988.

331

Mabena's widow, Virginia, and Lawyers for Human Rights have called for Strydom to be charged with his death.

Currin said the Government would have to decide whether the grounds for Strydom's release on parole covered any future consequence of his actions.

— Pretoria Bureau.

PAC members charged in wake of swoop

Buss. Day 7/6/93
POLICE said yesterday five more PAC members would appear in court today to face criminal charges following investigations into activities of the organisation and its military wing. (SAPA)

Col Johan Mostert, who headed the investigations, said 10 people had already appeared in court and had been charged with various offences including murder, unlawful possession of explosives and possession of unlicensed arms. (331)

He said the 15 alleged PAC members were among 81 people detained in the

countrywide police swoop on PAC offices and homes on May 25. (SAPA)

Sixty-two people were only questioned and had been released.

He said nine people were still in detention, four under section 29 of the Internal Security Act in connection with the alleged plan to bomb a Yeoville restaurant.

The other five will appear in various courts today to face criminal charges. Among them is a man arrested in connection with recent attacks in Westville and Verulam in which two people died. — Sapa.

Nelson Mandela calls for mass movement for peace

Buss. Day 7/6/93

MARITZBURG — ANC leader Nelson Mandela has called for signatories of the national peace accord to meet urgently to strengthen the accord and unleash a "mass movement for peace".

The ANC president also called on all South Africans to unite around the tentative April 27 election date, to begin the healing process in violence-torn SA.

Mandela was addressing several hundred people in the Maritzburg City Hall yesterday before he unveiled a memorial statue honouring Indian leader Mahatma Gandhi, who, almost 100 years ago, was evicted from a train reserved for whites at Maritzburg Station.

Mandela said in spite of the peace accord's shortcomings, the document had assisted in quelling violence.

"We can no longer delay our coming together again as signatories of the peace accord, to strengthen it and revisit the source of violence and give peace fresh momentum."

Solutions to the current violence could only be found through collective efforts by all political leaders, Mandela said.

"We need to unleash a mass movement for peace..." We can't delay a meeting of signatories of the peace accord."

The ANC president welcomed recent reports about the phased integration of armed formations in the country into the security forces, saying this could be an important subject to be addressed by signatories.

The ANC welcomed all peace initiatives, said Mandela.

He commended a recent peace plan by the ANC southern Natal region and also by the group of con-

cerned Zulus who had both called for urgent meetings between the ANC president and Inkatha leader Mangosuthu Buthelezi.

Referring to the election date, Mandela said he was aware some people had reservations on the issue.

"We urge them all to look to the future and consider their reservations so that this momentous event becomes a unifying occasion in our strife-torn country," said Mandela.

Never before had there been such a moment in SA's history as the forthcoming election, Mandela said, urging South Africans to ensure it marked a time of healing, he said.

Earlier, Anglican Archbishop Desmond Tutu reiterated the call for all armed formations in the country to come together in a joint peacekeeping force controlled by the international community. — Sapa.

● See Page 6.

Row over witness's indemnity

Buss. Day 7/6/93

RAY HARTLEY

GOVERNMENT yesterday denied that a key witness in the investigation into the death of eastern Cape activist Matthew Goniwe had been given insufficient indemnity to allow him to testify freely.

President F W de Klerk earlier granted SADF Col Lourens du Plessis indemnity for his role in transmitting a signal from Eastern Province Command to the State Security Council in June 1985, which is alleged to have led to Goniwe's assassination, but refused him indemnity for his role in "Operation Katzen".

Du Plessis' lawyer Wayne Gray said in a statement he was concerned that efforts to delve into Operation Katzen — allegedly a plan to destabilise the eastern Cape in the 1980s — were being resisted.

"Du Plessis has already signed an affidavit stating that the Goniwe signal amounted to a 'death warrant'."

A government spokesman said De Klerk

had granted Du Plessis indemnity with regard to the signal against the advice of the board established in terms of the Further Indemnity Act.

"There are no reasonable grounds for the inference that the indemnity granted to Du Plessis is insufficient to ensure his giving evidence on any matter in an uninhibited manner," the spokesman said.

"Indemnity was not granted relating to Operation Katzen because there was insufficient material available indicating that any offence had been committed. Nor is Operation Katzen the subject of any current judicial proceeding."

Sapa reports the partial indemnity was described as a "travesty" which demonstrated that the Further Indemnity Act was a licence for murderers, DP Youth spokesman Colin Douglas said.

Taxi group lobbies for control board

THEO RAWANA

INDISCRIMINATE issuing of permits is the major cause of taxi wars, and only a taxi control board will curb it, says the SA Black Taxi Association (Sabta).

Ten minibuses were gutted at Baragwanath taxi rank, Diepkloof and Orlando East on Thursday.

Mike Ntlatleng, public affairs director of Fabcos (mother body of Sabta), said that since government decided on deregulating the taxi industry, the Transportation Board had been issuing permits without first checking passenger volumes or ranking facilities.

"There is no liaison even between the board and the local authorities, and this results in taxis choking up space and fighting over limited ranking facilities."

"Through a taxi control board, with which every taxi would need to register, input would be available to councils and the board and, since all members would have to follow a code of conduct, situations such as those experienced at present would be avoided," Ntlatleng said.

Ntlatleng said taxi industry leaders were talking to the Transport Ministry to have taxis subsidised.

Taxis, he said, carried 1,6-million passengers a day and buses and trains only 600 000.

"A technical committee is working on how government should subsidise the industry," Ntlatleng said.



Newspaper reports carrying news of the COSATU boycott of the Pepcor Group give the misleading impression that KAPPA as a brandname is being included in the boycott.

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pentant killer rises to nine

Charge 'Wolf' — LHR

Sowetan 7/6/93

By Abbey Makoe

■ 1988 SHOOTINGS Wit Wolf's ninth victim,

Geelbooi Mabena, died last week: (852) 331

POLICE should charge mass killer Barend Strydom for murder after one the victims of his 1988 shooting, Mr Geelbooi Mabena, died as a result of his injuries last week, Lawyers for Human Rights said yesterday.

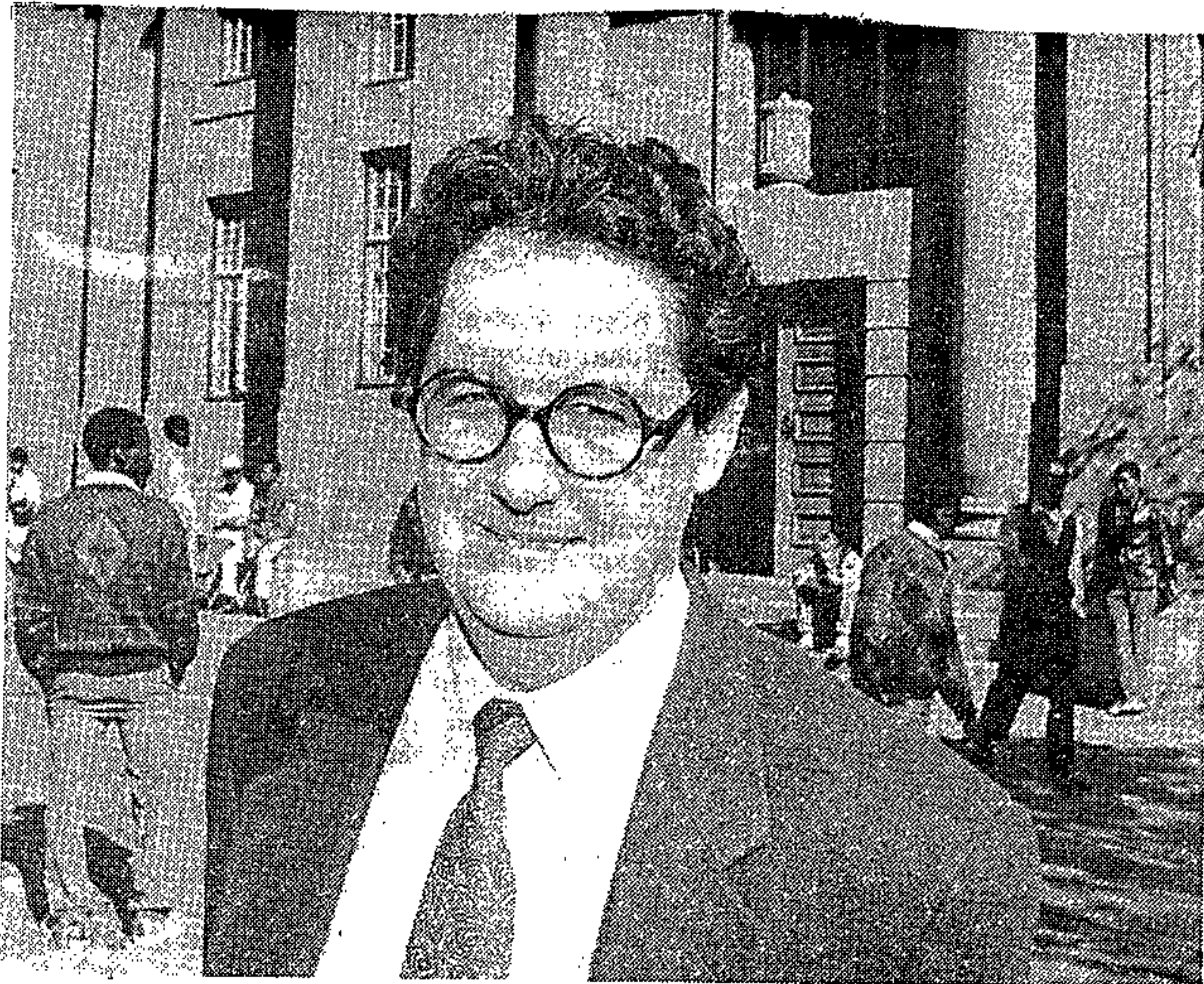
Director of LHR Mr Brian Currin said: "He should be charged with murder, even if his lawyers might argue in a court of law that he has been granted indemnity from his past deeds."

Currin said it was legally possible that the Attorney-General could bring forward a charge of murder because the murders with which Strydom was charged do not include Mabena.

Strydom was charged and convicted of murdering eight people in a shooting spree at Strijdom Square in Pretoria on November 15 1988. Mabena, who died after suffering severe complications, became Strydom's ninth victim. Mabena was buried on Saturday in Hammanskraal, north of Pretoria. A former cleaner with the Pretoria City Council, Mabena became paralysed after being shot by Strydom.

His unemployed widow Virginia said that her main problem was educating their two children.

Strydom, who received eight death sentences for the murders, was saved from the gallows when the Government granted him indemnity on the grounds that his acts were politically motivated. An unrepentant Strydom has since boasted about the killings, saying he would do it again if the need arose. Police spokesman Colonel Ray Harrauld said yesterday a murder docket was being "perused". He would not comment on whether Strydom would be charged, saying it was for the Attorney General to decide.



Weekly Mail co-editor Anton Harber at the Johannesburg Magistrate's Court. Picture: ROBERT BOTHA

Weekly Mail editor pleads not guilty

(33) SUSAN RUSSELL

WEEKLY MAIL co-editor Anton Harber and Krugersdorp private detective Jan Kleynhans pleaded not guilty yesterday in the Johannesburg Magistrate's Court to charges arising from the bugging of former CCB operative Staal Burger's office.

Harber pleaded not guilty in his personal capacity and on behalf of Weekly Mail publishers M & G Media to charges of crimen injuria and malicious damage to property. No outline of his defence was submitted.

Kleynhans, who is representing himself, also pleaded not guilty to both charges. He told the court he had not had the necessary intent to commit an offence.

The Weekly Mail allegedly hired a private detective last year to keep the former Brixton murder and robbery chief and CCB region 6 co-ordinator, Burger, under surveillance.

Members of the Brixton murder and robbery unit had found Kleynhans and three other men with a tape-recording device in a bedroom adjoining Burger's office at his Berea hotel, the Breakers, in August last year, magistrate F Roets heard yesterday. A hole had been bored into the skirting of Burger's office from the adjoining room.

Hotel handyman Jantjies Skosana told the court he had alerted Burger after finding the hole.

Burger is expected to testify today.

Mandela sentence startling — Leon

WINNIE MANDELA's sentence, "a paltry fine" for conviction on several counts of kidnapping, was "startling", DP justice spokesman Mr Tony Leon said in Parliament yesterday. (331)

Mr Leon said he would hesitate to take issue with a five-judge Appellate Division bench, presided over by Chief Justice Corbett himself.

However, the public could be forgiven for thinking that the payment of a fine for what was a capital offence was inappropriately lenient, inducing a sense of shock. CT 8/6/93

It would be a great pity if controversy over the sentence overshadowed other significant judgments of the Chief Justice, which had suggested that he was prepared to see justice prevail "though the heavens might fall".

Mr Leon was speaking on the Judges Remuneration and Conditions of Employment Bill.

Winnie sentence startling, says Leon



Mandela . . . sentence "induced sense of shock".

CAPE TOWN — The sentence of Winnie Mandela was startling and induced a sense of shock, and it would be a great pity if the controversy over the matter overshadowed other significant judgments by the Chief Justice, Tony Leon (DP Houghton) said in Parliament yesterday. (331)

Speaking in debate on the Judges' Remuneration and Conditions of Employment Amendment Bill, he said other significant judgments by Mr Justice M Corbett generally suggested he was prepared to see "justice prevail, though the heavens might fall" (233)

"Many, myself included, would hesitate to take issue

with a five-judge Appellate Division Bench presided over by the Chief Justice himself.

"However, the Winnie Mandela sentence remains startling, and the public can be forgiven for thinking that the payment of a paltry fine for conviction on several counts of kidnapping — which is, after all, a capital offence — is inappropriately lenient."

Given the lead the Appellate Division had taken in fashioning the jurisprudence around sentencing options such as community service and correctional supervision, it seemed strange that this had not been applied in Mandela's case. — Sapa.

Boipatong raiders told to Star 9/16/92 'burn all bloodied clothes'

By McKeed Kotlolo
Pretoria Bureau

DELMAS — A man who is said to have taken part in the Boipatong massacre but who has now turned State witness yesterday told the Delmas Circuit Court that IFP youth leader Themba Khoza told KwaMadala Hostel inmates to burn all their bloodstained clothes and goods stolen from the township during the attack.

The court ruled that he cannot be identified.

A total of 32 KwaMadala Hostel inmates and IFP members are appearing before Mr Justice JM Smit on 45 counts of murder, attempted murder, public violence and malicious damage to property.

The attack took place on June 17 1992.

The witness, who ear-

lier said he only threw stones at houses during the attack, yesterday maintained under cross-examination by defence advocate Vic Botha that Khoza had advised them at a meeting the day after the attack that police would return to the hostel and that they should destroy all their bloodstained clothes and the stolen goods.

Instructions

The witness said the meeting was held at the stadium inside the hostel premises.

He said that later that night, hostel committee members, acting on instructions from another accused and a KwaMadala committee member, moved from room to room collecting items that were to be burnt.

Other inmates took the items from their rooms

to a rubbish dump inside the hostel premises and burnt them.

He remained firm on his evidence, even after Botha submitted that attorney Anita van der Westhuizen, who addressed the inmates at the same stadium, maintained that Khoza had never advised inmates to destroy anything.

Botha said Van der Westhuizen had told him that Khoza urged the inmates to follow her advice to inmates to cooperate with the police investigation.

Later, the witness also pointed out a number of people among the accused whom he said were present at the meeting.

He also said some of them were present at a meeting held shortly before the attack.

The hearing continues.

Govt denies Slovo's claim over gun permit appeal

LOYD COURTS

GOVERNMENT yesterday denied that it had refused SACP chairman Joe Slovo a firearm permit to force him into applying for permanent indemnity.

"That is simply not true at all," Law and Order spokesman Capt Craig Kotze said yesterday.

He also confirmed that the issuing of licences to ANC NEC members Ronnie Kasrils, Joe Nhlanhla and Alfred Nzo last week was being investigated.

Slovo — the subject of several assassination plots — was refused a permit last week and said he had been told he would be granted one if he applied for permanent indemnity. He has accused government of at-

tempting to put pressure on the ANC into accepting the Indemnity Act, which the organisation has rejected.

Police said last week that Slovo had been denied a permit because he only had temporary indemnity and was linked to investigations into violent crimes.

Kasrils, Nhlanhla and Nzo all have only temporary indemnity from prosecution.

Kotze said the issuing of firearm licences was a policing matter. "Government did not refuse the firearm licence nor grant them to Kasrils and others. The police did, in the normal course of their duties.

Obviously, the guiding principle is that each individual has certain rights and the police have the responsibility of ensuring the policy is carried out equitably."

"In the present situation it is alleged the police broke their own policy by granting firearm licences. An alleged inconsistency in that policy is now being investigated, and it's got nothing to do with government," Kotze said.

A spokesman for SAP headquarters in Pretoria confirmed yesterday that the incident was being investigated by SAP commissioner Gen Johan van der Merwe.

She said the investigation would last a few days.

Fraud charge against Dali Mpofo withdrawn

GAVIN DU VENAGE

THE fraud charge against the former deputy head of the ANC's social welfare department, Dali Mpofo, was withdrawn in the Johannesburg Regional Court yesterday.

Mpofo had been accused of misappropriating hundreds of thousands of rands from the department, which Winnie Mandela headed. The ANC had said more than R400 000 had disappeared while the two were in office. Mpofo had denied the allegations.

Mpofo was fired for financial mismanagement in May last year, and six months later threatened le-

Inquest is postponed

PORT ELIZABETH — The inquest into the deaths of Matthew Goniwe and three other political activists was postponed to June 14 yesterday after a request by the SAP's legal counsel.

P J de Bryun applied to Judge N Zietsman to postpone the case due to unforeseen circumstances. The application was made with a view to expediting the matter, he said.

Legal counsel for the families of the deceased George Bizos SC objected to the length. Zietsman said the delay was regrettable but he would grant the postponement. — Sapa.

Inkatha calls for probe into 'assassination plot'

statement said.

DURBAN — Inkatha has called on the Goldstone commission to investigate the "serial assassination" of its leadership following the killing of three IFP leaders at the weekend, reports Sapa.

An Inkatha statement yesterday said the partially burnt body of Inkatha Youth Brigade chairman of the Ipelegeng branch in the western Transvaal, Paul Dintoe, 17, had been found by police near an old Schweizer-Reneke mine on Sunday. He had been abducted from his home on Saturday night and his body had multiple stab wounds, the statement said.

Mkhombiseni Buthelezi, 48, branch chairman at Ekusayeni ward, Kwa-Metwa, near Empangeni in Natal, was shot dead on Sunday, and the third killing was of an Inkatha organiser in Ozwatini's Emathulini ward, Inkatha said.

The total number of Inkatha office bearers killed since 1985 was now 295.

"The targeting of Inkatha's lower level leadership for assassination is symptomatic of a politically inspired strategy to emasculate Inkatha prior to elections," the

Police have arrested three men in connection with the killing of five people in one of three attacks which claimed 11 lives last week in the Ntabamhlope area near Estcourt, in the Natal Midlands.

The suspects will appear in court today. Our Maritzburg correspondent reports that seven people have been arrested following a crackdown on illegal firearms and wanted criminals by Greytown police and the SADF in the Appelsbosch area early yesterday.

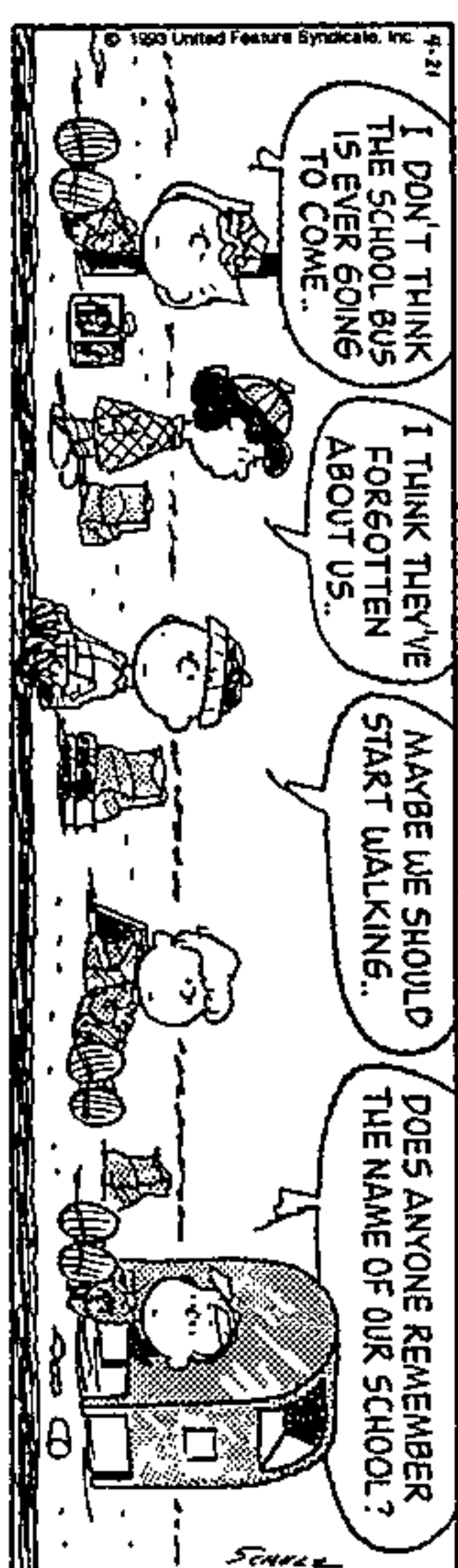
The ANC Natal Midlands slammed the raid as "a concerted attempt to destabilise the ANC in the Midlands in preparation for a major attack by Inkatha".

ANC deputy chairman Blade Nzimande condemned the use of white farmers in SADF operations and demanded that "the SADF stop allowing white farmers to perpetuate their violence by giving them army uniforms".

"We warn white farmers and the security forces that their brutalisation of ANC members will not be tolerated," he said.

PEANUTS

By Charles Schulz



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Burger's past off limits in bugging trial

A JOHANNESBURG magistrate yesterday refused to allow counsel acting for the Weekly Mail to question former CCB regional head Staal Burger on, whether he still worked for Military Intelligence.

Defence counsel Eric Dane put the question during cross-examination about Burger's work for the covert SADF unit and MI.

The former Brixton murder and robbery unit commanding officer took the witness stand yesterday to testify against the Weekly Mail, co-editor Anton Harber and Krugersdorp private investigator Jan Kleynhans in a trial arising out of the alleged bugging of Burger's office in August last year.

Harber and Kleynhans have both pleaded not guilty to charges of malicious damage to property and crimen injuria.

Burger discovered that his conversations were being monitored after a handyman found a hole drilled between his office in a Berea, Johannesburg, hotel and an adjoining bedroom on August 31 last year. He told the court yesterday the Defence

SUSAN RUSSELL

To Page 2

Burger

Act precluded him from answering questions about whether he had worked for MI after the CCB was disbanded. Burger also indicated he was not prepared to say whether he still worked for MI.

Magistrate F Roets told Dane he would not allow the question, saying it was not relevant to the case.

Burger initially answered questions about his recruitment into the CCB, but when cross-examined further about its objectives and activities, refused to answer.

"It appears that I am now the accused in this case. I am not prepared to answer any further questions about the CCB," Burger said.

"This is a criminal case," Dane said.

"Yes, against your client," Burger

replied.

Dane put to him segments of the evidence given at the Harms commission by CCB member Slang van Zyl which implicated Burger and other operatives in various unlawful CCB projects carried out inside SA. Each of these was met with "no comment" from Burger.

Dane put it to Burger that the reason he was not prepared to answer questions about these projects was that he would implicate himself in such crimes as conspiracy to murder, sabotage, malicious damage to property and crimen injuria.

"No comment," Burger replied.

He agreed that if the CCB had not been disbanded, he would most likely still be a member of the organisation.

From Page 1

Falati to start two-year sentence today

Soweto 9/6/93
■ Arrangements made for Xoliswa to hand herself over to police:

ARRANGEMENTS have been made for Xoliswa Falati, convicted of kidnapping and assaulting four Soweto youths, to report to the police today to start a two-year prison term. Her lawyer, Mr Michael Parker, said arrangements had been made with a police investigating officer for Falati to hand herself over. He declined to say where and when she would report. But it is believed she will go to Orlando police station in Soweto.

But police spokesman Major Joseph Ngobeni said police had by yesterday not received a court order concerning Falati's imprisonment. Falati and her co-accused, Winnie Mandela and John Morgan, were convicted of kidnapping and murdered teenage activist Stompie Seipei and three others on December 29 1988. Stompie was found dead in a veld on January 6 1989.

The court upheld a kidnapping conviction against Mandela but set aside her five-year sentence and fined her R15 000. Falati was quoted in a weekend newspaper as saying: "The fine will mean nothing to Winnie, she has money like dust. Winnie is the culprit. I don't have a drop of blood on my hands but I'm being jailed." — *Sepa*.

Tight security plan for Hani murder trial

TRANSVAAL Judge President C F Eloff has issued a list of strict arrangements to be applied in the Rand Supreme Court building in Johannesburg when the trial of Clive Derby-Lewis, his wife Gaye and Janusz Walus begins later this month.

The three face murder and other related charges in connection with SACP chief Chris Hani's death in April. (331)

Eloff said yesterday the apparently widespread national and international interest in the trial, set down for June 23, had come to his attention.

He said searches would be conducted for

SUSAN RUSSELL

weapons and no crowds would be allowed in the corridors after the hearing began. People who were not seated would be asked to leave the court building. Admission to the court would be controlled.

About two-thirds of the seats would be made available to the family of the accused, the complainants and members of the public. The remainder would be reserved for members of the media.

Only legal representatives would be admitted into the well of the court.

151804 1016193
"Although it is the right of every individual to attend a court hearing, it is necessary to make these arrangements in the light of limited seating space to ensure good order in court and in the court building," he said.

(849)
No photographic or television equipment or other electronic recording or broadcasting devices, including portable telephones, would be allowed into the court building. The SA Communications Service had also been asked to arrange for media pool coverage and journalists would have to have special accreditation.

'Bugging' trial is adjourned

SUSAN RUSSELL

THE trial of Weekly Mail co-editor Anton Harber and Krugersdorp private detective Jan Kleynhans, on charges relating to the bugging of former CCB operative Staal Burger's office, was adjourned until October 4 in the Johannesburg Magistrate's Court yesterday. *6/10/93*

Harber has pleaded not guilty in his personal capacity and on behalf of the newspaper's publisher M & G Media Pty Ltd, to charges of malicious damage to property and crimen injuria.

Kleynhans also pleaded not guilty to both charges.

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'No police took part in Boipatong attack'

By McKeed Kotlole
 Pretoria Bureau

An accused-turned-State witness in the Boipatong massacre trial yesterday denied any police involvement in the June 17 1992 attack on township residents by KwaMadala hostel inmates.

The witness, who cannot be identified in terms of a court ruling, told the Delmas Circuit Court that they were fired on by "comrades" as they entered Boipatong on the night of the attack.

A total of 32 KwaMadala hostel inmates and IFP members are appearing before Mr Justice JM Smit on 45 counts of murder, attempted murder, public violence and malicious damage to property.

The middle-aged man, who has been testifying in the hearing during the past three weeks, looked exhausted as he rejected submissions by defence advocate Vic Botha that police were involved in the attack.

The witness also disputed evidence given to the Goldstone Commission that a large group of people were seen leaving Boipatong under police escort that night.

Botha said the Goldstone

Commission was also told that among the attackers were whites wearing balaclavas.

The witness said there were no such people in his group which, he said, comprised between 150 and 200 hostel inmates.

He pointed out a number of accused in the dock whom he said were armed with guns, including AK-47 rifles, on the night of the attack. He said some of them had returned fire after the attack by the "comrades".

His testimony differed from that given to the Goldstone Commission by one of the accused, who said no hostel inmates were armed with firearms and that no one had fired on them. Earlier in the trial he said some inmates had been issued with guns before they left the hostel.

He also said they were supplied with "intelezi" — muti to protect them during the attack — and white headbands and were then told "The brave should enter the houses while the faint-hearted should smash windows". He said he took part only in the smashing of windows.

The case continues.

Theft claims after hostel raid

The Inkatha Freedom Party has accused police of stealing R10 000 and damaging hostel-dwellers' property during a raid on the Merafe hostel in Soweto on Tuesday.

Police yesterday denied the accusations, but confirmed the hostel was raided by Soweto's Inter-

nal Stability Unit at about 2 am after "police received information".

Soweto police spokesman Major Joseph Ngobeni said one person was arrested for possessing an unlicensed firearm and a large quantity of dagga was confiscated.

At a media conference

yesterday, IFP Transvaal leader Humphrey Ndlovu condemned the raid and urged the SAP to take action against the policemen involved in the alleged thefts.

Police urged people to lay formal complaints at the Moroka police station. — Crime Reporter.

Falati lashes out at Winnie

JOHANNESBURG. — A bitter Xoliswa Falati, convicted for her role in the kidnapping and assault of four Soweto youths claimed yesterday that her former co-accused, Winnie Mandela was involved in the incident.

"My hands are clean", she said at a news conference.

Falati, who began a two-year jail term yesterday at Diepkloof

prison, said Mandela was the "most feared woman in South Africa... capable of doing anything".

Falati and Mandela were charged with kidnapping and assaulting murdered teenage activist Stompie Seipei and three others.

Falati's conviction for kidnapping and assault was upheld by

the Appeal Court last week. She was sentenced to four years' imprisonment, two years suspended.

The court also upheld a kidnapping conviction against Mandela, but set aside her five-year sentence and fined her R15 000.

Stompie's mother, Mrs Seipei said yesterday that she was "relieved" the case was over. — Sapa

(331)

OCT 10/6/93

Falati enters jail 'with no blood on my hands'

By Montshiwa Moroke

Xoliswa "Ncane" Falati, Winnie Mandela's co-accused in the marathon Stompie Seipei trial, yesterday went to jail saying "I don't have blood on my hands".

The Appeal Court last week set aside Mandela's six-year jail sentence for kidnapping and assault. She was given a R15 000 fine and a suspended sentence on the kidnapping charge.

The court confirmed Falati's conviction, although her sentence was reduced from six to two years.

Dressed in the colours of the ANC, with a brooch bearing the SA Communist Party emblem, Falati said she

was a staunch member of the ANC and believed in its Freedom Charter.

A bitter Falati told a press conference in the Johannesburg offices of the SA Prisoners Organisation for Human Rights that she had lied in court to protect the Mandela name.

"I met Stompie's mother at Shell House today and told her that the truth would be told one day. I told her we were being exploited because we are poor.

"I lied in court to protect Mrs Mandela. Mrs Mandela has money like dust; that is why she is not going to jail.

"My hands are clean. I don't have blood on my hands. Everybody knows I'm innocent," Falati said.

trial enters fourth week ● Fired after failing to

Goldstone evidence quoted in Delmas

Sowetan 10/6/93

By Tsale Makam

SOME of the evidence submitted before the Goldstone Commission inquiry into the Boipatong massacre last year was quoted in the Delmas Circuit Court yesterday. (331)

The trial, in which 32 Inkatha Freedom Party supporters from Kwa Madala Hostel are facing 45 counts of murder, attempted murder and public violence, has entered its fourth week.

The accused appeared before Mr Justice AJ Smit. The accused have pleaded not guilty. Defence counsel Mr Victor Botha yesterday asked the chief State witness, who earlier testified he was among the attackers at Boipatong on June 17 last year, if any police or white men were involved in the attack. (252)

■ Conflict in evidence of whites at Boipatong massacre:

Botha said a Goldstone Commission witness, special Constable Xaba of Boipatong, had testified that on June 17 he saw a group of men at his gate. One had shouted "a policeman stays here" and that the group then climbed into a casspir and drove away.

Another resident, Botha said, had testified to seeing white men, some wearing balaclavas, among the attackers. The witness, who may not be identified, said he did not see any white men or police aiding the attackers.

The witness said they had divided into groups during the attack. "I do not know about other groups, but in my group there were no policemen or white men helping us". (Proceeding)

Bid to check Star 10/6/93 crowds at Waluz trial

Measures to control the crowd expected to attend the trial of Janus Waluz, Clive and Gaye Derby-Lewis in connection with the assassination of Chris Hani in the Rand Supreme Court from June 23 were announced yesterday by the Judge President of the Transvaal, Mr Justice C F Eloff.

He said the trial had attracted widespread national and international attention. (331)

To allow the widest possible media coverage, to give the public and families of the accused the opportunity to attend, and to prevent disruptions, several rules would be applied:

- Admission to the court will be controlled and no seats will be reserved.
- About two-thirds of court seats will be available for families of the accused, the complainants and the public.
- About a third of seats will be reserved for the media.
- Journalists will have to have accreditation.
- No crowds will be allowed in court building corridors.
- There will be weapons searches.
- No photographic or television equipment or other electronic recording or broadcasting devices, including portable telephones, will be allowed in the court building.

— Sapa.

Star 11/6/93

3 Apla members in court

Three alleged members of Apla appeared briefly in the Johannesburg Magistrate's Court yesterday on charges of attempted murder and attempted robbery. They are Themba Petrus Si-shange (32), Wandile Washington Genu (23) and Futhi Dalizulu (26), all of Katilehong. They were not asked to plead and were remanded until June 30. — Staff Reporter. (321) (808)

Too tired to testify, Boipatong trial told

By McKeed Kotlolo
Pretoria Bureau

DELMAS — The Boipatong massacre trial was yesterday adjourned to Monday after an accused who turned State witness complained of exhaustion.

The defence advocates welcomed the adjournment because three of their clients are due to appear in the Sebokeng Magistrate's Court on criminal charges today.

A total of 32 KwaMadala Hostel inmates and IFP members are facing 45 counts of murder, attempted murder, public violence and malicious damage to property in the Delmas Circuit Court. They are appearing before Mr Justice J M Smit.

The witness, who cannot be named in terms of a court ruling, yesterday morning confessed some of the statements he made earlier in court while being cross-examined by defence advocate J A C van Eck.

However, he continued to answer questions until

12.55 pm when he appealed for an adjournment, saying he was tired and getting confused as a result of questions asked by the defence.

The witness has been testifying in the hearing since May 18 with few adjournments.

Before the trial was adjourned, he admitted having initially made two false statements to the police.

However, he said, after he had been shown photographs of the massacre, he had decided to tell the truth.

He told the court he felt guilty about what happened that night, though he had only smashed windows, and decided to point out all those he knew had taken part in the attack.

He said he then telephoned a Colonel Greef and told him of his decision. He appeared before a magistrate on a Saturday in Vanderbijlpark, where all charges against him were withdrawn.

The witness denied he had turned State witness in order to be set free.

Police 'did nothing to stop looting'

W/Mart 11/6-17/6/93

By JACQUIE GOLDING

POLICE in Casspirs stood by as kwaMadala hostel dwellers walked past with goods plundered from the nearby township of Boipatong on the night of the massacre last year, according to testimony in the Delmas Circuit Court this week.

The state witness, a resident of kwaMadala who may not be named, said his testimony was based on what happened in his group of attackers on the night of the massacre — but that it was possible police had assisted other groups.

He was giving evidence in the trial of 32 kwaMadala hostel dwellers accused of murder, attempted murder, malicious damage to property and public violence in relation to the massacre on June 17 last year.

According to defence counsel Victor Botha, the field separating Frikkie Meyer Boulevard and kwaMadala hostel was "thoroughly searched" by police, but there were no signs of the hostel dwellers on the night of the massacre. "If this was the route taken back to the hostel by inmates, they would have been seen," said Botha.

The witness was adamant that his group crossed the field and entered the front gates of the hostel after the attack, disputing claims made by previous Goldstone Commission witnesses that hostel dwellers entered the back of the hostel as a precaution.

This week the witness delivered further evidence on the involvement of leading Inkatha Freedom Party officials in the aftermath of the massacre.

He said Themba Khoza and Humphrey Ndlovu, the "*groot koppe*" (senior people), "actively participated in the burning of looted goods and bloody clothes" after instructing them to "destroy all evidence" and warning them of an imminent police raid on the hostel.

The witness told the court that both Khoza and Ndlovu had said "*n Haas wat deur honde gevang is, so 'n haas is dwaas*" (A rabbit caught by dogs is a stupid rabbit)."

New hope in Goniwe inquest

By LOUISE FLANAGAN: Port Elizabeth

THERE is renewed hope that the government may make disclosures on its "dirty tricks" operations following the unexpected postponement of the Matthew Goniwe inquest this week.

In a surprise move, the request for postponement came from the South African Police. SAP counsel Doep de Bruyn (SC) said this was because of "unforeseen circumstances".

While De Bruyn would not give reasons for his request, he hinted that the inquest could be speeded up. "While we stress that no undertakings can be given and while we do not wish to raise any hopes, the intention is to sincerely endeavour to facilitate the whole matter and to see if it cannot be expedited," he said.

The postponement — until Monday — was not opposed by other parties represented at the inquest and there were hints from counsel for the South African Defence Force and from the attorney general's office that it might expedite the inquest.

Lawyers at the inquest were tight-lipped, but there is hope among observers that new information on the case will emerge or that admissions will be made.

The government and SADF have come under great pressure at the inquest. Damaging secret documents relating to clandestine SADF operations in the eastern Cape during the mid-1980s have come to light and security officials who gave evidence contradicted themselves and had difficulty explaining the reference to Goniwe's "permanent removal" in the disputed military signal.

So far there has been no attempt by any senior government official to challenge the validity of the documents — either the military signal which referred to the "permanent removal" of Goniwe weeks before his murder or the Operation Katzen file, handwritten by Military Intelligence chief General Joffel van der Westhuizen, which planned a jail break and a coup attempt.

The Katzen documents, released by key inquest witness Colonel Lourens du Plessis at the last inquest session in March, were met at the time by a deafening silence from the government.

The first indication that the state might be considering admitting responsibility for "dirty tricks" and possibly the Goniwe murders came on June 1. Justice and Defence Minister Kobie Coetsee told parliament the eastern Cape had been destabilised at the time Operation Katzen was proposed and that anyone with the interests of the country at heart would have come up with a plan to stabilise it.

This was the first official suggestion that Katzen was indeed an official military operation.

Days later Coetsee, as Minister of Justice, granted Du Plessis indemnity. Du Plessis was indemnified against prosecution in respect of the controversial military signal but not in respect of Operation Katzen.

Indemnity was granted when President FW de Klerk overruled the indemnity board's recommendation that Du Plessis should not receive indemnity. While De Klerk clearly could not afford to refuse Du Plessis indemnity in the current political climate, the partial indemnity seems to be an attempt at damage limitation.

— Ecna

'Apla men' Sowetan in court

11/6/98

THREE alleged members of the Azanian Peoples Liberation Army appeared briefly in the Johannesburg Magistrate's Court yesterday on charges of attempted murder and attempted robbery.

They are Themba Sishange (32), Wandile Genu (23) and Futhi Dalizulu (26), all of Kaitshong on the East Rand. (33) (34)

They were not asked to plead and were remanded in custody until June 30.

Boipatong trial is postponed

Sowetan 11/6/93

■ Key witness complains of exhaustion:

By Tsale Makam

THE Boipatong massacre trial was adjourned yesterday when the State's key witness complained of fatigue. (331)

For the past two weeks the witness had been cross-examined by the defence counsel, Mr V Botha, who went back into the finest details about what the witness had testified.

The witness has told the court that on June 17 he was resident at Kwamadala hostel and that he was among the people who staged the attack in Boipatong which left 45 people dead.

Thirty Kwamadala hostel inmates have pleaded not guilty to 45 counts of murder, attempted murder and public violence.

Yesterday the State witness told the defence counsel, Mr JAC van Elk, that although he did not know his fate at the end of the trial, he was not afraid. However, he said he was worried about the safety of his children.

Van Elk also questioned the witness about "his knowledge of guns". The witness had referred to a Z88 pistol during his evidence-in-chief.

Police file on Winnie

JOHANNESBURG. — Mrs Winnie Mandela, estranged wife of ANC president Mr Nelson Mandela, may soon make another appearance in court — this time in connection with the disappearance of two youths in 1988. (S) (331)

Witwatersrand attorney-general Mr Klaus von Lieres und Wilkau confirmed yesterday he had received a police file alleging involvement by Mrs Mandela, recently convicted on

kidnapping charges, in the disappearance of Lolo Sono and a youth named Tshabalala. CT 12/6/93

He said, however, he had not yet taken a decision.

Mrs Mandela was fined R15 000 in the Bloemfontein Appeal Court last week when she was found guilty on four kidnap charges. She was originally sentenced to five years' imprisonment on the charges. — Sapa

Boipatong — trial in the shadows

Star 12/6/93

THE empty Delmas courtroom gives no hint of the crisis sparked by last year's Boipatong killings. Chief Reporter JOHN PERLMAN sat in on the trial of the 32 men accused of perpetrating the atrocity.

(331)

THE 32 men who gather in little groups on the grass outside the Delmas Supreme Court, eating lunch, laughing and bobbing to the music that blares from the open boot of a snappy white sedan, are charged with a crime that a year ago nearly brought South Africa to a halt.

One year ago next Thursday, the Vaal Triangle township of Boipatong was left ripped apart and bleeding by a band of armed men. The death toll was 46, the horror widespread, the consequences unprecedented. The ANC, already in dispute with the Government after constitutional wrangles that caused the collapse of Codesa 2, broke off all contact. Rolling mass action, already mooted as a strategy at the beginning of June, soon followed.

"We will never forget Boipatong" — that phrase, repeated by countless politicians at the time, echoes a little mockingly around the deserted public gallery at the Delmas Circuit Court.

Mr Justice J M Smit ruled that only the press and relatives of the accused may attend, rendering rather strange earlier announcements that an extra gallery with closed circuit television was being set up to accommodate the expected huge public interest.

The accused are packed into three wooden pews and protected from four rows of empty benches and three journalists by a towering glass partition. Each man wears a white plastic tag with a large black num-

ber, his name in small print below, a mugshot on the back. At first there were 74 men called to account for an attack that police said involved "200 to 300" people. But in April charges were dropped against 27; last month, another 15 were set free.

The progress is painstaking. An attacker who turned State witness is spending his tenth day in the stand, under cross-examination from two of the four advocates who represent the accused. He may not be named in the press, although his name is used freely in court. Questions are fired in Afrikaans, then translated into Sotho. The witness replies in Sotho, the answer is translated back into Afrikaans for the legal men, and then rendered into Zulu for the accused.

The witness has already told the court that he saw men carrying guns, that an inyanga gave them muti before the attack, that Inkatha Freedom Party youth leader Themba Khoza told them to burn any clothing that was bloodstained. Now advocate Vic Botha wants him to say precisely what he saw each of the accused do.

Prosecutor Antoinette de Jager asks each man to rise when his number is mentioned.

Numbers 40 to 42, 44 and 45, 47, 51 and 52 get to their feet, a mix of young and middle-aged men, wearing well-worn jackets and jerseys, invariably with a quick, sheepish smile as their number is called.

Argument turns to the witness's motive for turning State's evidence. Last week the court heard a statement from his brother saying the witness had decided to speak out only after he was assaulted. The witness denies this. "The brother isn't around — he was gunned down a week before by unknown assassins."

Some of the accused listen intently, craning forward to hear the witness who speaks with his bearded chin buried firmly in his chest. Others fix the wall behind the judge with a thousand-yard stare.

There is an adjournment for tea. Most of the 32 men — four are involved in other criminal matters and don't have bail — rush for the door, smokers light up with urgently fumbling hands the minute they hit the passage, and they make their way into the sunshine outside. Only a couple take their tags off, but everybody shakes off the posture of one accused that characterised the hunched rows of backs in the dock.

Back in the court a little later, De Jager looks the dock over and asks: "Is everyone here?" — a bit like a teacher counting heads on a school picnic. The last bits of conversation brought in from outside gradually fade, smiles are stowed away and the hearing resumes.

Van Eck chips away at the witness's motives and credibility. You say you know witness No 68 but he will testify that he is not your friend. Witness No 65, who you call Stickinyao, is actually called Sonny. By lunchtime, the witness is exhausted and the judge adjourns matters until Monday.

