



contact

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POLITICAL TRIALS

AFRICAN NATIONAL CONGRESS TRIALS

Five Port Elizabeth men were each sentenced to four-and-a-half years' imprisonment in the two most recent Humansdorp political trials.

The men were serving sentences on Robben Island. They were brought to Humansdorp to face further charges under the Suppression of Communism Act.

In both trials all the accused refused the State's offer of pro deo defence.

Messrs Jackson Busakwe, Merris Maku, Aaron Mohantsa and Joel Hoyi were found guilty of contributing to and soliciting funds for the African National Congress or the militant body of that organisation, Umkonto We Sizwe.

They were also found guilty of allowing their homes to be used for meetings of the A.N.C.

They were each sentenced to three years' imprisonment on the first count and to 18 months' imprisonment on the second.

All four men were previously convicted at a trial in Graaff-Reinet in September 1964, in which 74 persons were convicted of being members of the A.N.C. and Umkonto We Sizwe.

Nineteen of the accused were also convicted of taking part in the activities of the organisation of which they were members.

Sentences ranged from two-and-a-half to five-and-a-half years' imprisonment.

Ten persons who were convicted at this Graaff-Reinet trial have been convicted on further counts in Humansdorp this year. Their sentences range from three to four-and-a-half years' imprisonment.

Mr Washington Mabongo was sentenced this week in the Humansdorp Regional Court, to six years' imprisonment when he was found guilty on three counts.

He was sentenced to three years' imprisonment for contributing to and soliciting funds for Umkonto We Sizwe; to 18 months' imprisonment for allowing the use of his premises for meetings; and 18 months' imprisonment for carrying on the activities of the unlawful organisation.

Mr Gilbert Yonke, who appeared with Mr Mabongo, was found guilty on the first and third count and was sentenced to four-and-a-half years' imprisonment.

Both Messrs Mabongo and Yonke were convicted of being members of the A.N.C. or Umkonto We Sizwe at trials in Humansdorp in February and March, 1965.

(1)

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Four men, jailed in September 1964 for three years for belonging to the banned African National Congress, were sentenced in Humansdorp recently to further jail terms for subscribing to and holding meetings in their homes of the A.N.C.

Messrs Archibald Skefile, Sikumbuzo Mleve, and Enoch Bombisa, of New Brighton,

Port Elizabeth, were sentenced each to four-and-a-half years' imprisonment.

Mr Joseph Mpongoshe, also of New Brighton, was sentenced to three years' imprisonment for subscribing to the A.N.C.

The men were brought from Robben Island for the Regional Court trial.

They are serving three-year sentences imposed on them at a previous trial in Graaff-Reinet in 1964.

The magistrate said the court accepted the evidence of the three State witnesses, all former members of the A.N.C.

The witnesses said that after the banning of the A.N.C. in 1960 meetings of the organisation were held secretly.

In May 1960, the four men and others attended a meeting at a house in Molefe Street at which Mr Skefile spoke. Cell stewards were appointed and those present were asked to pay 20 cents.

The killing of a policeman at Kwazakele was mentioned at a meeting in Mr Mleve's house in June 1964. All four men were present, as were all the cell stewards. (2)

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Seven men, charged with furthering the aims of communism, or alternatively of belonging to a banned orga-

nisation, were acquitted by the Regional Court, Goodwood recently.

The men were: Messrs Mkotlane Yangaphi, Felinyaniso Njamela, Dwashu Nqikela, Zwe-libagile John Caciso, Ntlokwebomvu Ngcwangushe, Bernard Mandla Huna, and Zollie Malindi.

They were alleged to have been members of the banned African National Congress, but at the end of the State case the magistrate agreed that the defence had no prima facie case to answer.

(Mr E.L. King and Mr E. Tabachnik (instructed by Frank, Bernadt and Joffe) appeared for the accused.)

(3)

Mr Zollie Malindi, a taxi-driver, has spent more than two years in prison without being convicted on any charge.

Mr Malindi is a former regional president of the banned African National Congress, and a former vice-president of the A.N.C. in the Cape.

In the 1960 emergency he was held for four months without being charged.

