

PUBLIC SECTOR GOVT. JUSTICE

1990

APRIL

# Hit squad chief gets a subpoena — in hiding

By MANDY JEAN WOODS

FORMER Brixton Murder and Robbery chief Staal Burger has been subpoenaed to testify before the Harms Commission

Commission secretary Chris Erasmus said yesterday the subpoena had been served on Mr Burger personally "through other parties". He said "I personally don't know where he is"

A date for Mr Burger's appearance has not been set yet, but it will be "at a later stage", said Mr Erasmus

He also said Mr Justice Louis Harms would fly to London this month to hear evidence from former hit squad member Captain Dirk Coetzee, whose disclosure of the activities of alleged police hit squads led to the exposure of the Civil Cooperation Bureau.

His colleague, David "Spyker" Tshikalange, will testify at the same time

The judge will begin hearing evidence in London on April 23.

On Friday, Mr Burger's brother Sakkie, chief of the BC's international relations office in London, called a surprise Press conference to announce he had been in contact with his brother, who had agreed to testify.

## Problems

This is the first news of Mr Burger since he disappeared earlier this year, just days before a warrant for his arrest was issued by Namibian police in connection with the murder of Swapo member Anton Lubowski.

Mr Sakkie Burger said his brother had contacted him by telephone and asked him to fly to South Africa

They met last Monday at a public place, 56km north of Pretoria and discussed the "problems" which Mr Burger claimed had prevented him from testifying.

The commission resumes on Wednesday. Former Brixton Murder and Robbery squad members Calla Botha and Ferdi Barnard are expected to give evidence.

# HOW TO

# Creamed them

**FORMER Civil Co-operation Bureau agent Edward "Peaches" Gordon is unhappy about the exposure of his employers' activities — because he'd like to carry on making a fast buck by conning them.**

This week, Mr Gordon told how he received over R25 000 from his handlers and in return gave them "nothing but lies and confidence tricks" Said Mr Gordon: "From the first day I was approached I could see they were fools — so I decided to make the most out of it for myself.

"If Mr (Abram) Van Zyl and Mr. (Ferdie) Barnard had not been caught, I'm sure I would be conning them out of money to this day

"They were so gullible they believed all my excuses"

But Mr Gordon, 25, of Kewtown, Cape Town, said he would not have duped Mr Abram "Slang" van Zyl and Mr Ferdi Barnard if they had "played open cards" with him

"They told me they were businessmen working for an overseas company, but I did not believe them

## Lied

"I'm no gangster — I'm a crook, and I can see and smell a policeman a mile away. When I met them I recognised that right away.

"I asked them if they were security cops and they said no

But because they lied, I lied and cheated on them all the way. All I had to do was act like someone in a film and in turn I made R25 000"

Mr Gordon said he had been in Pollsmoor Prison several times and had waited a long time to "get even" with the police

"In October 1985 I was shot by two riot policemen in Thornton Road, Athlone. I had birdshot in my head, my back, shoulder and right eye.

"I was just left there and I never forgot what they did

"Then this opportunity arose for me to get even"

Asked what he did with the money, Mr Gordon casually replied "I bought a car and spent the rest."

## Waiter

Mr Gordon, who has had the nickname "Peaches" for as long as he can remember, said he was approached by a policeman at the Athlone Magistrate's Court and asked for his home telephone number

"He told me someone would phone me the next day with an offer of a job

"When Mr Van Zyl phoned me he said a friend had recommended me

"Mr Van Zyl flew me to Johannesburg and told me to visit a certain café in Hill-brow.

"I had to find out the address of a waiter alleged to have had links with the African National Congress, but instead of going there I told Mr Van Zyl the waiter no longer worked there," said Mr Gordon

When he was ordered to steal heart pills from Cape Town lawyer Mr Dullah Omar so they could be switched with poison pills, Mr Gordon acquired two pills from his sister-in-law (also a heart sufferer) and handed them over

When Mr Van Zyl gave him a "white powder" to sprinkle into Mr Omar's food, said Mr Gordon, he opened the container and threw away the powder I later told Mr Van Zyl I could not poison Mr Omar because the security police were watching him They believed me

"I was also asked to find two people to help assassinate Mr Omar I would be paid R15 000 — R5 000 in advance and R10 000 when the job was finished

"I told Mr Van Zyl I found the two people but they wanted the R5 000 in advance I was given the money and instead of giving it to my

I can smell cops,  
so when they lied  
I lied and cheated  
them of thousands

"I used the same excuse — that security police were watching Mr Omar"

"On another occasion, Mr Van Zyl ordered me to find the address of UDF activist Mr Johnny Issel and monitor his

movements. I told them Mr Issel had been arrested. That I read in the newspaper." Later, said Mr Gordon,

"PEACHES' GORDON I could see they were fools

R4 080 was deposited in his account and he was told to fly to Johannesburg with an accomplice, book into an hotel, find and assassinate journalist Mr Gavin Evans.  
"I had no intention of doing that, but I went along on the trip anyway  
"Mr Van Zyl told us to kill Mr Evans and make it look like a robbery. He gave us an address, but it was the wrong address.  
"Then he told us Mr Evans worked at the Sunday Star. On our way there, I bought the Weekly Mail and saw Mr Evans' name inside.  
"After phoning the newspaper, I discovered he worked here  
"I pretended to be a friend of Mr Evans from Cape Town and they gave me his bleep number. This I gave to Mr Van Zyl. For that, he gave me another R800 and later told us to drop the assignment"

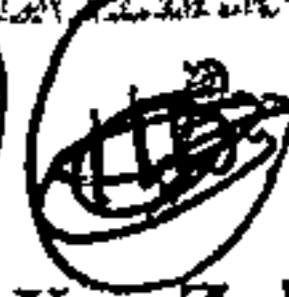
# Murder accused is threatened by mob

By SBU MNGADI

CPRESS 1/4/90



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AN angry crowd this week threatened to kill KwaZulu Deputy Minister of Interior and member of Inkatha Central Committee, Samuel Jamile, who is due to face several murder charges.

Teargas and birdshot were used to disperse the chanting 1 000-strong crowd outside the Pinetown Magistrate's Court and several people were injured.

The undisclosed charges arise from the assassinations of five prominent Clermont community leaders, and attempts to kill others - including UDF co-president Archie Gumede - between 1987 and 1989.

The trial was adjourned to April 27.

An hour later the chanting group reluctantly dispersed. However, shops along Anderson Road were broken into and looted.

# Dismissed union men go to court

2/4/90 By Drew Forrest

Chronic divisions within one of Cosatu's most important affiliates, the 80 000-strong Food and Allied Workers Union (Fawu), broke into the open last week when dismissed Cape Town officials applied to court for reinstatement.

Fawu's former Cape Town branch secretary, Mr Miles Hartford, and four others have asked the Cape Supreme Court for an order nullifying the "purported election" of a new branch executive on February 4.

They also want an interdict preventing the respondents, including new branch secretary Mr Edwin Sauti, from intimidating or assaulting them.

The hearing will be next week.

Sources say the conflict springs from attempts by the "populist" Fawu leadership to enforce a uniform political line. Cape Town workers carrying placards complaining of "Stalinism" had marched in protest against the dismissals.

Last year political rifts led to the dismissal of Fawu's Eastern Cape secretary, who set up an alternative union.

"Purges" of union employees have also been reported in the Johannesburg branch.

# Vigilantes in court over murders

Pretoria Bureau

The former Chief Minister of KwaNdebele, Mr Majozi Mahlangu, and 20 other alleged members of the Mbokotho vigilante gang have appeared briefly in the Mdutjana magistrate's court at Siyabuswa on allegations of murder, attempted murder and assault.

The hearing was postponed to June 29.

No charges were put to the men and they were not asked to plead.

Those who appeared in connection with murder, attempted murder and assault with intent to do grievous bodily harm are: Mr Mahlangu, Mr Samuel Tlou (42), Mr Jim Mbulawa Sibanyoni (40), Mr Alex Masotsa Mthimunya (46), Mr Petrus Nkandla Skosana (36), Mr Moses John Sko-

sana (35) and Mr Banalile Banifasios Masomboka (36).

Mr Mahlangu faces an additional murder and two attempted murder charges.

The other 14 accused who appeared in connection with four charges of murder and four of attempted murder were: Mr John Niketsi Mabena (43), Mr Stephans Mbulawa Skosana (47), Mr Ketu Simon Mahlangu (50), Mr Moses Ntuli (43), Mr Samson Mthimunya (41), Mr Johannes Thuzane Mahlangu (38), Mr Ishmael Sohlaphani Nkoana (53), Mr Alfred Khuhlaza Ngoma (40), Mr Johannes M. Mahlangu (45), Mr Klaas Nguni (44), Mr Londo Phillip Mngoma (51), Mr Frans M Msiza (69), Mr Khuzilwe Simon Mabena (44) and Mr Jacob Mgomizulu (44).

All were released on bail.

# Bruce's lawyers to apply for bail

Capt Toms  
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Own Correspondent

JOHANNESBURG. — Lawyers acting for jailed conscientious objector Mr David Bruce, whose six-year jail term was remitted to the lower courts for reconsideration by the Appeal Court in a landmark judgment last week, will apply for bail on his behalf this week.

In a majority decision the Appeal Court on Friday found that the provisions of the Defence Act did not compel magistrates to impose a mandatory maximum sentence on those refusing to do military service.

The court held that magistrates have a discretion in imposing less than the maximum sentences provided for in the Defence Act.

Until now magistrates have sentenced conscientious objectors on the basis that they were compelled by Section 126A(1)(a) to impose the maximum sentence prescribed.

Mr Justice Smalberger, with acting judge of appeal Mr Justice Nicholas concurring, upheld appeals by both Mr Bruce and Dr Ivan Toms against the sentences imposed on them by the lower courts.

Dr Toms had his jail term reduced to nine months, which he has already served.

Mr Justice Smalberger said the effectiveness of the potential punishment provided for in 126A(1)(a) did not depend on whether the sentence was mandatory or discretionary.

Rigorous and harsh sentences did not necessarily effect their purpose and were out of step with a just society, he said.

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# Objector David Bruce to seek bail now, say lawyers

LAWYERS acting for jailed conscientious objector David Bruce, whose six-year jail term was remitted by the Appellate Division to the lower courts for reconsideration in a landmark judgment on Friday, will apply for bail on his behalf this week.

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Mr Justice Smalberger with Acting judge of appeal Mr Justice Nicholas concurring, upheld appeals by both Bruce and Dr Ivan Toms against sentences imposed on them by the lower courts.

Toms, who served half of his 18-month sentence before his release pending the outcome of his appeal, had his jail term reduced to nine months by the Appeal Court and will, therefore, not have to go back to jail.

In terms of the Defence Act those who refuse to do service in the SADF are liable to a prison sentence of one-

SUSAN RUSSELL

and-a-half times the period of military service outstanding (or 18 months) — whichever is the longer.

Mr Justice Smalberger said: "It is not necessary or desirable for achieving the purpose of the Act that every person convicted under section 126A(1)(a) should be subjected to the full rigour of a Draconian provision, without individualisation or consideration by the court of the relevant circumstances."

## Deterrent

The relevant sub-section of the Defence Act did not prescribe a mandatory sentence, he said, and it was open to the magistrate in the case of both Toms and Bruce to impose a lesser sentence than the higher of the two alternative maximum sentences provided for.

Mr Justice Smalberger found that the prospect of imprisonment for up to one-and-a-half times the period of military service outstanding (or 18 months) was a sufficient deterrent in itself.

No matter how unpleasant the thought of military service, he said,

the prospect of going to prison would be worse for most people.

Mr Justice Smalberger said it was fallacious to assume that only a mandatory sentence could have the required effect.

Rigorous and harsh sentences did not necessarily effect their purpose and were out of step with a just society, he said.

In a separate judgment Chief Justice Mr Justice Corbett concurred with Mr Justice Smalberger's findings.

However, in a minority dissenting judgment Mr Justice Botha said that after anxious deliberation he had no doubt the legislature had intended to preclude the courts from exercising a discretion.

□ Responding to the judgment, End Conscription Campaign chairman Chris de Villiers said: "We earnestly request President (F W) de Klerk to declare a moratorium on trials of conscientious objectors pending the introduction of a system of alternative service."

Toms said in a statement: "It is crazy in the light of this judgment, and in the present climate, to go ahead with the seven objector trials which are pending."



## 47 freed after clampdown, says HRC

SINCE the clampdown by government early last month, 47 detainees had been released, the Human Rights Commission (HRC) said at the weekend.

In a statement the HRC said 22 detainees had been released in the Free State; five in Natal; 16 in the eastern Transvaal and four in the northern Transvaal since March 8. *By Day 2/4/90*

According to the HRC, the eastern Transvaal area of Mkhuhlu topped the list with 16 releases while Welkom had 12 releases. *(252)*

Giving a summary of detentions, the HRC said 138 people were in detention.

Under the State of Emergency, 107 people were being held and of those 75 were being held in the Free State.

Countrywide, 31 political activists were being held under Section 29 of the Internal Security Act. *(251)*

WILSON ZWANE

The HRC said it could not be ascertained how many people were held under Section 31. It said no-one was being held under Section 50.

The HRC said although the trend of detentions was not different from the previous year, there was a notable decrease in detentions towards the end of last year and at the beginning of this year.

"However, detentions escalated again from the end of February," the HRC said.

There were no figures for TBVC states.

Gazankulu Chief Minister Hudson Ntsanwisi said on Friday his government was "busy negotiating" the release of detainees arrested during unrest.

Twenty-one people were being held under emergency regulations.

# Probe to have access to spy files

By Louise Burgers,  
Municipal Reporter.

The controversial Johannesburg City Council spy files will be made available to the Hiemstra Commission of Inquiry if subpoenaed, management committee chairman Mr Jan Burger said yesterday.

The judicial commission, chaired by Mr Justice V G Hiemstra, was

appointed last week following The Star's revelations of a spy network operating from the city council.

The spy dossiers are said to contain information on civil rights organisations, political parties, anti-apartheid activists and other prominent people in Johannesburg.

Mr Burger told The Star, the top-secret dossiers had been moved

from the headquarters of the spy ring, the Fort, to the City Hall vaults. Only the city secretary and the city treasurer had a key.

If the files were subpoenaed by the Hiemstra Commission, they would have to be released, Mr Burger said.

The secretary of the commission, Mr Francois Malherbe, said it was likely that the spy dossiers would be among documents subpoenaed.

He said advocates were involved in the pre-investigation and were finalising details of who and what would be subpoenaed.

Mr Burger said the entire management committee, as well as top council officials implicated in the espionage network, were expected to give evidence before the commission.

● See Page 21.

## Contacts for council probe

The advocates who will lead evidence before a commission of inquiry appointed to investigate alleged irregularities in the security department of the Johannesburg City Council can be contacted directly by anyone wanting to testify or give information.

Mr D M Fine, SC, can be reached on (011) 28-2000 and Mr W I Wepener on (011) 28-3140.

Mr Justice V G Hiemstra, commission chairman, is expected to start hearing evidence on April 11.

The commission was appointed after The Star disclosed the council was running a spy network.

People wishing to testify or give information can also contact Mr F Malherbe on (011) 472-1400, extension 323; or contact the commission in writing. The address is Private Bag X30, Roodepoort 1725.

# Two in court over road camp killings

STANDERTON — A national serviceman, Mr Hendrik Stephanus Jordaan (19), and Mr Riaan Delarey Roos (21), of Charl Cilliers, have appeared in the Standerton Magistrate's Court in connection with the murders of a road camp watchman and his girlfriend last Wednesday.

The two men appeared in court on Friday. They were not asked to plead and were granted bail of R2 000 each.

Their appearance follows the deaths of the

watchman and his girlfriend, both of whom had been beaten on the head with a blunt instrument.

The names of the deceased have not yet been released. *Star 3/4/90* (252)

A Transvaal Provincial Administration road department spokesman said blood had been found on one of the earth-moving machines at the site. It appeared as if the couple had been murdered before an unsuccessful attempt was made to siphon off diesel. — Highveld Bureau.

# Soweto council needs ombudsman — inquiry

By Montshiwa Moroke

The Malan Commission of Inquiry into allegations of possible corruption and irregularities in the Soweto Council has recommended the appointment of an ombudsman following widespread complaints about house allocations.

Such an appointment would be made in order to dispel suggestions of injustice, the commission found.

The commission also recommended that some of the numerous cases showing irregularities, including the allocation of sites and the acceptance of bribes by former councillors, be referred to the police for investigation.

## Ethical code

Following evidence on the allocation of houses to home seekers and land to developers, the commission found the weakness of the system was that councillors were seen as being entitled to dispose of council property.

The commission found the impression was sometimes created that it was not possible to obtain an allocation without councillor involvement — often improper involvement.

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This perception should be corrected and raises the whole question of an ethical code for councillors".

Introducing the post of ombudsman by legislation was preferable, but the council could, by appropriate resolution, make considerable progress in this regard.

The idea of the appointment of an ombudsman was recommended by the commission because procedures applied to evictions appeared to be "a constant cause for complaint".

Different causes for discontent appeared to be the uncertainty surrounding the transfer of tenancy on the death of a tenant.

"The root cause of all the discontent is, of course, the shortage of available homes".

The commission sat for eight days between August and November last year. The commission's report, which covered a five-year period beginning in 1984, was accepted by the Soweto Council at its monthly meeting last Thursday.

A spokesman for the Soweto Council yesterday said details of the report would be discussed at a special council meeting "sometime in the future".

The commission could not come to definite findings on many of the disputed matters because its lack of authority meant that none of the interested parties could be compelled to appear.

## Move against 600 striking mineworkers

Amcoal Colliery and Industrial Operations on Sunday obtained an urgent interdict to stop 614 workers at Kriel Colliery from further participating in an illegal strike

Pretoria Supreme Court judge Mr Justice Roos granted an interdict against the National Union of Mineworkers and 614 employees of the Kriel Colliery, directing the union to comply with the provisions of the disputes procedure and the Labour Relations Act

The 614 employees, who embarked on an illegal strike last month, were interdicted from conducting strike action in breach of Section 65 of the Labour Relations Act, or encouraging other persons to do so, interfering with the operation of the colliery's business, promoting racial friction, and interfering with of the colliery's employees

Mine manager Mr Anthony Redman said the strike followed an incident on March 13, when a mineworker, Mr S Mbuyazi, assaulted an employee, Mr J de Jager.

Mr Mbuyazi was found guilty of assault and, after a lengthy appeal, was dismissed on March 20, the court heard. — Sapa

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# Namibia faces legal steps over pilchards

Star  
3/4/90 By JOHN RYAN, (252)  
The Star's Africa News Service

WINDHOEK — The government of independent Namibia is facing its first legal action over a decision to cut this year's pilchard catch by an overall 20 percent.

The move, aimed at boosting the country's severely depleted pilchard resources, has raised the ire of two of the largest fishing companies who say they will seek litigation to oppose it.

South West Africa Fishing Industries Ltd (Swafil) and Namibian Sea Products Ltd (Namsea) maintain they will jointly lose more than R1 million if their quota is reduced as planned.

In statements published in the local media, the sister companies point out that while other companies stand to have their quotas cut by between 8,2 and 25,8 percent, Swafil and Namsea will lose 51,6 percent of their previous quota.

The Swafil management says the cut will reduce the company's budgeted net income for the financial year by R450 000 — or 14c a share.

Namsea says the government move will not have a material effect on its earnings this year but is expected to reduce the company's income in 1991 by R570 000 — also 14c a share.

"In order to protect the interests of shareholders," the statements declare, "the board of directors has decided to take appropriate legal action to redress the situation".

Mr Gert Hanekom, Minister of Agriculture, Fisheries, Water and Rural Development, declined to discuss the issue because of the threat of court action. Earlier, however, the Minister told the Namibian Broadcasting Company the government's decision to reduce the current pilchard catch from 50 000 tons to 40 000 tons was in the best interests of the country.

Meanwhile, there are indications that foreign fishing fleets have started to withdraw from Namibian waters in response to a government request that they do so to enable a scientific study to be undertaken.

President Sam Nujoma told a press conference the government was trying to devise an Act which would enforce a 200 nautical mile limit along the coast.

# Objector Bruce freed while jail sentence is reconsidered

CONSCIENTIOUS objector David Bruce, whose appeal against his six-year prison sentence was upheld by the Appellate Division in a landmark judgment last week, was released from prison by a Johannesburg magistrate yesterday

In a majority judgment last Friday the Appeal Court set aside Bruce's sentence and referred his case back to the magistrate's court for reconsideration after finding that the Defence Act did not prescribe a mandatory sentence for objectors

Mr Justice Smalberger, with Mr Justice Nicholas concurring, held that the courts had a discretion in sentencing objectors and were not compelled to sentence them to the maximum set out in the Defence Act

Bruce, who has served 19 months of his six-year sentence, was released on his own recognisances

His case was postponed to April 27, when the magistrate will reconsider the question of sentence in light of Friday's judgment.

Dr Ivan Toms, another objector whose appeal against his sentence was also upheld by the Appellate Division, had his 18-month sentence reduced to nine months.

Toms, who served half his sentence before his release pending the hearing of his appeal, therefore does not have to return to jail

His case was remanded to April 27 when the magistrate will reconsider the question of sentence.

Prior to the Appellate Division judgment magistrates have been sentencing

SUSAN RUSSELL

objectors to sentences of one-and-a-half times the period of outstanding military service as set out in the Defence Act on the basis that they did not have discretion

In a statement, Bruce's parents, Gordon and Ursula Bruce, said they were overjoyed at their son's release.

They thanked the thousands of people inside SA and worldwide who had supported Bruce and campaigned for his release.

The Conscientious Objector Support Group (COSG) said in a statement yesterday that while it was thrilled at Bruce's release it was also concerned at the possibility of him being sent back to jail

"David's release on bail follows many years of sustained pressure exerted on the state by objectors and by those who have campaigned for a change in the legislation," the COSG said

"We believe the sentencing of conscientious objectors places an unfair burden on magistrates and the legislation should be changed

"Until conscription is abolished, all conscientious objectors should have the right to do non-military alternative service"

The COSG said it would continue campaigning for the release of Charles Bester who is serving a six-year sentence for refusing to serve in the SADF

It has also called for a moratorium on all forthcoming objector trials.

... District officers in court (10)

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## Rockman case

### is postponed

*B Dam 3/4/90*  
CAPE TOWN — Popcru leader and former police officer Gregory Rockman appeared briefly in the Cape Town magistrate's court yesterday in connection with an alleged assault on a policeman during a demonstration last week.

Rockman was taken into custody on Saturday morning, but was later released on R200 bail.

He will appear again on April 25.

About 30 members of Popcru attended court proceedings yesterday. — Sapa.

education.



## Spy probe: officials fear victimisation

People are showing reluctance to come forward with information for the Hiemstra Commission of Inquiry investigating the Johannesburg City Council spy ring.

The Star has learnt that council officials are unwilling to do so for fear of being victimised and losing their jobs.

One said, "What if I am subpoenaed? Then they will know who I am and I will be fired."

The secretary of the Hiemstra Commission, Mr Francois Malherbe, said he had received only a few telephone calls from members of the public and the

information received was "not worth mentioning"

"I think once the commission starts and people see what it is all about more will come forward."

Advocate Mr Denis Fine and Mr Lothar Wepener, busy with preliminary investigations, confirmed this reluctance on the part of the public.

The commission, begins next Wednesday, April 11, at 9 am at the Braamfontein Civic Centre.

Mr Fine, SC, can be reached on telephone number (011) 28-2000 and Mr Wepener on (011) 28-3140

Alter Act  
 to avoid  
 Delmas-type  
 wastage'

An amendment to the Criminal Procedure Act could prevent a recurrence of a Delmas treason trial-type situation where the Appellate Division (AD) nullified proceedings of SA's longest criminal hearing, says a leading law magazine.

The proposal is put forward in an editorial in the April, 1990 edition of *Consultus*, the official mouthpiece of the General Council of the Bar of SA.

Convictions and sentences following the Delmas treason trial were set aside by the AD after it decided that the trial judge's decision to discharge an assessor half-way through the hearing was legally incorrect.

The writer bills the trial — of UDF and Vaal Civic Association leaders for their alleged role in the September 1984 uprisings — as the longest criminal hearing ever, and probably the most expensive.

"Commonsense suggests that the trial should have been postponed temporarily and the relevant decision of the trial judge be referred to the AD."

### Detention

The trial could have been finally abandoned, or another decision could have been taken after a ruling by the AD.

The editorial asks if it could be justified to the general public that the trial court — while a "nullity in law" after the discharge of the assessor — could continue for more than a year.

The editorial further questions the possibility of justifying the "even more thousands of rands" spent on the case and the continued detention of the accused who had already been in detention "for some years".

"Wholesale waste of time, wholesale waste of money and considerable deprivation of freedom were thus the result."

The procedure suggested for preventing this could not be followed because South African law does not allow for adjudication by the AD on questions of law or appeals regarding the decisions of a trial court about interlocutory matters.

While it would be unsound for questions of law or appeals to be submitted to the AD before a trial's conclusion, provision should be made for extraordinary cases, the editorial argues. — Sapa.

CAA Trial 4/4/90 (252)

# Change in law could prevent 'Delmas' trials

PRETORIA. — An amendment to the Criminal Procedure Act could prevent a recurrence of a Delmas treason trial-type situation where the Appellate Division nullified proceedings in the country's longest criminal hearing, according to a leading law magazine

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The writer billed the trial — of UDF and Vaal Civic Association leaders for their alleged role in the September 1984 uprisings — as the longest criminal hearing ever — and probably the most expensive

"Common sense suggests that the trial should have been postponed temporarily and the relevant decision of the trial judge referred to the Appellate Division," the editorial said

The trial could have been finally abandoned, or another decision could have been taken after a ruling by the Appellate Division.

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## Not allowed in law

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While it would be unsound for questions of law or appeals to be submitted to the Appellate Division before conclusion of a trial, provision should be made for extraordinary cases, the writer argued

The writer suggested that the Criminal Procedure Act be amended so as to authorise the trial judge to allow, in certain circumstances, for such an interlocutory decision to be referred to the Appellate Division

Such an amendment should ensure greater fairness in the courts, as well as greater credibility for the legal system among the general public.—Sapa

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# 'Reign of terror' rapists get death

CRK T.H.S 4/4/90

(S) (282)

## Staff Reporters

HOURS after the three young Belhar "reign of terror" rapists were given the death penalty yesterday — a unique sentence because of their youthfulness, according to legal sources — they smiled and waved to family members as they were taken away in police cars.

A fourth member of the gang, a 16-year-old youth, was sentenced in the Supreme Court to 20 years imprisonment for rape and an effective 16 years to run concurrently for the related crimes.

The youth's imprisonment and the death sentences on Jerome Prenaar, 20, Roderick Bock, 20, and Steven Smith, 22, resulted from the "horrifying" four-hour "reign of terror" when they kidnapped, raped, robbed, sodomised and indecently assaulted two women and a man on November 1, 1988.

Besides handing down the death penalty for rape, Mr Justice D M Williamson sentenced Prenaar to an effective 24 years, Bock to 16 years and Smith to 23 years for kidnapping, robbery, sodomy and indecent assault.

Mr Justice Williamson said the seriousness of the rape overshadowed the mitigating factors which included "disadvantageous" social backgrounds.

"relative youthfulness" and that Smith did not have any previous convictions.

"I don't think that any remorse you may feel is genuine but rather at the predicament that you may now find yourself," he said.

Mr Justice Williamson found that the mentioned use of drink and drugs had only a minimal effect on the events of that night.

Sentencing the youth, he said "I don't think your remorse is genuine. You are a member of a prison gang. You have impressed as an evil young man. You are a menace. I have grave doubts that you will reform. I would not be fulfilling my duty to society if a lengthy sentence is not imposed."

Mr Justice Williams said he sympathised with the stress placed on the rapists' families.

The one woman who had been raped 11 times had strength of character and appeared to have recovered, yet she "retains emotional scars of the horror of the experience which will stay with her a long time".

When the sentences were passed piercing cries rang through the packed court while the rapists' sat stony-faced in the dock.

Prenaar's mother, Mrs Getruida Prenaar, sat on the pavement outside court and wailed "It's not so, it's not so."

The two women victims, who had been in court,

were comforted by family members. The mother of one victim briefly comforted the mother of one of the rapists.

About 50 people waited more than four hours for the rapists to be taken back to Pollsmoor. When they were brought, they waved and smiled as family members swarmed around the police cars to see them.

Mr C H van Gend and Mr A H de Villiers were the assessors. Mr C Chiers appeared for the state. The accused were all represented by pro Deo counsel: Mr Craig Webster appeared for Prenaar, Mr Michael Sher for Bock, Mr Philip Higgo for the youth and Mr Pieter Borman for Smith.

● A spokeswoman for the attorney general's office said the sentences were "exceptional".

She said she could not remember that three people had been sentenced to death simultaneously for rape.

Rape Crisis spokeswoman Ms Pat Anderson said although the organisation did not approve of the death penalty for any offence they welcomed the conviction but could not endorse "judicial killing".

She suggested life imprisonment in lieu of a conviction "serious enough to warrant the death sentence".

Ms Anderson pointed out that rape was not a sexual crime but a crime of violence.

# 'Independence of judges crucial'

PRETORIA — The ap-  
pointment of an indepen-  
dent body charged with the  
appointment of judges is  
recommended in the latest  
issue of *Consultus*, the SA  
Bar journal.

Jeremy Gauntlett, SC, of  
the Cape Bar, says SA  
society faces substantial  
changes — and soon — by  
whatever means.

The pivotal question of  
the appointment of judges  
should not be left aside  
while the debate on the im-  
plementation of a bill of  
rights continues.

To do so would be to sub-

GERALD REILLY

vert in a fairly obvious way  
the operation of constitu-  
tional restraints by the ju-  
dicial organ of government  
on the executive and legis-  
lative functions.

A bill of rights would  
have little hope of being  
generally respected where  
appointments to the judi-  
ciary remained within the  
gift of the prime litigant on  
constitutional matters.

The standing of the  
Bench, on the other hand,  
could only be enhanced by  
the introduction of some in-

dependent-body represen-  
tative of the executive, the  
judiciary and the profes-  
sion charged with the task  
of appointing judges.

The criticism of particu-  
lar appointments on the ba-  
sis that the appointees had  
little to commend them  
other than particular con-  
nections would be unlikely  
to continue.

"As a consequence of an  
enhanced stature of the  
Bench a greater prepared-  
ness to accept office could  
be expected," Gauntlett  
says.

In another article, Zulu-  
land University law faculty  
dean CRM Dlamini says  
there is no sound or con-  
vincing argument against  
the need for the appoint-  
ment of black judges.

Many are already magis-  
trates.

## NATAL UNREST DEATHS

September 1987 — January 1989	668
February 1989 — April 2 1990	817
Past 24 hours official toll	13
<b>TOTAL</b>	<b>1 498</b>

but the answers are the same

# Council spy probe: victims will testify

Star 5/4/90  
Municipal Reporter 252

Organisations spied on by the Johannesburg City Council will be presenting evidence before the Hiemstra Commission and will monitor proceedings closely.

Idasa, the Five Freedoms Forum (FFF), the Wits University SRC, the End Conscription Campaign, the SA Municipal Workers Union, the Black Sash, the David Webster Trust and entertainers Des and Dawn Lindberg called a press conference yesterday, where spokesmen said they intended giving evidence to challenge the city council's gross invasion of the privacy of citizens.

The advocates who will lead evidence before the commission of inquiry appointed to investigate irregularities in the security department of the Johannesburg City Council can be contacted directly by anyone

wanting to testify or give information

Mr D M Fine, SC, can be reached on (011) 28-2000 and Mr W I Wepener on (011) 28-3140.

People can also contact commission secretary Mr F Malherbe on (011) 472-1400, extension 323, or contact the commission in writing. The address is Private Bag X30, Roodepoort 1725.

● Members of the environmental group Earthlife Africa climbed the Johannesburg City Hall at dawn yesterday to place a banner protesting against the use of ratepayers' money to pay Johannesburg City Council spies

# Surprise appearance at Harms inquiry

THE former Brixton and Robbery Squad commander and leader of a Civil Co-operation Bureau cell, Mr Staal Burger, made a surprise appearance at the Harms Commission hearing in Pretoria yesterday.

Bearded Burger, who is being sought by Namibian police in connection with the murder of Swapo executive member Mr Anton Lubowski, listened attentively to the evidence given by his former CCB colleagues, Mr Ferdinand Barnard and Mr Calla Botha.

A subpoena has been issued for Burger to testify before the commission. It is not known when he will give evidence. *Jowefan 5/4/90*

Mr Botha said he had been recruited for the CCB in May 1988 by his former commander at Brixton, Mr Burger.

He said he had been told by the CCB managing director, Mr Joe Verster, that he and his colleagues would form part of an internal region of the CCB, with the purpose of disrupting enemies of the state of South Africa.

In his testimony Mr Barnard denied any knowledge of CCB involvement in the murder of Wits academic, Dr David Webster.

He also said he had no knowledge of orders given in connection with the Reverend Frank Chikane, End Conscription Campaign member Mr Bruce White, and journalist Mr Gavin Evans.

He admitted having been paid R7 000 by Mr Slang van Zyl to monitor ANC lawyer Mr Dullah Omar, and said Mr van Zyl had once told him "in a joke" that he would pay him R50 000 to shoot Mr Omar.

# Eviction law is too harsh, says probe

THE Malan Commission of Inquiry has recommended that certain provisions of the Housing Act, which empowered black councils to carry out evictions, should be repealed because they were far-reaching and interfered with the jurisdiction of the courts.

This is one of the recommendations made by the commission to the Soweto Council.

The commission, under the chairmanship of Professor FR Malan, was appointed by Soweto mayor Sam Mkhwanazi to investigate possible corruption and irregularities in the council in March last year.

By SY MAKARINGE

Section 65 empowered an authorised officer, after a seven-day notice had been served, to evict people without a court order.

"The commission doubts whether a provision as far-reaching as this one, ousting the jurisdiction of the courts and affecting a sensitive and highly politicised matter such as housing can be tolerated in our society today," the report, published recently, said.

It also recommended that councillors' approval in allocating houses for leasing or sale be "dispensed with" as this could lead to irregularities and injustice.



# State of emergency concerns lawyers

01 Dec 1989 514190 THEO RAWANA (252)

THE state of emergency granted police an environment to perpetrate violence against individuals, Lawyers for Human Rights (LHR) said yesterday.

The organisation said in a statement it was concerned about police violence against people detained not only for political offences, but also for ordinary crimes.

Detainees continued to die in custody and the blame had to fall on the police's shoulders.

"When a person dies of a ruptured bowel or a broken neck, with visible signs of having been assaulted, one questions whether that could have been suicide. These are some of the cases of which we have first-hand knowledge," it said.

Deaths in detention "continued unabated", so it was not sufficient to have a judicial commission of inquiry into only one death while dozens of others were investigated through informal inquest procedures.

"We call on the government to appoint a judicial commission of inquiry to investigate allegations of assault and torture by police officers, on the Witwatersrand at least," the organisation said.

Law and Order spokesman Peet Bothma said the state of emergency was not a cause of crime but worked against crime.

Any policeman found to have overstepped his power, and against whom evidence of violence and torture had been found, had been dealt with.

He asked if Lawyers for Human Rights had brought evidence before senior officers and the Law and Order Minister.

Without the state of emergency, it would not have been possible to bring troops to the trouble-torn region of Maritzburg. The state of emergency was not against law-abiding people, and did not give police powers to act any way they felt, Bothma said.

NATAL UNREST DEATHS	
September 1987 — January 1989.....	668
February 1989 — April 3 1990.....	830
Past 24 hours' official toll.....	5
<b>TOTAL:</b> .....	<b>1 503</b>

252

# Botha and Barnard decline evidence to Harms inquiry

B/dam 5/4/90

MANDY JEAN WOODS

TWO former policemen, Calla Botha and Ferdi Barnard, yesterday read out statements in which they declined to give certain evidence to the Harms Commission of inquiry investigating political murders, on the grounds they could incriminate themselves.

Barnard refused to give information regarding the "Apie Project". The commission heard earlier how the Civil Co-operation Bureau (CCB) had nailed a monkey foetus to a tree at the Johannesburg home of Anglican Archbishop Desmond Tutu.

Botha refused to give evidence regarding the reason for a R1 500 expense claim on September 22 last year and circumstances regarding "the Roskam incident".

He also testified he had received more than R31 000 in expenses during a two-month period last year; of this, he said a sum of R3 000 earmarked for a telephone scrambler was returned as the scrambler was not purchased.

Barnard said he had received R7 000 in expenses involving investigations into journalist Gavin Evans and human rights lawyer Dullah Omar.

Both men gave evidence regarding certain people and incidents:

□ Barnard said he had been involved in the surveillance of SACC general secretary Frank Chikane;

□ Both said they were involved in the observation of "Bruce White" in June last year and denied any knowledge of the circumstances of Wits academic David Webster's death; and

□ Barnard said he had been involved on at least three occasions in the Dullah Omar case. He denied any knowledge of the Khotso House bombing, of the attempted murder of Alexander Youth Congress member Buti van der Merwe, and of the "burning of Roskam's car".

Barnard also said while he was detained under Section 29 of the Internal Security Act he made four statements, none voluntarily. He had refused to make a sworn statement in front of a magistrate.

The two men's former colleague on the Brixton Murder and Robbery Squad, Col Staal Burger, was at the hearing but did not take the witness stand. Commission member Tim McNally said there had not yet been time to take a statement from him.

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been on strike for better pay and conditions, have been returning to work, Ziana news

She said the situation at other hospitals in the province was almost back to normal. — Sapa.

## Autopsy for necklace victim

By John Miller

8/24/90

terminated.

252

While Hillbrow detectives have still not found anyone who witnessed Friday's necklacing behind the Claim Street fleamarket, today's post-mortem is expected to offer some clues.

The remains of a black person and that of a tyre were found in an empty lot at about lunchtime on Friday. However, the sex of the victim has still not been de-

A police spokesman said that today's post mortem is hoped to reveal the victim's sex and possible cause of death.

Police have once again appealed to anyone who witnessed the necklacing to contact the Hillbrow police station on (011) 643-3029. They believe the incident took place sometime during the previous night.

# Outrage over Tutu dossier



TARGETS: (clockwise from top left) Archbishop Tutu, Mr Gavin Evans, Mr Jay Naidoo and Mr Cyril Ramaphosa.

## Archbishop channelled funds to ANC, claims secret council spy report

A CLAIM in a top secret Johannesburg City Hall spy dossier that Archbishop Desmond Tutu illegally channelled money to bank accounts of the African National Congress (ANC) in Libya and the United States has blown up into a major political rumpus.

Last night a shocked Archbishop Tutu and the ANC expressed outrage that such an allegation was made by the city council's intelligence section in a document marked "utera geheim" (top secret). The Star has disclosed that council spy reports were routinely sent to the police and military intelligence.

Speaking to the Saturday Star last night, Archbishop Tutu said: "What is frightening about this is that it is on the basis of such arrant nonsense that people have been placed on hit squad death lists, people have been detained and people have been banned."

"While it is so ridiculous that even a moron should be able to see that there is no credibility in such information, it speaks volumes for the state of our country. How many people have suffered as a result of reports of this calibre?"

A shadowy SA Defence Force unit, the Civil Co-operation Bureau, had on their death list several people who feature in the city council's spy reports. Archbishop Tutu was one of them.

### Webster

So far, The Star has uncovered in city council spy documents the names of four people appearing on a death list drawn up by the CCB. Besides Archbishop Tutu, they are Mr Gavin Evans, vice-chairman of the Five Freedoms Forum, Mr Jay Naidoo of the Council of South African Trade Unions (Cosatu), and Mr Cyril Ramaphosa, general-secretary of the National Union of Mineworkers.

Also named in the council documents is Dr David Webster, the 44-year-old social anthropologist who was gunned down outside his home in Troyeville, Johannesburg, on May 1 last year. Police suspect that a CCB cell was responsible.

The council document was compiled by Mr P Assenmacher, formerly section head of the intelligence division. It was based on information given to him by a spy whose name appeared in the document and who was connected with the "Roma Church".

The council document said that the money for the ANC was raised from the proceeds of public performances and sales of records made by church groups singing gospel music. The funds,

STEVE McQUILLAN  
and KITT KATZIN

according to the document, were then sent to Archbishop Tutu and then channelled into unspecified ANC bank accounts in the United States and Libya.

The document said that the spy could not be sure which singing groups were involved, but the informant, according to Mr Assenmacher, may have known more than he was disclosing.

Mr Assenmacher's report, dated September 6 1988, and entitled "Channelling of Funds to the ANC via the SA Council of Churches", was sent to his superiors. At the time, they included Mr John Pearce, chief director of public safety, Brigadier Jan Visser, director of security, and Mr F J "Frik" Barnard, then chief professional officer, administration, in the security department.

The informer's code number was 1/JHB 6 and his classification was noted as B2. The report was number JH2/3.

Speaking from Lusaka, ANC information officer Mr Tom Sebina said: "We have never had any relationship with the gospel singers. Whatever money was generated from their records or musical shows had nothing to do with the ANC. Another discrepancy in this report is that there is no ANC account in Libya. The ANC has never had a bank account in Libya. This is a fabrication by someone with a very unsettled mind."

● A commission of inquiry has been appointed to investigate alleged irregularities in the security department of Johannesburg City Council. Advocates leading evidence can be contacted directly by anyone wanting to testify or give information.

Mr DM Fine, SC, can be reached on (011) 28-2000 and Mr W L Wepener on (011) 28-3140.

Mr Justice V G Hiemstra, commission chairman, is expected to start hearing evidence next week. The commission was appointed after The Star's disclosures that the city council was running a spy network.

People wanting to testify or give information can also contact Mr F Malherbe on (011) 472-1400, extension 323, or contact the commission in writing. The address is Private Bag X30, Roodepoort 1725.



FIRST DAY FUN: The 1990 Grand Rand Show, billed as "the show with the most", opened its doors to the public yesterday. These two Taiwanese toddlers, Phillip Lin (6) and brother Steven (4), made their first stop at the dragonfly roundabout in the amusement park. ● Photograph Sean Woods.

## Killings extend Maritzburg war

THE battlefield of the Maritzburg war zone has been extended with outbreaks of violence in relatively untroubled Mpumalanga, near Hammarsdale, with at least six dead and 70 houses gutted in the past 36 hours.

Police last night confirmed the death of one policeman but Democratic Party spokesman for Greytown, Mr Pierre Cronje, put the death toll at five and said a further eight were believed dead.

As rumours of a "final onslaught" spread like wildfire last night, hundreds of people were fleeing the area clutching babies and possessions, Mr Cronje said.

DAWN BARKHUIZEN

Unable to reach the already crowded refugee camps of Edendale, residents were taking the few taxis left in the area and begging drivers to circle Durban's townships in the hope that householders would take them in.

Hundreds were pouring into Pinetown from where they were being redirected to churches.

Mr Cronje said "concerted and sustained attacks" had been launched on UDF support.

● TO PAGE 2.

# Death sentence for rapists queried by support group

W/1/AM66 By VIVIEN HORLER

7/4/90 Weekend Argus Reporter

RAPE Crisis has hit out at death sentences for rapists, saying they may increase a victim's chance of being murdered.

"The only way a rapist can be brought to justice is if his victim recognises him," said a spokeswoman. "So with the death sentence for rape, a rapist is more likely to kill his victim — he's got everything to gain and nothing to lose."

Ms Mikki van Zyl, community organiser for Rape Crisis, the rape victims' support organisation, was commenting on the principle involving death sentences for rape.

She made it clear she was not criticising the judge, but the legal system in which he had to operate.

## Abducted, sodomised

This week three death sentences were handed down in the Supreme Court on three Belhar men who, with a 17-year-old youth, abducted, robbed, raped and sodomised three young people during a four-hour reign of terror.