Some of the testimony already heard has recalled some of the horrors of that June 17 night. One woman described how the cries of a young woman and her child "became fainter" after both were stabbed. A man described the stab wound in the chest and the hack wound on the head that killed his wife.

Evidence from a police lieutenant that he was ordered by a senior officer to destroy shells and bullets found at the scene prompted Judge Richard Goldstone to say he would consider reopening his commission of inquiry into the massacre.

But with the trial set to run at least another five months, and ongoing violence leaving South Africa with new massacres to mourn, the promises that Boipatong will never be forgotten may turn out to be as empty as the Delmas courtroom.

Star 12/16/93

Winnie for new hearing?

WINNIE Mandela, estranged wife of African National Congress president Nelson Mandela, might appear in court again soon — this time in connection with the 1988 disappearance of two youths.

Witwatersrand Attorney-General Klaus von Lieres und Wilkau confirmed yesterday he had received a police file alleging involvement by Mandela — recently convicted of kidnapping — in the disappearance of Lolo Sono and a youth named Tshabalala.

However, Von Lieres said he had not yet taken a formal decision on the matter, although he had spoken to Sono's father.

Mandela was fined R15 000 by the Appeal Court last week when she was found guilty on four counts of kidnapping.

She had initially been sentenced in the Rand Supreme Court to five years' jail.

The original charges arose from the kidnapping of activist Stompie Seipei (14), Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Makgwe from the Methodist manse in Orlando West on January 29 1989. Seipei was found dead on January 6. — Sapa



MANDELA: Might appear again soon.



LONG GOODBYE ... Xoliswa Falati leaving for prison on Wednesday.

■ Pic: THULANI SITHOLE

Phumi offers to do time for mom

By **MONWABISI NOMADOLE**

NOMPUMELELO Falati has offered her mother the supreme sacrifice — to serve her two-year prison sentence on her behalf.

Nompumelelo, 20, is the daughter of Xoliswa Falati, who on Wednesday began serving her effective two-year imprisonment sentence for kidnapping and assault after her convictions were upheld by the appeal court.

In an exclusive inter-

view with City Press, Phumi, as she is affectionately known, expressed bitterness and exasperation.

Even after the country's highest court reaffirmed Falati's conviction, her daughter stands by her "innocence".

She said she could not stand by and let her mother suffer for "something she did not do".

She confirmed her mother's claim that she had lied in court to pro-

tect Winnie Mandela, her co-accused in the trial related to the murder of child activist Stompie Seipei.

Phumi was originally charged with murder in the same case and later released after spending almost nine months in detention at John Vorster Square's juvenile section.

Charges against her were later withdrawn while she was out on R500 bail.

She was 16 years old

when the four youths were removed from the Methodist Church manse in December 1988.

"I still cannot understand why Winnie was fined and my mother sent to prison. My mother was a scapegoat," she said in a quiet voice.

At a press conference shortly before she presented herself at Orlando Police Station on Wednesday, where she was taken in by Maj FH Dempsey of the Soweto

Murder and Robbery unit, Falati described her relationship to Winnie as that of a "slave".

"I'm not afraid, comrade," she hugged and whispered in the ear of long time friend, Phumzile Nzimande of Orlando East.

There was toyi-toying and chanting before she finally got into a red police Jetta that took her to "Sun City".

CP Press 13/6/93

Lawyers silent on new Goniwe inquest delay

By DAWN BARKHUIZEN

A SHROUD of silence has descended on events leading to the decision in the Port Elizabeth Supreme Court this week to postpone — for the fourth time — the inquest into the murder of Cradock teacher Mr Matthew Goniwe.

The application for the postponement came from SAP advocate Pieter de Bruyn minutes before SADF Colonel Lourens du Plessis was to take the stand last Tuesday to support allegations that the security establishment had issued orders to kill Mr Goniwe.

SI Times 13/6/93
Mr de Bruyn's appeal was supported by the SADF and National Intelligence Service legal teams. (331)

It was not opposed by Colonel du Plessis's representative, Mr Glen Goosen, Mr George Bizos SC, acting for the wives of Mr Goniwe and three other murdered men — Mr Sparrow Mkhonto, Mr Fort Calata and Mr Sicelo Mhlawuli — or deputy Attorney-General Mr Mike Hodgson SC. (334)

Representatives from the legal teams involved in the inquest would not comment on the developments.



LOURENS DU PLESSIS
Key witness

Pupils in court over AK-47s

Three Kelokitso pupils from Soweto — members of the ANC — appeared briefly in the Johannesburg Magistrate's Court on Friday on charges of attempted murder, robbery, and possession of two AK-47s. — Staff Reporter.

star 14/6/93

331

Counsel for SADF hints at SAP involvement in Goniwe's death

PORT ELIZABETH — The focus in the inquest into the 1985 death of Matthew Goniwe shifted from the Defence Force to the police yesterday, with senior counsel for the SADF alluding to police complicity in the murder.

Anton Mostert charged in the Supreme Court that evidence in his possession indicated the police, and particularly the security police, should be investigated to determine their complicity in the murders of Goniwe, Sicele Mhlawuli, Sparrow Mkhonto and Fort Calata.

Mostert further alleged there was a possible link between their 1985 murders and the 1989 murders of three security police-

men and a so-called Askari or turned ANC activist who worked for the police. He said they might have had knowledge of the Goniwe murder or even have been involved in its commission.

The men killed in the limpet mine blast on December 14 1989 were identified as Amos Faku, Desmond Mapipa, Charles Jack and a Mogaduka. Mostert said both sets of murders had been effectively covered up. There were indications that Jack, an Askari, had been "putting out feelers" to return to the ANC fold.

The four had been conducting an oper-

ation under security police captain Deon Niewoudt at the time of their deaths.

He outlined the "coincidences" surrounding Niewoudt's involvement. Niewoudt, an explosions specialist, had been in charge of the operation, the culmination of which had led to their deaths. By his own admission in the inquest into their deaths, he had been only a short distance away when the explosion occurred.

Mostert said Niewoudt had been the first on the scene and examined it with ample opportunity to suppress evidence. He would also show that Niewoudt had "conducted himself" as the investigating officer in the inquest.

Mostert applied to Eastern Cape Judge President Neville Zietsman to change the order of witness appearances to allow Niewoudt — now a major in the SAP — to give evidence today instead of the SADF's Col Laurens du Plessis.

Legal counsel for the SAP, Pieter de Bruyn, dismissed Mostert's allegations of complicity by Niewoudt and the police as a disgrace. He said the ANC had claimed responsibility for the 1989 limpet mine blast and that further investigation of police complicity was therefore ridiculous.

A schism between the SAP's and SADF's legal teams became obvious when De

Bruyn accused Mostert of trying to shift the inquest's "spotlight" away from the SADF and onto the police.

He opposed Mostert's application to have the order of witnesses changed.

George Bizos, SC, for the families of the deceased, supported Mostert's application, but said he would not allow the focus of the inquest to be shifted away from the SADF. Evidence would show that both parties had been involved in the murders, he said.

The judge ruled that Niewoudt would be called to give evidence this morning with the understanding that De Bruyn be allowed to apply for more time if he considered it necessary. — Sapa.

Goniwe: Shock claims

Sowetan 15/6/93

TWO SECURITY POLICEMEN, who may have murdered anti-apartheid activist Matthew Goniwe in 1985, were killed in suspicious circumstances three years later, counsel for the South African Defence Force told the Port Elizabeth Supreme Court yesterday.

In a startling submission, SADF counsel Mr Anton Mostert, SC, said he had reason to believe that Goniwe's murder was the work of the police and not the SADF. (331)

Until now, the spotlight has fallen on the SADF as the result of uncontested evidence that a military signal ordering the "permanent removal" of the anti-apartheid activist in 1985 was sent from the SADF's Eastern Province Command 20 days before his charred body was found on an Eastern Cape roadside.

Last week, SAP counsel Mr Doep de Bruyn asked for the inquest to be postponed in order to test new evidence. He provided no motivation to the court for this application.

Yesterday, however, it was revealed with Mostert's submissions, that the security forces are at loggerheads over the Goniwe murder and will try to place the blame for it on each other.

Mostert said that two former security policemen based at the Port Elizabeth's security branch during 1985, Charles Jack and a man named Mogaduka, were blown up with two other men in a car explosion three years after the Goniwe murder.

At the time, their loyalty to the SAP was under question. Jack was probably an Askari (a turned ANC activist), said Mostert.

Mostert said despite the fact that the ANC claimed responsibility for the explosion, he found

it highly coincidental that the then captain of the PE security branch, an explosives expert, GJ Niewoudt, was near the scene of the blast.

There were other coincidences in that it was Niewoudt who examined the scene and gathered material — "with ample opportunity to suppress material or commit irregularities".

Niewoudt was also the man who conducted the investigation into the incident. There were other strange circumstances surrounding Niewoudt which would be revealed to the court later, said Mostert.

"The evidence points to police complicity in the explosion. If there is police complicity in the Goniwe murder, the two (police) victims of the explosion may well have been involved in the commission of the Goniwe murder," Mostert said.

Mostert added: "The murder of Goniwe was professionally executed. Three years later the murder of the two policemen was executed in the same professional manner.

"The bomb murder takes place in that significant period when policemen begin to turn on policemen and go public with statements about police complicity in assassinations. Dirk Coetzee made his revelations at this time."

Mostert has applied for Niewoudt to be the first witness on the stand instead of former SADF General Lourens du Plessis, the man who sent the military signal.

Du Plessis has already alleged in court that the former head of EP command, General Joffel van der Westhuizen, was responsible for the military signal ordering Goniwe's permanent removal and that the signal was indeed a death warrant.

Boipatong trial told of women's Star 15/6/93 pleas for help

By McKeed Kotlolo
Pretoria Bureau

(331)

DELMAS — The Boipatong massacre trial yesterday heard how women screamed for help after attackers had entered a house on the night of June 17 last year.

An accused-turned-witness, who cannot be identified because of a court ruling, told the Circuit Court that an accused in the dock had entered a house on the corner of Hlubi and Bafokeng streets through a smashed window and apparently opened the door for other attackers.

He said the man was armed with an assegai and kerrie when he climbed through the window.

Thirty-two KwaMadala Hostel inmates and Inkatha Freedom Party members are facing 45 counts of murder, attempted murder, public violence and malicious damage to property. They are appearing before Mr Justice J M Smit.

The witness said during cross-examination by defence advocate J A C van Eck that shortly after the group had entered the house he had heard screams, mainly from women.

He said a man running out of another house fell after being

shot by another accused.

The witness also described how he identified seven of the accused and several others, who were not in the dock, from a photo album shown to him at a police station and during a parade at KwaMadala Hostel.

He said some of the accused in the dock could have been identified by those who were arrested with him.

He, however, said he did not see any of those arrested with him because there were many police vehicles at the hostel and it was dark.

After he had been arrested, police took him to the hostel where inmates were ordered out of their rooms and lined up next to a wall. The lights were on and he was kept in a police car while he identified those who took part in the attack.

Asked by Van Eck why he did not identify the accused who had entered the house at the corner of Hlubi and Bafokeng streets in his evidence-in-chief, he said on the night of the parade he hid in the car because inmates were insulting him.

He also said the man's photograph did not appear in the photo album presented to him at the police station.

The hearing continues.

Rightist in court over 'hit list'

DE AAR — A man purported to be a member of the Wit Wolwe appeared in the De Aar Magistrate's Court yesterday accused of intimidation. Eddie Visagie was allegedly found in possession of a hit list with SACP chairman Joe Slovo's name on it. (331)

The name of the Boksburg woman who reported the assassination of SACP secretary general Chris Hani to police, Retha Harmse, was also on the list. — Sapa (331)

Police may have murdered Goniwe — SADF counsel

See 15/16/19

SAP stands accused

By Helen Grange

PORT ELIZABETH — The Goniwe inquest has turned into a fierce battle between the security forces — with both the SA Defence Force and the SA Police pointing fingers at each other and suggesting each had complicity in the 1985 murder of Matthew Goniwe.

In a startling submission yesterday, SADF counsel Anton Mostert, SC, said he had circumstantial evidence suggesting that two former Port Elizabeth security policemen blown up in a car bomb in 1989 could have murdered the eastern Cape activist four years earlier.

Until now, the spotlight has fallen on the SADF as a result of uncontested evidence that a military signal requesting Goniwe's "permanent removal from society" was sent from the SADF's Eastern Province Command to the former State Security Council in Pretoria 20 days before Goniwe's charred body was found.

Last week, SAP counsel Doep de Bruyn asked for the inquest to be postponed in order to test new evidence.

A clearly distressed De Bruyn was taken by surprise yesterday by Mostert's submissions, and asked that the inquest stand down until this morning so that he could consult his clients.

Mostert said two former security policemen based at Port Elizabeth's security branch during 1985, Charles Jack and Mbalala Mgoduka, were blown up with two other policemen, A. S. Fak and Desmond Mapipa, in a car explosion on the Motherwell-Coega road three years after Goniwe's murder.

At the time, their loyalty to the SAP was under ques-

tion. Unsubstantiated evidence suggested that Jack was an Askari (a turned ANC activist) who wished to re-join the ANC, Mostert said.

Mostert said that despite the fact that the ANC had afterwards claimed responsibility for the blast, he found it highly coincidental that the then captain of the Port Elizabeth security branch and explosives expert, Gideon Nieuwoudt, was near the scene of the incident.

"The police, and particularly the security police, should be investigated and examined to determine the existence of any complicity in the murder of Goniwe and others," he said.

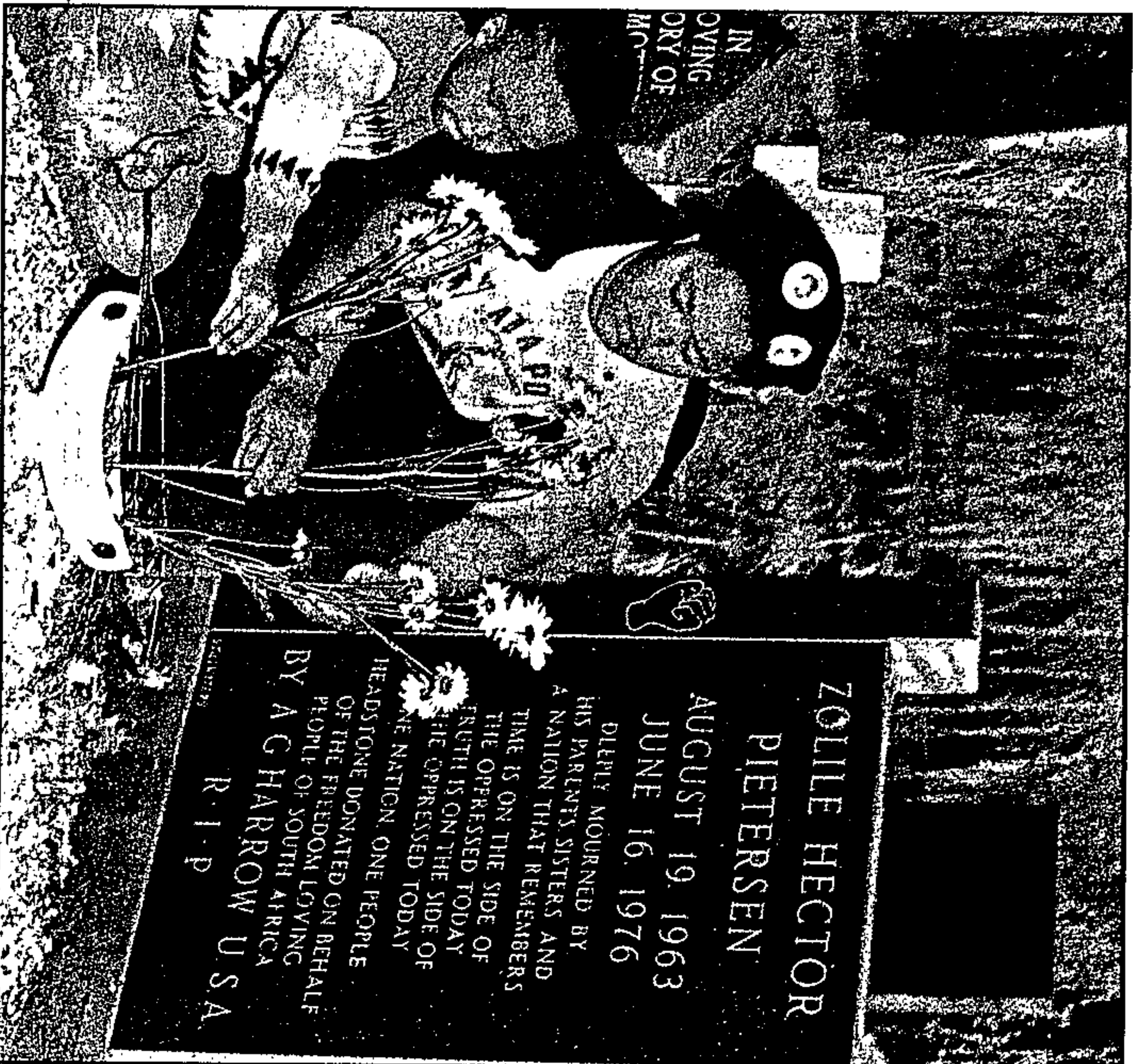
Mostert said both the Goniwe murder and the car bomb were professionally executed and that the bombing took place during a significant period when policemen were going public with statements against the SAP.

De Bruyn lashed back at Mostert, saying his implication of Nieuwoudt, currently a major with the Port Elizabeth Crime Investigation Service, in the car bomb was unfair and a "disgrace".

"In today's political climate, you can imagine the position he (Nieuwoudt) now finds himself in," he said, adding that the coincidences Mostert had referred to — if there were any — did not indicate any connection between the bomb and Goniwe's murder.

The inquest went into a trial within a trial over whether Nieuwoudt should be called as first witness instead of Colonel Lourens du Plessis.

Du Plessis, a former Eastern Province Command staffer, has claimed that the military signal he dispatched was sent by General "Joffe" van der Westhuizen, former head of Eastern Province Command, and that it meant to "kill".



Remembering '76... Lindwe Manana of Orlando West — with Sibabonga Sekhukhune at the grave of Hector Petersen — was 16 when she was caught in the 1976 unrest. ● See Pages 3 and 15. Picture: Air Kumaio

MAFAB
SOWETAN

By Tsale Makam

CROSS-EXAMINATION of a state witness in the Boipatong massacre trial continued in the Delmas Circuit Court yesterday.

The court adjourned on Thursday after the witness complained of exhaustion. (321)

Defence counsel Mr Jac Van Elk yesterday went over details of the witness' testimony during the past four weeks, including certain aspects of statements he had made to the police.

The witness, who confessed to having been among the attackers in Boipatong on June 17 last year, cannot be named following a court ruling.

Mr Justice J Smit ruled at the beginning of the trial that the names of the 32 accused also be withheld.

Massacre trial continues

■ Cross-examination of witness proceeds in Delmas Circuit Court:

The accused have pleaded not guilty to 45 counts of murder. Van Elk yesterday questioned the witness intensely, sometimes asking him to repeat details he had already given during his evidence in chief.

Earlier the witness had testified that he had withheld the names of three of his friends from the police until March this year.

When Van Elk asked him why he omitted to mention in his statement that one of the accused had shot at a military vehicle outside Boipatong that night, the witness replied: "I have already told the court that I had started by

protecting my friends. The gunman was one of the three friends." Also in his evidence in chief three weeks ago, the witness told how seeing a picture of a murdered child at the Vereeniging police station had touched his heart and made him turn State witness.

Van Elk asked how the witness knew the pictures in that particular file were of Boipatong victims. The witness said he had already explained under cross-examination by another defence counsel, Mr Victor Botha, that the file was marked "Boipatong massacre victims" (Proceeding).

Call for Winnie 'hit list' probe

Political Staff

CAPE TOWN — The two witnesses removed from SA before they could testify in the Winnie Mandela trial should be returned to give evidence about a hit list which also targeted the ANC's Cyril Ramaphosa, Lester Fuchs (DP Hillbrow) told Parliament yesterday. *B/Day 16/6/99*

The witnesses could also shed light on the disappearance of other youths and confirm whether claims that Mandela had given orders to murder people were true or not, he said. *(331)*

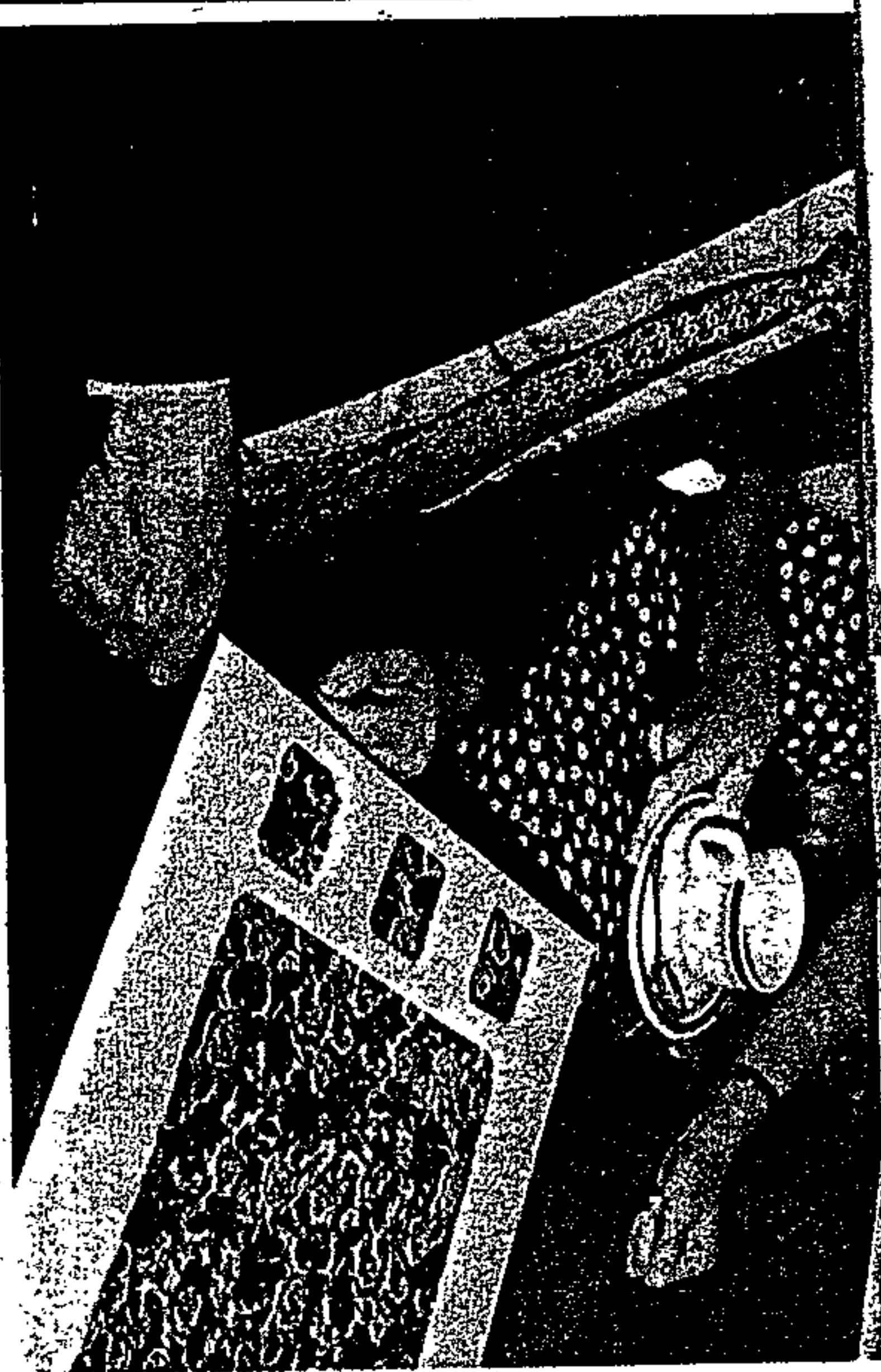
Speaking during the second reading debate on the Budget, Fuchs disclosed that on a visit to Diepkloof Prison Xoliswa Falati, Mandela's co-accused who is now serving a two-year sentence for her role in the incidents, told him she had lied in court to protect Mandela's alibi "because I was scared of her".

Fuchs said Falati's admissions, as well as those of Mandela's former driver, John Morgan, that they had perjured themselves was very disturbing but "even more disturbing is the manner in which key witnesses in the trial were shepherded out of the country".

Katiza Cebekhulu, a co-accused in Mandela's trial, and Pello Mkgwe, a victim of the kidnapping and assault, were smuggled out of the country to frustrate the legal process, said Fuchs.

"Cebekhulu would probably be able to corroborate the version of Falati that Mandela was responsible for the compilation of a hit list which contained the name of Cyril Ramaphosa, among others."

Justice demanded Cebekhulu return to SA and the government's failure to secure his release and return placed a question mark over its commitment to prosecuting Mandela, Fuchs said.



CALM AMID THE STORM . . . Durban clothing manufacturer Mr Ben Jonsson, who decided to stay put following the fire that badly damaged a section of the Mount Nelson Hotel early yesterday. With him are city models (from left) Veronique Rossouw, Manina Colyn and Heidi Mugridge. ● Report Page 9.

Picture: BENNY GOOL

Syringes in Pepsi cans

NEW YORK — Investigators fanned through PepsiCo bottling plants and examined company personnel records yesterday to find out how syringes wound up in at least four cans of Diet Pepsi at opposite ends of the United States.

The incident has stumped the experts because the canning process used by Pepsi is virtually tamper-proof.

The company said it is prepared to order a recall of the product if necessary, but has been advised not to do so by the US Food and Drug Administration (FDA) because it might hinder the investigation.

The FDA has advised consumers not to drink Pepsi straight from the can. — Sapa-Reuter

SAP warn on Soweto Day events

Staff Reporter

THE police will respect the rights of those commemorating Soweto Day today but police spokesmen said yesterday unlawful conduct would not be tolerated and they had a duty to protect those who did not wish to take part in the events planned.

The ANC Youth League has called for a national school and work stayaway but Chamber of Commerce human resource manager Mr Charl Adams said they expected normal trading in the CBD.

However, Mr Adams said factories could be operating on skeleton staff.

A Western Cape Traders' Association spokesman has called on its members and all businessmen to close their businesses between noon and 2pm today.

A Cosatu spokesman said they have called on employers to regard Soweto Day as a paid public holiday and on members to participate in rallies.

'Against the system'

Various Cape bakeries and supermarkets said they would operate as usual.

Meanwhile, Sapa reports that ANC president Mr Nelson Mandela said yesterday Soweto Day marked the 17th anniversary of the "heroic student upheavals against the system of Bantu education".

He said only a democratically-elected government could bring about "meaningful and thorough-going changes" to the education system.

He said education was in a deeper crisis than ever. The demands remained basic: Textbooks, classrooms, desks, equipment, electricity and salary increases — rights which white teachers and students took for granted.

For every rand spent on educating a white child, "a mere 20c" was spent on educating a child in a Department of Education and Training school, and where white schools averaged 18 children per teacher, black schools averaged 70 pupils, he said.

'Bring back witnesses'

By BARRY STREEK
Political Staff

THE two witnesses removed from South Africa before they could testify in the Winnie Mandela trial should be returned to give evidence about a hit list that included Mr Cyril Ramaphosa, Democratic Party MP Mr Lester Fuchs said yesterday.

The witnesses could also shed light on the disappearance of other youths, he added.

Mr Fuchs, speaking in Parliament, disclosed that he had gone

to Diepkloof Prison to visit Xoliswa Falati, Mrs Mandela's co-accused who is now serving a two-year sentence for her role in the incidents.

Falati had told him she had lied in court to protect Mrs Mandela's alibi "because I was scared of her".

She also told him Mrs Mandela had been in Soweto, not Brandfort — as Falati had testified — at the time of the offences for which they were convicted.

"Mrs Falati now admits that

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(331)

not only did she perjure herself, but that she did so with the knowledge of one of Mrs Mandela's lawyers, Mr Dali Mpofu," Mr Fuchs said.

Both Mr Katiza Cebekhulu, a co-accused in Mrs Mandela's trial, and Mr Pello Mkege, a victim of the kidnapping and assault, were smuggled out of the country to frustrate the legal process.

"Justice demands that Mr Cebekhulu be returned to South Africa," Mr Fuchs said.

Potential witness gets death threats

PORT ELIZABETH — The notorious Koevoet unit's activities, allegations of death threats to key witnesses and evidence on the possible destruction of relevant documentation by the security police, came under the spotlight at the Goniwe inquest in Port Elizabeth yesterday.

Before the proceedings had even begun, legal counsel for the police Pieter de Bruyn told Judge Neville Zietsman that former security policeman Capt Deon Nieuwoud, a potential witness, had received death threats.

The threats followed senior counsel for the SADF Anton Mostert's allegations that Nieuwoud might have been involved in the 1989 killing of three policemen and an informer, all of whom probably had knowledge of the 1985 murder of Matthew Goniwe and three other campaigners.

De Bruyn said Nieuwoud's career, his life and the lives of his family were on the line and he would not be able to testify before further consultation had taken place. **B/Dou 16/6/93**

Former head of the security police in Cradock and former officer in Koevoet Col Eric Winter admitted during cross-examination by Mostert yesterday that documentation recording Goniwe's movements between June

16 and June 27, the day he was brutally murdered, might have been destroyed without authorisation.

He said he could not recall if such documentation had existed or if it had been destroyed, as after the 1990 unbanning of political organisations, "masses" of classified documentation had been destroyed as it was no longer considered relevant.

He admitted that if documentation recording Goniwe's movements, between June 16 and 27 had been destroyed, it would have been relevant and "beyond authorisation".

He said Goniwe had been considered a major political campaigner and as such his movements had been monitored and his telephone bugged.

Senior counsel for the deceased George Bizos submitted that Winter had brought the violent ethos of Koevoet with him when he had been transferred to head the security branch in Cradock in March 1985, three months before Goniwe and the others were brutally murdered.

While admitting that Koevoet was a "cold, calculated, effective and ruthless unit and the major thorn in the flesh of Swapo terrorists", Winter denied that he had used the unit's "unorthodox" methods in Cradock.

The hearing continues tomorrow. — Sapa.

Motorist to appeal on camera traps

THE legality of using unmanned camera traps to convict drivers for speeding offences will be challenged in the Appellate Division after a Witwatersrand motorist was granted leave to appeal in the Rand Supreme Court this week.

Albertus Fuhri was convicted by an Alberton magistrate of exceeding the speed limit. The conviction was based on photographic evidence obtained by an unmanned camera trap. He was cautioned and discharged.

In March Fuhri, funded by the Automobile Association, appealed against the conviction on the grounds that photographic evidence from an unmanned camera speed trap was hearsay and inadmissible. His appeal was dismissed by

SUSAN RUSSELL

two Rand Supreme Court judges.

This week, however, Fuhri was granted leave to take his appeal to the Appellate Division. It was argued on his behalf that the principle involved was of great relevance to the future development of the law in respect of speed prosecutions using automated devices.

Fuhri's appeal is the second AA-funded case challenging the validity of convictions obtained through unmanned camera traps. In the first, heard in Cape Town in February, a motorist fined R120 for speeding was acquitted after the court held that readings from an unmanned camera trap were hearsay evidence.

New lifestyle magazine launched

CAPE TOWN — Associated Magazines, partly owned by Cosmopolitan and Femina editor Jane Raphaely, is to launch a new monthly magazine — House and Leisure — in October. **B/Dou 16/6/93**

Raphaely said yesterday at a function to announce the launch of the glossy lifestyle magazine that the timing for such a publication seemed right.

It would fill a gap in the market and take advantage of the worldwide trend to focus on the home. Food, travel, entertainment, leisure and gardening issues would be covered.

Raphaely said finance was available to cover losses for the first two years while the magazine established itself in the market.

House and Leisure's cover price would be R5,45 including VAT. The initial print

LINDA ENSOR

order was 70 000-90 000 copies and monthly sales of 70 000-75 000 copies were expected. The magazine would be distributed through 7 600 retail outlets.

Associated Magazines partner and marketing director Volker Kuhnelt said international syndicators such as Belle, Marie Claire, Maelson and House and Garden had been signed up to provide foreign input.

At least 75% of readers were expected to be in the 20-49 age group, about 30% to be drawn from the A-income group with the balance coming from B- and C-income groups.

Kuhnelt said research had shown that South Africans wanted access to more information about houses, decor, modern living, leisure and travel.

Murder of Star 16/6/93 Goniwe 'too sophisticated for Azapo'

By Helen Grange

PORT ELIZABETH — A former Cradock security police chief decided that the method used in the killing of Matthew Goniwe was "too sophisticated" to be the work of the Azanian People's Organisation, the Goniwe inquest heard yesterday.

Colonel Eric Winter, former commander of the town's security police, had initially thought that the killing could have been done by Azapo but later realised that the murder was "too sophisticated" for any element outside the security forces, the inquest heard. (331)

Winter, who took the witness stand yesterday, was quizzed at length by George Bizos, SC, counsel for the Goniwe family, on his unit's monitoring of Goniwe during 1985 until the activist's burnt body was found on an eastern Cape roadside on June 27 1985. (331)

Bizos put it to Winter that a bugging device called a "tamatie" had been planted in Goniwe's home and that all his calls and movements were under security police surveillance.

Winter said he knew nothing of the "tamatie" but agreed that his movements and communications were closely monitored. (331)

Asked where he was on duty on the day of Goniwe's murder, Winter said he was "in and out of" his office in Cradock. Bizos suggested to him that after receiving a phone call that morning to say Goniwe would be travelling to Port Elizabeth, Winter had left his office and had not returned that day.

Winter testified that after Goniwe's murder, he had believed Azapo was responsible but later decided it was

● To Page 3

Not Azapo, Star 16/6/93 inquest is told

● From Page 1

"too sophisticated" to have been committed by any element outside the security forces. (331)

He did not, however, know who in the security forces had committed the murder. (331)

Bizos said Winter's background revealed that he was a senior member of Koevoet — an SAP-controlled counter-insurgency unit which operated against Swapo in the former South West Africa — for five years before he joined the security police in Cradock in 1985.

Extracts about Koevoet were read in court from journalist Jacques Pauw's book *In the Heart of the Whore* and put to Winter to deny or affirm. (331)

Winter, on being asked whether one description of Koevoet as being a "cold, calculated, effective and ruthless unit" was fitting, replied that this was "a piece of total propaganda".

Bizos put it to Winter that he (Winter) had brought the "ethos" of Koevoet to Cradock and that Goniwe's murder was carefully planned by "programmed killers".

Kidnap: (331) 'Ball is in Falati's court'

9/16/93

MICHAEL MORRIS
and CHRIS WHITFIELD
XOLISWE Falati, who told a

Member of Parliament her evidence in her kidnapping trial was "a tissue of lies" because she was afraid of co-accused Winnie Mandela, may take the matter further if she wishes. Government sources said today "The ball is in her court."

"If she wants to take it further, she will have to draw up her claims — and an explanation of why she lied in court if she did so — in an affidavit to be submitted to the Attorney-General. He will have to make a decision."

"But until she institutes proceedings, no one else can do anything about it."

The sources said the State was unlikely to take further steps because it had won the conviction it had sought. Parliament was told yesterday that Falati claimed in a conversation with Democratic Party MP Mr. Lester Fuchs in Diepkloof prison that she lied in court to protect Mandela's alibi "because I was scared of her" and "I have been made a scapegoat for Winnie."

Mr. Fuchs said Falati claimed her evidence was a "tissue of lies, which was cooked and moulded" by one of Mandela's lawyers, Mr. Dali Mporu.

Mr. Fuchs said during yesterday's debate in parliament on the budget that the conversation had taken place when he visited Falati at Diepkloof Prison over the weekend.

Earlier this month, the Appellate Division upheld Mandela's conviction for kidnapping but reduced her sentence from six years in prison to a R30 000 fine. Falati's sentence was reduced from six years to two years in prison.

Mr. Fuchs said he had asked Falati whether justice had been seen to be done. "She claimed that she was innocent and that Winnie Mandela was in fact the guilty party."

Falati also claimed that she was in Soweto when an assault on teenage activist Stompie Sepele, who subsequently died, and others took place — not in Brandfort as both Falati and a driver, Thabo Motau, testified in court.

According to her, Mrs. Mandela had paid Motau R2 000 to corroborate her version and the parents of Mr. Motau would apparently confirm this payout, said Mr. Fuchs. He added that Falati "now admits that not only did she perjure herself, but she did so with the knowledge of one of Mrs. Mandela's lawyers, Mr. Dali Mporu."

Star 16/6/93
3 in court over missiles

Three Mozambicans appeared briefly in the Komatipoort Periodic Court yesterday in connection with the discovery of four SAM-7 ground-to-air missiles last weekend. (SS) Lowveld Bureau.

NEWS FEATURE *Victims of the Vaal tragedy claim they have not received any help or funds*

By Tsale Makam

EXACTLY a year ago today Alice Nonjoli clutched her sleeping baby, praying the infant would not make a sound as she hid in a wardrobe. She was watching as attackers, who had stormed her home in Boipatong, shot a 14-year-old girl seven times and speared an 8-year-old to death.

Unknown to her, the whole of Boipatong was under siege. Many houses were being attacked, men women and children mercilessly speared, shot or hacked to death. Most were surprised in their sleep.

Nine-month-old Aaron Mathope and his mother and 18-month-old Victor Mbongo were among the child victims. Not content with murder, the attackers looted their victims' houses of television sets, radios, clothes, money and other personal items.

A witness in the Boipatong massacre trial at Delmas testified that the attack was launched by inmates from the nearby Inkatha Freedom Party-dominated KwaMadala Hostel. He lived at the hostel at the time and was among the attackers, the court has heard.

After the attack, the witness said, the hostel dwellers had gathered at their stadium and jubilantly sang a song that went: "*Umkhonto ubomvu ngegazi*" (The spear is red with blood).

Boipatong was thrust into the international headlines, with every human rights organisation crying: Barbarism, horror, shock, etc, at the killing of 45 people.

The African National Congress blamed the Government and the Inkatha Freedom Party for the attack and suspended its participation in the negotia-

The agony of Boipatong

■ HORROR MASSACRE *Motives for slaying of 45 residents still not known.*

tion process.

State President F.W. de Klerk said two days after the attack: "I have learnt with shock and revulsion of the mindless killings of the people in Boipatong. I wish to assure the people of South Africa that we will not rest until we have found the perpetrators of this shocking act and have had them brought to justice."

Seventy-eight men from the KwaMadala Hostel near the township were arrested. Today only 32 are standing trial at the Delmas Circuit Court for the massacre. They have all pleaded not guilty to all charges.

The hearing is in camera. The accused's names cannot be used. Mr Justice JM Smit ruled after the defence submitted that their clients' lives would be endangered.

What foul minds would execute such an ambush and why, the Delmas Circuit court has not yet established. However, a witness has testified that inmates of the IFP-dominated hostel and Boipatong residents were like cats and dogs.

The IFP denied the allegations.

IFP Transvaal executive member Mr Themba Khoza said in a statement: "We are horrified that the attackers have been identified as KwaMadala Hostel inmates on the mere assumption that they were allegedly Zulu speaking."

Three weeks ago the state's chief witness testified that about two days after the attack Khoza and Humphrey Ndlovu, another IFP official, told the inmates at a meeting to burn all the items they had looted from Boipatong. They were also to burn their bloodied clothes and not attempt to wash them, the court heard.

The defence has rejected this testimony, submitting that instructing attorney Ms Anina van der Westhuizen was with Khoza and Ndlovu at the meeting and that they said no such thing.

Earlier, the same witness told the court that to his knowledge KwaMadala Hostel inmates had launched a total of six attacks on Boipatong residents.

The June 17 attack was the major one.



FLASHBACK TO VIOLENCE ... Residents assist an injured woman.

inquiry • Child slept with 120 men — claim

Sowetan 17/6/93

Koevoet in spotlight

■ SPILLED BEANS Former security

police captain receives death threats:

ACTIVITIES of the notorious Koevoet unit, allegations of death threats to key witnesses and evidence of the possible destruction of relevant documentation by the security police came under the spotlight at the Goniwe inquest in Port Elizabeth on Tuesday.

Before the proceedings had even begun, legal counsel for the police, Mr Pieter de Bruyn, informed Mr Justice Neville Zietsman that former PE security policeman Captain Deon Nieuwoudt, a potential witness, had received death threats.

The threats were received following allegations by Senior Counsel for the Defence Force, Mr Anton Mostert, that

Nieuwoudt may have been involved in the 1989 killing of three policeman and a police informer, all of whom probably had knowledge of the 1985 murder of Matthew Goniwe and three other activists.

De Bruyn said Nieuwoudt's career, his life and that of his family was on the line and he would not be able to testify before further consultation had taken place.

The first witness on Tuesday morning was former head of the security police in Cradock and former officer in

Koevoet Colonel Eric Winter.

Winter admitted during cross-examination by Mostert that documentation recording Goniwe's movements between June 16 and June 27, the day he was brutally murdered, may have been destroyed without authorisation.

He said he could not recall if such documentation had existed or if it had been destroyed. After the 1990 unbanning of political organisations, "masses" of classified documentation had been destroyed as it was no longer considered relevant. — Sapa.

NEWS Another hitch in Goniwe inq

Witness sticks to story on massacre

■ Attackers drank muti to make them fearless:

By Tsale Makam

(331)
A KEY State witness in the Boipatong trial ended his cross-examination by the defence on Tuesday, insisting that his evidence was true despite denials by the accused's attorneys.

"They can say all they like, it's their story, but I saw what I said I saw," the witness told defence counsel Mr J van Elk.

The witness, who cannot be identified following a court ruling, earlier testified that exactly a year ago today, he was staying at the Kwamadala Hostel. He

said he had been among the attackers on Boipatong that night.

The attack left 45 people dead and many injured. Thirty-two men from the Kwamadala Hostel near Vanderbijlpark have pleaded not guilty before Mr Justice Smit to 45 counts of murder, attempted murder, malicious damage to property and to public violence.

The witness had earlier in the hearing identified most of the accused and testified to seeing them before and during the attack, armed with spears, knobkerries and guns.

The witness said the attackers drank muti to make them fearless.

Defence will seek to postpone Walus trial

By STEPHEN LAUFER (331)
DEFENCE lawyers in the Chris Hani murder conspiracy trial, which is to begin next Wednesday in the Rand Supreme Court, are expected to apply for an immediate postponement of the case. *W/Mail 18/6-24/6/93*

Facing charges are former Conservative Party MP Clive Derby-Lewis, his wife, Gaye, and Janus Walus, the Polish immigrant alleged to have fired the shots which killed Hani.

Sources say the postponement is necessary because the defence has not had time to prepare an adequate response to the state case. Charges were only put to the Derby-Lewis and Walus during an appearance in Boksburg Magistrate's Court in late May. A request by the defence for further particulars was only served on the attorney general last Friday, who has not yet replied.

But the prosecution team intends to oppose a postponement.

Forensic evidence will be led showing that the four shots which killed Hani in his Dawn Park driveway on April 10 were fired from the Z-88 pistol found in Walus' car. Evidence will also be led that Walus had gunpowder residue on his gloves.

The Weekly Mail has learned that neither Derby-Lewis has confessed, and that the state case is likely to depend on circumstantial evidence.

Prosecutors are seeking to prove that Gaye Derby-Lewis supplied the "hit list" police found in Walus' flat, which included the names of eight people and some detail on their homes.

But the case is regarded as less than watertight, and the prosecution of Gaye Derby-Lewis is regarded by the defence as a tactic to force her to incriminate her husband.

The prosecution is expected to present former *Citizen* journalist Arthur Kemp as a state witness. Arrested in the police swoop after the Hani killing, it is believed he will confirm that he gathered much of the information for the hit list at the behest of Gaye Derby-Lewis.

The prosecution must prove beyond reasonable doubt that Gaye Derby-Lewis intended Walus to kill the people on the list.

It is understood she will claim that the list — which initially contained 25 to 30 names which police are said to have found on her computer — was intended as preparation for demonstrations outside the homes of prominent people. She will also claim it was Kemp who numbered the names on the list.