Then, in June, 1963, he was held under the 90-day law. Five months later he was charged with being a member of, and furthering the aims of, an unlawful organisation. No bail was allowed. He was released after being acquitted

on those charges on June 16, 1964.

On December 8, 1965, Mr Malindi was held under the 180-day law. In May this year he was charged, again under the Suppression of Communism Act. No bail was allowed. He has now been acquitted. (4)

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Five students and two others charged with painting the letters 'A.N.C.' and the words 'Ban the Rep.' on the walls of the Roodepoort Indian School on the night before the Republic Festival on May 30 were found guilty in the Magistrate's Court, Roodepoort, of malicious damage to property.

Sentence was postponed for three years on condition they were not found guilty of a similar offence during that time.

They were: Messrs Essop Badsha, Kantilal Daya, Ahmed Cajee and four pupils: Jacob Patel, Ebrahim Bhocrat, a 17-year-old school boy and a 16-year-old school girl.

(5)

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An application by Dr Masilomoney Pather for leave to appeal against his conviction under the Suppression of Communism Act has been refused by the Appeal Court, Bloemfontein.

Dr Pather was found guilty in the Regional Court, Port Elizabeth, in 1965 for allowing his house to be used in May 1961 for a meeting of the banned A.N.C., and to have contributed subscriptions to or solicited them for the A.N.C. in October and November, 1960 and allowing his house to be used for the collection of subscriptions.

He was sentenced on the first count to 18 months' imprisonment, of which nine months were suspended for three years. On the second count he was sentenced to 12 months' imprisonment and on the third count to six months' imprisonment. (6)

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The Supreme Court, Grahamstown, reduced the sentences of ten Port Elizabeth men imprisoned for African National Congress activities from two years and three months on each of two counts to one year on each count, the sentences to run concurrently.

The men were found guilty of promoting a bus strike in Johannesburg in January, 1961.

Messrs Eric Zuma, Llewellyn Yawa, Daniel Magongo, Milton Baleni, Alfred Zembetha, Mathew Mplongwana, Amos Zembetha, Richard Klaas, Arnold Nhanhana, and Welcome

Duru had appealed against their conviction and sentences.

The Judge said that none of them, apart from Mr Zuma, played any prominence in the strike. He said there was no reason to single out the appellants as leaders in the strike.

A real factor was that the appellants had been in custody for a considerable period. The first nine had been in custody since May 1964 and Mr Duru since December, 1964.

The Judge said: "The strike in which they took part, though an illegal strike, was, apart from the fact that the A.N.C. had got hold of the organisation, an ordinary industrial dispute.

"For their participation in this dispute the appellants were all punished in the normal way and were allowed to sign admissions of guilt."

The Judge said all the appellants worked for the Bay Transport Company in Port Elizabeth as bus drivers or conductors.

"It appears that in the latter part of 1960 there was certain dissatisfaction amongst the employees concerning their working and terms of employment," he said.

"The A.N.C. used the complaints that existed as a means to further its own ends."

The appellants attended meetings of the A.N.C. and by presumption were members and furthered the strike by taking part in the strike which was then under the control of the congress.

"It appears the Magistrate adopted the attitude that the accused were instrumental or at least leaders," said the Judge.

"There is no reason to single out the ten as being the persons who used power to keep the strike going or initiated it in the first instance.

"In my view the Magistrate overlooked the evidence of Mr C. Attridge who was then the General Manager of the Bay Transport Company.

"This evidence shows several of the appellants, after the strike and while still employed by the company, gave excellent service and distinguished themselves while on a workers' committee that had to negotiate and work with the men."

(Mr B. Hare (instructed by Allan Solomon, Arderne and Flynn) appeared for the appellants.) (7)

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The Minister of Justice said in Parliament that since 1963, 1,669 people have been tried for various political offences in the Eastern Cape Province.

They were charged under the Unlawful Organisations Act, the Suppression of Communism Act, the Public Safety Act and section 21 of the General Law Amendment Act.