One of the victims, now a 21-year-old student, was raped and sodomised 11 times.

In an interview this week she said she worried about what would happen when the youth, sentenced to 20 years in jail, was released.

"Even if he serves the whole 20 years he'll still be in the prime of his life. Before he raped me he had raped twice before."

"And this case must have shown him that if you rape and don't kill your victims, they're alive to testify against you in court. He's seen his fellow rapists sentenced to death on our evidence — how will he react in future?"

Ms Van Zyl said while Rape Crisis was opposed to the death sentence in principle, the organisation was opposed to it for rapists also because the fact it was a capital crime made judges far more cautious about convicting.

"A judge will tend to feel he must be 100 percent sure that the rapist is guilty before he convicts, and in rape cases this is difficult because it usually boils down to the victim's word against the rapist's."

Also, during the trial, Mr Justice D M Williamson slammed as "completely unreasonable" the requirement that rape victims identify their attackers by touching them on the shoulder.

A young woman was raped 11 times by four Belhar men in an ordeal that lasted four hours. The men have been sentenced, three of them to death, but nothing can erase from the woman's mind the terror and horror of the assault two years ago that changed her personality and her life. She spoke to Weekend Argus Reporter VIVIEN HORLER about the continuing nightmare.

**A** YOUNG woman who was abducted and repeatedly raped by a gang of four Belhar men during a four-hour reign of terror says the attack was only part of the horror of the experience.

In an interview this week the woman, a 21-year-old student, said the identification parade after the men had been arrested and their sentencing this week were among the worst aspects of her ordeal.

The student is bright, attractive and articulate and she speaks coolly of the terror of the night in November 1988 when her life was turned upside-down.

She told her story for two reasons.

"I want people to realize horrible things can happen to anyone. Before this happened I used to be very casual about locking doors and personal safety because this sort of thing didn't happen to me and the people I knew. Now I know it can — and I'm extremely cautious."

She also believes that the calm that she and her companions displayed during the four-hour ordeal probably saved their lives.

When their victims were calm, the men were fairly calm. But if they became panicky, the men became more aggressive. "The more we did what they said, the less violence there was."

She says the experience has left her "cautious and edgy, tense and neurotic", yet she speaks with extraordinarily little anger against three of the four men and even believes that one of the three sentenced to death should not hang.

This week Mr Justice Williamson sentenced Jerome Pienaar, 20, Roderick Bock, 20 and Steven Smith, 22, to death and an under-age youth to 20 years' imprisonment for rape.

The four men also received long jail sentences for the other crimes.

The judge said the youth, who is still only 17, had already committed two rapes before the night in Belhar — when he was just 15 years and three months old.

Sitting on the edge of her chair and smoking nervously, the student said she believed Bock's sentence had been "harsh".

"I think it's harsh that his penalty is the same as the other two men. Right in the beginning he raped me but after that he was just interested in robbing us."

**A** T one point he stopped the other guys. He said, 'You've had your sex, you don't need any more.' The youth, he was the worst, he raped me seven or eight times and was a million times worse than Bock.

"When the others wanted to kill us, Bock was the one who talked them out of it, who said we

# RAPE

## The victim of the beasts of Belhar tells all

had parents who'd be worried about us. And he was the one who, in the end, persuaded them all to get out of the car and leave us."

She said her views on the death penalty were somewhat confused.

"I never believed in the death sentence and I still don't agree with taking other people's lives. But quite frankly I don't care what happens to those men. I realise that sounds hypocritical.

"Others can harp on about the barbarism of the death penalty, but when people have been so barbaric to you it's difficult to say you don't mind if they're out on the streets — even if the thought of people being hanged is terrifying."

**T**HE month-long trial brought back to all three victims the horror of the night of the attack.

"It made me edgy again. If I go out at night I'm always on the alert for suspicious-looking people and I get very edgy if a group of males walks across the street in front of my car. Everything has to be planned, nothing is spontaneous."

"It's been difficult for my family.

"There were also several nasty little incidents while the court case was on which might have had nothing to do with it. For instance, one day there was a knock at the door and I saw through the glass someone standing with his back to me.

"Normally I wouldn't open the door unless I knew who it was, but the dog was going for this man and I just wanted to get the dog off him. So I opened the door and he hurried towards me and pulled a gun out of his pocket.

## Breaking the conspiracy of silence ...

**I** DIDN'T wait to find out why he was there. I just slammed the door and raced upstairs and didn't move until the police came.

"The day after the attack I'd just had a bath after getting home from the police station when the phone rang — and it was a heavy-breather.

I was terrified I knew they had our telephone numbers and addresses because they'd been through our handbags — and there was a telephone booth near my house.

"I hung up and then tried to phone the police — but he was still there. Every time I picked it up he was there. Eventually I left the receiver on the floor and ran next door to my neighbour."

**T**HE 18 months since the rape has been hard on many of the student's personal relationships. "I think the trial was a shock for my family, because although they knew what had happened I'd never told them all the details, and they came out in court.

"I think it was particularly difficult for my father and brother.

"I met my boyfriend after it happened, so he's always known about it, although again I think the trial has made more of the details clear and it's upset him as well. It makes life more difficult because I think he feels responsible for my safety.

"We're very, very close, but it was a long time before our relationship was anything more than platonic."

The four rapists were arrested within two days of the attack.

**A** PART from the attack and the sentencing, the identification parade was probably the worst," said the student.

"An armed policeman and a police photographer took me into a corridor about two metres wide. A barred door was locked behind us. Twenty men were lined up against one wall, all hunched up.

"Then they make you take the oath and tell you that if you see anyone you recognise you must put your hand on his left shoulder and say this is what he did to me.

"I saw all four the minute I walked in. I started walking up the line and the first guy was about two from the beginning. I looked at him, caught his eye and immediately looked away and kept walking. I couldn't.

"Then I saw the youth — he did the worst things to me and I had to identify him.

**W**HOLE body started shaking. I couldn't stand up. I had to lean against the wall. The policeman asked if I recognised anyone and said I had to put my hand on his shoulder. I said, 'I can't.'

"I said it was the man in the yellow shirt and he was made to step forward, but I could not touch him. I felt awful, claustrophobic, and had to get out of there."

Sentencing was also an ordeal.

"I felt so much for the families. It wasn't their fault. I don't have children but I know that whatever your child does you love them and have to be there for them.

**W**HEN the judge pronounced the death sentence on the first man I felt a physical jolt. His mother was sitting just two seats

away from me and I could see her whole body go. It was horrifying.

"It wasn't my fault and I didn't sentence them, but I did testify against them and it felt as though I'd indirectly murdered them."

The entire ordeal began after work one night about 11.30pm. The student then worked for a company which sold study aids for students. Most of their work was in the evenings and the student would drive her sales team home.

They were later than usual that night because one of the saleswomen had just moved to Belhar and had difficulty giving directions.

"We finally dropped her at home, which left me driving, the other woman sitting in the passenger seat and the man, who had just finished his first night working with us, in the back.

"My window was partly open. We stopped at a stop street and I was turned away, talking to the other woman, when suddenly she said 'Your keys!' I'd heard nothing, but she'd seen a man. It was Pienaar, put his hand through the window and grab the keys. Then he opened the door, made me move over and climbed in. The others got in the back."

**V**ERY soon the three victims realised they were almost certain to be killed. "I think they were going to do it.

"It also felt quite unreal. During the rapes, despite the pain, it felt as if it were all happening to someone else."

The student was raped and sodomised 11 times. The other woman was having her period and was not raped. The man was sodomised.

"We had odd, unreal conversations with the men. At one stage the other woman, who was sitting on one of the men's laps, began picking burrs off her jersey. It irritated him, but she told him they were there because he'd thrown her on to the ground and he could pick them off himself. And he did."

**E**VENTUALLY dawn approached.

"They were still talking about killing us, but they didn't know where to do it."

"By now there were quite a few buses and cars around and the men were very edgy. Then Bock saw a bus stop and just said to Pienaar 'pull over.' They all got out.

"I dived into the front seat and started the car. They came back and started banging on the windows, but I put my foot flat."

"I was about 4km when they found their way to Goodwood police station.

"We walked into the charge office and this constable looked up politely and said, 'Can I help you?' We all packed up laughing. We'd all accepted we were going to die and suddenly we realised we were still alive and we were safe.

"I said we wanted to lay a charge, and he said, 'Of what?' and I said I didn't know where to start and we all burst into tears."

An American mother has thrown off her anonymity and shaken her society with her revelation that rape victims are raped a second time — by the legal system.

**GEORGE GORDON of the Daily Mail writes from New York of her experiences.**

I think it's harsh that his penalty is the same as the other two men. Right in the beginning he raped me but after that he was just interested in robbing us.

"At one point he stopped the other guys from raping me in the back of the car. He said 'You've had your sex, you don't need any more.' The youth, he was the worst, he raped me seven or eight times and was a million times worse than Bock.

"When the others wanted to kill us, Bock was the one who talked them out of it, who said we

It's been difficult for my family.

"There were also several nasty little incidents while the court case was on which might have had nothing to do with it. For instance, one day there was a knock at the door and I saw through the glass someone standing with his back to me.

"Normally I wouldn't open the door unless I knew who it was, but the dog was going for this man and I just wanted to get the dog off him. So I opened the door and he turned towards me and pulled a gun out of his pocket.

father and brother.

"I met my boyfriend after it happened, so, always known about it, although again I think the trial has made more of the details clear. It's upset him as well. It makes life more difficult because I think he feels responsible for safety.

"We're very, very close, but it was a time before our relationship was anything more than platonic."

The four rapists were arrested within days of the attack.

An American mother has thrown off her anonymity and shaken her society with her revelation that rape victims are raped a second time — by the legal system.

GEORGE GORDON of the Daily Mail writes from New York of her experiences.

## The American woman who refused to remain silent

NANCY Ziegenmeyer shook with emotion as she watched a uniformed court officer handcuff the man who had raped her and lead him down a long, empty corridor to begin a life sentence.

Two days later she went back to the Polk County Courthouse in Des Moines, Iowa, to write a statement that would be attached to the records of 30-year-old Bobby Lee Smith until the day he died.

It read "A statement that has been made about rape, that it is just short of murder, is in fact an understatement. The person that I was on the morning of November 19, 1988, was taken from me and my family. I will never be the same for the rest of my life."

The 30-year-old mother of three then did something else. She threw off the cloak of anonymity granted to rape victims in America and told her story in stark, vivid detail, even returning to the car park where it had begun.

NANCY had responded to an article by editor Genevieve Overholser in the Des Moines Register arguing that media silence contributed to the stigma and "enormously unfair onus" endured by women who are victims of rape. "It is time for those victims to speak and time for society to listen," he said.

Nancy Ziegenmeyer not only wanted to speak up, she also wanted to disclose the second agony of rape: the mental anguish, the nightmares, the terror of walking alone and the long, long road to justice.

She bitterly reflected: "The first rape took half an hour. I was raped again by the legal system — it took 14 months."

Nancy's story provoked an astonishing response. Judges, politicians and television talk shows took it up. Women began talking about their own rapes. Details they had hidden for years were poured out.

MEN responded by saying that they had not had any real idea of the enormity of the crime.

Suddenly America found itself asking whether, for some rape victims, anonymity had become yet another stigma associated with this crime.

Nancy's ordeal began when she drove from her home to the car park of Grand View College in Des Moines to sit for an estate agent's examination.

Suddenly the car door was yanked open and a black man got in. He grabbed her by the neck and told her to move over. He drove the car to an empty street, raped her and pulled her wedding band and engagement rings off her fingers.

"You'll be okay," he told her. "You're white and you can go home to your hus-

### DANGERS OF GOING PUBLIC

Under British law, rape victims may disclose their identities once their attackers have been convicted. Yet going public could lay the victim open to fresh risks, psychologists have told ANNE BARROWCLOUGH.

A RAPE victim in Britain who wishes to throw off the anonymity provided by the law may do so — as long as the trial of her attacker has come to an end and he has been convicted.

Although identifying herself might add more potency to her story of suffering, psychologists believe rape victims who go public are also putting themselves in danger of public vilification and further attacks.

"It is a very brave woman who chooses to decline anonymity after a rape," says psychologist Tony Black.

"A lot of people will say 'well done', but a lot will send hate mail and make abusive telephone calls.

"If you feel you have a crusade to wage, there's a great deal more glory and honour about being identified than remaining anonymous.

"THE victim will arouse sympathy and admiration and may be seen

band and you can afford to get a counsellor. You'll get through this and you'll just be fine."

THE rapist had taken not only her rings, but also her bag, in which she had books and personal possessions. For days Nancy lived in terror because he also had her address.

Two weeks later the rings turned up in a pawn shop. Detectives traced them to Bobby Lee Smith, a man with convictions who was out on parole after serving two years of a 10-year term for robbery. Nancy identified him and he was charged and held in custody.

She was told the trial would take place within 90 days. What Nancy didn't know was that the crucial evidence was the DNA results from the FBI laboratory — hers was one of the first cases using the British genetic testing method.

It was 14 months from the time of the rape that the conviction was secured.

DURING those months Nancy, her anonymity maintained by the unwritten rule of the American media that rape victims should not be identified, had doubts, depression, a period of self-recrimination and trauma that seemed to age her.

There were endless trips to court as the defence fought the technical evidence and the trial was adjourned repeatedly.

to be moving things forward — and this might well offset the psychological effects of the rape which have left her feeling sullied and demeaned."

However, he warns, if a woman identifies herself as a victim, she might still find the label "rape victim" a stigma.

"Some people will believe she has brought it on herself. This brings the additional fear that she might end up being raped again or victimised in some other way."

PETER Dalrymple, of the National Association for Victims' Support Schemes, agrees with this.

"I don't understand why Nancy Ziegenmeyer thinks it is better for her to disclose her identity," he says.

"The full horror of a rape may be told whether the victim is identified or not."

"The laws of anonymity are there to protect women from being identified permanently as victims."

■ Daily Mail, London

"The whole system was concerned with the accused's rights, but what about the victim's rights?" she asked.

Like any other rape case in America, the court proceedings were reported without mention of Nancy's name. When the full story was run, it had an impact that resounded across America.

Bobby Lee Smith went to jail for life because the charges included kidnapping and in Iowa there is no parole for this conviction.

IN printing Nancy's story, the Des Moines newspaper had another problem — a racial stereotype, black man raping white woman. The editor dug out the statistics to show that in more than 92,000 cases of rape, only four percent had been committed by blacks on white women.

Although Nancy Ziegenmeyer acknowledges that her going public has dragged rape out of the closet, she still believes rape victims should not be named without their consent.

"Rape victims need a great deal of healing before they can talk about a crime," she said.

What she has achieved is the opening of a public debate which should guarantee that the next rape will not wind up as a quickly-forgotten statistic.

# Bid to extradite Bop cop-murder accused

By MARTIN NTSOELENGOE

A BOPHUTHATSWANA fugitive implicated in the murder of nine policemen in Leeuwfontein is at the centre of a legal battle in which South Africa seeks to extradite him to the homeland to face charges.

Samuel Ramasola, held by South African police, is one of 81 people the Bop government has cited in an indictment arising from the deaths of nine Bop policemen killed during an anti-incorporation meeting in Leeuwfontein on July 1.

This week, however, Ramasola was granted bail by a South African court and minutes later the State said it would lodge an application in the Supreme Court for his extradition.

His lawyers have already taken affidavits indicating he will resist extradition on several grounds.

The Transvaal Rural Action Committee (Trac) said this week that 17 other people were sought by the Bop government.

Trac said five other people in South African prisons were also awaiting extradition attempts.

Ramasola's next hearing has been set for May 5.

At present, 54 people in Bop, including a chief, Ntjanyana Sebogodi, are appearing in court charged with murder, robbery, malicious damage to property, attending an illegal gathering and contravening the Bop Internal Security Act, arising from the deaths of the nine policemen.

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# 'No money can bring back my only son'

By ELIAS MALULEKE

UNEMPLOYED single mother Joyce Mafuya of Atteridgeville, awarded a total of R34 000 in the Pretoria Supreme Court for damages against Minister of Law and Order Adriaan Vlok, said this week no amount of money would bring back her only son

Mafuya had claimed R100 000 damages.

Her son Godfrey, then a 15-year-old Std 5 pupil at Walton Jameson Primary School in Atteridgeville, was shot several times by a white policeman in December 1985.

The incident occurred in Atteridgeville after police had dispersed a crowd returning from the local graveyard. The victim was not among the crowd at the time.

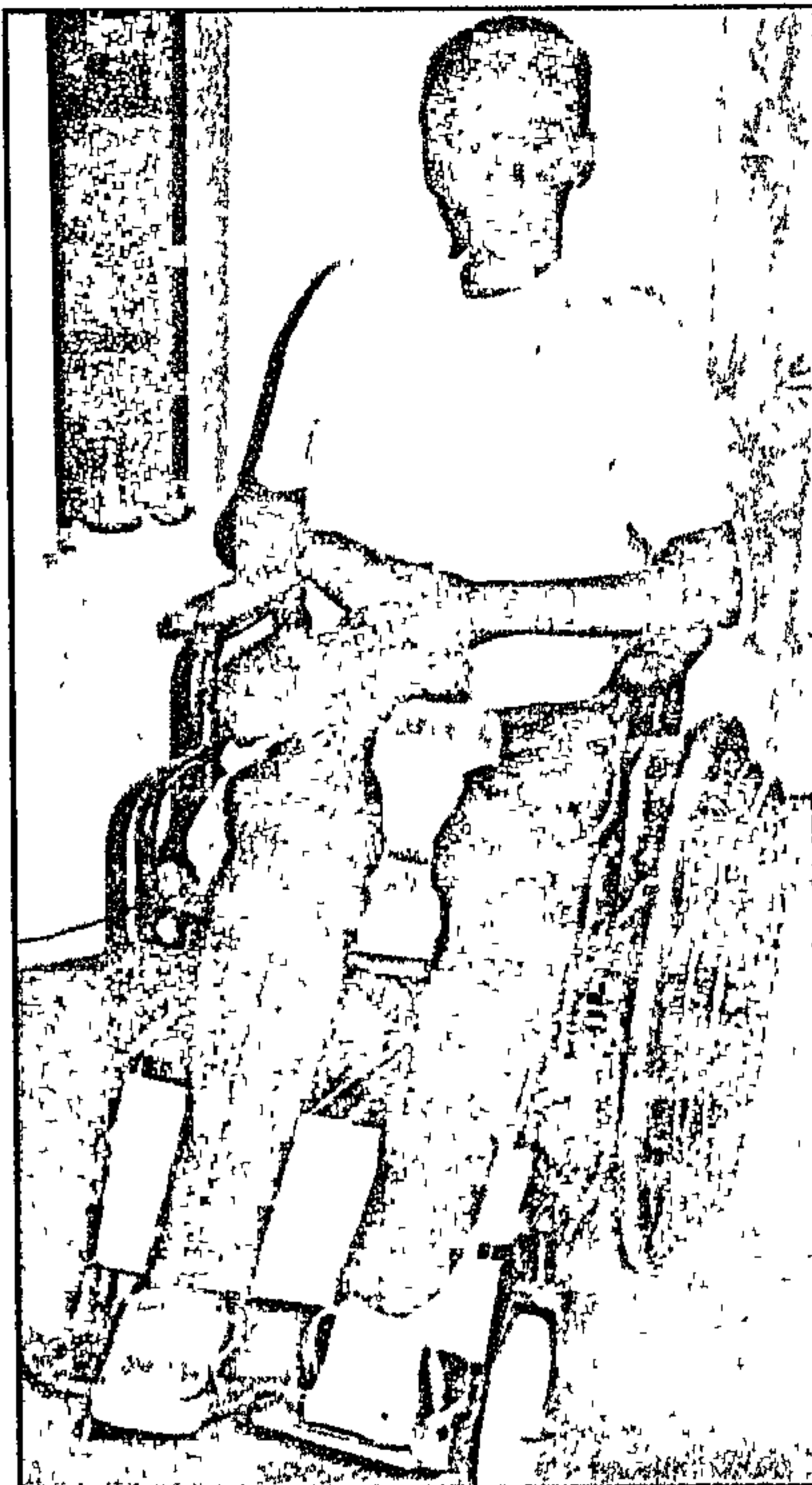
The court was told how Godfrey was first beaten by the police when he was found hiding in a room where he had gone to visit friends, dragged out and ordered to run before the policeman pumped seven bullets into him

Godfrey was subsequently paralysed from the waist down and died a painful death two years later.

The police version was that Godfrey tried to throw a petrol bomb at a police Casspir when he was shot.

However, the court was told incriminating photographs showing bloodstains in the room where Godfrey was first beaten and a statement by the houseowner had gone missing, pointing to a police cover-up and contradicted evidence that he was attacking the police with a petrol bomb.

A physician who examined Godfrey before his death noted seven gun-



Godfrey Mafuya ... paralysed for two years before he died.

## Man who killed him still roams free, says mother

shot wounds. Two bullets lodged in the brain, two on the left under-arm and the others in the upper end of Godfrey's spine.

The judge dismissed the police version and awarded Mafuya R34 247 in damages. But she is unhappy.

She said for the two years her son suffered she was forced to give up her job to look after him and

after his death she had been battling to find another job.

"No amount of money will bring back my son; this is not justice. The policeman who murdered my son is still roaming free and other police will do the same because they face no punishment from their bosses," Mafuya said.

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# Lawyers call for probe of police torture allegations

By **CONNIE MOLUSI** and **DESMOND BLOW**

**LAWYERS** for Human Rights have called on government to appoint a judicial commission of inquiry to investigate allegations of assault and torture by police on the Witwatersrand.

They say they are dealing with numerous reports where suspects in ordinary crimes have been brutally treated and tortured to get confessions.

In other cases people have been assaulted simply because they are black, it is alleged.

In one case a man, suspected of stealing money, was allegedly pulled from his home in Zola 1 and shot dead. His wife was assaulted to find out whether she knew what had become of the money. She said police smashed her furniture, ruined her groceries, and stole her belongings. She was tortured again two weeks later.

In another case, police picked up a black woman after she had argued with a white hobo, it was alleged. They drove her out of town and assaulted her. One policeman attempted to rape her.

The woman managed to obtain the policeman's identification certificate, which is now in Lawyers for Human Rights' possession.

"It is shocking that detainees continue to die while in custody. The blame has to fall fairly and squarely on the shoulders of the police," said Ahmed C Motala, director of litigations for Lawyers for Human Rights.

"When a person dies of a ruptured bowel or a broken neck with visible signs of having been assaulted, one questions whether that could have been suicide.

"Deaths in detention continue unabated, and it is therefore not sufficient to have a judicial commission of inquiry into one death while dozens of others are investigated through informal inquest procedures."

Motala said assaults by police were not confined to one police station, but were reported to extend from Soweto and Brixton to Kempton Park and Benoni, although there were more allegations of brutality against some police stations than others.

"The state of emergency grants police officers enormous powers of arrest, providing the environment for police to perpetuate violence against individuals. This situation cannot continue unchallenged."

Motala said he was only concerned with reports of police brutality on the Witwatersrand. He was not informed about cases elsewhere as they did not fall within his area. However, it was likely that there were many occurrences of this type elsewhere.

"Lawyers for Human Rights calls on the government to appoint a judicial commission of inquiry to investigate allegations against the police on the Witwatersrand at least. Unless drastic steps are taken to curb these criminal activities, deaths in detention will continue. For the victims of police brutality there has been no change in this country at all."

A police spokesman said all complaints against police were investigated. Allegations reported to police by Lawyers for Human Rights were investigated by senior police officers. When there was a death, like that of the man shot in Zola 1, inquests had to be held.

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# Dobsonville man to take legal action after police beating

By SAMKELO KUMALO

THE Legal Resources Centre will take legal action against Law and Order Minister Adriaan Vlok following the assault of a Dobsonville man last week by a number of policemen who concealed the registration numbers of their vehicles.

A letter of demand has been sent to Vlok by LRC lawyers acting on behalf of the victim, Peter Tana Mashao.

Last week *City Press* published a story in which Mashao alleged he was assaulted and kidnapped by policemen

in uniform outside a shebeen in Dobsonville.

He said he was taken to a minedump near Meadowlands where he was assaulted and left for dead. Mashao crawled to a house in the township where he received help and was later taken to the Hillbrow Hospital.

Tandi Orleyn of the LRC said a letter of demand has been sent to the ministry of police.

In other cases, Rodney Adams and Obie Morake were assaulted by police under similar circumstances and Dobsonville resident Kabelo Bogatsu had his house damaged.

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Reports by CONNIE MOLUSI and DESMOND BLOW

# DOSSIER OF TERROR Cops killed my husband

**N**ONHLANHLA Lucky Cindi alleges police raided her house in Zola 1, Soweto, five days before Christmas, killed her husband, deliberately injured her, smashed furniture and stole money and goods.

When her two children - aged 12 and 14 - awoke, police covered their heads with blankets and told them to go back to sleep.

Late on the night of December 20, police raided her home and pulled her husband, Fanie Amos Cindie, out of the house by his shorts, shutting the door behind them when she tried to follow.

Soon afterwards she heard five shots and police re-entered her house and demanded to know where her husband was.

She said she did not understand their question as they had just taken him out of the house.

The police said her husband had stolen a large amount of money - one policeman said R40 000, another R20 000 and a third R12 000 - and they demanded to know where it was.

They kept assaulting her and demanded to know the whereabouts of her husband. Unknown to her he was lying dead in the yard.

They searched her home, deliberately wrecking furniture, destroyed her groceries and threw the meat out of the fridge.

LAWYERS for Human Rights have collected shocking affidavits of numerous cases alleging police brutality - and most victims allegedly faced police wrath only because they are black. Today *City Press* publishes a few horrifying accounts based on the affidavits. Human rights lawyers have called for a judicial commission of inquiry to probe allegations made by complainants throughout the Reef - and for police officers behind this reign of terror to be charged. Police have denied the claims made in these affidavits.

She was then driven to open veld, she alleges, and her hands handcuffed behind her back.

A piece of tyre inner-tubing was stretched over her face so she could hardly breathe and she was placed on her stomach and kicked on her back and face.

"One of the policemen pulled at my private parts I was not wearing underwear as I was not allowed to dress properly I felt severe pain

A policeman later took her to her husband's body in the backyard and allegedly said: "This is the Christmas present you are going to have," before loading him into a police van and driving away.

She again went to see Dr Motlana for treatment.

In a separate affidavit Isaac Motloung, also known as Mbusa, supports certain of Cindi's allegations and says police demanded to know the whereabouts of certain money. A piece of tubing was put over his face, he was kicked and punched and given electric shocks. He was unable to tell the police the whereabouts of the money.

When she saw her husband's body she started screaming and burst into tears and the policeman told her to "shut up"

After the police left Cindi found more than R1 000 had been stolen from the house. Her husband's watch and her wedding ring were also missing.

She saw Dr Ntata Motlana for medical treatment. The police took away a metal trunk containing her children's clothing, their hi-fi music system, her telephone and her husband's car.

Cindi says she also saw police putting cassettes in their pockets.

The following day she made several attempts to lay a charge against the police without success.

On January 4 police took her to Protea police stations where she was again assaulted and told she would be killed like her husband if she did not tell them where the money was.

She said she did not know

She was slapped across the face, a piece of tyre tubing was stretched across her face and she was forced to lie on her stomach.

A policeman stretched her legs apart until she was in terrible pain. "I thought I was going to die I couldn't breathe," Cindi said in her affidavit. When the tubing was removed her nose was bleeding.

The police demanded the name of her husband's friend. She told them his name was Mbusa and they took her to fetch him.

The police took him into a room and she saw electric wires attached to Mbusa's hands. One of the policemen was turning the handle on a white box. Mbusa screamed.

She was again assaulted and told to wash her underparts.

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# I was tortured for mistaken identity

**B**ERENG Mtselu of Pimville, Soweto, alleges he was tortured by police after being wrongly identified by a car thief as having received a stolen vehicle.

Mtselu says in an affidavit to Lawyers for Human Rights that on October 25 four policemen came to his home with a man he knew as Eric.

Eric, a taxi-driver, had admitted stealing a minibus at gunpoint and had told the police he had given it to Mtselu.

Mtselu says he denied

this, but was taken to a police station where his trousers and underpants were removed.

A piece of tyre tubing was stretched across his nose and mouth and he was ordered to lie on his stomach on the floor and to bend his knees.

His wrists were tied behind his back to his ankles.

The tube was tightened until he nearly lost consciousness, then was loosened and tightened again three times.

"I realised I would be killed if I did not tell them something." He said he would show them where the stolen vehicle was.

When the police found Mtselu had been lying they hit him and kicked him and put nooses around his and Eric's necks.

Eric then took police to where the stolen vehicle was and Mtselu was cleared of involvement.

# Police tried to undress me

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**C**ORRIENNE Norman claims she was arrested after an altercation with a white hobo and was beaten up, robbed and indecently assaulted by police.

In her affidavit, she said her night of horror began after she was detained in Hillbrow on March 24 and thrown into the back of a police van by two white policemen.

Norman said the van was driven out of the city and she was ordered to get out. Two other police vans were parked behind the one she had been in.

She was assaulted when she tried to write down the registration number of the police van and was kicked all over her body.

She tried to escape and was again assaulted.

She was carried into the van where a policeman

"jumped on me and tried to take off my dress. He grabbed my breasts and tried to kiss me. I pushed him away".

Teargas was sprayed into the van and the policeman shouted to be let out.

Norman said she believed if it had not been for the teargas she would have been raped.

She picked up the policeman's appointment certificate which had the name David Barber, his identity number and his force number W442654B.

Norman says she was then taken to Hillbrow police station, where Barber kicked her in the stomach.

She was then dragged to a cell, was released next day and was treated at Hillbrow Hospital that evening.

# 'Investigate police torture, assaults'

Staff Reporter

Lawyers for Human Rights have called on the Government to appoint a judicial commission of inquiry to investigate a "marked increase" in alleged assault and torture by police officers on people arrested

According to Mr Ahmed Motala, director of litigations at LHR offices in Johannesburg, numerous cases of police assault on political detainees and prisoners held for ordinary crimes have been recorded countrywide.

Mr Motala said the state of emergency had granted enormous powers of arrest and detention to police officers. The most common form of assault was placing a rubber car tube around a prisoner's face, preventing breathing while further assault was

conducted

"Electric shocks are also used among other methods"

Among the affidavits given to The Star is an account of an alleged assault on Ms Nonhlanhla Cindi of Soweto

Ms Cindi claims that several police officers had come to her house just before midnight in December last year looking for her husband.

She was then put into a yellow car and driven to an open area between Zola and Naledi, where she said she was assaulted. Police used a car tube during the assault, she said.

Ms Cindi said that when she was taken home, another policeman showed her her husband "lying in my neighbour's yard".

"I saw a swelling on the left side of his head, and blood oozing out of his body I began crying and screaming. The policeman told me to shut up," she stated.

Ms Cindi claimed that some days later, police again arrested her and assaulted her in the Protea police station — again using a car tube.

Police liaison officer for the Witwatersrand, Capt Eugene Opperman said of the allegations: "We do not hesitate to arrest policemen in circumstances showing a prima facie case. Details are then given to the Attorney General, who decides whether or not to prosecute."

According to Captain Joseph Ngubene, liaison officer for Soweto, the case of Ms Cindi is being investigated.



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# Lawyers seek documents to 'test' commission evidence

AN APPLICATION for the production of documents "necessary to test evidence" before the Harms Commission of Inquiry into politically motivated murders will be brought tomorrow by legal representatives.

Lawyers for the Independent Board of Investigation into Informal Repression, the Catholic Bishops Conference, Cosatu and the family of murdered Swapo member and Military Intelligence agent Anton Lubowski said they would bring the application before the commission.

Advocate Paul Pretorius told the commission last week the evidence in general already before the commission was contradictory to the evidence given by former policemen Calla Botha and Ferdi Barnard.

## Concealed

"There is some basis for the possible inference that these witnesses are being less than frank with the commission," he told Mr Justice Louis Harms.

"There is some evidence that documentation has been concealed, lost or is in the hands of persons who have not yet testified. This documentation is necessary to test evidence," he said.

Pretorius and Advocate Martin Luitingh, representing the Lubowski family, indicated they were not ready to proceed

MANDY JEAN WOODS

with cross-examination of Botha and Barnard.

Mr Justice Harms agreed to reconvene the commission briefly tomorrow at 10am to hear the application by Pretorius and Luitingh. However, he released Botha and Barnard from current subpoenas. They would be subpoenaed when necessary.

He said he would also rule on whether the murder docket for Wits academic David Webster — currently with investigating officer and Brixton Murder and Robbery Squad chief Brig Floris Mostert — should be made available to the Lubowski family legal representatives as requested.

Commission member Tim McNally said the results of the investigation into the Webster murder would have been seriously prejudiced if Mostert had given evidence on Thursday as scheduled.

After tomorrow's proceedings, the commission is expected to adjourn to April 23. Mr Justice Harms said he had decided to make documents relating to the transfer of funds between Lubowski and the SADF immediately available to Lubowski's legal representatives and later to the public.

This followed media disclosure of the name Global Capital Investments, the firm through which SADF money was allegedly channelled to Lubowski.

# Litigation only for the rich

Litigation in South Africa can only be afforded by those with considerable financial means at their disposal. The average person in the lower to middle income groups cannot afford to litigate.

In theory, South Africa's legal system is accessible to all, but in practice in any civil case that goes to court the successful party who is awarded costs will generally recover less than 50 percent of the fees outlaid to lawyers. Such fees, in a simple trial, can amount to between R10 000 and R50 000.

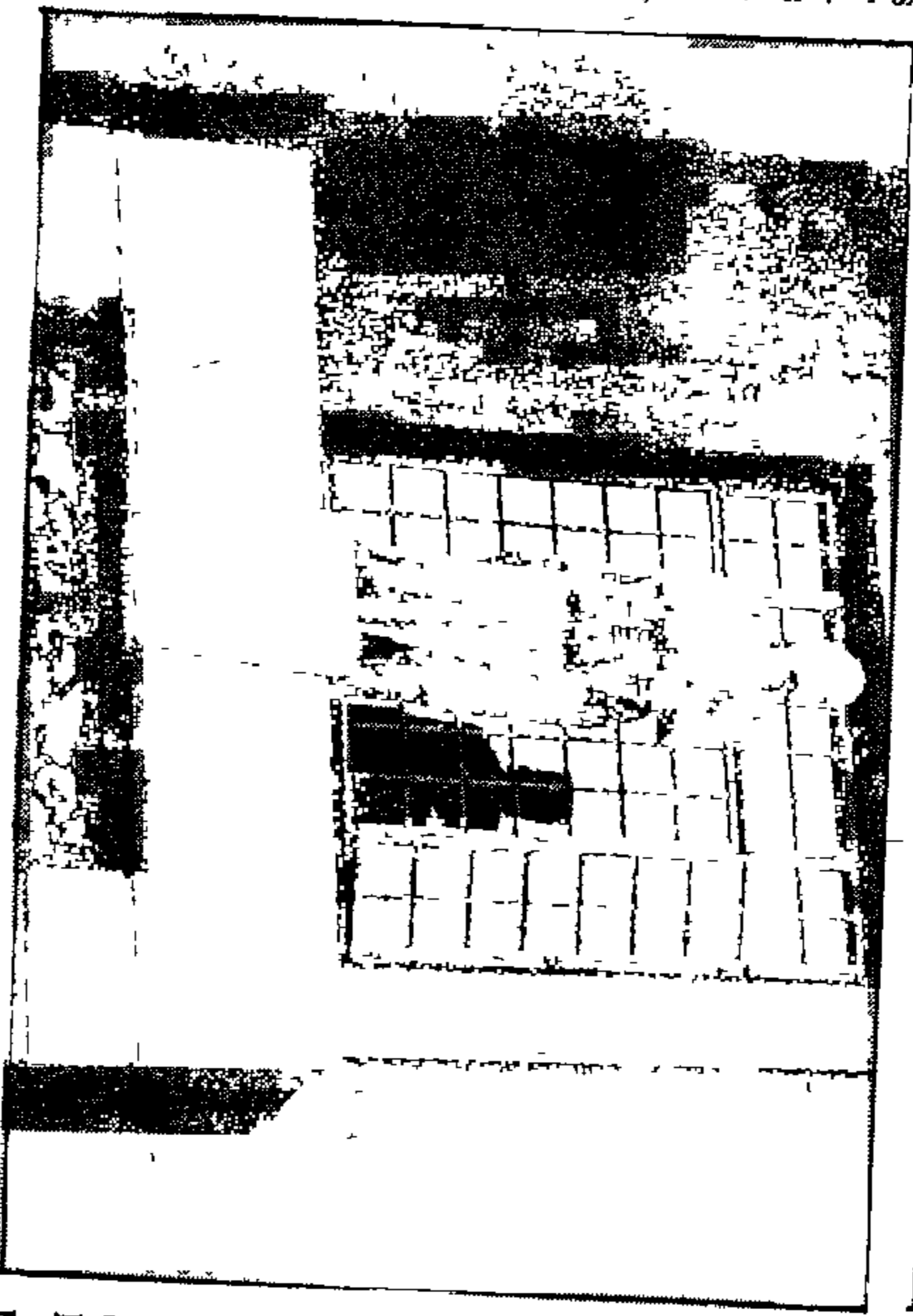
A close re-examination of the court tariffs, legal aid, the monetary jurisdiction of the Small Claims Court and an investigation of alternative methods for settling legal disputes is urgently required.

The unsuccessful party in a civil case is usually ordered to pay legal costs of the successful party, however, this is misleading. The costs to be paid by the unsuccessful party are determined by court tariffs which are unrealistically low in relation to the actual fees of attorneys and advocates. This means that the successful party will recoup less than half the legal costs paid.

When a person is owed money, for example, a loan, for motor accident or from a breach of contract, and the money cannot be recovered, the only option for recovery is to sue in a court of law. The other party will always have an opportunity to defend the claim. The amount claimed will determine which court will hear the mat-

In theory, South Africa's legal system is accessible to all, but in practice the average person in the lower to middle income groups cannot afford to litigate, writes **TIMOTHY GORDON**, GRANT of a Johannesburg legal firm.

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ter. If the claim is less than R10 000, the matter will be heard in the Magistrate's Court (with certain exceptions), while claims above R10 000 will generally be heard in the Supreme Court.

The litigant will require representation by an attorney (and, on occa-

sion, an advocate) in the Magistrate's Court and both an attorney and an advocate in the Supreme Court. Self-representation is not recommended in the courts under the existing system.

The attorney and/or advocate generally requires to be paid throughout the course of the action,

irrespective of the court in which the matter is heard. For the average person, it is not financially worthwhile to litigate unless the claim is well in excess of the anticipated legal costs. What alternatives remain for the ordinary potential litigant?

A Legal Aid system exists, but this has a means test that precludes the middle income and most of the lower income groups.

The Small Claims Court was recently introduced with the objective of enabling access to the courts for the litigant with a lesser claim. In this court, parties may not be represented by lawyers, and cases are heard at a very low cost.

However, the monetary jurisdiction of the Small Claims Court is R1 590 and claims in excess of this necessitate litigation in the Magistrate's or Supreme courts.

A possible means of alleviating the burden of immediate legal expense may be the charging of a "contingency fee". Here the outcome of the case determines the fee payable.

A percentage (by prior agreement between lawyer and client) of the amount awarded in a successful case is paid to the lawyer as a fee. At present, lawyers are not permitted to charge fees on a contingency basis.

The above alternatives, including other alternative methods for settling legal disputes, require urgent examination to give truth to the adage that "justice is for all".

# Meetings vetoed by council security

By Kitt Katzin and Steve McQuillan

Officials of the Johannesburg City Council's powerful security department have been making judgmental decisions on the integrity of political groups that wanted to use council venues for meetings.

In some cases, permission to hold meetings was denied after legitimate political groups were classified "radical" at the stroke of a pen.

Confidential documents show how senior security officials made independent decisions and recommendations on security matters on the basis of political considerations.

A classic example of the politically motivated assessments concerns an application by the Five Freedoms Forum (FFF) to use the Selborne Hall for a public meeting to debate the issue of restrictions placed on extra-parliamentary organisations.

Council security officials turned down the request on the grounds that organisations to which the FFF was connected were radical and that any such meeting could create bad publicity and negatively affect the outcome of the crucial 1988 municipal elections.

In its application the FFF noted that the theme of the meeting would be "Defend our Freedoms Don't ban Peaceful Change".

It informed the secretary of the city council's management committee that among prominent speakers at the meeting would be Mr Zach de Beer, an executive director of Anglo American and then chairman of LTA, Dr Frederik van Zyl Slabbert, executive director of the Institute for a Democratic Alternative for South Africa (Idasa), and Mr Cyril Ramaphosa, general-secretary of the National Union of Mineworkers.

The council was told that several organisations had also been invited to nominate one representative each to sit on the platform as a token of support for the FFF.

These organisations included Assocom, the Federated Chamber of Industries, the Chamber of Mines, the Black Sash, Women for Peace, Jews for Social Justice, Lawyers for Human Rights, the End Conscription Campaign (ECC) and the Methodist, Anglican and Presbyterian churches.

Also invited to the meeting was Professor Rob Charlton of the University of the Witwatersrand.

In its application the FFF enclosed a batch of

literature outlining its aims and activities.

The application, sent to the management committee secretary, was immediately passed on to the council's security division for vetting.

In his assessment of the status of the FFF, senior security official Mr P J Assenmacher recommended to Brigadier Jan Visser, chief of security, that the request to hire the Selborne Hall be refused.

## UDF links

This is what Mr Assenmacher had to say of the FFF "Some of the organisations invited to the FFF meeting are in principal radical in nature and peppered with radical personalities

"Some of these organisations are coupled to the United Democratic Front, which is one of the 18 organisations recently restricted"

The holding of such a meeting, said Mr Assenmacher, could possibly create negative publicity for the city council and place in danger people working at City Hall

His recommendation was supported by Brigadier Visser who, among other things, said that from a political point of view the holding of the meeting could negatively influence the outcome of the then pending municipal elections.

Brigadier Visser added that the Government, at that point, was giving serious attention to the ECC which, in his view, could also be banned soon.

Referring to the ECC's attendance at the proposed FFF meeting, Brigadier Visser said that the Afrikaner Weerstandsbeweging was fanatically opposed to the ECC and could possibly disrupt the meeting because of this.

● The Hiemstra Commission of Inquiry will start hearing evidence tomorrow into alleged irregularities in the city council's security department, including The Star's spy ring disclosures

Advocates leading evidence can be contacted directly by anyone wanting to testify or give information. Mr D M Fine, SC, can be reached on (011) 28-2000 and Mr W L Wepener on (011) 28-3140.

People wishing to testify or give information can also contact Mr F Malherbe on (011) 472-1400, extension 323, or contact the commission in writing. The address is Private Bag X30, Roodepoort 1725.

## More curbs on court reporting possible

CAPE TOWN — The Government was considering further curbs on court reporting, the 13th meeting of the South African Media Council was told yesterday.

Chairman Mr Jan Steyn confirmed that the Department of Justice was considering further media curbs on court reporting, but did not furnish further details.

He confirmed that he had various meetings with members of the Cabinet, including the State President and the Minister of Home Affairs.

Arising from these meetings the Minister of Home Affairs had requested the help of the Media Council in addressing restrictions on the media in the context of securing the fullest possible free flow of information.

It had been decided that the chairman should appoint a committee which could consult outside experts to analyse the existing statutory and regulatory restraints and to make recommendations on the lifting of these restrictions.

*S.A.P.*  
*10/490 Re-examination*

Mr Steyn said he had also had talks with the "alternative" press.

The Conference of Independent Editors had written to him saying they had decided to individually join the Newspaper Press Union. This could lead to their taking up seats on the council.

The Southern African Society of Journalists would re-examine, at its congress next month, the question of taking up its seat on the council.