The case against Clive Derby-Lewis hinges on Walus' statement that he received the murder weapon from the former MP. Investigators have apparently been able to reconstruct the 9mm pistol's path from the time it was stolen by Piet "Skiet" Rudolph from a South African Air Force base in 1990 right up until Derby-Lewis gave it to Walus.

Inquest edges ever closer to the truth

THE greatest irony of Matthew Goniwe's murder is that it provided the catalyst, eight years later, for an unprecedented and self-destructive split in the security forces — a split which has also given rise to the first realistic hope that Goniwe's killers will be identified.

The story so far is that the SADF is attempting to implicate the police in the anti-apartheid activist's murder and the latter are counter-attacking by implicating the SADF.

The charred bodies of Goniwe, Sparrow Mkhonto, Sicelo Mhlawuli and Fort Calata were found on an eastern Cape roadside on June 27 1985.

The securocrats' initial unity in denying any complicity has given way to an intriguing internal witch-hunt, unexpected when the reopened inquest resumed in the Port Elizabeth Supreme Court on March 1.

Although the SADF, SAP and National Intelligence Service (NIS) each had legal teams present, only SADF counsel Anton Mostert, SC, was active, defending three officers allegedly involved in sending and receiving a signal requesting the "permanent removal from society" of Goniwe and three eastern Cape activists in 1985.

Then, without warning, on March 11, one of the officers, Colonel Lourens du Plessis, presented an affidavit to the court implicating two other officers in Goniwe's murder.

Du Plessis, the former Eastern Province Command staffer who drafted the signal, alleged that General "Joffel" van der Westhuizen, former EP Command commanding officer as a brigadier, and currently SADF Intelligence Chief of Staff, had sent the signal to former State Security Council member General Johannes van Rensburg.

He said the signal meant "to kill".

It was sent 20 days before the bodies were found.

This unexpected development steered the inquest into uncharted territory.

Another postponement was necessary to allow Du Plessis

As South Africa's securocrats do battle in the Matthew Goniwe inquest, the State's dirtiest secrets are being exposed. **HELEN GRANGE** reports from Port Elizabeth.

(331) (254)
to apply to the State President for indemnity from prosecution. Indemnity was granted at the end of March and proceedings were resumed on June 8, only to be swept in a completely different direction.

Without providing motivation, SAP counsel Doep de Bruyn asked for a week-long postponement, raising suspicions that evidence had emerged implicating the SAP.

Few could have predicted the bombshell the SADF dropped this week.

Mostert suggested that four men, including two security policemen, were murdered in a limpet mine explosion in 1989 because of their involvement in Goniwe's murder.

Major Gideon Nieuwoudt, a former captain with Port Elizabeth security police, had been behind the explosion, which was planned because the loyalty to the SAP of the two security policemen was under question.

De Bruyn immediately criticised Mostert for trying to shift the spotlight off the SADF.

The suggestions were "a disgrace", De Bruyn said, appealing unsuccessfully to the court to put Du Plessis on the witness stand so that the original vein of proceedings could continue.

The inquest is now probing the alleged police involvement in not only Goniwe's death, but the murder of the four men in the 1989 limpet mine explosion.

Nieuwoudt, who claims he has received death threats in the wake of Mostert's submissions, is the new focus of the inquest and is expected to take the stand either today or on Monday. □

Lawyer and client in Goniwe inquest receive death threats

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By Helen Grange

PORT ELIZABETH — Two death threats were received this week — one by a lawyer representing the SAP and the other by his client — following suggestions in the Goniwe inquest that security police were involved in Matthew Goniwe's murder.

The threats were received by SAP counsel Doep de Bruyn SC, and Major Gideon Nieuwoudt, a former captain at the Port Elizabeth Police Security Branch. De Bruyn told the court: "I personally received a death threat on Wednesday." He said the caller accused him of being linked to the SAP. De Bruyn said Nieuwoudt had received a

threat against himself and his family on Monday night.

Giving evidence yesterday under cross-examination by George Bizos, SC, representing the Goniwe family, former Cradock security police commander Colonel Eric Winter confirmed he had been a senior member of Koevoet, a police counter-insurgency unit. Bizos established that Winter, aside from his current position as an assistant district police commissioner in Port Elizabeth, is also a member of a local peace committee in the city.

His activities in Owambo as a Koevoet member and a Cradock security policeman had "nothing to do" with his being on the peace committee, Winter said. Bizos put it to Winter that the reason he was transferred from Owambo to Cradock in 1985 was because the security forces wanted firmer control over unrest in the eastern Cape.

Winter replied that he had applied for a transfer and was granted it in the way any other policeman would have been granted a transfer. Bizos told the court he was attempting to show the background from which Winter came when he was transferred to Cradock, and referred to a comment by Mr Justice Goldstone to the effect that he (Goldstone) viewed people with such a background to be unsuited to urban unrest situations. Bizos added that he wished to show that the police and the SADF had co-operated in operations in the former South West Africa and Angola during the 1980s and that, in the same vein, they had co-operated in Goniwe's murder. Earlier, Winter testified that Goniwe's conversations and movements were monitored because he was considered by the security police to be a major activist.

The charred bodies of Goniwe and three other activists were found on an eastern Cape roadside on June 29, 1985. The case continues.

Edging closer to the truth — Page 11

Counsel tells of death threats

PORT ELIZABETH — SAP senior counsel Pieter du Bruyn told the Goniwe inquest yesterday that he and a client, Maj Deon Nieuwoudt, had received death threats.

The threats follow allegations made at the inquest on Monday that Nieuwoudt, a former member of the Port Elizabeth security branch, might have information regarding the murder of Matthew Goniwe and three other activists in 1985 and the subsequent murder of three policemen and an informer in 1989.

Du Bruyn said he had received a death threat on Wednesday morning. He was told that he was being watched and that he and Nieuwoudt would be killed.

Giving evidence at the inquest yesterday former Cradock security branch head Col Eric Winter acknowledged that they had known Goniwe would be driving from Port Elizabeth to Cradock three days before he was murdered on the return trip.

Counsel for the families of the deceased

George Bizo submitted to Winter that the police had been concerned that Goniwe was about to be reinstated as a principal, allowing him to politicise schoolchildren.

Winter denied this and said he had regarded Goniwe as an enemy of the state, but never as dangerous.

Bizo also submitted that it was improper for the officer who had investigated the murder of the activists to have supplied Winter with details of the murder as he and the security police in general had been regarded as prime suspects.

Winter denied this, saying he had not regarded himself or the security police as suspects.

Earlier Winter denied having detailed knowledge of the murders. Bizo then presented a detailed report on the murder written and signed by Winter. Winter then said it was impossible to remember what had happened seven years ago. — Sapa.

Exotic wood no boat

CAPE TOWN — They searched hither, they searched thither and dug up the policemen's cricket pitch — but they failed to find a Phoenician galley.

According to a statement released by Cape Town University's archeology department yesterday, tests on wood unearthed in the Pinelands police sports fields showed it was at least 44 000 years old — and came from indigenous trees. The find scotched the theory that the two pieces of wood came from a Phoenician galley.

The investigation was initiated early this year after attorney Bernard O'Sullivan read a 1925 article by anthropologist Raymond Dart, which said workmen in the 1800s had found the remains of "what was presumably an ancient galley" in the area.

Own Correspondent

This suggested a seafaring presence in southern African waters long before the Portuguese.

Two pieces of wood found during excavations in 1989 were dated to about AD110 and the 15th century respectively.

"The wood anatomical analysis suggested that both pieces were from trees which grew in Mediterranean climates."

On the basis of this O'Sullivan commissioned the department to excavate for more wood. This resulted in the discovery of the 44 000-year-old wood.

"The context of the the ancient exotic woods found by O'Sullivan remains unresolved. Work will be continued by all parties until an adequate explanation is obtained," the statement said.

Apla security deaths claim

WINDHOEK — A senior Apla official yesterday claimed the PAC's armed wing had killed 90 members of the security forces this year and said the police and army remained legitimate targets, regardless of race.

Apla military wing training director Willie Brown said in Windhoek yesterday police were part of the system Apla intended to overthrow. "We reject the notion that black police are part of the oppressed — they are propping up the system, which makes them legitimate targets."

Apla chief political commissar Romero Daniels said his organisation had carried out 120 missions this year, about 80 in rural areas. It had lost one member and had two or three arrested. — Sapa.

Goniwe probe told of Koevoet men's key actions

Swapo war vets' sinister role

HELEN GRANGE

PORT ELIZABETH — Senior police and military officers, including members of the notorious Koevoet unit — all veterans of the war against Swapo in Namibia — went on to become leading figures in the Government's fight against opposition political figures in South Africa.

The inquest on the murder of anti-apartheid activist Matthew Goniwe and three fellow-activists in 1985 heard this week that the "border war veterans" ended up at the forefront of the war against opponents of the Government.

Files destroyed

The commission also heard that crucial files relating to the murdered activist were illegally destroyed five years after his death because they were considered "irrelevant".

One of the men transferred from the border to South Africa, Colonel Eric Winter, a Koevoet member for five years before becoming a security police commander in Cradock in 1985, knew Goniwe's every movement up until the activist was brutally murdered on June 27 1985.

A few months before Winter's transfer, his Koevoet colleagues, Eugene de Kok and Willem Schoon, became commanders of Vlaspolder, a police base alleged by renegade policeman Dirk Coetzee to be the home of police hit squads during the 1980s.

General Joep Joubert, a former SADF officer commanding the Owambo region, was also transferred to Pretoria, and according to evidence in the Harms Commission became head of the Civil Co-operation Bureau (CCB).

There was no coincidence in these transfers, Winter insisted at the inquest. "They were purely administrative," he said.

Training

Winter said his brief had been to "stabilise" the Cradock region and he began work immediately after his appointment — without any formal training in dealing with urban unrest.

Goniwe, a leading United Democratic Front activist at the time, was monitored closely. His phone was tapped and his movements watched.

Three days before his murder, the Cradock Security Branch knew that he planned to go to Port Elizabeth that day.

Winter, pressed by

● TO PAGE 2.

Farmers apply to muzzle Mokaba

OWN CORRESPONDENT

AMID calls for the ANC leadership to discipline its Youth League leader Peter Mokaba for again chanting "Kill the Boer, kill the farmer", the South African Agricultural Union (SAAU) yesterday launched an application for a Supreme Court interdict against him.

Mokaba allegedly repeated the chant before a large crowd on Soweto Day, after the ANC leadership repudiated his use of the slogan.

Radicals

SAAU president Boet Fourie said the Free State and Transvaal and Natal Agricultural

Goniwe

● FROM PAGE 1.

George Bizos, SC, on his own activities immediately before Goniwe's death, could remember very little.

He could not remember whether Colonel Harold Snyman, then commanding officer of the Port Elizabeth Security Branch, had been made aware of Goniwe's planned trip to Port Elizabeth, the details of which were gleaned from a bugged telephone conversation.

He could not remember whether he and two of his colleagues left their offices immediately after receiving a transcript of the conversation.

Nor could he remember whether he went to Port Elizabeth to visit former Murder and Robbery Unit officer Sakkie du Plessis, also an ex-Koevoet man, the night before Goniwe's death.

Five years after Goniwe's charred body was found in thick bush on the road between Port Elizabeth and Cradock, Winter remembered that some of the Goniwe files were destroyed — but he could not say which ones.

"Irrelevant" files were destroyed over two to three days by the Cradock Security Branch on written instructions from the Port Elizabeth Security Branch following the unbanning of the African National Congress, Pan Africanist Congress and others — but Winter said he could not remember who gave or received the instruction.

He had not been aware of the Protection of Information Act, which rendered destruction of such material a criminal offence.

Winter, who is currently an assistant district police commissioner in Port Elizabeth and a member of a local peace committee, remained calm yesterday as Glen Goosen, representing former SADF officer Lourens du Plessis, returned to a fierce cross-examination on his Koevoet background.

"How did you deal with enemies of the State when you were a commander in Koevoet?" Goosen asked.

"We traced them and wiped them out," came the reply.

Goniwe, Winter had told the inquest earlier, was not regarded as a dangerous enemy, and in any case, the situation inside South Africa could not be compared with the war being waged externally at the time.

He had aimed to stabilise Cradock through "closer communication" between the security police and the community. To this end, he had "got to know" Goniwe, having spoken to him at his home twice.

Goosen countered that, on the balance of probabilities, Winter had no intention of building dialogue with the community.

"I submit that you saw no point in negotiating with Matthew Goniwe. I submit that on the balance of probabilities that the only way the security forces could deal with Goniwe was to kill him," Goosen said. Winter disagreed.

The hearing continues.



believes in getting fountain, Kimberley, JOHN WOODROOF

ling

"These cities were not tly contested." International military servers have said that e government air ce's strike capacity ant Unita would need launch almost all of military strength, esnated at some 50 000 ops, for an attack on anda.

Meanwhile, Unita ces also stepped up hting in the south. A

● TO PAGE 2.

Hanging in the balance

South 1916-2316193

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Professor Nick Morgan:
CTPA The Road Ahead

Thursday July 1 1993

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CTPA Executive Committee

■ Death row prisoners await the outcome of a parliamentary debate on the death penalty

By Christelle Terreblanche

THE LIVES of 285 people on death row could depend on the outcome of a parliamentary debate and "free vote" on Thursday. State president FW de Klerk will be guided by the debate when he decides whether to lift the current moratorium on the imposition of the death penalty.

Members of parliament have been urged to vote against lifting the moratorium, or not to take part in the debate.

Although the vote will not be binding and would be used to "guide state president FW de Klerk in a decision on the matter", outrage was expressed from political, religious and legal quarters when De Klerk decided in March to put the matter to the vote before a new political dispensation is in place.

"The idea that the discredited tricameral parliament is sitting on matters of life and death of people they do not represent, is the ultimate crime," says Professor Kader Asmal, ANC constitutional expert and professor of human rights law at the University of the Western Cape.

Asmal sees it as significant that mostly white parties like the National Party, Democratic Party and Conservative Party are largely in favour of the death penalty, whereas the traditionally black parties are vehemently opposed to it.

The Afrikaans churches have also called for the lifting of the moratorium.

The ANC and Inkatha asked at Codesa last year that the moratorium on hangings not be lifted before the election of a new government, which will probably abolish the death penalty.

Asmal's views are echoed by Society for the Abolition of the Death Penalty spokesperson Mr William Kerfoot, who has lobbied parliamentarians to vote against the moratorium being lifted.

"The moratorium placed on the death penalty in February 1990 was an excellent idea. But the reasons for lifting it now are entirely misconceived," says Kerfoot.

The government has said the debate is justified with the continuing violence and especially the killing of farmers.

Kerfoot points out that if the moratorium is lifted now, the people executed will not be the ones guilty of these crimes.

He believes there is enough evidence from all over the world that the death penalty is not a deterrent.

"The death penalty is a savage and barbarous punishment. A better deterrent is a properly regulated and policed

society."

Asmal accuses the current parliament of "taking revenge" and playing up to its own constituency by holding the debate before the elections.

Of the 285 people currently on death row, 176 are blacks. The Department of Justice emphasises however that not all of these will be sent to the gallows if the moratorium is lifted, because only 52 have gone through the entire process of automatic appeal and revision of sentence.

"The obscenity of this lies in the fact that 95 percent of people on death row are not represented by the people who will decide on their fate," says Asmal, calling the debate a "charade".

Kerfoot also notes that in South Africa a huge part of the accused are hanged after trials in languages they cannot understand. "Even without that hurdle, the chances of mistakes in a hearing are large."

He also mentions the unrepresentativeness of the judiciary, which is 95 percent white and the fact that some judges never hang and other do so regularly. He calls it the "lottery aspect" of the penalty.

Mr Michael Hendrickse, Labour Party MP for Schauderville, points out that the Law Commission said in its interim report on group and human rights in 1991 that the matter of the death penalty must be referred to a constitutional court to weigh it up against a bill of human rights.

This could only happen under a new constitution.

He also remembers that De Klerk, along with ANC president Mr Nelson Mandela, appealed to the Venda authorities last year not to hang two ritual murderers.

"We don't say that people must walk free. But of the 20 000 people who committed murder last year, a minute percentage would be sent to the gallows," Hendrickse said.

Yet South Africa has executed more people in the past 15 years than most other countries in the world and most of them have been black. In 1987 alone, 164 people were hanged, more than were hanged in a whole decade in the United States.

The Department of Justice argues that a bill of rights has little impact on the death penalty, because based on the American constitution, 36 of the country's 51 states have instituted hanging.

Once parliament has voted, De Klerk will himself decide whether or not to bring back the noose.

Koevoet link in Goniwe death?

South 1916-2316193

By Shadley Nash

A HIGH-RANKING police officer this week fought off accusations that he was running a Koevoet-style operation in the eastern Cape when the "Cradock four" were killed in 1985.

Koevoet was a notorious police unit used during the war in Namibia.

Colonel Eric Winter was called to give evidence at the re-opened inquest in to the deaths of Mr Matthew Goniwe, Mr Fort Calata, Mr Sicelo Mhahle and Mr Sparrow Mkhonto in the Port Elizabeth Supreme Court.

He was called to testify ahead of another policeman, Major Deon Niewoudt, who will be asked to testify in connection with the deaths of three policemen and an alleged police informer in 1989.

It was alleged during testimony that there was a "nexus" between the deaths of the four policemen in 1989 and the Cradock Four and that Niewoudt, a bomb expert, had a lot to tell.

Evidence centred largely on the activities of the security police unit in which Winter served. Winter said that five of the 12 police personnel serving under him at Cradock had served in the former South West Africa but he could not confirm that any of them were members of Koevoet.

He denied that he wanted to use Koevoet's operational methods in the Eastern Cape when he was head of the security police in Cradock from 1985 to 1990.

In earlier evidence the court heard that Winter received daily reports from his team on the activities and conversations of Goniwe in his home and on his telephone via a bugging device.

A transcript of a conversation Goniwe had with Port Elizabeth UDF activist Derek Swarts at 5am on the day that Goniwe disappeared was read in court. Winter told the court he could remember informing Port Elizabeth police that Goniwe was on his way there.

Counsel for the families of the four slain men, Mr George Bizos, submitted that Winter would have received the transcripts of that conversation on arrival at his office at 7am. He also submitted that Winter left his office 30 minutes later with two other policemen and did not return to Cradock that day. — PEN



Cop tells of file-shredding spree

A FORMER senior security policeman told the Goniwe inquest on Friday that he could not remember who had ordered him to destroy files on activists in 1990 following the national unbanning of organisations. (321)

"It was an order, a general order throughout the Republic," Col Eric Winter testified at the reopened inquest in the Port Elizabeth Supreme Court. (322)

Now Deputy District Commissioner of Police in

Port Elizabeth, Col Winter was a major in charge of the security police in Cradock at the time of the slayings of Matthew Goniwe and three United Democratic Front colleagues on June 27 1985.

"It (the order) came from the section headquarters in Port Elizabeth. It was not a written order," Winter testified.

He said he could not remember either the individual who had issued the order to his office in Cradock – although he said

this could have been a senior officer or a constable passing on the message – or the person who received it. CIPRESS

Winter said it took "two or three days" to destroy the files. 2016/93

"If they could possibly be used in the future they were not destroyed. There was no rigid guideline," he explained. He told the inquest he did not destroy any "relevant" documents. (324)

He could not remember the exact date but

said it was "possibly in the middle of 1990".

President FW de Klerk unbanned key anti-apartheid organisations, including the ANC, on February 2 1990.

Later that month the original Goniwe inquest was held, returning a verdict of "death by persons unknown".

Earlier this week Winter confirmed he had been involved in a security police raid on Goniwe's home the month before the murders. – Ecna

'I conned Cress cops I 2016/193 killed

activist'

(331)

By DAN DHLAMINI

A MAN who had been arrested on a theft charge was allegedly promised freedom by three cops — if he killed an activist.

Billy Dakada told the Klerksdorp Court this week that the cops gave him only R20 for "transport" after he told them he had done the deed.

Dakada was testifying against the SAP's Jacobus Brits, Hendrick Grobler and Anton Kotzee, who are facing a charge of conspiracy to commit murder.

He said he had made tape recordings of the police plot which revealed their plans to kill school-teacher Jerry Maine, who was also Ipelegeng Civic Association chairman and an ANC member.

Dakada said he played along with the cops but had informed Maine about the plot.

Dakada said the cops gave him only R20 for "transport" after he told them he had killed Maine.

"I and Maine then went to the ANC head office where we handed in the cassettes and a press conference was held," he said.

The case proceeds on Monday.

Political comment and newsbills by K Sibiya, headlines and sub-editing by B Keswa, both of 2 Herb St, New Doornfontein, Johannesburg.

Massacre trial date is set

C1 Press 20/6/93

By SIPHO KHUMALO

THE trial of two ANC members held by police in connection with the gruesome massacre of six schoolchildren in Table Mountain, near Maritzburg in March, will begin tomorrow in the Supreme Court. (331)

The trial finally ends the furore over the delay in prosecution which prompted Inkatha to charge that there were "ulterior motives behind the SAP's progress in investigating this massacre".

Six children were gunned down on March 3 this year while travelling in a bakkie to school from Table Mountain.

Five ANC members were arrested the following day. Sibusiso Zulu and Jeremiah Zulu were charged with murder after the other three were released.

The two have been in prison since March 4.

Inkatha's complaint of a slow investigation followed the conviction and sentencing to death of two of their mem-

bers for murdering 10 people in a revenge attack for Table Mountain.

The two, Mabhungu Dladla and Nkanyiso Ndlovu, were each sentenced to death 10 times for the massacre in Nkanyezini.

Inkatha spokesman Ed Tillet charged that the indifference shown by police in the investigation of the Table Mountain massacre contrasted sharply with the swiftness in the Nkanyezini investigation where two of his members were involved.

Defence council Sifiso Bhengu told City Press this week that his office had been exerting pressure on the Attorney-General to prosecute or release the two.

Bhengu said Monday's trial comes after nine of the 10 children who survived the massacre positively identified Sibusiso Zulu as having been at the scene of the massacre. He said the 10th child was able to identify Jeremiah Zulu.

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Police chief grilled about fateful day

By DAWN BARKHUIZEN

THE movements of Eastern Cape security policemen in the 24 hours leading up to the murders of four Cradock activists have been the subject of incisive questioning in the Port Elizabeth Supreme Court this week.

Stifves

Mr George Bizos SC has grilled Colonel Eric Winter — head of the Cradock Security Branch at the time — relentlessly for answers to an eight-year-old question: Who killed Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicele Mhlanzi?

2016193

The SAP veteran has been less than illuminating in his responses, claiming frequently that he cannot remember details about June 27 1985 which, he says, was "just another day".

(331)

Colonel Winter admitted the police had monitored Mr Goniwe's movements and activities closely, but claimed he did not

know whether a sophisticated bugging device — the "tamate" — had been placed in his house.

Colonel Winter's signature appears in the Cradock Security Branch logbook — produced in court this week — against a note that a phone call in which Mr Goniwe had discussed a proposed visit to Port Elizabeth on June 27 1985 had been recorded.

However, he told the court he did not remember whether there had been a written report on his desk to the effect that Mr Goniwe would be visiting Port Elizabeth that afternoon to see JUDF activist Derrick Swarts.

(331)

The early morning conversation was brief, a transcript shows: Swarts: Hello.

Goniwe: Hello ... how is it?

Swarts: I'm all right and you?

Goniwe: I'm all right. I just want to find out if you are awake.

Swarts: Ja, ja, what is the time now?

Goniwe: Just about half-past five. Well, I'll be seeing you, OK?

Swarts: Listen, man, you must phone Barry du Toit. Do you know this guy Barry?

Goniwe: Ja.

Swarts: 7752 Grahamstown, you know.

Goniwe: When?

Swarts: You can phone him tomorrow morning in connection with the briefing — you know, in connection with that, you know.

Goniwe: Otherwise, I will be seeing you this afternoon, OK?

Swarts: Ja, OK brother, sure.

Mr Bizos said Colonel Winter had telephoned Port Elizabeth after reading the transcript.

Colonel Winter said it was "possible" he had done so, but said he did not remember doing so.

According to Mr Bizos, Colonel Winter and two colleagues left the office at 7.30am on June 27 and did not return that day.

The colonel said he would have to check the vehicle report to establish whether this was so.

Asked where he was from 7.30am on June 27 to 7.30am the following day, he replied, "Probably in my office ... I don't remember specifically".

Nor could he remember whether he had attended a meeting on the night of June 26 at Louis le Grange Square, the SAP headquarters in Port Elizabeth, which a Captain Sakkie du Plessis of the Murder and Robbery Squad had also attended.

Asked where PE security policeman Captain JM van Zyl was on June 27, he replied: "At the Security Branch in Port Elizabeth."

The four activists were murdered after leaving the home of Mr Michael Coetsee in Port Elizabeth at 9.10pm. Their charred bodies were later found at Bluewater Bay.

Unravelling a sinister web of intrigue

By MARLENE BURGER

WHEN the inquest into the murder of Matthew Goniwe reopened on March 1, the spotlight was firmly on the SA Defence Force.

It was, after all, the release last August of the infamous signal recommending the Cradock activists "permanent removal from society" that prompted President FW de Klerk to order a new judicial inquiry into the brutal killings of the schoolteacher and three companions on June 27, 1985.

But when the inquest reconvened this week, the focus shifted dramatically as unlikely allies — Anton Mostert, SC, for the SADF and George Bizos, SC, for the families of the dead men — set about building a case to prove security police complicity in the murders.

To whom does the finger of guilt point: the army or the police? The evidence against the army is certainly impressive. Affidavit

after affidavit refers to the Hammer Group, a secret unit set up in September 1983 by Joffel van der Westhuizen — then a brigadier and officer commanding Eastern Province Command, now a lieutenant general and the SADF's Chief of Staff Intelligence.

In his affidavits, General van der Westhuizen — the man who allegedly sent the June 7 1985 signal — says the Hammer Group was a quick reaction unit, whose members were drawn from Citizen Force ranks and trained for specific operations demanded by the volatile situation prevailing in the Eastern Cape at the time.

One of the unsolved mysteries about the Goniwe murders is how the four activists fell into the clutches of their killers.

They were returning to Cradock around 9.30 that Friday night, after a meeting in Port Elizabeth with UDF activist Derrick Swarts. The most popular theory about

their abduction is that they were stopped at a roadblock set up by the Hammer Group.

But the unit's chief training officer, Commandant Andries Struwig, and several former members of the group claim that the SADF never set up roadblocks, though troops did assist the SAP in manning them from time to time.

Exhaustive investigations have failed to produce any evidence of an official roadblock on the Bluewater Bay road on the night of June 27.

At the first inquest into his death, in February 1990, Goniwe's widow, Nyameka, said she believed the murders were carried out by the Security Police, who were the only people, besides herself, who knew by dint of telephone taps that they would drive home that night.

One of the strangest pointers to Hammer Unit involvement in the murders emerges from the bizarre

tale of self-confessed thief, prostitute and police informant, Jennifer du Plessis.

In her affidavit, she claims that her ex-lover, Hammer Unit administrative officer John Scott, told her that a "hand-picked" group of policemen and SADF members led by "Zac Edwards" had killed the Cradock Four after apprehending them at a roadblock.

On June 1 last year, she arranged to meet Scott at the Formosa Inn in Plettenberg Bay.

According to Miss du Plessis Scott admitted to her at the hotel that he had killed Sparrow Mkhonto "because he was a kaffir".

Scott denies that he ever spoke to her about the Goniwe murders, and although Miss du Plessis claims their conversation at the Formosa Inn was taped, Colonel Britz says three tapes allegedly made at the time contain no confession of any kind from Scott.

The

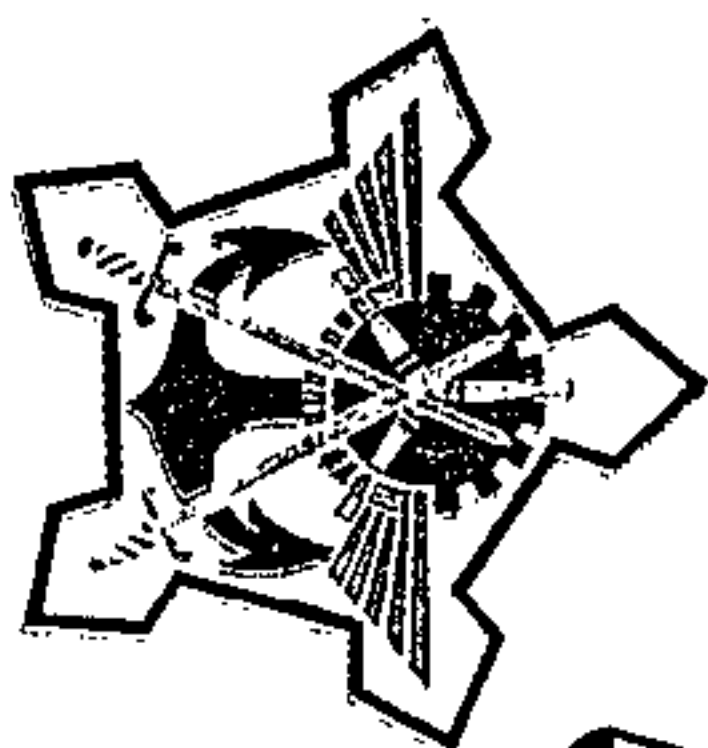
By DAWN BARKHUIZEN

ON THE night of December 14 1990, a Port Elizabeth security policeman ordered a surveillance group to stake out a house at 124 Hinta Street, Motherwell, in the Eastern Cape, where a trained terrorist known as Mandla Maphele was reported to be hiding.

Less than four hours later, the four members of the group were dead — blown to pieces by a powerful car bomb within seconds of setting off to the address.

The man who gave the orders that night was Captain Deon Nieuwoud, a highly trained SAP explosives expert, who had since 1984 been closely involved in investigations involving explosives, and who was by his own admission, familiar with all explosives made in South Africa and smuggled in by terrorists.

This week, a gasp went around the Port Elizabeth Supreme Court when a lanky man who has sat in on the Matthew Goniwe inquest every day since it reopened on March 1, was identified as Major Deon Nieuwoud — a lieutenant in the PE security branch at the time of the Goniwe murders. He is now accused by Mr Anton Mostert SC of being at the centre of a "quartet of coincidences" surrounding the limpet mine blast, which could suggest



THE
GONIVE
INQUEST



STW 20/6/93

mysterious major

Elizabeth, in December 1989.

The resumed inquest into the death of murdered Eastern Cape activist Matthew Goniwe witnessed an astonishing turnaround this week when the army suggested the 1985 slaying might have been the work of the police.

Counsel for the SADF, Anton Mostert, referred to the death of four black policemen in a mysterious limpet mine attack in Motherwell, near Port

Elizabeth, in December 1989. He suggested that they might have been killed because at least one of them knew too much about the Goniwe murder — and was threatening to spill the beans.

At the centre of this web of intrigue, suggested Mostert, was one man ... Major Deon Nieuwoud, explosives expert

when the explosion occurred, he examined the scene and gathered material "with ample opportunity to suppress evidence or commit any other irregularity" and he conducted himself as the investigating officer afterwards.

The record of the inquest into the deaths of Sergeant Amos Faku, Sergeant Desmond Mapipa, Warrant Officer Glen Mogadika and informant Charles Jack tells the story.

According to Major Nieuwoud, he contacted Ser-

Mutilated

"About 100m from the crossroads, an explosion occurred. I immediately turned around and rushed to the scene. I found that an explosive device had been placed under a vehicle SAP65389M," he said.

The mutilated bodies of the four occupants were strewn around the road and in the wreckage, Major Nieuwoud said, he found a VZD-3M detonator.

Reports at the time indicate that the blast — the first of its kind in the Eastern Cape — blew a crater in the tarred surface of the road, and that the type of limpet mine used would have generated a "massive ball of

flame with temperatures reaching 3 000 °C — more than double the heat required to melt cast iron."

In his affidavit, however, Constable Lehnadt Adams of the Security Branch says he drew the keys over to a Constable Muller at 11.50pm, Major Nieuwoud handed the Jetta to the surveillance group at the crossing on the little-used Addo road, and Officer Lotz drove off in their Kombi to return to SAP headquarters in Port Elizabeth.



According to Major Nieuwoud, "the black members left for Motherwell" and he drove off in the direction of Uitenhage to see a PAC informer.

The Warrant Officer said, however, he borrowed the car from Major (then Captain) Nieuwoud at 9am, when he left to see an informer.

After driving to a post office to see if examination results had arrived and going to buy cigarettes, Officer Lotz parked the car under the trees at the Old Grey sports grounds opposite the SAP headquarters before turning the keys over to Officer Lotz.

But Constable Adams also says he drove to work in the car at 7am on December 14, the day of the blast, parking the Jetta under trees at the Old Grey sports grounds opposite the SAP headquarters before turning the keys over to Officer Lotz.

MAN IN THE MIDDLE ... explosives expert Nieuwoud returned to Port Elizabeth in their Kombi.

His radio was turned off, he said, and it was only as he arrived at Louis le Grange Square that he realised this and switched it on, only to hear Major Nieuwoud saying a bomb had exploded near Motherwell.

The official SAP vehicle register for the Jetta has no record of the car being signed out to either Constable Adams or Officer Lotz.

In fact, the last entry on the log shows that the vehicle was signed out at 4.05pm on December 8, and returned at 7am on December 11

three days before it was blown to pieces.

A month later, an unnamed ANC spokesman in Lusaka was quoted in newspaper reports as claiming responsibility for the blast.

But the SADF's legal representative in the Matthew Goniwe inquest says he has information that "the man Jack was an As-kart, a trained ANC activist, who had put out feelers to return to the ANC fold" and that Officer Mogadika's loyalty was being questioned by the Security Branch at the time.

According to Mr Mostert, the Motherwell blast was "professionally planned and executed at a time when policemen were beginning to turn on policemen and go public with statements about police complicity in murder."

Testify

According to his legal adviser, Mr George Bizos, SC, there may be a prima facie case of the Motherwell murders being supplementary to the Goniwe murders — if it can be shown that the three security policeman and the informer were, in fact, murdered to hide the identity of those who murdered Matthew Goniwe and his associates.

Major Nieuwoud is no longer attending the inquest, but Mr Mostert has indicated he intends calling the policeman to testify.

NEWS ANC member faces 21 murder counts

Wrong arrest - claim

Sowetan 21/6/93

By Mzimasi Ngudle

ANC MEMBER and multiple-murder accused Mr Michael Phama (45) was rashly arrested following pressure from the Goldstone Commission, his pro deo counsel, Mrs Rehana Essack, told the Rand Supreme Court on Friday.

In her closing argument, Essack said the police arrested a wrong person after they went on "a fishing expedition" following criticism from the Goldstone Commission on the progress of their investigation.

"Police were on a fishing expedition with no direction who the person they were looking for was."

She said police testimony that the attack was professional and planned did not tally with evidence by a State witness that Phama had asked for directions to where the Inkatha Freedom Party supporters were marching.

Essack, who said she had no option but to close the defence case after the court turned down her application to call further evidence, also attacked the manner in which the

State elicited a confession from her client.

She has made an application for a special entry to appeal against Mr Justice MC de Klerk's refusal for the defence to call further evidence.

The trial was postponed to June 29 for judgment. Phama is facing 21 charges of murder, 22 of attempted murder and four of illegal possession of firearms and ammunition.

He is alleged to have fired at IFP supporters marching to a rally in Tokoza on September 8, 1991. He has pleaded not guilty.

Essack said the State's evidence rested purely upon the confession made by the accused. She attacked the magistrate for having obtained the confession in an "irregular" manner.

"The magistrate had a duty to inform the accused of the law, the procedure and the consequences. This duty cannot be delegated to an interpreter as the magistrate in this case did," she said.

Star 22/6/43

Two in court over massacre

Two men appeared in the Maritzburg Magistrate's Court yesterday in connection with the Table Mountain massacre in which six pupils were shot dead. Sibusiso Zulu and Jeremiah Queda Zulu, have pleaded not guilty to the charges. The hearing continues. — Sapa. (331)

PAT CANDIDO
The Argus Bureau

PORT ELIZABETH. — Heated argument erupted in the Supreme Court here today when the Defence Force demanded that security policeman Major Deon Nieuwoudt be called to the witness stand in the Goniwe inquest as soon as possible.

At the start of proceedings counsel for the SADF Mr Anton Mostert, SC, said he wanted to know whether Major Nieuwoudt would be available to testify when former Cradock security police chief Colonel Eric Winter finished.

Mr J P de Bruyn, SC, said he was not ready to call Major Nieuwoudt.

He said allegations had been made against Major Nieuwoudt and there was also virtually a trial by the Press.

He said he had been involved in another case and had not had time to consult Major Nieuwoudt adequately, nor would he have the time to do so by the end of the week.

He said Major Nieuwoudt had virtually become an accused in the case and had every right to be represented fairly and not be pushed into the witness box.

Importance

Mr Mostert said it was of the utmost importance that Major Nieuwoudt, who had already had 10 days' warning that he was to testify, be called as soon as possible.

At an earlier session of the inquest, Mr Mostert submitted that Major Nieuwoudt might have been linked to the murder in 1989 of three policemen and an informer who might have had information about the murder of Cradock activist Mr Matthew Goniwe and three colleagues.

The three policemen and the informer died when their vehicle was blown apart by a limpet mine.

Mr Mostert said today Mr De Bruyn had had ample time to consult Major Nieuwoudt.

He said there were certain inferences which could be drawn and these inferences had to be tested in the witness box as soon as possible.

If the case was postponed the witness would have two months to prepare before he was called.

He said it was quite possible Major Nieuwoudt could become an accused and asked the presiding judge, Judge President Mr Justice Zietsman, to subpoena him.

Mr De Bruyn said he had had no opportunity to consult Major Nieuwoudt, who had already been accused of making a statement "fraught with lies".

Mr Justice Zietsman said allegations against Major Nieuwoudt were very serious and he did not feel he could force him into the witness box.
(Proceeding.)

Goniwe trial

2531

ARG 22/6/92

row

Murder case security net

By Susan Simuts

The Rand Supreme Court in Johannesburg is the focus of international attention today as the trial of Chris Hani's alleged killers begins.

Stringent security measures — including weapons searches — were in place this morning before the appearance of the right-wing trio. Conservative Party representative to the now-disbanded President's Council, Clive Derby-Lewis, his wife Gaye, and alleged hitman Janusz Walusz are standing trial for the murder of the SA Communist Party chief outside his Dawn Park, Boksburg, home on April 10.

Organisations to secure the limited number of courtroom seats for the media.

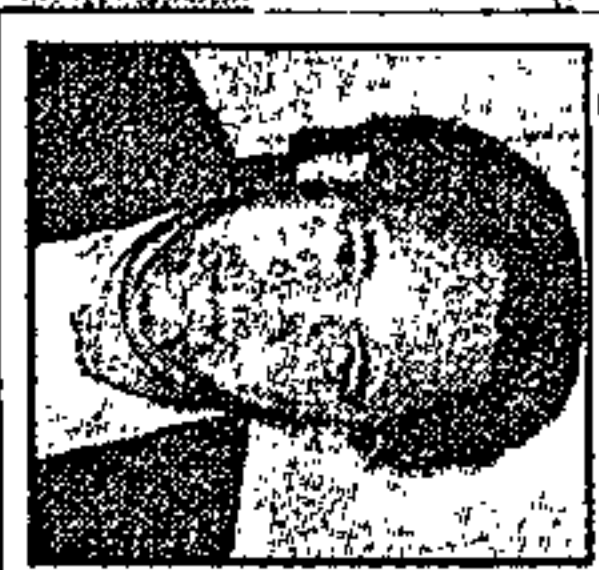
Family, friends and followers of the slain leader will have to jostle with those of the accused for seats in the public gallery. Those who do not find a seat will be asked to leave the building.

Conspiring

The trio have been charged with murdering Hani, conspiring to murder eight others, and illegally possessing arms and ammunition. They have all pleaded not guilty.

Defence counsel Eben Jordaan said last night he would ask for a postponement. "We have not had nearly enough time to prepare the case. No case is ever brought to court so quickly. Attempts are still being made to raise money for the defence."

T H E
Chris Hani



The State, which will be represented by Wilwatersrand Attorney-General Klaus von Lieres and State advocate Gerrit Nel, intends opposing any postponement. The charge sheet refers to Hani, known to millions as Chris, SA Minister of Bantu Affairs, as the victim. His wife, Mrs. Hani, is referred to as Gabrielle Mavourna Derby-Lewis.

Events which filled newspapers for weeks have been summarised in three pages of "substantial fact" which form the State's case.

The State will try to prove to Judge President C F Eloff that Walusz shot Hani dead after plotting the murder with the Derby-Lewises. According to the charge sheet, Gaye Derby-Lewis asked former Citizen reporter Arthur Kemp to provide her with the addresses of prominent people, who allegedly appeared on a hit list. Clive Derby-Lewis allegedly obtained the 9 mm pistol used in the murder, and fitted it with a silencer.

Walusz was arrested soon after Hani's murder. Two guns were found in his car, including a pistol which had been stolen from SA Air Force headquarters in April 1990, the charge sheet says.

The State alleges ballistic evidence proves this pistol was used in the murder.

Clive Derby-Lewis was detained on April 17 and his wife on April 23.

The alleged hit list of people targeted for assassination included: Hani, ANC president Nelson Mandela, SACP chairman Joe Slovo, Foreign Affairs Minister P. W. Botha, Mr Justice Richard Goldstone, Sunday Times editor Ken Owen, SACP's Mac Maharaj, and reporters Tim du Plessis and Karin Brynard.

● Tracker dogs sniff courtroom for surprises — Page 3

Who's in the courtroom

- The accused: Clive John Derby-Lewis (57) and Gabrielle Mavourna (Gaye) Derby-Lewis (54), both of Krugersdorp, and Janusz Jacub Walusz (38) of Pretoria.
- The deceased: Martin Thembsile (Chris) Hani.
- The judge: Judge President Mr Justice C F Eloff.
- The defence: Eben Jordaan.
- The prosecution: Wilwatersrand Attorney-General Klaus von Lieres, SC, assisted by State advocate Gerrit Nel.
- The charges: Murder, conspiracy to commit murder, illegal possession of arms and ammunition.

Art ● Security forces keep watch after attacks

Shock claim at Goniwe inquest

Sowetan 23/6/93

Sowetan Correspondent

THREE badly mutilated bodies, never identified after being found near Blue Water Bay in May 1985, may have been those of three prominent Civics leaders who disappeared without trace at that time.

This startling allegation was made by counsel for the SA Defence Force, Mr Anton Mostert, SC, at the Goniwe inquest in the Port Elizabeth Supreme Court yesterday.

Cross-examining Colonel Eric Winter, who was head of the security police in Cradock in 1985, Mostert asked whether he knew that the police had never identified three men whose faces were so badly burnt and bodies so decomposed no one had identified them.

■ **DENSE BUSH** Blue Water Bay ideal hiding place for bodies of Civics men:

He said there was speculation that these were the bodies of Mr Qawawuli Gondolozzi, Mr Sipho Hashe and Mr Champion Galela, members of the Port Elizabeth Black Civic Organisation, who disappeared in May 1985 on their way to the city's airport to meet a fellow activist. They have not been seen or heard of since. Mostert put it to Winter that the professional manner in which the murders were planned could show that the police had the sophistication and knowledge to have carried them out. Winter replied it was possible. Mostert asked if Winter remembered Mrs Victoria

Mxenge, one of the speakers at the Goniwe funeral which had been monitored by the security police.

Winter said he did.

Mostert asked if it was not significant that Mrs Mxenge had also been stabbed and burnt to death soon after the funeral.

Winter replied that he could not say.

Mostert said the part of Blue Water Bay where the bodies of Cradock activist Mr Matthew Goniwe and his three colleagues were found in June 1985 was in isolated, dense bush off the main road.

There was a detour from the bush to Blue Water Bay which could have been used as an escape route by the murderers if necessary.

Goniwe: drama of missing men

Star 23/6/93

By Helen Grange

PORT ELIZABETH — Two unidentifiable corpses found in the same bushy area as Matthew Goniwe's body may have been those of Port Elizabeth Black Civic Organisation (Pebco) members who went missing without trace, it was suggested at the Goniwe inquest yesterday.