Most of these cases - 1,096 - were tried in East Cape courts in 1963. In 1964 318 were tried, and last year 82 were tried. So far this year 173 have appeared in courts. (8)

The Minister of Justice also said that 66 people who served sentences of imprisonment for offences imposed under various laws dealing with 'subversion' have been re-arrested after their release and again charged with offences under the same laws. 65 of these people were subsequently convicted. (9)

Sixteen political trials have been held in Humansdorp this year, involving 5 political prisoners already serving sentences on Robben Island, arising from activities in the banned A.N.C.

A Senior Control Prosecutor for the Eastern Cape said there will be another 15 trials this year involving 90 prisoners.

A magistrate, commenting on the trials, said it was incorrect to term them 're-trials'. In most cases the persons involved were convicted during 1963 or 1964 on one charge - mostly for

being members of the A.N.C.

Later police investigations revealed that many of them were officebearers in the banned organisation.

They had carried on the activities of the organisation after its banning in 1960, by collecting funds and attending meetings, speaking at meetings, and using their homes for the holding of meetings.

They were brought back to face trial for these offences.

Two Port Elizabeth lawyers, who were to have taken 160 of the defence cases in these trials, withdrew after the Defence and Aid Fund was banned in March this year.

Since that time the State has offered political trialists the opportunity of pro deo defence. None of the accused in the Humansdorp trials accepted the State offer. (10)

COMMUNIST PARTY TRIALS.

Mrs Violet May Weinberg and Mrs Leslie Erica Schermbrucker were each sentenced to two years' imprisonment in the Regional Court, Johannesburg, recently for taking part in the activities of the banned Communist Party.

Mrs Weinberg and Mrs Schermbrucker pleaded guilty at the end of the State case.

The first count was that from January, 1964, to Novem-

ber, 1965, they became or continued to be officebearers, officers or members of the Communist Party.

The second count was that they acted in conspiracy with one another and others to take part in the activities of the party.

Particulars of the second count were:

* The handling of money on behalf of the Communist Party - R12,000 received from London by the Barclays Bank (Stock Exchange branch) and various amounts received from Ronald First and Clarence First totalling R5,000.

* Making arrangements for the accommodation of Mr Abram Fischer and/or the conveyance of Mr Fischer from Linksfield, Johannesburg, to 57 Knox Street, Waverley, Johannesburg.

* Making arrangements for the postal addresses of the following to be used on behalf of the party: The Seagull Shoe Service of Becker Street, Yeoville, Johannesburg; 125 Tenth Avenue, Highlands North; P.O. Box 9935, Johannesburg.

* Conveying messages and money to a representative of the African National Congress and receiving messages and reports from the A.N.C.

* Making arrangements for

(cont. on p. 9)

Longview by

ALAN PATON

It looks as though Mr S.E.D. Brown, the editor of that nauseating paper the South African Observer, has at last come unstuck. He can't grumble, for he has had a good run. As an example of pathological athleticism he can't be beaten. Not even Mississippi has ever produced his peer.

Mr Brown held the view that there was a perennial struggle between the forces of good and evil. This view has been held by much clearer and better minds than his, and it is not the point at issue. The point at issue is Mr Brown's idea of evil, which indicates a mind morbidly obsessed, for Mr Brown's idea bears little relation to the thought of the greatest and deepest thinkers of the human race.

Mr Brown is not concerned with the evils of cruelty, injustice, mercilessness, arrogance. To him racial mixture and racial mixing is the greatest evil. Criticism of laws to prevent racial mixing is to him a far grea-

ter evil than the cruelty of the law which forbids it. Indeed any criticism of the status quo is vicious, and should at all costs be punished, no matter how vicious the punishment.

Mr Brown's great weapon in the war which he declared on racial mixing and the disturbing of the status quo was character-assassination, parading, as it often does, as loyalty to South Africa, devotion to law and order, and love of Christian civilisation. He tried to topple others into the slime, Liberals, Progressives, churchmen, race relationers, and the rest of this sickly brood. His nemesis was that he toppled none of them; it was not they who fell into the slime. It is a just irony that this should be so, just as it is a mark of an Infinite Compassion that the polecat is revolted by the smells of other creatures.