The council had decided, in principle, that conciliator/registrars Mr Bob Steyn should be allowed to assume a quasi-lobbying function with government and extra-parliamentary parties to establish the council as the authority on media matters, the chairman said.

The council should also be consulted before the introduction of legislation which could affect the media.

The council's next meeting will be on November 19. — Sapa.

# Bafokeng tribe to sue for the return of R4-m

Own Correspondent

MMABATHO — Two forthcoming civil actions involving the Bafokeng tribe are to be heard soon in Bophuthatswana and South Africa.

Tomorrow in the Pretoria Supreme Court, the Bafokeng tribe and the present acting chief Mr George Molotlegi are to sue the absent chief Mr Lebone Molotlegi and a firm of Johannesburg attorneys for the return of an alleged R4,5 million obtained from royalties paid by the Rustenburg Platinum Mines to Mr Molotlegi on behalf of the tribe.

The second hearing concerns an application in the Mmabatho Supreme Court on April 18 to declare invalid the appointment of Mr George Molotlegi as acting chief.

He was appointed by President Lucas Mangope on September 13 1988 when Chief Lebone Molotlegi fled to Botswana after the abortive coup attempt on February 10 1988.

ster  
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## Rohan tells why he took up arms

ST 10/4/90 (52)  
DURBAN — Journalist Mohammed Rafiq Rohan, who was recently convicted of terrorist activities, told a Durban Supreme Court judge yesterday that he took up the armed struggle against the Government because he had been a victim of apartheid from the time he was a little boy.

Rohan, giving evidence in mitigation of sentence, said when he had caused the explosions at the CR Swart police HQ, the police radio workshop and Natal Command, he knew lives would be endangered.

But, he said, he had thought about the plan carefully to minimise the loss of life. His only targets were the police and the army, he claimed, and he had timed the explosions to go off at night. The hearing continues. — Sapa.

# Surprise witness fails to identify terrorism accused

10/4/90  
own Correspondent

CAPE TOWN — The State failed to get a positive identification of the 1987 DF Malan Airport bomber from a surprise witness at the reopening of the Yengeni terrorism trial in the Cape Town Supreme Court yesterday.

The trial reopened after eight co-accused were acquitted following President de Klerk's unbanning of the ANC.

The six remaining terrorism accused include Miss Jenny Schreiner, indicted for, among other charges, placing bombs in the women's cloakroom at the airport on July 12 1987.

Yesterday, DF Malan Airport cleaner, Mrs Eva Jacobs — a surprise State witness, not previously announced because the State was "responsible for her safety" — described events leading up to two loud explosions in the women's toilets in the Johannesburg departure hall at around midnight.

Mrs Jacobs said she was smoking a cigarette in the cloakroom with a colleague when she saw a woman carrying two bags leave one toilet, wash

her hands and enter another toilet.

When the woman left the cloakroom she was carrying both bags.

A short while later, when back at work in the departure hall, everyone was told to leave the building.

A few minutes later there was an explosion in the ladies' cloakroom. Police and dogs arrived and a short while later there was another loud explosion.

After describing the woman with the bags, Mrs Jacobs was asked whether the woman was in court. She paused for a long while, shook her head and then said she was not certain.

Mr H Klem, SC, for the State, asked the court's permission for Miss Schreiner to leave the dock and walk to the press bench to give Mrs Jacobs the opportunity of seeing her full-length.

Mrs Jacobs gazed at her intently and asked Miss Schreiner to turn sideways.

Mrs Jacobs shook her head and said Miss Schreiner looked similar to the woman she had seen but she could not be certain this was the same person.

The trial continues.

esday April 11 1990

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*star*  
**Council spying  
inquiry begins** *11/4/90*

Officials brought in photostat machines and tested microphones early today in readiness for the start of the Hiemstra Commission of Inquiry into The Star's revelations of alleged spy-rings in the Johannesburg City Council's security department.

The commission, under the chairmanship of Mr Justice V G Hiemstra, is to take evidence in the council chamber from a wide range of witnesses.

It has been set up by the TPA following revelations that the security department had monitored several prominent citizens.

It is alleged that information was passed on to the police and SADF, concerning the activities of groups such as the Five Freedoms Forum, Black Sash and the End Conscription Campaign.



Southern 11/4/90

## Malan's evidence: Harms defers decision

A DECISION to have Defence Minister Gen Magnus Malan appear before the Harms Commission of Inquiry into state involvement in politically motivated violence and to produce certain documents was reserved yesterday until the commission returns from London later this month. (250)

The commission chairman and sole member, Mr Justice Louis Harms, said an application brought at the start of yesterday's hearing would be dealt with at a later stage. (252)

There was no necessity to call Malan as he had already indicated his willingness to testify before the commission, he said.

The application was brought by legal teams representing the family of slain Swapo executive member Mr Anton Lubowski and various members of Cosatu, the UDF and the Independent Commission into Informal Repression.

Mr Justice Harms said yesterday's application was a waste of money and the commission's time as much of it could have been dealt with in informal discussions with the Free State Attorney-General, Mr Tim McNally, who is leading evidence for the commission.

If the discussions with McNally were not satisfactorily concluded the legal representatives could have consulted Mr Justice Harms on the issues in his chambers.

The chairman said the delay in the decision would not lead to documents being destroyed - as if there were documents that had been destroyed this would already have been done.

# No urgency to call for Malan to hand in papers — Harms

~~EDYTH BULBRING~~ (252)

AN APPLICATION calling on Defence Minister Magnus Malan to produce certain documents before the Harms Commission of Inquiry into politically motivated violence was reserved yesterday until the commission returns from London later this month.

Commission chairman Justice Louis Harms said yesterday there was no urgency to the application as Malan had already indicated he was willing to testify and had ordered all documents to be handed over.

The delay in the decision would not affect the outstanding documents, because if there were documents to be destroyed this would already have been done.

The application was brought by legal teams representing the family of murdered Swapo member Anton Lubowski and various members of Cosatu, the UDF and the Independent Commission into Informal Repression.

The application asked for all documents in the possession of the Defence Ministry, its employees or agents relating to the SA activities of the Civil Co-operation Bureau.

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## Crucial

In arguing the application Paul Pretorius said in spite of orders being given for all documents pertaining to the SADF special forces to be handed over this order seemed to have been disobeyed.

He said it was not sufficient that the order to produce documents had been given, as they had not materialised.

Harms said the Commission had come up against many problems in trying to get hold of documents. "I'm afraid it might already be too late," he said.

The root of the problem was that crucial documents had been lost or concealed, he said.

The application was a waste of time and money and it would serve the Commission better if it heard the testimony of other witnesses from the Defence Force before calling Malan as a clearer picture would emerge, Harms said.

The Commission, which is to hear evidence in London on April 23 from alleged police hit squad members Dirk Coetzee and David "Spyker" Tjikalange, would hear testimony from CCB members Col Staal Burger, Col Joe Verster and Christo Brits on its return.

Harms said once these witnesses had testified, he hoped other documents would come to light. He would then consult with all the interested parties on whether Malan should be called to testify.

Former Brixton Murder and Robbery Squad head Brig Floris Mostert would also be called to testify.

The Commission was postponed to April 23.

Star 12/4/90

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## Activist Webster monitored



Spy handler Mr Martin Hennig.

The Johannesburg City Council spy ring commission heard yesterday that Dr David Webster, the murdered activist, had been one of the members of the Five Freedoms Forum being monitored by a council spy.

Mr Martin Hennig, a spy "handler" in the city council's security department, said that during various "leftist" meetings attended by the infiltrator, information was collected on a number of anti-apartheid personalities, including Dr Webster.

Dr Webster was murdered outside his home in Johannesburg on May 1 last year. His murderer has never been found, and the case is the subject of an inquiry by the Harms Commission, which is sitting in Pretoria.

Mr Hennig told Mr Justice V G Hiemstra, the chairman of the Hiemstra Commission of Inquiry into The Star's revelations of the spy ring, that Dr Webster was not mentioned specifically in "spy dossiers". He was named with others.

● Evidence about bugging devices bought by the City Council's security department to monitor organisations and people the council considered a threat will be led.

Mr Dennis Fine, SC, who is leading evidence for the commission at the inquiry, which started yesterday, made his statement during questioning of Mr Hennig.

Mr Hennig said he had had no knowledge of such bugging devices but "if authorised to do it (bug people), I would do so".

He added that he was aware of what such devices looked like but knew nothing about any having been purchased by the council's security department.

# Johannesburg spy rings lawyer 'must be exposed'

By Norman Chandler,  
Louise Burgers  
and Helen Grange

A "vigorous" bid would be made to identify a Johannesburg lawyer who infiltrated Lawyers for Human Rights and the Five Freedoms Forum on behalf of the Johannesburg City Council spy ring, lawyers for the two organisations said yesterday.

They were addressing the Hiemstra Commission of Inquiry into The Star's revelations of a spy ring in the security department of the city council, which began its sittings at the Civic Centre yesterday.

Mr Justice V G Hiemstra, the chairman, heard testimony that a member of the spy ring, Martin Hennig, had been recruited to the department from Military Intelligence, and had been told he would be doing the same type of work for the council as he had for the South African Defence Force.

## Identification

Mr Gilbert Marcus, for the End Conscription Campaign, told the commission that any attempt to prevent the identification of the lawyer would go against "legal principles" and "we will vigorously oppose any attempt which may be made".

He was replying to Mr Hennig, who had declined to identify the attorney said to be involved after being asked to do so by another lawyer, Mr John Campbell, for the Five Freedoms Forum (FFF).

Mr Hennig had claimed that he had "never worked for Military Intelligence" but when challenged he said that he had worked "for a military intelligence unit known as GS2" and added that he had been based for two years at Witwatersrand Command prior to joining the City Council. Mr Hennig had been a lieutenant.

He declined to say to whom he had reported, as well as whether his unit reported to any other within the command structure of the SADF. He also declined, on the grounds that he did not have

legal representation, to identify the person who authorised infiltration and surveillance as "it could influence his situation".

Mr Hennig said he had infiltrated and placed under surveillance various organisations, including the FFF and Lawyers for Human Rights.

He also revealed that the council employed "unregistered" helpers. One of those monitored was Mr Tony Leon, a former city councillor and now a Democratic Party MP.

In addition, the department made use of "safe houses" and hotels, where documents were kept. These included the Johannesburg Fort, Sturrock Park and the Carlton Hotel.

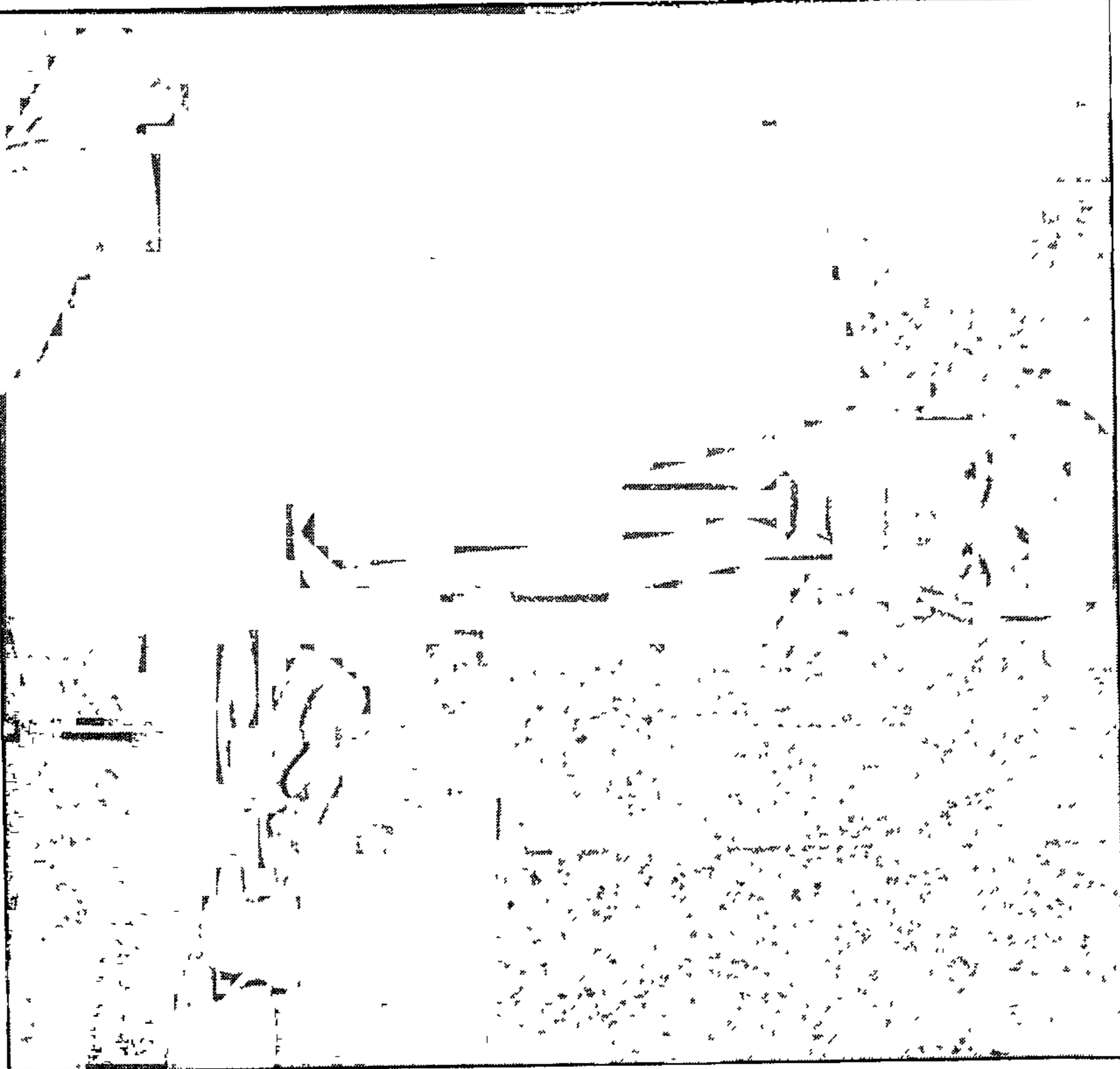
In an exchange with Mr Dennis Fine SC, counsel leading evidence for the commission, Mr Hennig said he thought the LHR had been a restricted organisation at one stage but was told that his viewpoint was "a lot of nonsense".

## Unions

The police and the military did not have sufficient personnel to contain the situation in such an event and that was one of the reasons why the council had to be involved.

Earlier, another former spy ring member, Mr Tony Bennett, described how he had been recruited to "monitor" trade unions, conscientious objectors and Wits university students.

Mr Bennett (29), questioned by Mr Fine, said his task had been the "infiltration" of organisations. He said Brigadier Jan Visser, former council security chief, was in charge of the spy operation and Mr John Pearce, director of public safety, was the "paymaster".



Mr Tony Bennett, a city council employee who spied on the End Conscription Campaign, photographed outside the Hiemstra Commission after giving evidence.

Mr Bennett, who was known as "Dick Botha" when he allegedly spied on the ECC and journalist, Mr Gavin Evans, was called as the first witness.

An assistant security officer at the Johannesburg City Council, he had monitored various trade unions such as the former Transport and General Workers Union. He had joined the council in 1987 and was "specifically" employed to monitor and "not

departments and it was his job to find out what those objectors were in fact doing.

Mr Fine said "That answer is nonsense". Mr Fine asked Mr Bennett what his mandate was from Mr Erik Barnard and Mr Piet Assenmacher, and Mr Bennett agreed with Mr Fine that it was "infiltration" of various organisations.

The Johannesburg City Council paid R1 800 for his university studies at Wits University and he was "a genuine student", Mr Bennett said. A member of the ECC at university, he left in 1988 and returned to his job at the city council.

In addition to his university fees, he had received R200 for information he gave to his superiors. He stopped working for the spy ring in August 1989.

Mr Fine said the date coincided with that given by the town clerk, Mr Mamie Venter, when he informed the press that the spy ring had been wound down. But, Mr Fine added, it was "quite clear that in November 1989, the spy ring was still operating".

Mr Fine said there were many other reports which had been signed "after the time you say you left the department".

Asked about his salary, Mr Bennett said he had told the Standard Bank he earned R2 387 and had "falsified" it in order to join the bank's Achiever-plan scheme. His salary was, in fact, R1 531.

## Liaison

Other work he had done included escorting guests of the mayor to Soweto almost every week and liaison on "worker problems" with other municipal departments.

The political considerations of the Johannesburg City Council were involved, he said, and in particular for the National Party.

## Informers

Details of people who attended meetings of that organisation were recorded by informers, and the information included names and addresses as well as car registration numbers.

"So it was not a question of observation but of investigation of people and their lives," Mr Fine said.

Mr Hennig replied it was "a necessary part" of surveillance - "I wanted to have all the details in the interests of my job. I required the facts, such as who owned what vehicle and so on".

Seventeen lawyers representing city council employees, the city council, End Conscription Campaign, the UDF, Nusas, the Five Freedoms Forum, and various individuals filled the first row of the horseshoe-shaped desk normally occupied by councillors.

Mr Fine told Mr Justice Hiemstra that "vast documents had been perused" in regard to evidence to be presented. Others were still being sought and would be checked as well.

He said there would be additional witnesses to be called other than those already subpoenaed.

Mr Fine added that cross-examination could take place over an extended period as it would be impossible to question witnesses fully at one and the same time because of the large amount of documentation which was to be perused.

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Former intelligence section chief Mr. Piet Assenmacher (top right) listens to the proceedings of the Hienstra Commission of Inquiry with his attorney.

Picture by Karen Fletcher

**By MICHAEL SHAFTO**  
If Mr Justice Louis Harms could strike a deal, he would be certain to make a beeline for the opulent council chamber of the Johannesburg City Council's Braamfontein headquarters.

The chamber where the judiciary's elder statesman, Mr Justice V G Hienstra, is holding the inquiry into revelations by The Star of a spy ring operating within the city's security department, is everything that Mr Justice Harms's present Pretoria headquarters are not.

The dimly lit narrow room where the Harms commission is investigating alleged hit squad murders is in direct contrast to the ultra-modern, lavishly appointed council chamber. Here everything is brightly lit by the overhanging chandelier that resembles a giant diamond necklace, suspended from the swan neck of a movie star dressed to the nines for dinner at the Ritz.

Individual microphones for each member of the legal teams representing a variety of clients, and others on the judge's bench and the witness box, ensure that a clear, precise picture of the proceedings emerges.

Now join me as a fly on the wall and meet some of the cast of characters featuring in The

## Tension in the Ritz as probe into Jo'burg's spy ring gets under way

Star's expose of the city's tawdry spy scandal that is likely to shock and appal the entire country for several weeks.

Overshadowing all as the commission got down to work for the first time yesterday, was the heavy, scowling presence of Mr John Pearce, former head of the traffic department, who now heads the security department whose affairs have been placed under Mr Justice Hienstra's microscope.

A large man with huge hands adorned with gold, a wrist watch and heavy rings, he never moved throughout the proceedings. He sat diagonally opposite the judge, staring impassively down at the chamber, his eyes seldom leaving the men who occupied the witness box. Except for the occasional moistening of his lips, not a muscle of his heavily jeweled, florid face moved as he sat hunched forward, like a bird of prey.

The judge himself looks like anyone's favourite grandparent. His hair is short and grey, his face remarkably unlined. It is with something of a shock that one realises that at 75 he is long retired

from a distinguished career in which he was once Judge President of the Transvaal, and a journalist in his younger days.

For one of the witnesses at least, it was an especially harrowing day.

Anthony Bennett (28), a member of Mr Pearce's security department, was in the witness box for more than an hour, a grueling 65 minute session before the first adjournment of the day. And here, unlike the Harms commission, the witnesses are required to stand.

As advocates representing a wide range of clients cross-examined him, there were times when he appeared distressed, his voice unsteady, eyes wet.

Questions aimed at discrediting his testimony and casting suspicion on his trustworthiness as an employee were fired at him in rapid succession by Mr Dennis Fine, senior counsel leading evidence, Mr Gilbert Marcus for the End Conscription Campaign (ECC) and Mr David Dixon, representing the Five Freedoms Forum (FFF).

A dapper young man in a neat dark suit and red tie it was he who finally became the first to mention his boss by name John Pearce, he admitted, was 'the paymaster and overall head' of the security department.

Thus, in effect, places him at the head of the spy ring, as The Star's revelations concerning the scandal claim. It was a dramatic moment, climaxing the early session.

Though apparently made of sterner stuff, Mr Martin Henning, another security official, also faltered just as the lunch break came. Questioned on the infiltration of organisations like the FFF and Lawyers for Human Rights and the attendance of picnics and cocktail parties at which people like Dr David Webster and Mr Tony Leon were kept under surveillance, he and Mr Fine indulged in toe-to-toe, acrimonious verbal slugging.

Why were movements like the FFF and the ECC "leftist", asked Mr Fine and the ECC "leftist", asked Mr Fine and the ECC "leftist", asked Mr Fine.

"Because they are against apartheid," Mr Henning snapped.

Much cooler in the comfort of the public gallery, in yellow and a white floral hat, was Mrs Pamela Solarsh, secretary to a string of mayors starting with Mrs Jessie Macpherson back in 1946, who is said never to miss a council event of significance.

# Bomb may have been for lawyers

12/4/90 By Guy Jepson 252

A bomb exploded in the basement of Innes Chambers, opposite the Rand Supreme Court, in central Johannesburg yesterday afternoon, damaging three parked cars.

The device detonated at about 5,10 pm under the Mercedes Benz of Mr Wolfgang Schmidt, an Innes Chambers tenant, seconds after he had left his car.

Innes Chambers houses the offices of several advocates and senior counsel, among them advocates involved in the Hiemstra Commission of Inquiry hearing evidence concerning the Johannesburg City Council spy ring.

Police spokesman, Lieutenant-Colonel Danie Koen said initial investigations suggested that the bomb could have been a home-made device, but that security officers on the scene were still investigating. A full report would be available today. No motives had been established.

The windscreen of Mr Schmidt's car cracked under the force of the blast which dislodged a concrete block in the floor of the parking bay. Another Mercedes parked two bays away sustained two flat tyres and a shattered windscreen and a Toyota van was slightly damaged.

"I had just parked my car and was walking away from it to go to upstairs when the bomb went off," Mr Schmidt told The Star. "It was right underneath my car — I'm lucky I didn't take the trouble to reverse into the bay."

Mr P Nortje, the manager of the building, said there had been a bomb threat to a lawyer at Innes Chambers about a month ago.

Town clerk 'knew no details'

# I was misled

# Over council spy-rings - Venter

By Norman Chandler, Helen Grange and Louise Burgers

Johannesburg town clerk Mr Manie Venter claimed yesterday that he was "misled" by top council officials who served with him on the secret security committee.

The committee — established in 1985 — was made up of the late Mr Dame van Zyl, former management committee chairman, Mr John Pearce, director of public safety, Brigadier Jan Visser, former chief of security, and Mr Venter himself.

The committee dealt with security measures due to be placed before the management committee, the Hemstra Commission of Inquiry into The Star's revelations into spy rings in the Security Department heard on the first day of its deliberations.

The new chairman of the management committee, Mr Ian Davidson, elected on Monday after the former National Party-controlled committee was ousted, was among those who spent most of the day listening to testimony from three witnesses. They were Mr Tony Bennett and Mr Martin Hennig, both former operatives, and Mr Venter.

Mr Venter told Mr Dennis Fine, SC, appearing for the commission, that although he had authorised payments to informers, he did not know the details of their operations.

He said he was not aware, for instance, that the AWT, End Conscription Campaign, and other political organisations were being monitored by council spies.

His impression was that the security department was merely involved in the protection of national keypoint areas and council property.

Mr Venter said he was asked by Mr Pearce and Brigadier Visser in 1985 to authorise payments for information which would be of use to the council. The amount to be paid on any one occasion was limited to R300.

"I was not fully aware of the activities of the informers," said Mr Venter.

More stories — See Pages 6 and 11.

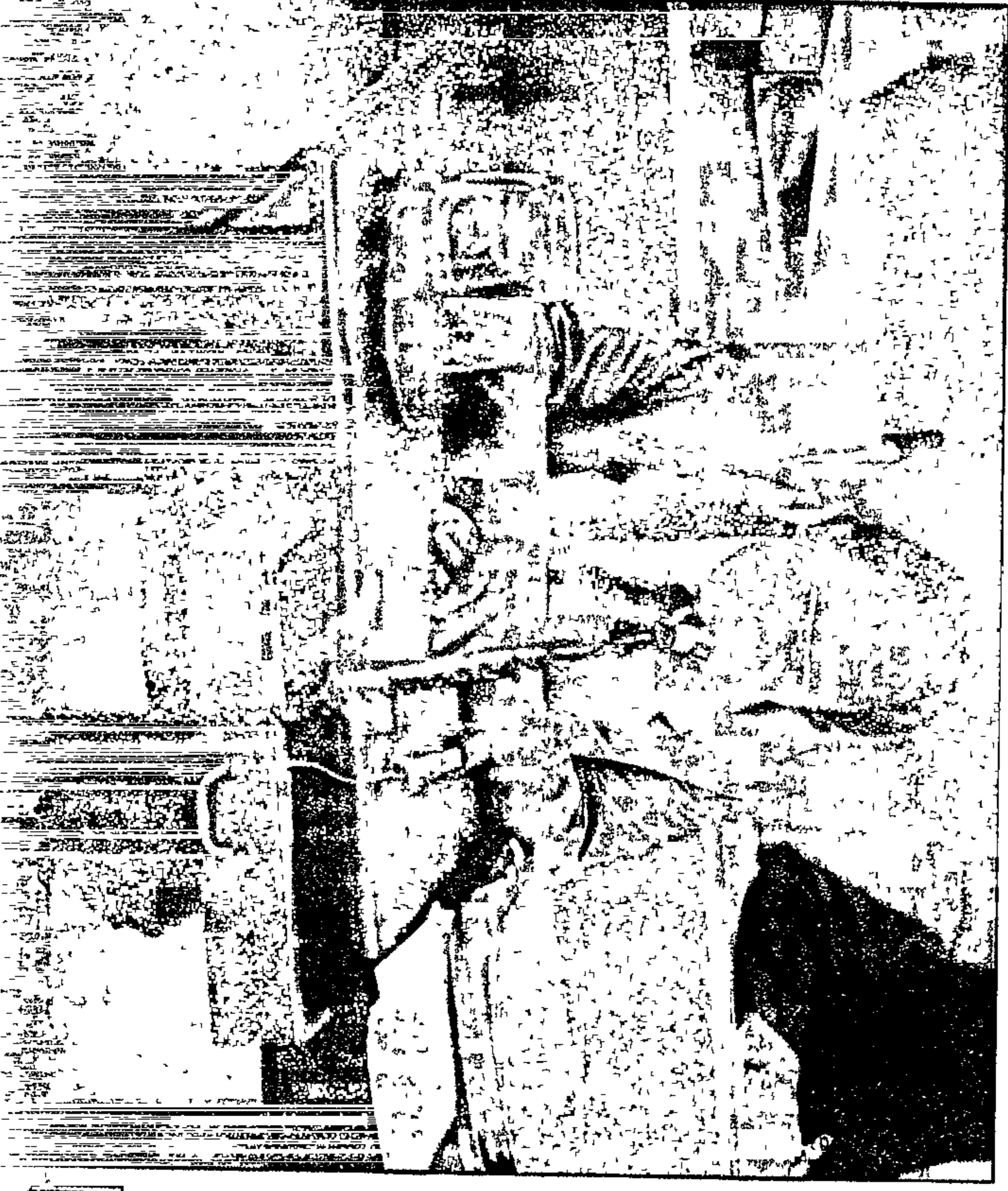
Mr Fine asked him if he knew that trade unions and other anti-apartheid organisations were spied on. "The department went about things which con-

See p1490

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Director of Public Safety Mr John Pearce leans on his hand at yesterday's opening day of the Hemstra Commission. With him at the table normally reserved for public relations officials are security department operations manager, Mr Fik Barnard (left) and former security chief, Brigadier Jan Visser.



## Bomb may have been for lawyers

See p1490 By day reporter

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## Weekend Star

The Star will not be published tomorrow.

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"I was not fully aware of the activities of the informers," said Mr Venter.

### More stories — See Pages 6 and 11.

Mr Fine asked him if he knew that trade unions and other anti-apartheid organisations were spied on.

"The department went about things which concerned the council," said Mr Venter.

On the spying and investigation of organisations such as the Lawyers for Human Rights, ECC and Five Freedoms Forum (FFF), he said: "I did not have any knowledge of that ... I did not realise they were being spied on. If the information had nothing to do with the council, if it did not concern us, I would not have authorised the payments."

Mr Fine said that as a responsible representative of the council, Mr Venter should have known.

He answered, "I did authorise payments, but did not know the details. You can say I was misled."

He repeated this at various times during his 90-minute testimony.

Mr Fine asked him whether or not he had a responsibility to the citizens of Johannesburg if he felt he was being misled.

Mr Venter said he "did not work through the press", and that was why he did not issue a further press statement after The Star, on March 22, pointed out several inaccuracies in an earlier statement concerning spies. He had, however, gone back to Brigadier Visser and inquired if informers had infiltrated the ECC.

Mr Fine asked him if he had told Brigadier Visser and Mr Pearce that he had been misled.

"I said I hadn't known (about details of the ECC infiltration)," Mr Venter replied.

Under questioning, he also said that the contents of certain letters he had signed could have been misleading. These included authorising payment for funds required for spy work, after the July 1989 date when, he said, the spy ring had been wound down.

The sums involved included one for R2 000, and others for R605, R1 500 and R1 850.

Mr Fine said "These documents show without a shadow of doubt that spy rings continued (after July) — and you had no knowledge of it? Why would they mislead you?"

Mr Venter: "I cannot say."

Mr Fine "But the public's money was used, trade unions were infiltrated. What we have here is these payments, a whole list of payments which had nothing to do with safety matters. If that were the case, you were completely misled. These documents have misled you?"

Mr Venter: "Yes."

He was also quizzed on renovations to his house. Apart from R40750 spent on electrified gates and new boundary walls, R24250 was used to convert part of the garage into a kitchen, shower and toilet, he

In the spotlight ... Johannesburg town clerk Mr Manie Venter gave evidence yesterday to the Hiemstra Commission. He claimed he had been misled about spy operations for which he had authorised payment.

## 8 more killed in Natal violence

By Craig Kotze

Eight more people were killed in Natal town-ship unrest yesterday — five of them in another massacre in Mpumalanga near Hammarsdale, police said.

The bodies of two women and three men were found in a bullet-riddled minibus in Mpumalanga.

According to a DP monitoring group, a car drove past the taxi as commuters were boarding and opened fire.

Three men were also seriously wounded in the attack.

The monitoring group said a previous report of a car with occupants armed with automatic weapons had been received in the Maritzburg area, but it was not known if it was the same group.

The latest killings have pushed up the toll in unrest- or community-related conflicts in Natal this week to 24 and have sparked fears of a renewal of the spiral of violence in Mpumalanga.

## De Klerk impresses SA church leaders

Political Staff

CAPE TOWN — A listening ear had replaced a wagging finger in the office of the President at Tuynhuys, Archbishop Desmond Tutu said yesterday.

Addressing a press conference after a delegation of church leaders had held talks with President de Klerk, Archbishop Tutu said that while not wanting to harm the President "by praising him too much, we have someone there who appears to listen. He engages people in discussions and we want to stress that we were received very warmly. People were able to say their concerns freely."

The delegation told Mr de Klerk they were deeply concerned that the actions of the se-

malanga.

The police spokesman said a "necklace" killing was reported from Port Shepstone's Izingweni township, where a woman was burnt to death.

Two killings were reported from the Edendale "Valley of Death" near Maritzburg, where more than 2 000 Defence Force troops have been deployed amid warring Inkatha and UDF groups. Police said both killings were reported in Sweetwaters — where a man was shot dead and another was hacked to death by a mob.

Yesterday, army reinforcements in the form of elite 32 Battalion troops arrived in Durban for deployment in Maritzburg townships.

Yesterday's police unrest report had only one death from outside Natal. Police said a man was killed in faction fighting in Crossroads near Cape Town.

● See Page 2.

ters could jeopardise the creation of the climate for negotiations.

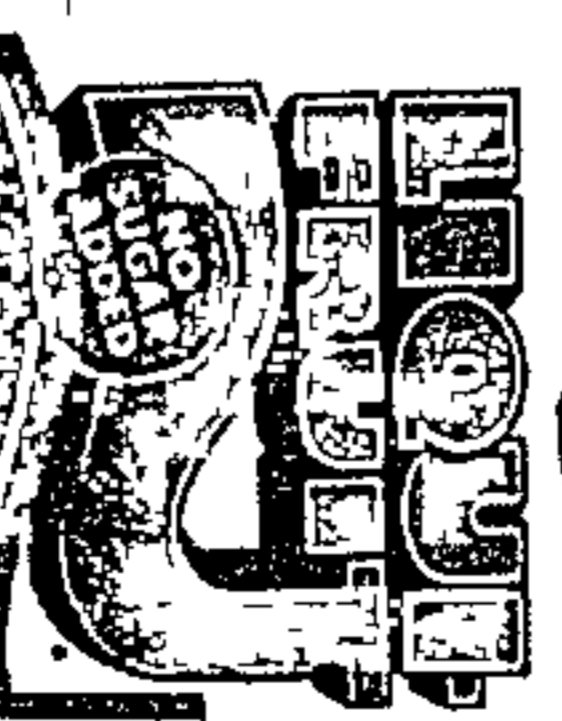
The churches wanted to do all they could to assist the authorities in creating the climate conducive to negotiation, he added.

● The church leaders also asked Mr de Klerk to help implement a stalled Natal peace plan that was drawn up between Inkatha and the UDF/Cosatu alliance last July.

The plan provided for a meeting in London of the ANC, United Democratic Front, the Congress of SA Trade Unions and Inkatha, a joint peace conference with 250-people-strong delegations, joint peace rallies, joint peace committees to monitor the implementation of peace, a joint peace publicity com-

● Pictures by Karen Fletcher

# Prices





# The buck doesn't stop at Mamie's desk

NORMAN CHANDLER

THE buck doesn't necessarily stop at the desk of Johannesburg Town Clerk Mamie Venter it was found this week — he has spent two days passing on the "blame" for the proliferation of spies in the City Council.

And the men he has been saying who knew far more than he, and by implication misled him, are security department chief Mr. John Pearce and the one-time deputy, Brigadier Jan Visser.

The reputation of his answers has been added to by other similar statements in regard to questions put to him at the Hiemstra commission of inquiry into revelations by The Star of the existence of spy rings in the municipal security department.

There were three direct requests made by Mr. Venter to Mr. Justice V G Hiemstra, the chairman, for certain information he could give to be heard in camera. Thus as well as his repeated claims he had not been privy to or could not recall some documents, even though he signed some of them.

Mr. Venter was, however, not the only witness to decline to answer questions in public — a security man, Mr. Martin Henning also said he wouldn't do so, but in his case he wanted legal representation.

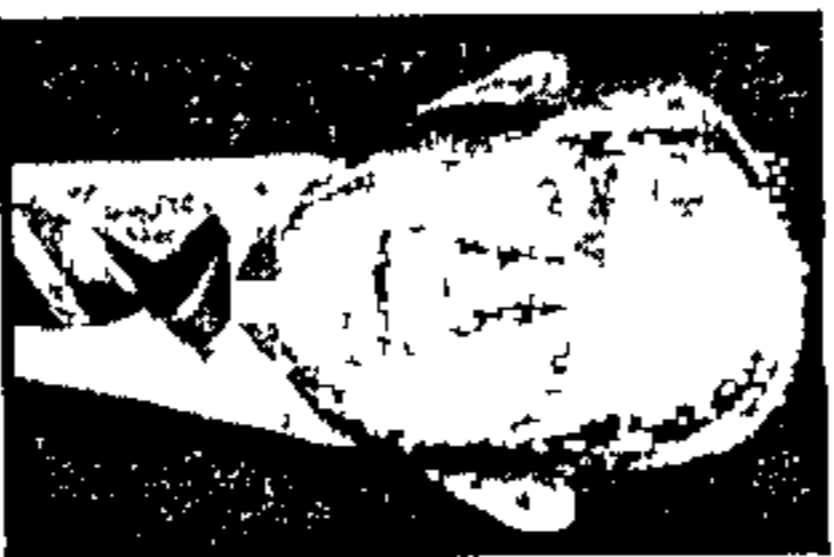
There has also been the matter of missing documents, this caused a 40-minute delay in proceedings on Thursday afternoon, and a decision to only re-convene next Wednesday so that the lawyers trying to make head-or-tail out of testimony so far heard from three witnesses could peruse material which has been locked away by city council officials, the commission heard.

The commission has heard about how political organisations and personalities were monitored, how car registration numbers were checked, addresses kept, and the personal habits of some people minutely documented.

These included a former councillor Mr. Tony Leon, now MP for

Houghton. One key revelation so far has been that there were direct links with the police and SA Defence Force.

Mr. (formerly Lieutenant) Henning joined from a unit of Military Intelligence, and information obtained by him and his colleagues was, it would appear, sent as a matter of course to the police and military.



**'You were in charge. You are the town clerk. You should have known.' — Mr Justice Hiemstra (above) to Mr Venter.**

This has brought into the commission room — Johannesburg's council chamber — a man who is a key part of the legal team representing the Webster Trust and the Labovoski family in the Hartus Commission of Inquiry into allegedly politically-motivated murders.

Dr. David Webster, an activist and Mr. Anton Lubowski, a Swapo national executive member, were both murdered last year. Their killers have not been found. Mr. Martin Luitjugh was seen to be actively briefing lawyers for the Five Freedoms Forum at the Hiemstra Commission this week.

Mr. Justice Hiemstra, after almost feeling his way on the opening day of the commission, took the bull by the horns on Thursday with some incisive questioning of Mr. Venter — already reeling from having been told several times by the commission's counsel, Mr. Dennis Fine S.C., that some of his answers were giving counsel "trouble" in trying to understand them.

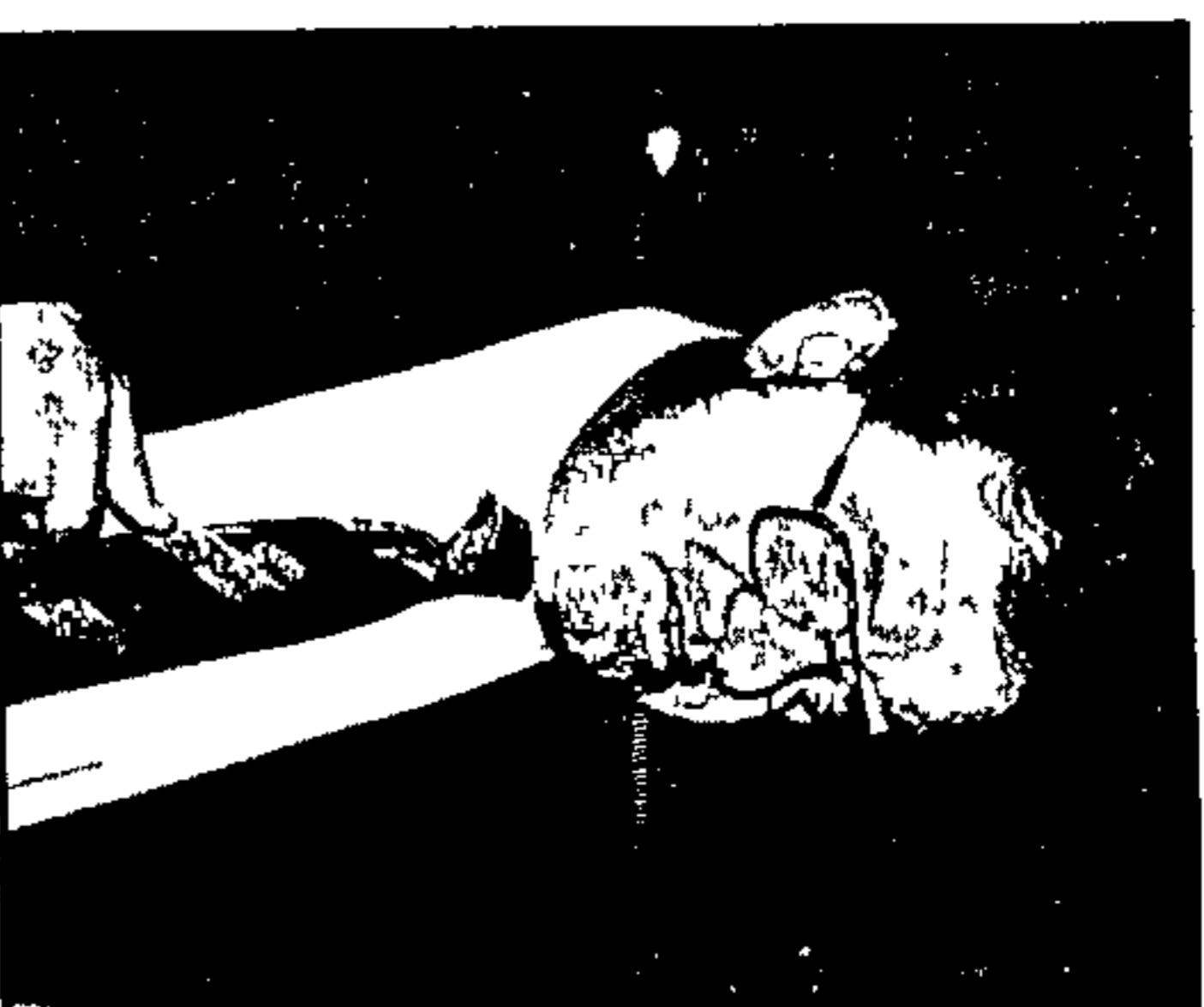
The judge — appointed by the Administrator of the Transvaal to look into the Council after The Star's reports — was obviously exasperated at times and none more so than when Mr. Venter kept on saying that he had not had access to some papers, that he had not seen particular letters and other documents, and that Mr. Pearce, Brigadier Visser and Mr. Frick Barnard were the people who should be asked about particular projects.

"But you were in charge. You are the Town Clerk. You should have known," came the sharp rebort from Mr. Justice Hiemstra. Mr. Venter could only remain silent.

The judge's exasperation had been building up for some time — almost from the moment that Mr. Venter had admitted to Mr. Fine that, although he had authorised payments to informers, he did not know the details of their operations.

He was not aware, for instance, that the African National Congress, the End Conscription Campaign (ECC), Five Freedoms Forum, Lawyers for Human Rights, Azapo and other political organisations were being monitored by council spies, some of whom were on the official payroll while others were called "registered" — in other words, men and women who lived in streets such as 9th Street, Orange Grove, and apparently spied on their neighbours.

Mr. Venter admitted that his impression all along was that the security department was merely involved in the protection of National Key Point areas and council property, such as power stations. He did however say he had been asked by Mr. Pearce and Brigadier



UNDER SCRUTINY Town clerk Mr. Mamie Venter (left) and one of the men whom, he implied, had misled him, Brigadier Jan Visser, one-time deputy head of the security department.



Visser in 1985 to authorise payments for information which would be of use to the council.

The motivation by Mr. Pearce and Brigadier Visser had not been put in writing.

"I was not fully aware of the activities of the informers," Mr. Venter said.

This was when some of the memorable evidence to date began to emerge, the admission by Mr. Venter that he could have been misled.

It was almost from that moment that commission observers noted that he kept on agreeing with Mr. Fine that he had indeed been misled, again emphasising that he had been briefed by Mr. Pearce and Brigadier Visser (with odd briefings coming from Mr. Barnard).

"Ask them," he seemed to matter on saying it didn't seem to matter that he had served with two of those officials, plus a man who is now dead, on the same top-secret security committee.

The late Mr. Danie van Zyl, a former management committee chairman, Mr. Pearce, Brigadier Visser and Mr. Venter took all the decisions, as a committee, about security within the City Council and only then was the information passed on to the management committee for ratification.