SADF counsel Anton Mostert, SC, said the bodies had been burnt beyond recognition, but there had been speculation that they were two of the "Pebco Three" — Sipho Hashe, Champion Galela and Qaqawuli Godolazi.

The men went missing on May 8 1985 after leaving their homes to go to H.F. Verwoerd Airport to meet a visitor.

The two bodies were found on the Bluewater Bay road on June 16 — 13 days before the charred bodies of Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli were found in bushes off the same road.

Autopsies showed that they, like the Goniwe four, had been stabbed and their faces burnt.

Mostert, cross-examining former Cradock security police commander Colonel Eric Winter, asked him whether these murders could have been committed by the same people who killed Goniwe.

"Possibly," Winter said. Referring to Goniwe's murder, Mostert asked: "If the police did it, would it be understandable that the murderers were never caught?"

"Possibly," Winter replied.

Winter conceded that the professionalism of the murders could point to police involvement.

Mostert, clearly irritated, put it to Winter that in 19 instances during three days of cross-examination he had said he did not have knowledge of the subject matter, while he had evaded questions 83 times.

"Does the disclaimer 'I cannot remember' form part of police equipment?" Mostert asked.

Earlier, the court accepted that Major Gideon Nieuwoudt, the former PE Security Branch captain newly named in connection with a 1989 murder of policemen believed to have had knowledge of the Goniwe murders, would take the witness stand only on August 11.

This was despite the vehement opposition to the delay by Mostert, who commented: "The longer Nieuwoudt is kept out of the witness stand, the worse the inference is that he doesn't want to get into the stand."

SAP counsel Doep de Bruyn, SC, replied that Nieuwoudt was facing allegations of murder and that he had every right to have proper consultation.

It was suggested by Mostert last week that Nieuwoudt was behind a limpet mine explosion which killed four policemen, including two security policemen believed to have been about to divulge information about the Goniwe murders.

De Bruyn suggested that the evidence of security policeman Gerhardus Lotz be heard in the interim. Mostert said: "We don't want Lotz — we want Nieuwoudt. Lotz should testify after Nieuwoudt."

De Bruyn: "Despite Mr Mostert's continuous attack on the bona fides of his colleague, there is no ulterior motive in proposing that Lotz take the stand."

It was finally decided that Colonel Harald Snyman, former head of the PE Security Branch, would be the next witness.

Star 23/6/93

Tracker dogs sniff courtroom for surprises

(331)

By Peter Davies

Strict security precautions were being taken by police today before the Chris Hani murder trial in the Rand Supreme Court.

As early as 8 am, police tracker dogs sniffed the corners of courtroom 4E, making sure there are no hidden surprises for what promises to be a sensational trial.

At 8.05, a green armoured vehicle rolled up outside the Schreiner Chambers in Prit-

chard Street, bringing uniformed riot police.

Security within the court building is water-tight. Journalists need to be accredited by the South African Communications Services. No card, no entry.

According to a court security guard, only a few seats have been set aside for the family of the dead — Chris Hani — and the family of the accused — Clive and Gaye Derby-Lewis and Janusz Waluz.

Nevertheless, the courtroom

will be crowded with onlookers. International and local media will occupy a large portion of the 100 or so seats available. Anyone left standing in the courtroom will be ejected by Judge President Mr Justice C G Eloff.

At around 8.15 a group of about 20 sombrely dressed CP supporters arrived, many from the Derby-Lewises' home town of Krugersdorp.

Some had to hand over weapons to court security.

One man Gerry Coetze had arrived from Witpoortjie in Roodepoort: "I am so sick and tired of F W and Mandela," he complained.

The group milled around the court entrance hoping to be granted access to the proceedings.

At the time of going to press the ANC contingent, which will be led by the organisation's deputy president, Walter Sisulu, had not yet arrived.

Winnie's compensation and fine still outstanding

By Montshiwa Moroke

Winnie Mandela has yet to pay the R15 000 fine and R15 000 in compensation imposed on her by the Appeal Court in Bloemfontein on June 2, Matthys Lourens, senior registrar of the Rand Supreme Court, said yesterday.

The compensation has to be paid to the registrar within 30 days of the date of the order.

Mandela's six-year sentence handed down in the Rand Supreme Court in May 1991 for kidnapping was set aside in part

by the Appellate Division. She was fined R15 000 instead. If she does not pay the fine, she will spend a year in jail.

She was ordered to pay R5 000 to Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe, who were abducted in December 1988.

The court set aside Mandela's 1991 conviction as an accessory after the fact to assault.

The charges arose from the abduction of Stompie Seipei (14), Kgase, Mono and Mekgwe. Stompie was found dead on January 6 1989.

Hani trial witnesses threatened

B1 Day 24/6/93

SUSAN RUSSELL

TWO State witnesses in the trial of the three right-wingers accused of murdering former SACP head Chris Hani had received death threats, Witwatersrand Attorney-General Klaus von Lieres und Wilkau SC told the Rand Supreme Court yesterday. (331) (331)

He was opposing an application for postponement of the trial by counsel for Polish immigrant Janusz Walus, former CP MP Clive Derby-Lewis and his wife Gaye.

Von Lieres said two other witnesses had been threatened with dismissal and the pressure on State witnesses increased with the lapse of time. The two threatened with death were under 24-hour police protection.

Transvaal Judge President C F Eloff allowed the defence a postponement. He said the public interest had to be recognised, but an accused person was entitled to every reasonable opportunity to prepare

his defence. He adjourned the case to July 30, when procedural aspects would be dealt with. The trial would proceed on October 4.

Walus and the Derby-Lewises have been charged with murdering Hani outside his Boksburg home on April 10 and conspiring to murder several other prominent figures, including ANC president Nelson Mandela, Judge Richard Goldstone and Foreign Minister Pik Botha. They have also been charged with the unlawful possession of a firearm and ammunition.

The atmosphere in the public gallery was tense during yesterday's proceedings. SACP chairman Joe Slovo, ANC deputy president Walter Sisulu and senior SACP members sat shoulder-to-shoulder with Derby-Lewis supporters.

Counsel P Coetsee SC for Walus and

□ To Page 2

Hani

B1 Day 24/6/93

□ From Page 1

Eben Jordaan for the couple told the court their clients had not been given sufficient time to prepare their defence. There had also been difficulty in obtaining funds to pay for the defence. (331) (331)

Opposing the application, Von Lieres said it was in the national interest and a matter of public policy that the case be disposed of expeditiously. This, he said, would clearly signal the attitude of the

courts in dealing with this sort of case.

He submitted that a speedy conclusion of the matter would also stop media speculation about a right-wing conspiracy prejudicial to the accused.

He said security arrangements at the trial were also costing the taxpayer a great deal of money, with yesterday's alone costing R18 000.

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Keep it clean, critic tells Bop's opponents

BOXING World editor Bert Blewett yesterday criticised the politicisation of Saturday's WBA lightweight title fight between Dinga Thobela and champion Tony Lopez.

Political moves by the Anti-Bophuthatswana Campaign to have the fight moved may have had a negative effect on Thobela's concentration on the fight, he said.

The coalition, which includes the ANC and the SA National Civic Organisation, this week withdrew a demand that the fight be moved from Sun City to a venue in SA.

But while the ANC this week wished Thobela a successful fight, noting his support for the "struggle of the people of Bophuthatswana", the campaigners vowed to go ahead with placard protests along the route to the Sun City resort on Saturday.

"I am very disappointed to see sport is once again being mixed with politics. It must have disturbed Din-

RAY HARTLEY

gaan, he wouldn't be human if it didn't," Blewett said.

Lopez had almost lost to Thobela in their last encounter because he was distracted by the prospect of a rematch with Brian Mitchell. This time it could easily be Thobela who is the one who could be distracted.

Sun City matchmaker Leonard Neil, however, said the furore over the venue would have little effect on Thobela as he had been "kept away from it" by tight security.

Thobela had held one brief meeting with campaign officials and this had been positive, he said.

The ANC had initially requested that SA's first WBC championship fight, between Jan Bergman and Victor Baranov on the undercard, not take place at Sun City, he added.

Neil said the rematch would be difficult for Thobela. "We saw the best of Thobela in the first fight, but not the best of Lopez."

Witness refuses to answer questions on Biko's death

PORT ELIZABETH — A former head of the Port Elizabeth security branch head, Col Harold Snyman, yesterday on Wednesday refused yesterday to disclose any information relating to black consciousness leader Steve Biko on the grounds that it might incriminate him.

During cross-examination by George Bizos, senior counsel for the families of four murdered Cradock community leaders, Snyman refused to disclose whether he had led the police team which had interrogated Biko.

Biko died in September 1977, shortly after being interrogated by the Port Elizabeth security police. Snyman was stationed at this branch at the time.

Said Bizos: "Are you saying that if you give honest answers to questions I put to you regarding Biko, it will incriminate you?"

Snyman: "Yes".

He also refused to answer questions concerning information he had passed on to then Police Minister Jimmy Kruger to the effect that Biko had died after going on a hunger strike.

Snyman was head of the Port Elizabeth security branch in 1985 when Cradock activists Matthew Goniwe, Sparrow Mkonto, Fort Calata and Sicelo Mhlawuli were murdered and their bodies were dumped in the vicinity of Blue Water Bay outside the city.

He confirmed yesterday that he was strongly opposed to the reappointment of Goniwe as a teacher at the local Cradock school as well as proposals that he be transferred to Graaff-Reinet.

Snyman was unable to answer many questions by Bizos on incidents in 1985 because he claimed he was an old man and could not remember much of what had happened eight years ago.

The hearing continues today. — Sapa

PAC chant for bomb trialists

DIRK VAN EEDEN

CRIES OF "one settler, one bullet" rang out in a Johannesburg regional courtroom yesterday as two of the three alleged Rockey Street bombers were led to the cells.

The three are accused of attempting to bomb Rockafellas restaurant in Rockey Street, Johannesburg, last month.

The trial was postponed because the third accused, Phila Martin Dolo of Uitenhage, was in No 1 Military Hospital, Voortrekkerhoogte, where his hand had been amputated as a result of bullet wounds sustained during his arrest.

The other two accused are Patrick Muchindu of Soweto and Godfrey Mathebula of Mandela Squatter Camp. A fourth accused, Louis Moosa, was released after a brief appearance three weeks ago.

The public gallery was packed with PAC supporters yesterday who chanted the slogan in response to the accused as they were led into the well of the court.

The case was postponed to July 6 when an application for bail will be filed. Neither of the accused was asked to plead.

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David Rowe P.R.

Hani 3: Trial is Sowetan 24/6/93 put off to Oct 4

By Musa Zondi

THE trial of Mr Janusz Jacob Waluz and Mr Clive Derby-Lewis and his wife Gaye, charged with the murder of South African Communist Party chief Mr Chris Hani, was yesterday postponed to October 4.

The three are standing trial in the Rand Supreme Court on charges of murder, conspiracy to commit murder and illegal possession of arms and ammunition.

Their defence counsels asked for the postponement, saying they needed more time to prepare for the case.

Waluz

Mr P Coetzee, counsel for Waluz, argued that it was taking a long time to interview his client because he could not speak English properly.

It was taking twice as long as in the case of a person who speaks the language.

Coetzee and Mr Eben Jordaan, another advocate who is appearing for the Derby-Lewis couple, also argued that

they had not been supplied with proper documents by the State for them to prepare fully. (331)

Arguing against the postponement, Transvaal Attorney-General Mr Klaus von Lieres und Wilkau said the case had to be finalised as soon as possible because a postponement would strengthen perceptions that there was no real intention of bringing the accused to trial.

Civil war

He said the country teetered on the brink of civil war following Hani's assassination and the sooner the case was wrapped up the better.

It was in the interests of the accused and witnesses to bring the case to a speedy end because some witnesses had been threatened with death, said Von Lieres.

Granting the postponement, the Judge-President of the Transvaal, Mr Justice CF Eloff, said he had hoped the trial would take place during the recess of the Rand Supreme Court so that it would not disrupt other activities because of the tightened security the case required.

Sowetan 246K13

Scenes of anger

Sowetan Reporters

"YOU can never kill what Hani stood for!" proclaimed a poster carried by an African National Congress supporter.

Another one declared: "We will never ever forget you for killing our Hani!"

Such was the mood outside the Rand Supreme Court yesterday at the beginning of what has come to be known as the Chris Hani murder trial. (331)

As early as 8.45am scores of ANC supporters — mainly youths wearing the green, black and gold colours of the organisation — milled around outside the court, singing freedom songs and chanting the controversial "Kill the Boer, kill the farmer" slogan. (SFP)

Thunderous applause

The first top ANC people to arrive were deputy president Mr Walter Sisulu, SACP chairman Mr Joe Slovo and ANC lawyer Mr Matthews Phosa, who were greeted with thunderous applause from

the crowd of supporters.

The three leaders passed through the policemen standing guard at the court entrance without hindrance but their bodyguards were barred.

More top ANC people arrived as the morning wore on. There were several minor scuffles with policemen as people tried to gain entry.

And inside the court another scenario was being played out.

"Waluz, Waluz, how are you doing?" He looks up to see who is addressing him and then puts up his hand, showing his thumb, and nods.

He says something but it is inaudible.

The black policeman next to him urges him to follow.

He is getting a bit impatient after they have been waiting for some time while the three accused are talking to friends and relatives.

Waluz walks down the steps below the courtroom. Close behind him is Clive Derby-Lewis and his wife, Gaye.

Would-be bombing sequel

Sowetan 24/5/93
TWO alleged members of the Azanian People's Liberation Army appeared in the Johannesburg Magistrate's Court yesterday in connection with the attempted bombing of the Rockerfella's restaurant in Yeoville, Johannesburg, on May 29. No charges were put to Mr Patrick Muchindu (32), and Mr Godfrey Mathebula (26), both of Soweto. (33)

Police 'had motive to stay silent on Goniwe'

B/Day 25/6/93

PORT ELIZABETH — The security police clearly had a deep-seated motive for remaining silent on Matthew Goniwe's movements on the evening of his death, the judicial inquest into his slaying heard yesterday. (331)

This was submitted by senior counsel for the SA Defence Force, Anton Mostert, who said the Port Elizabeth security branch had been monitoring Goniwe on June 27, 1985, the day he and three other men were stopped en route from Port Elizabeth to Cradock, and brutally murdered.

Former head of the Port Elizabeth security branch Col Harold Snyman denied security police had not volunteered information to the investigative team. He said there had been both communication and co-operation between investigators and the security police after the murders.

But Mike Hodgen from the attorney-general's office said that after making inquiries, he had found out that no one from the security branch had come forward and, on their own

initiative, provided any information to the investigating officers.

"If you say so, it must be true," replied Snyman.

Mostert said that either the security police monitors lost track of Goniwe on the evening of June 27 or they followed him until he and the three other activists with him were stopped and killed near Blue Water Bay.

"It is strange then that they have made no statement on the matter. It is after all the (security) police who could make the most valuable contribution regarding what happened in Goniwe's last hours, yet there is not a word about it. (231)

"The fact that there is no such statement forthcoming proves the security police had a deep-seated motive to remain silent on Goniwe's movements on the evening of 27 June."

Snyman refused to comment on this submission. He earlier admitted it was possible that covert activities went on in the security police without his knowledge. — Sapa.

New charges don't faze Winnie's fans

By PAUL STOBER

25/6-11/93

A SOWETO youth who disappeared in November 1988 was allegedly last seen battered and bruised in a minibus with Winnie Mandela and members of the notorious Mandela football club.

Details of Mandela's suspected involvement in the disappearance of Lolo Sono and another youth known only as Tshabalala re-emerged after the Witwatersrand attorney general's office confirmed they were considering bringing further charges against her.

Despite the possibility of new charges, Mandela's supporters are pushing her back into the leadership of the African National Congress. On Monday, the suspended PWV committee of the ANC's Woman's League held a press conference at Mandela's house, under the name of the Concerned Women of South Africa, and demanded reinstatement with Mandela as chairman. Earlier this month, within a week of her six-year sentence for kidnapping being reduced to a fine by the Appeal Court, Mandela was elected chairman of the PWV region of the South African National Civic Organisation.

Sono was friendly with two ANC guerrillas who were killed in a shootout with police at the house of Jerry Richardson, the Mandela football team coach who is serving a life sentence for the murder of Stompie Seipei.

Four days after the shootout, on November 13 1988, Mandela and football team members allegedly arrived at Sono's father's house in a minibus.

Sono senior said Mandela told him she thought he and a friend of his were "police spies". He rejected the accusation. Mandela said his son was in the back of the minibus.

"He was badly beaten. I tried to plead with her that, OK, you can leave him with me," said Sono senior. Mandela allegedly replied: "No... I'm taking him with me. The movement will see what to do with him." Then Mandela and the team drove off — and Sono was never seen again.

In a speech in parliament last week, based on an interview with Xoliswa Falati — co-accused in the kidnapping case — Democratic Party MP Lester Fuchs said Falati had indicated Katiza Cebekhulu could shed light on the disappearance of Sono. Cebekhulu, a co-accused in the kidnapping trial, skipped bail and left the country in February 1991. He has since said, from his jail cell in Lusaka, that he was kidnapped and forced to leave South Africa.

Details of Tshabalala's disappearance are scarce but, on Wednesday, the AG's office indicated it was investigating the possibility of a link between the cases.

Scepticism exists about the chances of the state successfully prosecuting Mandela in connection with Sono's disappearance. During the kidnapping trial, the state entered the circumstances around Sono's disappearance as similar fact evidence. Although the court allowed the evidence to be entered, the AG decided not to lead the evidence.

NEWS IN BRIEF

Accused fit for trial

THE Johannesburg Regional Court has declared John Beck, arrested last month on charges of conspiring to murder SACP chairman Joe Slovo, fit to stand trial. Beck, 38, of Parktown North, had been sent to Weskoppies Hospital for 30 days' psychiatric observation. A report submitted to the court stated that the former SAAF radio technician's emotional state had not been influenced by a previous head injury and he was capable of following court proceedings. *By Day 25/6/73*

Magistrate C van Heerden adjourned the case to July 19. Beck is to be held at Pretoria Central Prison. *(331) (334)*

News in brief

Benny Alexander fined

PAN AFRICANIST Congress general secretary Mr Benny Alexander was yesterday fined R1 500 in the Johannesburg Magistrate's Court after being found guilty of contravening the Road Traffic Act.

Alexander was also found guilty of failing to return a false driver's licence to the Traffic Department within 21 days. He was given a four-year suspended sentence but was acquitted on two charges of fraud and forgery. *Sowetan*

Veteran journalist dies

VETERAN journalist John Dunn died of cancer in the Johannesburg Hospital yesterday morning. He was 61.

At the time of his death he was a sub-editor at *Drum* magazine. He previously worked for *The Star*, *Sunday Times* and *The Citizen*.

Money for returnees

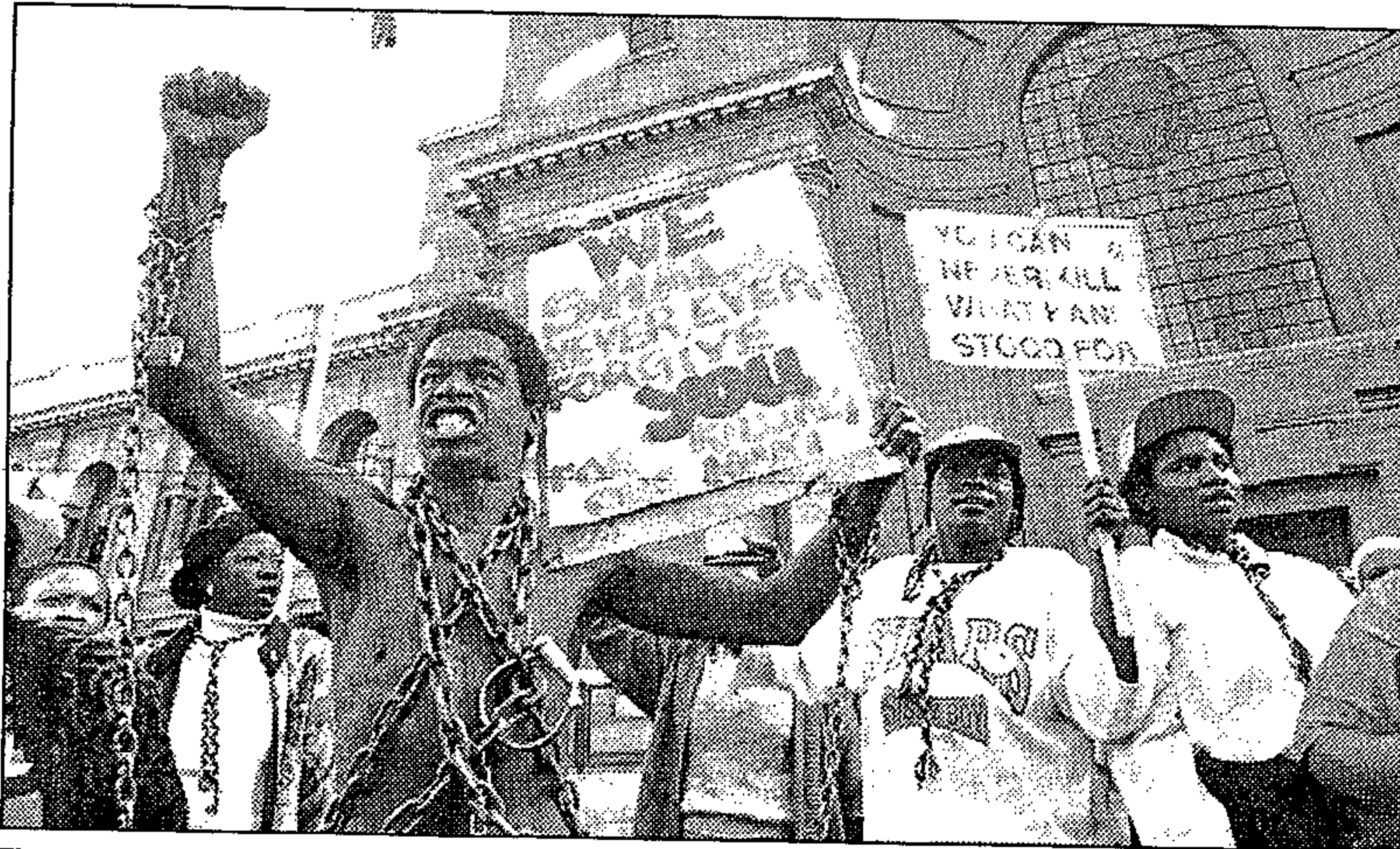
THE National Co-ordinating Committee for the Repatriation of Exiles has appealed to the returnees whose voluntary repatriation application form numbers are listed below, to report to the Smal Street, Johannesburg, branch of Nedbank to collect their money. In Rustenburg collect from Nedbank.

The VRAF numbers are: 066683, 068987, 080661, 081141, 122026, 091044, 091046, 091135, 091137, 100434, 100831, 104282, 120287 (all in Johannesburg). The numbers in Rustenburg are 080333 and 080447.

Suspect fit to stand trial

JOHN Beck, the man who allegedly plotted to assassinate SA Communist Party national chairman Mr Joe Slovo, was yesterday declared fit in the Johannesburg Magistrate's Court to stand trial.

Beck (38) underwent 30 days' mental observation at Weskoppies Hospital. State psychiatrist Dr PM Joubert stated that Beck suffered from psychological disorders but these did not prevent him from appreciating the wrongfulness of his actions at the time of the alleged crime or from understanding proceedings during a trial. His case was postponed to July 19. *Sowetan Correspondents and Sapa.*



The message is clear from the Hani faction of the crowd outside the courts

Photo: LUANNE CADD

World watches Courtroom 4E

By STEPHEN LAUFER

IT was a morning of colourful clothing and inimical cultures, of red judges' robes and crimson communist banners, black advocates' garb and khaki for the brylcreem-and-nicotine-fingers brigade from the West Rand.

South African Communist Party chairman Joe Slovo joked that "we could have a bilateral meeting with the Afrikaner Weerstandsbeweging right here in the public gallery", on this, the first day of the murder and conspiracy trial against Chris Hani's alleged killers.

At the end of the session, *tannies* in crimplene frocks queued eagerly to shake Clive Derby-Lewis' right hand,

or to whisper words of encouragement into Janus Walusz's left ear. Wrinkle-faced men with striped wash-and-wear ties sent straight-armed waves to Gaye Derby-Lewis, herself eager for every opportunity to look round at friends and supporters in the public gallery.

As the three went down to the cells, Clive Derby-Lewis told reporters he felt "very good", gave a thumbs-up. His broad grin indicated that he meant it. Walus said the same thing, but his losing battle to muster even a small smile told a different story.

As is often the case, the rightwingers had been the early birds. Bussed in from Roodepoort under the leadership of

Conservative Party MP Jurg Primisloo, they'd already occupied almost all the seats when Slovo and African National Congress deputy president Walter Sisulu arrived.

TV cameras from around the world rolling, the SACP chief had the massive wooden doors of the Rand Supreme Court unceremoniously slammed in his face. It took all the persuasive talents of ANC legal adviser Matthew Phosa to have space made available for him, Sisulu, Cosatu's Jay Naidoo and Hani's close friend, Tokyo Sexwale.

The handshakes and greetings on the way to Courtroom 4E for the leftist leadership from security policemen and state advocates were a sight to behold, and even Witwatersrand attorney general Klaus von Lieres und Wilkau seemed to have little difficulty with the three-point comrade's handshake pressed upon him by Phosa.

Ultimately, it was a morning of measured legal argument among "learned friends", the defence arguing for postponement, the prosecution convinced that it was in the national interest to proceed forthwith.

Judge President CF Eloff granted a remand until October 4, when a roll call of more than 50 witnesses will begin.

By then, the Derby-Lewises should have been able to raise sufficient finance to cover legal costs, possibly by selling their house. Their CP friends, it seems, are struggling to raise the several hundred thousand rands it's going to take.

Old skeletons uncovered at Goniwe inquest

W/Mail 25/6-11/7/93
(331) 331

THE scope of the reopened Goniwe inquest widened this week as lawyers raised questions about several more high-profile political murders.

On Wednesday, there was drama in court as a senior security policeman refused to answer questions about the death of Steve Biko as it might incriminate him.

Speculation is now that there are hard links which may yet be exposed between a wide variety of previously unsolved political killings, and that one grouping may have been responsible for many of them.

Prime suspects are the security police, particularly those with a background in the now-disbanded police counter-insurgency unit Koevoet and the police's Vlakplaas hit squad.

The side-show of conflict within the security forces continued, with South African Defence Force counsel Anton Mostert introducing all the new cases, and hammering a succession of security policemen who took the stand.

Although Mostert has accused police of involvement in some of these murders, and hinted at it in others, he has not yet produced evidence.

This week Mostert referred to the May 1985 disappearance of the "Pebco three", Port Elizabeth Black Civic Organisation (Pebco) activists Sipho Hashe, Champion Galela and Qaqawuli Godolozzi, who vanished weeks before the Goniwe murders and still have not been found.

Mostert said that two decomposing, bound and burnt bodies were found on June 16 outside Port Elizabeth, very near the spot where the Goniwe victims were found. He speculated that they were two of the Pebco three and, while stopping short of accusing police of killing them, suggested police copied this method for the Goniwe murders.

The discovery of these two bodies is not new information, but no link with the Pebco three has ever been shown.

Then Mostert accused police of involvement in Durban activist Victoria Mxenge's murder. Mxenge addressed Goniwe's funeral and 10 days later, on August 1, was herself murdered by

The security police emerged

as the prime suspects in a

wide range of unsolved

political killings at the

Goniwe inquest this week.

LOUISE FLANAGAN reports

unknown killers in Durban.

Police captain Dirk Coetzee previously claimed that Mxenge's husband, Griffiths, was murdered in 1981 by Vlakplaas members.

Last week Mostert accused the police of killing four of their own colleagues in a limpet mine blast in December 1989 in an attempt to stop informants talking about police involvement in the Goniwe killings.

Former Koevoet member and 1985 Cradock security police chief Colonel Eric Winter and 1985 Port Elizabeth regional security police chief Colonel Harold Snyman both gave evidence this week and denied police involvement in the murders.

Snyman was named in the inquest into Biko's September 1977 death in detention as the policeman who had led the interrogation team. He refused to answer questions on the issue this week, on the grounds that he would incriminate himself.

Like previous witnesses, Winter and Snyman repeatedly said they could not remember things. According to Mostert, Winter replied "I can't remember" at least 135 times.

Snyman did, however, recall that Goniwe's file — allegedly destroyed in mid-1990 — contained information on his involvement in illegal underground activities. Snyman is the first security force officer to acknowledge that he knew of Goniwe's involvement in such activities. Lawyers have been pushing for such admissions, as they would indicate a possible murder motive.

The inquest ends today and resumes on August 11, when policeman Major Deon Nieuwoudt is expected to take the stand to answer allegations that he was involved in the December 1989 limpet blast murders of police. — Ecna

Slovo: man declared fit for trial

By Philip Zoio

John Beck of Parktown North, who is alleged to have plotted to assassinate SACP national chairman Joe Slovo, was declared fit in Johannesburg Magistrate's Court yesterday to stand trial.

Beck (38) underwent 30 days' mental observation at Weskoppies Hospital in Pretoria after a brief psychological assessment in the court cells before his last appearance on May 25.

State psychiatrist Dr P M Joubert, in a report to the court yesterday, said Beck suffered various psychological disorders.

But these did not affect him sufficiently to prevent him appreciating the wrongfulness of his actions at the time of the alleged crime, or from understanding proceedings during a trial, Joubert said.

The State alleges Beck plotted to kill Slovo by shooting him from a tower near Slovo's home in Observatory, Johannesburg. Beck has not been asked to plead to a charge of conspiracy to murder.

The case was postponed to July 19.

'Desire to suppress info on Goniwe'

By Helen Grange

PORT ELIZABETH — The reason there was no security police information on Matthew Goniwe's movements on the day he went missing was because they had a "deep-seated motive" to keep such information silent, the Goniwe inquest was told yesterday.

Anton Mostert, SC, for the SADF, put this to former Port Elizabeth security chief Colonel Harald Snyman who left the witness stand yesterday after two days of cross-examination.

The inquest was afterwards adjourned to August 11.

Mostert said there was a definite break in security police information about Goniwe's movements on the day he was murdered, June 27 1985.

"We know the security police knew Goniwe's movements in Port Elizabeth during the last hours of his life, yet there is not one word (in statements before the court concerning the monitoring of Goniwe) to this effect."

"I don't know if every movement was monitored," replied Snyman.

Earlier, George Bizos, SC, for the Goniwe family, questioned Snyman about false number plates which were found on Goniwe's burnt-out car near the murder scene and later traced to a vehicle often parked outside the Sanlam building — headquarters of Port Elizabeth's security police.

Snyman said he was not in a position to say if the number plate CB10627 was a false one used by the security police. (It has been established that the plates were false plates registered to a scrapped vehicle.)

Bizos said that on at least eight occasions before Goniwe's murder, tickets were issued to a vehicle with these plates because it was illegally parked outside the Sanlam building. Each time, the fines were withdrawn by the State prosecutor.

Asked whether policemen could have traffic fines withdrawn, Snyman said this could

be done only if the vehicle were an official police vehicle.

Bizos: "So, if it's accepted that these fines were withdrawn, can we take it that this car was an official police vehicle?"

"I can't say. That can be correct," replied Snyman.

Snyman said he did not know whether the security police were using false number plates, as no one had ever applied to him to use them.

"If false number plates were used, would it have come to your attention?" asked Bizos.

After saying it had never come to his attention, Snyman said it was possible his deputy, a Colonel van Rensburg, could have approved the use of the plates.

Mr Justice Zietsman: "Would that have been irregular?"

"Yes," replied Snyman.

"What would you have done if you had found out about such an irregularity?"

"I would have told Colonel

van Rensburg to inform me in future," said Snyman.

The judge told Snyman he was giving the impression that a lot of activity was going on in the Security Branch for which Snyman was not taking responsibility.

Snyman, testifying on the military signal of June 7 1985 requesting the "permanent removal from society" of Goniwe, said this could have been interpreted as detention, which was what the former Joint Management Committee felt should be done about Goniwe at the time.

But he regarded the use of the word "permanent", as wrong in view of the fact that detention was never permanent. Glen Goosen, appearing for former SADF officer Colonel Lourens du Plessis, put it to Snyman that the meaning of the signal was to "kill".

"That wasn't what was said at the (committee) meeting (on June 7)," replied Snyman to a guffaw from Bizos.

The hearing continues.

Families of crash victims destitute

Former SP chief in dark

NO LIGHT Quizzed on false number
plates found on Goniwe's burnt car:

Sowetan Correspondent

FORMER PORT ELIZABETH security police chief Colonel Harold Snyman could throw no light yesterday on false number plates found on Matthew Goniwe's burnt-out car and traced to a vehicle which frequently parked outside a building housing the security police.

Testifying at the Goniwe inquest in the Port Elizabeth Supreme Court, Snyman said he could not say if the number plate CB10627, found on Goniwe's car after the activist disappeared and was later found murdered, were false number plates used by the security police in the city.

Mr George Bizos, SC, for the Goniwe family, put it to Snyman that on at least eight occasions during early 1985 traffic fines were issued to a vehicle with these number plates because it was illegally parked outside the Sandam building, former headquarters of the PE security police.

Each time the fines were withdrawn by State prosecutors. Asked if policemen could have traffic fines withdrawn, Snyman said only official police vehicles

could have fines withdrawn.

"So, if its accepted that not one of these fines was paid, can we take it that this car was an official police vehicle?" Bizos asked.

"I can't say. That can be correct," Snyman replied.

Snyman told the court he did not know whether the security police were using false number plates.

Snyman said it was possible that his deputy, a Colonel van Rensburg, could have approved the use of false number plates.

Mr Justice Zietsman interjected: "Would that have been irregular?"

"Yes," replied Snyman.

"What would you have done if you had found out that such an irregularity was taking place?" asked Justice Zietsman.

"I would have told Colonel van Rensburg to inform me in future," Snyman said.

Justice Zietsman told Snyman that he was given the impression that a number of things happened at PE's security police branch for which Snyman was not taking responsibility. The case is proceeding.

Loneliness of an alleged assassin

STimes 27/6/93 (331)

IN the well of a crowded Rand Supreme Court room this week, the man accused of murdering SA Communist Party secretary-general Chris Hani stood very much alone.

Dressed in a grey suit with blue shirt and tie, Polish immigrant Janusz Walus, 38, looked uncomfortable as he watched his two co-accused being showered with attention from family and well-wishers.

As many West Rand supporters shook hands, hugged and kissed CP MP Clive Derby-Lewis and his wife, Gaye, who allegedly engineered the assassination, he stood with his hands folded

By JOCELYN MAKER

and his head down.

"Don't forget about Walus," a woman said quietly, "No one is paying any attention to him. *Ag shame,*" she said. "*Hy is baie alleenig.*"

The message reached an elderly man, who quickly gave Mr Walus the thumbs-up sign, and within a few seconds former Boksburg mayor TJ Ferreira stepped forward.

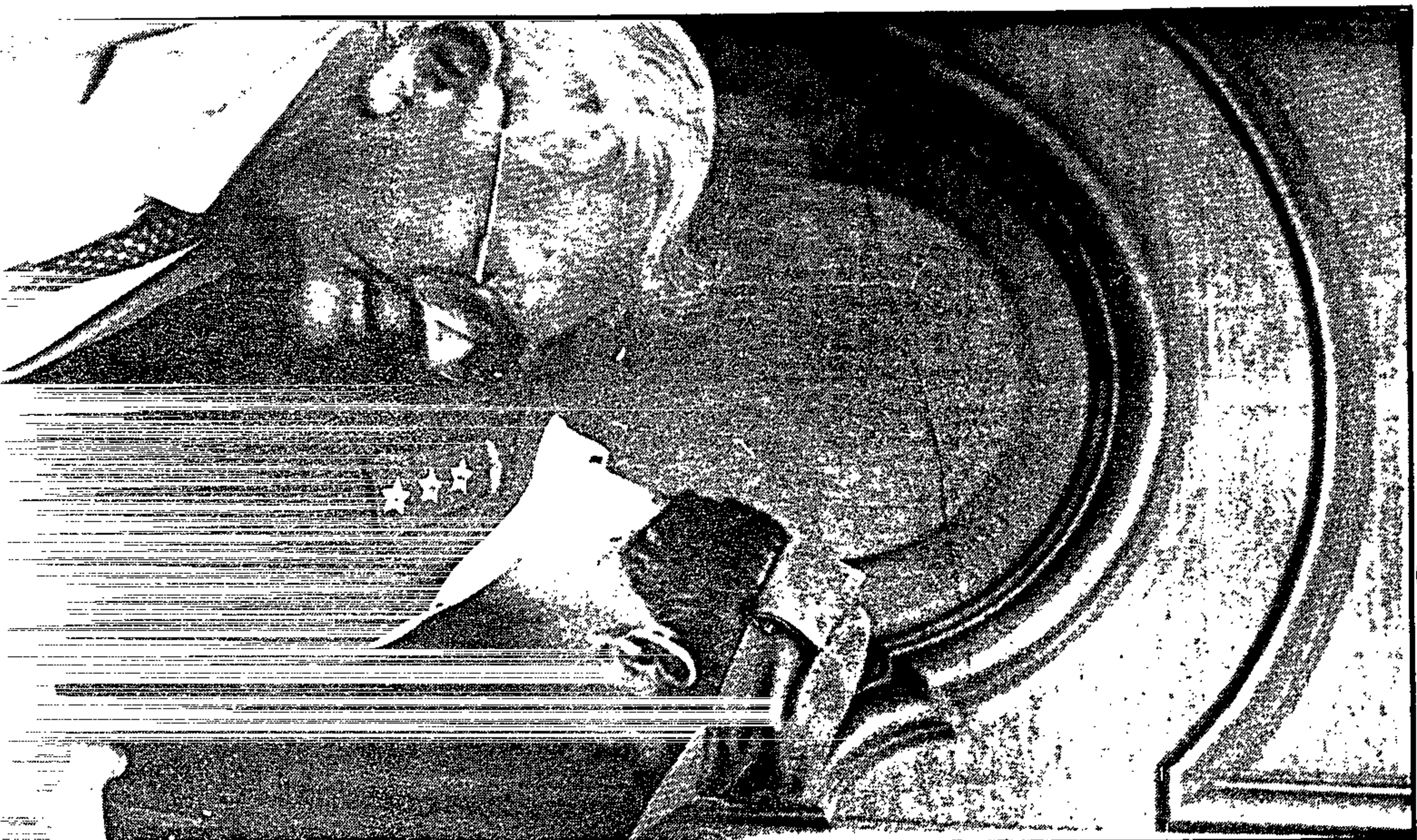
He beckoned to Mr Walus and, as they came face to face, he gave the tall, thin man a hug and whispered in his ear.

Mr Walus smiled and was then swamped with pats on the back, bear hugs and handshakes.

According to the indictment, on April 10 this year Janusz Walus was alone when he was arrested 10 minutes after Mr Hani had been shot dead in the driveway of his Dawn Park, Boksburg, home.

Mr Walus and his car were searched and two firearms were found — one a 9mm Z88 pistol that had been stolen with about 30 others from SADF headquarters on April 14 1990. Police established that this weapon had been used to kill Mr Hani.

The Judge-President of the Transvaal, Mr Justice CF Eloff, on Wednesday granted an application for a postponement to allow the accused time to prepare a "proper defence".



Belinda

THE thick wooden door opens, then shuts again. Entry was strictly by permission and with this, strictly reserved. One by one they would scrutinise and let people in, but in the same vein, ward off dozens more, depending on your credentials. Then the door would shut again.

The door. Even Joe Slovo, at the first try, was not allowed to pass through it. Nor were the judge's two assessors or the legal representative of one of the prime suspects.

On any other day, the giant oak door would remain wide open and business would go on as usual as court orderlies, clerks, policemen, murderers, relatives and friends of the murdered walk through it and up the hallway to various courtrooms.

But this was not any other day. So unusual, so different.

Security so tight, burly no-nonsense cops in camouflage posted at the door to enforce the right-of-admission code, their sturdy frames underlining the importance of the nature of the business taking place on this day.

The Rand Supreme Court has never been like it was this particular Wednesday, the day of the Hani assassination trial.

Yes, as a working journalist, you'd be allowed to pass through the door, but only after producing a special card issued by the "SA Communication Services". Others had

to prove their bona fides beyond any reasonable doubt to gain entry. Otherwise, you had no business to be there.

Inside, in court 4E, you had very, very important people: law functionaries in the mould of Transvaal Judge President CF Eloff and his two assessors; Witwatersrand Attorney-General Klaus von Lieres und Wilkau assisted by state advocate Gerrit Nel, prosecuting.

Very, very important accused: Janusz Jancub Walusz, Clive John Derby-Lewis and his wife, Gabrielle Mavourna Derby-Lewis. No wonder the tight security.

The gallery was packed, mostly by whites. But outside you also had very, very important people locked in delicate negotiations on crowd behaviour, about who had the right of entry into the building and who did not.

At 9.13 am Joe Slovo, the first of the SACP-ANC alliance heavyweights, arrived at the door. He nearly didn't make it as two uniformed policemen standing guard told him there was no more space in the public gallery of Court 4E.

Like others, he was told to step back and give way to those with the necessary accreditation. Chants of "Slovo! Slovo!" from the crowd outside did not elevate his status in the face of the unflinching cops manning the door.



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A tense stand-off developed when police Maj Kobus Peché requested the "illegal gathering" to disperse. An armoured vehicle moved up to the crowd and police with dogs moved closer.

The situation was defused when a crowd leader, after consultation with Wits/Vaal Peace monitors, managed to convince protesters shouting "kill the Boer, kill the farmer" to move to the nearby Central Methodist Church.

The chant was repeated by a second group later, but switched to "kiss the Boer, kiss the farmer" after a policeman complained.

Led by Sexwale, the second crowd then also moved to the church from where they dispersed.

The SAP, in a statement criticised the use of the chant.

STORY by LEN KALANE
PICS by MIKE MZILENI

At this point, at 9.20 am, a BMW pulled up opposite the main door. In it was ANC deputy president Walter Sisulu.

“ANCIANCI ANCI” the crowd roared once more, as Sisulu and his retinue were led up the steps. Slovo now with them.

After brief negotiations at the door Sisulu and Slovo were let in. They were allowed entry only after three people were removed from the courtroom.

A little later Sisulu's wife, Albertina, and ANC Women's League president Gertrude Shope were turned away from the court. Umkhonto weSizwe chief-of-staff Siphwe Nyanda, ANC spokesman Ronnie Mamoepa, ANC-PWV leader Tokyo Sexwale, ANC eastern Transvaal leader Matthew Phosa, and Cosatu secretary general Jig Nkomo and deputy secretary general Sam Shilowa arrived late, but were allowed in after some haggling with the doormen.

Outside, the mood became livelier. Chants, slogans, Cops and dogs. Crowds and more

The heavyweights were all there, descending on the court as they did in the days of the Winnie Mandela trial. However, conspicuous by her absence was Winnie herself.

The crowds swelled and swelled. More work for the peace marshals and the police who were by now showing signs of strain.

About 40 rightwingers, many apparently family members and friends from Krugersdorp – the hometown of the Derby-Lewis – as well as Walusz's girlfriend, packed the courtroom. No prominent rightwingers were spotted at the hearing.

Security around the court was tight, but there was no evidence of the razor-wire barricades or police sharpshooters on rooftops that marked previous appearances of the three accused in the Boksburg Magistrate's Court.

Armed uniformed policemen cordoned off the court building and the section of Pritchard Street running past the building was closed to traffic.

The main entrance to the building was kept shut for most of the morning, and weapons searches were carried out. Media representatives had to leave television, photographic and

TOYI-TOYI ... Hani supporters demonstrate outside the Rand Supreme Court

The gigantic door was shut again, this time straight in Slovo's face, forcing a disgruntled murmur from the mouth of one onlooker: "Doo they really not know who this man is?"

Beaten, ruffled and about to walk down the staircase to the street, he said: "This is a day of immense sadness and tragic irony."