Mr Brown was doing fine, enjoying the support of some of the most virulent Nationalist reactionaries. Yet

his success went to his head, as it had done thirty years earlier to the head of Adolph Hitler. Hitler committed the unbelievable folly of turning on Russia, and Mr Brown the unbelievable folly of turning on Dr Dönges, Mr Anton Rupert, Dr H.J. van Eck, and Dr Thom, Principal of the University of Stellenbosch. If he had been given time, he might in his obsession have turned on Mr Vorster himself. But before he fell he was awarded the shining accolade of the Afrikaanse Studentebond, than which one can go no higher or lower.

It was then that the students of Stellenbosch, clad in the snow-white armour of the very pure, came out in revolt, and denounced Mr Brown as a danger to Afrikanerdom. It happens so seldom that Stellenbosch denounces anything or anybody on the right that many one-time believers in liberty, their senses dulled by years of captivity, felt new hopes stirring in their breasts, and tapped message to one another in their dungeons, "Youth is all right, die jeug is O.K.". Alas, my view is otherwise, and the cowardly part of my self wishes it need not be, so that for once I could give praise to those whose views I have condemned so often.

But I am not able to do so. The students of Stellenbosch have turned on Mr Brown, not because he has done anything mean or wrong, but because he has threatened the unity of Afrikanerdom. When he attacked others in his unbridled and bitter way, and in a manner which exceeded the bounds of decent and responsible criticism, the students of Stellenbosch had nothing to say. They have no views on character-assassination as such, only on character-assassination of their own people. Not in them the spirit of Voltaire who said, "I disagree with what you say, but I will fight to the death for your right to say it."

There is only one comfort to be drawn from this unedifying chapter, and that is the character-assassination of Mr Brown. Or rather it was a suicide, for he did it himself. And of all such jobs he has done, this one is most to be praised.

Alan Paton

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COMMUNIST PARTY TRIALS

(cont. from p.6)

a courier to meet a representative of the A.N.C. for the purpose of conveying messages and money to the A.N.C.

* Attending meetings of the party.

* Acquiring a typewriter for use in the work of the party.

* Typing or assisting in the preparation of reports, statements or correspondence of the party.

The particulars stated that the common purpose referred to was the continuance of the existence and functioning of the party.

The State withdrew one charge that they had been members or office-bearers of the party.

One other allegation, that they had conveyed messages and money to a representative of the A.N.C. and that they had received messages and reports from the A.N.C., was abandoned by the State.

The defence made a number of admissions. These included one that Mrs Schernbrucker had opened a banking account under the assumed name of Margaret Wilson at the Stock Exchange branch of the Barclays Bank in December, 1964. The defence further admitted that the account had been opened for the benefit of Mr Abram Fischer

whose assumed name had been W. D. Wilson.

The Court heard evidence from a former member of the central committee of the party and from Security Police officers.

Mr B.M. Hlatane said he became a member of the party in 1955. At first he was an ordinary member of a cell. Later he was on the area committee and in 1962 became a member of the central committee, which was the supreme body of the party.

Mr Hlatane said that Mr Fischer was the chairman of the Central Committee. He said that he (Hlatane) was detained under the 90-day clause in 1963 and after his release did not again become active in the party until May, 1964. He was then a member of the central committee, the other members being Mr Fischer, Mr Schernbrucker (not the one before the court), Hilda Bernstein, and a man named Mac.

He said his function in the party was as a contact between whites and Blacks. In fact, he was a full-time organiser who saw that the decisions of the central committee were carried out in the townships.

Mr Hlatane said the party was not a mass organisation.

The decisions of the party had to be carried out by other organisations like the A.N.C.

The code name of the party was "The family" and "Jane" was the code name of the A.N.C.

Mr J.D. Rudin, a university student, said that Mr Fischer recruited him as a member of the party in August, 1963.

Early in February, 1965 he met Mrs Schermbrucker and agreed to drive Mr Fischer to 57 Knox Street.

Mr Fischer gave him some suitcases and correspondence addressed to "Kin" just before his arrest in November, 1965. The letters were coded and signed "Paulus".

Mr Fred Zwarenstein, S.C., who appeared for the accused, asked for suspended sentences. He said neither of the two women had sought to shelter behind Mr Abram Fischer, whom they had helped while he was being sought by the police last year.

