

Harsh sentences in lower courts

FOUR DAYS after a Pretoria magistrate sentenced the three African National Congress guerillas in the Broederstroom trial to a total of 63 years imprisonment, a Potchefstroom magistrate imposed 12-year terms on each of three youths who had left the country for military training.

Teenagers Putswe Litlhakanyane and Thumele Selecoe of the Vaal, and 23-year-old Thembisele Batyi of Port Elizabeth, were not found guilty of any acts of violence. But they were convicted of terrorism, because they had a mission on behalf of the ANC which has a policy of violence. Therefore, magistrate J le Grange argued, loss of life could be foreseen.

Le Grange imposed sentences ranging from ten years to a wholly suspended three-year term on four other trialists.

Former church worker Saul Tsotetsi, for instance, was alleged to have assisted in procuring funds and arranging for ANC recruits to leave the country; escorting such recruits to the Botswana border; and taking three trained ANC men to Botswana.

Noting that he had a previous conviction for similar actions and that he had 'failed to learn his lesson', Le Grange imposed a ten-year sentence on Tsotetsi. His first sentence was six years.

In the Broederstroom trial all three accused pleaded guilty to multiple charges of terrorism. Magistrate WJ van den Bergh sentenced ANC unit commander Damian de Lange to a total of 25 years; the unit's political commissar, Ian Robertson, to 20 years in all; and communications officer Susan Westcott to an effective 18 years.

While he accepted that there were those to the left and right who were dissatisfied with the present government, Van den Bergh held that 'to say that blacks have no political rights in this country is a misnomer. They have unlimited democratic rights in the independent, self-governing black states and limited democratic rights in other black areas'.

Attorneys in both the Potchefstroom and Broederstroom cases were emphatic that their clients would be appealing. In the Potch case the appeal will be both against conviction and sentence.

The severity of these sentences has caused observers to rethink the optimism they expressed earlier this year when the Mayekiso trial (centering on people's courts) was successfully defended in the Rand Supreme Court, and when the judge in the second Delmas trial ruled that membership of Umkhonto we Sizwe could, in certain circumstances, be regarded as an extenuating factor in the commission of murder.

There is a general perception that magistrates administer the law conservatively and that it is left to higher courts to break new ground in the interpretation of law.

Is there a growing trend to direct ANC trials to magistrates courts? It is too early to say, but at least one major trial is to be heard by a magistrate in the Middelburg

Regional Court in February.

Hendrik Maloma, Frans Madiba and Jerome Maake have been charged with terrorism, participating in an unlawful organisation and unlawfully possessing firearms, handgrenades, rocket launchers, projectiles and A canon.

They are alleged to have joined the ANC in 1985/6 and to have received military training in Angola. During the course of 1988 and 1989 they are alleged to have established ANC cells in the northern Transvaal villages of Jane Furse, Vleisboom, Mamone and Monsterlus, and to have trained their recruits in the use of weapons, which they smuggled into the country.

Other political trials, trimmed down to alleged transgressions of the Explosives Act or the Arms and Ammunitions act, are in progress in regional courts in Johannesburg and Welkom.

Also in Welkom recently an ANC member, Oben Dibate, was sentenced to 30 months after being convicted of terrorism. Dibate has Aids and, according to his lawyer, doctors reckon that he has between three and four years to live. For him, 30 months is virtually a life sentence.

Jo-Anne Collinge

CDF looks for popular mandate

OPPOSITION formations are seeking consensus on the key issues of negotiations, sanctions and 'the shortest possible route to freedom' at probably the biggest gathering of