Sad, because this trial will show that SA has lost one of its finest sons, and a tragic irony because he was gunned down when he

Secret files went up in smoke

By CHARIS PERKINS

TENS of thousands of top-secret police files chronicling dark secrets of the security establishment were destroyed soon after the unbanning of the ANC.

Files on detainees who died in custody, informants and sensitive police investigations were among those sent to the shredders and bonfires when the top management of the SAP ordered them destroyed in the winter of 1990.

The purge of the records — alluded to in evidence before the reopened Inquest by Eastern Cape activist Matthew Goniwe — was confirmed by a former security police source this week. The police will officially confirm only that they destroyed "irrelevant" information.

Orders for the destruction of the documents were issued by General Johan van der Merwe within months of his promotion from head of the now-disbanded Security Branch to Commissioner of Police.

This week a Security Branch veteran told the Sunday Times that after the written orders were received from Pretoria "we worked day and night" to carry

them out.

He said the files — "compiled with Teutonic thoroughness" — contained details of security police surveillance and monitoring of anti-apartheid activists as well as "dirty tricks" campaigns against "enemies of the state".

The files would almost certainly have included those on high-profile activists and the many detainees who died in police custody, such as Dr Nell Aggett, Ahmed Timol, Griffiths Mxenge and his wife Victoria, the source said.

"It was wholesale destruction. At John Vorster Square alone something like 35 000 files were dumped. We lost count of how many shredders burnt out in the process, but the beer was flowing and the fires were burning high at the SAP rugby ground at Arthur Bloch Park."

Only information about investigations in progress, and "maybe some of the other files", were transferred to the computer,

according to the source, who said he had "heard through the security grapevine" that the National Intelligence Service simultaneously destroyed its own files on activists.

"It was bizarre. Up to that time, standing procedures for destruction of files were that a list of names had to be compiled and sent to Pretoria for approval before we could get rid of them, and these were files for people who'd been dead for years," he said.

The purge of documents came to light in the Port Elizabeth Supreme Court when a former Cradock Security Branch commander, Colonel Eric Winter, told the Inquest into the murder of four United Democratic Front activists, including Matthew Goniwe, that "masses" of documents had been destroyed three years ago.

Among them were reports on the 24-hour surveillance of Mr Goniwe, a Cradock teacher, in the 11 days leading up to his death on June 27 1985, Colonel Winter said.

Law and Order spokesman Major-

General Leon Mellet this week confirmed that the SAP management board, headed by General van der Merwe, had issued instructions to security police to destroy all files relating to "ideological offences and activities".

"The unbanning of organisations on February 2 1990 had the immediate effect that all such information became totally irrelevant," General Mellet said.

However, destruction had been confined to "irrelevant documents... banned publications like Mayibuye and SA Communist" and files that had been transferred to the computer from 1987.

A spokesman for President de Klerk said no specific instructions for the destruction of documents had been issued by the government or the President's office.

ANC spokesman Ronnie Mamoepa said those who had taken part in the destruction of the files "must be held accountable, as they could have had no motivation other than the need to remove traces of their actions against our people".

Behind closed doors

C Press 27th

THE thick wooden door opens, then shuts again. Entry was strictly by permission and with this, strictly reserved. One by one they would scrutinise and let people in, but in the same vein, ward off dozens more, depending on your credentials. Then the door would shut again.

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STORY BY LEN KALANE PIGS BY MIKE MZILENI

had become one of the biggest campaigners for peace. But, let justice take its course."

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(331)

crowds. More leaders being dropped off in a reminiscent of the Oscar Awards.

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Passionate kisses for Hani accused

By DESMOND BLOW

SHORTLY after Chris Hani was murdered on April 10 rightwinger Clive Derby-Lewis telephoned the Pretoria flat of the alleged killer, Janusz Walus, and left a message telling "Kuba" (Walus) to phone him.

Walus, however, was already in custody.

This was revealed in papers indicting Walus, Derby-Lewis and his wife, Gaye Derby-Lewis, for murder and conspiracy to commit murder when the three appeared in the Rand Supreme Court this week.

The indictment does not reveal who answered Walus's telephone, but it is known police raided his flat shortly after his arrest. His girlfriend was staying there at the time.

The girlfriend, a tall red-head, is among the 50 state witnesses the state intends calling. As a prospective witness she is not allowed into the court while proceedings are on until she has testified, but during two adjournments she entered the well of the court and kissed Walus passionately. (321)

She also kissed Gaye Derby-Lewis. After the case was postponed the girlfriend accompanied the tall, sandy-haired Walus to the court cells.

She left half-an-hour later, accompanied by a big man.

Walus, who has a wife and family in his native Poland, has been seeing the young woman - City Press has her name - for the last four years.

She spent the night with Walus on the eve of the Hani killing and slept

alone in his Pretoria flat the night after the killing, after Walus was arrested.

Clive Derby-Lewis and his wife Gaye have put their luxury home up for sale to pay the costs of their defence - one of the reasons the trial was postponed until October 4.

The court gallery was packed with middle-aged and elderly whites who all appeared to be friends of the Derby-Lewis's.

Walus did not appear to have much support other than his girlfriend.

Apart from a few black journalists and a number of black policemen, the only blacks in court were four ANC supporters, including one woman.

They said they were issued tickets for the gallery at 8 am after they were informed only the first 80 spectators could be accommodated.

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Star 28/6/93

3 appear over murder

Three men who allegedly attacked and killed SABC journalist Calvin Thusago in Sharpeville in April appeared briefly in the Vereeniging Magistrate's Court on Friday.

No evidence was led before magistrate L Victor. The case was postponed to July 30 for a decision by the Attorney-General.

The trio pleaded not guilty to a murder

charge during an earlier court appearance.

They are James Thlobane (25), Ezekile Tyobeka (22) and Laurence Hlatshwayo (21).

All were granted bail of R3 000 but are still in custody.

Thusago died after he was stabbed while covering a story concerning desecration of graves in the Sharpeville cemetery. — Vereeniging Bureau. (32)

Trade centre siege accused out on bail

DIRK VAN EEDEN *Biday*

TEN right-wingers arrested in connection with the storming of the World Trade Centre on Friday appeared in court yesterday as the Afrikaner Volksfront met in Pretoria to discuss the incident. 30/6/93

Sources close to the Volksfront said yesterday it had become clear the siege had been planned by "other militant elements".

Police spokesman Maj Ruben Bloomberg confirmed last night that 21 detainees would appear in the Johannesburg Magistrate's Court today.

Bail had been fixed in all the cases before the courts yesterday.

Four detainees had been released without being charged. (331)

He said police investigations were continuing and more arrests could be made. AWB leader Eugene Terre'Blanche, who led the assault, had not been arrested.

Police sent about 300 pictures taken from video footage of the incident to police stations around the country. It was up to local police to identify people in the pictures and to arrest them. Local prosecutors then had to decide whether to charge the detainees.

Sources expected the Volksfront executive committee to rap Terre'Blanche and his organisation over the knuckles for hijacking the "peaceful protest planned by the Volksfront".

Terre'Blanche, who is a member of the committee, did not attend the meeting, but sent a representative.

In a brief media statement last night CP leader and Volksfront executive committee chairman Ferdi Hartzenberg said a number of issues had been discussed at yesterday's meeting. It had been decided that a further meeting would be held this week, to discuss "certain issues with certain elements within the Volksfront".

Volksfront spokesman Koos van Rensburg said yesterday morning action had to be taken against the AWB.

Boerevryheidsbeweging leader and Terre'Blanche's former deputy Jan Groenewald, who was expelled from the AWB in 1989, said Terre'Blanche had to be "called to account" by the Volksfront, to which his organisation belongs.

Seven in court for invasion

Sowetan 30/6/93

By Mpikeleni Duma and
Sapa

SEVEN alleged rightwingers appeared in courts throughout the country yesterday in connection with the armed siege at the World Trade Centre in Kempton Park last Friday.

Police spokesman Major Ruben Bloomberg said 34 people linked to the siege had been detained by yesterday afternoon. Four of them had, however, been released.

He said another 20 would appear in various courts today. (331)

Bloomberg said only three of the 30 were still being held under Section 50 of the Criminal Procedures Act, which stipulates that a detainee must appear in court within 48 hours or be released.

Mr Eddie von Maltitz, Mr Cornelius Loets, Mr Lawrence Brown and Mr LR van der Linde appeared in the Bloemfontein Magistrate's Court yesterday. They are from Ficksburg, Welkom and Bloemfontein.

The four were not asked to plead and their case was postponed to July 13. The magistrate, Mrs Maria Jacobs, granted them each bail of R1 500.

She said their next hearing would be in Johannesburg and not in Bloemfontein.

Meanwhile, the leaders of the protest at the World Trade Centre are still free and police say they have no evidence to implicate them in illegal actions.

The men include AWB leader Mr Eugene Terre'Blanche.

Seven members of the AWB "security unit" surrendered to the police in Potchefstroom, the AWB said in a statement.

Rightists in court as Volksfront meets

By Chris Whitfield
and Norman Chandler

Rightwingers arrested in connection with the storming of the World Trade Centre began appearing in court yesterday. Their leaders in the Afrikaner Volksfront (AVF) held a crucial meeting late into the night.

By last night, police had arrested 35 rightists who took part in the Kempton Park protest, but four of those were released yesterday.

A total of 10 had appeared in court during the day. No charges were put to them but bail was fixed.

And, in special court hearings last night, another seven rightwingers were all granted bail ranging between R500 and R2 000.

They are Keith Conroy, N Prinsloo, V Naude, J Venter, L van der Merwe, J de Wet and A Wolfaardt.

Another 14 are scheduled to appear in the Johannesburg Magistrate's Court today.

Those in court were Lawrence Robert Brown, Guillaume Cornelius Loots, Johan van der Linde, Edward Fred von Maltitz, Albert Saunders, Johannes Crafford, Manie van Schalkwyk, Albertus Schwan, Stefaans Fourie and J J Smit.

AVF leaders — who staged the protest at the World Trade Centre which turned into an armed occupation of the building — met until late last night.

In a brief statement AVF executive committee chairman Dr Ferdi Hartzenberg said the meeting had been held to discuss the incidents at the Kempton Park conference centre.

Members of the AVF would continue the discussions during the week, he said.

Sources indicated a major thrust of the meeting was to have been the behaviour of certain participants in the protest. It is understood there was some unhappiness in the top ranks of the AVF over the actions of some AWB members.

One source said "sparks would fly" at the meeting, but it was unlikely at this stage that the AVF would split.

It is understood the AVF executive spelt out to the AWB the risks of expulsion if the AWB was unable to control its members.

However, on SABC's *Agenda* programme last night, AWB leader Eugene TerreBlanche, who did not attend the meeting, said he had no reason to believe AVF leaders were angry with him or his followers.

The meeting was attended by retired generals as well as representatives of the Conservative Party, the Afrikaner Volksunie, the Transvaal Agricultural Union, the World Apartheid Movement and the AWB.

Meanwhile, the Afrikaanse Handelsinstituut (AHI) has called for "political stability and the ending of violence".

In a statement AHI vice-president P A Olivier said the Afrikaner's cause had not been served by Friday's invasion.

Pretoria sources said General Constand Viljoen, the Volksfront's leading spokesman, had powerful allies within the AHI and that the statement was seen in AVF circles as a gesture of support.

ANC man found guilty of 21 murders

By Susan Smuts

An ANC member was convicted in the Rand Supreme Court yesterday of 21 counts of murder and 14 of attempted murder arising from three separate shootings, including an armed attack on Tokoza hostel dwellers.

Michael Phama (45), of an unknown address, was acquitted on six counts of attempted murder.

Convicting Phama on the strength of three confessions he had made, Mr Justice M C de Klerk found he had acted in common purpose with

other people when he opened machine-gun fire on a crowd of hostel dwellers walking to a meeting at the Tokoza sports stadium on September 8 1991. (231)

Sixteen people died. The judge acquitted Phama of six of the 10 attempted murder charges arising from this incident.

Phama and three accomplices had also opened fire on a minibus on the Old Vereeniging Road on February 26 last year. A crowd of people from Phola Park had later joined the attack and fired at the occupants.

The judge said it made little difference whether the resulting deaths had been caused by Phama's group or those from Phola Park because Phama's group had intended to kill the travellers.

Three traffic officers were wounded, one fatally, when occupants of a bakkie in which Phama was travelling opened fire after being stopped in a speed trap near Alrode on March 27.

Although Phama had not shot at the traffic officers, he had planned to "shoot his way to freedom" when he

was eventually found with illegal weapons, the judge said.

He postponed the case to July 26.

Phama was also convicted of one count of illegal possession of a machine-gun and three of illegal possession of ammunition. He was acquitted on two counts of illegal possession of a machine-gun.

● Three Phola Park residents who escaped custody mid-trial had also been charged with murder and attempted murder arising from the speed-trap incident.

Phama guilty on 21 murder counts

Sowetan 30/6/93

By Mzimase Ngudle

AFRICAN National Congress member Michael Phama was yesterday convicted in the Rand Supreme Court on 21 counts of murdering Inkatha Freedom Party supporters two years ago.

Phama was found guilty of having shot dead IFP supporters who were marching to a rally at the Tokoza Stadium on September 8 1991.

Mr Justice MC de Klerk found Phama guilty on 21 counts of murder, acquitted him on charges of attempted murder and illegal possession of firearms and ammunition.

The court adjourned to July 26 after Phama's pro deo counsel, Mrs Rehana Issack, asked for time to consult two experts to give evidence in mitigation.

Issack said the defence would call a clinical psychologist, Dr Karin Oosthuizen, and Dr Mamphela Ramphele, an expert on violence who is

■ RALLY-BOUND Convicted of shooting dead IFP supporters in September 1991:

also deputy vice chancellor of the University of Cape Town.

She said Oosthuizen had said she would require considerable time to conduct tests on Phama before compiling her report. (331)

Replying to the State's objection to a postponement of the trial for two months, Issack said the period was not long taking into account the relevance of evidence to be led by the two experts.

Giving reasons for his judgment, De Klerk said the confession Phama made to an Alberton magistrate showed that Phama did commit the offences. He found that Phama made the confession voluntarily and without fear or coercion.

Phama had, during the trial, denied all the admissions he made in the confession.

In the confession, Phama admitted shooting at IFP supporters on September 8 1991.

The judge ruled that no irregularities occurred during the taking down of the confession as had been earlier argued by the defence lawyer.

In his four-hour judgment, De Klerk delved into the fact that Phama, who is Xhosa-speaking, understood fully a Zulu interpretation when he made the confession to a magistrate.

The judge rejected evidence that Phama was at a residents' meeting during the attack that day. He also rejected the testimony of several State witnesses who identified Phama as the man who fired shots at IFP supporters.

However, he found that the confession made by Phama directly linked him with perpetrations for the crime.

TOTALITARIANISM - POLITICAL TRIALS

1993

JULY - DEC

Winnie settles her R15 000 fine — just in time

Star 11/7/93

MONTSIWA MOROKO

(321)

WINNIE Mandela, the estranged wife of African National Congress president Nelson Mandela, late yesterday opted not to go to jail when she paid the R15 000 fine imposed on her by the Appeal Court in Bloemfontein a month ago.

A Johannesburg attorney confirmed to Saturday Star last night that the fine had been paid to the Rand Supreme Court

senior registrar Mathys Lourens and police had been informed not to proceed with the execution of a warrant of arrest issued on Monday.

Earlier, it was reported police were looking for her after the warrant was handed to the investigating officer on Tuesday. She had failed to pay the fine imposed after her kidnap conviction in 1989.

Mandela, who was due to pay the fine by the end of June, indicated through her counsel on Thursday she would bring an application to have payment deferred or apply to pay the fine off in instalments.

However, late yesterday her attorney paid the lump sum in hard cash to

Mandela's six-year

Lourens in the Rand Supreme Court building.

A warrant for her arrest, which had been issued after the payment date had lapsed, was not acted upon earlier because the authorities were expecting the court application.

Mandela still had to pay another R15 000 after the Appeal Court ordered her to pay R5 000 com-

May 1991 conviction for kidnapping was set aside in part in the Appellate Division when she was given the option of a fine instead of having to serve an effective six-year prison term. She faced a year in jail if she flouted the court order.

The charges arose from the kidnapping of Stompie Seipei (14), Kenneth Kgase, Barend Thabiso Mono, and Gabriel Pelo Mekgwe the Orlan-do West manse in Soweto on January 6 1989.

Mandela was required to pay the compensation fine within 30 working days.

R5 000 bail for AWB man

Sowetan 11/7/93
BAIL of R5 000 was granted to AWB member Mr Mike Odendaal, accused of killing two ANC marchers. (33)

A condition of bail set by the magistrate in the Vanderbijlpark Magistrate's Court is that he report twice a week to the police until July 30.

Odendaal allegedly drove past an ANC march in Vanderbijlpark on March 17 and opened fire, killing Mr Thabo Malayi and Mr Jabu Linda.

the nation in brief

Sowetan
**46 appear
in court 1/7/93**

FORTY-SIX PAC supporters appeared briefly in the Johannesburg Magistrate's Court yesterday in connection with taking part in an illegal demonstration.

They 46 were not asked to plead and the case was postponed to July 16.

Meanwhile, three Apla cadres appeared on charges of illegal possession of firearms and ammunition. (33)

Mr Temba Sishonge, Mr Joseph Sishonge and Mr Manuel Tsotetsi, all of Kattlehong. Their case was postponed to July 22. Sishonge and Tsotetsi also appeared in another case with Mr Wandile Gunu and Mr Futhi Dalizulu on attempted murder charges. The case was also postponed to July 22.

Warrant for Winnie's arrest

The Argus Correspondent

A WARRANT for the arrest of Winnie Mandela has been issued following her failure to pay the R15 000 fine imposed by the Appeal Court on June 2.

Chief registrar of the Rand Supreme Court Mr Matthys Lourens said today that as far as he could ascertain Mandela had not yet been taken into custody.

Mandela's conviction for kidnapping was upheld by the Appeal Court in Bloemfontein but she was given the option of a R15 000 fine instead of having to serve an effective six years in jail. She faces a year's imprisonment in default of payment.

She was also ordered to pay

R5 000 compensation to each of the surviving kidnap victims.

The charges arose from the kidnapping of 14-year-old activist Stompie Seipei, Keth Kgase (then 29), Barend Thabiso Mono (then 19), and Gabriel Pelo Mekgwe (then 19) from the Methodist manse in Orlando West, Soweto, on January 6, 1989.

The Appeal Court set aside Mandela's 1991 conviction on four charges of being an accessory to assault after the fact.

Mr Lourens said Mandela could still avoid going to jail if she or her lawyer made representations before a judge to request an extension or to arrange for payment to be made in instalments.

news in brief

Sowetan 21/7/93

Siege suspects in court

TWO rightwingers who apparently featured in video footage shot during the violent siege of the World Trade Centre last week, appeared briefly in the Johannesburg Regional Court yesterday.

Annetjie Coetzee (24) and George de Lange (27), both of Barberton, were not asked to plead. They were released from custody and were warned to appear in court again on July 12. (331)

NEWS Alleged failure to pay fine • Negotiations forum to ratify agreements

Winnie facing arrest

Sowetan 21/7/93

Sowetan Correspondent

A WARRANT for the arrest of Winnie Mandela has been issued following her failure to pay the R15 000 fine which was imposed by the Appeal Court in Bloemfontein on June 2.

However, the chief registrar of the Rand Supreme Court, Mr Matthys Lourens, said yesterday that as far as he could ascertain Mandela had not yet been taken into custody.

Mandela's conviction for kidnapping was upheld by the Appeal Court in Bloemfontein but she was given the option of paying a fine of R15 000 instead of having to serve an effective six years in jail.

She faces a year's imprisonment in default of payment.

She was also ordered to pay R5 000 compensation to each of the surviving kidnap victims.

The charges arose from the kidnapping of 14-year-old activist Stompie Seipei, Kenneth Kgase, who was then aged 29, Thabiso Mono (then 19) and Gabriel Pelo Mekgwe (then 19) from the Methodist Church manse in Orlando West, Soweto, on January 6 1989.

The full Bench of the Appeal Court set aside Mandela's 1991 conviction on four charges of being an accessory to assault after the fact.

Avoid jail

Lourens said, however, Mandela could still avoid going to jail if she or her lawyer made representations before a judge to ask for an extension or to arrange for payment to be made in instal-

ments.

The registrar also confirmed that the deadline for the payment of the R15 000 compensation money was today and if Mandela did not comply with the court order another warrant for her arrest would be issued.

Mandela's co-accused in the kidnapping trial, Xoliswa Falati (39) started a two-year jail term on June 9 this year after her conviction was upheld by the Appeal Court.

Falati was sentenced in May 1991 to six years imprisonment for the kidnapping and assault with intent to do grievous bodily harm.

On appeal the sentence was reduced to four years, of which two were suspended.

She is serving her sentence at Diepkloof Prison near Soweto.

Vote on a new SA

Sowetan 21/7/93

By Themba Molefe

THE larger negotiating forum is set to ratify decisions establishing a new constitutional order when 208 negotiators meet at the World Trade Centre today.

The negotiating forum is an extension of the 26-party Negotiating Council which has been meeting since April 1 and has made decisions described broadly as major breakthroughs.

Chiefly, the forum is expected to endorse an agreement that the country's first nonracial elections be held not later than next April 27.

Also, agreement has been reached that a transitional executive council with legislative powers be put in place as the country moves into a democratic transition.

However, the TECs, which were ex-

pected to have been agreed upon yesterday, should have "teeth" and the only means to do this would be by having the present Government passing legislation.

However, Parliament is presently in recess and the State President, Mr F.W. de Klerk, is expected to announce the opening of a special session in September.

Chief negotiator

The Government's chief negotiator, Mr Roelf Meyer, has said the TECs could be put in place without necessarily passing legislation, thus raising concern that the TECs would be "advisory" bodies.

Yesterday, the negotiating council was expected to receive a motion from the Government that the Pan Africanist Congress be expelled from the process because of its refusal to abandon arms.

STAFF MAN/ TIM NOT

Goniwe's secret work in ANC underground

Matthew Goniwe led an African National Congress underground cell which was gearing up for military operations, a close colleague tells **LOUISE FLANAGAN**

MATTHEW GONIWE headed the underground structures of the African National Congress in his region when he was murdered.

The revelation, made by ANC national executive committee member Arnold Stofile in an interview with *The Weekly Mail*, points at a clear motive for a security force hand in his assassination. At the inquest into the June 27

1985 murders of Cradock activists Goniwe, Fort Calata, Sparrow Mkonton and Sicelo Mhlauli, now in recess, police witnesses have consistently denied that they regarded Goniwe as an enemy and that they had any knowledge of his underground activities.

Stofile also disclosed that Goniwe's death had coincided with the transformation of political underground structures into military formations. At least one other activist who disappeared at the same time as Goniwe was probably linked to the ANC underground.

Stofile said he had helped Goniwe set up an underground ANC area political committee (APC) for the Karoo

region during 1980 and how that later changed to a military working committee. In 1980, Stofile was running the underground structures from Alice for the Border and Ciskei region. The ANC wanted to expand into the Cradock area.

"I was told to go and look up Matthew Goniwe in Cradock," Stofile said. Goniwe had recently been released from jail, where he had served a sentence for ANC-related activities. The fledgling Cradock structures were linked through Stofile to the chief of the ANC's underground mission in Lesotho, Chris Hani.

"Initially he (Goniwe) had to report via me to Lesotho, but as soon as he had enough cells in his area — by 1982 — he was reporting directly to Lesotho," said Stofile. That year, on June 26, both men travelled to Lesotho to meet the ANC to discuss their work.

"From 1982 we met periodically. Usually he would come with Mbulelo (Goniwe, a relative), who was still a young fellow. I met him on the road, I met him in houses, I met him on rugby fields. We met everywhere.

"Most of the time we would go to Lesotho and get pamphlets. The APC's work was to distribute these as widely

as possible and remind people about the ANC," said Stofile. "By 1983 Matthew was organising Graaff-Reinet, which we had given up as a PAC support base. He was making unbelievable headway."

By 1984 the police were beginning to harass Goniwe. "I think they were 'jealous' of his work in Hofmeyr, because they don't like inciting in the rural areas."

The structures slowly became more involved in military work.

"In 1981, the APCs were beginning to work in a supportive role for the trained people who came in. In 1985,

the APCs changed to military working committees (MWCs), which were overtly military."

The cell structures changed as well. The old APCs used cells of three to five people, but the MWCs ran on a one-to-one basis, which limited the number of contacts each operative had.

"Matthew died at a time when the APCs were busy transforming themselves into MWCs," said Stofile.

He said that Mbulelo Goniwe, whose "permanent removal from society" is mentioned in the controversial military signal, along with that of Matthew Goniwe and Calata, was also involved in ANC underground structures. Calata comes from a family with long-standing ANC links — his father was the regional ANC general-secretary before the organisation was banned.

Stofile said that at least one of the missing Port Elizabeth Black Civic Organisation activists who disappeared weeks before Goniwe's murder, was probably also part of the ANC underground.

"(Sipho) Hashe for sure was part of the eastern Cape APC," said Stofile. He thought the Port Elizabeth Black Civic Organisation's Qaqawuli Godolosi — "a very key person in the organisation of civics" who vanished with Hashe — had probably also been part of the APC.

Stofile is convinced the security police knew something about Goniwe's underground activities. Stofile himself was detained in 1986 and later jailed on arms and terrorism charges. Although he was held by Ciskei, Stofile was interrogated by South African security forces. He was questioned about Goniwe's activities, although Goniwe had been dead for a year.

"They had this notion we were planning this massive initiative in 1985 with Matthew. They said Chris (Hani) came inside and that we met him in Wilgespruit," he said. Stofile, who was at a church meeting in the eastern Cape on the day he was allegedly meeting Hani, said his interrogators's suspicions were nonsense.

Stofile said his security police interrogators had seen the eastern Cape underground as stronger than anywhere else in the country. "One told us the Border region has sent more people to join MK than any other place in the country. But they were convinced — and I think they were correct — that our underground was still solid.

"They knew that as long as Matthew was there that Karoo region would never go down." — Ecna

Knot tightens for ANC man facing noose

C Press 4/7/93

By MARTIN NTSOELENGOE

ANC member Michael Phama has tied a knot around himself which he seems unable to untie. (321)

Phama - who faces the death penalty - was found guilty on 21 counts of murder, 14 of attempted murder and possession of an AK-47 and ammunition by Judge MC de Klerk sitting with two assessors this week.

Earlier Phama made a damning confession to a magistrate which was crucial to the Supreme Court finding.

On July 26 clinical psychologist Dr Corinne Oosthuizen and UCT deputy vice chancellor Dr Mamphela Ramphele will testify in mitigation.

Ramphele is an expert on violence, a former black consciousness leader and a distinguished scholar.

After his arrest in Phola Park last year Phama was brought before magistrate CJ De La Reij on November 27,

where he made a confession.

He later pleaded guilty to the charges. However, in the Rand Supreme Court Phama pleaded not guilty.

He said the magistrates he appeared before were racists who hated Phola Park squatters and who had distorted his evidence. He added the court interpreters were Zulu-speakers and he had spoken in Xhosa.

Phama also complained that someone had tampered with the tapes.

The court found, however, that a Xhosa-speaking person was easily understood by a Zulu-speaking one.

During Phama's confession he admitted that he was with four others when they attacked a group of Inkatha members before a rally at the Thokoza Stadium.

Phama had added that he did not know how many people were killed, because they ran away when they saw the police coming.

Strict security for Azapo 57

Sowetan 6/7/93

By Abbey Makoe

THE Johannesburg Magistrate's Court was rendered almost unworkable yesterday when 57 Azanian People's Organisation members entered the dock with clenched fist salutes, some eating sandwiches and others chanting "Viva Black Consciousness".

The 57 were arrested on Saturday shortly after marching on Bophuthatswana's consulate in Johannesburg as part of Azapo's campaign to dismantle the "bantustans".

The public gallery had to be cleared to make way for riot police in uniform. Policemen carrying R4 rifles and shotguns guarded the accused, who filled most of the courtroom.

All entrances to Court 12, where the case was heard, were kept locked and lawyers had to identify themselves before being allowed in.

The magistrate, Mr J Engelbrecht, accepted the request by the defence, led by Mr Cyril Morolo and Mr Kabelo Seabi, that bail for 28 of the accused still in custody be reduced from R200 to R100 "as some were students".

Later Azapo's Mr Monwabisi Duna, under

whose custody some minors were released, paid bail for the 28.

The other 29 were each released on R200 bail over the weekend after Azapo lawyers made an urgent application to have them freed.

The case was yesterday postponed to July 30.

Although the State did not formally read out the charges, the charge sheet revealed that the 57 are facing charges of public violence. (331)

The other charges related to the Internal Security Act, malicious damage to property and trespassing after they were arrested in the foyer of the Bophuthatswana consulate. None of the accused has pleaded. (332)

Azapo has targeted Bophuthatswana for a "dismantling" programme.

The move came after some Rustenburg-based priests belonging to Azapo were arrested when the homeland's police prevented people from attending a June 16 commemoration service in Tlhabane, near Rustenburg, last month.

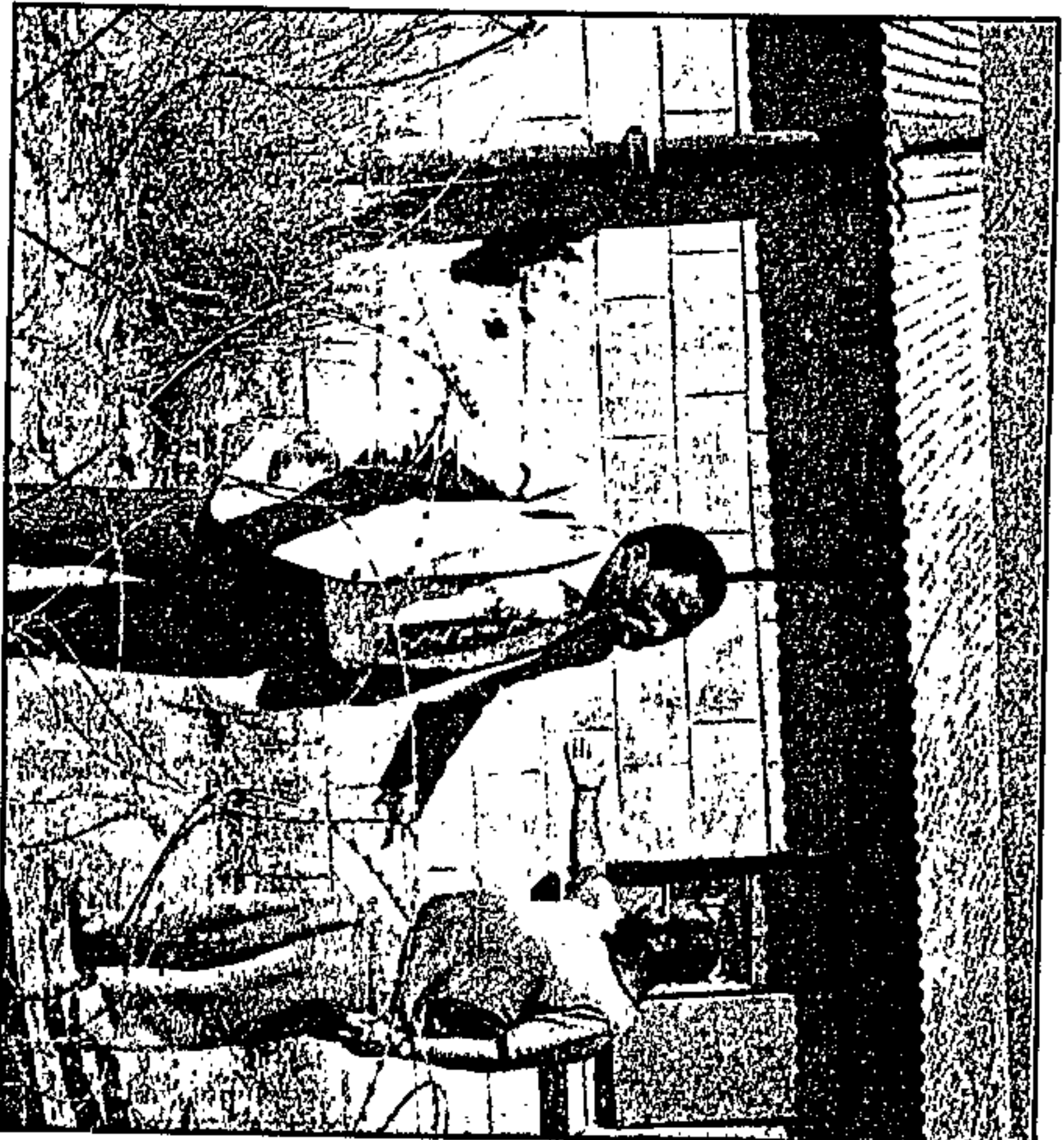
Biko case is closed

with memo 9/7-1577/93
By LOUISE FLANAGAN

POLICE will not be re-opening investigations into the 1977 death in detention of Black Consciousness leader Steve Biko following hints of security police involvement in his death. Police spokesman Major Ruben Bloomberg said: "The docket is now closed."

Former Port Elizabeth security police chief Colonel Harold Snyman, mentioned in a previous inquest as one of Biko's interrogators, told the re-opened inquest into the June 1985 murders of activist Matthew Goniwe and three others that he would not answer questions relating to the Biko case as he might incriminate himself.

Bloomberg said if more solid evidence came to light, the Biko investigation might be re-opened. — Ecna



SCENE OF THE BLAST ... Heavy weapons have entered the fray in the violence on the East Rand. On Sunday night, a rocket propelled grenade was fired at the toilet of Block F, Tokoza Hostel. Here Inkatha Freedom Party's Transvaal deputy chairman Humphrey Ndlovu and Tokoza Hostel chief Induna Mphahleli Mthethwa show the hole that was caused by the blast.

PIC: SELLO MOTSEPE

Man held for fifty murders

South African 18/7/93

By Abbey Makoe and Sapa

plead and was remanded and the case was postponed to July 26.

A RESIDENT of the notorious KwamMadala Hostel in Vanderbijlpark, Mr Henler Ndlovu, appeared in the Sebokeng Magistrate's Court yesterday in connection with the killing of more than 50 Vaal Triangle residents. Ndlovu (20), who was also one of the accused in the Boipatong massacre trial in which another 40 people were killed, was arrested on Friday together with Mr Khehisi Kheswa, notoriously known as the "Vaal Monster".

The Boipatong trial, which is being heard in the Delmas Circuit Court, has been postponed because the Supreme Court is in recess. Ndlovu was on bail at the time of his arrest on Friday.

Kheswa died hours after being allegedly taken out on an investigation by three policemen of the Vanderbijlpark Unrest and Violent Crime Investigation Unit at a site in Sasolburg. He was certified dead on arrival at the Sasolburg Hospital on Saturday. Ndlovu was yesterday not asked to

Two other KwamMadala Hostel dwellers arrested with Ndlovu are being kept in custody while police investigate their role in the April 18 massacre of 19 people, who were mowed down on the eve of SA Communist Party leader Mr Chris Hani's funeral.

Police spokesman Major Piet van Deventer said the three men were also being interrogated in connection with their role in the June 26 and 27 massacre of at least 38 residents last year.

Kheswa, Ndlovu and the two unidentified men are alleged to have been involved in the killing of 38 residents attending a night vigil of an ANC activist, who were attacked with machineguns in Sebokeng in June last year.

Three Vanderbijlpark policemen have since been suspended in connection with Kheswa's death. Van Deventer said a murder charge against the three was being investigated. The three policemen have not yet been identified. He said an autopsy would be held to determine the cause of Kheswa's death. Ndlovu's two co-accused were being held under Section 50 of the Internal Security Act, which allows police to detain them for two weeks, Van Deventer said.

KOHINOOR STORES

NEVER TO BE REPEATED

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JIMMY SMITH • SHIRLEY BROWN
SPINNERS • MICHAEL JACKSON • ELA

EDDIE HARRIS • ROBERTA FLACK
HOUSTON PERSON • RANDY CRAWFORD

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NEWS FEATURE *Hopes that probe may help clear other previously unsolved political murders*

Spotlight is on the SAP

Sowetan 13/7/93

In several weeks of dramatic evidence, the spotlight at the Goniwe inquest has shifted from the SADF to the police. And hopes have been raised that the inquiry by the Port Elizabeth Supreme Court into the 1985 slaying of Matthew Goniwe and three other Cradock activists may help clear up other previously unsolved political murders.

The inquest was reopened after the *New Nation* newspaper published an editorial signal calling for the "permanent removal" of Matthew Goniwe and other Cradock activists.

When the hearing began on March 1, the signal was still the strongest piece of evidence in court and it was the SADF which was under most pressure.

Colonel Lourens du Plessis — the man who drafted and sent the signal — indicated he would contradict his superiors' evidence that the message was innocent. It was a death order, he said in an affidavit.

He was due to take the stand after the Easter recess.

Then Mr Pieter du Bruyn, counsel for the police, called for a week-long adjournment as "unexpected circumstances" had developed, which, he said, could speed up the inquest.

He did not elaborate. When the hearing resumed, counsel for the SADF, Mr Anton Mostert, raised another mystery killing.

Three security policemen and an in-

The inquest on murdered Cradock activist Matthew Goniwe has adjourned after hearing dramatic evidence. Shadley Nash of

Eena reports:

used to carry out the murders.

Mostert also said that the police, having investigated the crimes, would be well placed to cover their tracks and that was the likely reason the killers had not yet been identified.

Detailed record

A detailed record of all telephone calls from Goniwe's phone until the day of his death was handed in.

Mostert said police had a "deep-seated motive" for remaining silent on the murders and charged that the security police had not volunteered information they had on the matter.

"It is after all the (security) police who could make the most valuable contribution regarding what happened during Goniwe's last hours, yet there is not

about a false number plate found at the scene of Goniwe's burnt-out Honda Ballade.

He first denied knowing about the plate but later conceded that the number plate could well have been used on more than one security vehicle parked in the vicinity of the Port Elizabeth security police headquarters at the Sanlam Building.

No less than seven parking fines issued against CB10627 and registered to an A Mzima, were withdrawn.

The court heard that the security police did not pay traffic fines and that it was "likely" that the false number plate was used on security police vehicles.

Peace committee

During testimony by Colonel Winter,



Matthew Goniwe ... police blamed.

"The police, and in particular the security police, should be investigated and examined to determine any complicity

in the murder of Goniwe and others," Mostert said.

Sergeant Amos Themba Faku, Constable Desmond Daliwonga Mapipa, Warrant Officer G Mgoduka and an alleged Askari, Charles Jack, died when an SPM 2 limpet mine exploded under their moving car while travelling on a lonely road outside Port Elizabeth at midnight on December 14 1989.

Mostert pointed out Niewoudt, who has been attending the proceedings, saying there were too many coincidences in Niewoudt's account of the incident to an earlier inquest.

Complicity

Mostert told the court that if there was police complicity in Goniwe's murder, Faku and Mapipa — both security policemen at the time of Goniwe's death — would have had knowledge of it or been involved.

He suggested the policemen might have been considering the release of the information they had on the Goniwe murders.

"The bomb murders take place significantly during a period where police were beginning to turn on each other and go public with statements about police complicity in murders," Mostert said.

sion in 1989 could have been murdered by police to cover up the Goniwe killing, he suggested.

In the days that followed, the proceedings in court were dominated by bitter conflicts between the police and SADF.

Mostert also referred to the discovery of two bound and burnt bodies near Bluewater Bay, outside Port Elizabeth, where Goniwe's body was found just weeks later. He said these bodies could have been those of two of the "Pebco three" who went missing in 1985.

Port Elizabeth Black Civic Organisation leaders Sipho Hashe, Champion Galela and Qaqawuli Godolozzi were last seen at the city's HF Verwoerd Airport in May, 1985, allegedly in the company of police.

Mostert also accused the police of

involvement in the murder in the same year of Durban civil rights lawyer Victoria Mxenge, pointing to similarities between this murder and the Goniwe case.

And even the Biko case came up when former security police chief Colonel Harold Snyman refused to answer questions about the issue on the grounds they might incriminate him.

He had been asked whether he headed the interrogation team that dealt with black consciousness leader Steve Biko who died in police detention.

Colonel Eric Winter, who headed the Cradock security police at the time of Goniwe's death, was extensively cross-examined. He was unable to testify to his movements on the day of Goniwe's murder.

In cross-examination by Mostert, Winter conceded that the police had the capacity to execute the murders and the necessary knowledge of Goniwe's movements.

He also conceded that police would have had access to the "tools" such as a weapon known as the "assassin's rifle" — the Gavarum 22 which was

He said the security police, who monitored Goniwe constantly, either lost track of him (on the day he was killed) or that they followed him and his three colleagues until they were stopped and killed.

During the week-long testimony by Colonel Snyman, he was accused of being evasive or deliberately forgetful when asked questions that threatened him. When pressed by counsel for Colonel Lourens du Plessis, advocate Glen Goosen,

Snyman admitted after eight evasive answers that Goniwe was seen as an "enemy".

He made this concession when pressed by Eastern Cape Judge President Mr Justice Neville Zietsman for a direct reply.

Snyman was extensively questioned

representative on the regional peace committee, the court heard he was a former member of Koevoet.

He denied that he wanted to employ the "ethos" of the controversial unit in Cradock.

He also denied he had been deployed in Cradock as part of a state-sanctioned counter revolutionary measure to stem the perceived revolutionary onslaught.

When the inquest resumes on August 11, another policeman allegedly implicated in the murder of three colleagues and an alleged police informer, will be called to testify.

Police bomb expert Major Deon Niewoudt had a "lot to tell" about the incident, Mostert said.

Woman recalls mob Star 13/7/93 horror in Sebokeng

By Abdul Milazi

A Sebokeng woman yesterday told a Goldstone Commission committee in Pretoria how she was shot twice and stoned by a mob during an attack in which two policemen were killed in July last year. (232)

The woman, who was only identified as Miss B, told the committee investigating attacks on policemen that she had accepted a lift from Constable Steve Kona and Constable M Sefatsa to Sebokeng on the night of July 10 last year.

They came upon a mob searching a minibus. When the mob tried to stop the vehicle, Constable Kona accelerated, but they collided with a nearby fence.

The owner of the premises had invited the three people into his house so that personal details could be exchanged, when the mob forced its way into the house.

The mob became aggressive and started to beat the two policemen when they realised who they were.

They dragged them outside where they demanded their firearms before them stoning them.

The mob had then fetched "B" from the house and also stoned her. The two policemen were buried in stones and were bleeding profusely, she said.

When some members in the mob realised she was still alive, they shot her between her shoulders and in the buttocks.

After the mob had left them for dead, a woman rescued her and took her to her parents home. (331)

"B" said she spent two months in hospital recovering from her wounds and still suffered from headaches and blackouts as a result of the stoning.

The lacerated and bruised bodies of the two policemen were found in an open field next to their burnt-out vehicle the following morning. Both men had fractured skulls.

Eight people were arrested in connection with the attack, one of them a card-carrying member of the African National Congress Youth League. But they were later released after charges against them were withdrawn in court because of a lack of evidence.

Investigating officer Constable Samuel Makhwanyane told the commission he had been unable to get incriminating evidence connecting the eight to the attack because none of the residents in the area, including the people who had exchanged details with the policemen following the damage done to their fence, were willing to make a statement to the police.

The hearing continues today.

R100 bail Star 13/7/93 for AWB

'general'

A member of the AWB "general staff" yesterday told the Johannesburg Magistrate's Court that he left keys in an armoured security vehicle before it crashed through the front entrance of the World Trade Centre last month.

Josias Alexander Cruywagen (46), who was testifying at his bail application, was arrested yesterday with his son Josias Cruywagen (20). They appeared on a charge of public violence and were released on R100 bail each.

The AWB general denied he had driven the vehicle through the World Trade Centre's glass doors.

● Another six right-wingers appeared earlier yesterday on public violence charges.