Another former operative, Mr. Tony Bennett, seemed to find the occasion overwhelming to the extent that he appeared to be distressed after giving evidence in the public gallery was Mr. Jan Burger, who was the former chairman of the management committee.

**'I did authorise payments but did not know the details. You can say I was misled.' — Mr Mamie Venter.**

Mr. Fine said Mr. Venter should have known about what was going on, particularly in regard to payments.

Mr. Venter said, "I did authorise payments but did not know the details. You can say I was misled."

He repeated this at various times. Mr. Fine asked him whether he had told Brigadier Visser and Mr. Pearce that he had been misled.

Mr. Fine asked, "The Town Clerk said 'no' when asked by the Press if the ECC was not monitored. That is patently incorrect, is that not so?"

Mr. Bennett replied, "That is correct."

C/Press 15/3/90

## Rohan sentenced

CONVICTED saboteur and ANC member Muhammed Rafiq Rohan was this week sentenced in the Durban Supreme Court to an effective 15 years' imprisonment.

Passing sentence on the 36-year-old Durban journalist, Judge Brian Law said if Rohan had not been caught after the explosion at Durban's CR Swart Police headquarters he would have continued his mayhem.

Rohan was also convicted for causing the explosion at an electricity sub-station and of possessing machine guns and ammunition. — Sapa.

# CP blamed for man's indecent

press

15/4/90

(25)

(252)

By DAN DHLAMINI  
A POTCHEFSTROOM  
man discovered this week  
that urinating in public  
can be expensive.

Sam Fumba, 26, who  
appeared before Potchef-  
stroom magistrate F du  
Toit on a public indecen-  
cy charge, was fined R30  
or five days.

Pleading in mitigation,  
Fumba said he was hard-  
pressed at the time and  
there were no public toi-  
lets nearby.

After the case, people  
said Fumba was fined be-  
cause the Conservative  
Party-controlled town  
council of Potchefstroom  
refused to open public  
amenities.

(2) whether he or his Department has investigated the (a) economic and (b) juridical implications of these steps, if not, why not, if so, what are these implications, in each case? B718E

**THE MINISTER OF MINERAL AND ENERGY AFFAIRS AND PUBLIC ENTERPRISES**

(1) No A final decision regarding the granting of mining rights will be taken after the completion and evaluation of the environmental impact assessment which is presently being undertaken  
(a) and (b) Fall away

(2) Falls away

**GST on prescribed medicines: revenue**

\*21 Mr M J ELLIS asked the Minister of Finance *Hans van der Merwe* 17/4/90

What was the total amount of revenue received by the Government from general sales tax on prescribed medicines for the 1988-89 financial year? B738E

**THE MINISTER OF FINANCE**

Inland Revenue does not require registered vendors to furnish the particulars of sales tax collected on each type of commodity as this would place an unreasonable administrative burden on the business sector. For this reason separate statistics of collections on prescribed medicines are not available. The Pharmaceutical Society of South Africa has estimated that the sales of prescribed medicines for the 1989 calendar year amounted to R1 040 million. If one assumes that sales tax was payable on the whole of this amount the revenue collected would amount to R120 million. These figures exclude prescribed medicines supplied by medical practitioners and hospitals.

**GST on prescribed medicines: abolition**

\*22 Mr M J ELLIS asked the Minister of Finance *Hans van der Merwe* 17/4/90

Whether consideration is being given to abolishing general sales tax on prescribed medicines; if not, why not? B739E

HOUSE OF ASSEMBLY

**THE MINISTER OF FINANCE**

No Representations have on numerous occasions been made for prescribed medicines to be exempted from general sales tax and careful consideration has been given to the matter. It is, however, essential, particularly in the case of an indirect tax such as sales tax, for the base to be as wide as possible. If an exemption was granted in respect of prescribed medicines it would not only open the door for exemptions in respect of other equally meritorious cases, but would mean that the loss of tax would have to be recovered by an increase in the rate of tax.

**Colonel Bob Denard: residence permit**

\*23 Mr L FUCHS asked the Minister of Home Affairs *Hans van der Merwe* 17/4/90

(1) Whether a temporary or permanent residence permit has been issued to Colonel Bob Denard, if so, (a) for how long and (b) why?

(2) what is the total anticipated cost to the State of providing refuge to Colonel Denard,

(3) whether he will furnish details on the present whereabouts of this person, if not, why not; if so, (a) where is he residing at present and (b) at whose expense is he residing there? B740E

**THE MINISTER OF HOME AFFAIRS**

(1) A temporary residence permit has been issued to him. An extension will be required from 1 May 1990. Colonel Denard's residence in South Africa must be seen against the background of the turbulences which occurred in the Comores in December 1989. On occasion my colleague, the Minister of Foreign Affairs, has made public statements on the events. It boils down to the fact that both the former government of the Comores and the French Government have requested South Africa to accommodate Colonel Denard. The South African Government was initially not in favour thereof, but after repeated appeals by the two aforementioned governments, the government, for the promotion of peace and quiet in the Comores, agreed to be of assistance. In the meantime discussions

with the French Government regarding Colonel Denard's position and future are being conducted.

(2) None *Hans van der Merwe* 17/4/90

**Mr Lennox Sebe in SA**

\*24 Mr L FUCHS asked the Minister of Foreign Affairs

(1) Whether Mr Lennox Sebe is currently residing in South Africa; if so, (a) under what conditions has he been granted permission to do so and (b) at what total anticipated cost to the State,

(2) whether he is to be granted political asylum, if not, why not; if so, for what reasons? B741E

**THE MINISTER OF FOREIGN AFFAIRS**

(1) Yes

(a) Under circumstances where he left his country as Head of State and where a coup d'état was carried out in his country during his absence. He was not unwilling to return to the Ciskei. After consultation with the South African Embassy in the Ciskei and the National Council of the Ciskei, he was advised not to return to the Ciskei for the time being in the interest of the promotion of peace and quiet in the Ciskei, which is at the same time in the interest of South Africa. Further, Mr Sebe is receiving medical treatment in South Africa.

(b) He and his spouse are being accommodated in a house which was available. He pays for their upkeep himself.

(2) No request for political asylum has been received.

**Retirement annuity funds: extension of**

\*25 Mr H H SCHIVARZ asked the Minister of Finance *Hans van der Merwe* 17/4/90

Whether any consideration has been given to extending the age of retirement in respect of

retirement annuity funds beyond 70, if so, what conclusion has been arrived at, if not, why not? *Hans van der Merwe* 17/4/90 B743E

**THE MINISTER OF FINANCE**

Yes. It was concluded that the age limit should not be extended as the purpose of allowing a deduction in respect of contributions to retirement annuity funds is to permit a person to defer tax on a portion of his income during his productive years until after his retirement. Very few people remain productive after attaining the age of 70 years, and it appears that any raising of the age limit would mainly benefit those senior citizens fortunate enough to have more than sufficient income to meet their needs, and who merely wish to further defer the payment of tax.

**Durban prison at Westville: emergency detainees**

\*26 Mr R M BURROWS asked the Minister of Law and Order *Hans van der Merwe* 17/4/90

(1) Whether any persons are being detained in terms of the state of emergency at the Durban Prison in Westville, if so, how many, *Hans van der Merwe* 17/4/90

(2) whether he will make a statement on the matter? B744E

**THE MINISTER OF LAW AND ORDER**

(1) Yes, 18 persons on 17 April 1990

(2) The detention of these persons is as a result of the conflict situation in Natal and is in the interests of the maintenance of law and order, the public safety and the termination of the statement of emergency.

**Minister/Mandela: meetings outside prison**

\*27 Adv S C JACOBS asked the Minister of Justice *Hans van der Merwe* 17/4/90

(1) (a) On how many occasions did he meet Mr Nelson Mandela outside prison premises and (b) (i) where and (ii) when did each such meeting take place,

(2) whether he was accompanied by any other Cabinet Ministers at these meetings, if so, by what Ministers,

(3) whether the constitutional future of South Africa was under discussion at any of these meetings, if so, at which meetings? B752E

HOUSE OF ASSEMBLY

## The MINISTER OF JUSTICE

(1) (a) Ten (10)

(b) (i) and (ii)

Volks Hospital

My residence in Cape Town

Tygerberg Hospital

Constantiaberg Medi-Clinic

Tuynhuys

My office in Cape Town

17 November 1985  
20 and 21 July 1986 and 10 October 1986  
17 August 1988  
4 September 1988  
5 July 1989, 13 December 1989 and 9 February 1990  
25 January 1990

(2) The Minister of Constitutional Development was present at the meetings on 13 December 1989 and 9 February 1990

(3) No, in this regard the honourable member is referred to my reply of 20 March 1990 on interpellation number 1

## Minister/Mandela: meetings in prison

\*28 Adv S C JACOBS asked the Minister of Justice +

(1) Whether he met Mr Nelson Mandela in a prison during the period 1 January 1987 to 31 January 1990, if so, (a) (i) for what purpose, (ii) when and (iii) where did these meetings take place and (b) how many such meetings were there,

(2) whether he will make a statement on the matter?

B753E

## The MINISTER OF JUSTICE

(1) Yes

(a) (i) The Honourable Member is referred to the interpellations of 20 and 27 March 1990

(ii) and (iii) and (b)

I met Mr Mandela on three occasions at Pollsmoor Prison and on nine occasions at Victor Verster Prison during the period mentioned

(2) No, this issue has been dealt with in detail on various occasions and I consider further statements in this regard unnecessary

Margate/Durban and Durban/Empanangem: traffic counts

\*29 Mr J A JORDAAN asked the Minister of Transport +

(1) Whether traffic counts are held on a continuous basis on the N2 route between (a) Margate and Durban and (b) Durban

252

and Empanangem, if not, why not, if so, how do these traffic counts compare,

(2) how many accidents occurred on the N2 route between (a) Durban and Empanangem and (b) Durban and Margate in 1989?

B767E

## The MINISTER OF TRANSPORT

(1) (a) and (b) Yes, the permanent counting station at Turton indicates that an average of 7 737 vehicles use the route between Margate and Durban, and the permanent counting station at Tongaat indicates that an average of 8 889 vehicles use the route between Durban and Empanangem, daily,

(2) during the period 1 July 1988 to 30 June 1989 (a) 684 road traffic collisions between Durban and Empanangem and (b) 466 road traffic collisions between Durban and Margate, were recorded

## Murders/robberies on trains/at stations

\*30 Mr R V CARLISLE asked the Minister of Mineral and Energy Affairs and Public Enterprises

(1) How many persons were (a) murdered and/or (b) robbed or otherwise assaulted on trains or at stations during the latest specified period of 12 months for which information is available,

(2) what action has been taken to ensure the protection of the lives and property of members of the public on trains or at stations?

B769E

## The MINISTER OF MINERAL AND ENERGY AFFAIRS AND PUBLIC ENTERPRISES

(1) Particulars are not readily available and it will take much time and expense to gather such information

(2) Monthly meetings are held with the Regional Commissioners of the S A Police in the relevant regions. During such meetings problem areas are identified after which preventative actions are conducted. Trains are also frequently accompanied by the S A Police

Spoornet is presently in the process of establishing its own security unit who will also see to the safety of passengers

## Political violence deaths

\*31 Mr R V CARLISLE asked the Minister of Law and Order

(a) How many persons have died in or as a result of political violence since 1 January 1990 and (b) how many such persons were members of the South African Police Force?

B770E

## The MINISTER OF LAW AND ORDER

(a) 1 January 1990 until 31 March 1990 — 574 persons

(b) 14

## Military disability pensions

\*32 Mr B B GOODALL asked the Minister of National Health and Population Development

(a) How many persons were in receipt of military disability pensions, and (b) what amount had been paid out in such pensions, as at 31 March 1990?

B771E

## The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

(a) 11 371 widows included,

(b) the amount in respect of military disability pensions, only, is not readily available. A total amount of R46 539 035,49 was paid out in respect of all military pensions for the financial year ending 31 March 1990

## INTERPELLATION

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

*Own Affairs*

## Redundancies/retractions in White schools

Mr K M ANDREW asked the Minister of Education and Culture

Whether, in view of his announcement on 23 March 1990 relating to the opening of schools to all races, he will consider postponing decisions on further redundancies and retractions of teachers in White schools, if not, why not?

B772E INT

The MINISTER OF EDUCATION AND CULTURE Mr Speaker, the Department has always attempted to handle every facet of its rationalisation programme which embraces, *inter alia*, the disposal of redundant buildings and the possible retrenchment of teaching personnel with great care. Decisions on rationalisation are only taken after thorough research, the study of demographic projections, intensive consultation with all the parties concerned, and taking into account all the relevant factors

Some of the most important factors which influence the decision whether or not to rationalise are the wishes of the community. It has happened that a community itself has requested a school to be closed. Others are the area in which the school is situated, the accessibility of other schools, the possibility of amalgamation rather than closure, the viability of maintaining good educational standards with the present pupil enrolment, the possibility of presenting an adequate curriculum and satisfactory alternative arrangements

Obviously, my announcement in this House on 23 March of two possible further models for educational provision which have now been referred to the statutorily recognised advisory bodies for comment, will have a bearing on any future rationalisation programme. In our planning, cognisance will be taken of the implications of the acceptance of one or more of the models or of any other model which might be decided upon, and also of the outcome of any decision which is to be taken by parent bodies in this regard

# De Swardt news to Mostert

THE MAN charged with investigating the murder of activist Dr David Webster, Brigadier Floris Mostert, said last night that he had no knowledge of Mr Paul de Swardt, named in the Hiemstra Commission of Inquiry yesterday as Dr Webster's alleged assassin.

"It caught me by surprise. This man is not known to me."

However, he still wanted to talk about Dr Webster's murder, with former Brixton Murder and Robbery Squad chief Mr Staal Burger, and former members of his unit who became members of the Civil Co-Operation Bureau (CCB).

He was unable to do so because they had been subpoenaed.

The Harms Commission is investigating the activities of the

252 DAWN BARKHUIZEN

CCB and its possible part in political assassinations.

Brigadier Mostert said investigations into Dr Webster's death had been hamstrung by the Harms and Hiemstra commissions.

He was unable to question people because they had been subpoenaed.

Brigadier Mostert said there were clear indications investigations by the two commissions and his own were overlapping.

Revelation of Mr de Swardt's existence had given him new leads to follow. But he was waiting for both commissions to first finish their work.

# Bomb deaths: teachers guilty

18/4/90 By Therese Anders, Highveld Bureau

DELMAS — Two teachers were convicted yesterday on 70 charges, including three of murder and 14 of attempted murder, relating to a car-bomb explosion in Witbank in October 1988.

In the Supreme Court sitting in Delmas, Mr Justice MC de Klerk and two assessors found that Joseph Vilakazi (26) and Ramoepi Moba (26) had participated in a conspiracy resulting in the explosion outside a Witbank office block housing Security Police and CID personnel.

Mr Justice de Klerk said Vilakazi and Moba had been involved in the collection of Russian-made weapons which they knew could lead to explosions.

The judge said they had the foresight to see that the result could kill or injure people.

During the trial the accused denied they were members of the ANC.

The court was told that the leader of the cell, Samuel Monyake (also known as Thabang), died in a shoot-out with police.

Evidence in mitigation of sentence will be heard today.

# Anton Lubowski murder trial starts in Windhoek today

By Dale Lautenbach,  
The Star's Africa  
News Service

WINDHOEK — The trial of the man alleged to have murdered Swapo advocate Mr Anton Lubowski begins in the Windhoek High Court today.

But the prosecutor's office has indicated that it might immediately apply for a postponement due to "problems with witnesses from South Africa".

The trial of Irish national Mr Donald Acheson (52), alleged to have gunned down Mr Lubowski outside his Windhoek home on September 12 last year, will highlight alleged links between

the Lubowski murder and the Civil Cooperation Bureau under investigation in South Africa by the Harms Commission.

The Namibian prosecution has called two alleged CCB members, former Brixton Murder and Robbery squad members Mr Calla Botha and Mr Ferdinand Barnard, to testify.

But it was doubtful last night whether they would arrive in Windhoek.

Prosecutor-General Mr J.L. Heyman, who is leading the state's case, said he would call for a postponement if these two key witnesses did not arrive.

The independence of Namibia

threw a spanner in the works of the Namibian police investigations and Mr Heyman believes it might be necessary to wait for an extradition treaty at government level to give the state the powers it needs to summons these witnesses.

Meanwhile, in an effort to draw the witnesses to Namibia, Attorney-General Mr Hartmut Ruppel has issued a certificate safeguarding Mr Botha and Mr Barnard from prosecution in Namibia.

Mr Slang van Zyl, another former South African policeman with alleged CCB links, is also believed to be a possible addition to the list of about 21 state witnesses. As with Mr Barnard and Mr Botha, the state may face problems in securing Mr Van Zyl's presence.

The judge in the case will be a senior advocate from the Johannesburg bar, Mr Ismael Mohammed, who has arrived in Windhoek and has been sworn in as acting judge for the trial. He will have two assessors.



# 4 Tembisa youth leaders detained

18/4/90 By Janet Heard

Four officials of the Tembisa Youth Congress (Teyco) have been held in police custody since Thursday when they were picked up for questioning after announcing a plan to reintroduce "people's courts" in the township.

The four — believed to be held under the emergency regulations — are Teyco president Mr Sam Simetsi, Teyco general secretary Mr Philemon Nzimande, Ms Debora Marakalala and Mr Godfrey Qwabe.

A fifth executive member, Mr Peter Ramarou, was held for a few hours on Thursday before being released.

All five were present at a press conference two days earlier where the Teyco executive announced its intention to reintroduce people's courts in the huge township near Kempton Park.

The combating of crime was the motive given for the planned reintro-

duction of the courts.

According to a friend of Mr Nzimande, the activists were picked up for questioning during the early hours of Thursday last week.

According to information The Star has received, the activists are being held at Modderbee prison and have threatened to go on hunger strike.

An attorney from the firm Naidoo, Nicholls and Cambanis who is acting for Mr Nzimande said she was certain the activists were being held under the emergency regulations but had not yet received confirmation from the police.

Police comment could not be obtained at the time of going to press.

Tembisa Residents' Association spokesman, Mr Amon Msane, said it was "worrying that police were detaining people on the ground" at a time when everyone was trying to create a climate conducive to negotiations.

**Athlone police district: offences reported**  
 137 Mr C W EGLIN asked the Minister of Law and Order

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft of vehicles and cycles, (h) damage to property, (i) housebreaking with intent to steal and theft and (j) possession of drugs were reported at each specified police station in the Athlone police district in 1989?

The MINISTER OF LAW AND ORDER B302E

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Athlone	38	16	263	362	36	279	301	293	730	23
Bishop Lavis	78	60	882	987	126	514	163	1010	684	31
Nyanga	109	22	720	385	66	146	61	212	163	1
Grassy Park	35	24	358	492	101	174	255	291	911	51
Guguletu	151	39	1377	631	109	367	86	460	375	-
Langla	48	6	477	304	46	204	19	130	222	2
Lansdowne	12	10	93	255	38	114	249	196	576	8
Philippi	47	55	390	399	84	255	159	383	513	21
Mannenberg	50	26	592	398	61	369	159	594	618	28
Mitchells Plain	84	32	593	2073	214	717	774	1097	2045	36
Khayelitsha	252	80	1517	887	191	330	97	431	616	-

Note

Because the South African Police is not satisfied with the crime situation in the RSA, crime tendencies are continuously monitored I wish to assure the honourable member that everything possible is being done to prevent crime. When it is apparent that there is an increase in crime, acute steps are taken to counteract this tendency.

**Bellville police district: offences reported**  
 138 Mr C W EGLIN asked the Minister of Law and Order

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft of vehicles and cycles, (h) damage to property, (i) housebreaking with intent to steal and theft and (j) possession of drugs were reported at each specified police station in the Bellville police district in 1989?

The MINISTER OF LAW AND ORDER B303E

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Bellville	20	16	161	279	23	119	350	152	799	7
Brackenfell	14	20	154	69	18	26	149	69	238	0

HOUSE OF ASSEMBLY

**Durbanville**

Elsterville	6	11	61	31	11	10	128	45	363	0
Goodwood	7	13	46	141	13	31	411	955	722	12
Kraaifontein	52	34	477	337	64	181	232	347	497	4
Parow	55	54	662	452	96	202	357	406	1138	5
Ravensmead	11	18	75	199	17	49	549	140	768	1
DF Malan	57	15	812	431	67	137	118	531	420	6
Airport	0	0	2	7	0	1	42	9	7	4
Bellville South	36	26	455	325	81	168	132	471	449	3

Note

Because the South African Police is not satisfied with the crime situation in the RSA, crime tendencies are continuously monitored I wish to assure the honourable member that everything possible is being done to prevent crime. When it is apparent that there is an increase in crime, active steps are taken to counteract this tendency.

**Assault on wives/lovers**  
 190 Mrs C H CHARLEWOOD asked the Minister of Law and Order

(a) How many complaints of assault were laid against (i) Black, (ii) White, (iii) Coloured and (iv) Indian men by their wives or lovers, and (b) how many such complaints were investigated in each case, during the latest specified period of 12 months for which information is available?

The MINISTER OF LAW AND ORDER B470E

(a) and (b)

The South African Police do not keep record of these statistics, therefore the required information cannot be furnished

**SAP: labour disputes**  
 206 Mr P H P GASTROW asked the Minister of Law and Order.

In how many instances were the South African Police called to the scene of (a) labour disputes, (b) work stoppages and (c) strikes in 1989?

The MINISTER OF LAW AND ORDER B486E

	(a)	(b)	(c)
169	169	89	589

**Workers striking illegally**  
 207 Mr P H P GASTROW asked the Minister of Law and Order

How many workers were arrested for striking illegally in 1989?

The MINISTER OF LAW AND ORDER. B487E

67 workers

**Illegal strikes**

220 Mr P H P GASTROW asked the Minister of Justice

How many workers in each race-group were (a) charged with and (b) convicted of illegal strikes and related conduct in 1989?

The MINISTER OF JUSTICE B548E

The required information is not readily available in the Department. In an effort to be of assistance to the Honourable Member, the following information was obtained from the Central Statistical Service for the period 1 July 1987 to 30 June 1988

	(a)	(b)
Whites	0	0
Coloureds	4	0
Asiatics	0	0
Blacks	921	925
Total	921	925
Whites	0	0
Coloureds	3	0
Asiatics	0	0
Blacks	819	822
Total	819	822

**Functional/legal training courses**

225. Mr D J DALLING asked the Minister of Justice

How many (a) White, (b) Coloured, (c) Indian and (d) Black persons (i) attended and (ii) successfully completed courses in (aa) functional and (bb) legal training provided by the legal training branch of his Department in 1989?

The MINISTER OF JUSTICE B553E

	(a)	(b)	(c)	(d)
Functional Training	1133	133	133	133

(b) Coloured

(i) 19

(ii) 19

(c) Indian

(i) 5

(ii) 5

(d) Black

(i) 366

(ii) 366

(bb) Legal Training

(a) White

(i) 229

(ii) 144

(b) Coloured

(i) 4

(ii) 4

(c) Indian

(i) 4

(ii) 3

(d) Black

(i) 28

(ii) 6

**Non-White acting judges/judges**

226 Mr D J DALLING asked the Minister of Justice

Whether any persons who are not White were appointed as (a) acting judges and (b) judges within the Republic in 1989, if not, why not; if so, (i) who were so appointed and (ii)(aa) when and (bb) where was each such person appointed?

The MINISTER OF JUSTICE B554E

(a) and (b) No

The State President may in terms of section 10(1)(a) of the Supreme Court Act, 1959 (Act 59 of 1959) appoint fit and proper persons as judges of the Supreme Court of South Africa. It is policy to appoint only advocates with the distinction of *Senior Counsel* as judges. At present only one Black advocate, namely T L Skweyza and two Indian advocates, namely

I Mahomed and H E Mall, hold the distinction of Senior Consuls

Legal training courses

227 Mr D J DALLING asked the Minister of Justice:

(a) How many persons participated in legal training courses organized by his Department in 1989, (b) how many such persons were (i) White, (ii) Black, (iii) Coloured and (iv) Indian and (c) in which courses did these (i) Black, (ii) Coloured and (iii) Indian persons participate?

The MINISTER OF JUSTICE.

B555E

- (a) 1 788
- (b) (i) 1 362
- (ii) 394
- (iii) 23
- (iv) 9
- (c) (i) Course for Deeds Office Staff (Investigators Course) 6
- Diploma in Registration of Deeds 8
- Traffic Officers 197
- Magistrate Criminal Court 42
- Magistrate Civil Court 27
- State Prosecutors 56
- Clerk of the Court 30
- B Iuris 17
- Diploma Iuris 11
- (ii) Diploma in Registration of Deeds 3
- Magistrate Criminal Court 1
- State Prosecutors 12
- Estate Controllers 3
- B Iuris 3
- Diploma Iuris 1
- (iii) State Prosecutors 5
- B Iuris 4

The MINISTER OF LAW AND ORDER

	(a)	(b)
(aa)	(i) 5	(ii) 8
(bb)	19	1 097
(cc)	1 153	185

Brits/Rustenburg road: collisions

236 Mr A GERBER asked the Minister of Law and Order:

Whether any motor-car collisions that have taken place at the junction of road 344 and road N18 between Brits and Rustenburg have been reported at police stations since 1 February 1989, if so, (a) how many collisions have been reported, (b) how many persons have been (i) killed and (ii) injured in these collisions and (c) in respect of what date is this information furnished?

B582E

The MINISTER OF LAW AND ORDER.

- Yes
- (a) 8
- (b) (i) 10
- (ii) 17
- (c) 30 March 1990

Johannesburg police district: offences

240 Mr P G SOAL asked the Minister of Law and Order:

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft of vehicles and cycles, (h) damage to property, (i) housebreaking with intent to steal and theft and (j) possession of drugs were reported at each specified police station in the Johannesburg police district in 1989?

B610E

The MINISTER OF LAW AND ORDER

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
John Vorster	78	44	388	857	91	1986	2827	390	2230	3
Square	30	13	83	238	36	192	234	173	325	1
Langlaage	23	71	99	222	33	136	319	168	1003	-
Mondeor	90	53	352	479	84	609	992	349	1413	-
Jeppie	41	63	156	809	54	434	2016	480	1952	1
Booyens	25	14	71	215	19	211	575	145	884	-
Cleveland										

Brixton	6	13	65	305	19	74	667	270	701	3
Park Station	14	-	57	121	23	133	59	36	38	1
Genl Johan Coetzee	60	21	291	1123	48	272	531	573	1079	8

Note: 18/4/90

Because the South African Police is not satisfied with the crime situation in the RSA, crime tendencies are continuously monitored. I wish to assure the honourable member that everything possible is being done to prevent crime. When it is apparent that there is an increase in crime, active steps are taken to counteract this tendency.

Police stations: distance from city centres

245 Mr K M ANDREW asked the Minister of Law and Order:

Whether there are any police stations within a radius of five kilometres of the centre of (a) Johannesburg, (b) Cape Town, (c) Durban and (d) Port Elizabeth, if so, which police stations?

B632E

The MINISTER OF LAW AND ORDER

- Yes
- (a) Park Station
- John Vorster Square
- Jeppie
- Hillbrow
- Yeoville
- Brixton
- Booyens
- (b) Cape Town Central
- Table Bay
- Woodstock
- Sea Point
- (c) C R Swart Square
- Umbilo
- Berea
- Maydon Wharf Point
- Berea satellite station
- (d) Louis Le Grange Square
- Setlaar
- Boats serving Robben Island

(1) Whether there are any boats owned by the State that serve Robben Island for purposes related to the Prisons Service, if so, (a) which boats and (b) which Government Department (i) owns and (ii) operates each boat.

(2) (a) what is each such boat used for, (b) when was it purchased, (c) how much did it cost, (d) who built it and (e) how many persons constitute the crew of each boat,

(3) (a) how many single journeys did each such boat make to and from Robben Island in 1989 and (b) what was the operating cost of each boat in that year,

(4) whether any more boats are on order or are to be purchased for such purposes, if so, (a) what boats, (b) why, (c) when and (d) how much will each of them cost?

18/4/90 B636E

The MINISTER OF JUSTICE

- (1) Yes
- (a) Susan Kruger
- Dias
- Blouberg
- Penguin
- Proteus
- P P I
- P P II
- (b) (i) and (ii) The South African Prisons Service owns and runs all the above-mentioned boats
- (2) (a) Susan Kruger— Transport of passengers and small quantity cargo/supplies
- Dias — Transport of passengers and small quantity cargo/supplies.
- Blouberg — Transport of mass cargo and fresh water
- Penguin — Transport of passengers and small quantity cargo/supplies
- Proteus — Transport of passengers and small quantity cargo/supplies
- P P I — Patrol and emergency services.
- P P II — Patrol and emergency services
- (b) Susan Kruger— November 1977
- Dias — April 1961

246 Mr K M ANDREW asked the Minister of Justice:

The hon the Minister has been warned about this state of affairs repeatedly, and the Coloured community in particular is looking to him expectantly to take action. One is no longer safe in the streets. It is no longer safe to attend church services. Innocent people are robbed and raped and ultimately the hon the Minister will have to accept full responsibility for this.

Mr P C MCKENZIE Mr Chairman, I would like to address this issue a bit more positively. I want to make three suggestions quickly. The solution is not to lock up every gangster. We tried that once.

\* I was left with only a quarter of the town's people!

Perhaps one could consider the possibility of special constables once again. [Interjections.] Hon members must keep quiet and listen. Can one not train a group and use them to patrol in the community? They must not become special constables, but something similar.

Secondly there is something that helped us a great deal in Bonteheuwel. Hon members know that there are problems with gangs in my constituency every day. While I am talking, a gang war is taking place in Bonteheuwel. Someone is killed by shooting almost every week. [Time expired.]

\*The LEADER OF THE OFFICIAL OPPOSITION Mr Chairman, I merely want to ask the hon the Minister please to tell me whether there is sufficient legislation with reference to the arrest of gang members. At present there is nothing. The only thing that happens to these people is that they are arrested. If there are ten stab wounds, ten cases have to be opened. Consequently there is no legislation, even if he runs along with them, which prohibits anyone from congregating with others or hanging around with them.

I want to come back to the legislation with regard to vagrancy. That legislation applies only in white areas at present. I think the matter with regard to the arrest of gangs and the prevention of gangs was addressed years ago. I see the hon the hon the Deputy Minister of Justice is sitting there too. I hope he will keep this in mind, and that we shall do something about this.

†Lastly, is it not time to look at legislation whereby one could perhaps appoint prominent

HOUSE OF REPRESENTATIVES

people from the community who could assist the magistrate in the cross-examination in order to get to the core of the problem? For instance, one finds oneself with a magistrate who for instance lives in Platteklouf and has no idea of the living conditions of people who live in Bishop Lavis, Bonteheuwel and other places. He cannot put himself in their situation. Let us have people—prominent members of the community—taking part in the cross-examination and assist the magistrate so that the appropriate penalty or a severe penalty can be brought about in order to serve as a deterrent for those people who are still intent on being members of a gang.

\*The MINISTER OF LAW AND ORDER Mr Chairman, I should like to thank hon members for bringing this very important matter to hon members' attention once again this afternoon. Gang activities are an inquiry. I should like to give hon members the assurance that the Police and I are devoting the most serious attention to this matter. The hon member said we should appoint a gang destruction unit. The gang unit which we established in the Cape Peninsula on 10 May 1989 last year was the result of the discussion of the Police Vote last year. I want to say that to the hon member for Hanover Park as well. We established this gang unit after the discussion here in Parliament last year, with the specific objective of trying to eradicate these gangs. I am sorry, but we have not succeeded in doing so to the extent we should have liked. Nevertheless we have made a beginning. The hon member for Hanover Park is angry with me because I have ostensibly done nothing as yet. I should like to give him a comprehensive answer—I do not have sufficient time to do so today, however.

†I will, however, have a look at last year's Hansard. I would also like to tell the hon member that the Police cannot solve the root causes of these problems.

\*It is not.

Mr A E REEVES [Inaudible.]

\*The MINISTER Mr Chairman, the hon member is tempting me to say something I should not say. [Interjections.] We shall do what we can, but the root causes are not the responsibility of the Police. The hon member put an important question. He asked whether our legislation was adequate. If someone is stabbed during gang

action, that is the offence. One cannot prohibit someone from belonging to a gang, unless it is an illegal organisation, and we do not have such organisations. [Interjections.] We shall see, however, whether we cannot make this easier to deal with. I should like to give the hon member the undertaking that we shall consider the matter.

The hon member said we had too few policemen. That is true. I have too few policemen to have people available on the streets to look into this properly. [Interjections.] *Hansard 18/4/90*

\*The CHAIRMAN OF THE HOUSE: Order! I regret that the hon the Minister's time has expired. I do think, however, that the hon the Minister is partly to blame for the fact that time has caught up with him. [Interjections.] Debate concluded.

#### QUESTIONS

Indicates translated version

For oral reply

General Affairs

Eastern Cape: toll roads

\*1 Mr W J DIETRICH asked the Minister of Transport

- (1) Whether it is his intention to create further toll roads in the Eastern Cape, if so, where;
- (2) whether alternative routes will be provided, if so, what are the relevant details,
- (3) whether existing alternative routes will be upgraded, if so, in which cases,
- (4) whether he will make a statement on the matter? C43E

\*The MINISTER OF TRANSPORT

- (1) No, not at this stage,
- (2) The National Roads Act, 1971 (Act 54 of 1971), requires that an alternative route be available in all cases where a toll road is created,
- (3) The upgrading of alternative routes depends on their standard and capacity in relation to traffic wishing to use the road,

(4) The concept of toll roads has been found to be advantageous in the development of the country's national road network. Future developments will, however, indicate the desirability of introducing toll roads in the region in question. Therefore no statement appears to be necessary at this stage.

Death of member: police investigation

\*2 Mr W J DIETRICH asked the Minister of Law and Order *Hansard 18/4/90*

- (1) Whether, since his reply to Question No 1 on 15 June 1988, any progress has been made in regard to the police investigation into the death of the late member for Alra Park; if not, why not, if so, what progress,
- (2) whether any persons have been apprehended and charged in connection with this person's death; if so, what are the relevant details;
- (3) whether he will make a statement on the matter? C45E

\*The MINISTER OF LAW AND ORDER

(1) to (3)

The docket is at present with the Attorney-General for his decision

Newlands East: magisterial district

- \*3. Mr L T LANDERS asked the Minister of Justice *Hansard 18/4/90*
- (1) In which magisterial district does the township of Newlands East fall,
  - (2) whether it is the intention to include Newlands East in the magisterial district of Durban, if not, why not, if so, when will this take place, *252*
  - (3) whether it is the intention to build a magistrate's court in Newlands East, if not, why not; if so,
  - (4) whether approval for this project has been granted; if so, when is it anticipated that construction will begin? C48E

The DEPUTY MINISTER OF JUSTICE.

(1) Inanda

HOUSE OF REPRESENTATIVES

(2) The possibility of the inclusion is still being investigated in conjunction with the Surveyor-General, Natal.

(3) No Due to a lack of funds the building of a magistrate's court is not being considered. The Department of Public Works and Land Affairs has however in the meantime, been requested to lease suitable accommodation for a periodical court at Newlands East.

(4) Falls away

*Hansard*  
18/4/90

Mr L T LANDERS Mr Chairman, arising from the hon the Deputy Minister's reply, I would like to ask him whether he is aware that, in order to get to the Verulam Magistrate's Court, the people of Newlands East must travel to Durban where they have to catch a train at the station which is right next door to the Durban Magistrate's Court. Therefore it makes absolutely no sense to have Newlands East included in the Inanda magisterial district, when the people have to travel all the way to the Durban Magistrate's Court just to take a train from there to the Verulam Magistrate's Court.

The DEPUTY MINISTER. Mr Chairman, I thank the hon member for that information. The matter is being given serious consideration. I may just add that a previous MP was of the opinion that it should still remain in the Inanda district. However, we are giving the matter serious consideration.

Mr L T LANDERS Mr Chairman, further arising from the hon the Deputy Minister's reply, I would like to ask him if he can tell the House what that MP's reasons were for wanting Newlands East to remain in the Inanda magisterial district?

The DEPUTY MINISTER Mr Chairman, unfortunately I do not have that information.

Johannesburg City Council. transport services

\*4 Mr T R GEORGE asked the Minister of Transport *Hansard* 18/4/90

(1) To what extent are transport services provided by the Johannesburg City Council subsidized by his Department,

(2) whether he will furnish the routes involved, if not, why not, if so, what are these routes,

(3) whether he will make a statement on the matter? *Hansard* 18/4/90 CS0E

The MINISTER OF TRANSPORT

(1) The Department of Transport does not subsidize transport services provided by the City Council of Johannesburg.

(2) Falls away.

(3) It can be mentioned for the honourable member's information that the Indian, Coloured and Black commuters residing in townships such as Ennerdale, Coronation, Eldorado Park, Lenasia, Soweto, Eytan, Alexandra and who are employed in the municipal areas of Johannesburg, Sandton and Roodepoort are subsidised by the Department.

During the 1989/90 financial year Lenasia Bus Service transported the Indian commuters between Lenasia and the places of employment in Fordsburg, Bramfontein, Wynberg and Doornfontein who were subsidised to the amount of R384 827,80.

During the same financial year the Coloured commuters were transported by the following bus companies and were subsidised as follows.

Putco Ltd	R3 449 647,20
Putco Operating	R767 796,31
Davids Bus Service	R393 542,03

The Black commuters were transported by Putco Ltd and during the same financial year received a subsidy from the Department to the amount of R29 365 845,52.

It must be pointed out that these commuters (workers) are subsidised because they are living substantially far away from their places of employment.

As the Johannesburg City Council operates a bus service within the boundaries of the municipal area of Johannesburg, distances travelled by commuters making use of their services do not warrant a state subsidy.

Newlands East, Durban. police station

\*5 Mr L T LANDERS asked the Minister of Law and Order *Hansard* 18/4/90

Whether it is the intention to establish a police station area in the Newlands East area of Durban, if not, why not, if so, (a) where will

the police station building be sited and (b) when is it anticipated that building operations will be (i) commenced and (ii) completed?

*Hansard* 18/4/90 CS5E

The MINISTER OF LAW AND ORDER.

Yes

(a) and (b)

The building of a police station in the area has been approved in principle. Up until now a suitable site could not be identified. Due to lack of funds, the project has also not been included in the present five year building programme.

Mr L T LANDERS Mr Chairman, arising from the hon the Minister's reply, I would like to ask him whether he and the brigadiers within the police force visited the area in the past five or eight years in order to investigate possible sites.

The MINISTER Mr Chairman, I personally have not been there, but the people from my Department actually visited the area and they are at present looking for a site. If the hon member has any suggestions that would assist us to locate a site, I would appreciate it.

Third-tier government. replacing of current legislation

\*6 Mr T ABRAHAM asked the Minister of Planning and Provincial Affairs.

(1) Whether consideration is being given to replacing current legislation controlling third-tier government, if not, why not, if so, (a) what is being envisaged in this regard and (b) when will the necessary steps be taken.

(2) whether he will make a statement on the matter? *Hansard* 18/4/90 C63E

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(1) Yes

(a) and (b) An investigation by a task group of the Council for the Co-ordination of Local Government Affairs to determine options for a new local authority structure, has already been in progress for a considerable time. The report of the task group will soon be presented to the relevant

Council Legislation regarding a new structure can only be submitted after the structure has been decided on through negotiation.

(2) No, not at this stage *Hansard* 18/4/90

Mr J A RABIE Mr Chairman, arising out of the reply of the hon the Minister I should like to ask whether a due date for submitting the report can be determined.

The MINISTER Mr Chairman, a due date cannot be determined as the task force is still doing the investigation. The hon member has also been a member of the co-ordinating council concerned and that issue will still come before the council this year in terms of its decision. Thereafter the options will be referred to the Government who will then make decisions on the negotiations for a totally new constitutional dispensation in respect of third level government.

For written reply

General Affairs

Cape Flats: offences

\*5 The LEADER OF THE OFFICIAL OPPOSITION asked the Minister of Law and Order.

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm and (d) rape were reported at each specified police station in (i) Retreat, (ii) Langa, (iii) Elsies River, (iv) Bishop Lavis, (v) Mitchell's Plan and (vi) Manenberg in 1989? *Hansard* 18/4/90 C13E

The MINISTER OF LAW AND ORDER

(i)	(a)	(b)	(c)	(d)
(ii)	2	12	137	9
(iii)	48	6	477	46
(iv)	87	37	1315	117
(v)	78	60	882	126
(vi)	84	32	593	214
(vii)	50	26	592	61

Note

(1) Retreat police station's name has changed to Kurstenhof

(2) Because the South African Police is not satisfied with the crime situation in the

intent to steal and theft and (j) possession of drugs were reported at the (i) Sandton, (ii) Bramley, (iii) Wynberg/Alexandra and (iv) Lombardy East police stations in 1989?  
*Hansard 18/4/90* B732E

The MINISTER OF LAW AND ORDER

- (a) Sandton 12 40 70 29 27 171 676 345 1685 -
- (ii) Bramley 18 30 111 27 681 813 314 1262 -
- (iii) Alexandra 168 19 949 486 146 343 169 345 243 -
- (iv) Lombardy-East 5 15 27 28 9 132 389 97 724 -

Note

Because the South Africa Police is not satisfied with the crime situation in the RSA, crime tendencies are continuously monitored I wish to assure the honourable member that everything possible is being done to prevent crime. When it is apparent that there is an increase in crime, active steps are taken to counteract this tendency.

Extradition of certain person

296 Adv S C JACOBS asked the Minister of Justice +

Whether the South African Government has received any applications from other countries for the extradition of a certain person, whose name has been furnished to the Minister's Department for the purpose of his reply, so that he may stand trial on certain charges in the Transkei, if so, (a) from what other countries, (b) for what reasons were the applications made, (c) what was his decision on each of the applications and (d) what is the name of the person concerned?  
*Hansard 18/4/90* B754E

The MINISTER OF JUSTICE.

No applications have been received

Own Affairs

*Hansard 18/4/90*  
 Patient/doctor/nurse: ratio  
 60 Mr M J ELLIS asked the Minister of Health Services, Welfare and Housing.