Mr Zwarenstein said they knew they were acting unlawfully, but because of the personality of Mr Fischer people with liberal views tended to follow him.

Mr Zwarenstein said there had been a complete destruction of the family life of

the accused as a result of their political activities. They had not been members of the Communist Party but were rank and file sympathisers and supporters of the party. They were influenced largely in what they did by their deep regard for Mr Fischer.

(11)

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An advocate, Mr Moorogiah Naidoo, appeared in the Supreme Court, Durban, recently on seven charges of sabotage, contraventions of the Suppression of Communism Act, and of possessing a banned book, Mao Tse-tung's "Guerilla Warfare".

No evidence was led and he was not asked to plead, but the indictment was served on him.

He was remanded and no application was made for bail.

The charge of sabotage alleges that in Durban between June 27, 1962 and June 2, 1966 he was a member of the Communist Party and conspired with Mr Abram Fischer and others, as well as the A.N.C. and Umkonto We Sizwe in: the preparation, manufacture and use of explosives for the purpose of committing acts of violence and

destruction in the Republic;
the art of warfare, including guerilla warfare and military training generally for the purpose of causing a violent revolution in the Republic;

Acts of violence to and destruction of State and other property, by means of explosive and incendiary materials;

Acts of preparation for participation in a violent revolution in the Republic;

The establishment and/or preservation of a sabotage organisation and/or groups and association of persons willing and able to commit acts of sabotage;

Alternatively, he is charged with unlawfully inciting, instigating, commanding, aiding or advising the Communist Party and its associates in acts of sabotage.

The counts under the Suppression of Communism Act allege that in Durban between January 1, 1961 and June 2, 1966, he was a member, office-bearer or officer of the banned Communist Party and that he took part in its activities.

On the charge of defeating the ends of justice, he is alleged to have in common purpose with Mr Fischer

and others arranged or assisted Mr Gangen Poonen, who was on bail pending an appeal against a conviction, to escape from South Africa.

The other two counts of defeating the ends of justice similarly allege that in common purpose with Mr Fischer and others he assisted Messrs Basil Weaich, Jack Govender, Ganesan Naicker, and Ushber Singh to escape from South Africa while they were on bail pending the outcome of appeals.

(12)

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An appeal against a conviction and a six-month sentence imposed by a Regional Court magistrate on two witnesses who refused to testify in a Suppression of Communism Act hearing was upheld in the Cape Town Supreme Court recently.

The appeal arose from the trial of Mr William Jacobus Bock, who appeared before a magistrate on charges of having contravened certain provisions of the Suppression of Communism Act No. 44 of 1950.

Mr Dennis Wessels and Mr Ahmed Osman had been subpoenaed by the State to give evidence at the trial. Both attended, but their legal

representatives told the court that their clients were unwilling to testify against Mr Bock, and asked leave to appear when the objections to giving evidence were heard.

The public prosecutor objected to the practitioners appearing at the hearing of the objections on the grounds that the Criminal Code made no provision for a witness to be represented when the court inquired into the matter.

After hearing argument the magistrate refused leave to the practitioners to appear.

The witnesses then refused to be sworn in and were convicted by the magistrate and sentenced to six months' imprisonment.

Grounds for appeal were that the magistrate had erred in holding that particular section of the Act applicable to the witnesses; that the witnesses had been refused legal representation at the inquiry under the same section of the Act; that the sentence imposed was excessive in the circumstances.

Giving judgement, Mr Justice van Zyl said: "Failure to allow audience through a legal practitioner to a person who objects to giving evidence in a criminal trial is a gross irregularity."

He said it was not for him to decide whether legal representation would have affected the outcome.

A further important consideration was that the manner of a man's conviction was a fundamental part of the justice he received.

In fairness to the magistrate he wished to state that he had taken a wrong decision that had led to a miscarriage of justice, but throughout the inquiry his conduct showed fairmindedness and helpfulness to both witnesses.

He allowed both appeals and set aside the convictions and sentences.

(13)

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PAN-AFRICANIST TRIALS

Three men found guilty of sabotage and being Poqo office-bearers were sentenced to 11 years' imprisonment and refused leave to appeal by the Supreme Court, Grahamstown recently.