Abraham Rudolph Viljoen (45) was released on R1 000 bail. (33) (244)

Barberton couple Melgeorge de Lange (27), his wife Annetjie (24), Johannes Hendrik Viljoen (34), Leon Johan Coetzee (31) and Andries Petrus van der Merwe (35) appeared in court for a second time. They will appear again on August 18. Court Reporter.

Star 14/7/93

ET's relatives charged with public violence

Court Staff

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Two members of AWB leader Eugene TerreBlanche's family appeared with 11 other rightwingers in the Johannesburg Magistrate's Court yesterday, for hearings on the World Trade Centre siege.

TerreBlanche's brother Andries (54), and another relative, Marcia TerreBlanche (20) were among those dressed in khaki AWB uniforms.

Keith Conroy (47), Jan Bashaan de Wet (36), Vincent Nicolaas Naude (19), Leon van der Merwe (36), Johannes Andries Venter (27), Susanna Maria de Wet (38), Izah Jacobus Pieters (45), Jes Abraham Vlok (20), Nicolaas Prinsloo (32), Johan Wilhelm du Plessis (24) and Jacobus Johannes Smith (64) appeared on charges of public violence linked to the invasion of the World Trade Centre on June 25.

All were released on bail, and the case was postponed to August 18.

● Despite his failure to testify before the Goldstone Commission last week, AWB leader Eugene TerreBlanche would not be charged while the case was being investigated, police said.

TerreBlanche may be prosecuted for refusing to testify about his part in the storming of the World Trade Centre.



Eugene TerreBlanche
... not charged.

Rightwinger as black as *ster 18/193* boot polish

Court Reporter

Eccentric rightwinger Edmund "Eddie" von Maltitz (43) appeared in the Johannesburg Magistrate's Court yesterday with his hands, face and hair covered in black shoe polish.

He was clad in black and wore camouflage velskoen boots. *331*

However, Magistrate JB van der Merwe remained stony-faced and continued with proceedings as normal.

Von Maltitz, who is on bail of R1 500, appeared on charges of public violence in connection with the invasion of the negotiating chamber of the World Trade Centre last month.

Three other AWB members who are on bail of R1 000, Guillaume Cornelius Loots, Johannes Alwyn van der Linde and Lawrence Robert Brown also appeared. The hearing was postponed to August 18.

The 'right' emblems

A RIGHTWINGER who appeared in court this week in connection with the storming of the World Trade Centre appears to be suffering from severe ideological confusion — he wore emblems of both the German Reichskreuz and black American rap group Public Enemy on his jacket sleeve. WMA 16/7-22/7/93

Josias Cruywagen was one of more than 25 rightists who appeared in the Johannesburg Magistrate's Court on public violence charges.

Cruywagen appeared on Monday with his father, Afrikaner Weerstandsbeweging general staff member Alexander Cruywagen, who is accused of driving the armoured vehicle that smashed the WTC window.

Most of the accused were granted bail of R100 after very brief appearances. All had their trials postponed until August 18, when a "mega-hearing" is expected.

Two accused, Abraham Viljoen and Jacobus Johannes Smith, paid R1 000 bail. According to a state prosecutor Viljoen's role in the events at Kempton Park is seen in "a more serious light".

There were other cases of theatrical defiance. Resistance Against Communism leader Eddy von Malitz showed up with his face, hair and hands blackened with shoe polish. The presiding magistrate, who had earlier ordered a black accused to stand up straight in the dock, turned a blind eye to this. Von Malitz had been forced to leave his 12 bore shotgun at the court entrance.

A court source told *The Weekly Mail* AWB supporters had put parcels on the courtroom benches to prevent black court visitors from sitting down.

Star 16/7/93

18 rightwingers in court

By Cheryl Hunter

Another 18 rightwingers, many in AWB uniform, appeared in the Johannesburg Magistrate's Court yesterday on charges of public violence related to the attack on the World Trade Centre, Kempton Park, on June 25.

Four of the accused, Erasmus Johannes Smit (44), Cornelius Johannes Joubert (41), Gerhard Jacobs (21) and A Hoogenboezen (44) were out on bail.

The others, released without

bail, are Cornelius Johannes Du Plessis (59), Susarah Ferreira (32), Lynn Finley (47), Lawrence William Hamilton (32), Gerhardus Helberg (19), Paul Stephanus Helberg (47), Raymond William Herte (31), David Johannes Niemand (33), Japie Labuschagne Oelofse (32), Johannes Coenrad Smit (25), Johannes Gerhardus van der Berg (34), Christiaan Erasmus Wentzel (24), Joseph Edward Basson (43) and Karin Brazag (26).

The hearings were postponed to August 18.

Evidence led in Eikenhof trial

MORE than 30 spent AK-47 cartridges were found at the Eikenhof intersection where a white woman and two children were killed by suspected Apla members, the Heidelberg Circuit Court heard this week. *CIPRESS 18/7/93*

This emerged as SAP forensic and ballistic expert Capt Paul Murphy gave evidence.

Ten other AK 47 cartridges were found scattered in the vehicle used for the attack, he added.

In the dock sat Titi Ndweni, 19, Siphiwe Bholo, 24, both of Sebokeng, and Zipho Gavin, 22, of Evaton, who appeared on charges relating to the fatal shooting of Sandra Mitchley, her 14-year-old son Shaun Nel and Clare Silberbauer, 13, at the Eikenhof intersection on March 19 this year.

They have all pleaded not guilty to three counts of murder, five counts of attempted murder and two counts of kidnapping. (331)

Winnie must pay today

JOHANNESBURG. — If Winnie Mandela does not today pay the R15 000 she has been ordered to pay in compensation to her kidnap victims a warrant will be issued for her arrest.

Mrs E Herselman, senior registrar at the Johannesburg Supreme Court, said last minute attempts were being made to contact Mandela's advocate, Mr Dion Basson.

She said that if the money was not paid by today the investigating officer would be despatched with a warrant for her arrest.

"It's a big decision but this can't go on."

The compensation was supposed to have been paid by Thursday last week. But the deadline was extended after Mandela promised to pay by yesterday. — Sapa.

(331) ARG 20/7/93

Winnie pays — just in time

JOHANNESBURG. — Convicted kidnapper Winnie Mandela narrowly avoided arrest yesterday when she paid R15 000 just 15 minutes before the registrar's office at the Rand Supreme Court closed its doors.

The Bloemfontein Appeal Court in June ordered Mandela to make the payment of R15 000 compensation to her kidnap victims by Thursday last week, but her lawyer asked that the payment be deferred to Monday.

Mandela failed to make the payment on Monday and a detention warrant

was signed by a judge in preparation for her arrest yesterday.

Senior registrar at the court, Mrs E Herselman, said a second request was received to keep the accounts office open until 4.15pm so that payment could be made. The fine was paid shortly before 4pm. Mrs Herselman said she did not know who had paid it.

The compensation was part of the sentence handed down by Mr Justice M Corbett. Mandela was to have paid compensation of R5 000 to each of her surviving kidnap victims.

(33) CT 21/7/93

Star 22/7/93

AWB members in court

Seven AWB members appeared in the Johannesburg Magistrate's Court yesterday on charges of public violence relating to the right-wing occupation of the World Trade Centre last month. They were: a couple from Krugersdorp, Peter Neville (32) and Lilanie Theron (25) who are on bail of R200 each; Andries Stephanus Kriel (48) and Andre Smit (35) of Welkom, on bail of R700 each; Monty Ben Winston Markow (48) of Hillcrest; Pieter Frederick van Vuuren (38) of Amanzimtoti and Johannes Hendrikus Dipenaar (26), of Potchefstroom, who are on bail of R50. The hearing was postponed to August 18.

Staff Reporter

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Star
Boipatong
trial resumes

The trial of 32 Kwa-Madala hostel inmates and IFP members charged with 45 counts of murder, attempted murder, public violence and malicious damage to property during an invasion at Boipatong township resumes today in the Delmas Circuit Court after a month's adjournment. The men have pleaded not guilty.
Pretoria Bureau. (331)

Star 27/11/93

Massacre trial moved

The Boipatong massacre trial, in which 32 Kwa-Madala Hostel inmates and IFP members are charged with 45 counts of murder, was yesterday adjourned to Thursday and the case will now be heard in the Pretoria Supreme Court. Mr Justice J M Smit gave no reasons for transferring the trial from the Delmas Circuit Court to Pretoria. — Pretoria Bureau (331)

Sowetan 27/7/93

Michael Phama case postponed

SENTENCING in the trial of Michael Phama, an ANC member who faces a possible death sentence for the murder of 21 Inkatha Freedom Party supporters in Tokoza in September 1991, was postponed in the Rand Supreme Court yesterday.

The postponement was granted to allow a psychological examination on Phama by Dr Sathasivan Cooper, director of the Family Institute and the National Violence Intervention Programme.

The case resumes on October 11.

Star 29/7/93

Four PAC activists denied bail 'in case they flee the country'

The Johannesburg Magistrate's Court yesterday denied bail to four PAC activists because it was probable that they would flee the country if freed.

Themba Sishange (32), Wandile Genu (23), Futhi Dalizulu (26) and Emmanuel Tsotetsi (20) have been charged with attempted murder and robbery for their alleged involvement in an armed robbery at I&J

company premises on March 26 this year. (231)

Although the four have denied being members of a PAC task force, a letter written by Sishange to a superior PAC member, which was admitted as evidence, states that the robbery was held to "raise funds for the PAC".

The case was postponed to August 17. — Staff Reporter.

Star 31/7/98

Hani trio lose application

THREE rightwingers, accused of murdering SACP secretary-general Chris Hani, lost an application in the Rand Supreme Court yesterday to order the State to provide more details on the evidence against them. (331)

Judge President of the Transvaal Justice CF Eloff ruled that the State had given Clive Derby-Lewis (57), his wife Gaye (54) and alleged hitman Janusz Waluz (38) sufficient information to prepare their defence. (331)

Peet Coetsee, SC, appearing for Waluz, and Eben Jordaan, appearing for the Derby-Lewises, said during a special sitting to determine procedural aspects of the trial that they might be forced to ask for a postponement if the State refused to give details of the evidence against their clients.

Witwatersrand Attorney-General

SUSAN SMUTS

Klaus von Lieres said it was sufficient that the accused understood the charges against them and knew which facts the State intended proving.

Coetsee said his client was entitled to see a report on an identity parade in which he had appeared, as well as forensic and ballistic reports linking him to Hani's murder on April 10.

The judge said that demanding such documents was tantamount to directing the State to produce the evidence it intended leading.

The accused have not been asked to plead to charges of murder, conspiracy to murder and illegal possession of a firearm and ammunition.

The trial is to begin on October 4.

Winnie will not have to stand trial

CIPress 11/8/93

By **MONWABISI
NOMADOLO**

WINNIE Mandela will not be prosecuted in connection with the disappearance of two Soweto youths in 1988.

The Attorney General's office told City Press that there would be no prosecution due to lack of evidence on the side of the state.

State prosecutor Adv Gerrie Nel said no specific charges were being investigated, adding that that would have depended on possible evidence obtained.

Activist friends Lolo Sono, 21, and Anthony Sibonelo Shabalala, 24, both of Zone 10 Meadowlands, disappeared on November 13 and 14 1988.

The two youngsters have never been seen again.

It was alleged that the



**WINNIE MANDELA ...
Lack of evidence.**

two were accused by the notorious Mandela Football Club of being *izimpimpi*.

Sono, who was badly beaten on that fateful Saturday night, was last seen by his family - allegedly in a minibus accompanied by members of the club.

Shabalala disappeared after he allegedly left for

the Mandela house on his "own cognisance" after his home was raided by club members.

What happened to the two remains a mystery, and an expensive search by their families has been fruitless.

Nel refused to give the names of possible witnesses in the matter. However, City Press investigations indicated that a possible witness was extensively questioned by the police but refused to make a statement. (331)

The youth from Dube, Soweto, was the alleged driver of the red Mitsubishi minibibus used by the club members.

It was alleged that after the disappearance of the two the youth left Soweto for the Free State. His present whereabouts are unknown.

ANC killers get 18 years

By SIPHO KHUMALO

THE Durban Supreme Court this week sentenced two ANC supporters to an effective 18 years' imprisonment for "brutally and cold-bloodedly" executing two Inkatha supporters in Malukazi near Umlazi, Durban, in July 1991.

The third ANC member, a 16-year-old youth, was sentenced to 12 years' imprisonment.

The court found Phazamani Mcishane, 44, Themba Ngcobo, 23, and the youth guilty of murdering Khehlo Mvundla and Mzikayifani Cele on July 20, 1991. (331)

Two more ANC members — Sibusiso Zulu and Jeremiah Zulu — will face murder charges when they appear in the Maritzburg Supreme Court on August 9 in connection with the gunning down of six schoolchildren who were travelling in a bakkie from Table Mountain on March 3 this year.

Derby-Lewis 'may abscond'

By Susan Smuts

Chris Hani's supporters were "baying for the blood" of his alleged assassins, the Rand Supreme Court heard during a bail application brought by Gaye Derby-Lewis yesterday.

Opposing the application, State advocate Gerard Nel said the State believed Australian-born Derby-Lewis would use her international contacts to flee the country if bail were granted.

If she skipped bail, law

and order in South Africa would be threatened as it had never been threatened before, he argued.

Nel told Mr Justice C Plewman threats had been made to Derby-Lewis's life (331)

Threats had also been issued to her husband and co-accused Clive Derby-Lewis and to Janus Waluz, the Polish immigrant who allegedly fired the fatal shot on April 10. (SEE)

Derby-Lewis undertook in an affidavit to stand trial, to surrender her passport and not to

interfere with State witnesses.

Defence counsel Harry Prinsloo argued Derby-Lewis was a South African citizen who was unlikely to leave the country while her husband remained in jail. He said arrangements had been made to keep her in a safe house.

The three have not been asked to plead to charges of murder, conspiracy to murder and illegal possession of a firearm and ammunition.

The hearing adjourned to today.

Chris Hani murder trial tomorrow

THE murder of Chris Hani, and the planned murder of eight other prominent South African leaders was plotted over breakfast near Krugersdorp on April 6 this year, four days before he was gunned down. (331)

This emerged in the Rand Supreme Court this week, where Gaye Derby-Lewis, one of the accused, is applying for bail. Judge C Plewman postponed the application to tomorrow.

Boipatong horrors heard

DIRK VAN EEDEN

PRETORIA — A young man told the Transvaal Supreme Court that he fled his Boipatong home when it came under fire in June last year, and hid in reeds on the fringes of the squatter camp. *Biday*

He returned to find the body of his nine-month-old son. His head had been split open. He found his wife at a house down the street. She was alive, despite her abdomen being cut open. She died four days later. *10/8/93*

The man was giving evidence at the trial of 31 Inkatha members who pleaded not guilty to murdering 45 Boipatong residents on June 17 last year.

A woman told the court her husband had been shot dead while sleeping next to her. She escaped with a bullet wound in her leg.

Another woman said she had been stabbed seven times in the leg before her brother scared off the attackers.

None of the witnesses could remember any white people being involved in the massacre, or Casspirs transporting the attackers. However, all told the court their attackers spoke Zulu and wore white or red cloths around their heads. *(331)*

The trial continues.

□ One of the accused in the Boipatong trial died at the weekend from wounds received when he tried to escape from a moving police car. He was struck by a another police vehicle behind the first, spokesman Maj Piet van Deventer confirmed yesterday.

Bail ruling today in Hani trial

COURT REPORTER

Gaye Derby-Lewis is expected to hear today whether she has been granted bail and, if so, under what conditions.

Mr Justice C. Plevman stood the matter down in the Rand Supreme Court yesterday because aspects of the bail conditions had not been dealt with.

Derby-Lewis faces four charges, including murdering SACP leader Chris Hani on April 10.

The court heard last week that threats had been made on her life. Defence counsel Harry Prinsloo said a safe-house had been organised for her.

He indicated his client was prepared to accept any bail conditions, including house arrest.

The judge was due to have made his finding on the application yesterday after matters raised in camera had been dealt with.

(331) (344)

Gaye Derby-Lewis out on bail of R30 000

B/Day 11/8/93

STEPHANE BOTHMA

GAYE Derby-Lewis, one of the three right-wingers accused of assassinating former SACP leader Chris Hani, was granted bail of R30 000 by the Rand Supreme Court yesterday.

She will be kept under constant police supervision at a secret venue until her trial on October 4. The court did not make public any details of what is believed to be her virtual house arrest.

Judge Chris Plewman rejected the State's objections to bail and ordered her release on several conditions, including that she submits to constant supervision by

the police. He said the State had opposed bail on the grounds of fear for her safety — a fear shared by Derby-Lewis — and it would be self-defeating to provide details of the bail conditions. (344)

"The typed order regarding her bail conditions will be retained by the Registrar of the Supreme Court in a sealed envelope under lock and key until the trial," Plewman ordered. (331)

Derby-Lewis was further instructed not to contact or communicate with any State

witnesses and had to hand over her passport and all other documents which could enable her to leave the country.

Placing Derby-Lewis under supervision ensured her safety, prevented her from absconding and not standing trial, and prevented her from interfering with State witnesses, the judge said.

Although the charges against her were serious and she faced a severe sentence if convicted, any accused was presumed innocent until proven guilty. Therefore courts generally leaned towards granting

☐ To Page 2

Derby-Lewis B/Day 11/8/93

☐ From Page 1

bail to a prisoner awaiting trial, unless the move would prejudice the ends of justice, he said. (344) (331)

Derby-Lewis was arrested on April 21, 11 days after Hani's murder. A month later she filed an unsuccessful bail application.

Derby-Lewis's husband Clive, also charged with Hani's murder and conspiracy to kill eight others, has not reapplied for bail after the Transvaal Supreme Court rejected his earlier application.

The couple's relationship indicated that she would stand by him and not abscond, the judge said, adding that Derby-Lewis had made no attempt to leave the country after the arrest of her husband several days before she was detained.

Meanwhile, the ANC criticised the

court's decision, saying the amount of R30 000 and the "secret conditions" were outrageous.

"The decision can only help fuel perceptions that the state views black lives as cheap. Whereas the ANC does not call into question the judicial process in the country, the decision of the Rand Supreme Court in this respect is insensitive to the feelings of Hani's family and the majority of the people of this country, black and white.

"The state has full knowledge that Derby-Lewis has international right-wing connections which might assist her to escape justice. The state must take full responsibility for the consequences of her release should she escape the due processes of the law," the ANC said.

Derby-Lewis protest threat

Anger at granting of bail

Star 11/8/93

■ BY CHRIS WHITFIELD
POLITICAL CORRESPONDENT

The granting of bail to Gaye Derby-Lewis, charged with the murder of Chris Hani, has unleashed a storm of protest from the ANC and SA Communist Party, with the SACP warning of possible protest action.

The Rand Supreme Court yesterday granted Derby-Lewis R30 000 bail with strict conditions, including 24-hour police supervision at a "safe house" and the surrender of her passport.

She was also required to give the Attorney-General documents that would make it possible to extradite her from any country.

Her husband, former President's Councillor Clive Derby-Lewis, and alleged hitman Jan-

STRINGENT bail conditions were set for an accused in the Hani murder trail, but many are angry that she is out of jail.

(331) (244)
usz Waluz have also been charged with Hani's murder, but have not applied for bail.

SACP secretary-general Charles Ngakula — who succeeded Hani — said the organisation had been receiving "extremely angry" calls from its supporters. Its leadership would discuss the issue.

Ngakula said "we are disgusted" at the court decision and charged that in the past people who had been arrested simply for belonging to libera-

tion movements had been denied bail.

If anything happened to prevent Derby-Lewis from standing trial, the State would have to bear the brunt of the people's anger. He said protests were not out of the question.

In a blunt comment yesterday, the ANC said the Government "must take full responsibility for the consequences of her release should she escape the due processes of the law".

"The State is fully aware that Gaye Derby-Lewis has international right-wing connections which might assist her to escape justice," the organisation said.

While the ANC did not call into question the judicial process, it felt the court decision was insensitive to the feelings of Hani's family and the majority of South Africa's people.

Muti on their bodies

Sowetan 11/8/93

BOIPATONG murder accused sprayed muti on their bodies before going on the rampage last year, the Pretoria Supreme Court has heard. (331)

An accused turned State witness, who may not be identified, told Mr Justice JMC Smit yesterday that they were sprayed with a muti potion known as "ntelezi" on June 17 last year.

The witness was giving evidence at the trial of 31 Madala Hostel residents who have been charged with murder, attempted murder and malicious damage to property.

The witness said they were told the muti would make them invincible. — Own Correspondent.

Hani: Bail

Sowetan 11/8/93

for Gaye

331

~~211~~

By Mzimasi Ngudle

Mrs Gaye Derby-Lewis, who with her husband Clive is facing charges in connection with the killing of SA Communist Party leader Mr Chris Hani, was released on R30 000 bail by the Rand Supreme Court yesterday.

The African National Congress immediately reacted with outrage, saying the decision could "only help fuel perceptions that the State views black lives as cheap".

"Whereas the ANC does not call into question the country's judicial process, this decision is insensitive to the feelings of Chris Hani's family and the majority of the people of this country, black and white," it said.

Granting bail yesterday, Mr Justice C Plewman ordered that the bail conditions be sealed, locked and kept by the registrar for Mrs Derby-Lewis' safety.

Other conditions are that she has to report to the police — it was not disclosed where — that she refrain from interfering with State witnesses and that she has to surrender her passport and other documents that would enable her to flee the country. Mrs Derby-Lewis (54) was arrested on April 23, five days after the arrest of her husband Clive (57).

Yesterday relatives accompanied her when she paid her bail before being driven out through a side exit, leaving her husband behind in custody. Also in prison is Polish immigrant Mr Janusz Walus, prime suspect in the murder.



Gaye Derby-Lewis

After granting bail, Plewman said he had taken into account Mrs Derby-Lewis' submission to constant police supervision in her bail application. He said constant police supervision would substantially lessen threats to her life and would also remove fears that she might abscond and not stand trial.

Plewman said he had also taken into account her conduct and the fact that she did not abscond after the arrest of her husband on April 17. The judge said he was convinced that the "nature of the relationship between her and her husband was such that she would like to stand by him during the trial".

But the ANC said: "Many of our compatriots, like the Eikenhof accused and the Phola Park ANC leadership, detained and charged for similar crimes, have been languishing in jail for over a year while the State refuses to grant them bail."

NEWS Kenilworth massacre suspect in court • Judgment

Youth denied bail

Sowetan 17/8/93

A 17-YEAR-OLD Khayelitsha youth detained in connection with the St James' Church massacre in Kenilworth, Cape Town, was denied bail when he appeared briefly in the Wynberg Magistrate's Court yesterday.

The youth, who was not asked to plead, wore leg irons in the dock and there was a heavy police presence in and around the court complex.

Eleven people died and more than 50 were injured when four gunmen sprayed the congregation with automatic fire on the night of July 25.

The youth has been provisionally charged with 11 murders.

Mr Willem Viljoen, for the State, told the court he had applied to the Attorney-General for an order prohibiting bail.

He asked that the matter be postponed

to August 30 which would give the Attorney-General the 14 days allowed him under the Criminal Procedure Act to reach a decision on bail.

Magistrate Mr JG van Zyl granted the postponement. (27/8)

The 10-minute hearing was interrupted halfway through by screaming and running in a corridor outside the court. (331)

Court interrupted

Court orderlies rushed to secure the doors, other policemen reached for their weapons and the magistrate ordered the doors to be locked.

It emerged later the commotion was caused by a scuffle between members of rival gangs involved in an unrelated hearing.

The youth, who by court order may not be identified, listened attentively to an interpreter's translation of court proceedings and spoke briefly with his mother before he was led down to the cells. His tearful mother said afterwards the boy, her eldest son, was a Standard 8 pupil at a high school in Khayelitsha.

She said he had said he was well and had asked her to give greetings to his five brothers and sisters. This was the first time she had seen him since his arrest on August 5, she said.

The youth's lawyer, Mr Jimmy Yekiso, said the boy was being held under Section 50 of the Criminal Procedure Act.

The youth was initially detained under Section 29 of the Internal Security Act. — Sapa.

Court cleared for sensitive testimony

Star 12/8/93

Journalists were barred from hearing politically sensitive evidence given in the Rand Supreme Court yesterday by Joseph Koetle on his activities in Umkonto weSizwe.

Koetle, charged with killing a policeman in October 1987, was

refused a two-month postponement pending an application for political indemnity (331)

He then made a second postponement application (344)

Giving judgment on the first application, Mr Justice J Els said there was no evidence the al-

leged crimes were a result of Koetle's position in the ANC's military wing.

Koetle is also charged with car theft and robbery, escape and unlawful possession of arms and ammunition. The hearing continues. — Court Reporter.

Small Brother is watching ...

Jan Tallaard

THEY may seem a bunch of hatchet-faced men, with murder in their hearts — but the far right has its share of comical whackos.

Take the SMALL BROTHERS. Not Groucho, Chico and Harpo, but a family with a bent for the offbeat.

Witness the anonymous letter in which the brotherhood chose to reveal themselves this week. They introduce themselves thus:

"We are the SMALL BROTHERS. We are a 1 000-men strong, chosen men and women from all facets of society. Academically intellectual, able crafts-men and women, economists, strategists, theologians, physicists, physicians, chemists, militaryists, educationists, business people ... All these people

with the same principle: moral standards, pure folk, with a pure culture."

After explaining that they want to obey the law, that they are looking after the interests of the less privileged no matter what race or colour, the SMALL BROTHERS reveal that they have existed since 1989. Then they turn on their real enemy:

"The SMALL BROTHERS are monitoring the current head of state of the RSA ever since he appointed himself as a president where there was no election up till the present. Since then having freed the murderer of people, anti-Christ, spy, namely Nelson Mandela and his exiles from Rob Island (sic) and other prisons, exiles, racists, activists, blatant murderers, black power movements, Black Sash, international white haters, the demonical power has identifi-

fied itself."

However, these are not the only people the SMALL BROTHERS do not like. Others include lesbians, astrologers advising politicians, Muslims, those with honorary doctorates, peace secretaries, Interpol, Apla, liberal universities and a host of theologians are singled out by name. "We know who each of you are," they warn. "We are going to destroy you!"

Not even the rightwing escapes the wrath of the SMALL clan. "Your words are louder than your deeds. You look awkward, scruffy and vain. Not fit for the battle you want to join." The Wit Wolwe get a special mention ("with your dirty finger nails and pregnant bellies"). Not that the SMALLS are against everything. They make it quite clear that they applaud the death penalty.

Political activists to appeal

Gaye Davis

(33) WMM 3-9 93

MUSLIM activists Imam Achmad Cassiem and Yusuf Patel, whose conviction for terrorism in 1988 sent ripples through the Islamic community, will have their appeal against their sentences heard in the Appellate Division in Bloemfontein on Monday.

The case raises important questions regarding political trials and the amount of evidence required to convict an accused.

Although the state conceded at the time that Cassiem and Patel could be found to have committed an act of violence, they were found guilty on the basis of their membership of the Islamic fundamentalist organisation Gbha.

The Pretoria Supreme Court reasoned that because Gbha, on the basis of pamphlets quoting verses from the

93

Koran, could be considered to have come to contemplate the overthrow of the government, Cassiem and Patel by virtue of their membership, became parties to a conspiracy to deploy insurgents against the state.

Ironically, the clauses of the Internal Security Act under which they were found guilty have since been scrapped, although the appeal will proceed as if they were still on the statute books.

Cassiem and Patel were sentenced to six and five years' imprisonment respectively. After an appeal failed, the Chief Justice was petitioned and leave to appeal was granted early in 1991.

Patel was released on parole. Cassiem was freed on bail of R5 000 in February 1991 after an application in the Pretoria Supreme Court. For the past two and a half years he has lived under stringent bail conditions.

No judgment in Qibla appeal

Supreme Court Reporter

JUDGMENT has been reserved in the appeal by two Muslim activists against their conviction in 1988 on charges of terrorism for their membership of the Muslim fundamentalist organisation, Qibla (331)

Achmad Cassiem and Yusuf Patel were sentenced to six and five years respectively and the sentences were confirmed on appeal to the Pretoria Supreme Court.

CT 9/9/93

It's a declaration of war, says SADTU

Star 2/10/93

PHIL MOLEFE

THE Soweto branch of the South African Democratic Teachers' Union (SADTU) yesterday said it viewed the decision by local school principals to return to their schools on Wednesday "as a declaration of war".

The branch warned that school principals would not be allowed back to their offices until it had won certain concessions from the Department of Education and Training (DET).

More than 200 beleaguered headmasters resolved this week to return to work on October 6, when schools reopen for the fourth term, in spite of continued threats by radical SADTU members to force them into "exile".

Refunds demanded

SADTU spokesman Solly Mautjana warned that union members would meet principals "head-on" if the headmasters defied calls to stay out of schools and put pressure on the DET to meet teachers' demands.

The union is demanding that the DET refund about 500 teachers who had between R300 and R500 deducted from their monthly salaries after being involved in a strike earlier this year.

Mautjana said the principals were further "mandated" by the union to question the department as to who re-

commended the deductions, how the DET knew which teachers were not at work during the strike, and why the deductions affected only 500 union members when there were 6 000 teachers in Soweto.

A member of the Soweto Principals' Forum said: "We have absolutely nothing to do with the issue of the payment or non-payment of salaries."

"Driving us into exile or threatening to burn our houses or even killing us is not going to solve the problem," said the principal, who did not want his name published for fear of reprisals.

The high school headmaster said SADTU was "waging a low-intensity war against innocent principals".

Mautjana claimed the principals were carrying guns and were involved in Askari-type activities to silence teacher protests, and that they had contributed R50 each to attack SADTU members.

"We warn the gun-carrying principals that their actions are provocative and we view them as a declaration of war," Mautjana said.

Heads are set to roll on Wednesday, with principals determined to return to work in spite of a stern warning by SADTU to stay out.

Tight security for Hani trial

Star 2/10/93

EXTRAORDINARY crowd control measures will be taken at the Rand Supreme Court on Monday, when the Chris Hani murder trial is scheduled to begin in earnest.

Leading CP politician Clive Derby-Lewis, his wife Gaye and Polish immigrant Janusz Walus face charges of murdering the SACP general secretary, conspiracy to commit murder, and illegal possession of arms and ammunition. (321)

Hani was shot four times outside his Boksburg home at 10 am on April 10. He died on the scene.

A large contingent of police will monitor proceedings outside the court, where friends, family and supporters of the murdered SACP leader as well as rightwingers are expected to gather.

"We will be there, monitoring the situation, and will take action against unruly elements if necessary," was the stern warning issued by SAP liaison officer Major Eugene Opperman.

Journalists will not be allowed into the main building without special accreditation, and only a third of the courtroom seating will be reserved for the media.

The remainder of the seating will be set aside for families of the accused, the complainants and the public. Transvaal Judge President C F Eloff will preside at the trial. — Sapa.

Dramatic details to emerge in Hani trial?

By DESMOND BLOW

C/A 2003

3/10/93

SENSATIONAL evidence about the movements of Chris Hani on the night before his death is expected to be given in the trial of his alleged killers, - Polish-born Janusz Jacob Walus, 38, leading CP member Clive John Derby-Lewis, 57, and his Australian-born wife, Gabrielle (Gaye) Mavourna Derby-Lewis, 54 - which begins on Monday.

This evidence will probably only be given towards the end of the trial, which has been set down for two weeks, when the defence testimony is heard.

Transvaal Judge President CF Eloff will hear the case, and Witwatersrand Attorney-General Klaus von Lieres und Wilkau, assisted by State Attorney Gerard Nel, will prosecute.

Witnesses who will give evidence for the prosecution include the white woman who witnessed the killing and informed the police, the police constables who arrested Walus minutes after the killing, and Hani's daughter Noma.

The three accused have been charged with murder, conspiracy to commit murder, and the unlawful possession of firearms and ammunition.

Apart from the murder of Hani, the accused are alleged to have plotted the murder of Nelson Mandela, Joe Slovo, Pik Botha, Judge Richard Goldstone, editor Ken Owen and others.

It is expected the trial will draw the greatest world interest since the trials

of David Pratt for the attempted assassination of Dr Hendrik Verwoerd in 1960 and the trial of Dimitri Tsafendas who murdered Dr Verwoerd in 1966.

Police say they will be outside the Supreme Court in strength to prevent possible clashes between the followers of the deceased SACP leader and rightwing supporters of the three accused.

The few seats available to the general public will be given out on first come first served basis. Foreign and local media, together with diplomats and political observers, will take up the rest.

According to the court indictment Clive Derby-Lewis obtained the 9mm Z88 pistol which was allegedly given to Walus to shoot Hani dead outside his Dawn Park, Boksburg, home on April 10.

Derby-Lewis also allegedly had a silencer fitted to the gun in Cape Town a month before the killing.

Early on the morning of April 10 Walus is alleged to have purchased a box of 25 9mm cartridges from a licensed firearm dealer in Johannesburg.

At 10am the SACP leader was shot four times outside his home. He died at the scene.

Following the description given by a witness, police arrested Walus and took possession of a 9mm Z88 pistol, allegedly ballistically-linked to the murder.

Walus was also found to have blood on his clothing. The sample matched Hani's blood group.

Hani: trial



starts

Sowetan 4/10/93

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THE MURDER TRIAL arising from the assassination of South African Communist Party leader Mr Chris Hani begins in earnest in the Rand Supreme Court today.

On trial are leading Conservative Party politician and former President's Council member Mr Clive Derby-Lewis, his wife Gaye and Polish immigrant Mr Janusz Waluz, who face charges of murdering the SACP general secretary, conspiracy to commit murder and the illegal possession of arms and ammunition.

According to the charge sheet, Derby-Lewis in February this year obtained the 9mm Z88 pistol allegedly used to shoot dead Hani outside his home in Dawn Park, Boksburg, on April 10.

Later in February Derby-Lewis allegedly had a silencer fitted to the gun in Cape Town

and was given five sub-sonic 9mm cartridges by the gunsmith.

Early on the morning of April 10, the day of the assassination, Waluz is alleged to have bought a box of 25 9mm cartridges from a firearms dealer in Johannesburg.

At 10am Hani was shot four times outside his home. He died instantly.

Following the description of a witness, police arrested Waluz and a 9mm Z88 pistol, allegedly linked to the killing after ballistic tests, was found in his possession.

"This was the same firearm to which Accused Two (Mr Derby-Lewis) had a silencer fitted in Cape Town," says the charge sheet.

Waluz was also found to have blood on his clothing and the sample matched Hani's blood group. — Sapa.

Tension in court as right-wingers plead not guilty to killing Han

CP politician Clive Derby-Lewis, his wife Gaye and Polish immigrant Janusz Walus pleaded not guilty to murdering former SACP leader Chris Hani, when their trial started amid tight police security in the Rand Supreme Court yesterday.

The three right-wingers also pleaded not guilty to conspiring to murder eight other political leaders and public figures, including ANC president Nelson Mandela, Judge Richard Goldstone and Foreign Minister Pik Botha. In addition they pleaded not guilty to unlawfully possessing a firearm and ammunition.

It is alleged that Walus fatally shot Hani outside his Dawn Park, Boksburg, home on April 10 this year using a pistol supplied by Clive Derby-Lewis.

About 300 ANC and SACP supporters, watched by police, gathered outside the court building as the trial got under way before Judge President C F Eloff and two assessors.

It was delayed for ninety minutes while a Polish interpreter was found for Walus.

Inside the courtroom the atmosphere was tense as ANC/SACP and right-wing supporters traded insults and jostled for

SUSAN RUSSELL

limited seating. Joe Slovo, Steve Tshwete and Cyril Ramaphosa were among those who squeezed into the public gallery.

The tension between the two groups inside the court almost erupted on a number of occasions. Eventually the judge warned that he would have the court cleared if there was another incident. 5/11/01 93

Among the first State witnesses to testify was a neighbour of Hani's who identified Walus as the man he saw driving away from the scene in a red car minutes after

hearing four shots.

Michael Buchanan said he fetched his firearm after hearing the shots. Looking through his security door he saw a man drive past his house in the red vehicle.

The next day he identified Walus at a police identity parade. He did not recognise anyone in the line-up when he saw them head on. But he said he recognised Walus "like a sore thumb" after he asked to see the left profiles of the men. (331)

Another neighbour, Magarietla Harmse, testified that she had been driving past the SACP leader's home when she saw a white

man in a "firing position" standing between a white Toyota and a red Ford Laser. She heard two shots and saw the man bending over and fire another two shots at a black man lying on the ground.

Harmse, who said she had been driving slowly past the house at the time, told the court she reversed and memorised the registration number of the red vehicle.

She drove home and alerted the police. Harmse was not able to identify the assassin at a police identity parade. Nor has she identified Walus. (331)

Picture: Page 2

Hani 3 plead not

Sowetan
E110193

guilty

By Tsale Makam

CHANIS HANI MURDER accused Janusz Waluz, Clive Derby Lewis and his wife, Gaye, pleaded not guilty to the slaying of the South African Communist Party leader when they appeared in the Rand Supreme Court yesterday.

The three rightwingers also pleaded not guilty to conspiracy to commit murder and unlawful possession of a firearm and ammunition.

Hani was shot dead outside his Dawn Park, Boksburg, home on April 10 this year.

State witness Mrs Margaret Harmse of Dawn Park told the court that on that day she saw a white man standing at Hani's driveway.

Although she did not actually see the gun, the white man was standing in a "shooting position" and had something in his hand, she said.

Harmse said she heard two gun shots although she did not see the man firing.

She then saw a red Ford Laser reversing out of Hani's driveway. She could not identify the driver. She managed to see the registration numbers.

quickly wrote them down and rushed to phone the police with the information.

The policeman who arrested Waluz, Constable KP Du Toit, said he received a radio message with the car's description. (331)

He said he saw the red Ford Laser in his rearview mirror behind him but the registration number was not the same.

Du Toit said that it seemed Waluz wanted to escape at some stage as he drove through a red traffic light.

He said after stopping Waluz, they found a CZ 9mm pistol and a Z88 pistol in the car.

Another State witness, Mr Michael Buchanan, Hani's neighbour and a "neighbourhood watch" member at Dawn Park, also testified to seeing a red car being driven away shortly after he heard gunshots on April 10.

Buchanan said he heard four gunshots, rushed to get his gun and went outside. He also heard screams coming from Hani's house as the Ford Laser drove past his home.

He positively identified Waluz as the driver of the red car. The case continues today.

See page 4.



COURT PROTEST ... ANC supporters demonstrate outside the Rand Supreme Court in Johannesburg yesterday where Mr Janusz Waluz, top Conservative Party member Mr Clive Derby-Lewis and his wife Gaye are appearing charged with the murder of South African Communist Party leader Mr Chris Hani on April 10. PIC: SELLO MOTSEPE



In court . . . (left to right) Janusz Waluz, Clive Derby-Lewis and his wife Gaye, defence attorney Hennie de Vos, Attorney-General Klaus von Lieres, witness Retha Harmse and Mr Justice C F Elloff.

■ BY SUSAN SMUTS

Quick thinking by two witnesses to Chris Hani's assassination led to the speedy arrest of alleged hitman Janusz Waluz, the Rand Supreme Court heard yesterday.

Waluz (38), Clive Derby-Lewis (57) and his wife Gaye (52) pleaded not guilty to charges of murder, conspiracy to murder and illegal possession of a firearm and ammunition.

Housewife Retha Harmse told the Judge President of the Transvaal Mr Justice C F Elloff and two assessors that she had memorised the registra-

I saw Hani being killed – witness

tion number of the getaway car and notified the police moments after the SACP secretary-general was gunned down outside his home in Dawn Park, Boksburg.

A member of the local Neighbourhood Watch, Michael Buchanan, told the court he had managed to scrutinise the face of the driver of the car. At an identity parade the next day, Buchanan said he identified

Waluz when he saw his left profile. Conflict broke out between Hani supporters and those of the right-wing trio during court adjournments.

After Witwatersrand Attorney-General Klaus von Lieres, SC, reported the "uncouth" behaviour of the spectators, the judge warned that the public gallery would be cleared if such behaviour continued.

Two policemen, who apprehended Waluz after receiving a radio message that a red car had been involved in a shooting, told the court Waluz had driven away from them when they approached.

Constable Kobus Olivier and Constable Quinton du Toit, of the Boksburg detective branch, said Waluz had handed over two firearms when he eventually stopped. One, a Z88 pistol, was fitted with a silencer.

Waluz told the policemen he had been to Dawn Park shopping centre and was on his way home. His counsel, Eben

► To Page 3

Witness describes how Hani was killed

◀ From Page 1

Jordan, said his client would deny he had tried to "run away".

Harmse told the court she and her parents were on their way to do some shopping when she realised she had left some plastic bags behind. As they drove back home, she saw a man standing in a shooting position, Harmse said.

She heard two shots and slowed down. As she drove past she saw him bend over and

heard two more shots. Harmse said she then saw the body of a black man lying in Hani's driveway.

"I thought I was watching a film, I could not believe my eyes," Harmse said.

Her first thought was that the man was a security guard shooting at an intruder, she told the court.

The man returned to his car. As he pulled away, Harmse reversed and memorised the regis-

tration number.

She went home, screaming to her husband that someone had been shot at Hani's home, and called the police.

Buchanan said he ran to fetch his gun when he had heard about four shots and someone screaming.

A red hatchback drove past when he reached his door and he scrutinised the driver's face, he said.

Buchanan said he and Michael

Mofokeng, who arrived on the scene at the same time, cordoned off the area and stopped Hani's daughter from taking her father's keys from his pocket.

He identified a red Ford Laser that afternoon as the car he had seen and the next morning identified Waluz in an identity parade, he said.

Buchanan said he did not recognise Waluz until the men in the line-up were asked to turn their left profiles to face him.

Cross-examined by Jordan, Buchanan said he had seen an artist's impression of Waluz in the Sunday Times before he had attended the identity parade. He denied this influenced him when he pointed Waluz out.

Asked by Clive Derby-Lewis's counsel, Hennie de Vos, SC, why he had not followed the car, Buchanan replied to laughter from the public gallery: "The car was mobile, I was off too!"

The hearing continues.

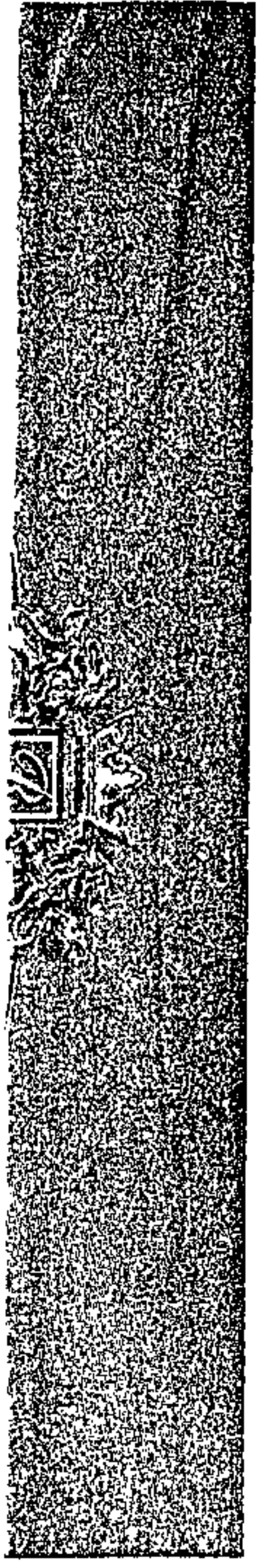
Waluz had hit list

Sowetan

6/10/93



Police try to control a crowd outside the Rand Supreme Court yesterday on the second day of Chris Hanl murder trial. (Inset) Accused Clive Derby-Lewis, his wife Gaye, and Janusz Waluz.



Hit list

By Tsale Makam and Sapa

A "hit list" was found in the possession of Mr Janusz Waluz, one of three people accused of murdering South African Communist Party leader Mr Chris Hanl, the Rand Supreme Court heard yesterday.

Sergeant Anton Grimbeek told the Judge President of the Transvaal, Mr Justice CF Eloff, that the list included — apart from Hanl — the names and addresses of ANC president Mr Nelson Mandela, SACP national chairman Mr Joe Slovo, Foreign Affairs Minister Mr Pik Botha and Mr Justice Richard Goldstone.