What was the (a) patient/doctor and (b) patient/nurse ratio in 1989 at each specified

HOUSE OF ASSEMBLY

hospital falling under the control of his Department in (i) Natal, (ii) the Orange Free State, (iii) the Cape Province and (iv) the Transvaal?  
*Hansard 18/4/90* B498E

The MINISTER OF HEALTH SERVICES, WELFARE AND HOUSING

Hospital	Patient/Doctor ratio	Patient/Nurse ratio
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Natal		
Grey's Hospital	6,3 : 1	0,4 1
Hillcrest Hospital	93 : 1	1,43 1
Greytown Hospital	All the patients in this hospital are private patients and are treated by private doctors	
		0,37 1

Orange Free State

Voortrekker Hospital	3,34 1	0,75 1
Bethlehem Hospital	1,49 : 1	0,51 : 1
Sasolburg Hospital	1,81 : 1	0,51 1
Jagersfontein Hospital	5 : 1	0,59 1
Zastron Hospital	2,04 : 1	0,54 1

Cape Province

Volks Hospital	57 : 1	1,68 1
Walvisbay Hospital	0,8 1	1,27 : 1
William Slater Hospital		

Groote Schuur Hospital		
Port Elizabeth Hospital	17 1	2,2 : 1

HOUSE OF ASSEMBLY

Hospital	Patient/Doctor ratio	Patient/Nurse ratio	Hospital	Patient/Doctor ratio	Patient/Nurse ratio
Transvaal			Ontdekkers Memorial Hospital	2,1 1	0,93 1
Andrew McCollm Hospital	All the patients in this hospital are private patients and are treated by private doctors		Paardekraal Hospital	—	1,14 1
		0,92 1	Phalaborwa Hospital	14,28 : 1	1,31 1
Bernice Samuel Hospital	7,31 : 1	1,31 1	Pretoria West Hospital	1,36 1	0,98 1
Bloemhof Hospital	4,76 : 1	1,85 1	Sannieshof Hospital	1 : 1	1,14 1
Brits Hospital	2,81 : 1	1,11 1	South Rand Hospital	3,06 : 1	1,42 1
Delareyville Hospital	8,82 : 1	2 1	Sybrand van Niekerk Hospital	3,5 1	1,22 : 1
Duivelskloof Hospital	4,81 : 1	1,67 1	Van Velden Memorial Hospital	5 1	0,98 : 1
Edenvale General Hospital	2,68 1	0,77 1	Ventersdorp Hospital	6,25 : 1	1,9 1
Elsie Ballot Hospital	27,2 1	2,3 1	Vereeniging Hospital	—	0,98 : 1
Evander Hospital	42,8 1	1,98 1	Far East Rand Hospital	—	0,98 : 1
F H Oden-daal Hospital	—	1,33 : 1	Voortrekker Hospital	6,25 1	1,28 : 1
General De La Rey Hospital	19,1 : 1	1,9 1	Warmbad Hospital	8,74 1	1,27 1
Groblersdal Hospital	1,14 : 1	1,9 : 1	Waterval Boven Hospital	27,2 : 1	2 : 1
H A Grove Hospital	8,7 1	2 1	Willem Cruywagen Hospital	3,93 1	1,38 1
Hendrik Van der Bijl Hospital	1,38 1	1,23 : 1			
J G Strijdom Hospital	1,71 1	2,28 1			
Kempston Park Hospital	1 : 1	0,78 1			
Louis Trichardt Memorial Hospital	7 1	1,59 1			

Those hospitals where a patient/doctor ratio is not indicated form part of hospital complexes where separate White and non-White hospitals exist, but with a joint establishment of doctors that render services at both hospitals as circumstances require. It is therefore not possible to determine exactly how many of these posts belong to the White section of these complexes.

HOUSE OF ASSEMBLY

(2) The possibility of the inclusion is still being investigated in conjunction with the Surveyor-General, Natal.

(3) No Due to a lack of funds the building of a magistrate's court is not being considered. The Department of Public Works and Land Affairs has however in the meantime, been requested to lease suitable accommodation for a periodical court at Newlands East.

(4) Falls away

*Hansard*  
18/4/90

Mr L T LANDERS Mr Chairman, arising from the hon the Deputy Minister's reply, I would like to ask him whether he is aware that, in order to get to the Verulam Magistrate's Court, the people of Newlands East must travel to Durban where they have to catch a train at the station which is right next door to the Durban Magistrate's Court. Therefore it makes absolutely no sense to have Newlands East included in the Inanda magisterial district, when the people have to travel all the way to the Durban Magistrate's Court just to take a train from there to the Verulam Magistrate's Court.

The DEPUTY MINISTER Mr Chairman, I thank the hon member for that information. The matter is being given serious consideration. I may just add that a previous MP was of the opinion that it should still remain in the Inanda district. However, we are giving the matter serious consideration.

Mr L T LANDERS Mr Chairman, further arising from the hon the Deputy Minister's reply, I would like to ask him if he can tell the House what that MP's reasons were for wanting Newlands East to remain in the Inanda magisterial district?

The DEPUTY MINISTER Mr Chairman, unfortunately I do not have that information.

Johannesburg City Council: transport services

\*4. Mr T R GEORGE asked the Minister of Transport: *Hansard* 18/4/90

(1) To what extent are transport services provided by the Johannesburg City Council subsidized by his Department;

(2) whether he will furnish the routes involved, if not, why not; if so, what are these routes,

(3) whether he will make a statement on the matter? *Hansard* 18/4/90 CS0E

The MINISTER OF TRANSPORT

(1) The Department of Transport does not subsidize transport services provided by the City Council of Johannesburg.

(2) Falls away.

(3) It can be mentioned for the honourable member's information that the Indian, Coloured and Black commuters residing in townships such as Ennerdale, Coronation, Eldorado Park, Lenasia, Soweto, Evaton, Alexandra and who are employed in the municipal areas of Johannesburg, Sandton and Roodepoort are subsidised by the Department.

During the 1989/90 financial year Lenasia Bus Service transported the Indian commuters between Lenasia and their places of employment in Fordsburg, Braamfontein, Wynberg and Doornfontein who were subsidised to the amount of R384 827,80.

During the same financial year the Coloured commuters were transported by the following bus companies and were subsidised as follows:

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Puico Operating	R767 796,31
Davids Bus Service	R393 542,03

The Black commuters were transported by Puico Ltd and during the same financial year received a subsidy from the Department to the amount of R29 365 845,52.

It must be pointed out that these commuters (workers) are subsidised because they are living substantially far away from their places of employment.

As the Johannesburg City Council operates a bus service within the boundaries of the municipal area of Johannesburg, distances travelled by commuters making use of their services do not warrant a state subsidy.

Newlands East, Durban: police station

\*5 Mr L T LANDERS asked the Minister of Law and Order: *Hansard* 18/4/90

Whether it is the intention to establish a police station area in the Newlands East area of Durban; if not, why not; if so, (a) where will

the police station building be sited and (b) when is it anticipated that building operations will be (i) commenced and (ii) completed?

*Hansard* 18/4/90 CS5E  
The MINISTER OF LAW AND ORDER.

Yes

(a) and (b)

The building of a police station in the area has been approved in principle. Up until now a suitable site could not be identified. Due to lack of funds, the project has also not been included in the present five year building programme.

Mr L T LANDERS. Mr Chairman, arising from the hon the Minister's reply, I would like to ask him whether he and the brigadiers within the police force visited the area in the past five or eight years in order to investigate possible sites. The MINISTER: Mr Chairman, I personally have not been there, but the people from my Department actually visited the area and they are at present looking for a site. If the hon member has any suggestions that would assist us to locate a site, I would appreciate it.

Third-tier government: replacing of current legislation

\*6 Mr T ABRRAHAM asked the Minister of Planning and Provincial Affairs

(1) Whether consideration is being given to replacing current legislation controlling third-tier government, if not, why not, if so, (a) what is being envisaged in this regard and (b) when will the necessary steps be taken,

(2) whether he will make a statement on the matter? *Hansard* 18/4/90 CS3E

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(1) Yes

(a) and (b) An investigation by a task group of the Council for the Co-ordination of Local Government Affairs to determine options for a new local authority structure, has already been in progress for a considerable time. The report of the task group will soon be presented to the relevant

Council. Legislation regarding a new structure can only be submitted after the structure has been decided on through negotiation.

(2) No, not at this stage

*Hansard* 18/4/90

†Mr J A RABIE Mr Chairman, arising out of the reply of the hon the Minister I should like to ask whether a due date for submitting the report can be determined.

†The MINISTER Mr Chairman, a due date cannot be determined as the task force is still doing the investigation. The hon member has also been a member of the co-ordinating council concerned and that issue will still come before the council this year in terms of its decision. Thereafter the options will be referred to the Government who will then make decisions on the negotiations for a totally new constitutional dispensation in respect of third level government.

For written reply

General Affairs

Cape Flats: offences

5. The LEADER OF THE OFFICIAL OPPOSITION asked the Minister of Law and Order:

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm and (d) rape were reported at each specified police station in (i) Retreat, (ii) Langa, (iii) Elsies River, (iv) Bishop Lavis, (v) Mitchell's Plain and (vi) Manenberg in 1989? *Hansard* 18/4/90 C13E

The MINISTER OF LAW AND ORDER:

	(a)	(b)	(c)	(d)
(i) Kirstenhof	2	12	137	9
(ii) Langa	48	6	477	46
(iii) Elsies River	87	37	1315	117
(iv) Bishop Lavis	78	60	882	126
(v) Mitchell's Plain	84	32	593	214
(vi) Manenberg	50	26	592	61

Note

(1) Retreat police station's name has changed to Kirstenhof.

(2) Because the South African Police is not satisfied with the crime situation in the

## HOUSE OF ASSEMBLY

## QUESTIONS

Indicates translated version.

For written reply

General Affairs

Group areas legislation: charges in PE

49 Mr E W TRENT asked the Minister of Law and Order *Hansard 18/4/90*

Whether any persons in the Port Elizabeth municipal area were charged under group areas legislation during the latest specified period of five years for which information is available; if so, (a) how many, (b) under what statutory provisions, and (c) when, in each case?

B71E

The MINISTER OF LAW AND ORDER

As far as could be ascertained, none

(a) and (b) Fall away

Disclosure of Foreign Funding Act: reporting organizations *252*

69 Mr A J LEON asked the Minister of Justice

(1) Whether any organizations have been declared reporting organizations in terms of the Disclosure of Foreign Funding Act, No 26 of 1989, if so, (a) which organizations and (b) why,

(2) whether any steps have been taken by his Department to ensure that these organizations comply with the provisions of the said Act, if not, why not; if so, what steps?

*Hansard 18/4/90* B166E

The MINISTER OF JUSTICE:

(1) Yes.

(a) Only one organization—*Wilgespruit Fellowship Centre*—has so far been declared to be a reporting organization (with effect from 10 January 1990)

HOUSE OF ASSEMBLY

(b) The organization is in receipt of substantial amounts of money from outside the Republic *Hansard 18/4/90* *252*

(2) *Wilgespruit Fellowship Centre* has indicated that they are considering legal action in consequence of their declaration. In view of the pending litigation and on request the organization has been exempted from the provisions of sections 4(1)(c), 4(2)(b), 4(2)(c) and 4(3) of the Act until 30 April 1990. The Honourable Member's attention is further drawn to the fact that it is the Registrar of Reporting Organizations and Persons and not the Department who in terms of the Act declares an organization or person to be a reporting organization or person.

Gardens: group areas permits

72 Mr K M ANDREW asked the Minister of Planning and Provincial Affairs *Hansard 18/4/90*

Whether, since 1 January 1989, there have been any applications for permits in terms of the provisions of the Group Areas Act, No 36 of 1966, in respect of residential land or premises in the Cape Town Gardens constituency, if so, (a) how many such applications had been (i) granted and (ii) refused as at the latest specified date for which information is available and (b) what were the reasons for (i) granting and (ii) refusing each application?

*Hansard 18/4/90* B180E

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

(a) Yes

(i) Two — for the period 1-1-1989 to 21-7-1989

(ii) Two — for the period 1-1-1989 to 21-7-1989

(b) (i) No objections received.

(ii) Objections received from the neighbours and from the Administration House of Assembly.

Note

With effect from 21 July 1989 Group Area Permit Administration in respect of White Group Areas was transferred to the Administration House of Assembly.

Black communities removed

113 Mr P G SOAL asked the Minister of Planning and Provincial Affairs

(1) (a) How many Black communities were removed in each of magisterial district and (ii) province in 1989, (b) what was the (i) name and (ii) population of each such Black community and (c) where were the inhabitants of each such community resettled,

(2) what was the total (i) amount paid out in compensation for, and (b) cost of removing, each of these Black communities in that year?

B27SE

The MINISTER OF PLANNING AND PROVINCIAL AFFAIRS

*Orange Free State and Cape Province*

(1) (a) (i) None.

(ii) None

(b) (i) Falls away

(ii) Falls away

(c) Falls away

(2) (a) Falls away

(b) Falls away

*Transvaal*

(1) (a) (i) Vereeniging district 1 community of which a portion was moved.

Heidelberg district 1 community

(ii) Transvaal 2 communities

(b) (i) The community of Weller's Farm (partly moved) and of Tamboekiesfontein

(ii) Weller's Farm 819 families

Tamboekiesfontein 1 116 families.

(c) Weller's Farm in Orange Farm (Vereeniging district) Tamboekiesfontein to Rietfontein (East Rand)

(2) (a) No compensation was payable as the communities were assisted to move and re-erect their own structures

(b) Weller's Farm R117 117

Tamboekiesfontein R39 260

The difference in expenditure is attributed to the fact that the Weller's Farm community was resettled over a period of twelve months and more labourers were used as many families were assisted with the demolishing and re-erection of structures. The community at Tamboekiesfontein was moved in four months over a distance half that of Weller's Farm.

*Natal*

(1) (a) (i) Vryheid 82 families

Ladysmith 5 families (104 to follow)

Mooi River 3 families

Weenen 41 families

(ii) Province Natal 131 families

(b) (i) Overwacht (Vryheid) and various other

White farms in Vryheid district

Nkombi's Camp, Ladysmith

Compton Verney, Mooi River

Ngwenya Valley (Weenen) and various other

White farms in the Weenen district

(ii) 574 persons

30 persons

20 persons

246 persons

(c) 23 families on SADDT Settlement at Qudem (Nkandla district)

7 families on SA Development Trust farms in Babanango district

52 families on Mission farm in Vryheid district as well as KwaZulu area in Nongoma district

5 families in Steadville Township (Ladysmith)

3 families in Bruntville Township (Mooi River)

27 families to Weenen Development Area

11 families on SADDT Settlement at Waahhoek (Ladysmith)

2 families on Umhlangwe Development Trust land (Ladysmith)

HOUSE OF ASSEMBLY



# Teachers guilty of bomb blast

252

Sowetan Correspondent

TWO Vosloorus teachers were yesterday convicted of 70 charges, including three of murder and 14 of attempted murder, resulting from the Witbank car bomb explosion in October 1988.

In the Supreme Court sitting at Delmas, Mr Justice MC de Klerk found Joseph Mandlenkosi Vilakazi (26) and Ramoepi Stephen Moba (26) had participated in the car bomb conspiracy.

The charges arise from the car bomb explosion on October 24, 1988 outside a Witbank office block housing security police and CID personnel.

The judge said the two had been involved in the collection of Russian-made weapons which they knew could lead to explosions.

## Explosives

They must have known what would happen with the explosives as they were part of the car bomb mission.

The two therefore had the foresight to see that the result could kill or injure people.

He rejected their evidence which contradicted two State witnesses, Miss Anna Mahlangu and Mr Thabi Ngala, both of whom had been involved in the operation.

De Klerk said the two witnesses' evidence was satisfactory and granted them indemnity from prosecution.

During the trial Vilakazi and Moba denied they were members of the ANC.

They had pleaded not guilty to all 70 charges.

# Lubowski trial requires SA's co-operation

The Star's Africa News Service

WINDHOEK — Diplomatic co-operation between South Africa and Namibia was the only way to secure the presence of witnesses crucial to the Anton Lubowski murder trial, the investigating officer told the Namibian High Court yesterday.

Witnesses Mr Calla Botha, Mr Ferdie Barnard, Mr "Slang" van Zyl and Mr W Knox failed to appear yesterday in the Windhoek court where Mr Donald Acheson (52) is standing trial for the murder of Mr Lubowski, a Swapo executive member.

The Prosecutor-General, Mr Hans Heyman, applied for a postponement of the case and for Mr Acheson to be remanded in custody.

Investigating officer Colonel Jumbo Smit told the court he had subpoenaed the four witnesses on April 8 and 9 in South Africa. They had all indicated that they were unwilling to "get involved" in the trial in Namibia.

The absence of a police co-operation treaty between South Africa and Namibia also meant that an additional two men wanted for Mr Lubowski's murder, and believed to be in South Africa, could not be extradited.

Warrants of arrest for Mr Chappy Maree and Mr Staal Burger were issued by Colonel Smit on February 2, the court heard.

It was essential that both Mr Maree and Mr Burger stood trial in this case, said Colonel Smit.

Both had "gone underground" after the warrants for their arrest had been issued. Since then, nothing had been heard of Mr Maree, but Mr Burger was believed to have appeared in Johannesburg earlier this month, Colonel Smit said.

Under cross-examination, Colonel Smit acknowledged that the Civil Co-operation Bureau, under investigation by the Harms Commission in South Africa, was allegedly involved in the murder of Mr Lubowski.

# Lawyers to probe PAC leader's death

By Dawn Barkhuizen

The PAC is to appoint lawyers to establish the circumstances surrounding the death of its founder member, Mr Jafta "Jeff" Masemola (58).

Mr Masemola's life might have been saved had ambulancemen responded promptly when he was critically injured in a car accident near Pretoria on Tuesday, PAC spokesman, Mr Mark Shinnars said in Johannesburg yesterday.

Mr Shinnars told a press conference that the badly injured Mr Masemola lay in his smashed vehicle for more than an hour before an ambulance arrived to take him to hospital.

"It is my view that Mr Masemola might not have lost his life had the ambulance been quicker," Mr Shinnars said.

Mr Masemola died within hours of his car colliding with a

truck at a T-junction on the Brits-Rosslyn road at about noon on Tuesday. The car was a write-off. The truck driver was not hurt.

Mr Masemola's sister, Mrs Dora Maodi, said the accident took place at about noon and the ambulance "took more than an hour to get to him".

Akasia Town Council fire chief, Mr Sakkie Venter, said his ambulance team acted promptly and professionally, responding to the distress call within one minute.

He said "We got the call at 12 38 pm from a Mr Mabena. Our ambulance, which was in Pretoria North, was radioed at 12 39pm and instructed to go straight to the accident — more than 21 kms away. They collected Mr Masemola, transported him to hospital and were back at the depot exactly 68 minutes

later." Garankuwa Hospital records show that Mr Masemola had been admitted at 13.35pm. He was in a grave condition with multiple injuries and died in the trauma unit, the superintendent, Dr Louis van Heerden, said. Mr Shinnars also told the press conference yesterday that the loss of Mr Masemola would motivate PAC activists to press on for their cause with greater determination.

Mr Shinnars said while the PAC deeply mourned their leader and the impact of his loss would be evident, the PAC had lost men of enormous calibre and talent before.

Mr Masemola was jailed in 1963 and released in December last year with seven African National Congress leaders. He served 26 years of a life-sentence for PAC activities.

In 1985 he was one of several political prisoners who refused to be released on condition they renounced violence.

His death has been described as "tragic" and "shocking" by fellow Robben Island prisoner and the head of the ANC's internal leadership corps, Mr Walter Sisulu.

It was tragic Mr Masemola had died just as the goal that he dedicated his entire life to was drawing close, Mr Sisulu said.

Paying tribute United Democratic Front general-secretary, Mr Popo Molefe, said the loss of Mr Masemola was a loss to all the people of South Africa and the entire liberation movement.

Commemoration services in various parts of SA are planned for April 29. A lunch-hour service will take place in Johannesburg tomorrow.

# Cops shot and tortured me, claims youth

By DAN DHLAMINI

A 14 year-old Schweizer-Reneke boy claims he was shot by police who later tortured him - and then refused to allow him medical treatment

Patrick Metshe showed *City Press* a wound on his waist, sjambok weals on his back and some burns on his ears

He said he was shot on his parents' premises at the height of unrest three weeks ago

Metshe said he and a group of youths were taken into a hippo and were severely beaten. His pleas that he be taken to a doctor fell on deaf ears, and instead was tortured by a policeman who pressed a burning cigarette on his ears, he said

His mother, Maria Metshe said the police had refused to let her see him while he was in custody. She said she only managed to take him to a doctor after he was released on bail

The boys were subsequently charged with public violence and would appear in court next month, she said

Police liaison officer Capt R Bloomberg denied the allegations and said Metshe was free to lay a charges against the policeman

He said a group of youths had stoned police vehicles and teargas and rubber bullets were used to disperse the rioting mob

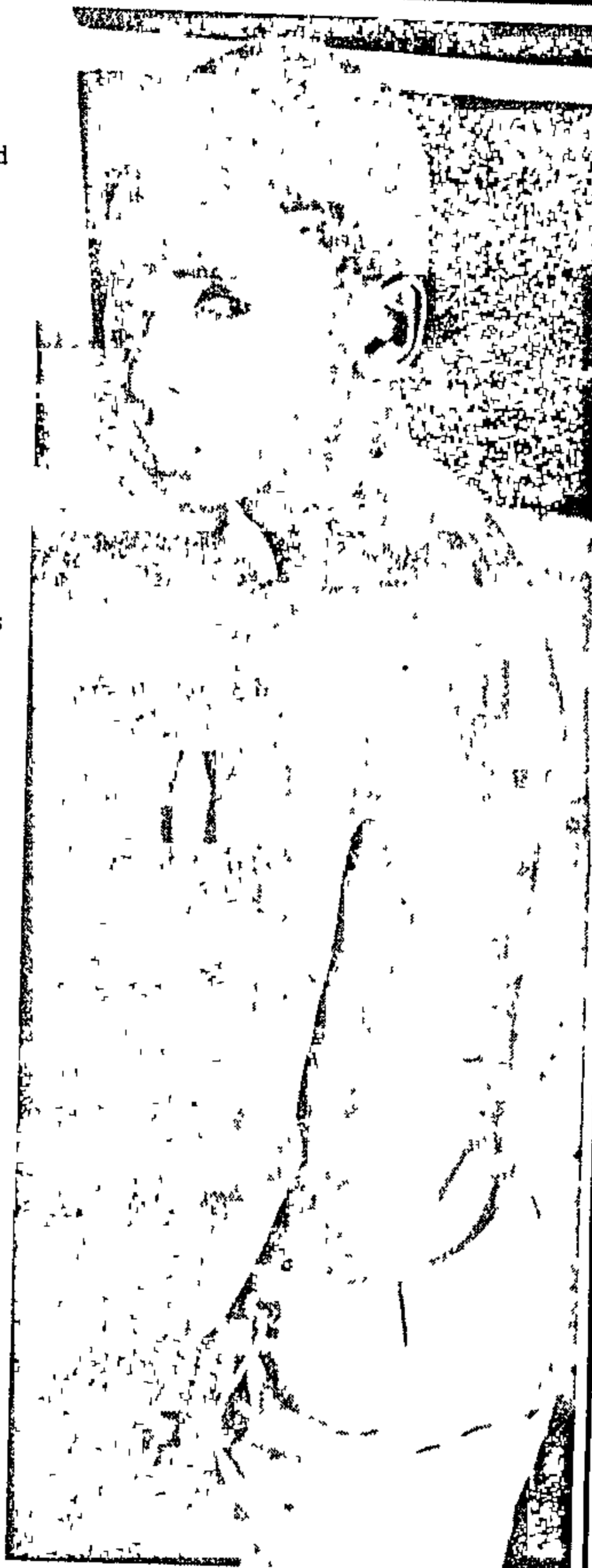
Meanwhile, a Schweizer-Reneke grieving mother of three, whose activist husband died in detention last week, intends taking legal action against the police

Salaminah Tlhotlhomisang told *City Press* her husband Lucas, a member of the Ipelegeng Crisis Committee, was in good health when the police picked him up at 4am on March 19

She said the police did not inform her about her husband's illness and she only learned from a relative that he was in hospital

She added that she did not see him again, because when she went to the hospital, she was told that he died on March 27, after barely seven days in police custody

Police confirmed Tlhotlhomisang's death,



Patrick Metshe shows injuries to his lower back, which, he says, were inflicted by the police.

saying he died of meningitis

Tshepong Hospital superintendent Dr B Vos told *City Press* there were no signs of trauma on Tlhotlhomisang when he was brought to hospital

Vos said he died as a result of bacterial meningitis - inflammation of the brain tissues

Family lawyer Hanif Vally said they had instructed a private pathologist to be present when a post-mortem was performed on Tlhotlhomisang last Friday. He said they were waiting for the results and would only then know the precise cause of death

In another development, a Schweizer-Ren-

eke man who was briefly detained together with Tlhotlhomisang and other members of the Ipelegeng Civic Association has died of a heart attack

William Morebudi, 57, a father of eight, collapsed and died this week at his home

The dusty township of Ipelegeng was tense this week. Most activists are in hiding while others have fled their homes following a spate of detentions

The ICA members who have been detained under emergency regulations since March 14 are Dr YD Cajee, Jeremia Mame, Michael Mongate, Market Modise, Bruin Kgogo and M Vilakazi

# Judge convicts 'mastermind' Trust Bank defrauder Shefer

By Cathy Stagg

The alleged "mastermind" behind the R47 million Trust Bank fraud, Niko Shefer (39), yesterday pleaded guilty and was convicted of theft, forgery, uttering and fraud at the start of his trial in the Rand Supreme Court.

Shefer was described in evidence in mitigation as a man with a genius-level IQ but who felt inadequate and overcompensated by being a braggart.

Shefer pleaded guilty to 11 counts on the indictment relating to the loss of R47,3 million by the Trust Bank of Africa Ltd during March last year.

Although each crime was admitted, Shefer's counsel stressed his client had taken part in them as part of a conspiracy and had not committed each offence personally — nor was he the main instigator.

Mr Justice M S Stegman convicted Shefer as charged.

The court heard Shefer was arrested in April last year and was extradited from Switzerland in December. Since then he had been in custody at Diepkloof prison and had assisted the SAP. He had given valuable information which might lead to the recovery of more gold coins and the arrest of other co-conspirators whose identities were not generally known.

## Krugerrands

According to the indictment, the money defrauded from the bank was turned into assets which included Krugerrands.

Mr J Rink, a clinical psychologist, said Shefer was born in Ecuador. His father was a veter-

erary surgeon with influence in the government but was not financially successful. The family presented a well-to-do facade thanks to contributions from Shefer's maternal grandparents. Shefer's sister, eight years older than he, was exceptionally clever and overshadowed him.

His parents divorced when Shefer was about 13 and he went to live in the USA. His father began a plastics business and when he died, alone and bitter, Shefer returned to Ecuador to run it but it went insolvent.

A job offer brought him to South Africa and he moved to Sandton, where he felt relatively deprived in the materialistic environment. He worked for a company involved in "sanctions busting" and learnt to falsify documents and to use Swiss bank accounts.

The hearing continues.

# I authorised spy payments without reading info - Pearce

By Norman Chandler,  
Louise Burgers  
and Helen Grange

Mr John Pearce yesterday admitted authorising payments for informers without having read the information provided by them.

He is the second Johannesburg City Council official to admit to the Hiemstra Commission that he signed documents he had not read.

Mr Pearce was said by earlier witnesses to be the council's "spy-master".

The city's director of public safety admitted to Mr Denis Fine, C, for the commission, that he had not read justifications for payment to informers, although he signed them because he trusted his former security chief, Brigadier an Visser.

Brigadier Visser had certified the facts, and he had no reason to disbelieve him. Mr Pearce did

admit, however, that he had not actually read the justification for payments to a lawyer who infiltrated the Five Freedoms Forum (FFF) and Lawyers for Human Rights (LHR).

The man was identified for the first time yesterday to be a Mr Naude.

Mr Fine asked Mr Pearce: "Did you blandly accept Brigadier Visser's justifications for payments?"

He replied that as Brigadier Visser was head of security, "I had no reason to doubt his word".

Mr Fine said Mr Naude — code number JHB/8 — had not been admitted to the Bar at the time he indulged in spying activities on behalf of the council.

The information about Mr Naude, who was recruited in 1988, came while testimony was being heard from Mr Pearce.

Mr Pearce said Mr Naude's cre-

dentials were impressive, although he had never met the man.

He told Mr Fine he felt he might have been misled, if the fact that Mr Naude had not yet been admitted was correct.

Asked whether he would have approved information brought in by Mr Naude and relating to the FFF and LHR, Mr Pearce said: "With hindsight, maybe not."

Mr Fine put it to Mr Pearce that "someone was intent on misleading someone".

Regarding the End Conscription Campaign, Mr Pearce told the commission it was general knowledge that the ECC had been infiltrated.

Earlier in his testimony, Mr Pearce said that from 1988 when he had become director of public safety, he was directly responsible to the town clerk, Mr Manie Venter. They had had a good working relationship.

It emerged from the testimony that Brigadier Visser had convinced Mr Pearce to approach the town clerk regarding reimbursement of informants.

Asked by Mr Fine whether the decision to pay informers was a clandestine one, Mr Pearce said: "Brigadier Visser approached me with the concept. I agreed with the concept."

"I do not agree it was done in a clandestine manner at all."

Mr Pearce continues his evidence today.

● See Page 6.

# Informers paid from both general, security budgets

By Norman Chandler, Louise Burgers and Helen Grange Money paid to the Johannesburg City Council security department's informers came from both the general and security department budgets, it was admitted for the first time to the Hiemstra Commission yesterday.

Town clerk Mr. Mame Venter — recalled to the witness stand at the commission probing the Star's revelations about a council spy ring — made the admission while saying that money paid to informers "sometimes overstepped the limit (of R300)." Mr. Venter was re-called by Mr. Denis Fine, SC, for the commission, for further examination of documents which had not been dealt with during hearings last week.

On several occasions again yesterday, Mr. Venter asked for some aspects of his evidence to be heard in camera. Last week he also made a number of requests for a closed hearing.

No ruling has so far been given by commission chairman Mr. Justice V G Hiemstra.

Mr. Fine earlier asked Mr. Venter about limits placed on money paid to informers. His reply was that the maximum sum was R300.

## Dossiers

Mr. Venter conceded that at times larger amounts might have been paid out.

Dossiers drawn up on people were under "look and key" and Mr. Venter had not yet decided what to do with them, according to a report in The Star.

Quoting from the report, Mr. Fine asked what had happened to the documents Mr. Venter

dated October 20, dealt with an investigation into the Five Freedoms Forum (FFF) and Lawyers for Human Rights.

Mr. Fine said it appeared to him that the money had not been paid for transport purposes but was used for the payment of informers.

Mr. Venter then asked that the commission be held in camera so he could explain more fully.

He said there was a link between trade unions active on a municipal level and people who would come in and cause "great problems" with council workers.

I can give examples of things that happened inside, but I would rather do it in camera because I don't want to frighten people," Mr. Venter said.

Mr. John Campbell, for the FFF, said Mr. Venter had at times contradicted his evidence in regard to organisations which had been probed by the security department. He had claimed to have been misled by officials such as Brigadier Jan Visser, former deputy head of the department and its chief of security.

Mr. Venter said he had not contradicted his evidence and that he had reached "certain conclusions, that is all." He did not know precisely what Mr. Campbell was driving at.

He had, said Mr. Campbell, given direct answers to certain questions about the ANC, Lawyers for Human Rights and other groups.

The people who had advised him were Mr. Pearce, Mr. Barnard and Brigadier Visser, Mr. Venter said.

"Some questions can be answered by Mr. Barnard or the others if they give evidence to this commission," Mr. Venter said.

"I cannot give yes or no answers to some of your questions," he said.

A sum of R200 was paid to Mr. Hennig and a R250 payment was made to an unnamed attorney in regard to infiltration of Lawyers for Human Rights.

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"I cannot give yes or no answers to some of your questions," he said.

By Michael Sharfo High, wide and handsome is big John Pearce's style. Those who know him well say the head of the Johannesburg City Council's security department thinks of himself as a Texas-style sheriff, with the gold tie-pin he habitually wears that is fashioned in the shape of handcuffs, and the hoistered pistol at his waist.

The tie-pin was clearly in evidence as he took the witness's chair yesterday before the Hiemstra Commission of Inquiry into The Star's revelations of spying activities within his own security department.

Whether the gun was at his waist could not be verified.

What is certain is that from the moment he strode determinedly over to the witness desk, the commission proceedings but their liveliest note since the start of the inquiry.

And if Mr. Pearce saw himself striding down the familiar dusty street between the saloon and the blacksmith's for a shootout at high noon, he found a particularly able adversary in Mr. Denis Fine, senior counsel leading evidence for the commission.

Mr. Fine is tall and lean, scholarly would be a fair description with his thinning hair and gold-rimmed glasses.

But he proved more than a match for the security chief, clearly taking round one of their duel on a straight count of wounds inflicted.

The inquiry appeared to be winding down for the day, with desultory cross-questioning of town clerk Mr. Mame Venter.

There was a lazy late-afternoon feel about it as the protagonists plodded through the motions.

Enter John Pearce. All eyes focused on his broad frame and the slender Mr. Fine sitting at the horse-shoe desk of the council chamber.

Basically, Mr. Fine's shots were designed to show that as security chief, Mr. Pearce was indisputably the "spymaster" or — if he really was as unaware of the exact activities of the people he was paying — then grossly incompetent.

How could Mr. Pearce put his signature to documents authorising payments to agents spying on organisations such as the End Conscription Campaign, FIVE Freedoms Forum and Lawyers for Human Rights if he didn't know the value of the information? If the activities of informers weren't secret, why were they not made public?

Mr. Pearce indicated that much of the motivation for the security department's covert activ-



On the witness stand Mr. John Pearce, the Johannesburg City Council's director of public safety, at the Hiemstra Commission yesterday. Picture by Karen Fletcher.

is accused of being Spymaster

uses came from the former chairman of the management committee, the late Mr. Danie van Zyl.

Political considerations had not entered into decisions to spy on certain organisations, though the names of the ECC, FFF and LHR clearly appeared on requisitions for payment of informers who infiltrated them.

Most skilful shot of the day belonged to Mr. Fine. "Naude", he said was the name of the lawyer who had infiltrated the LHR. Did Mr. Pearce think he was properly recompensed?

In fact, Mr. Pearce, impressed by his credentials and ability to assimilate facts, wondered if his remuneration was not too low. It came like a pistol shot. "Did you know that in 1988 at the time of the payments, he wasn't yet an attorney? Who was it who misled you and to what purpose?"

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## I needed suite for visitors — Venter

Details about Mr. Mame Venter's house, valued at about R1 million, emerged from cross-examination at the Hiemstra Commission yesterday.

These include the conversion of his garage as a reception area, which was why it had to have airconditioning.

He had to accommodate visiting VIPs in a special bedroom suite, Mr. Venter said.

It was a condition of the employment contract that he live in the house. It was a residence that should not be "generally known" to the public, the management committee had decided on January 13 1986. Mr. Venter told the commission that security had also been upgraded at the homes of directors

of public safety Mr. John Pearce, other heads of departments and members of the management committee.

Mr. Venter said documents had been stolen from the council's security department and that the police had not yet arrested anyone for having done so.

He made this statement to Mr. Denis Fine, SC, for the commission, during re-examination by Mr. Fine.

Earlier, in reply to a question from Mr. Gilbert Marcus, for the End Conscription Campaign, he denied knowing anything about the destruction of certain spy dossiers before they were made available to legal teams.

Under questioning from Mr. Schalk Burger, SC, for Mr. Venter, the town clerk said the security department was first mooted in 1982 and accepted by the full council on October 25 1983.

A special security committee, set up in January 1986, had been known only to the late Mr. Danie van Zyl, chairman of the management committee. Mr. Francois Oberholzer, a former chairman of the management committee, had not been aware of the secret committee.

Mr. Venter said he had expected Mr. van Zyl to have informed other management committee members of the existence of the secret committee.

The hearing continues.



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HAIR  
HAIR  
CLINIC

# Sebokeng judicial inquiry 'urgent'

By Peter Fabricius,  
Political Correspondent <sup>252</sup>

CAPE TOWN — President de Klerk has appointed a one-man judicial commission of inquiry into the police shooting of black protesters at Sebokeng on March 26, when a number of people were killed.

Mr de Klerk told Parliament last night that the Cabinet had decided yesterday to appoint a commission.

It would be conducted by Mr Justice R E Goldstone, who had been instructed to treat the inquiry as urgent and report to him as soon as possible.

Mr de Klerk strongly denied

that the decision had been influenced by ANC deputy president Mr Nelson Mandela.

Mr de Klerk said that before he met Mr Mandela on April 5, Minister of Law and Order Mr Adriaan Vlok and Commissioner of Police General Johan van der Merwe had recommended to him that in the light of all the accusations, a commission of inquiry should be appointed.

Mr de Klerk had agreed to put it to the Cabinet.

At the meeting with Mr Mandela he had, on his own initiative and without being asked, told Mr Mandela about the decision. Mr de Klerk dismissed CP

suggestions that the decision to appoint the commission had been made at the request of the ANC or its leaders.

The ANC originally cited the Sebokeng shootings as the reason for calling off its April 11 exploratory talks on negotiations with Government leaders.

● Mr de Klerk also announced that the Government had decided not to appoint a commission of inquiry at this time to investigate the Natal violence.

However, it would continue to consider the matter thoroughly and further announcements would be made in due course.



# Pearce approved spy pay without reading reports

8/10/89 19/11/90

24/11/85

25/11

EDYTH BULBRING

worth, but he imagined it must have been of a high quality as the informer was an attorney.

Pearce said he trusted the judgment of security director Brig Jan Visser who had recommended Naude's payment.

Fine informed Pearce that the information contained in the document was not correct as Naude was not an attorney. "So you were misled," Fine said

According to Pearce, he would have expected Visser and then security department chief professional officer Frickie Barnard to have checked the information

## Broadcast

Pearce said he and Visser had motivated the payment of informers to town clerk Manie Venter, in 1985

He said they obviously did not want to broadcast to the whole world that paid informers were supplying the security department with information.

It was thus decided that the payment should be operated under Venter's delegated powers.

The operations were reported to former management committee chairman Dame van Zyl who was part of the

decision to pay informers

On Van Zyl's death, security matters were reported to the management committee, but no mention was made of the paid informers, Pearce said

The original intention was for informants to gather general information of interest to the council

Pearce said he did not believe this had changed, but rather that the amount of information gathered had expanded

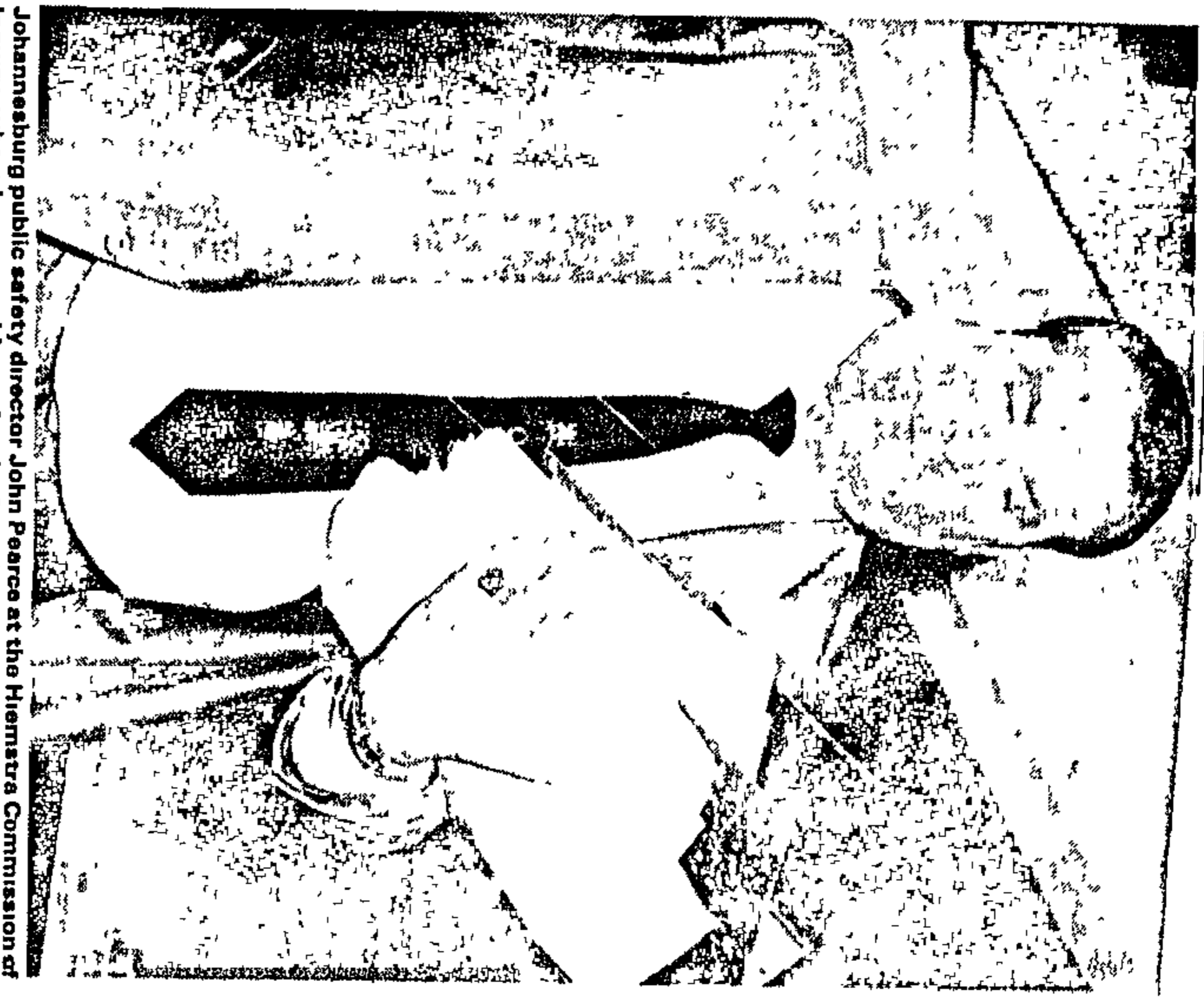
Presented with a document for payment of R200 to informer Tony Bennett, who had infiltrated the End Conspiracy Campaign (ECC), Pearce said Visser certified facts were correct, and accepting this he approved payment.

Bennett was mandated to infiltrate the ECC in the light of the 1988 municipal elections

Pearce said he was at the time aware information was being gathered on the ECC and many other organisations

Pearce said no party political considerations were taken into account in the information gathering around the municipal elections

Venter also told the commission he seldom read the documents he signed authorising payment to informers as Visser and Pearce would have certified the facts



Johannesburg public safety director John Pearce at the Hiemstra Commission of Inquiry, where he gave evidence for the first time yesterday. Picture ROBERT BOTHA

JOHANNESBURG public safety director John Pearce told the Hiemstra Commission of Inquiry into spying in the city council that he approved payment for spies, although he never read their reports

Pearce told the inquiry yesterday that when he was presented with a document recommending payment for informer IJHB8 he did not determine the amount, nor did he read reports submitted by informer IJHB8

The document stated the informer had infiltrated the Five Freedoms Forum (FFR) and the Lawyers for Human Rights (LHR)

Dennis Fine SC, who is leading evidence for the commission, disclosed at yesterday's proceedings the name of that "lawyer" agent

Fine identified informer IJHB8 as a "Mr Naude" Five Freedoms Forum spokesman Gael Neke confirmed after the hearing that a Toni Naude left the organisation at the beginning of 1989 after spending a year on a sub-committee dealing with recruiting

She said Naude had done his law degree at the time but had not done his articles He was teaching at Technisa Pearce said he did not know what the information gathered by Naude was

# Spy hearing: 24-hour guard for participants

FAMILIES of legal representatives and a witness involved in the Hiemstra Commission of Inquiry into alleged spying activities in the Johannesburg City Council security department are being guarded 24 hours a day — by the security department.

And Mr Justice Hiemstra, who is chairing the commission, is fetched from his home and brought to the hearings by members of the municipal traffic department, accompanied by a security guard, acting security department director Dirk Lamprecht said yesterday.

Dennis Fine SC, leading evidence for the commission, and his colleague Lotter We-

8/10/70 19/4/70  
EDYTH BULBRING  
penaar have also been assigned 24-hour guards on their homes by the security department.

The families of two advocates representing the council's public safety director John Peace, town clerk Manie Venter and security official Frikkie Barnard have also been provided with a 24-hour guard, Lamprecht said.

They are advocates S Burger SC and S V Nieuwenhuizen

A security department source said yesterday that Barnard had received a death

threat at the start of the commission, and his family also had a 24-hour guard.

Lamprecht said he had received the request for guards from the security department after a bomb exploded under a car at Innes Chambers last Wednesday.

He said the authorisation was approved by the management committee and he saw it as a temporary measure.

The security department would review the matter as the commission proceedings went on.

Lamprecht acknowledged the irony of the situation.

● See Page 2

# Judicial probe into Sebokeng killings

Biday 19/4/90 252

CAPE TOWN — President F W de Klerk last night announced a commission of inquiry, headed by Mr Justice Richard Goldstone, into the killings at Sebokeng — which the ANC gave as its reason for cancelling the original talks scheduled with government this month.