The men were: Messrs Philip Fumanekile Silwana, Marwekwe Douglas Phiti, and Butana Wellington Henge.

They pleaded not guilty to charges of sabotage, of taking part in the activities of Poqo, of being in possession of explosives, of conspiring with or inci-

ting others to blow up a railway bridge at Middelburg and the municipal offices at Middelburg.

A State witness said that he went from Steynsburg to Middelburg with Mr Silwana to attend a meeting of the organisation.

He said that at this meeting Mr Silwana handed over seven cartridges and R7.75 to Mr Phiti.

He said Mr Phiti was described as the leader of the Middelburg group. He said the cartridges and the money handed over to Mr Phiti were the contribution from the Steynsburg cell.

The witness said that the blowing up of the railway bridge at Middelburg and the municipal offices at Middelburg were discussed at the meeting.

The court found that the three accused had plotted to blow up a railway bridge near Middelburg, the municipal offices in the location, and the local power station.

The court also found that bombs and dynamite had been produced at a meeting held in Mr Phiti's house and that all present had agreed to the acts of sabotage.

(14)

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Fifteen Middelburg men and two from Steynsburg were

found guilty in the Port Elizabeth Regional Court recently of being members of the banned Pan-Africanist Congress or Poqo and furthering its activities.

Fifteen of the men were sentenced to four years' imprisonment; Mr Siphio September was sentenced to six years' imprisonment; and Mr Dinisile Jaxa to three years' imprisonment.

The men were found guilty of attending meetings at the houses of Messrs Phiti and Henge in Middelburg during February and March. (See above.)

The magistrate said he had treated the evidence of the five State witnesses with caution, as three were accomplices.

They had proved to be reliable and truthful, and he accepted their evidence which was corroborated in detail.

The witnesses had admitted being members of Poqo.

"In 1966 I do not think that any man is likely to claim membership of Poqo," said the magistrate.

"These men do - it takes a fairly stout heart to make such an admission."

The magistrate rejected the defence evidence that none of the men had attended the meetings.

(15)

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Sentences totalling 63 years' imprisonment were imposed in the Regional Court, Goodwood recently on 17 convicts found guilty on Poqo charges.

Mr Martin Masilo, who was convicted on charges of belonging to an unlawful organisation, Poqo or the Pan-Africanist Congress, and of participating in activities to further its interests while in jail at Robben Island and Bellville, was sentenced to a total of six years' imprisonment, three years on each count.

Three other men were convicted on both counts and each sentenced to three years for each count. The court ordered that in the case of two of them, Messrs Justice Malsui and Simon Kondi, part of the sentences should run concurrently so that only five years of the term was served.

Part of the sentence of Mr Mlandeli Tshomane was ordered to run concurrently so that he serves only four of the six years imposed on him.

The 13 who were convicted only on the charge of belonging to an unlawful organisation were each sentenced to three years' imprisonment.

They are: Messrs Douglas Dladla, Kleinbooi Mwali,

Albert Mhlongo, James Matabeza, Boy Olifant, Bennet Sosibo, Isaac Mkhizi, Dick Faro Kumalo, Wilson Vena, Robert Mbokazi, Kaifas Ngo-bo, Zitulele Neti and Ben Ntlantzana.

In the case of the last six mentioned, the court ordered that one third of the sentence should be suspended for three years on the condition that during this time they are not convicted of contravening the Suppression of Communism Act.

Thirteen other men and Mr Alfred Makabana, who escaped during the trial and has not been recaptured, were found not guilty and were acquitted.

They are: Messrs Alfred Phontoma, Stanley Mbambi, Camleko Mzuzo, Fanyana Cele, Tami Temba, Fanyana Sikakane, Livingstone Gumuza, Siphwo Zuma, Johnny Vuso, Amos Matinyani, Alson Mbata, Alfred Cele, and Joseph Ncwanga.

The court found that allegations of homosexuality on the part of State witnesses had rendered evidence unsatisfactory in certain cases and, in others, there was insufficient evidence to allow a conviction.

* * * * * (16)

Mr Zepth Mothopeng, a

former Pan-Africanist Congress executive member, is suing the Minister of Justice for R5,000 for alleged police assault in a 'police barracks'.