Polish immigrant Waluz (38) and Conservative Party politician Mr Clive Derby-Lewis and his wife Gaye have pleaded not guilty to murdering Hanl on April 10, conspiracy to murder and unlawful possession of a firearm and ammunition. Mrs Derby-Lewis is out on bail of R30 000. Her husband and Waluz are in custody.



Giving evidence on the second day of the trial, Grimbeek said that at one stage during the search of Waluz's Pretoria flat, shortly after police had found the "hit list", Waluz had joked with the investigating officer, Sergeant Mike Holmes, and said to him: "Mike, I think you have found something. You look happy."

Another witness, Warrant-Officer Willem Wheeler, testified that two pistols, a silencer, two knives, ammunition and number plate "stickers" were found on Waluz shortly after Hanl was shot dead on the driveway of his Dawn Park, Boksburg, home.

The "stickers" could be used as false number plates.

Wheeler said Waluz had claimed at the time of his arrest that the second pistol found in his car, a 9mm Z88, for which he had no licence and which has been ballistically linked to the Hanl murder, had been planted.

He also found a knife strapped to Waluz's left leg.

The trial continues today.

AGAINST THE ODDS

A story of hope in a homeland with phony independence and where women have to fend for themselves. See page 7

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DAYS TO EXAM
COUNTDOWN



the Chris Hani murder trial - Janusz Waluz, Clive Derby-Lewis and his wife Gaye and the Judge president of the Transvaal Mr Justice CF Eloff as captured by our graphic artist John Tsatsi in the Rand Supreme Court yesterday.

Waluz's gun fired

Sowetan 7/10/93

shots'

Sowetan Correspondent

THE Z88 PISTOL FOUND in alleged assassin Mr Janusz Waluz's car was the only gun that could have fired the four bullets found at the scene after Mr Chris Hani's murder, the Rand Supreme Court was told yesterday.

The bullet which penetrated below the South African Communist Party general secretary's left ear was fired from less than a centimetre away, while the bullet that entered his chest was fired from more than a metre, police ballistics expert Captain Lukas Visser told Judge President of the Transvaal Mr Justice CF Eloff.

Visser said he tested the gun which had been retrieved when Waluz was arrested about 15 minutes after Hani was shot dead in the driveway of his home in Dawn Park, Boksburg.

Groove marks on bullets fired under test conditions proved the bullets fired at Hani came from the Z88.

Cross-examined by Waluz's counsel, Mr Eben Jordaan, Visser said a Z88 pistol manufactured directly before or after the gun in question would have produced "different fingerprints".

"There is absolutely no chance the bullets would have the same marks," he said.

Cross-examined by Mr Hennie de Vos, SC, counsel for one of the accused, Mr Clive Derby-Lewis, Visser said the older the gun was, the more distinct the marks it left on a bullet would become. However, every weapon left its mark

whether it was very old or very new.

The bullets fired at Hani were commercial and not military ammunition. (331)

Mr Derby-Lewis and his wife Gaye, the third accused in the case, chatted continuously to each other while witnesses testified. Waluz listened intently while evidence was being interpreted into Polish.

Waluz (38), Mr Derby-Lewis (57) and Mrs Derby-Lewis (54) have pleaded not guilty to murdering Hani and also to charges of conspiracy to murder and illegal possession of a firearm and ammunition.

The court was also told that Mr Derby-Lewis had obtained an unlicensed pistol from an acquaintance a month before Hani was killed.

Mr Fanie Venter testified that he had provided Mr Derby-Lewis with an unlicensed firearm as requested in March. He had himself obtained the gun from a Mr Gene Taylor in 1990.

Mr Derby-Lewis had told him at the time that he was "stocking up" on firearms.

Another witness, Flight-Sergeant CM van der Schyff, said the 9mm Z88 pistol allegedly used to kill Hani and found in the possession of Waluz was one of many firearms stolen from the SA Air Force headquarters in April 1990.

Mr Keith Micklethwaite testified that Waluz had bought 25 9mm shells from Gun Exchange in Corlett Drive, Johannesburg, on April 10, the day of Hani's murder.

(Proceeding)



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Petrol price hike stays -- Page 2

'Blood from shirt same type as Hani's'

Kemp drew up 'list', court told

Star 7/10/93

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■ BY SUSAN SMUTS

"Don't worry, Waluz won't speak," Clive Derby-Lewis told former Citizen reporter Arthur Kemp two days after SACP leader Chris Hani's assassination, the Rand Supreme Court heard yesterday.

The remark was made during a discussion between Kemp, Clive Derby-Lewis and his wife, Gaye, about an alleged hit list found in Waluz's flat, Kemp told the court.

He identified the alleged hit list as a list of addresses he had drawn up in January at Gaye Derby-Lewis's request.

He said she had faxed him a list of 19 names and asked him to supply the addresses.

He had only been able to supply nine addresses, Kemp said.

Janusz Waluz (38), Clive Derby-Lewis (57) and Gaye Derby-Lewis (54) have pleaded not guilty to murdering Hani outside his Dawn Park, Boksburg, home on April 10.

They have also pleaded not guilty before Judge-President of the Transvaal Mr Justice C F Eloff and two assessors to conspiracy to murder and illegal possession of a firearm and ammunition.

Kemp said he had visited the Derby-Lewises on April 12. He had read about the list in the newspapers the day before and had asked whether the alleged

IN the Rand Supreme Court witness Arthur Kemp admits to drawing up a list which included Chris Hani's address

hit list was the one he had drawn up.

The Derby-Lewises immediately denied this, but then Gaye Derby-Lewis said it was.

"I was shocked, bewildered. I thought the list was to be used for propaganda purposes by the CP. I had assumed the CP intended to stage demonstrations outside the homes of those people," Kemp said. Clive Derby-Lewis had told him not to worry because Waluz would not speak. Questioned by Gaye Derby-Lewis's counsel, Harry Prinsloo, he said it was "sheer coincidence" that he had included Hani's address on the list.

The court also heard that Clive Derby-Lewis had made inquiries for an unlicensed gun in right-wing circles weeks before Hani's murder.

Another witness, Fanie Venter, said Clive Derby-Lewis had asked him where he could obtain an unlicensed firearm. Venter said he had such a weapon and arranged to leave it with mutual friends, Lionel and Elizabeth Durant. He told the Durants

Clive Derby-Lewis would fetch his "jersey".

Venter said that at the time the CP had been talking of arming self-defence units.

Clive Derby-Lewis's counsel, Hennie de Vos SC, said Clive Derby-Lewis would say that he had asked for the gun because he was scared a future government would confiscate licensed weapons.

As Venter left the courtroom, he winked at the Derby-Lewises.

Gun dealer Russell Micklethaithe told the court Waluz had bought a box of 9 mm ammunition between 9 am and 9.15 am on the day Hani had been shot with a 9 mm Z88 pistol.

Ballistics

Former Air Force officer Lieutenant Christiaan van der Schyff said the Z88 pistol was among a batch of arms stolen from the Air Force in Pretoria in April 1990.

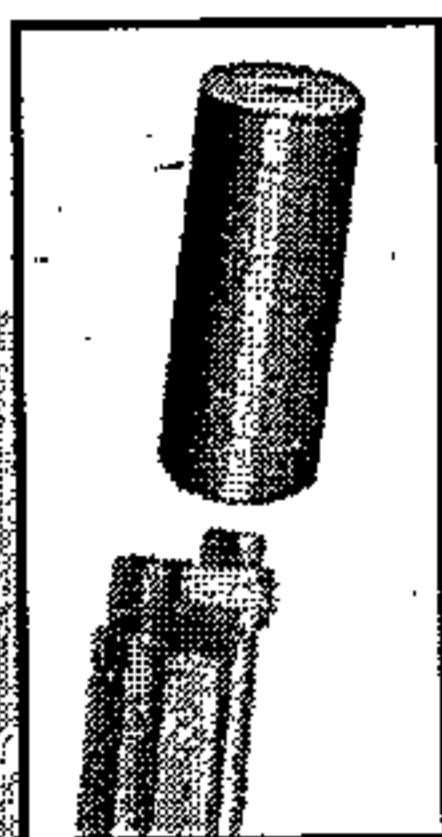
Police forensic expert Major Christo Weitz said blood samples taken from Waluz's shirt were type B, the same blood group as Hani's.

Police ballistics expert Captain Willem Visser told the court Hani had been shot behind his left ear from less than 1 cm away, and through the chest from a distance of more than a metre.

The hearing continues.

NEWS Day by day in the Rand Supreme Court ● ANC members killed in ambush

Four days of drama at Sowetan 11 October 1993 Hani murder trial



Who's who at the trial



By Lulama Luti and Own Correspondent

■ **GRIM TALE** The tragic events that rocked the nation — and the world:

(331)

DAY 1 — Monday October 4
Outside court —
Rightwingers and supporters of assassinated SA Communist Party chief Chris Hani clash outside the Rand Supreme Court.

In court — Housewife Mrs Retha Harnse testifies she memorised registration number of getaway car.

— Mr Michael Buchanan, testifies that he saw face of driver of car (used during assassination). He identified Waluz (as driver of car) during an identification parade.

— Constables Kobus Olivier and Quinton du Toit of the Boksburg Detective Branch testifies they trailed Waluz. When he stopped, Waluz handed over two firearms — one, a Z88 pistol, was fitted with silencer.

DAY 2 — Tuesday October 5
— Sergeant Anton Grimbbeck testifies that "hit list" was found in Waluz's

possession. List included names and addresses of ANC president Mr Nelson Mandela, SACP chairman Mr Joe Slovo, Foreign Affairs Minister Mr Pik Botha and Mr Justice Richard Goldstone.

— Warrant Officer Willem Wheeler testifies that two pistols, a silencer, two knives, ammunition and number plate "stickers" were found on Waluz shortly after Hani was shot dead. Wheeler said Waluz claimed second pistol found in his car, a 9mm Z88, for which he had no licence and ballistically linked to the Hani murder, had been planted.

DAY 3 — Wednesday October 6
— Former Citizen reporter Arthur Kemp testifies he identified "hit list" found at Waluz's Pretoria flat as list he drew up in January at Gaye Derby-Lewis' request — who Kemp said identified herself as a research journalist for the CP mouthpiece, *Die Patriot*. He thought the CP would use list for propaganda purposes.

— Gun dealer Mr Russel Micklethaithe said Waluz bought box of 9mm parabelum ammunition between 9 and 9.15am on day Hani was shot.
— Former Air Force official Lieutenant Christiaan van der Schyff testifies that Z88 pistol was among arms stolen from Air Force in Pretoria during April 1990.

DAY 4 — Thursday October 7
— Warrant Officer Tony Willem testifies that forensic tests proved Gaye Derby-Lewis' fingerprints were on alleged "hit list".
— Senior State pathologist Patricia Klepp said any of three of the four bullets which hit Hani could have caused his death.

By Lulama Luti

Presiding Judge: Mr Justice CF Eloff
Assessors: Advocate PJ van Blerk SC, and Advocate WG van der Linde SC.
Prosecutor: Witwatersrand Attorney-General Mr Klaus von Lieres und Wilkau
Counsel for the accused: Henrie de Vos, SC, for Clive Derby Lewis
Harry Prinsloo for Gaye Derby-Lewis and Eben Jordaan for Janusz Waluz

MR Eloff appointed Judge President of the Transvaal on March 19 1991.

While deputy leapt to prominence in 1989 after a landmark decision on the question of whites-only facilities in the Conservative Party-ruled town of Carletonville which was ordered to remove offensive signs preventing blacks from entering municipal parks. A graduate of the University of Pretoria in 1956, he was called to the Bar in

1958.

The most recent case Mr Justice Eloff presided over was the KwaZulu government court application which challenged the use and meaning of "sufficient consensus" as applied at the current multiparty negotiations at the World Trade Centre.

Witwatersrand Attorney-General Mr Klaus von Lieres und Wilkau obtained his BA and LLB degrees at the University of Stellenbosch.

He was admitted to the Cape Bar in 1966. He then moved to the Transvaal in 1971 and served as a prosecutor in the Rand Supreme Court where he was appointed senior public prosecutor in 1974.

He was the prosecutor in several prominent cases, including the terrorism trial in 1972 in which Mohammed Essop and others faced charges under the Terrorism and Suppression of Communism Acts.

which Transvaal, the District Court of Johannesburg. The two assessors will have to decide if the evidence is true or not after all the evidence for both the State and the defence has been heard.

It is said that most murderers make one slip that leads to their downfall, but if the state evidence is accepted it will show that there were many alleged slip-ups.

Some of these revealed in evidence are:

■ Walus was arrested with the unlicensed alleged murder weapon in his car, and he was wearing a blood-stained shirt and sneakers. A pair of leather gloves was also found.

■ Forensic tests revealed that the blood was the same group as Hani, and that the gloves had been used to fire a weapon or had been less than a metre from a weapon when it was fired.

■ There were other suspicious articles in the car. These included false car registration plates together with an invoice for the purchase of the letters and numbers to make the plate.

■ A silencer was not used in the murder. Had one been used in the killing it would probably not have drawn the attention of eyewitnesses who heard the gun shots.

■ Police found an alleged "hit list" in Walus's Pretoria flat the same day with nine names, including that of Hani. Next to Hani's name police allege Walus had written the number of Hani's car and his telephone

FLASHBACK... The killing of the SACP's Chris Hani was recalled in detail in the Rand Supreme Court this week. From Tuesday the three accused are to give accounts of their defence.

number.

A handwriting expert testified that these additional notes had been written by Walus.

Walus is alleged to have told W/O Mike Holmes who was in charge of the search "I have made you happy, you have found something" to which Holmes replied: "Yes, I am happy."

In cross-examination Walus's counsel said that Walus said he did not remember making the remark, but that if he did it was in reference to his AWB membership card which Holmes had also found.

The so-called "hit-list" which the defence has denied is such, also contained the fingerprints of Gaye Derby-Lewis.

Former rightwing journalist Arthur Kemp told the court he gave the list to Gaye Derby-Lewis.

He said he assumed she wanted it so that the CP could hold demonstrations outside the various homes.

Kemp also said in cross-examination that it was not unusual for Mrs Derby-Lewis to want such information as she was a research journalist and needed them for her work.

The state has so far not given any evidence of how

the list came to be in the hands of Walus and who actually gave it to him.

Walus also bought 25 9mm bullets suitable for the murder weapon about an hour before Hani was killed. He gave his correct name and his gun licence number to the gun dealer in Corlett Drive, Johannesburg.

Clive Derby-Lewis had a stolen unlicensed firearm, which the forensic tests allegedly prove is the murder weapon, delivered to the Krugersdorp home of friends, Lionel and Elizabeth Durant, by a Faan Venter.

He told Mrs Durant it was a jersey, but she was curious and opened the parcel to find it was a firearm. She and her husband delivered the parcel to Derby-Lewis the following day.

Faan Venter, who was warned by the judge that he had to tell the truth or he could be charged with having an unlicensed firearm, told the court he had obtained the Z88 firearm from a Gene Taylor, and had supplied it to Derby-Lewis who had asked for the firearm saying: "We are stocking up."

Flight Sergeant CM van der Schyff told the court that the alleged murder weapon was one of many stolen from SAAF headquarters in April 1990.



one another, acted calmly and occasionally put their arms around one another.

Gaye Derby-Lewis was mostly relaxed but would occasionally call over her counsel for earnest conversation on some point.

In the gallery black supporters of Hani sat beside rightwing white supporters of the accused.

There have been occasional outbreaks of verbal abuse between the two factions during court recesses, the last, on Friday morning before the session began when a black youth asked a white woman to move up so that he could sit in the row.

She replied there was plenty of room at the back for blacks and then rushed to complain to a young police constable.

Walus cornered by State's case

C/Pres 10/10/93

(331)

By DESMOND BLOW

THE state this week built up a strong case against Chris Hani's alleged killer, Polish immigrant Janusz Walus.

From early cross-examination, it appears his defence will be that the police "planted" the evidence against him.

Allegations of this type have often been made against the police by the ANC and even the extreme right, but Walus will have an extremely difficult task proving this when the defence evidence is heard next week, because of the mass of evidence against him.

Walus has denied that the alleged murder weapon and a pair of gloves found in his car within minutes of the assassination by two young police constables are his.

He also denies claims that a blood-stained shirt and sneakers he was alleged to be wearing when he was arrested are his. He claims he had never seen them before.

Several police witnesses have testified otherwise, and forensic tests have shown that the Z88 firearm found in Walus's car fired the fatal shots.

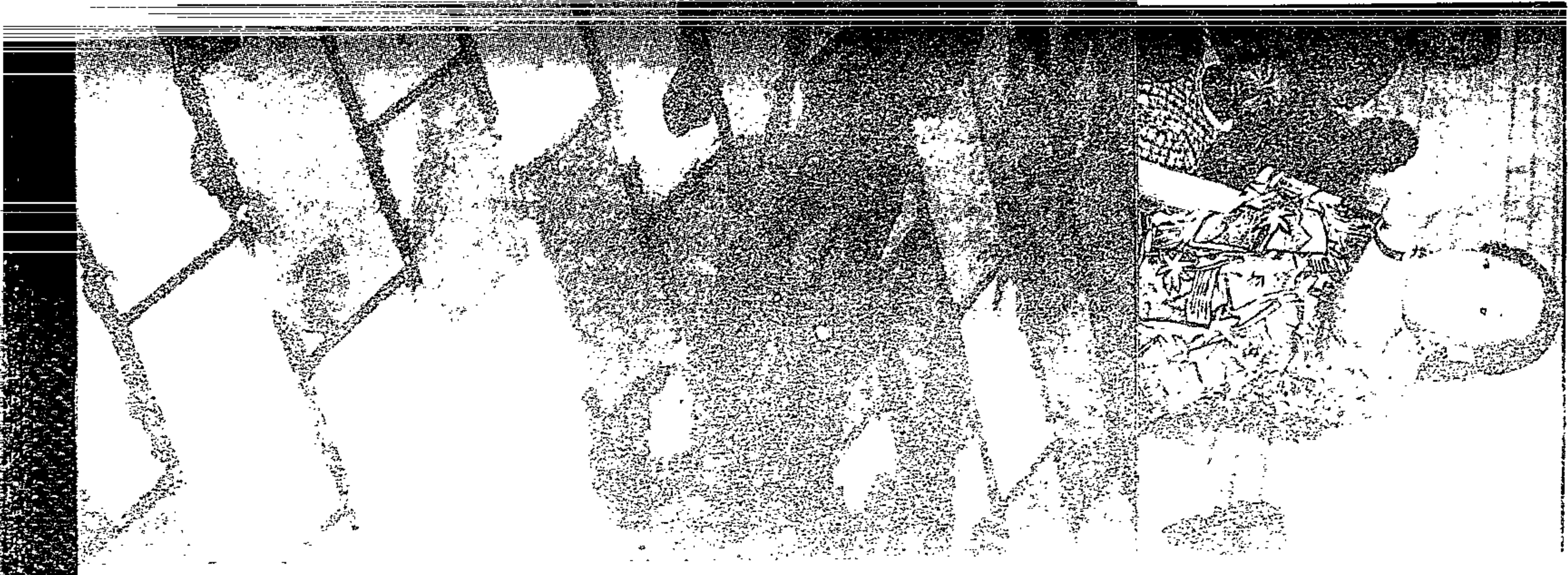
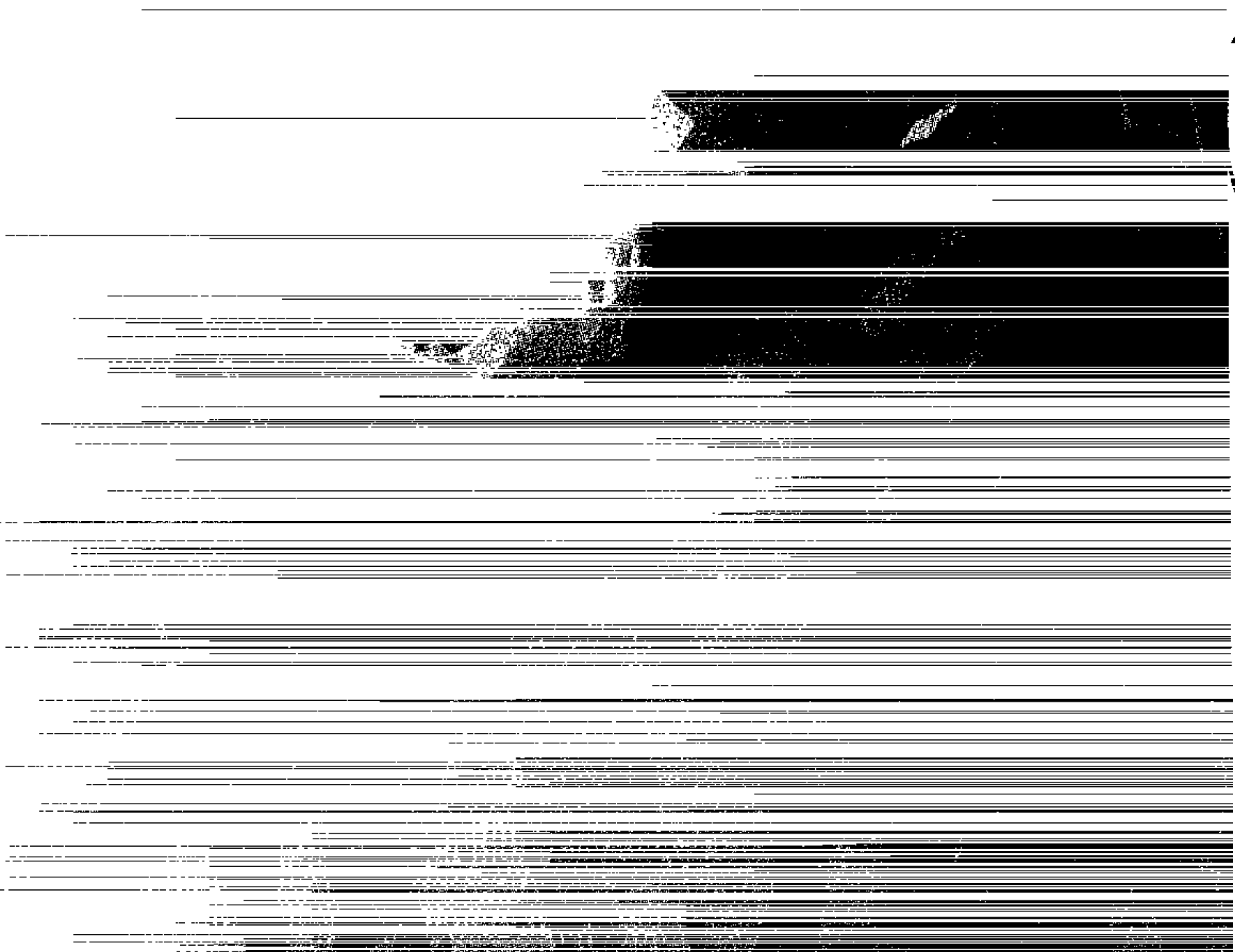
From evidence led this week, it appears the police and Transvaal Attorney-General Klaus von Lieres and Wilkau, assisted by State Attorney Gerard Nel, have done one of the most thorough and comprehensive investigations in South African legal history.

From the moment of Walus's arrest within minutes of the murder, the police have pieced together an intricate if not very brilliant plot to kill Hani.

This week more than 30 witnesses, the large majority of them policemen and police forensic experts, gave evidence that was seldom challenged in cross-examination.

The evidence given this week linking leading CP member Clive Derby-Lewis to the alleged events that led to Hani's death appears to be strong so far, but after cross-examination there seems little evidence so far to link his wife Gaye Derby-Lewis with the alleged plot.

From the evidence a "raunchy account" of the plot.



'First 1 shot, then 2, then 3, then No 4 in the ear!'

C/Pres 10/10/93

ALLEGED assassin Janusz Walus sat expressionless but attentive as a pathologist described the clinical killing of SACP secretary-general Chris Hani in his driveway in Boksburg in April this year.

According to the forensic evidence of Dr Patricia Klepp, who conducted the post-mortem, Hani was shot four times from close range – the final shot aimed into his left ear from less than a centimetre away.

It would appear from the doctor's evidence that the first shot was fired from more than a metre away and hit Hani in the chest.

Although the shot caused extensive damage to Hani's liver and right kidney, he was alive as he hit the ground because the right side of his face showed bruising.

Without immediate aid he would have died within 30 minutes, but the killer took no chances.

The killer fired a second shot at Hani as he fell, striking him in his right ear and shattering his jaw.

Then he fired a third shot into the left side of Hani's head, severing his spinal cord and causing instant death.

The killer then coldly placed the firearm within a centimetre of Hani's left ear and pulled the trigger. The bullet lodged in the base of Hani's brain, and although the shot did not go through the brain, the shock waves would have caused severe brain damage and probably death, if he was still alive after the third shot.

Walus's blue eyes never wavered during this evidence.

Dressed in the same brown suit he has worn since Monday, Walus seldom showed any expression, but occasionally nodded when the woman interpreter beside him translated the proceedings into his native Polish.

Sitting beside him, Clive Derby-Lewis often appeared nervous and trembled at times, but he explained to reporters that "I only tremble when I'm angry".

He was dressed smartly and his wife Gaye, who is on bail, sat close beside him.

Two of them would touch

Trial resumes

By Bongani Mavuso

THE murder trial arising from the assassination of South African Communist Party chief Mr Chris Hani resumes in the Rand Supreme Court today after an adjournment last week to allow the defence to prepare its examination.

Facing charges of murder, conspiracy to murder and illegal possession of ammunition and firearms are Mr Clive Derby-Lewis, his wife Gaye and Polish immigrant Janusz Waluz, who have all pleaded not guilty.

The hearing adjourned last Thursday after dramatic evidence was led by the Derby-Lewis' domestic worker Mrs Elizabeth Matshwane.

Her evidence contradicted Mr Derby-Lewis' statement to the police when he was detained a week after the assassination of

Hani on April 10.

Matshwane was a surprise state witness who testified that she saw Waluz examining a handgun in the presence of Mr Derby-Lewis in their Krugersdorp home.

Hani's slaying was also relived with the public gallery seeing again the bloodied and torn track suit top Hani wore when he was shot outside his Dawn Park, Boksburg, home.

The saga has so far been retold by housewife and Hani's neighbour Mrs Retha Harmse, who testified that she memorised the registration number of the getaway car.

Mr Michael Buchanan identified Waluz as the driver of the car during an identification parade.

Police witnesses testified that Waluz handed over two firearms — one a Z88 pistol fitted with a silencer. It was also testified that a "hit list" was found in Waluz's possession.

Zondi.



Trial resumes

Sowetan

12/10/93

By Bongani Mavuso

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se in Hani murder trial • ANC man sentenced

Derby-Lewis link to murder weapon

Sowetan 13/10/93

Sowetan Correspondent and Sapa

■ **HANI KILLING** Silencer was fitted to gun at his instruction, court told:

GASPS were heard from the public gallery in the Rand Supreme Court yesterday when the State led evidence directly linking Clive Derby-Lewis to the murder weapon used to kill Chris Hani. (331)

The court heard that a silencer was fitted to the alleged murder weapon on Derby-Lewis's instructions.

Silencer manufacturer Gavin Smith identified the Z88 pistol which the court has been told was used to kill SACP general secretary Hani on April 10.

This is the first evidence directly linking Derby-Lewis to the gun allegedly used in the murder.

Smith told Mr Justice CF Eloff and two assessors that Keith Darryl, with whom he had previously had dealings, approached him in Cape Town and asked him to fit a silencer to the Z88 pistol in March.

Darryl earlier testified in court that Derby-Lewis had asked him to have a silencer fitted.

Smith identified the Z88 which was found in alleged hitman Janusz Waluz's possession 15 minutes after Hani's murder as the gun he had fitted with a silencer. Derby-Lewis (57), his wife Gaye (54) and Waluz have pleaded not guilty to murdering Hani outside his Dawn Park, Boksburg, home on April 10. The court also heard from South African Police computer investigator Sergeant Martinus Visser that Mrs Derby-Lewis had written four stories on the hard drive of her personal computer in which she criticised Hani for what she termed his terror and murder campaigns.

She questioned those who referred to the SACP leader as a peacemaker, and said his "legacy flies in the face of these

exhortations".

She advised the SACP be "stopped in its tracks" and said Hani's death had "removed an important role player from the ranks of those who would see a communist Azania".

Attorney-General Klaus von Lieres closed the State's case. Eben Jordaan, for Waluz, said he too closed his case.

At the end of the State's case, the judge dismissed an application by Mrs Derby-Lewis for acquittal.

Her counsel, Mr Harry Prinsloo, brought the application after her husband and Waluz closed their cases without testifying.

Prinsloo told Justice Eloff the State had failed to make out a case against his client. Statements made by her husband and by Waluz did not implicate her in the alleged crimes.

Clive Derby-Lewis and Waluz decline to testify

Gaye's ^{Star 13/10/93} acquittal bid fails

■ BY SUSAN SMUTS

The Judge President of the Transvaal dismissed an application by Chris Hani murder accused Gaye Derby-Lewis for acquittal at the end of the State's case yesterday.

Derby-Lewis's counsel, Harry Prinsloo, brought the application after Clive Derby-Lewis and alleged hitman Janusz Waluz closed their defence without testifying.

The trio have pleaded not guilty to murder, conspiracy to murder and the illegal possession of a firearm and ammunition.

Prinsloo told Mr Justice C F Eloff and two assessors that the State had failed to make out a case against his client.

Statements made by her husband and by Waluz did not implicate her in the alleged crimes, he said.

The State did not prove that she had been in Waluz's flat after his arrest. The court has heard that the list was drawn up by former Citizen reporter Arthur Kemp at Gaye Derby-Lewis's request.

Although the court heard that Waluz had handled a gun after a breakfast at the Derby-Lewis Krugersdorp home four days before the murder, the State did not lead evidence of what had been discussed, Prinsloo said.

The State also did not prove that Gaye Derby-Lewis had been present when Waluz had handled the gun, Prinsloo argued.

The State alleged that the man had been "in the room" to the

JUDGE dismisses claim that State has failed to link right-wing activist to Hani murder

Derby-Lewis home, but did not prove Gaye Derby-Lewis had seen the weapon or had known anything about it, Prinsloo said.

Mr Justice Eloff dismissed the application without hearing argument from Witwatersrand Attorney-General Klaus von Lieres, SC.

The last witness to be called for the State, silencer manufacturer Gavin Smith, identified a Z88 pistol found in Waluz's car 15 minutes after Hani's murder as the gun he had fitted with a silencer in March.

He said he had been approached in Cape Town by Keith Darroll with whom he had previously had dealings. Darroll had asked him to fit the gun with a silencer.

Darroll earlier told the court he had done this on Clive Derby-Lewis's request.

Smith identified the welding and finishes on the gun and silencer as his own. He refused to concede under cross-examination from Clive Derby-Lewis's counsel, Henrie de Vos, SC, that another manufacturer could produce identical work.

Former police ballistics expert Thomas Wolmarans, testifying in Clive Derby-Lewis's defence, told the court Smith could not be certain the Z88 was the one before the court was

the one he had modified. This could only be established under a microscope, he said.

He conceded that Smith would have been able to identify the silencer which he had manufactured.

Gaye Derby-Lewis denied plotting or taking part in Hani's murder, or handing the alleged hit list to Waluz.

She told the court that Kemp had approached her two days after the SACP general-secretary's assassination. He had read about the alleged hit list in a newspaper. He had asked her whether it was the list he had handed her in January.

She had initially denied this, but then conceded it "seemed like it was".

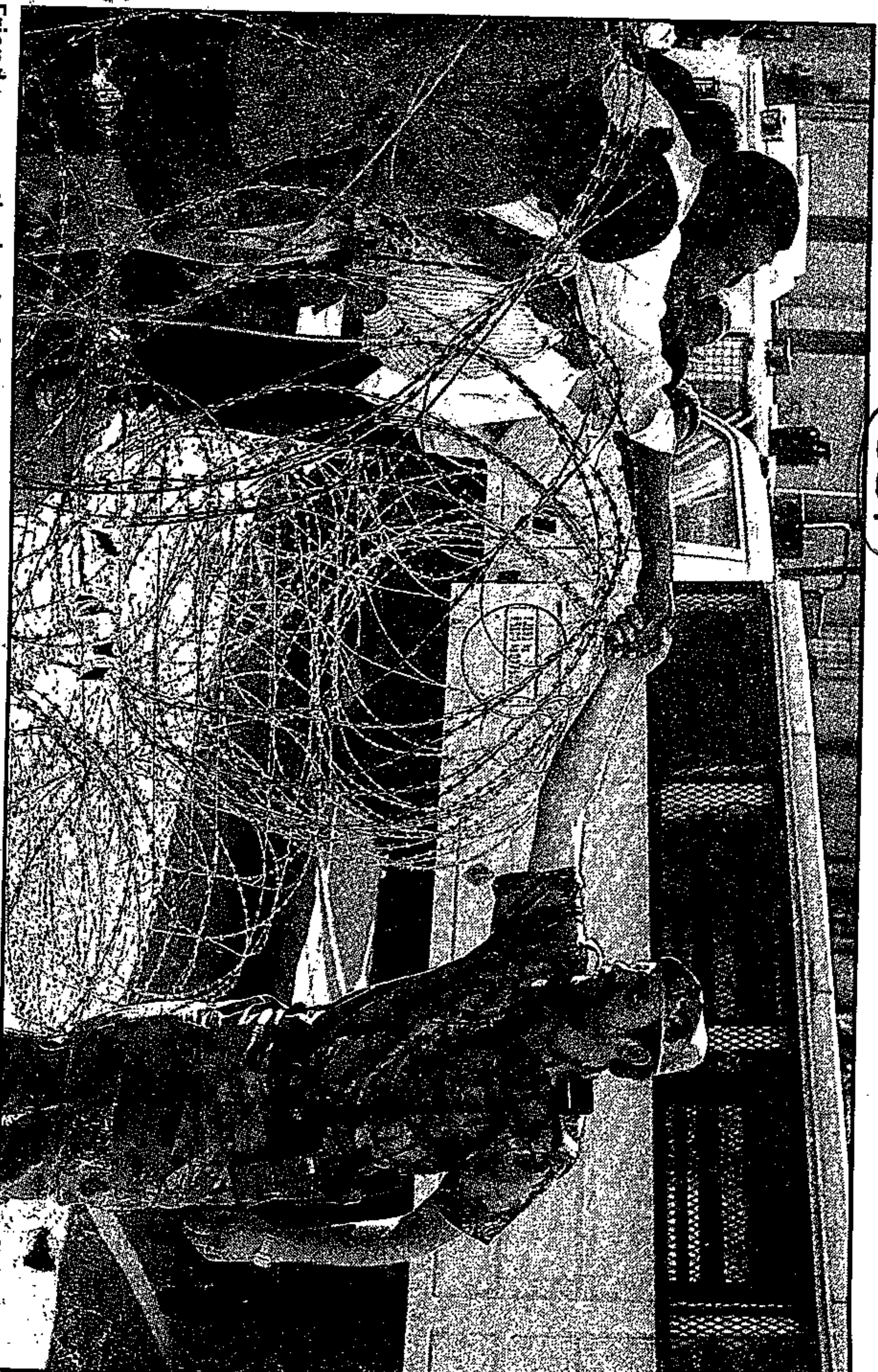
She said she had rejected her husband's suggestion that they should report this to the police, because the couple were high-profile Conservative party members who could not be seen to be implicated in something as deplorable as Hani's murder.

Derby-Lewis said she kept files of newspaper clippings on politicians and other public figures. She used her files to write articles for the CP mouthpiece, Die Patriot.

She said she had intended to use the addresses in stories on "revolutionaries who liked to live high".

Andrew Czernewalow, a Polish immigrant and long-time friend of Waluz, was also called to give evidence in Clive Derby-Lewis's defence.

He said he had often seen Waluz practise target-shooting on a plot owned by his older brother, Vitor Waluz.



Friends across the barricades . . . policemen and protesters make peace with each other outside the Rand Supreme Court, where three rightwingers are on trial for Chris Hani's murder.

PICTURE: PETER MOGAKI

Waluz had also tested weapons for friends.

He said Waluz hated communism on account of his experiences in Poland before emigrating to SA in 1981. Waluz was afraid of a communist takeover in SA.

Cross-examined by Von Lieres, Czernewalow denied he had exaggerated Waluz's political feelings to protect him. The hearing continues.

Gaye Derby-Lewis fails in bid for acquittal as State closes its case

By Day 12 Ho/93

AN APPLICATION to have Gaye Derby-Lewis acquitted was dismissed in the Rand Supreme Court by Judge C F Eloff at the close of the State's case yesterday. Her counsel applied for her discharge on the grounds that the State had failed to make a case against her.

She then took the stand and denied that she had been involved in the assassination of former SACP chief Chris Hani, or a conspiracy to murder other prominent public figures.

Derby-Lewis, her husband CP politician Clive Derby-Lewis and Polish immigrant

Janus Waluz have pleaded not guilty to murdering Hani on April 10 this year.

They have also pleaded not guilty to conspiring to murder eight other prominent politicians and public figures whose names were found on an alleged "hit list" in Waluz's Pretoria flat. In addition, the trio have pleaded not guilty to unlawful possession of a Z88 pistol and ammunition.

It is alleged Waluz murdered Hani with a pistol supplied by Clive Derby-Lewis.

Counsel for Waluz and Clive Derby-Lewis is closed their cases without leading evidence from either man.

SUSAN RUSSELL

Gaye Derby-Lewis explained why she had asked journalist Arthur Kemp to draw up a list of addresses of several senior ANC members, politicians and journalists.

The list of nine names, given to Derby-Lewis by Kemp in January this year, was found in Waluz's flat after his arrest. Kemp and Derby-Lewis have denied it was intended to be a hit list. Derby-Lewis told the court she wanted the information for articles on the lavish lifestyles of SA revolutionaries and left-wing politicians.

Derby-Lewis said she left the list with various other work-related documents on a table at their home. She had been "distressed and disturbed" to read reports two days after the murder which described a nine-name "hit list". "I started looking around for my list. I couldn't find it."

Kemp arrived to have lunch with the couple that day and asked her if the list was the same one he had given her. She denied it. "He persisted and I said: 'Well, it looks like it.' He said we should go to the police. At that stage I was very apprehensive and I said we shouldn't do that,

we should wait and see. I was a little scared. We were high-profile CP people and I couldn't see us implicated in anything as devastating as Hani's murder."

Derby-Lewis was shown the Z88 pistol and denied ever having seen it. Asked about a breakfast at her home four days before the murder attended by herself, her husband and Waluz, she said she had been in a hurry and had left the house. Her domestic servant Elizabeth Mashwane has testified she saw Waluz after breakfast with a gun sitting with Clive Derby-Lewis.

Defence won't ask for Waluz acquittal

Sowetan 14/10/93

By Sapa and Tsale Makam

■ COUNSEL SUBMISSION

Evidence given by a police expert

THERE were no grounds on which Polish immigrant Mr Janusz Waluz could be acquitted of the murder of South African Communist Party general secretary Mr Chris Hani, his counsel, Mr Eben Jordaan, conceded during his closing argument yesterday.

Jordaan told the Rand Supreme Court on the sixth day of the murder trial the evidence given by ballistics expert Captain L Visser presented him with "insurmountable difficulties" in asking for an acquittal on the charge of murder against his client.

The South African Police ballistics expert said extensive ballistics tests proved conclusively the four cartridges found next to Hani's body were fired from the Z88 9mm pistol found in the possession of Waluz minutes after the SACP leader was shot dead at his Dawn Park, Boksburg, home on April 10.

Jordaan also accepted his client was

found in possession of the Z88 for which he did not have a licence.

However, Jordaan contested the charge of illegal possession of ammunition.

Waluz, he submitted, did have a licence for a CZ 9mm gun.

Witwatersrand Attorney-General Klaus von Lieres conceded this was so and the charge of illegal possession of ammunition was dropped.

Jordaan also submitted there was no evidence to prove beyond reasonable doubt that Waluz had conspired to murder the eight other people whose names appeared with Hani's on an alleged "hit list".

There was no doubt that the four fatal shots which killed Hani were fired by Waluz, Von Lieres said in his closing

argument.

He said the only inference to draw from the fact that Waluz and Derby-Lewis did not testify was that they were involved in a conspiracy to murder Hani.

Earlier Mrs Derby-Lewis, under cross-examination by Von Lieres, said she had hated Hani for what he stood for. Von Lieres had quoted one of her articles in which she had written in *Die Patriot* that the ANC-SACP alliance were well on their way to getting power "if they are not stopped on their tracks".

She denied that it meant killing anybody saying that "that is not my style".

Von Lieres said Mrs Derby-Lewis was a liar whose evidence was "evasive and improbable".

The trial continues today.

'No grounds for Waluz's acquittal'

COUNSEL for Chris Hani's alleged assassin Janusz Waluz yesterday conceded that there were no grounds for asking for his client's acquittal on the charge of murdering the former SACP chief. 14/10/93

Eben Jordaan told Judge C F Eloff and two assessors, during closing argument in the Rand Supreme Court, that he had "insurmountable difficulties" asking for Waluz's acquittal in the face of the State's forensic and ballistic evidence. (331)

However he argued that there was no evidence showing that Waluz had been party to a conspiracy to murder prominent political figures, whose names and addresses were found on a list in Waluz's flat shortly after his arrest.

SUSAN RUSSELL

Waluz, CP politician Clive Derby-Lewis and his wife Gaye have pleaded not guilty to murdering Hani on April 10. They have also pleaded not guilty to conspiring to kill eight other people named in the list.

It is alleged that Waluz shot Hani outside his Boksburg home. The State also alleges that Waluz committed the murder with an unlicensed firearm given to him by Clive Derby-Lewis for this purpose.

Evidence has been led that Derby-Lewis obtained the firearm, stolen from an SADF depot, from a friend, Faan Venter. Derby-Lewis allegedly took the gun to Cape Town

□ To Page 2

Waluz

where he had it fitted with a silencer. Waluz and Clive Derby-Lewis both closed their cases without testifying.

Gaye Derby-Lewis spent most of yesterday in the witness box under cross-examination by Witwatersrand Attorney-General Klaus von Lieres and Wilkau SC. (331)

She has denied that the list was intended to be a "hit list" as alleged by the State.

Derby-Lewis testified that she obtained the list from journalist Arthur Kemp to use for a series of articles and a book about the questionable lifestyles of left-wing figures. She had not given her list to Waluz and had no idea how it ended up in his possession.

She told the court it was possible that Waluz, who she described as a family friend, had inadvertently picked up the list with newspapers and other rightwing literature which she gave him. She agreed that she believed SA was in a state of war and would support a CP call for "active resistance" to stop a communist takeover.

But she denied being party to a conspiracy to murder Hani or any other people on the list. Asked by Von Lieres whether "tak-

ing out" the left-wing leadership was not one way of preventing a communist takeover, Derby-Lewis replied: "No, that's not my style."

In his closing argument Von Lieres submitted that the evidence had shown that there could be little doubt that the pistol Clive Derby-Lewis had modified in March was the weapon used to kill Hani, and that it had been found in Waluz's possession minutes after the shooting.

Derby-Lewis had offered no explanation as to what had happened to the unlicensed pistol he obtained from Venter.

There was also no evidence explaining how it had ended up in Waluz's possession.

The only inference to be drawn from the objective facts was that Derby-Lewis gave Waluz the weapon to eliminate Hani.

Von Lieres also described Gaye Derby-Lewis's explanation for obtaining the list, and her dismay when she realised it was the same one found in Waluz's possession, as "improbable and evasive".

Clive Derby-Lewis's counsel, Hennie de Vos SC, will deliver his closing argument this morning.

From Page 1

Waluz killed Hani, defence concedes

BY SUSAN SMUTS

Counsel for Janusz Waluz yesterday conceded that "insurmountable" evidence showed that the Polish immigrant had murdered Chris Hani.

Eben Jordaan admitted his client was guilty of murder and illegal possession of a firearm. But he argued that the State had failed to prove that Waluz had conspired to murder eight other people listed on an alleged hit list found in his flat.