Speaking in the debate on his Budget vote in Parliament, De Klerk said the Cabinet had agreed at yesterday's meeting to appoint a judicial commission of inquiry into incidents that took place in Sebokeng on March 26.

It has been officially confirmed that 11 people were killed in clashes with the police in Sebokeng on that day, but some estimates put the toll at 17.

De Klerk denied CP accusations that the commission was a concession to the ANC or that government was undermining police by pinning blame for the incident on the police force.

A judicial commission on inquiry, he said, had been requested by both Law and Order Minister Adriaan Vlok and Police Commissioner Gen Johan van der Merwe prior to his April 5 meeting with an ANC delegation led by deputy president Nelson Mandela.

He had agreed to this suggestion but had said it would have to be agreed to by Cabinet.

MIKE ROBERTSON

De Klerk said he had informed Mandela at the meeting he was considering appointing a judicial commission of inquiry into the Sebokeng shootings.

De Klerk said the Goldstone Commission had been instructed to investigate all the events which took place in Sebokeng and surrounding areas on March 26 and to report back urgently. He believed this would be in the best interests of the people of Sebokeng as well as the SAP.

De Klerk said Cabinet had also considered requests from the SA Council of Churches delegation he had met last week to appoint a judicial commission of inquiry into violence in Natal. No final decision had been made.

THEO RAWANA reports that ANC internal leader Walter Sisulu said last night his organisation welcomed De Klerk's decision to appoint an inquiry.

"At the Sebokeng rally I expressed the wish that De Klerk and his government stood by their promise that they would consider the appointment of a judicial commission.

"A judicial commission is important in our situation because it is able more or less to sift through things — not depend on opinions," Sisulu said.

## Three in court over SAAF arms raid

By Claire Robertson,  
Pretoria Bureau

Three national servicemen appeared briefly in a Pretoria Magistrate's Court yesterday following the weekend arms raid at the SA Air Force Headquarters.

About R180 000 worth of the stolen arms have already been recovered by police.

Mr Christoffel Gerhardus Liebenberg (20) of Benoni; Mr Adriaan Francois de Necker Vogel (21), of the farm Droebult near Warden and Mr Francois Marthinus van Rensburg (22), of Port Edward, were not charged and are to appear in court next week to make a formal bail application.

They are to be held in custody until the application on April 26.

Advocates appearing for the three expressed their regret at the delay — apparently caused by the lack of a courtroom to hear the application.

The men had already made admissions about their part in the alleged theft of arms from SAAF headquarters on Saturday, magistrate Mr. R de Vos heard.

Although Mr Vogel's family members outside the court stressed there were no ties with the Afrikaner Weerstandsbeweging (AWB), Mr Liebenberg's mother, Mrs Sannie van der Merwe of Regents Park, Johannesburg, claimed to be a member of the right-wing group.

She described her only son as a "fantastic boer".

Threats made  
Star 2/4/90  
over spy probe 252

A witness and two members of The Star's editorial staff were threatened or harassed at the weekend because of their involvement with the Hiemstra Commission, it was disclosed yesterday.

Mr Johan Beetge, a former supervisor in the Johannesburg City Council's security department, and presently giving testimony before Mr Justice V G Hiemstra, was telephoned at his home on Saturday.

The contents of the conversation were not divulged.

A call was also made early on Saturday to a Star staffer, who was asked by a man speaking softly in Afrikaans whether she wished "to see your husband again".

A second staffer had all the tyres of a car deflated sometime during Saturday night. It was parked at a house in Johannesburg.

Legal teams at yesterday's hearing and Mr Denis Fine SC, for the commission, met Mr Justice Hiemstra for more than 30 minutes before the start of proceedings.

Also present was Mr Beetge.

# Mandela welcomes Sebokeng inquiry

*WMA* 2014-26/4  
NELSON MANDELA, deputy president of the African National Congress, has welcomed the appointment of a judicial Commission of Inquiry into the Sebokeng killings

Mandela said he thought it was a "good decision". The ANC's media department in Johannesburg said: "While we welcome the appointment of the commission ( ) we also hope that such a commission will serve to put to an end to such killings."

By **THANDEKA GQUBULE**

The Sebokeng shootings, in which 15 people were killed, took place during a peaceful demonstration in the Vaal Triangle township on March 26, plunging the country into further unrest and scuttling talks due to be held between the government and the ANC on April 11

The appointment of the commission

252  
is likely to ease relations between the ANC and the government but State President FW De Klerk said the move was not a concession to any of the ANC leaders

De Klerk announced that Mr Justice RJ Goldstone, who is known for his fierce independence and liberal judgments, would head the commission.

Full details on the commission's terms of reference will be published in the next *Government Gazette*

## Pearce at inquiry: 'I can't remember'

By KATHY STRACHAN

"I DON'T know... I can't remember at this point... General Visser dealt with it... I had nothing to do with the details... I will have to find certain documents before I can answer..."

John Pearce, head of Johannesburg City Council's security department reiterated these words at the Hiemstra Commission of Inquiry yesterday as he was questioned about alleged irregularities in his department.

Pearce told the commission under cross-examination that although he headed the department, it was composed of many sections including traffic, and he was not aware of the details of the council's intelligence ac-

tivities.

He had entrusted the details of the running of the intelligence section to Brigadier Visser, senior deputy of security responsible to Pearce, and that Visser kept him informed of what was happening.

Cross-questioned by Denis Fine, SC, he said he did not know that the Democratic Party was spied on by his department. Fine produced documentation collected by the security department from an "unregistered source" on the DP election campaign. Pearce

said it was the first he knew of it.

Fine, inquiring of Pearce if he really was unaware of the activities of the people in his department, asked whether limitations were placed on the security department and if they had a mandate. Pearce replied their mandate was to gather information for the security of council property and assets and members of the public where it pertained to council.

Fine asked how Pearce could claim his department did not concern itself with party political considerations when all of the 48 organisations spied on were anti-National Party organisations.

Pearce said they were only spied on if it was of concern to the Council, although he was not involved in ascertaining the value of the information.

Fine asked why the management committee did not know about it if the activities of informers weren't se-

cret and clandestine, as Pearce had earlier claimed.

Pearce said the previous management committee chairman, the late Danie van Zyl, was aware of the activities.

Pearce admitted informers were trained by Frik Barnard, who had previously been a major in military intelligence.

Advocate John Campbell asked why material irrelevant to their mandate kept coming through in weekly reports, compiled by the security department. Pearce replied that he had discussed the matter with Visser. The hearing continues.

JUSTICE FIM 20/4/90

## Tough and swift <sup>252</sup>

Attorney-General Frank Kahn is being tipped in legal circles to become SA's first supercop. Kahn, attached to the Cape AG's office, is expected to head a new body with extensive powers to combat corruption and circumvent the time-consuming system of commissions of inquiry, thus saving taxpayers millions.

FINANCIAL MAIL APRIL 20 1990

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FIM 20/4/90

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These are among the proposals in draft legislation, in the wake of the first Harms Commission hearings, when Justice Minister Kobie Coetsee indicated government was determined to combat corruption. The first commission report confirmed the need for a speedy investigation process. An interdepartmental committee has already made certain recommendations to Coetsee and a senior departmental advocate, Deon Rudman, has been given the task of formulating draft legislation.

The proposed law would enable the establishment of an office similar to the Serious Fraud Squad in the UK. The *FM* understands that the name, Bureau for Economic Misdemeanours, was considered but rejected because of possible negative connotations, especially while the commission is hearing evidence on the Civil Co-operation Bureau.

The proposed office will be headed by someone with a legal background and qualifications. While he or she would have the same (and in some cases wider) powers than a provincial A-G, the post will not carry an official rank nor be responsible for prosecu-



Kahn ... to catch a crook

tions

The wide-ranging judicial powers accorded to the appointee will enable him to call on an A-G of one of the four provinces to assist in an investigation. The appointee would also be able to enlist the aid of other law enforcement agencies like the SA Police, Advocate-General, Auditor-General or, in some cases, the Reserve Bank or commercial banks.

Though the main purpose of the proposed

office would be to hear evidence and investigate major fraud and corruption cases, it would also be possible to apply its powers to other offences. Speedy prosecutions would not only shorten police investigations, which normally follow commissions of inquiry, but also save money.

The legislation is not expected to be completed during this session of parliament.

Meanwhile, another law aimed at speeding up the legal process and saving money has been passed by a standing committee of parliament.

The Inquests Amendment Bill, due for its second reading, makes provision for judges or regional magistrates — instead of only magistrates, as in the original Act — to conduct inquests into unnatural deaths.

The law would enable a minister to appoint a judge to preside over sensitive inquests (deaths in detention, for example) without appointing a judicial inquiry.

Eddie Botha



# 'Spy' chief is SADF major

JOHANNESBURG City Council security department information gathering chief Frikkie Barnard is a Military Intelligence major, the Hemstra Commission of Inquiry into alleged spying heard yesterday.

Public Safety director John Pearce said Barnard did his camps at Wits Command, and spy handler Martin Henning was recruited by the security department from Wits Command's intelligence section.

Giving evidence before the commission, Pearce said information was sifted and evaluated by the intelligence section under Barnard.

Any information which was not considered relevant to the protection of the coun-



● BARNARD

EDYTH BULBRING

cil's property and personnel was discarded or handed to the SAP or the SADF. Pearce said it was accepted practice that information was swapped and it had been going on before 1985.

The intelligence section's mandate was to gather information which concerned the protection of council personnel and property. The mandate was executed by Barnard, Pearce said.

Pearce, who told the commission he was town clerk Manie Venter's representative at the Joint Management Committee (JMC), said many of the contributions he made at the JMC were based on information gathered by the intelligence section.

Included on the JMC were representatives from the army and police, he said. Pearce said he assumed the information was useful, but he also presumed the com-

□ To Page 2

## 'Spy' chief

mittee already had most of the information. The information passed on at the JMC was based on weekly reports he received from security director Brig Jan Visser.

Some of the reports contained information that was not relevant to the council. During cross-examination, advocate John Campbell, acting for the Five Freedoms Forum, asked "How can irrelevant information get into the weekly reports if you say it was discarded?"

"Maybe their idea of what was relevant was different to mine," Pearce said. He said he obviously had discussions with Visser about information that was not relevant to the council's interests, but he could not give an example.

The drawing up of profiles on personalities would not have been a contravention of the mandate if they had bearing on the assets of the council, Pearce said.

The initial decision to pay informers, which was made by himself, Visser, Venter and the late management committee chairman Danie van Zyl was never authorised by the management committee.

252 ~~252~~ □ From Page 1, Towards the end of 1988 he held discussions with Visser about the scaling down of the intelligence section. The reasons for this included the escalation of criminal activities in the council and the need to divert manpower to dealing with this and the change in the security situation.

He also had doubts as to the value of the information coming through this section. Asked why he had started doubting the value of the information if he had never read reports gathered by the informers, Pearce said it was just an impression that came to his mind over a period of time.

Pearce was presented with a document from Wits Command intelligence section containing information on propaganda activities in Sebokeng and petrol bomb attacks in Tembisa.

Pearce said he never saw these reports, but although the item on Sebokeng might have been of no interest to the council, the incident in Tembisa could have been.

Pearce said he had turned down a request for bugging devices. If bugging did occur he was totally unaware of it and the activities were unauthorised.

## Arms theft: court denies 3 airmen bail

252

TANIA LEVY

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THREE national servicemen, arrested in connection with the theft at the SA Air Force (SAAF) armoury in Pretoria, were yesterday refused bail in the Pretoria Magistrate's Court.

The three airmen — Christoffel Liebenberg, Adriaan Vogel and Francois van Rensburg — who were in charge of security at the Church Street building, are to be held in police custody until their next court appearance on April 26.

The theft is believed to have involved up to seven people.

Police liaison officer Maj Reg Crewe said yesterday there had been developments in the case, but refused to give details because the investigation was at a sensitive stage. He would not divulge details of the arrest of more suspects.

Police were investigating a telephone call to the Pretoria News yesterday, apparently from wanted right-wing Boerestaart Party deputy leader Piet Rudolph, in which the caller admitted his involvement in the arms theft. The newspaper said Rudolph had said the "counter-revolution" had begun and the weapons would be used against the ANC, not the police or the SADF. *old copy 20/4/90*

Rudolph is due to appear in court on April 28 in connection with shots fired at a building society in Pretoria North in December.

□ CP law and order spokesman Moolman Mentz has said it is natural for people to arm themselves for their defence at a time when the police are short-staffed.

S. Times 22/4/90

# Secrecy surrounds

## schoolboy hearing

(252)

By BILL KRIGE

(344)

A VEIL of secrecy has been drawn around a courtroom where four white youths from a top school are appearing after the death of an elderly black man.

In early March the battered body of Mr Tom Ruiters, 70, was found on a cricket field at Dale College in King William's Town, a school with a proud record of achievement.

The incident led to the immediate suspension of six boys, five of them boarders. Four of them appeared before magistrate Mr W Pretorius at a preparatory examination this week.

The findings of the in-camera hearing, expected to continue next week, will be sent to the Attorney-General of the Eastern Cape for a decision on whether or not to prosecute.

The youths, aged 16 and 17, were supported in court by their parents, but no family of Mr Ruiters, said to be from nearby Alice in Ciskei, are believed to have been present.

Several weeks before the hearing Dale College school committee chairman Neville Woollgar announced that the entire school community was "deeply shocked and saddened" by Mr Ruiters's death.

# Church workers in court battle to settle dispute

By DAN DHLAMINI

City Press

22/4/90

252

DISGRUNTLED workers of the Northern Cape and Western Transvaal Council of Churches (NCWTCC) an affiliate of the South African Council of Churches (SACC) are to take their employers to the industrial court for unfair dismissal.

The workers - Samuel Present, Du-duetsang Modise, Andrew Phiri, Maria Tlhakane and Roseline Phillips - who had worked for the NCWTCC since 1987 when the office was established in Potchefstroom, also claim in their affidavits that they were not paid their salaries for December 1989 after being fired.

In their affidavits the workers claimed they had been reluctant to start litigation and were trying to resolve the matter amicably.

They said they had also asked the SACC's secretary-general, Rev Frank Chikane, to intervene in the matter without any success.

The workers, who are adamant that they want reinstatement, have stated in their affidavits that the NCWTCC started it all by instituting an urgent application to the Supreme Court, asking for an order for their eviction from the Potchefstroom offices.

In his affidavit, Present claims that on November 7, their employer informed them that the office was moving

to Klerksdorp in six days' time.

He said they requested to meet the organising secretary, Rev Harold Brooks, in connection with the move to Klerksdorp and the sudden change of conditions of employment, but he did not respond.

Present said his argument was based on the fact that moving to Klerksdorp would cause problems for the workers as they all live in Potchefstroom and that their clients and the projects they ran in Potchefstroom would be affected.

Responding to *City Press's* inquiry about the strained relations between the NCWTCC executive committee and its employees, Chikane said he was aware of the problems in the area.

However, he said the NCWTCC employees had approached the SACC to act as mediator in the dispute.

He said the NCWTCC was an autonomous body which was not under the jurisdiction of the SACC.

"I learnt the workers have decided to take the matter to court and I cannot stand in their way, it's their democratic right," said Chikane, who claimed that he would only comment on the role of the SACC as mediators in this regard.

The executive committee of the NCWTCC, who are said to be in Lesotho, attending workshops could not be reached for comment regarding the dispute with their employees.

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● DAVIS

Picture ROBERT BOTHA

well-informed. He warned them he was a liberal, but was received courteously. Terre'Blanche, who had taken the

# Harms inquiry set to start in London

LONDON — Former policemen Capt Dirk Coetzee and David "Spyker" Tshikalange, who have made allegations about death squads in SA, are expected to be key witnesses today when the Harms Commission of Inquiry starts hearing evidence in London. (252) ~~314140~~

The commission is investigating the alleged activities of death squads against political opponents of the SA government.

The hearing will be held in the SA embassy, and this could cause some embarrassment for ANC members expected to accompany Coetzee.

KIN BENTLEY

They have in the past avoided entering the embassy.

Since Coetzee went into exile last year, he has been cared for by the ANC. *B/2007 2314140*

An embassy spokesman said Mr Justice Louis Harms declined to confirm whether Coetzee would be a witness, or whether there would be others.

Mr Justice Harms and his officials arrived in London on Thursday for the hearing, which could last two weeks.

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most eloquent old man, continued these fears Weisanthal, ironically operating out of the old Gestapo HQ in

focused on SA, which he calls the heart of the unfinished empire story.

# Inquiry to review armoury security

BW Day 23/4/90

252

THE SADF has set up a board of inquiry to investigate the theft of weapons from its SA Air Force headquarters armoury in Pretoria over Easter, and it is reviewing security at all armouries.

It is likely a priority will be tighter screening of SADF personnel for their political leanings, especially those being considered for positions of trust.

In announcing the moves, the SADF said although present regulations governing the safe-keeping of weapons in armouries were very strict, it was not always possible to "rely totally" on the integrity of individuals in whose care weapons were entrusted.

The spokesman said it viewed the theft of weapons from the SAAF headquarters armoury in Pretoria on Easter Saturday in a "very serious light".

Police have so far arrested five people in connection with the theft. Three of those are national servicemen who allegedly helped provide access to the armoury.

It was announced at the weekend that a policeman and a 46-year-old civilian were arrested in connection with the incident. They will appear in the Pretoria Regional Court today.

Meanwhile, the hunt is still on for ultra right-wing Boerestaart Party deputy leader Piet "Skiet" Rudolph, who has allegedly implicated himself as leader of the raid.

MATTHEW CURTIN reports that Rudolph is a former policeman and colleague of Brixton Murder and Robbery Squad chief Col Suiker Britz, now

DANIEL SIMON

heading the manhunt.

Rudolph left the force in 1969 with the rank of warrant officer.

A self-styled revolutionary, Rudolph is due to appear in court on April 28 in connection with shots fired at a building society in Pretoria North in December.

He has reportedly said in the past he is prepared to use bullets if it is the only way to preserve freedom for the Afrikaner.

The haul of weapons from the Easter raid included at least 20 R-5 rifles, 20 shotguns, about 30 pistols and sophisticated night-sight equipment.

Police have only recovered two pistols from the haul so far.

## Concession

Police liaison officer Capt Eugene Opperman said yesterday it would be extremely difficult to acquire a licence for an R-5 rifle.

Opperman emphasised gun licences were a concession to the public, not a right, and serious questions would have to be asked over an application to acquire an R-5.

The weapon was part of the police arsenal, but only issued in combat situations.

The R-5 is a compact light-weight rifle firing a low calibre bullet, the same as the R-4, at a high velocity. Opperman said it had been issued to farmers in Namibia, but that had been at a time of terrorist activity.

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Central education

Administrators to be treated as reporters

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Central education

Administrative

# Lubowski accused refuses offer of bail

By Dale Lautenbach,  
The Star's Africa  
News Service

WINDHOEK — The man accused of murdering Swapo advocate Anton Lubowski yesterday refused to accept bail of R4 000 and conditions

set by the court and returned to jail at the end of proceedings.

However, his defence counsel strongly denied that Mr Donald Acheson's refusal of bail had anything to do with fears for his personal safety.

Mr Acting Justice Ismael Mohammed set bail at R4 000 on condition that Mr Acheson reported three times a day to the Windhoek police station and stayed confined to his home or place of employment at the Windhoek Observer Newspaper.

Mr Acheson's defence said the conditions of his bail were so stringent that he might as well remain in jail. Money was not a problem they said.

The judge postponed the matter to May 7 to give the State an opportunity to produce tangible evidence of diplomatic negotiations between Namibia and South Africa on the establishment of an extradition treaty or of the creation of channels through which four witnesses in

South Africa could be forced to appear in the trial.

The four witnesses required by the State are Mr Ferdinand Barnard, Mr "Calla" Botha, Mr "Slang" van Zyl and Mr William Knox, all former members of the Brixton Murder and Robbery Squad.

The first three have also been linked to the clandestine activities of the Civil Co-operation Bureau.

The State also requires either an extradition treaty or the specific approval of the South African State President for delivery of two co-accused in the Lubowski murder trial, Mr Staal Burger and Mr Chappie Maree, to Namibia to stand trial.

The judge expressed dissatisfaction that the State had so far failed to show any concrete proof that diplomatic channels between the neighbouring countries had been set up.

Prosecutor-General Mr Hans Heyman has said only that the Namibian Attorney General's office was "busy with it".



# Witness recalled over 'sensitive' papers

The discovery of "sensitive" documents — said in earlier testimony to be from the South African Defence Force — had a sequel at the Hiemstra Commission in Johannesburg yesterday when former spy handler Mr Martin Hennig was recalled to the witness stand.

Mr Hennig denied to Mr D Fine, S C, for the commission, that he had known about the documents — found in his office safe — and denied contradicting his earlier evidence that he had provided "all documentation to the commission"

Mr Fine put it to him that he knew of a city council management committee decision, which was that all documentation with reference to the security department, should be handed to the

commission.

Mr Hennig said he had discovered the papers last week and had advised his lawyers

"No one told us on Tuesday, Wednesday, Thursday or Friday," said Mr Fine "How did those documents come into your possession?"

Mr Hennig said council operatives Mr John Eagen and Mr Tony Bennett had placed the papers in a safe

Mr Fine asked "What other papers relevant to this commission were locked away in the safe?"

"There were personal documents, reports and other papers," Mr Hennig said

Mr Fine told Mr Hennig that he had given evidence last week that

all documentation had been given to commission officers. Mr Hennig said that as far as he was concerned this was so

Re-examining Mr Hennig, Mr Fine was told by him that photostats in the safe had "come from the police"

Mr Hennig's lawyer, Mr Hans Bornman, later told the commission he was concerned that "an erroneous impression" had been created about the withholding of the papers, particularly concerning the legal representatives

It was not intended in any manner whatsoever to withhold evidence. He added that the legal advisers had done what they could to facilitate access to all papers.

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# Abortion: a new look at present law invited

Own Correspondent

CAPE TOWN — The Government is to take a new look at the controversial Abortion and Sterilisation Act of 1975 and has called for people to approach the Department of Health to put forward their ideas for possible changes.

The Act forbids abortion in South Africa unless the woman has been raped, the baby is abnormal in some

way or a medical panel agrees that having the baby will irreparably damage the woman physically or mentally.

The Government decision has been welcomed by the Abortion Reform Action Group which issued a plea to all interested parties to accept the Department of Health's invitation.

"Before the 1975 legislation was promulgated, South African women and men and their organisations took no active part in the abortion debate," said Dr Marj Dyer, chairman of the Cape branch of the organisation.

"If they had, it might have prevented the restrictive law which has led to many deaths and much ill-health, especially among poor women."

## Rich go overseas

The financially better off women have made ample use of overseas abortion facilities, she said.

"A woman who does not want to be pregnant doesn't worry about the law. If she can't get an abortion legally, she'll get it illegally. But illegal abortions are frequently dangerous and can lead to death, hideous infections, hysterectomies or infertility.

"We believe the decision to have an abortion should be taken, up to about 12 weeks of pregnancy, by the woman and her doctor."

Pro-Life could not be reached for comment.

Anyone wishing to make representations to the Department of Health should write to the Director-General, Department of National Health, Private Bag X63, Pretoria 0001.

# Jo'burg council's security section 'was just a front for the military'

Reports by Norman Chandler,  
Helen Grange and  
Louise Burgers

The Johannesburg City Council's security department was nothing more than "a front for Military Intelligence", a witness told the Hiemstra Commission yesterday.

Mr Johan Beetge, a former security supervisor, also said that he had insisted on the drawing up of a document titled the "Hostile Revolutionary Onslaught" to clarify the spying activities of the department's information unit.

## Information network

In earlier testimony, the commission heard that Mr Frik Barnard, deputy security director and former operations manager, and Mr Martin Hennig, a former operative, had been recruited from Military Intelligence.

The commission has been set up by the Administrator of the Transvaal to investigate The Star's revelations of the existence of spy rings

in the council's security department.

Replying to questioning from Mr Lotter Wepener, assisting the commission with Mr Denis Fine, SC, Mr Beetge said: "Not all the information we collected concerned the interests of the council."

He was explaining why he thought the information network — which has been in existence since 1985 — was a front for Military Intelligence.

"A lot of the information had to do with organisations such as the Five Freedoms Forum, the End Conscription Campaign, and others," Mr Beetge said. It was his opinion that the activities against these groups was "highly illegal and blatantly criminal".

Mr Beetge said that as far as he was concerned there was "no law which entitled us to spy on other people".

Detailing his motivation at the time, Mr Beetge said he had asked Mr Nick Roesof, another official in the security department, to draw up a policy document in support of their intelligence-gathering activities.



Former security supervisor Mr Johan Beetge.

ties for the town clerk, Mr Manie Venter, to authorise

Before the document was introduced into the commission record, an application was made by Mr Hans Bornman, representing Mr Hennig, for the hearing to be held in camera because, he said, the document was marked "top secret".

Mr Gilbert Marcus, representing various parties, objected, saying many of the other documents already submitted had also been marked "top secret", and it was in

the interests of the public that the latest documents be made known.

Mr Justice Hiemstra, assisted by Mr W van den Berg, took more than two hours to come to a decision. They decided to hear argument and evidence on the hundreds of pages said to detail the "total revolutionary onslaught" on the city. The document has not been released to the media yet.

Mr Beetge revealed that from as early as 1988 he had been looking for other employment after having his suspicions of illegal spying activities aroused.

"I was even willing to drop a grade in salary," he said.

Revelations in the Sunday Star at the weekend on the drawing up of ground plans of communes and other buildings in city suburbs had been prepared by Mr John Eagen, an operative with the security department.

They had been submitted to Mr Barnard — unmasked last week as a major in Military Intelligence — who had, in turn, "passed them on to the Defence Force".

Mr Beetge said he had seen a re-

port on Mr Tony Leon, former leader of the Opposition in the council and now Democratic Party MP for Houghton. It had been marked Personal Profile No 1.

Mr Wepener said: "We went through four boxes of documents and found no such profile."

## Internal squabbles

Mr Beetge: "Then it had to have been destroyed — or hidden away."

Evidence of internal squabbles in the security department was also heard by the commission.

In one, according to Mr Beetge, Mr Barnard and Brigadier Jan Visser, former head of the department's security section, had had a fall out, and Brigadier Visser was "looking for ammunition (skietgoed) to use against his colleague".

Another involved a man named "Robert", who had been employed as a source by the council. After he left, Mr Barnard had him listed as a "subversive" by the military.

The hearings have been postponed to Thursday because of the council's monthly meeting.

# Govt aims to bring rot into the light

Stel 24/1/90

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With no less than five Commissions of Inquiry the Government has shown a readiness to bring into the open issues of public concern, says the National Committee of Lawyers for Human Rights, reports **CLAIRE ROBERTSON** of the Pretoria Bureau.

In local council chambers, homeland courtrooms and even on Trafalgar Square, South Africa is engaged in an unprecedented search for the facts behind headline-making death and violence with no less than five Commissions of Inquiry sitting or appointed.

Judges and magistrates are or will be probing the deaths of newborn babies in strike-torn hospitals and political activists in their own homes and investigating the excesses of homeland leaders and spies controlled by City Hall.

The spate of commissions indicates a preparedness of the present Government to bring into the open issues of public concern, says Lawyers for Human Rights National Chairman Mr Jules Browde.

It would prefer wider terms of reference being given to commissions, but the organisation is in favour of commissions as being a means of exposing a hidden rot to the light before it "becomes a festering sore" and called for an inquiry into the Natal violence more than two years ago

This and its call for an inquiry into capital punishment are still unheeded. Those issues which have travelled the route from exposure by the press to the attention of a commission include:

### Harms Commission

The Commission of Inquiry into alleged murders and other violence was appointed under the chairmanship of sole member Mr Justice Louis Harms in January this year after months of sensational revelations about alleged police death squads preying on local political figures.

Since he began hearing evidence in Pretoria early last month, Mr Justice Harms has listened to weeks of claims and counter-claims about espionage and murder from witnesses who include SA Defence Force generals, policemen and a condemned prisoner



Mr Justice Harms . . . in London.



Mr Justice Richard Goldstone.



Mr Justice Hiemstra.



TPA Administrator Mr Danie Hough.

Revelations centre on the SADF's covert Civil Co-operation Bureau

The Harms Commission started hearing evidence yesterday in the SA Embassy, Trafalgar Square, London. It returns to South Africa on May 7 when it will resume its inquiry into

vary death in custody of Mr Clayton Sizwe Sithole, boyfriend of ANC deputy leader Mr Nelson Mandela's daughter Zinzi, he has now been asked to investigate the shooting of protesters at Sebokeng on March 26 in which several people died.

### Hiemstra Commission

Former Acting Judge President of Transvaal and chairman of the SWA Namibian constitutional council Mr Justice V G Hiemstra was appointed last month to head a Commission of Inquiry into the spy network in the Johannesburg City Council.

Since April 11 he and fellow commission member Mr W J van den Berg have heard in the Johannesburg council chamber how dozens of the city's political figures and organisations were spied on by paid informers and council employees

### Parsons Commission

Former regional court magistrate and president of the Industrial Tribunal Mr Ben Parsons is chairman and sole member of the Commission of Inquiry into the 1986 unrest and the alleged mismanagement which preceded it in kwaNdebele.

The commission has been sitting in a kwaMhlanga Magistrate's Court since September 1989 and could last up to three years as it probes alleged political thuggery in the self-governing state and causes of the unrest.

### Ga-Rankuwa Commission

Transvaal Administrator Mr Danie Hough announced on April 19 that he intended to appoint a Commission of Inquiry into the reported deaths of 23 babies at Ga-Rankuwa Hospital during a recent strike. Details are expected this week.

Local authorities have had their fair share of formal investigations this year, with inquiries being conducted into the affairs of authorities in Tembisa, Wesselton, Midrand and Soweto.

# SAAF 3 get bail

BAIL of R1 000 each was yesterday granted in the Pretoria Regional Court to three South African Air Force national servicemen, allegedly connected to a break-in at the SAAF headquarters in Pretoria over the Easter weekend.

The magistrate, Mr J Carstens, granted bail to Mr Christoffel Gerhardus Liebenberg (20), of Benoni, Mr Adriaan Francois de Necker Vogel (21), of Warden in the Free State, and Mr Francois Marthmus van Rensburg (22), of Port Edward in Natal on condition they report once a week to their nearest police stations.

The State did not oppose bail.

Two other men, Mr Edward Liebenberg Naude (35), of Kelfin

Street in Reyton, and Mr Gene Taylor (46), of Paulana Lane in Pretoria Gardens, appeared for the first time yesterday in connection with the break-in.

Charges against Naude were withdrawn on instructions from the Attorney General (252)

No reasons were given for this.

No charges were put to

Taylor and he was not asked to plead. He told the court he had had no chance to contact a legal representative and was granted permission by the court to ask his wife to make arrangements for this.

The State opposed bail for Taylor at this stage.

The case was postponed to May 25 for further investigation - Sapa

This essay will examine the nature of the Bhagavad Gita

# Necklace case (252) opens in Pretoria <sup>no wedding</sup> 24/4/90

By ALINAH DUBE

A PRETORIA Supreme Court judge yesterday heard that a Kwandebele man was doused with petrol and set alight after he was accused of using lightning to kill a woman.

Mr William Leope was testifying in the murder trial of the eight men who allegedly murdered his father, Mr Abraham Leope, on June 7 1986 in Waalkraal.

The eight, Mr Jan Mosehle Motsepe (40) of Alexandra, Mr Mokomore Jerry Mokgabudi (34), Mr Piet Bosielo Makwathane (41), Mr George Mokomane (34), Mr Frans Mokgabudi (34), Mr William Mokomane (58), Mr David Mokomane (30) and Mr Gerald Mokomane (18) all of Dennilton, are appearing before Mr Justice Wyers. They have pleaded not guilty.

The court heard that Leope senior was killed after a witchdoctor said he was responsible for the death of Ms Nurse Motsepe.

The witness said a group of people marched on his father's residence demanding that he produce the dead woman. His father begged for mercy and tried to prove his innocence.

He said two of the accused, Motsepe and George Mokomane drained petrol from a car and took his father to a tree.

# Council spy probe told of death threats

AT least three people - a witness and two members of *The Star* - were threatened or harrassed at the weekend, it was disclosed today at the Hiemstra Commission into spies in the Johannesburg City Council's security department.

Mr Johan Beetge, a former supervisor in the department, presently giving testimony before Mr Justice VG Hiemstra, assisted by Mr W van den Berg, was telephoned at his home.

The contents of the

conversation were not divulged

A call was made early on Saturday to a *Star* staffer, who was asked by a man speaking in Afrikaans whether she wished "to see your friend again"

A second staffer had all the tyres of a car deflated on Saturday. It was parked at a house in Johannesburg.

The latest threats follow similar calls made over the past two weeks

to people involved in the Hiemstra Commission hearings

In the earlier incidents, a key witness, as yet unnamed, was intimidated and a death threat made against another person

A contract for R50 000 was placed on the head of a person who is still to give evidence.

At the start of the Commission hearing, a bomb exploded in the basement of Innes Chambers, Johannesburg,

where most lawyers appearing for various parties at the Commission have their offices

At the time, Mr Justice Hiemstra issued a strong warning against intimidation

Legal teams at yesterday's hearing and Mr Denis Fine, SC, for the Commission, met Mr Justice Hiemstra for more than 30 minutes before the start of proceedings.

Also present was Mr Beetge.

Representatives of a number of black trade unions, including officials of Cosatu, filled a portion of the public gallery when Mr Justice Hiemstra entered the council chamber at 10 40am.

Mr Martin Hennig, a former operative who had previously given evidence, was recalled to the stand yesterday and questioned about documents in a safe

## Documents

Hennig had said on Friday that he had helped pack sensitive military papers

Fine put it to Hennig that he knew of a management committee decision that said all documentation with reference to the security department should be handed to the Commission

"You had other documents in the safe didn't you?", Fine asked

Hennig said he had discovered the papers last week and had advised his lawyers.

"No one told us on Tuesday, Wednesday, Thursday or Friday," said Fine

"How did those documents come into your possession"

Hennig said council operatives Mr John Eagen and Mr Tony Bennett had placed the papers in a safe

"I was under the impression they were photo-

stats," he added

He could not recall who had told him about the documents in the safe

Fine asked "What other papers relevant to this Commission were locked away in the safe?"

"There were personal documents, reports and other papers," Hennig said

Fine put it to Hennig that he had hesitated about opening the safe in his office. This was denied

(Proceeding)



Mr Justice VG Hiemstra

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# Witness thought council office was SADF front

A FORMER senior supervisor in the Johannesburg City Council's security department yesterday told the Hiemstra Commission of Inquiry into alleged irregularities in the department he was under the impression the council's information office was used as a front for the SADF.

Johannes Beetge, now a member of the council's civil protection corps, said his impression was that information department head Frikkie Barnard, a major in Military Intelligence, used the department as a front for the army.

From a cashbook placed before the commission, Beetge identified an undisclosed amount which he said had been paid to Barnard for a braaivleis

## EDYTH BULBRING

for the army, and another R350 which was paid to Barnard for taxes.

Beetge said this seemed to indicate the money was used by Barnard for tax purposes, which was not the function of a cashbook intended to record payments to informers.

A payment of R340 was also made to Barnard for the athletics team of which Barnard was head. Most of the members were from the security department, Beetge said.

He told the commission, chaired by Mr Justice Hiemstra, that a former informer called "Robert" had had a fall-out with Barnard which resulted in "Robert" being marked as subversive on his army file.

Beetge said he had been told by

Barnard to draw the file on "Robert" as he was leaving the service.

Several days later he picked Barnard up from Wits Command. Barnard had the file under his arm and Barnard told Beetge he had marked "Robert's" army file "subversive", Beetge said.

Beetge made an appearance at the commission on Friday and claimed to have transported alleged spy documents compiled by the security department to SADF headquarters in Johannesburg.

Earlier, spy handler Martin Hennig denied knowledge of certain council security department documents being withheld from the commission.

The commission will hear evidence again on Thursday.



B/Day 24/4/70

**Thousands of desks empty at Cape schools**

CAPE TOWN — The number of empty places in white schools in the greater Cape Town area this year is 14 851.

House of Assembly Education and Culture Minister Piet Clase said yesterday there were 3 830 vacancies in schools in the Parow School Board area.

Clase's figures for the Parow School Board area, given in reply to a question from Ken Andrew (DP Gardens), show that five schools were less than half full

**BARRY STREEK**

— Bellville Primary, De Waveren Primary, Monument Park High, Parow Preparatory and Parow North Primary.

However, 23 schools in the Parow area were overcrowded — the worst being in Brackenfell, where the high school accommodated 1 014 pupils (750 capacity) and the primary school had 1 066 pupils (800). (~~800~~) (252)



**INTERBOARD LIMITED**

(Incorporated in the Republic of South Africa)  
(Registration number 05/23582/06)  
("Inboard")

# 'Hit squad' member describes killing

LONDON — A Venda gardener turned policeman yesterday told the Harms Commission, sitting in the SA Embassy in London, that he took part in the hit squad murder of Natal lawyer Griffiths Mxenge

David "Spyker" Tshikalange, looking ill at ease and speaking in broken English with occasional Afrikaans words, described the killing in detail, but said he had only stabbed the black lawyer once in the chest with a hunting knife during the struggle in 1981.

Earlier, responding to questions from legal representative Denis Kuy SC, he told how he had been recruited, first as a gardener and then as a killer, by Capt Dirk Coetzee.

Both men fled SA last year and are now in the care of the ANC.

Because the two men were in exile and claimed to be in fear of their

lives if they returned to SA, the commission into politically motivated murders, under Mr Justice Louis Harms, came to London.

While the hearing continued in an ornate auditorium in the embassy basement, a small group of Anti-Apartheid Movement protesters demonstrated outside

ANC members and legal representatives, one from Lusaka headquarters, attended the hearing without hindrance from embassy officials.

Unconfirmed reports earlier said indemnity from arrest for some ANC members had to be obtained.

Coetzee, whose allegations that he had personally led a police death squad led to the hearing, was due to give evidence later.

On the Mxenge killing in 1981, Tshikalange said he and others, including

Almond Nofemela, had been instructed to go to Durban, after being issued with a hunting knife.

They were shown a photo of a man and told he had to be removed — killed.

Tshikalange described how they had driven in a bakkie to the man's home and abducted him in his white Audi after pretending to have troubles with their own vehicle.

After stabbing the man to death, Tshikalange said, they had driven the Audi and the bakkie to CR Swart Police Station in Durban, parking the vehicles outside.

Coetzee and other policemen there had taken a report from the others, changed the number plates on the Audi and ordered the men to change their clothes and hand them in.

The hearing continues. — Sapa.

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Grant Thomas, MD, at Malbak

# R18-m is written off

Criminal charges have been laid as a result of investigations into the affairs of Quality Tyres and an enquiry under the Companies Act is being held, says Mr Grant Thomas, executive chairman of Malbak.

He says that Malbak has written off the R18 million it invested in Quality Tyres which was placed in voluntary liquidation on December 8, last year.

Malbak purchased the trading assets from the liquidators by open tender and is continuing to run the business under the Quality Tyres name.

Mr Thomas says the decision to invest in Quality Tyres was based on the audited accounts of a listed company and the subsequent management accounts. Both "have been proven to contain material irregularities affecting earnings, liabilities and net asset value", he said.

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# Court winds up mining company

Epigro Mining and Exploration Company was yesterday wound up in the Rand Supreme Court.

Mr David Broad of Sandton Village, Paulshof, said the company's managing director, Mr Roy Sellers, had said in writing that Epigro's shares would be listed on the Johannesburg Stock Exchange.

As a result, substantial sums of money had been raised from members of the public who were now concerned about the fate of their investments.

After Mr Broad instituted action against Epigro, he was inundated with calls from worried investors.

He said money from the public had not been accounted for.

The rule nisi granted by Mr Justice J C Kriegler on March 27 was confirmed yesterday by Mr Justice F C Kirk-Cohen. — Court Reporter

Teachers on the march ... now a new strike looms.

# DET ruling makes student Pinky see red

By S'BU MNGADI c/hrs 15/4/90

THE Legal Resources Centre has lodged an application in the Durban Supreme Court to try and overturn Department of Education and Culture regulations that have affected thousands of black pupils since 1982. The application has been brought by Umlazi student Pinky Ndlovu, whose matric biology results were annulled by the DET because of irregularities at her examination centre last year. The respondents are DET Minister Stoffel van der Merwe, the director-general of the DET, and the principal of Durban Finishing School.

During the writing of biology last year, two students from an adjoining room were apprehended in possession of "worked out answers".

The principal interrupted matric candidates in Ndlovu's room and instructed invigilators to scrutinise all material in the possession of candidates.

"No candidate in our room was found in possession of unauthorised documents or papers," said Ndlovu in her affidavit.

All candidates in her room continued the examination.

She denies being party to any form of irregularity or dishonest act before, during or after the examinations.

In January this year she was delighted to hear she had passed with a matric exemption, as she intended to study nursing.

However, on January 20 she received a notice from her principal advising her that all the biology results at the school were cancelled and all students wanting

to obtain their biology results "must rewrite" on February 16, 1990.

The entire Durban region was affected by this decision.

The Minister of Education and Training is empowered to make regulations in terms of DET Act 44 of 1979, in connection with the conduct of examinations and disciplining of students.

They were first published under government notice R803 in government gazette 7549 of April 16, 1981 - and have been amended.

Ndlovu argued that although the Minister's power under the regulation was a general one, this did not mean he could make whatever regulations took his fancy.

In her submission she said he had limited power conferred only for the statutory purposes stated in the section - that is to make regulations for "the conduct and discipline of candidates before, during and after examinations".

She submitted the decision of the DET director-general to cancel her results was null and void.

"The director-general cannot cancel my results without having given me an opportunity to answer allegations he may have had against me.

"I submit that his failure to apply his mind to the matter is clear in my submission, because he failed to observe all the requirements for validity, inter alia by affording me a hearing," she said.

The respondents have been given until April 17 to respond in writing. The matter will be set down for hearing on May 8.

...arning potential had increased.  
ers were asked to appear in TV adver-

he ordered that the proceeds of the amount  
awarded to Hector form the assets of a trust for  
his benefit after costs had been deducted.

## Tshikalange admits previous convictions

LONDON — The Harms Commission into alleged hit squads was told here yesterday that a former policeman allegedly turned assassin, had shot and wounded a man in a hotel fight in 1983 and been convicted of drunken driving twice in 1985.

Sam Maritz SC, for the policemen who have been implicated, was putting official records to David "Spyker" Tshikalange on the second day of cross-examination

Tshikalange, who testified on Monday in the hearing in the SA embassy that he took part in the 1981 murder of Natal lawyer Griffiths Mxenge, confirmed Maritz's statements, but said he could not remember the dates

He confirmed he had been discharged from the SAP in 1985, officially at his own request, but reiterated that he had been

forced to do so.

Maritz said in July 1983, Tshikalange had become involved in a fight with a man in a Laudium hotel. He had shot the man in the hand with his service revolver, been charged with assault, found guilty and sentenced to 250 days or a fine of R500.

In January 1985, he had been recorded as absent without leave from his police station in Levubu, been tried departmentally in July, cautioned and discharged.

Also in 1985, he had been twice convicted on drunken driving charges, with one fine being R 1500 (or eight months), plus six months suspended and his driving licence suspended for a year. On another occasion, he had been given a fine of R250 or 125 days, with 90 days suspended for a year. — Sapa.

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## 2 more Death Row prisoners escape gallows

*Sapa 25/4/90*  
The sentences of two Death Row prisoners — a murderer and a rapist — were commuted this week, bringing to 12 the number of people reprieved from hanging since last Friday, the Department of Justice confirmed yesterday.

The latest reprieves were granted to Solomon Dikgang Magano and Jeremia Hlakotsa on Monday following successful petitions to the State President.

Magano (27), was convicted in March 1989 for raping a 24-year-

*252*  
old woman. His death sentence was commuted to 15 years' imprisonment.