Outlining Mr Mothopeng's case, Dr G. Löwen, Q.C., and Mr E.M. Wentzel (instructed by J. Carlson) appearing in forma pauperis for Mr Mothopeng, said that Mr Mothopeng had been convicted for 'some political offence' in 1960. He was sentenced to two years' imprisonment.

On April 6, 1963, Mr Mothopeng was arrested for alleged offences under the Suppression of Communism Act. When he was brought to trial on August 7 of that year the charges were withdrawn. On walking out of the court he was immediately re-arrested under the 90-day detainee clause.

"For the first two months of his detention Mr Mothopeng was detained in Randfontein. He was interrogated about his alleged connections with a Reverend Blaxall. Mr Mothopeng refused to give any information.

"On October 3 he was taken by car to Pretoria. On the way there he again refused to talk. At the police barracks he was taken to a room and was assaulted by two Europeans and two

Non-White members of the police. All were wearing civilian clothes."

Mr Mothopeng was hit in the face and body and was also kicked. A bag was then put over his head and a stick placed under his elbows and knees so that he could not move.

"Mr Mothopeng felt wires being attached to his two small fingers and index fingers. He again refused to speak. Mr Mothopeng felt very severe electric shocks. It made him vibrate and feel considerable pain."

Dr Löwen said this method of interrogation continued for some time.

"Eventually Mr Mothopeng screamed and asked for mercy and finally felt he was prepared to give information. He was undressed before the interrogation. After he had talked Mr Mothopeng was given a pencil and paper and told to write out a statement," Dr Löwen said.

The hearing was adjourned to a date to be arranged, which will probably be in November. (17)

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CONTRAVENTION OF BANNING
ORDERS TRIALS

Dr Gangathura Naicker, a medical practitioner, was found guilty in the Durban Regional Court recently on two counts for contravening banning orders served on him under the Suppression of Communism Act.

It was alleged that on January 19 this year Dr Naicker attended a special gathering at his home at 189 Percy Osborne Road, Durban.

Mr Alan Paton, president of the Liberal Party, told the court that Dr Naicker invited him and his wife to supper. Mr Paton said that Dr Naicker wanted to discuss aspects of his son's education overseas.

Under the banning order, Dr Naicker is prohibited from attending a social gathering which is defined as "any gathering at which the persons present have social intercourse with one another".

He is further banned from attending any gathering "at which any form of State or any principle or policy of the Government of the State is propagated, defended, attacked, criticised or discussed".

The second count alleged that on February 10, Dr Naicker failed to give notice

of his change of address from Percy Osborne Road to Island View Hotel, Isipingo, Durban.

Dr Naicker was evicted from his Percy Osborn Road residence by a court order in terms of the Group Areas Act.

Lieut. H. Stadler, of the Security Police, told the court that he had kept observation on Dr Naicker's house. He said Mr and Mrs Paton arrived at the house, and later had a meal of curry and rice and salads. The lieutenant said everything was done openly.

In his evidence, Mr Paton said that Dr Naicker had invited him to dinner. Mr Paton said he did not tell anyone about the telephone call he received from Dr Naicker. Mr Paton said that he discussed aspects of Dr Naicker's son's education. He said that there was nothing secretive about the meeting.

Mr Andrew Wilson, who represented Dr Naicker, submitted in argument that Dr Naicker was not attending a gathering in having a dinner in his home.

Mr Wilson also submitted that Dr Naicker was not aware that he had to give

notice of a change of address.

In his judgement, the magistrate said that Dr Naicker, a medical practitioner and a man of mature years, had been subject to banning orders for about 11 years. He had had plenty of time to make sure what his legal position was and to ensure that he did not contravene the orders.

The case was adjourned to August 30 for sentence.

(18)

Mr Mthandazo Masango was sentenced to one year's imprisonment recently for failing to report to the police on New Year's Day. All except four days of the sentence was suspended conditionally for three years.

(19)

Mr Sigubudu Chuyi was sentenced in the Durban Regional Court recently to one year's imprisonment for failing to comply with a banning order served on him. Noting that the whole term of imprisonment cannot be suspended, the magistrate suspended all but seven days of the sentence.