Witwatersrand Attorney-General Klaus von Lieres, SC, called for Waluz, Gaye Derby-Lewis and her husband Clive to be convicted of acting in common purpose to murder Hani on April 10, and of plotting to murder eight others.

Von Lieres told Transvaal Judge President Mr Justice C F Eloff and two assessors in the Rand Supreme Court that Gaye Derby-Lewis was not a credible witness, and asked them to reject her evidence.

Adverse inferences should be drawn against her co-accused who had not given evidence, although the State had put forward a strong prima facie case against them.

The trio had pleaded not guilty to murder, conspiracy to murder and illegal possession

of a firearm.

Cross-examined by Von Lieres, Gaye Derby-Lewis said she was "absolutely" opposed to everything Hani stood for, but "it was not my style to stop a movement by taking out its leadership".

Questioned about her attitude to Hani and to her perceived threat of a communist takeover, she said: "There are plenty of other Chris Hanis. This is very unfair."

She denied giving the alleged hit list to either Waluz or her husband, and claimed she had never discussed it with her husband.

Later she said she had shown him the list when she took it out of her handbag to place in a filing cabinet.

Spectators in the public gallery showed keen interest in her cross-examination — laughing, groaning and snorting at questions and answers.

Von Lieres said the chronology of events between January 6, when she asked journalist Arthur Kemp for addresses for a list of names, and April 10 showed that the alleged hit list was not "mere coincidence".

"There is a clear inference that you were part of a conspiracy to murder Hani and

► To Page 2

Waluz guilty of murder, counsel tells court

◀ From Page 1

took steps to eliminate others," Von Lieres charged. Derby-Lewis responded: "I deny that implacably. It is ridiculous. I have never in my life..."

Von Lieres argued that Hani's assassination was clearly a planned murder and this proved that the eight other people on the alleged hit list were also targets for elimination.

A car registration number noted next to Hani's name had been that of a car last used by Hani some three weeks before his murder, which indicated he had been watched.

Ballistic evidence proved the Z88 pistol found in Waluz's possession 15 minutes after Hani's death was the murder weapon.

Von Lieres asked the court to accept evidence by silencer manufacturer Gavin Smith that it was also the gun he had fitted with a silencer in March.

A friend of the Derby-Lewis, Keith Darroll, had taken the gun to Smith on Clive Derby-Lewis's request.

The hearing continues.

Gaye acquitted of Hani murder

Waluz and Derby-Lewis found guilty

15/10/93

THE crowd packed into the Rand Supreme Court's public gallery applauded yesterday as CP politician Clive Derby-Lewis and Polish immigrant Januz Waluz were found guilty of murdering Chris Hani.

There were hisses of disapproval seconds earlier as the judge found that there was insufficient evidence to convict Gaye Derby-Lewis of murder, or of any of the other charges against her. (331)

Waluz and Clive Derby-Lewis were acquitted of conspiring to murder eight other people whose names were found on a list with Hani's in the Polish right-winger's flat after his arrest. Both were convicted of unlawful possession of the stolen pistol used to murder Hani.

The court found that Waluz and Derby-Lewis conspired to murder the former SACP chief and that the assassination had been planned well in advance.

Waluz shot Hani four times outside his Boksburg home on April 10 with the unlicensed 288 9mm pistol given to him for this purpose by Derby-Lewis.

Derby-Lewis obtained the pistol, originally stolen from an SADF depot, from a friend and had it fitted with a silencer in Cape Town before handing it to Waluz.

The pair sat impassively as Judge C F Eloff said the State had not proved that there had been a conspiracy between the pair to murder eight other people.

Acquitting Gaye Derby-Lewis, the judge said there was no evidence to show that she had been aware that her husband had acquired the pistol, had it fitted with a silencer and given it to Waluz.

SUSAN RUSSELL

Describing her explanation for drawing up the list as "completely unacceptable", the judge said she might have lied to protect someone, possibly her husband. At the end of the day, the evidence proved nothing more than that she had procured the contents of the list, and she ought to be given the benefit of the doubt.

The court found that the evidence proved beyond reasonable doubt that the unlicensed pistol Waluz used to kill Hani was the same one that Clive Derby-Lewis had obtained from a friend.

The judge said only Derby-Lewis would have been able to say when he handed the weapon over to Waluz and why. Instead both he and Waluz had declined to testify.

"His omission to do so is highly significant and has the effect of converting prima facie proof into conclusive proof."

In the absence of an explanation from Derby-Lewis the inference had to be drawn that he handed over the pistol knowing what Waluz was going to use it for.

"The facts point inevitably to the one and only conclusion that he (Derby-Lewis) actively promoted the objective of the assassination of the deceased."

Referring to the list, the judge said it was unlikely that Waluz, described by Gaye Derby-Lewis as a family friend, would have taken it on his own. The most probable alternative was that Clive Derby-Lewis had handed it to him.

The judge praised the actions of witness Margaretha Harmse, who had memorised

□ To Page 2

Waluz

the registration number of the assassin's car, enabling police to pick Waluz up literally minutes after the shooting. (331)

"But for the courage and public spiritedness of this young woman the killer possibly would not have been apprehended."

He also praised the police investigating team, describing their work as impressive. "The investigation was of a very high order," Eloff said. "It was done thoroughly

and left no stone unturned."

Shortly after the judge and his two assessors entered the court room there was a tense encounter between Hani's widow and her husband's assassins.

Accompanied by ANC PWV chairman Tokyo Sexwale, Limpho Hani walked down into the well of the court where, from less than a metre away, she gazed directly into the faces of her husband's murderers.

Evidence in mitigation continues today.

15/10/93 □ From Page 1

NEWS Acquittal draws widespread condemnation ● Woman of the Year announced

Blacks outraged as Gaye goes free

Bongani Mavuso

BLACK political organisations yesterday expressed anger and outrage at the acquittal of Mrs Gaye Derby-Lewis by the Rand Supreme Court in connection with the assassination of South Africanist Communist Party leader Mr Chris Hani.

Mrs Derby-Lewis was acquitted of murder, conspiracy to murder and possession of firearms and ammunition. Her husband Clive and co-accused Janusz Walusz were found guilty of murder and possession of firearms and ammunition.

The African National Congress called for the deportation of Mrs Derby-Lewis and demanded an in-

vestigation into what it believed was a conspiracy to kill its leaders.

The organisation said South Africa could not afford "the risk of her staying one day longer in our country".

Pan Africanist Congress national executive member Mr Carter Seleke said: "We cannot understand why Mrs Derby-Lewis was acquitted. She was part and parcel of the crime and is supposed to go to jail."

Seleke said the court should have applied the principle of "common purpose" used in the case of the Sharpeville Six.

Azanian People's Organisation's Dr Aubrey Mokoape said: "In our view, the assassination of our leaders, including that of Chris Hani, will be reopened

when we have attained a democratic society in our country.

"We have no confidence in the system of justice in this country. Whether it was Walusz or Derby-Lewis who fired the fatal bullets, the ultimate blame for the murder lies squarely at the feet of (State President FW) de Klerk and his white racist regime."

Inkatha Freedom Party's Mr Themba Khoza said the outcome proved that the "life of a black man was cheap".

Sapa reports that the National Party applauded the conviction of Walusz and Clive-Derby Lewis.

NP media director Mr Martinus van Schalkwyk said evidence led in the court clearly indicated the court could not arrive at any other verdict.



Seeing justice being done

Chris Hani's daughter Nomakwezi, who witnessed his killing, leaves the Rand Supreme Court yesterday.

PIC: CLINTON ASARY

SABOTU LIBRARY

HANI TRIAL
Judgment
Day



Guilty



Janusz Waluz



Clive Derby-Lewis

Not Guilty



Gaye Derby-Lewis

Sowetan

Friday
October 15
1993
Late
Final

Building the Nation

All areas 70c
(incl VAT)

Face to face

331

15/10/93

■ CONFRONTATION

Mrs Hani faces the killers:

IN A MOMENT OF HIGH drama, Chris Hani's widow Limpho confronted her husband's killer Janusz Waluz shortly after he and former CP MP Clive Derby-Lewis were found-guilty of murder in the Rand Supreme Court yesterday. Hani moved a few steps and positioned herself directly opposite Waluz. Her face was not accusing but was asking the question: Why? For the first time she came face to face with her husband's killer.

Full reports on 2&3



Mrs Limpho Hani outside the Rand Supreme Court with SAC's Charles Ngqakula, ANC's Matthew Phosa and Tokyo Sexwale.

PIC: JOE MOLEFE

Cheers as Clive Derby-Lewis and Walusz are found guilty of Hani's murder

Why Gaye Went to

Star 15/10/93

(331)

Free

JUDGE doubts her version of events, but evidence not strong enough for a conviction

BY SUSAN SMUTS

The Rand Supreme Court public gallery erupted in applause yesterday when the Conservative Party's Clive Derby-Lewis and assassin Janusz Walusz were convicted of murdering SACP general secretary Chris Hani.

Gaye Derby-Lewis was acquitted of charges of murder, conspiracy to murder and illegal possession of a firearm and ammunition. Although her version had been "unacceptable, far-fetched and inconsistent", the evidence against her was not strong enough to justify a conviction, the court found.

Judge President of the Transvaal Mr Justice CF Eloff and two assessors were unanimous in their verdict.

The judge said the State's case against Gaye Derby-Lewis rested on an alleged hit list which former Citizen reporter Arthur Kemp had drawn up at her request. While the court found she had not told the truth about her reasons for acquiring the list, she had to be given the benefit of the doubt.

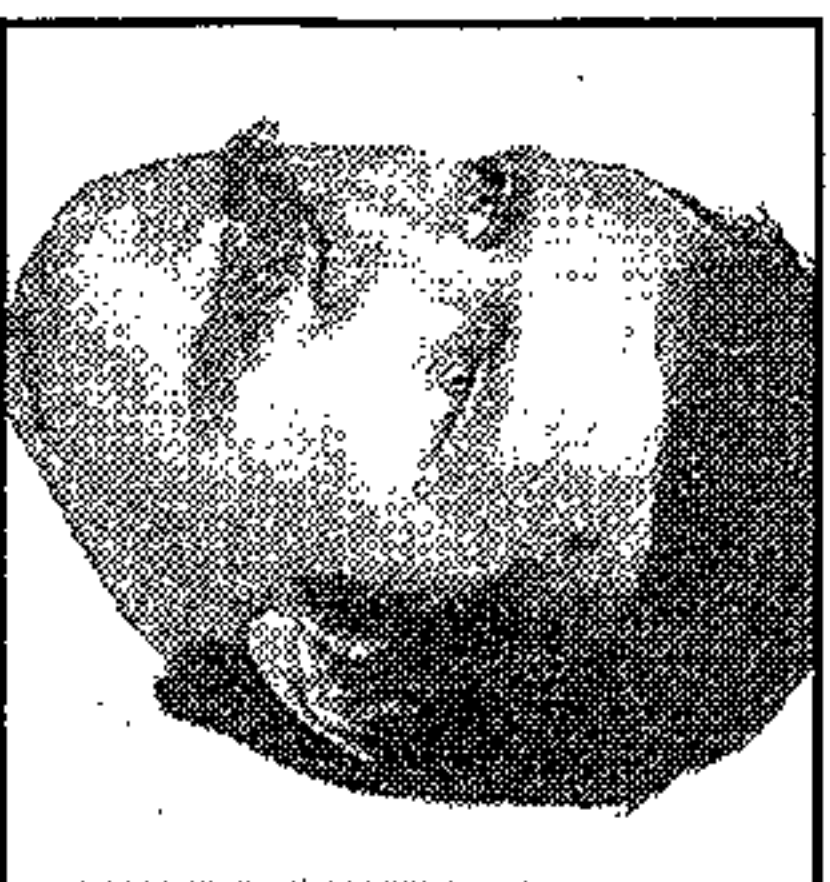
The court had no reason to reject her version that she had known nothing about the gun used to kill Hani.

The hearing continues today with evidence in mitigation of sentence.

The ANC yesterday welcomed the conviction of the



Free... Gaye Derby-Lewis



Guilty... Clive Derby-Lewis



Guilty... Janusz Walusz

elusion which any magistrate, bystander and even the murderers themselves would have made, he said.

The SACP expressed its shock at Gaye Derby-Lewis's acquittal and the "incomprehensible finding" that no conspiracy had been involved.

Shortly before judgment began, Hani's widow Limpho walked slowly in front of the three accused and stared unflinchingly at them.

Spectators in the public gallery expressed their anger at the killers by passing loud comments.

Derby-Lewis and Walusz were acquitted of conspiracy to murder eight other people mentioned on a list found in Walusz's flat after his arrest.

Illegal

They were convicted of illegal possession of a firearm and Derby-Lewis was also found guilty of illegal possession of ammunition.

The judge praised eyewitness Retha Harmsse for her courage and public-spiritedness, which led quickly to Walusz's arrest.

The evidence against Walusz included: he was found with the murder weapon in his car 15 minutes after Hani's murder on April 10, he had bought ammunition for the Z88 pistol on the morning of the killing and he had gunpowder on his hands.

He had clearly been holding Hani under surveillance at least three weeks before the murder, which indicated it had been planned.

Walusz had not contradicted the version given by State wit-

► To Page 3

Gaye Derby-Lewis free

From Page 1

nesses, he did not testify and his counsel did not urge his acquittal. The judge said Walusz had acted with the direct intention to kill.

The court found Derby-Lewis had acted in common purpose with Walusz by acquiring the weapon from a haul stolen from a Pretoria air force base in 1990.

The judge accepted "with confidence" evidence by silence manufacturer Gavin Smith, who identified the Z88 pistol used in the murder as the one he had fitted with a silencer in March. Derby-Lewis had asked a friend to take the gun to Smith. The court found Derby-Lewis had later given the pistol to Walusz.

Only Derby-Lewis could have refuted the strong *prima facie* case presented by the State, yet he had not testified.

He had not explained why he had had a silencer fitted to the gun, why he had commented to Kemp that Walusz would not speak (after he had been arrested) or why he said he had last seen Walusz in December when he had in fact seen him four days before the murder.

Giving evidence in mitigation, the assassin's brother, Witold Walusz, yesterday described a childhood of bitterness towards the communist regime in Poland and his brother's fear of a communist takeover in South Africa.

Cross-examined by

Clive Derby-Lewis's

counsel, Henne de Vos, SC, he said that in killing Hani, Walusz and Derby-Lewis had joined an armed struggle to stop whites being forced from "their own country". Hani's assassination was not so much a murder as an attempt to prevent the takeover of what "they" perceived to be rightfully theirs.

Cross-examined by Witwatersrand Attorney-General Klaus von Lieres, he conceded that Hani's death could have plunged the country into civil war if the police had not apprehended his brother so soon after the assassination.

Janusz Walusz had followed his brother to South Africa in 1981. The trial continues.



A policeman carrying a video camera is confronted by a peace monitor outside the Rand Supreme Court yesterday during the Chris Hani murder trial. Crowds have massed outside the court since the trial started about two weeks ago.

Pic: CLINTON ASARY

2 guilty of murder, Gaye gets acquittal

Sowetan 15/10/93

By Musa Zondi

■ JUDGMENT DAY Derby-Lewis

clearly knew Waluz was going to kill

Hani and gave weapon, says judge:

POLISH immigrant Janusz Waluz and Conservative Party politician Clive Derby-Lewis were yesterday found guilty of murdering South African Communist Party leader Mr Chris Hani.

Transvaal Judge President Mr Justice CF Eloff, however, found that the State had failed to prove the case against their co-accused, Mrs Gaye Derby-Lewis, who was acquitted on all counts.

Waluz and Clive Derby-Lewis were found guilty of murder and possessing an unlicensed firearm, but were both acquitted of conspiracy to commit murder. Clive Derby-Lewis was also found guilty of illegally possessing ammunition.

Justice Eloff said there was overwhelming evidence that Waluz murdered Hani and that he did so with the intention to kill. This evidence was given by Mrs MJ Harmse and Mr

Michael Buchanan, two witnesses who alerted the police after seeing Waluz drive away just after four shots were fired at Hani. (331)

Waluz was found in possession of the Z88 pistol which was proved to be the weapon used to kill Hani. A silencer was also found in the car. A gun dealer, Mr Russel Micklethaithe, told the court that Clive Derby-Lewis had asked him to fit the silencer to the gun.

Traces of gunpowder were also found on Waluz's arms just after the killing and this proved that he had shot his victim at close range, the judge said.

The judge also said there was no contrasting version of what had happened and the fact that Waluz did not

give evidence also counted against him.

Regarding Clive Derby-Lewis, the judge said it was clear from the evidence that he had supplied the gun to Waluz.

The judge questioned the need for an unlicensed firearm with a silencer and also the secrecy surrounding events leading to this if the intentions were innocent. The inference must be that Clive Derby-Lewis had supplied the gun knowing full well for what purpose it would be used.

It was clear that Clive Derby-Lewis knew that Waluz was going to kill Hani or that he was involved as well.

He praised Mrs Harmse, who had given testimony "with flying colours".



JUBILANT! . . . ANC supporters cheer as Janusz Walus and Clive Derby-Lewis are sentenced to death.

■ Pic: MIKE MZILENI

'Easier to sue killer MP's wife'

■ From Page 1

that led to Hani's death.

Gaye Derby-Lewis was acquitted on all counts connected with the SA Communist Party chief's death in April this year when Janusz Walus ruthlessly shot down Hani in the driveway of his home in Dawn Park, Boksburg.

The judge found that Gaye Derby-Lewis had been untruthful in her evidence before the court and that despite all the probabilities she was involved, there was no direct evidence to link her with the murder or a conspiracy.

Phosa believes a civil action brought by Hani would be a foregone conclusion in Hani's favour because in a civil action she could win on the probabilities whereas in a criminal action the allegations must be proved beyond a reasonable doubt.

Despite the criticism of Gaye Derby-Lewis's acquittal by the ANC there is little doubt in the minds of senior counsel who heard all the evidence that the court's decision was correct and had the judge found her guilty it would have been overturned on appeal.

The evidence of rightwing journalist Arthur Kemp in cross-examination was crucial and it is believed that this destroyed the State's case against Gaye Derby-Lewis.

The conspiracy of silence by Gaye Derby-Lewis's co-accused, her husband and Walus, meant that the State was unable to prove their case against her.

Neither of the two condemned men went into the witness stand either to defend themselves or to plea in mitigation, even though this weighed heavily against them when the judge sentenced them.

Two crucial witnesses, Kemp and Faan Venter – the man who delivered the murder weapon to Clive Derby-Lewis – could have been charged as part of a conspiracy.

The police had considered charging Kemp with conspiracy to murder, but instead called him as a State witness.

It is believed they were surprised at his evidence under cross-examination.

Faan Venter was warned by the judge that he could be charged with possession of an unlicensed weapon, because he had delivered the murder weapon which had come into the hands of rightwingers after a raid on the SA Air Force armoury in Pretoria in 1990.

The judge agreed that Venter had given satisfactory evidence against Derby-Lewis.

Tension reigned inside and outside the Rand Supreme

Court during the two weeks of the trial, with barbed wire strewn across the street for two blocks in front of the court.

Crowds of SACP and ANC supporters toyi-toyed but the peace monitors guaranteed there was no violence and Tokyo Sexwale congratulated the crowd on not doing any damage and not breaking "even one window".

He said there was no need for the barbed-wire fence.

He told a jubilant crowd after the two had been found guilty of murder, that a white man had shot Hani, but the eye of a courageous white woman had led to Walus's arrest, and he praised the police for their investigation.

He said it was a white court with a white judge, white witnesses and white accused, but a new government would decide whether the two condemned men would live or die.

CIP 17/10/93

(331)

Lynch mob cheers messenger of death

SI Times 17/10/93

331

By JOCELYN MAKER

AS the unidentified man bounded down the steps of the Rand Supreme Court, he drew his finger across his throat.

His message was clear to the waiting throng. Janusz Walus and Clive Derby-Lewis had been sentenced to death for the murder of South African Communist Party leader Chris Hani.

It was the news they had waited eight days to hear, and, at the climax of one of the most emotionally charged trials in South African legal history, their jubilation knew no bounds.

Amid calls for Walus and Derby-Lewis to be lynched without delay at the FNB stadium, they ululated, screamed and whistled.

Then the familiar chant went up: "Kill the farmer, Kill the boer".

The call came for Gaye Derby-Lewis — "a vampire, a snake" — to "show her face". There was no justice in the "white apartheid court" the mob yelled. Her acquittal the day before had raised already inflamed political passions to fever pitch. They would "get her", they vowed. She would have to leave South Africa, because "she will never be safe in this country again".

In the courtroom from which the messenger of death had emerged minutes before, 14 right-wingers were lustily singing *Die Stem*, rising rigidly to attention as Transvaal judge president Mr Justice CF Eloff disappeared into his chambers after passing the death sentence on Walus and Derby-Lewis.

Behind them, ANC/SACP supporters raised their fists and broke into the first strains of their own national anthem, *Nkosi Sikelel' iAfrika*.

It was a vociferous expression of the racial disharmony that had pervaded the court for two weeks.

For the right-wingers, Friday afternoon was a time of anger and sadness. Their heroes had been consigned to the gallows for eliminating the MK leader they believe deserved to die.

In the Hani camp, it was a moment for celebration and victory. The judge had labelled the murder a cowardly act committed in



BURNING PASSIONS... Hani supporters seem ready to inflict their own justice Picture: JOE SEFALE

Gaye 'never planned to murder anyone'

WHILE the tumult continued inside and outside the court this week, the law took its measured course. A highlight came when Australian-born former nun Gaye Derby-Lewis came up against the withering cross-examination of Attorney-General Klaus von Lieres and Wilkau.

Mr Von Lieres put the case against Mrs Derby-Lewis succinctly:

"In early January, you phoned (former Citizen journalist Arthur) Kemp to fax you a list of 19 names and addresses. On February 26, you get the list and leave for Cape Town. The last time you saw the list was February 27.

"The pistol was acquired late in February. The snap stickers were bought on March 2. By March 22/23, the registration of a BMW used by Hani is entered next to his name. The surveillance has already begun.

"The silencer is fitted on about March 22. Your domestic servant gave evidence that (on April 6), Walus is seen in your sitting room with a gun in his hand. You and your husband and Walus are all of the same political mindset.

"On April 10, Walus buys 25 rounds of 9mm parabellum bullets. The firearm is found in Walus's possession on April 10, the day Hani dies.

"After Hani's death, your husband phones Mr Walus's flat twice to invite him to a braai the following day.

"On April 12, you are satisfied that the list found in Walus's flat is yours.

"These facts are not coincidence or simply innocent. It is clear that you were a party to the conspiracy with the two to murder Hani and the others on the list."

Mrs Derby-Lewis answered simply: "I have never in my life planned to murder anyone."

cold blood, planned over many weeks, "enough time for them to reflect on what they were going to do".

The assassination of Chris Hani, said Mr Justice Eloff, was not an impulsive or spontaneous act. Derby-Lewis, the older of the two

murderers, should have known that the killing would have had far-reaching effects on society.

"They have shown no remorse. They decided to take his life because of their own political perceptions and they have to pay

the ultimate price," the judge ruled.

The final piece in theigsaw puzzle that led to his decision was provided on Tuesday, when Witwatersrand Attorney-General Klaus von Lieres put his last witness on the stand.

Cape Town gunsmith Gavin Smith identified as his work the silencer for the Z88 9mm pistol used to shoot Mr Hani four times in the driveway of his home at Dawn Park, Boksburg, on April 10.

The weapon, said Mr Smith, had been brought to him by Mr Keith Darrol — who had testified earlier that he handed the weapon to Derby-Lewis at his home in Acacia Park, the government housing complex in Cape Town, sometime in March this year.

"I recognise the gun. It is the only Z88 I have ever fitted a silencer to," Mr Smith told the court.

Earlier in the day, Mr Justice Eloff turned down an application from advocate Harry Prinsloo to have the case against Gaye Derby-Lewis dismissed on the grounds that there was insufficient evidence to implicate her in the murder plot.

But, when Court 4E adjourned for lunch on Thursday, Mrs Derby-Lewis had been acquitted. However, her husband and Walus stood convicted of the Hani murder.

On the tables where the defence teams had sat for almost two weeks, law books, files and papers lay abandoned.

Mrs Derby-Lewis descended the stairs to the cells below the court to be

with the man she married 10 years ago.

Outside, the crowd, held at bay by razor wire and police dogs, roared as they waited for ANC leaders Tokyo Sexwale and Matthew Phosa to emerge from the court.

One of Mr Hani's daughters was rushed out of the building and into a car. In other cars, ANC drivers, bodyguards and Magoo's Bar bomber Robert McBride sat waiting.

The crowd wanted blood. They wanted the killers dragged out of the court for a public execution. A tyre was ready and waiting.

Within minutes of the proceedings resuming at 2pm, racial hatred and aggression, barely suppressed throughout the trial, boiled over.

"Sit properly," a black woman yelled at a white man.

"You shut up," he yelled back as their shoulders touched.

A few rows back, another three scuffles were taking place, people were shouting at each other, police were battling to restore order.

"I will throw you all out," a uniformed policeman shouted. No one seemed to care.

Eventually it was the imposing figure of ANC spokesman Gill Marcus who restored order. "No one is leaving this court. We are here to listen to evidence. Comrades, settle down," she said.

No one dared answer her, and an expectant hush fell over the courtroom.

But, on Friday afternoon, as the last strains of *Die Stem* faded and the 14 young right-wingers began filing out the door, the anger surfaced once more, with one of them turning to the dock and shouting: "Don't worry Clive, we'll get you out."

But the man he wanted to reassure and his partner in crime had already gone down the stairs to the cells below, to be hustled into an SAP Nyala and taken to Death Row.



LET THEM HANG! . . . an ANC/SACP supporter demonstrates his feelings

Picture: COBUS BODENSTEIN



ANC supporters celebrate the outcome of the Hani murder trial outside the Rand Supreme Court. PIC: CLINTON ASARY

Defence lawyers Sowetan 18/10/93 put Hani on trial

By Musa Zondi and Tsale Makam

IT WAS SUPPOSED to be a trial to establish the guilt of those accused of killing Communist Party chief Mr Chris Hani.

Those who were in court on Thursday afternoon and Friday morning will tell you that the person who ended up being on trial was none other than the deceased — Hani himself.

In their attempt to present the state of mind of their clients, defence counsel implied that Hani deserved to die.

On Thursday, Janusz Waluz's brother, Witold Jakobus Waluz, gave a brief history of Poland — before and after the Bolshevik Revolution.

This was intended to sketch the history of communism and how it affected the Waluz brothers. It was the story of just how bad communism was, the poor brothers having been forced to stand in queues for food rations.

The brothers suffered all this under communism and here was Hani trying to revive all they fled from in Poland. The younger brother felt threatened.

The February 1990 speech which unbanned liberation movements also came as a great shock to Waluz. His brother said: "They were becoming a legal party and we were not going to be led by communists."

So, by implication, Hani deserved to die.

Asked if his brother perceived Hani to be a problem, he said: "If you talked about a communist threat, you could not help but mention Hani. Suddenly he was being hailed as a man of peace. This was all communist propaganda. He was one of the most dangerous communists," said Witold Waluz.

As for Clive Derby-Lewis, it was argued by his counsel, Mr Hennie de Vos, SC, that by killing Hani "he was striking a blow for Christianity". Witold told the court that the three accused were staunch Christians.

The defence further argued that "all Waluz and Clive-Derby Lewis did was join an already existing armed struggle because Apla had declared a racial war. This was not a murder *per se* but an attempt to prevent a takeover".

The attack on Hani was an attempt at "taking away the brain behind the war" and there was no personal motivation behind the murder.

This was the climax of the event that gripped

focus on justice

In their attempt to present the state of mind of their clients during the Rand Supreme Court trial counsel for the two accused implied that Chris Hani deserved to die:



the country when it broke on that fateful Saturday of April 10 1993. Emotions ran high from the start of the trial.

When the trial opened in May, rightwingers came in full force to pledge their support for the three murder accused.

When the trial resumed two weeks ago, only a handful of rightwingers came to trial — in fact, there were never more than 10 on a daily basis. There were three handclaps when Gaye was acquitted of all charges on Thursday.

Scuffles broke out. On the first day of the trial, an ANC member challenged a rightwinger to a fight outside after he had made racial slurs in court.

The following day the same person was involved in a war of words with two white women who "did not want to sit next to barbarians".

The atmosphere was tense on the day of sentence. There were more than 30 policemen in the courtroom in anticipation of more serious clashes. These did not materialise.

Immediately after the death sentence was passed, black people broke into a soulful rendition of the national anthem. The rightwingers were not to be upstaged and they broke into the other anthem — *Die Stem*.

But their song was lost in the words of *Nkosi Sikelel' iAfrika* and chants of "Long Live the Spirit of Chris Hani".

As the crowds left the court and spread the word outside, those outside exploded in spontaneous celebration. Women ululated and whistles filled the air, drowning the bark of police dogs.

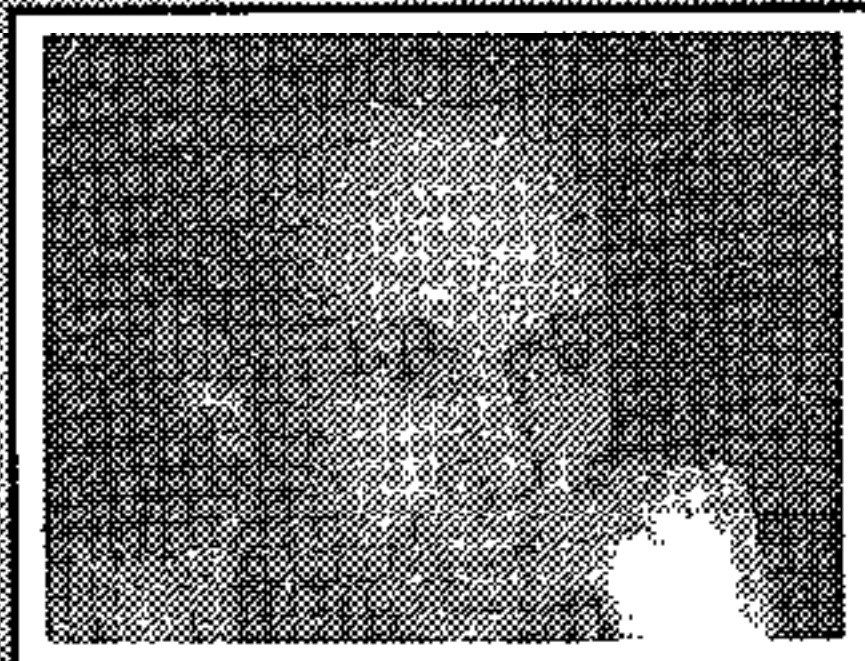
It was the climax for those who had come to court every day, who had pushed and shoved to get in and see justice done.

As the judge said, Hani was a hero to a large section of the population and this section was crying out for justice.

The small group that supported the killers wanted to see their kind of justice done — but the evidence against the accused was damning. They put on a brave face. Waluz's girlfriend was there to hear the death sentence being passed on her boyfriend.

Limpho Hani was there to hear the sentence passed on her husband's killers. It was the end of a saga we can easily learn to live without.

Hani's killers



Janusz Waluz



Clive Derby-Lewis

Sentence warning against murder

Sowetan

18/10/93

321

By Musa Zondi and Tsale Makam

THE death sentence imposed on Mr Chris Hani's killers was necessary to send a message that the assassination of people in high office would not be tolerated.

Transvaal Judge President Mr Justice CF Eloff said in sentencing Polish immigrant Janusz Waluz and former Conservative Party MP Clive Derby-Lewis on Friday that the two were free to believe what they wanted to but that did not give them the right to murder people with opposing political beliefs.

He said the two had a direct intention to kill Hani and the murder was deliberate and cold-blooded. "The accused arrogated to themselves the right to destroy the life of someone with whom they disagreed. They took the law into their own hands. The message from the court is loud and clear: those who think assassination is acceptable will be severely punished," he said.

Hani was shot dead outside his home in front of his 13-year-old daughter Nomakhwezi on April 10 this year. A State pathologist testified that Hani was shot four times, with the last two shots fired at point blank range — less than 30 centimetres away.

Saying he could not establish the state of mind of the two because they refused to testify, the judge said this was one of the aggravating factors which far overshadowed the mitigating factors. The murder was planned well in advance, both the killers were mature and they gave false information.

The judge also said they should have thought of the consequences of their action.

On the charge of unlawful possession of the Z88 firearm which killed Hani, the two were given five-year jail terms.

Asked if they had anything to say before the death sentence was passed, the two said they had nothing.



Profile of the killers

Janusz Waluz

- Polish immigrant.
- Came to the country in 1981.
- Racing champion in Poland 1977.
- Met Clive Derby-Lewis in 1984.
- Strongly anti-communistic.
- Took up SA citizenship in 1988.
- Left wife and daughter in Poland 1981.
- Worked as a salesman and truck driver.

Clive Derby-Lewis

- Controversial English GP MP.
- Born in Cape Town 1936.
- Went to school at Christian Brothers College in Kimberley.
- NP mayor of Bedfordview in 1972.
- Stood unsuccessfully in Rosettenville in 1984 and then Krugersdorp in 1987.
- Married to his second wife Gaye.

Hani's murderers sentenced to death

SUSAN RUSSELL

CP POLITICIAN Clive Derby-Lewis and Polish immigrant Janus Waluz were sentenced to death in the Rand Supreme Court on Friday for the murder of SACP leader Chris Hani. **BIDON 18/10/93**

A row of fifteen plainclothes and uniformed policemen stood behind the pair as Transvaal judge-president Judge C F Eloff sentenced the men to death.

Seconds afterwards a large section of the public gallery stood and sang Nkosi Sikel' iAfrika.

In response, 12 right-wing supporters stood and sang Die Stem. About 30 policemen immediately moved to clear the court. **(331)**

Outside the building a jubilant crowd cheered and broke into song when news of the sentence was relayed.

Describing Hani's murder as "deliberate, cold-blooded and cowardly in the extreme", the judge said he wished to convey, loudly and clearly, the court's view to anyone contemplating the assassination of political leaders.

"The two most cogent factors which point to the extreme penalty are retribution and deterrence. These factors come to the fore in a case such as this where the victim was someone who was seen by a substantial part of the population as a hero and leader," Eloff said.

Neither Derby-Lewis or Waluz had shown any remorse, he said.

He rejected defence counsel's submission in mitigation that the pair had believed the murder to be an act of war as part of a military struggle.

The judge accepted that Waluz and Derby-Lewis might have seen Hani as the enemy, but he added they must have realised the law would take its course.

"If assassinations of that sort were perceived to be acceptable the consequences might be disastrous."

Both men have automatic right of appeal against the death sentence.

Hani:

'New

facts'

21 Press 7/11/93
By DESMOND BLOW

ELIVE Derby-Lewis, who is in the death cell for the murder of SACP secretary general Chris Hani, has applied to the Rand Supreme Court for his trial to be re-opened.

His new attorney Jan Lubbe confirmed to City Press last night that Derby-Lewis wanted to give evidence in his own defence. (331)

Lubbe said that "new evidence" had come to light which he he felt would influence the court to reverse the sentence.

Derby-Lewis did not give evidence at his trial last month. He and Hani's assassin, Janusz Waluz, were found guilty.

Derby-Lewis now willing to testify

BY MICHAEL SPARKS

Clive Derby-Lewis hopes that by saying he passed the gun that killed Chris Hani to Janusz Waluz for it to be tested — and not to be used to kill Hani — his murder conviction will be overturned.

According to his lawyer Jan Lubbe, an application for his trial to be reopened was lodged with the Rand Supreme Court about 10 days ago.

Derby-Lewis declined to give evidence at the trial in which he and Waluz were found guilty of murder. Derby-Lewis was also found guilty of illegal possession of a firearm and ammunition. Both men were sentenced to death.

Derby-Lewis now believed he should have testified, said Lubbe.

"At the time, he was advised not to testify because his counsel

did not believe the State would prove his involvement in the murder," he said.

"So he has applied to lead further evidence."

Lubbe said the application would go ahead despite an appeal pending against Derby-Lewis's murder conviction and the sentence for the illegal possession of the gun and ammunition. If the application to lead further evidence in the trial is unsuccessful, a further application could be made to the Chief Justice, Lubbe added.

Witwatersrand Attorney-General Klaus von Lieres und Wilkau said yesterday there was a provision in the Criminal Procedure Act which allowed a trial to be reopened.

"But he will have to meet strict requirements and show why he never brought this information forward in the initial trial," Von Lieres said.

Derby-Lewis wants his trial reopened

RIGHT-WINGER Clive Derby-Lewis, sentenced to death for his part in the assassination of SA Communist Party chief Chris Hani, has asked the Rand Supreme Court for an opportunity to testify in his own defence. *B. Bay*

In support of the application, Derby-Lewis blamed his legal team for failing to advise him that the State had a prima facie case against him and for not advising him to give evidence to dispute the State's case.

With hindsight, Derby-Lewis claimed, it was clear his decision not to testify had negatively influenced the court's finding.

Witwatersrand Attorney-General Klaus von Eleres und Wilkau SC yesterday confirmed that an application for the reopening of the trial had been received by his office. *9/11/93*

A date for the hearing of the application still had to be arranged with Transvaal Judge President CE Eloff, who last month sentenced Derby-Lewis and co-accused Janusz Waluz to death for murdering Hani.

Derby-Lewis's wife Gaye, also a co-accused, testified in her defence and was acquitted by the court.

In terms of the Criminal Procedure Act, before per-

STEPHANE BOTHMA

mission for the reopening of the hearing would be granted, Derby-Lewis would have to convince the court he had good reason for not giving evidence at his trial and that new evidence would probably change the outcome of his original trial. *(Sapa)*

Documents in support of his application indicate Derby-Lewis, if granted permission to reopen his trial, would admit having received an unlicensed firearm "as a joke", having a silencer fitted, and giving the weapon to Waluz to test.

This evidence indicated innocent possession of the murder weapon, Derby-Lewis claims, and if accepted by the court, would lead to his conviction being set aside. *(321)*

□ Sapa reports the Press Council will adjudicate a complaint by Clive and Gaye Derby-Lewis today against a report that appeared in the Sunday Times on August 1.

The hearing will take place at 11.30am in the boardroom of the Newspaper Press Union, eighth floor, Nedbank Gardens, 33 Bath Avenue, Rosebank.

The hearing will be open to the public.

Attempt to reopen Hani trial fails

Star 7/12/93

BY BRONWYN WILKINSON

Gaye Derby-Lewis wept quietly in the public gallery at the Rand Supreme Court yesterday as the court dismissed an application by her husband Clive to have his trial for the murder of SACP leader Chris Hani reopened. (331)

Clive Derby-Lewis (57) sought an opportunity to testify. He said in supporting documents that he had not been properly briefed by his then-counsel Henrie de Vos SC and that he would have chosen to testify had he been aware of the negative inferences that would be drawn from silence.

He and Polish immigrant Janusz Waluz were sentenced to death in October for the Hani assassination. They were also found guilty of the illegal possession of the murder weapon. Gaye Derby-Lewis was acquitted of all charges.

Although police placed a fairly heavy security cordon around the court building yesterday, only one man bothered

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Making a statement . . . a boy wearing a mask and carrying a toy gun walks past policemen outside the Rand Supreme Court yesterday.

PICTURE: AP

Attempt to reopen Hani trial fails

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to protest. The short, chubby man wore a white mask and carried a toy machinegun, which he occasionally "fired".

Inside the court, Judge President of the Transvaal Mr Justice CF Eloff said Derby-Lewis had failed to meet the three requirements to reopen his trial.

He would have to lead further evidence and prove that he was not available at the time of the trial, have to show this new evidence would lead to a different verdict. (331)

Mr Justice Eloff could not accept Derby-Lewis's explanation that De Vos had told him there was no reason for him to testify, and that he had accepted this because of his ignorance of his rights and of the dangers of not testifying.

He found it unlikely that De Vos would not have thoroughly briefed his client. He was a Senior Counsel and had "conducted the defence with skill and confidence". At this, Gaye Derby-Lewis muttered: "I don't believe this."

According to documents before the court, had the case been reopened, Derby-Lewis would have testified that he had received the murder weapon illegally because he believed that whites would soon be disarmed.

He would have testified that he had taken the weapon with him to Cape Town to have a silencer fitted by Keith Darroll.

Had he realised that a silencer was lawfully obtainable, he would have bought it in the Transvaal. He had then given the weapon to Waluz for testing.

Eloff pointed out that Derby-Lewis had failed to explain why he had needed a silencer, why he had given the gun and silencer to Waluz, or why he could not have tested the weapon himself.

He had also not explained why he had immediately called Waluz's home on April 10 after hearing of the assassination, or why he had lied to police about the last time he had seen Waluz.

Court refuses to reopen Derby-Lewis trial

FORMER President's Councillor Clive Derby-Lewis, sentenced to death in October for the murder of SACP chief Chris Hani, failed to have his trial reopened in the Rand Supreme Court yesterday.

Derby-Lewis and Polish immigrant Janusz Waluz were sentenced to death for murdering Hani in April this year. Hani was gunned down outside his Dawn Park, Boksburg, home by Waluz using a firearm supplied for the purpose by Derby-Lewis.

Derby-Lewis's wife Gaye was acquitted.

Neither her husband nor Waluz testified in their own defence and both closed their

SUSAN RUSSELL

cases without taking the witness stand.

Derby-Lewis applied to have his case reopened on the grounds that his failure to testify was due to being improperly advised by his counsel, H de Vos SC.

In an affidavit supporting his application Derby-Lewis contended that De Vos had not advised him on the question of his taking the witness stand to give evidence, even at the close of the State's case.

Derby-Lewis also alleged that De Vos had never ascertained from him what his

own opinion was about testifying. He was never warned or advised by De Vos about the adverse inferences that could be drawn from his failure to testify. Had he been aware of the consequences of his silence he would have testified. (331) (344)

Dismissing the application, Transvaal Judge President C F Eloff, who also heard the trial, described Derby-Lewis's explanation for not testifying as "lame and somewhat vague".

The judge said he found it difficult to accept that an experienced senior counsel

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Derby-Lewis

such as De Vos would not have taken the elementary steps of keeping his client well informed of his strategy, seeking his approval for decisions and warning his client of the consequences of various actions.

Nowhere in his affidavits did Derby-Lewis say that he had voiced his disapproval during the trial at what his advocate was doing. (331) (344)

In the affidavits Derby-Lewis said he acquired the murder weapon as part of a plan to accumulate unlicensed weapons in case a future government disarmed

whites. He took it to Cape Town where he had the silencer fitted. Derby-Lewis said if he had known silencers were legal he would have had it done in Johannesburg. He gave it to Waluz to test.

The judge said Derby-Lewis failed to explain why he acquired a silencer; why after his arrest in April he told police he had last seen Waluz in December 1992 when they had breakfast together days before the shooting; why he did not test the gun himself; and why he telephoned Waluz's home immediately after hearing about the shooting.

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Hanni: retrial bid

Sowetan 7/12/93

By Isaac Moleli and Sapa

AN APPLICATION BY CONVICTED murderer Clive Derby-Lewis to have the Chris Hani trial reopened was dismissed by the Judge President of the Transvaal, Mr. Justice CF Eloff, yesterday.

The judge said Derby-Lewis had failed to show further evidence would lead to a different verdict or sentence and had not given an acceptable reason why the evidence had not been available during the trial.

In his application, Derby-Lewis said he had not been advised properly by his legal counsel as to whether he should testify in his own defence or not. Mr Justice Eloff said he found it extremely

unlikely Derby-Lewis' legal counsel, a senior counsel at that, had not advised Derby-Lewis on all the inferences that could have been drawn from the State's case.

Mr Justice Eloff, who said Derby-Lewis was sentenced by him to death, said there was no request made by Derby-Lewis to show that he was not satisfied with the representation of his counsel, Mr Henrie de Vos, during the trial.

"The applicant (Derby-Lewis) has failed to provide the reasons why he wants the case reopened. At no stage during the trial did he indicate to his counsel that he was not satisfied with the strategy he (the counsel) was using," the judge said.

Mr Justice Eloff said the application should be considered with regard to the whole background which led to Derby-Lewis' arrest and conviction.

rejected