Hlakotsa (42), was convicted and sentenced to death in May 1989 in Vanderbijlpark for murdering his wife by strangling her and throwing the body into the Vaal River. His death sentence was commuted to 25 years' imprisonment.

The 10 Death Row prisoners whose sentences were commuted to imprisonment on Friday were

all convicted of murder.

The death sentences of the following murderers were commuted on Friday:

Mazibuse Michael Dlamuni (26), 18 years' imprisonment; John Mandlenkosi Mthembu (24), 20 years; Andrew Ngubo (25), 12 years; Joseph Chidi (25), 20 years; Stephen Greel (29), 18 years; Ephraim Shabalala (24), 12 years; and George Zolile Maqana (21), 12 years' jail. — Sapa.

# Reprieve for two on death row

PRETORIA — The sentences of two death row prisoners — a convicted murderer and a convicted rapist — were commuted this week, bringing to 12 the number of people reprieved from hanging since last Friday, the Department of Justice said yesterday.

The latest reprieves were granted to Solomon Dikgang Magano and Jeremia Hlakota following successful petitions to the State President.

Magano, 27, was convicted in March 1989 in Bloemfontein of house-breaking with intent to rape and raping a 24-year-old woman.

His death sentence was commuted to 15 years' imprisonment.

Hlakota, 42, was convicted and sentenced to death in May 1989 for murdering his wife by strangling her and throwing the body into the Vaal River.

His sentence was commuted to 25 years' imprisonment — Sapa



# Eight on 'necklacing' charge

By ALINAH DUBE

ONE of eight people accused of killing a man by burning him to death by the "necklace" method spent hours with a witchdoctor to see a picture of the person who had allegedly killed his sister with lightning, a judge heard yesterday

Mr Justice Weyers was told in the Pretoria Supreme Court that a witchdoctor had told the accused a picture of his

25/4/90

sister's "killer would appear on the wall"

Mr Jan Mosehle Motsepe was testifying in the trial in which he and seven men are charged with murdering Mr Abraham Leope in KwaNdebele on June 7

1986

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Appearing with him are Mr Mokomore Mokgabudi (34), Mr Bosielo Makwathane (41), Mr George Mokomane (34), Mr Frans Mokgabudi (34), Mr William Mokomane (58), Mr David Mokomane (30)

and Mr Gerald Mokomane (18)

All have pleaded not guilty

Motsepe said he and other people went to the witchdoctor's house to find out who had killed his sister. The witchdoctor told them to watch for

a picture which would appear on the wall:

They left after the picture failed to appear.

"As we were nearing the village a group of comrades told us my sister's killer had been identified," Motsepe said (Proceeding).

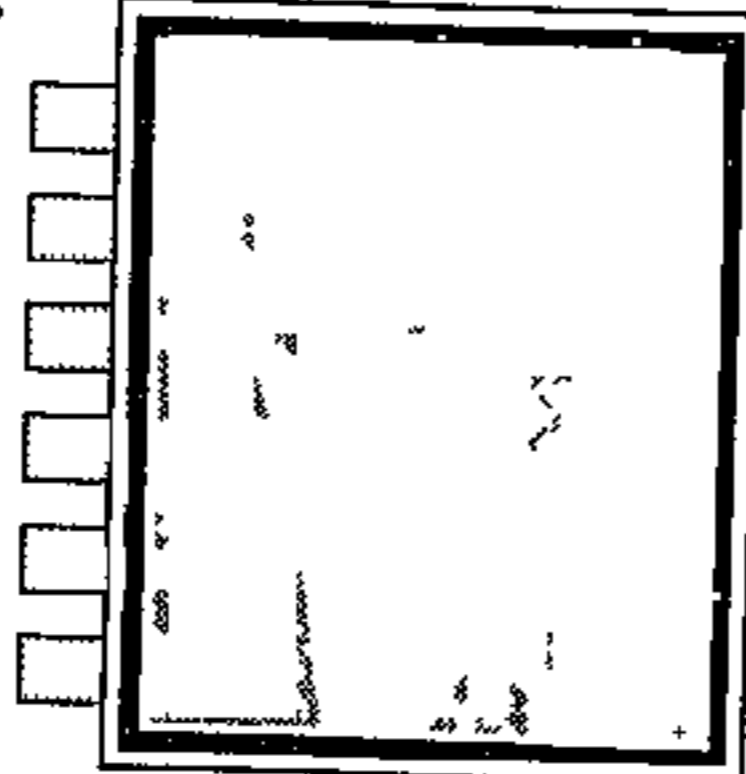
# Harms probe 'disparities'

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Sowetan 25/4/90

LONDON - Alleged former hit squad member Mr David Tshikalange could yesterday not explain apparent contradictions between his evidence to the Harms Commission on the Griffiths Mxenge killing and that of alleged fellow-attacker Butana Almond Nofemela.

Cross-examined by Mr SJ Maritz, SC, at the commission hearing in London, Tshikalange repeatedly answered "I don't know" or "I can't remember" when pressed about apparent disparities between his evidence and that given by Nofemela earlier.



Sowetan Foreign News Service

He could also not explain vital findings by the inquest and post-mortem on Mxenge.

The murder "was a long time ago and there are many things I cannot remember", he said.

Nofemela has testified that the four men who allegedly attacked Mxenge

## HARMS PROBE INTO HIT SQUADS

in November 1981 had all beaten their victim to the ground and then stabbed him.

### Pistol

Tshikalange said Nofemela and a Mr Joe Mamasela were mainly responsible while he (Tshikalange) only stabbed Mxenge once and the fourth man, a Mr Brian Nqulunga, stood by holding a pistol.

He could not explain why no blood was found on Mxenge's trousers - despite the victim's more than 30 wounds and his own evidence that Mxenge had been stabbed "many times".

Maritz pointed out that the post-mortem had found only one superficial back wound, inconsistent with Tshikalange's evidence that Mamasela had repeatedly stabbed Mxenge from the back.

Asked about Mr Dirk Coetzee's statement that he had met the four men at a Durban bar after the killing, Tshikalange said he "cannot remember such a thing".

The hearing, being held in the South African Embassy, continues.

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# Lawyer sues steel worker over 'insult'

By Therese Anders

MIDDELBURG — A steel worker who is being sued for R10 000 damages for calling a Lebowa attorney "kaffir" told a civil court hearing here yesterday that he understood the word had everyday usage.

Mr Jacob Johannes Hendrik Davis (24), of Middelburg, admitted calling Mr Jeffrey Mathabatha a "kaffir" while he was "angry and shocked" on May 21 last year.

He had been driving in the opposite direction to Mr Mathabatha and he had to swerve to avoid Mr Mathabatha's car. He then did a U-turn and forced Mr Mathabatha off the road.

Mr Davis said he broke Mr Mathabatha's side window with his elbow, then said to him: "You donderse kaffir, what do you think you are doing. It is people like you that put my daughter in the grave."

Mr Davis said he would use the word again in the same situation.

He did not think it had a bad connotation. The word "kaffir" was used in the same way as blacks referred to whites as "boere".

Mr Mathabatha said he pulled off the road after a car behind him had flashed its lights.

He said a man came towards him with a sjambok in his hand. The man first tried the locked door, then broke the side window.

"He then insulted me by referring to me as a kaffir," said Mr Mathabatha.

He said Mr Davis also threatened to kill him.

Mr Mathabatha said his feelings, dignity and good name as an attorney had been hurt or lowered by the use of the word.

# Reserve Bank fraud: 2 in court

By Celeste Louw

The former managing director of Ciskei Aircraft Industries, Mr Rainer Moringer, and a co-accused were told in the Johannesburg Magistrate's Court yesterday that their fraud trial involving R5,5 million would start in the Rand Supreme Court on August 7.

According to the indictment, Mr Moringer (48) and Mr Ulrich Leitich (49) of Northcliff, Johannesburg, defrauded the South African Reserve Bank by obtaining financial rands through false pretences.

The men allegedly also contravened the Exchange Control Regulations.

It has been alleged that Mr Moringer submitted an application to the Reserve Bank for permission for an Austrian company to invest in one of his companies through the financial rand. An investment of R5,5 million was granted.

Mr Moringer and Mr Leitich, a former divisional manager at the Allied Bank, allegedly knew there was no real investor.

The permission granted for use of the financial rand also provided for the purchase of machinery and equipment to the value of R5 511 300 and for its relocation from Austria.

The two accused allegedly knew that the goods they intended purchasing to relocate to South Africa were worth only \$530 000 at the time.

The "scheme" ensured that the men controlled the distribution of the R5,5 million, it is alleged.

The money was allegedly utilised to set up initial payments in Allied Bank's books and for the payment of the machinery and equipment, leaving the balance to the accused.

Mr Leitich was released on bail, but Mr Moringer remains in custody.

# Police died 'in trap for ANC'

By Celeste Louw 26/4/90

A Johannesburg Inquest Court, investigating the deaths of two special policemen and another man allegedly shot dead by members of the SADF, was told yesterday that police in the area were warned to stay clear of a Soweto house as the SADF had planned an operation there.

Members of the SADF opened fire on four policemen and an informer, because it was believed that they were members of the ANC who had committed a robbery, the the court heard.

Lieutenant David Mildren told the court that he was doing a military camp on December 14 1988 in Soweto when he received information about members of the ANC who had carried out an armed robbery.

He said he and three other members of the SADF took up postion in a house in Jabavu.

Lieutenant Mildren said he was in radio contact with his superiors. Police were asked to stay away from the

area, he said.

When four men cocked their rifles and proceeded towards the house, they were sure their lives were in danger, Lieutenant Mildren said.

He heard gun fire shortly after requesting back-up forces.

Bombardier Johannes van Rooyen told the court that he had been inside the house with the three other SADF members when he saw four men approaching the house.

Bombardier van Rooyen said he opened the door with the barrel of his gun after the four banged on the door.

"An armed man stood in the doorway and lifted up his rifle. I pulled the trigger of my rifle," he said.

He said he ran outside and shot three more men, one of them in the legs.

He approached the man he had shot in the legs and then realised that they had shot at members of the police force when the man told him not to shoot, because they were police.

The hearing continues.

# ANC at London hitmen hearing

By JEREMY BROOK  
London

ANC members will enter the South African Embassy in London for the first time tomorrow as the Harms Commission hears evidence on alleged hit squads.

Yesterday an ANC spokesman confirmed that discussions were taking place between Mr Justice Louis Harms and the organisation on the question of indemnity for members, who would technically be stepping on to South African soil.

"There is no doubt that we will be there as observers. We have a very great interest in the proceedings. But we would like some assurance of indemnity and safe passage for certain of our members who still face arrest in South Africa."

The spokesman added that the two figures who play a central part in the "death squad" allegations — former police captain Dirk Coetzee and former policeman Spyker Tshikulungu — were being flown from Africa to London.

## Problems

They were both in good health and "in custody" of the ANC, he said.

The prospect of the commission sitting in London is drawing wide interest in the British media.

Coverage of the event is certain to cause problems as it will be conducted almost entirely in Afrikaans.

An embassy spokesman said that a basement theatre — usually used as a cinema by diplomatic staff — had been set aside for the hearings. But it can hold only about 50 people.

Legal teams representing various parties — including members and former members of the SA police and Lawyers for Human Rights — are to cross-examine Mr Coetzee and Mr Tshikulungu.

## Increases for Justice officials

An amount of R11,14 million has been made available for additional allowances for various posts in the Department of Justice, including Clerks of the Court and magistrates, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

He said in debate on his vote that prosecutors, magistrates, clerks of the court, interpreters and other legal personnel in the first and second categories as well as various clerical categories would be affected.

A new structure for clerks of the court would come into effect on July 1. — Sapa.

# Mxenge had ANC funds, says witness

Sowetan 26/4/90

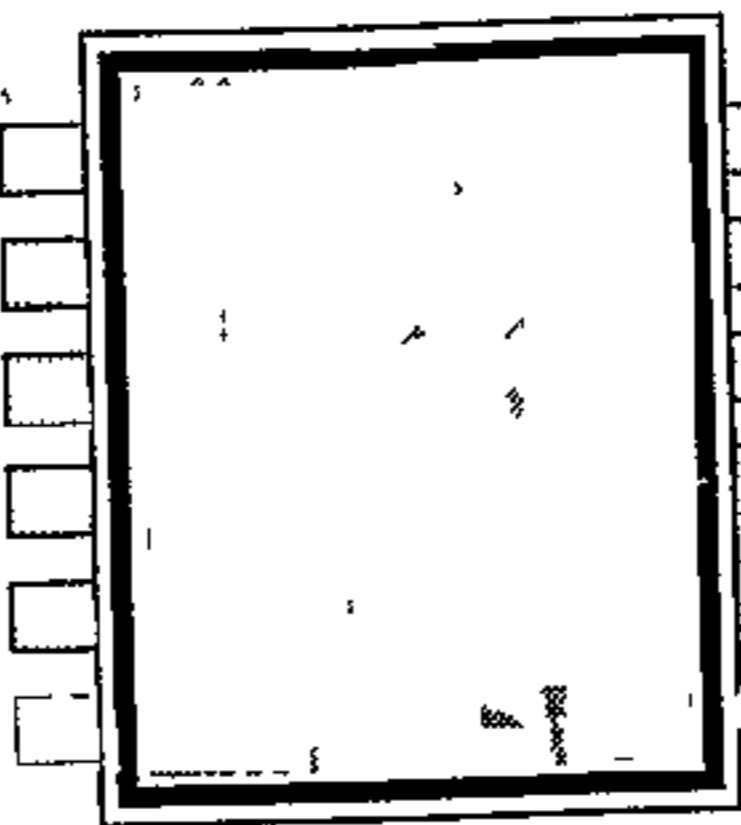
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Sowetan Foreign  
News Service

LONDON - Human rights lawyer Mr Griffiths Mxenge was murdered "because he was working with the ANC", according to a former policeman who says he was part of the alleged hit squad which killed him.

Mr David Tshikalange (35), on his third day in the witness box at the Harms Commission in London, said when the four alleged killers received their instructions they were told that a large amount of funds from the ANC were going into Mxenge's account.

He has testified that apart from taking part in the 1981 murder, he sometimes "went around" with the Askaris - disaffected ANC members who worked with the police looking for current ANC members, who were



HARMS  
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then killed or kidnapped and interrogated.

He had also helped to burn cars belonging to trade unionists, he said.

Tshikalange claimed he was part of a special unit at the alleged hit squad base at Vlakplaas, where he was employed in 1981.

"We were working against people who were against the Government," he said.

When told by other commanders that certain people were terrorists, he said, "we believed them".

Tshikalange said even the Askaris were not safe from reprisals if they made mistakes. "... they just disappeared."

The hearing, which is being held at the South African Embassy, continues.



# Compulsory death sentence on the way out

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CAPE TOWN — A Bill which seeks to do away with the compulsory imposition of the death sentence was tabled in Parliament yesterday

The Criminal Law Amendment Bill, when it becomes law, will vest the Supreme Court with discretionary powers to impose the death sentence in appropriate cases. It will also give an automatic right of appeal to any person sentenced to death.

The Bill requires trial courts to make a finding as to whether mitigating or aggravating factors exist.

The Bill also contains measures to expe-

MIKE ROBERTSON

dite appeal procedures

Where a person does not make use of the right of appeal, provision is made for the conviction and sentence to be reviewed by the Appellate Division.

Provision is also made for the Justice Minister, where he doubts the correctness of a conviction or the propriety of a death sentence, to submit the grounds for his doubt to the Appellate Division.

A panel of experts, consisting mainly of judges, will be appointed to decide whether people currently under sentence of death

would have been so sentenced had the new criteria been in existence.

Where the panel finds that the death sentence would probably have been imposed, the matter will then be referred to the Appellate Division on appeal.

The Bill also makes provision for the application of the new criteria in all cases not yet finalised.

The Bill also gives attorneys-general the right to appeal against sentences imposed in lower and superior courts. However, the court of appeal will not be able to impose the death sentence in addition to any other form of punishment.

27/4/40 252

# Govt changes law on death penalty

By Peter Fabricius,  
Political Correspondent

CAPE TOWN — Legislation to scrap the compulsory death sentence was published yesterday in a major reform of capital punishment.

The changes are contained in the Criminal Law Amendment Bill tabled in Parliament yesterday by the Minister of Justice, Mr Kobie Coetsee

President F W de Klerk gave notice of the measures in his speech at the opening of Parliament speech on February 2

He said that the death penalty should be limited to extreme cases, and that judicial discretion on sentences should be broadened

A moratorium had been placed on the death penalty until the necessary legislation had been passed by Parliament. Nobody has been hanged since November 14 last year.

The amendment Bill said a court was previously obliged to impose the death sentence for murder — except for persons under 18, for a woman who murdered her new-born child or

where the court found extenuating circumstances

The death sentence could also be imposed for treason, kidnapping, child stealing or rape or for robbery, attempted robbery, housebreaking or attempted housebreaking, if aggravating circumstances were found.

"One of the main objects of the Bill is to do away with the compulsory imposition of the death sentence and to vest the Supreme Court with a discretion to impose that sentence in appropriate cases," a memorandum on the Bill said

Life sentences could be imposed instead.

Even if the person does not appeal, his conviction and sentence can be reviewed by the Appellate Division.

If after losing an appeal in the Appellate Division the person does not submit a petition for mercy to the State President within 21 days, counsel can be appointed to petition the State President on his behalf so as to give every possible assistance to a condemned person.

The Minister of Justice may also appeal against a conviction

or death sentence.

A panel of experts, most of them judges, will review the sentence of every one now on Death Row who has exhausted all legal procedures, to see if the death sentence would have been imposed by the trial court if the new criteria had applied

Where the panel finds the death sentence would probably not have been imposed by the trial court, the cases will be passed to the State President to decide whether to extend mercy.

The Minister of Justice, and not the State President, will in future receive petitions for fresh evidence to be presented to the trial court, after people have been convicted of any offence

Attorney generals will be able to appeal against sentences imposed in lower and superior courts, but the court of appeal could not impose the death sentence

The jurisdiction of regional courts is being extended to enable them to hear murder cases where the death sentence is not in question. Their maximum sentence has been increased from 10 to 15 years.

# Lubowski family leaves inquiry

PRETORIA — The family of slain Swapo member Anton Lubowski has withdrawn from the Harms Commission

Restrictions on the inquiry and limitations placed by the SADF had made it impossible for the family to assist the commission in arriving at the truth, the family said in a statement yesterday.

"We shall only consider re-entering the commission once the SA government opens up the inquiry in a way which indeed de-

315 am 27/4/90  
monstrates a genuine intention to establish the truth or, to use the words of the State President himself, to investigate 'tot op die been' (to the bone)," it said. (252)

The family said no further purpose would be served by its participation in the commission's proceedings.

They did not mean any offence to Mr Justice Louis Harms whose hands had been tied by his terms of reference — Sapa.

● See Page 2

# More pay for lower ranks ~~252~~ Coetsee

CAPE TOWN — Justice Minister Kobie Coetsee yesterday announced R56,9m worth of improvements in remuneration packages for lower ranked officials of the Prisons and Justice Departments

Coetsee said R11,14m would be made available from April 1 for additional allowances for Justice Department officials

Speaking in the debate on his budget, he said that magistrates, prosecutors, clerks of the court, interpreters and various clerical categories would receive increases

An additional sum would be made available on July 1 for further adjustments.

He announced that a new structure for clerks of the court would come into effect on July 1

In terms of the new provisions, emphasis would be placed on recognition of legal qualifications, which would enable them to play a more important role in the legal process.

Service allowances for prison officials

MIKE ROBERTSON

up to the rank of colonel would be increased from April 1 at a cost of R32m a year

A salary structure adjustment for "disciplinary personnel" would come into effect on July 1

Black personnel would in future enjoy the full benefits of the Prison Services medical scheme

This improvement would cost about R13,8m a year, Coetsee said.

Government tabled a Bill in Parliament yesterday relaxing Latin requirements for people seeking to practise as advocates.

The Admission of Advocates Amendment Bill stipulates that in future anyone seeking to practise as an advocate will have to have passed Latin at matriculation level or through a special course recognised by any university in SA.

Coetsee announced, too, that the possi-

bility of establishing a register of people whose behaviour could pose a threat to women and children was being investigated.

(252)  
He would ask the recently appointed commission of inquiry into the handling of psychopathic and other violent crimes to conduct the investigation

While the need for a register had been established, certain problems — legal, practical and administrative — presented themselves.

Such a register would contain the names and particulars of people who, through their "deviant behaviour", constituted a threat to children, women and possibly others

This information would be made available to "appropriate interested parties"

The inquiry is to be headed by Mr Justice Booysen from Natal. He will be assisted by T Zabow of Cape Town and Prof F F W van Oosten

Coetsee said if necessary the commission would draw up draft legislation

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SIDEM 2

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# Acclaim for hanging reform

Star 27/4/90 (252)  
Staff Reporters

Legislation published yesterday to scrap the compulsory death sentence has been welcomed widely by a range of organisations.

Lawyers for Human Rights spokesman Mr Shucks Sefanyetso said the Bill was a "giant step of reform which gives much hope of the eventual abolition of capital punishment".

The chairman of the Black Sash in the Transvaal, Mrs Judith Hawarden, said it welcomed the Bill as an interim move. "We will continue to campaign for the total abolition of the death penalty. We will continue to fight for a human rights culture ... killing will not be stopped by killing."

Mr Arthur Chaskalson, national director of the Legal Resources Centre, said: "It will reduce the number of people executed. The death sentence is abhorrent to me. I would like to see it abolished altogether."

Mr John Pegg, national director of Nicro (National Institute for Crime Prevention and Rehabilitation of Offenders) said: "Nicro greatly welcomes the reforms and particularly the return of discretion to the courts. However, I believe Nicro would still welcome a thorough investigation into the retention of the death penalty."

● See Page 3.

B Day 27/4/90

# Failed poisoning attempt led to 'necklacing' Coetzee

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KIN BENTLEY

LONDON — Two ANC members who turned security police operatives but were later found to be of no further use, were given "knock-out drops" before being shot and "necklaced" at Komatipoort, former police captain Dirk Coetzee told the Harms Commission yesterday

The men, he said, were shot after several failed attempts by security police to kill them with a poisonous powder

Up until shortly before he died, one of the men believed he was handcuffed to the other because he was guarding him

Car tyres were specially trucked in for the burning of the bodies

In 1981, according to Coetzee's evidence, white policemen were already using the "necklace" method, which became more widely known in 1985

Coetzee said the decision to kill the men came from the (now retired) head of Section C in Security Police headquarters, Brigadier Willem Schoon.

Coetzee outlined how the Security Police "family" operated above the law in fighting a "twilight war"

He described how a mini-bus was stolen, to prevent Port Elizabeth trade unionists getting to a meeting in Harare, and sold for R7 000

He gave evidence on use by the security police of false number plates to conceal the identity of stolen cars

Led in evidence by Dennis Kuny, SC, Coetzee said in February 1981 three men were captured by the security police in Mozambique. Two were members of the ANC and one a Mozambican citizen, Vusi

Vusi was unco-operative and Coetzee said a plan was devised to eliminate him, and then make it appear as if Vusi had joined the security police at Vlakplaas and later gone missing. The release was done in co-operation with "Brigadier J J Viktor, regional commander at Northern Transvaal security"

He said Schoon also decided to get rid of one of the ANC men, Peter

Coetzee said while it was not explicitly spelt out what "get rid of" meant, in security police culture it "meant only one thing: murder them and dispose of the bodies"

The two captives were unsuccessfully poisoned, shot and then burned.

Asked by Kuny why the two men were not shot earlier, Coetzee said he did not think anyone in the group "had the heart to shoot a man point blank"

Coetzee said an "MK Askari" at Vlakplaas, Isak "Ace" Moena, was killed in the same way. He said other Askaris seemed to know what happened to those who disappeared



### South Africa's Leading Pinot Noir

Pinot Noir was the category for the 1989 Diners Club Winemaker of the Year Award. From an entry of thirty wines, the Hamilton Russell 1986 Pinot Noir was judged first with only a 0.6 of a point lead over the runner-up, the newly released Hamilton Russell Pinot Noir from the 1987 vintage.



For further information telephone (0283) 23595 or write to PO Box 158, Hermanus 7200, Cape

AFRICA'S MOST SOUTHERLY

Thobegane said the vaal Provincial Administration (TPA) had offered was having an effect ● See Page 9

turn, he said By the end of April salary adjustment

# Shop steward teargassed in kiosk, Hiemstra told

bl Day 27/4/90 (252) (edit)

EDYTH BULBRING

A FORMER spy handler in the Johannesburg City Council's security department told the Hiemstra Commission of Inquiry yesterday that he was instructed by security operations manager Frikkie Barnard to assault a union shop steward.

Hannes Gouws, who handed in a bugging device to the commission as evidence, said it was one of six given to him by Barnard, a major in military intelligence, for distribution in the department.

Gouws, who was a section head of the information section, said Barnard told him in 1989 to sort out the shop steward as he had been stirring up trouble. "He said if he dies, it doesn't matter," Gouws said.

Gouws said he and three others had locked the shop steward in his guard kiosk at the council's vehicle testing station, closed the small room's windows and then teargassed him.

Barnard had told him they had been too soft on the shop steward, who was not named, and his relationship with Barnard had deteriorated, he said.

Gouws said Barnard had ordered spying operations on militray officers and he knew of one occasion

when Barnard had ordered that security director Brig Jan Visser's telephone be tapped.

His dissatisfaction with certain security department activities, such as infiltration of the Five Freedoms Forum led to his resignation in September last year.

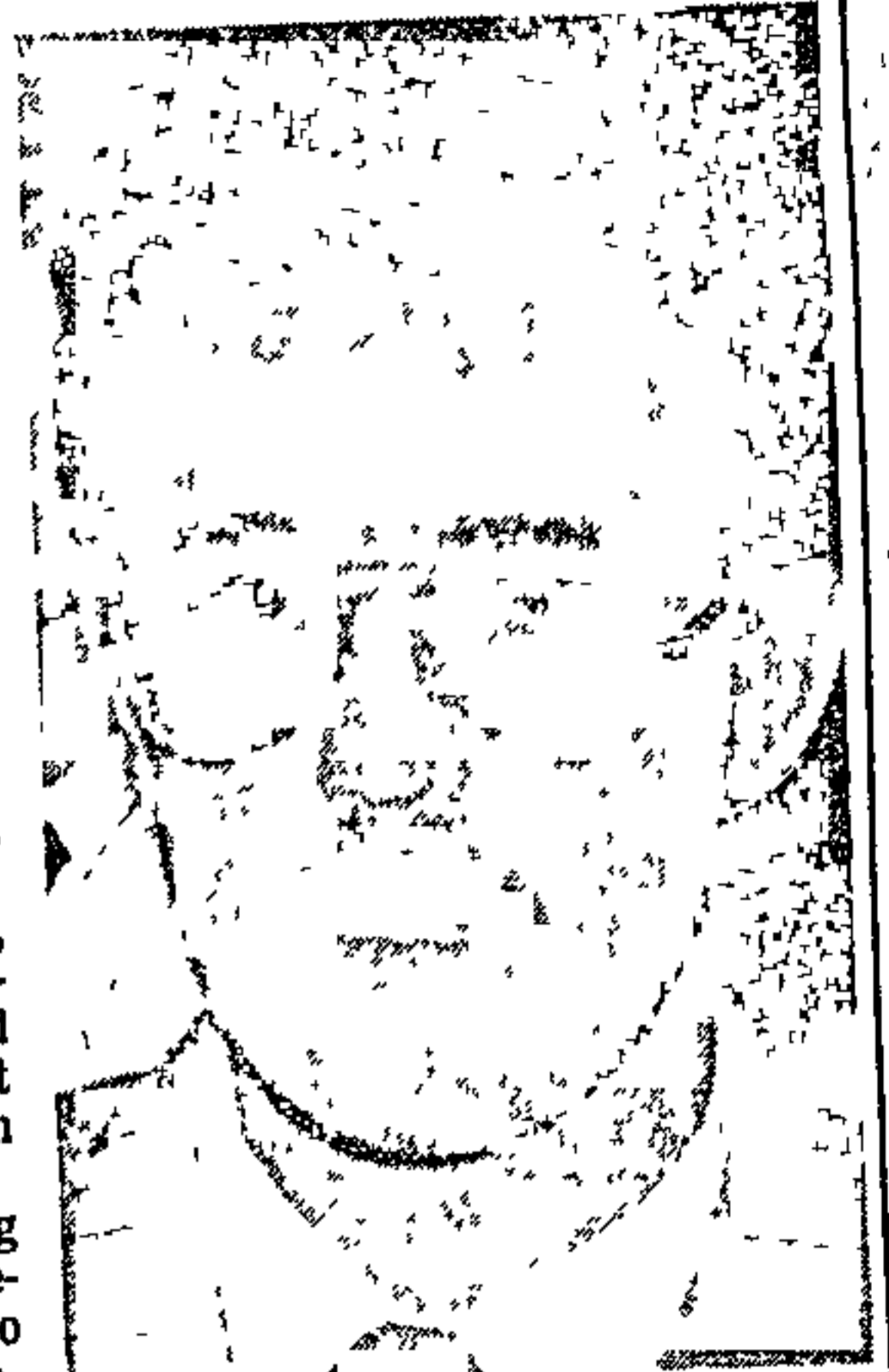
He also disagreed with passing on information to militray intelligence, he said.

He had taken original documents pertaining to the spying activities from the Fort in August for his own protection.

Before and after his resignation, his parents house was watched, windows at his home had been smashed on two occasions and he had been hit by a pipe and told to mind his own business.

On one occasion, two men fitting the description of two security department employees attempted to break into his home and had sjambokked his dog.

He tried to speak to town clerk Manie Venter about these incidents and the spying operations in the security department but had been refused access by Venter's secretary, he said.



Gouws yesterday. Picture ROBERT BOTHA

He was advised by a senior official to take the documents to newspapers, which disclosed the operations and led to the commission's appointment. The hearing continues today.

religious beliefs and sho-

# Webster killer may slip net

THE former Johannesburg security official who this week named Dr David Webster's alleged killer is to be questioned by police investigating the murder

Meanwhile, police hold out little hope of tracing the mystery assassin, named as Paul de Swardt, and apparently a member of the SADF's sinister Civil Co-operation Bureau

By DE WET POTGIETER and IVOR CREWS

He was identified on Friday to the Hiemstra Commission investigating the Johannesburg Municipality's secret spy ring

Commander of special police units on the Reef, Brigadier Floris Mostert, who is probing the shooting of

left-wing academic Dr Webster outside his Johannesburg house a year ago, said yesterday

"If Paul de Swardt, the man named before the Hiemstra Commission on Friday as the gunman, was indeed the assassin, and if he was a member of the CCB, there's little chance we'll find him.

"If the CCB killed Dr Webster, the whole thing has been

covered up by now. And the name Paul de Swardt doesn't mean a thing. Nobody will trace De Swardt now. He will be safely tucked away somewhere" (252) (252)

Brigadier Mostert said he would investigate Mr De Swardt's alleged involvement in the Webster shooting, "but the Harms and Hiemstra commissions are a tremendous stumbling block

"We can't proceed in this case in the normal way. Before a witness at either commission can be questioned, by the investigating officers trying to solve murder cases, the police have to get permission from one of the presiding judges and then subpoena the witness"

He said he was now in the process of asking Judge Hiemstra for permission to interrogate Johannesburg Municipality's former security training officer Mr Hannes Gouws

As a witness before the Hiemstra Commission this

□ To Page 2

# Webster case hopes fade

□ From Page 1

week, Mr Gouws said he had been told by former SADF member Dick Greyling that Mr De Swardt was the gunman

But former staff-sergeant Mr Greyling, who left the SADF a year ago, yesterday denied telling Mr Gouws that Dr Webster was gunned down by Mr De Swardt

In a telephone call to Sapa from an undisclosed venue, Mr Greyling said he had never mentioned Webster's name during a conversation with Mr Gouws on Tuesday.

"Mr Gouws and two other people called on me that night. They brought up the name of Webster. They seemed to know about Paul de Swardt and were trying to tell me about the Webster murder"

He said they tried to put words in his mouth.

## Visited

Mr Greyling said he had cut all ties with the SADF since resigning last April

"I know Paul de Swardt and worked with him, but I've had no contact with him in the past year. I don't know where he is at present — and I don't believe he was involved in the Webster shooting.

Mr Greyling said he had been visited by a number of SADF officers, senior and junior, in recent months.

"They were trying to find out who leaked the information about the CCB," he said

Denying that he had ever been a member of the CCB, Mr Greyling said everything he did while in the SADF had been done on instructions of his superior officers

"I did nothing. I am ashamed of what I did was for my people and my coun-

try and I followed orders

"It seems to me that Mr Gouws's evidence to the Hiemstra Commission is designed to link me to Dr Webster's death, because it's well known that Paul and I worked together"

He said he was prepared to go before the commission after seeking legal advice.

Sources close to Mr Greyling while he was based in the intelligence section at Wits Command said he spoke openly about being an undercover agent spying on left-wing organisations

In his evidence before the Hiemstra Commission, Mr Gouws said a special unit made up of military intelligence and municipal security officials instigated Dr Webster's murder outside his

Troyeville home on May 1 last year

Mr Gouws — who has been accompanied by a burly bodyguard during the hearings — admitted that the unit had broken an actor's legs

Mr John Campbell, representing the Five Freedoms Forum, told the commission that Mr André Jacques van der Merwe had been severely assaulted outside the Market Theatre while appearing in the play Somewhere on the Border last year

Mr Van der Merwe was recently seen on TV in the role of Vaatjie, in Vleuels

Mr Gouws said his unit had also torched a Yeoville house believed to be used by the ANC and in which important documents were kept

And, he said, it was "possi-

ble" that bomb blasts at Khotso House, Cosatu House and a fire at the Johannesburg offices of the Transport and General Workers' Union could have been the work of the unit

He said he resigned from the municipal security department last September because he was disenchanted with certain activities, such as infiltration of the Five Freedoms Forum and other left-wing organisations



## 'All must have legal representation'

There was a lack of awareness in South Africa of people's rights to legal representation in courts, Mrs Pubal Govender (Sol, Isipingo) said yesterday

Speaking in debate on the justice vote, she said it was a pity that access to courts appeared to be reserved for those who could afford it. More than 80 percent of people appearing in courts were unrepresented

It was vital that representation was available for every individual who required it.

As an example, Indian women involved in divorce cases were seldom able to afford legal representation and often ended up with no home and unable to support their children.

There should be long-term counselling for child-abuse offenders, she added. — Sapa

Justice a white domain — Dalling

The face of justice in South Africa was white and the situation had not changed much since last year, Mr David Dalling (DP Sandton) said yesterday

Speaking during the Justice vote, he said prosecutors, magistrates and judges were white and the people being trained to be prosecutors and magistrates were overwhelmingly white

"The only role the vast majority of black, coloured and Indian South Africans play in the administration of justice, with very limited exceptions, are to be the accused and sentenced"

The Government could not wait until a policy of crash Africanisation lowered or destroyed the standards of justice, and it was better to make a genuine effort to recruit, train, adapt and prepare for tomorrow, Mr Dalling said. — Sapa

# Forest Town filling station plan dropped after protest

By Guy Jepson

An application for rights to develop a filling station on Jan Smuts Avenue, Forest Town, has been withdrawn in the face of local opposition.

Mr Dave Nichol, chairman of the Forest Town Ratepayers' Association, said he had been notified of the withdrawal by the Department of Local Government, Housing and Works.

An on-site inspection of the land in question — erven 47 and 48, two quarter-acre stands south of the Johannesburg Zoo — was scheduled for this week. The inspection was to have formed part of a procedure which follows an objection to an application in terms of the Removal of Restrictions Act.

"On being notified of the application, we distributed letters

to residents in Forest Town, suggesting they voice their concern by writing to the department concerned," said Mr Nichol. "I understand something like 250 objections were sent in. When all the objections were received by the applicant, I imagine his client decided not to go ahead with the application.

"This is a good example of ratepayers making a concerted effort to protect their neighbourhood.

"Through our association we have encouraged people to maintain their suburb — during the Johannesburg Centenary Year our slogan was 'Put the Forest back into Forest Town' and 100 Stinkwood trees were planted on our pavements. We have generated a considerable pride in our suburb."

By Norman Chandler, Louise Burgers and Helen Grange

Almost R3 million was spent in the last financial year on monitoring individuals and organisations by Johannesburg City Council's security department, the Hiemstra Commission heard yesterday

## Increased costs

He was cross-examining Mr John Pearce, the city's director of public safety and described in earlier testimony as the city's "spymaster"

Mr Pearce agreed with Mr Fine that the costs quoted included "intelligence"

Mr Pearce also said the increased costs over the years could have been

# Monitoring cost R3-m, Hiemstra

252

the result of staff restructuring as previously each of the council's 20 department had their own security personnel

Security costs were not normally published in the council's final accounts and he had no idea where Mr Fine had obtained his information apart from the notation on the document that it had come from the City Treasurer's Department.

(On March 21, following The Star's expose on the spy ring, the Town Clerk, Mr Manie Venter, said that of the council's R50 million security budget only R17 000 was used to pay informers.)

In another development yesterday, Mr Pearce revealed that a request had been made for the purchase of bugging devices by the City Council security department.

He said he had turned down the

request, but could not recall the name of the person who had made it

Mr Fine said evidence would be led regarding the purchase of bugging devices by the Council and Mr Pearce replied that it would have been done without his knowledge and authority

"I am totally and completely unaware of any bugging devices. What was purchased was sweeping devices — anti-bugging devices — which would be used to sweep council offices from time to time," Mr Pearce said

Mr Fine said a Colonel Heystek, who had worked for the security department in 1984/85, had been bugged. A tape purportedly to be of monitored telephone conversations was handed into the commission late yesterday by Mr Fine

Mr Pearce said he was "very sur-

The Hiemstra Commission



prised" to hear that.

Earlier, Mr Pearce had said in testimony that the city council's management committee never approved payment for information provided by spies working on the council's behalf.

He told Mr Fine that some of the data gathered by spies was "given to other relevant authorities". In earlier testimony, the commission heard that the South African Police and SA Defence Force had been recipients of information.

Asked whether he had motivated

the principle of payment (of informants), Mr Pearce said it was a joint viewpoint of the then-head of security, Brigadier Jan Visser, and himself

"The motivation was to gather intelligence on council property, assets and other matters affecting the Council. It was not politically motivated," Mr Pearce said

Mr Pearce insisted that there was "no secrecy" involved in the decision to pay spies "It was just not necessary to broadcast these facts."

Mr Pearce, shown a document headed "secret", said he had seen the document for the first time when handed a bundle of legal documents to peruse before the inquiry

Some of the information in the document was regarded as extremely delicate

Said Mr Fine: "The activity was to

Political considerations, he again insisted, were not involved.

Mr Pearce had not investigated the security work because he knew the nature of probes into political organisations.

The Progressive Federal Party Youth League was one organisation infiltrated. "Were you not concerned?" Mr Fine asked.

"No," replied Mr Pearce. He also had no knowledge of the infiltration of the Democratic Party by a so-called "unregistered" informant — one who was paid by the security department but not employed full time.

Mr Pearce added that it appeared that a document handed into the commission, and supplied by the informant, was in fact "a public pamphlet" which had been distributed.

Told that the document had been found in boxes opened at the security department offices, Mr Pearce said it "could be for filing purposes." He could see no value in it for the council and he also would not have approved the infiltration of the DP

be kept secret?"

"Yes," Mr Pearce said. Asked why he and Brigadier Visser had "gone beyond the limits (of the provincial ordinance relating to security matters)" in collecting evidence of such a nature, Mr Pearce said the decision to form a special security committee had been taken by the management committee at the time.

A special security committee had been formed in mid-1985, and it advised the management committee of security matters.

The members were Mr Pearce, Brigadier Visser, Mr Manie Venter, town clerk, and the late Mr Dame van Zyl, then chairman of the management committee.

Mr Pearce said he knew "the broad principles" of what was taking place in the security department.

Told

5/27/90

## The trial of 27 children in Transvaal angers LHR

By Montshwa Moroke

Twenty-seven children, whose ages range between 10 and 18, have been on trial in the Potchefstroom Magistrate's Court this week charged with public violence and malicious damage to property.

A Klerksdorp attorney yesterday intervened and asked the court to postpone the matter so he could consult with the accused, who were unrepresented.

The pupils, all from Basipit Higher Primary School at Ikadeng, near Potchefstroom, were arrested at school on Tuesday.

Mr Mohamed Motala, the attorney, said he arrived in court yesterday to find that the children had been appearing in court since Tuesday and the fifth State witness was giving evidence.

Mr Motala said two of the children had pleaded guilty to public violence and not guilty to the second count. The other 25 had pleaded not guilty to all charges.

### Stoning

The State alleges the accused gathered at the school and stoned a vehicle belonging to police.

The case has been postponed to May 17 and the children have been released into their parents' custody.

● A spokesman for Lawyers for Human Rights said his organisation was appalled by the attitude of the presiding officer and the prosecutor.

"We find it quite strange that even a common assault case wouldn't be disposed of at such short notice. Given the fact that public violence and malicious damage to property carry one of the most serious penalties set out in our criminal code, we are of the opinion that this matter should be seriously looked into by the Department of Justice."

"It is our submission that the Department of Justice should make it imperative that in any matter in which children are involved, free legal aid should be recommended."

# Council takes court action to halt march

## Labour Reporter

The Pretoria City Council has taken court action to head off a planned Congress of SA Trade Unions march through Pretoria in protest against the Labour Relations Act and "apartheid violence".

The march is scheduled to coincide with a similar demonstration in Johannesburg tomorrow

morning, for which permission has been granted.

The outcome of the application, in the Pretoria Supreme Court, had not been established at the time of writing.

## Protests

Organised by the Cosatu Women's Forum, the protests in both centres would culminate with the presentation of memoranda to Department of Man-

power representatives and the police, said a Cosatu statement.

The marches would highlight Cosatu recommendations to employers and the state contained in a draft agreement with the employer body Saccola.

They would also call for an end to "apartheid violence". Workers should have the right to picket without "interference from the security forces" and be free to organise without intimidation, the statement said.

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# Star's informant fears for his life

By Norman Chandler,  
Helen Grange  
and Louise Burgers

The man who blew the cover on the Johannesburg City Council spy ring was a victim of an intimidation campaign that made him fear for his life, the Hiemstra Commission of Inquiry heard yesterday.

Mr Hannes Gouws, former training officer in the council's security department, said he was the person who had given The Star "original documents" which revealed the spy ring's existence.

## Intimidation

The commission, under the chairmanship of Mr Justice V G Hiemstra, assisted by Mr W van den Berg, has been appointed by the Administrator of the Transvaal to investigate The Star's revelations.

Mr Gouws told Mr Justice Hiemstra he had been "hit and kicked" by colleagues. Further intimidation included his house being broken into, his parents' home being placed under surveillance and his salary being

withheld.

The windows of his home had been smashed with an iron bar and he had seen two white men in a Toyota vehicle in the vicinity.

He had tried to consult his superiors — Mr John Pearce, director of public safety in the

### The Hiemstra Commission



council, and Mr Frik Barnard, deputy director of security — about the acts of intimidation

Mr Barnard, on being approached by Mr Gouws, had said he could do nothing about Mr Gouws's complaints and advised him to "leave it".

Mr Gouws had finally resorted to speaking to a senior council official who had advised him to "go to the newspapers". He refused to identify the official.

Under questioning by Mr Denis Pine, SC, leading evidence for the commission, Mr Gouws said he had removed various papers from his office and handed them to The Star.

"I knew the documents were the council's property, but I revealed them to The Star to protect myself," he said

During questioning by Mr Pine, Mr Gouws was told not to be nervous Mr Pine also advised the commission that since Mr Gouws's life was in danger, his evidence and cross-examination should be completed as soon as possible.