(20)

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 13. Cape Times, 5/8/66
 14. Post, 3/7/66
 15. Evening Post, 25/6/66
 16. Cape Argus, 24/6/66
and 25/6/66
 17. Cape Argus, 9/8/66
 18. Daily News, 4/8/66
Natal Mercury, 11/8/66
 19. Rand Daily Mail, 23/6/66
 20. Daily News, 14/6/66
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Editorial

SOUTH WEST AFRICA

The World Court ruled, by the President's casting vote, that Liberia and Ethiopia had no legal right to bring a case against the administration of South West Africa by the South African Government.

How this decision can be regarded as a victory for the South African legal team is difficult to see, since the decision was taken on a point that was never raised by them. What is incredible is that it took so long to reach.

Furthermore, we cannot share the view that this technical decision amounts to an approval of apartheid.

The thinking of the people of the world is not reflected in this judgement, although the propaganda of the Government and the South African Foundation has had some effect. Nevertheless, apartheid is no nearer acceptance now than it ever was. For instance, Time magazine has

recently expressed its repugnance of apartheid in a cover story.

The stockpiling of material, the vast defence expenditure, and the desperate search for oil indicate that the pressure on this régime is not lessening. The world is adopting a tough, uncompromising attitude.

POVERTY AND PROGRESS

Is South Africa a rich country or a poor country? The answer seems obvious: we have mines, industries, gold reserves, favourable trade balances, strong currency, expansions, booms - of course South Africa is very rich indeed. But what if you ask this question: How many of South Africa's people get enough to eat? The answer gives a rather different picture - it is clearly 'Less than half'.

The terrible gap in income between the rich fifth and the poor four-fifths of our population is the worst feature of our national life.

Government policy does nothing to reduce it; in fact, regulations about job reservation, influx control, labour disputes and Bantu Education seem actually designed to prevent non-Whites, especially Africans, from earning decent wages. In the cities this is really dangerous. Africans no more than other men are humble enough to accept with equanimity the situation where they can not hope, with their utmost efforts, to approach the standard of living of the most inefficient and worst paid workers of another race. It is a stupid irrelevance to point to the position of poorer people in other African countries. A worker in Soweto or Kwa Mashu, whose life is a desperate struggle to feed, clothe and educate his family, and pay his train and bus fares, on R8 a week, is not consoled by the information that a man who lives thousands of miles away, whom he will never see and who doesn't speak his language, has less money and lives in a mud hut. Similarly, one would not expect

a Negro rioting in Watts or Harlem to drop his stones and go quietly home when he is assured that the slums in Rio are worse.

The nationalists talk a lot about the decadence of the Western countries. They might reflect that a common feature of all genuinely decadent societies, like the later Roman Empire, for example, or pre-Revolution France - has been this very disparity in income. Progressive governments today aim at the condition of countries like Canada, Australia, New Zealand, Scandinavia, where virtually nobody is poor. Thus, for instance, America, Britain, Israel and even Russia spend more money educating poor and underprivileged children than they do on the rich ones. (Here we spend one tenth as much on each African child at school as we do on each white child.) To a twentieth century mentality it is clear that in a nation, as in the world, poverty perpetuated is the main enemy of order and stability.

KATE

QUOTES

We have only two comments to make about Mr Vorster's case against the former Nusas leader, Mr Ian Robertson.

The first is that it would not stand up in a court of law.

The second is that its presentation was bungled in a way that would have brought no credit to the most inexperienced and junior prosecutor.

Sunday Express

Afrikaners degrade themselves when they show a preference to deal with Indian shops.

Delegate to Congress of
Taal-en-Kultuurvereniging

Mr S.J.J. van V. Geldenhuys (Nat., Pretoria District) caused an uproar among Opposition members (in the Transvaal Provincial Council) when he said that immigrant children could not be indoctrinated as well in English schools as they could in Afrikaans schools.

Natal Mercury, 24/8/66

The authorities should lose no time in establishing shooting ranges etc. for people like myself who are only too keen to use them. I can think of no saner national investment.

Letter from Frustrated,
Rivonia, to the Star