

# South Africa Court Suspends Winnie Mandela's Jail Term

By **BILL KELLER**

*June 3, 1993*

JOHANNESBURG, June 2 — South Africa's highest appeals court today upheld Winnie Mandela's conviction for the kidnapping of four black youths, but said she would not go to prison for her role in a crime that opened deep wounds in the anti-apartheid movement.

The appeals panel rejected the five-year jail term imposed by a lower court judge in favor of a fine, a payment to the victims, and a suspended sentence, saying the more lenient sentence would "achieve a measure of social justice and fit the crime."

The ruling was certain to be greeted with some ambivalence by the black mainstream. On the one hand, it leaves Mrs. Mandela free to continue her radical criticism of the mainstream leadership of the African National Congress, which many fear could undermine the congress's election campaign and its ability to govern if victorious.

On the other hand, a jail term would have caused pain and distraction for her husband, Nelson Mandela, the president of the African National Congress, and might have prompted another disruptive wave of protest by Mrs. Mandela's militant followers.

The five-member court in Bloemfontein also overturned Mrs. Mandela's conviction and one-year sentence on a related charge of being an accessory to assault.

Mrs. Mandela was convicted a year ago of sending her bodyguards to kidnap and beat four young men in 1988.

One of the victims, 14-year-old James (Stompie) Seipei, was later found dead in a field with his throat cut. Mrs. Mandela's chief bodyguard, Jerry Richardson, was convicted of the murder and is serving a life prison term.

Shunned by black leaders who accused her of conducting a "reign of terror" in the black township of Soweto, and later stripped of her official positions in the African National Congress, Mrs. Mandela, 58, has recently set about building her own independent power base among the dwellers of squatter camps and the militant youths of the black townships.

Since January she has repeatedly excoriated the African National Congress, and implicitly her husband, for compromising with the white government on the terms of a future post-apartheid constitution.

Mr. Mandela, who stood by his wife through the trial but later announced their separation, told reporters today that he was pleased that the court had decided not to send her to jail.

Although prison sentences are usual in kidnapping cases, there had been speculation since her conviction that she might receive a suspended sentence or a pardon to prevent disrupting the negotiations that now seem on the verge of setting an election date.

The judges who today set aside her jail sentence did not explain whether they were influenced by the possible political turmoil her imprisonment might generate, or perhaps moved by sympathy for a woman whose life has been a chronicle of apartheid miseries.

They ordered her to pay a fine of \$4,800, and another \$1,600 each to the three surviving victims, and gave her a two-year suspended sentence.

The judges also upheld the convictions of Mrs. Mandela's co-defendants John Morgan and Xoliswa Falati. Miss Falati's six-year sentence was reduced to four years, of which two were suspended. Mr. Morgan received a suspended one-year sentence in the original trial.

In their unanimous, 192-page judgment, the judges said there was no doubt Mrs. Mandela had instigated the kidnapping, and that she had been "on occasion evasive, untruthful, contradictory and capable of dishonest improvisation."

But they agreed with her that the prosecution had failed to refute her alibi that she was 200 miles away when the actual beatings took place.

Her supporters say Mrs. Mandela's story is the tragedy of a woman brutalized by apartheid, isolated by the demands of the struggle and ultimately abandoned by her fellows in the liberation movement.

Three years after her marriage to Mr. Mandela, he disappeared, first into the underground, then into prison, where he remained for 27 years.

Left alone, Mrs. Mandela was repeatedly arrested, banned from public gatherings and banished to a rural settlement. She spent 17 months in solitary confinement.

With most leaders of the anti-apartheid movement in prison or exile, she surrounded herself with a coterie of young thugs whom she dressed in soccer jerseys and called the Mandela United Football Club, although their only sport was attacking anyone perceived as an enemy of Mrs. Mandela.

Mrs. Mandela asserted that the four young men were taken from a Methodist church home because of reports they were being sexually abused by a white minister.

The court found that the abducted youths were driven to Mrs. Mandela's home and severely beaten to force them to back up the charges against the minister, and to confess that Mr. Seipei was a police spy.