During evidence, a man believed to be a bodyguard sat close to Mr Gouws. He was constantly at Mr Gouws's side during the tea adjournment

An application was made during evidence given by Mr Johan Beetge, former supervisor in the security department, that names of informers not already identified should be kept secret

Some of these informers still worked for the council and their lives could be in danger, Mr Nick van der Walt, representing the council, told the commission. The order was granted

Mr Beetge, who took the stand after Mr Gouws, was questioned extensively on when and why he had decided that the security department's activities were "blatantly criminal". Mr Beetge replied to Mr Hans

Bornman, representing spy handler Mr Martin Hennig, that he could not say when he decided that the infiltrations of left-wing organisations and surveillance of individuals was illegal. However, he told the commission he thought it was "serious".

### 'Already aware'

Mr Beetge, under questioning by Mr Bornman, said he had not consulted his superiors about the drawing up of a document entitled "Revolutionary Onslaught" — mentioned in evidence earlier this week — because "they were already aware of spying activities".

Mr Beetge reiterated that he had asked for the document to be drawn up to clarify the activities of the information unit within the department. He had done this because he suspected the unit was a front for Military Intelligence and was illegal. The inquiry continues



Mr Hannes Gouws, training officer in the Johannesburg City Council's security department, exposed the council spy ring because he "feared for his life". Picture by Stephen Davime

# Shock greets Hiemstra

## Government urged to arrest Webster killers

FRIENDS and colleagues of Dr Webster were shocked to learn of the allegations made in the Hiemstra Commission yesterday

Ms Gael Neke, of the Five Freedoms Forum (FFF), said: "The shocking revelations of murder, assault and intimidation ... come as no surprise. We have always been aware that actions of this type have been part of the uncontrolled repression of opponents of the Government."

"It appears that the (Johannesburg) council was involved in David Webster's death through its own spying department. It is clear that this department was just another wing of the CCB and military intelligence."

### Infiltration

"The deliberate process of infiltration into FFF by Tony Naude, a paid spy of the council, and his deliberate cultivation of the friendship of Webster represents the sinister beginnings of a trail that led to Webster's death."

Mrs Helen Joseph, veteran anti-apartheid activist and a close friend of Dr Webster, said: "Nothing would surprise me."

"If this is so, it is a scandalous situation. I don't know how the council could ever hold its head up if it did assassinate an innocent man. The mind boggles."

Mr Chris de Villiers, chairman of the Johannesburg branch of the ECC (End Conscription Campaign), which was under surveillance by the spy ring, said his organisation had suspected the involvement of both the CCB and the council spy ring.

"But this type of co-operation is alarming."

Mr Gavin Evans, a journalist who featured on the CCB hit-list, said the news came as no surprise to him.

"Ever since Webster was murdered, people concerned with human rights have suspected that those behind the murder were involved in Military Intelligence."

Professor Robert Charlton, Vice-Chancellor of the University of the Witwatersrand, where Webster worked, said he hoped the revelations were "the start

### STAFF REPORTERS

of the conviction and sentencing of the people responsible for the brutal murder."

A spokesman for Udusa (Union of Democratic University Staff Associations) said it held the Government responsible for Dr Webster's death.

"With the proof that hit-squads have existed, the Government is responsible, whether certain officials knew about it or not."

On Monday, staff and students from Wits will protest along Jan Smuts Avenue over the fact that Dr Webster's murder remains unsolved.

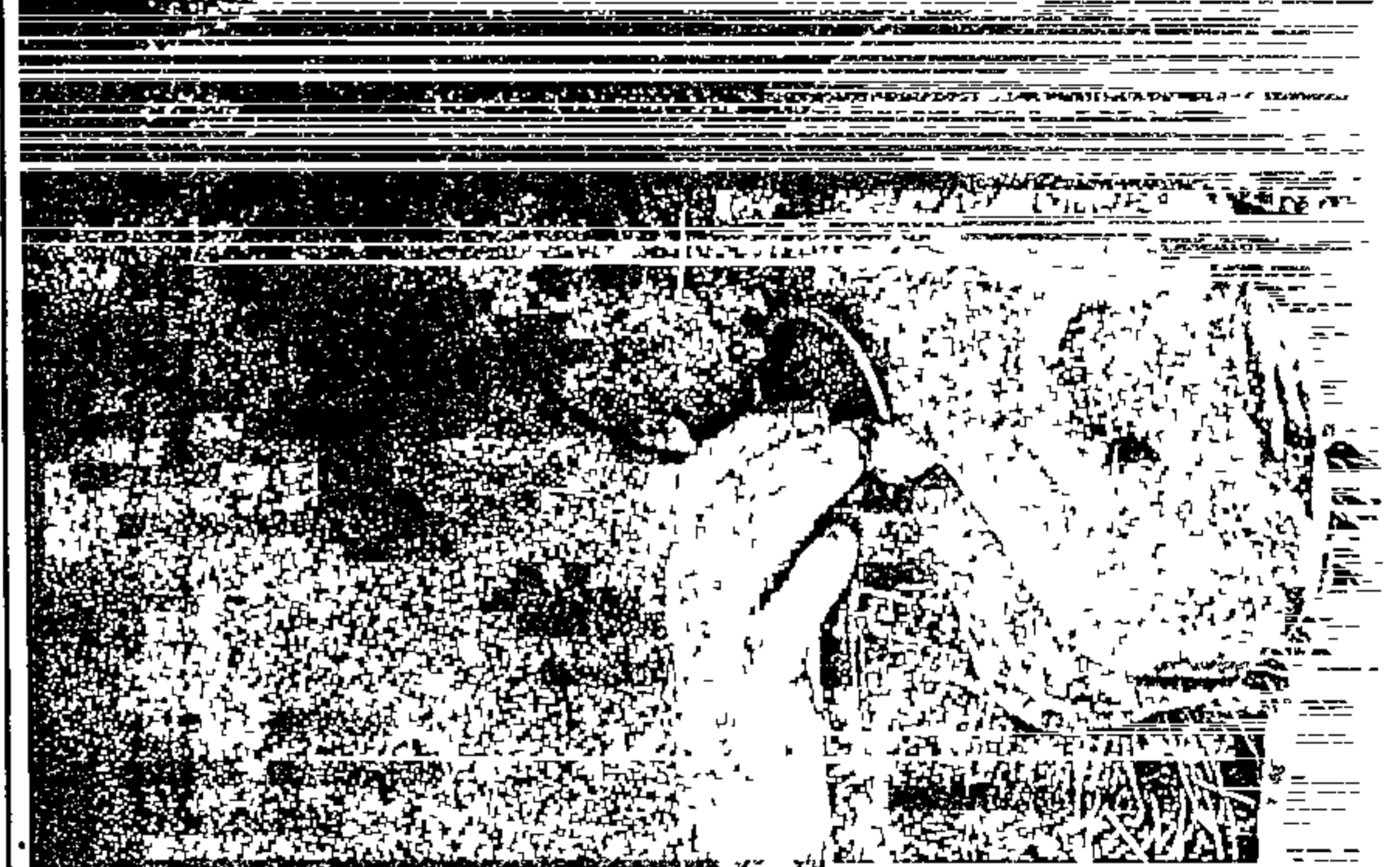
Democratic Party town councillor Mr Paul Asherson said that whatever else came out in the inquiry, he could assure the public that "no such activity as now being investigated was being conducted."

The ANC called on the Government to immediately arrest the man named.

Mr Walter Sisulu said the killing of political activists was something the State apparatus had apparently easily got away with in the past.

"We are disgusted by this fact and we will follow the case very closely from now on to see what the Government will do. We hope that they will arrest the man and prosecute him immediately," Mr Sisulu said.

DP co-leader Dr Denis Worrall said the because the allegations were untested evidence, it would be premature to comment.



KIWI COMMENTARY FROM THE HORSE'S MOUTH: Aquanaut, one of the top 2 000 m event, gives his tips to leading New Zealand commentator Keith Haub. Mr Haub

## De Swardt news to Mostert

THE MAN charged with investigating the murder of activist Dr David Webster, Brigadier Floris Mostert, said last night that he had no knowledge of Mr Paul de Swardt, named in the Hiemstra Commission of Inquiry yesterday as Dr Webster's alleged assassin.

"It caught me by surprise. This man is not known to me."

However, he still wanted to talk about Dr Webster's murder with former Brixton Murder and Robbery Squad chief Mr Staal Burger, and former members of his unit who became members of the Civil Co-Operation Bureau (CCB).

He was unable to do so because they had been subpoenaed.

The Harms Commission is investigating the activities of the

### DAWN BARKHUIZEN

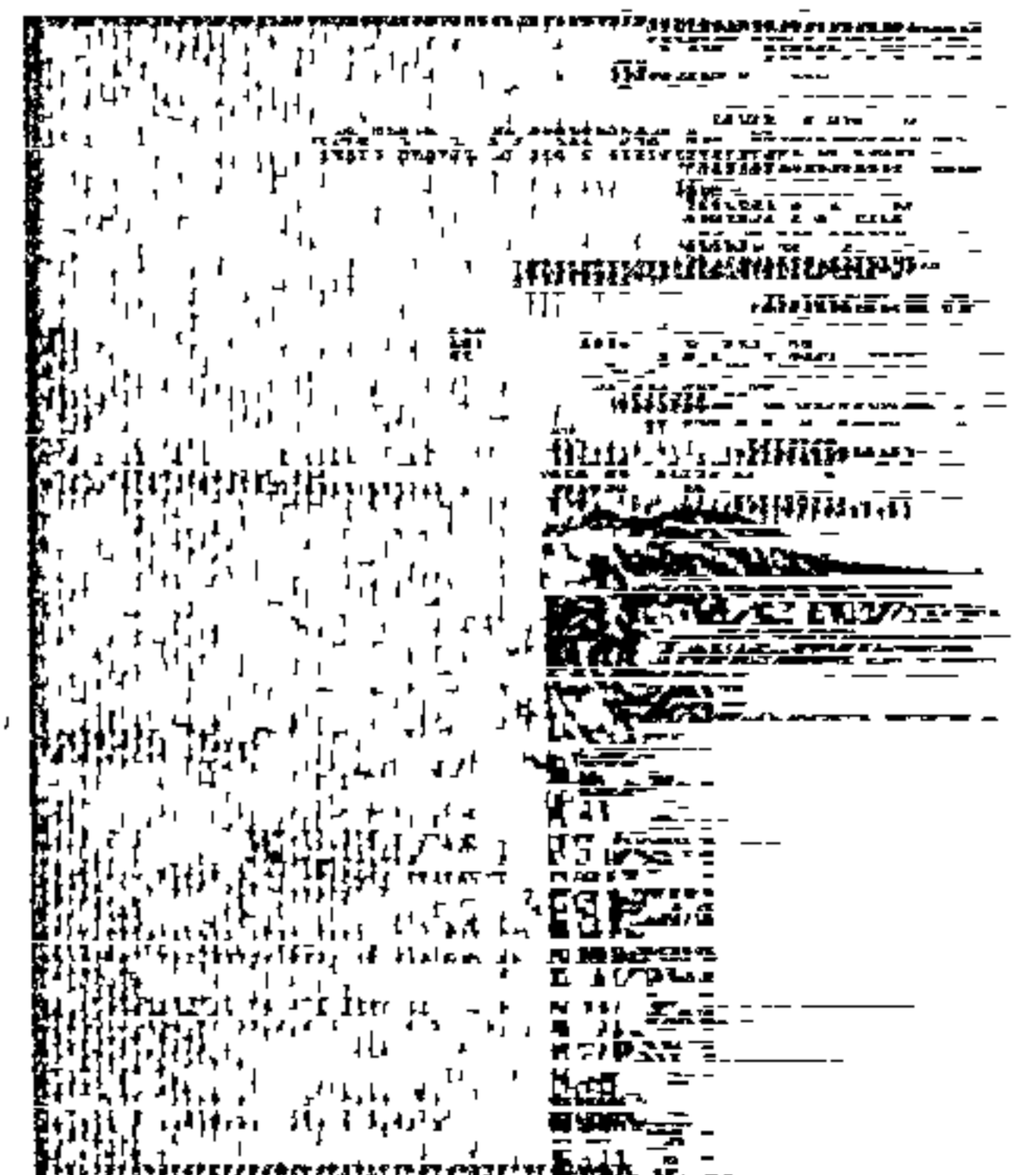
CCB and its possible part in political assassinations.

Brigadier Mostert said investigations into Dr Webster's death had been hamstrung by the Harms and Hiemstra commissions.

He was unable to question people because they had been subpoenaed.

Brigadier Mostert said there were clear indications investigations by the two commissions and his own were overlapping.

Revelation of Mr de Swardt's existence had given him new leads to follow. But he was waiting for both commissions to first finish their work.





# Dirk's tale of death

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Sowetan 27/4/90

LONDON - Alleged hit squad leader Mr Dirk Coetzee yesterday described to the Harms commission in graphic detail how former African National Congress fighters who had defected to the SA Police, but had not been fully trusted, had been killed and their bodies burned in 1981.

The remaining "Askaris" at the Vlakplaas hit squad camp were not told, but they knew very well when one of their members simply ran away or disappeared in strange circumstances.

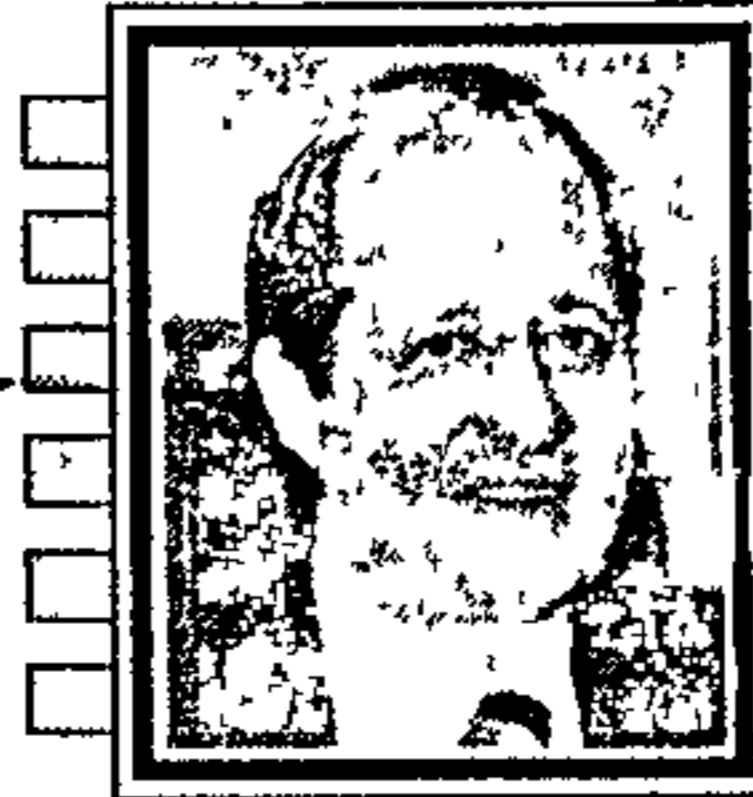
Coetzee described how attempts to poison the dissenters or untrustworthy Askaris, with drugs from SAP forensic chief, Brigadier Lothar Neethling, had at first failed and doses had been doubled.

When this had failed, despite tests on a sheep, which had died within

seconds, the victims had been drugged with "knockout" drops, also supplied by Neethling.

The men were then shot behind the ear and their bodies completely burnt with wood and tyres

SA Press Association



HARMS  
PROBE  
INTO  
HIT  
SQUADS

at Komatipoort, where local Security Police had co-operated.

Coetzee also told the commission that if it meant he had to spend the rest of his life outside South Africa in exile, he still wanted the truth to be known about police death squads.

Continuing his evidence in chief for the second day, he said he would probably still be living

with the lies and his old political views inside South Africa now if one

● To page 2

● From page 1  
of his former alleged hit squad team members, Almond Nofemela, had not confessed to the atrocities last year. *Sowetan 27/4/90*

South Africa now. If they admitted the truth, they would likely also end up on Death Row in Pretoria with Nofemela. Coetzee said he felt he could speak freely because he was out of the country.

HOW ANC men died

● From page 1

would be doing exactly the same if he was still in

# Mob stab riot cop to death

An off-duty Bloemfontein riot policeman was abducted, "sentenced" to death by a "people's court" and then stabbed to death by a mob in the town's Mangaung township.

Police said the mutilated body of Constable MJ Zeekoei was found in the township at the weekend.

It is believed he had been stabbed 45 times

Constable Zeekoei was

## SOWETAN CORRESPONDENT

apparently intercepted by a group of men on Saturday. They took him to a "people's court", which "sentenced" him to death.

His "sentence" was that every man present stab him once. The killing was then carried out, said the police spokesman.

No arrests have yet been made.

Police yesterday again issued a strong warning that "people's courts" would not be tolerated and that they would be smashed wherever they were found.

"People's courts", which allow no defence and no appeal, have made a strong comeback.

They have been associated with barbaric killings such as "necklacings" and other arbitrary sentences.

Police also said unrest claimed the lives of two people on Wednesday.

In Galeshewe, near Kimberley, four special constables attacked by a mob, several hundred strong, opened fire on their attackers.

A youth was killed and a man and another three youths were later arrested.

The mob went on to stone a bus.

In Molweni, near Durban, a woman was killed by a mob, police said.

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# New law on death sentences likely

A BILL which provides for the scrapping of compulsory death sentences was published in Parliament yesterday.

The Supreme Court is instead to be vested with a discretion to impose the death sentence in appropriate cases.

The Criminal Law Amendment Bill (1990) further provides that:

\* The death sentence not be deemed a competent punishment where the accused was under 18 at the time the crime was committed;

\* A person sentenced to death has an automatic

right of appeal;

\* Where a person does not make use of his right to appeal, the conviction and sentence be reviewed by the Appellate Division;

\* The Minister of Justice may, where he doubts the correctness of a conviction or the propriety of the death sentence, submit grounds for his doubt to the Appeal Court for consideration;

\* In order to speed up the judicial process and to give all possible assistance to any condemned person, counsel

be appointed to submit a

petition of mercy to the State President on the person's behalf should he fail to have done so himself;

\* Petitions regarding additional evidence which in certain circumstances, may be addressed to the State President may in future be addressed to the Minister of Justice to decide whether it should be referred to the court;

\* Each person at present under sentence of death and who has exhausted all legal procedures pertaining to appeal and review, be reviewed by a panel of experts,

● To page 2

# Bill on death sentences

● From page 1

mainly from the ranks of judges, to decide whether the death sentence would still have been imposed under the Bill's new criteria and, if not, to refer the case to the State President with a view to possible extension of mercy to the convicted person; and

\* The trial court, in hearing any case where the death sentence is applicable, be required to make a finding as to the presence or absence of

mitigating or aggravating factors and, if satisfied of the appropriateness, accordingly impose the death sentence.

In dealing with the revision of sentences of those already on Death Row, the Bill also provides for a final revision by the Appeal Court, in terms of the new criteria, should the panel of experts find no grounds to alter the death sentence.

The Bill further proposes that:

\* The new criterion for

the death sentence should also be applied in all cases not yet finalised;

\* Attorneys-General be allowed leave to appeal against sentences imposed in lower and superior courts in all criminal cases provided a court of

appeal may not impose the death sentence in lieu of or in addition to any other punishment;

\* Life imprisonment as an option for sentence is expressly inserted in the Criminal Procedure Act of 1977.

27/4/90

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# Bill proposes end to mandatory death sentence

Weekly Mail Reporter

A BILL providing for the abolition of the compulsory imposition of the death sentence was published in parliament yesterday

According to the Criminal Law Amendment Bill of 1990, the supreme court will have the discretion to pass the death sentence

Other provisions of the bill include:  
● The death sentence not be deemed a competent punishment where the accused was under 18 at the time of the crime concerned

● A person sentenced to death has an automatic right of appeal.

● Where a person does not make use of his right to appeal, the conviction and sentence be reviewed by the appellate division

Publication of the bill comes in a week when 12 death row prisoners were reprieved, and after a senior legal academic has urged that the abolition of capital punishment should be entrenched in the Bill of Rights which will form part of the South Africa's new constitution

Delivering his inaugural lecture at the University of Natal in Durban this week, law professor George Devenish spoke about the history of the death penalty in South Africa and its relationship to constitutional and political reform.

Devenish said the moratorium on executions announced in February was welcome but did not go far enough.

He said the complete abolition of the death penalty was required both to ensure political reform could continue and to "preserve the integrity of the judicial system"

"The contentious question that must be broached is whether our judges can continue to participate in a system where the death penalty is imposed manifestly discriminately against persons who are poor and black"

## In the Art Deco theatre, a gardener talks of murder

LONDON witnessed one of its more bizarre judicial hearings this week when eight teams of South African lawyers gathered in a theatre a few paces from Trafalgar Square to hear a former gardener try to persuade them that he was indeed a murderer.

The scene was an "in-house" cinema in the South African embassy, to which the Harms Commission of Inquiry into the hit-squad scandal has transferred its operations for two weeks to hear evidence from Captain Dirk Coetzee and his one-time sidekick in the security branch, David "Spyker" Tshikalanga.

Assembled in the cinema — a curious blend of Art Deco and Empire, a winged springbok, lunging wildebeest and leaping kudu resplendent on a golden frieze surmounting the wood-panelled room — was an audience of about three dozen people.

They included several members of the African National Congress who had been given special indemnity from detention in their diplomatic "home-from-home" so they could hear the details of how the South African government had allegedly attempted to murder them, or their colleagues.

Coetzee, the star of the London hearings, flew into Heathrow at the weekend — and into the hands of Scotland Yard. He was briefly questioned at the airport by detectives about the 1982 bombing of the ANC offices in London, which he has publicly claimed was the work of the South African authorities, using explosives smuggled into England by diplomatic bag.

At the hearing itself, however, Coetzee was preceded at the witness table by his one-time gardener, Tshikalanga, whose apparent friendship with his "boss" led him into the ranks of the alleged police murder unit, based at Vlakplaas farm near Pretoria.

Much of Tshikalanga's evidence was devoted to his role in a killing which has become pivotal to the hit squad allegations where the police are concerned — the 1981 murder of Durban civil rights lawyer Griffiths Mxenge.

The story of the Mxenge murder has become a familiar one, having been re-told repeatedly by those who claimed to have been involved, including Coetzee himself. But as Tshikalanga's account showed, it is a tale which loses little of its horror in the re-telling.

The former police constable described how he joined a four-man unit in Durban which waylaid Mxenge on a road near his home by faking a breakdown of their own vehicle. They then drove him off in his own car at gunpoint, with Tshikalanga following in the unmarked police vehicle. They took Mxenge to an isolated spot where they allegedly dragged him out and set about murdering him.

In a cinema in the South African embassy at Trafalgar Square, the Harms Commission listens to tales of skulduggery ranging from the petty to the blood-curdling  
**DAVID BERESFORD** reports from London

ga following in the unmarked police vehicle. They took Mxenge to an isolated spot where they allegedly dragged him out and set about murdering him.

"There was a hell of a fight," said Tshikalanga. "He was standing, he was also fighting. He came to my side and I stabbed him," he said. "After stabbing him I couldn't take out the knife. I jumped aside."

Mxenge pulled the knife out of his own chest and tried to stab another member of the murder squad, Almond Nofomela. But Nofomela knocked the knife out of the lawyer's hand with a tyre spanner with which he then hammered Mxenge over the head. The lawyer was then beaten, stabbed and kicked to his death.

Tshikalanga was watched with some anxiety by his own lawyers as he told his story, because he has a history of severe epilepsy and there were fears that he would collapse during testimony.

There were also frustrations over his language: he speaks Venda and protested to Judge Louis Harms that he was not competent to testify in either English or Afrikaans. The judge persuaded him to continue while frantic but unsuccessful efforts were made to find an interpreter.

The Mxenge killing is crucial to the hit squad controversy, because it was the claim by Nofomela that police had assassinated him — an allegation he made last October, just hours before the former security policeman was due to be hanged for an unrelated murder — which triggered the entire scandal.

There are, however, a series of puzzling contradictions in the accounts of the murder, as given by Tshikalanga, Nofomela and Coetzee. There are hopes that these will be clarified by the London hearings.

Police lawyers have been arguing that in fact Vlakplaas was a "normal"



Captain Dirk Coetzee flew into London — and into the hands of Scotland Yard

Picture: DAVE GAYWOOD

police base — albeit one used in tracking ANC guerrillas — that no hit squad existed and that the three men were merely involved in criminal activities of their own devising.

Unfortunately, crucial evidence on this point has been excluded by Justice Harms, on the ground that the commission's terms of reference limit it to investigating domestic killings. The judge has interpreted this as meaning that he cannot inquire into security force responsibility for a killing even if the conspiracy to murder took place on South African territory.

During his evidence in London, for example, Tshikalanga described how the Vlakplaas hit squad prepared for a mission into Botswana. But after describing how they prepared for the operation by blackening their faces and donning balaclavas, he was brought up short in his testimony by his own lawyer, Denis Kuyi SC, who pointed out that nothing further could be told about it, because of the extra-territorial restriction.

If he had been able to continue, it is believed he would have described how the unit launched an attack on a house in Gaborone with automatic weapons, killing a woman and a child and seriously injuring a second woman — evidence which would have clearly supported his case that he was a professional killer.

glary, theft and bomb attacks against "terrorist" targets in that country.

During this period, however, his police career had its first hiccup, when he was accused of involvement in a pornography ring and the smuggling of illegal immigrants into South Africa. He faced demotion to the uniformed branch, but was instead transferred within the security police, finally ending up at Vlakplaas in mid-1980.

Coetzee said the farm was manned by some 18 "Askaris" — 'rehabilitated terrorists' — under his command, whose job was to track down ANC infiltrators. It evolved into four units under white officers, with a few black policemen joining in. The captain spoke with some pride of his men, saying of one: "He's a killer, a non-drinker and a non-smoker."

The operations recounted by Coetzee ranged from the petty to the murderous. On one occasion they rigged the telephone of a woman trade unionist in Port Elizabeth so that, when she telephoned her daughter in Johannesburg, she was billed for a call to the United States. On another occasion they had attempted to set a fellow black policeman's car on fire, because he was considered too "liberal".

And then there were the killings — like that of a prisoner in the coastal town of Jeffrey's Bay, who had injured himself while attempting to escape. "A doctor said there was another Steve Biko case coming up, so we'll have to do something about this guy."

They took him to the town of Komatipoort on the Mozambique border. Coetzee had visited police forensic laboratories in Pretoria to collect some "knock out" drops.

"After being dosed with that he was then shot in the head by one of the Komatipoort fellows." They then burnt the prisoner on a pyre of wood and tyres. "It happened in my presence," he assured the Commission.

The captain confirmed evidence already given to the Harms Commission, that he was in command of the unit which had murdered the Durban civil rights lawyer, Griffiths Mxenge. He said orders for the murder had been given by the regional commander of the security branch in Durban.

The three police killers who actually delivered the fatal blows were given R1 000 "koppeld" (bounty), he said. But they had over-reached themselves. The killing was meant to look like a robbery. But the slitting of Mxenge's throat and the 40 stab wounds they inflicted on his body spoilt the impression.

"They messed it up," he said — The Guardian, London

Coetzee himself, when he finally followed Tshikalanga to the witness table on Wednesday afternoon, presented a stocky figure, smart in a checked jacket and dark slacks with a tongue of hair slicked across the forehead of his stolid, rugby player's face. Led by Kuyi, he spoke with the confidence of an officer with long experience of the witness box, but also with the eagerness of man anxious to get a much-disputed story off his chest.

"Did it shock you?" asked Mr Kuyi as the litany of police atrocities began to unfold.

"No, not at all."

"Why not?"

"It was part of the game, what we were there for," the captain explained simply.

It was a game for which he was qualified, on his own account, by an outstanding career in conventional terms as a young police officer. Joining the force in 1970, he had graduated from the police academy as the top student for his year and rapidly proceeded up the promotional ladder to his captaincy, taking distinctions in all examinations on the way.

In 1977 he was asked to join the security branch and was stationed on the Swaziland border where — as he himself put it — he received his "apprenticeship" in police "atrocities", taking part in an orgy of bur-

# Lubowskis quit Harms inquiry

Weekly Mail Reporter

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THE family of slain Swapo member Anton Lubowski yesterday announced it would no longer participate in the Harms Commission into security force death squads.

Restrictions placed on the inquiry, including limitations ordered by the South African Defence Force, made it impossible for the family to continue assisting the commission in arriving at the truth, a spokesman said yesterday.

W/Mail 2-7/4 - 3/5/90

However, the family indicated it might be prepared to assist the commission should the terms of reference be extended.

The family's statement made it clear that no personal affront was aimed at the commissioner, Mr Justice Louus Harms, whose "hands had been tied by his terms of reference".

Their decision, however, may well affect the commission's credibility.

CAP 7/1/15 252

Parliament

LP walks out of law debate

Political Staff

THE Labour Party walked out of the Justice debate yesterday citing Minister of Justice Mr Koble Coetsee's attitude as the reason.

Labour Party justice spokesman Mr Luwellyn Landers said the basic problem with the Department of Justice and the judicial system was apartheid, and the fact that people of colour were expected to administer its laws.

Govt softens line on hanging

Political Staff

A BILL which seeks to do away with the compulsory imposition of the death sentence was tabled in Parliament yesterday.

The Criminal Law Amendment Bill, when it becomes law, will vest the Supreme Court with discretionary powers to impose the death sentence in appropriate cases. It will also give an automatic right of appeal to any person sentenced to death.

The Bill requires trial courts to decide whether mitigating or aggravating factors exist. "With due regard to that, the court shall impose the death sen-

tence if it is satisfied that it is the proper sentence," the explanatory memorandum attached to the Bill states.

A panel of experts, consisting mainly of judges, will be appointed to decide whether people currently under sentence of death would have been so sentenced under the new criteria.

"Where the panel finds that the death sentence would probably not have been imposed by the trial court, the case is to be submitted to the State President with a view to his possible extension of mercy to the convicted person," the memorandum states.

Where the panel finds that the death sentence would probably have been imposed, the matter will then be referred to the Appellate Division on appeal.

In addition to the changes in the imposition of the death sentence, the Bill also gives attorneys-general the right to appeal against sentences imposed in lower and superior courts.

Provision is also made for murder cases, where the death sentence is not in question, to be heard by regional courts. The Bill increases the maximum sentence that regional courts may impose from 10 years to 15 years.

No black judge 'a disgrace'

Political Staff

IT WAS "disgraceful" that not one black judge sat on the bench in any division, Houghton MP Mr Tony Leon said yesterday.

Speaking during the debate on the justice vote, Mr Leon said the present system of appointing judges did not "invite a positive response" from the black community — assuming that suitably qualified black judges actually were considered for appointment.

# R56,9m for prisons and justice pay hikes

Art 7/14/90 (252) Political Staff

JUSTICE Minister Mr Kobie Coetsee yesterday announced improvements totalling R56,9m in remuneration packages for the lower ranks of prisons and justice department officials.

Mr Coetsee said R11,14m would be made available from April 1 for additional allowances for justice department officials.

Speaking in the debate on his budget, Mr Coetsee said magistrates, prosecutors, clerks of the court, interpreters and people in various clerical categories would receive increases.

An additional sum would be made available on July 1 for further adjustments.

He said service allowances for prison officials up to the rank of colonel would be increased from April 1 at a cost of R32m a year.

A salary structure adjustment for "disciplinary personnel" would come into effect on July 1.

Black personnel would in future enjoy the full benefits of the Prison Services Medical Scheme, which was expected to cost R13,8m a year.



# Webster's 'killer' named

## Council officers in hit squad, says Hiemstra witness

A MEMBER of a special unit made up of Military Intelligence and Johannesburg City Council security officers assassinated Dr David Webster a year ago, according to a witness at the Hiemstra Commission.

Under heavy cross-examination, the witness, Mr Hannes Gouws, claimed that the council spy operations were connected to the Civil Co-operation Bureau (CCB).

### Hit-men

Mr Gouws said that he had been told by another member of the unit that the alleged hit-man was a Mr Paul de Swardt.

It is understood that Mr de Swardt is a former military officer who is now in Venda. He could not be traced by the Saturday Star last night to comment on the allegations made to the commission.

In a day of high drama in the Johannesburg City Council chamber, Mr Gouws — who blew the lid off the council's espionage network by giving documents to The Star — was also threatened with arrest for having "stolen council dossiers".

Mr Gouws, who has spent two days giving testimony and being cross-examined, earlier told commission chairman Mr Justice V G Hiemstra that the CCB, a previously covert SA Defence Force unit, had been responsible for Dr Webster's murder on May 1 last year.

### NORMAN CHANDLER, HELEN GRANGE and LOUISE BURGERS

The revelation by Mr Gouws, a former council security training officer, came just before 4 pm yesterday.

Questioned by his lawyer, Mr Lawley Shein, he said that while on holiday on the Natal South Coast last weekend, he had entered a shop and discovered that police had been searching for him.

He immediately returned to Johannesburg because "I felt like a criminal".

On Tuesday April 24, he met a former colleague, Mr Dick Greyling, in the bar of a Johannesburg hotel.

"Mr Greyling told me that Paul de Swardt had murdered Dr Webster," Mr Gouws said.

Mr Gouws claimed that one of his council superiors, Mr Martin Hennig, had compiled reports on Dr Webster.

"I had heard that the people who killed Webster had been the same group that I worked with."

The threat to arrest Mr Gouws was revealed to the commission by Mr Shein, who described it as "most threatening" and said that Mr Gouws was "feeling very intimidated".

A police lieutenant sat in the public gallery for some time and Mr Denis Fine, SC, for the commission, asked for an adjournment so that he could discuss the matter with the officer. The officer could not be found and the hearing resumed. In his evidence, Mr Gouws on



UNDER THREAT. Mr Hannes Gouws (left), a former supervisor in the Johannesburg City Council's security department, stands close to his bodyguard (right) during yesterday's dramatic Hiemstra Commission hearings. Mr Gouws has been threatened with arrest.

## Exiled ANC leaders return

CAPE TOWN — "We have come in a spirit of reconciliation, but not as petitioners. We have come as claimants on behalf of the people who have been kept down for too long."

With these powerful and emotional words by SA Communist Party chief Joe Slovo, the African National Congress leaders in exile yesterday

### PETER FABRICIUS Political Correspondent

tough June at the three-day talks in Cape Town starting on Wednesday. Mr Mbeki indicated that the agenda should be limited to the lifting of the state of emergency and the release of political

## Coetzee link SAP boss to assassination

SUE LEEMAN

LONDON — Commissioner of Police General van der Merwe was linked to the killing of anti-apartheid leader Dr David Webster when he was stationed there, police captain Mr Dirk Coetzee has told the Commission.

The allegation was denied by General van der Merwe in Pretoria. He said, "That is not only false, it is completely untrue. I think I am well enough in the Free State and all over the Republic to know that the accusations are respectable. He said he had not read the report and was going to make further comment."

### 'Close colleague'

Mr Coetzee said he based his claim on what he had been told by a "close colleague" of General van der Merwe, Warrant Officer Hendrik Prinsloo, who met in security police headquarters in 1981.

"He confirmed to me that General van der Merwe was one of the guys for those kinds of get-and-of-activists."

General van der Merwe said, "I can't speak for Prinsloo. But I believe it is completely true that he would say a thing like that."

Mr Coetzee was accused by a police lawyer, Sam Maritz SC, of "slandering" General van der Merwe, but insisted that it was impossible for a general not to have known about the deaths.

See PAGE 2.

LET YOUR VOICE BE HEARD

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Under heavy cross-examination, the witness, Mr Hannes Gouws, claimed that the council spy operations were connected to the CIVIL Co-operation Bureau (CCB)

**Hit-man**

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Mr Gouws, who has spent two days giving testimony and being cross-examined, earlier told commission chairman Mr Justice V G Hienstra that the CCB, a previously covert SA Defence Force unit, had been responsible for Dr Webster's murder on May 1 last year

Dr Webster was gunned down outside his Troyeville, Johannesburg, home just before noon on that day. His killer or killers are still at large.

His death is included in the terms of reference of another commission, headed by Mr Justice Louis Harms, which is looking into alleged politically motivated murders.

The Harms Commission is hearing evidence in London and is due to resume its sittings in Pretoria on May 7. CCB activities have come under the spotlight at its hearings

Mr Gouws revealed yesterday that he was also co-operating with the Harms Commission.

The Administrator of the Transvaal appointed the Hienstra Commission to investigate the Star's revelations on spy rings in the security department of the Johannesburg City Council.

The revelation by Mr Gouws, a former council security training officer, came just before 4 pm yesterday.

Questioned by his lawyer, Mr Lawley Shen, he said that while on holiday on the Natal South Coast last weekend, he had entered a shop and discovered that police had been searching for him

He immediately returned to Johannesburg because "I felt like a criminal"

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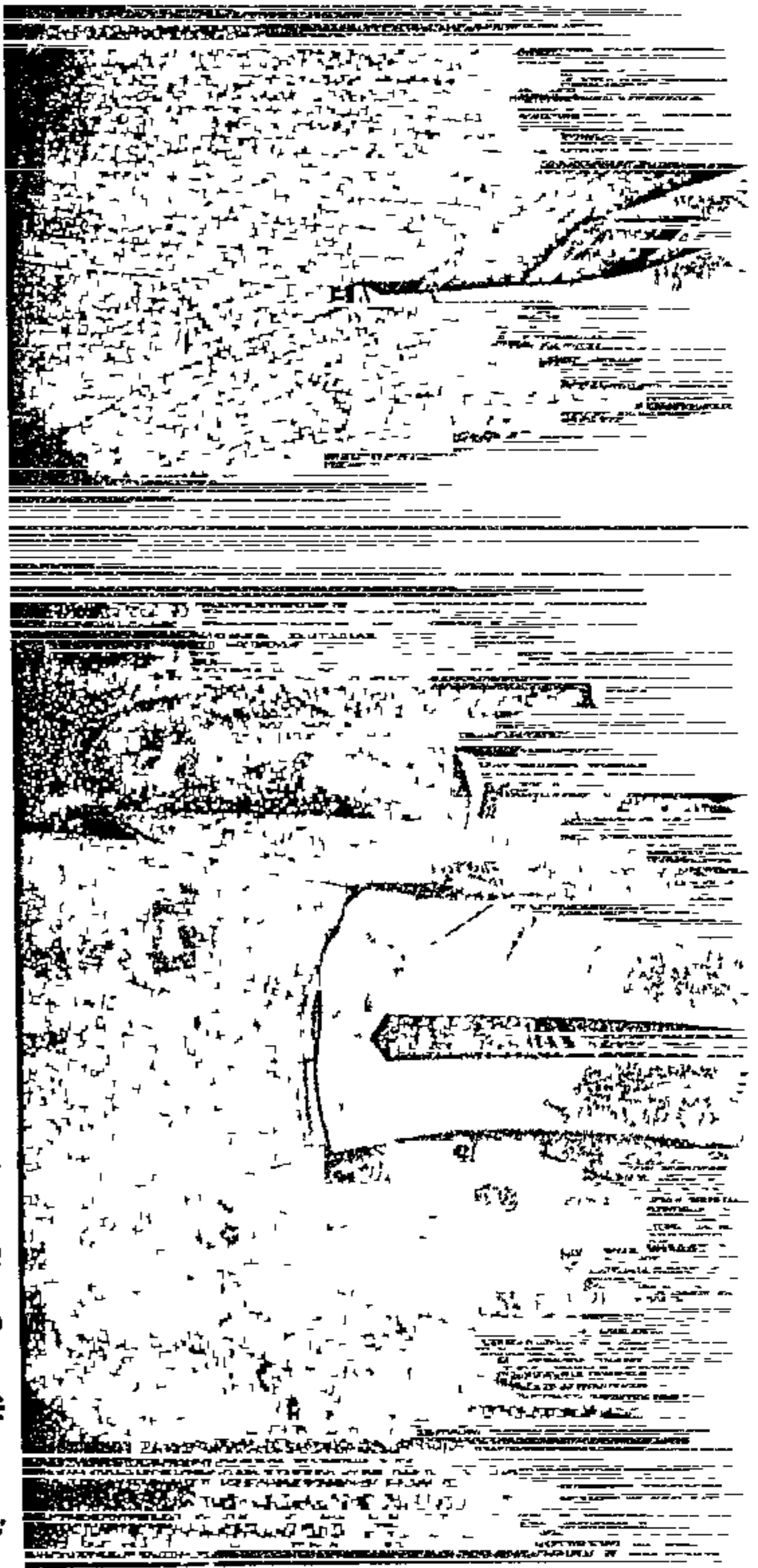
In his evidence, Mr Gouws on several occasions named Mr Greyling and Mr de Swardt as members of a special team consisting of military intelligence personnel and Johannesburg City Council security department officials

**Broke legs**

"We burnt down houses, intimidated people and broke arms and legs. We broke the legs of a stage actor," said Mr Gouws, who appeared to be very frightened while giving evidence

Earlier, the commission heard that actor Mr Andre-Jacques van der Merwe, who had appeared in the play "Somewhere on the Border", had been assaulted. This information was given to the commission by Mr John Campbell, representing the Five Freedoms Forum.

Mr Gouws, describing work done by the unit, said there had



UNDER THREAT: Mr Hannes Gouws (left), a former supervisor in the Johannesburg City Council's security department, stands close to his bodyguard (right) during yesterday's dramatic Hienstra Commission hearings. Mr Gouws has been threatened with arrest.

**Exiled ANC leaders return**

CAPE TOWN — "We have come in a spirit of reconciliation, but not as petitioners. We have come as claimants on behalf of the people who have been kept down for too long."

With these powerful and emotional words by SA Communist Party chief Joe Slovo, the African National Congress leaders in exile yesterday touched down on South African soil for the first time in nearly 30 years to attend next week's watershed talks with the Government.

**Back door**

"For those of us who left by the back door and are now entering by the front door, it is a remarkable feeling," said Mr Slovo, who fled into exile in 1963.

He was speaking at a press conference at Cape Town's D'F Malan Airport moments after arriving on a Zambian Airways charter flight from Lusaka.

With him were several other exiles who had not seen South Africa for decades and who will form part of the delegation for next week's talks — ANC general secretary Alfred Nzo, head of international affairs Mr Thabo Mbeki, Mr Joe Modise, commander of the ANC's military wing, Umkhonto we Sizwe, and national executive committee member Mrs Ruth Mompati.

And though Mr Slovo talked of reconciliation, it was immediately obvious that the ANC delegation would take a

**PETER FABRICIUS Political Correspondent**

tough line at the three-day talks in Cape Town starting on Wednesday. Mr Mbeki indicated that the agenda should be limited to the lifting of the state of emergency and the release of political prisoners.

Asked whether he shared the Government's view that there should be give and take in the talks, Mr Mbeki said: "There is nothing to give from our side because we are not holding any state of emergency, and we have not passed any Internal Security Act."

He indicated that the talks agenda should be limited to finding ways of allowing all to take part equally in the political field.

This seemed to rule out the possibility of what the Government is sure to demand: a real commitment to peace by the ANC in exchange for the lifting of the state of emergency and the release of political prisoners.

Mr Mbeki expressed the hope that the talk would achieve results. His father, Mr Govan Mbeki — the Rivonia trialist released from prison in 1987 — welcomed his son and other exiles in an emotional address.

He said "For the first time in more than a century we are coming here to be involved in discussions."

Photograph Stephen Davimes.

"In welcoming you, we also wish the Government well. It is willing, after over a century, to sit down with us to discuss the problems of this country and we hope very sincerely that it will have the backing of the overwhelming majority of whites in this country."

There were emotional scenes at the airport as the returning exiles were embraced by local ANC leaders.

**Co-operation**

Outside the terminus building, a small crowd of supporters toy-toyed, chanted and held placards aloft.

A large contingent of policemen maintained strict security and the occasion was filled with irony as SAP and ANC marshals co-operated closely to control the crowd.

Down the road to the airport building a larger crowd of several hundred flag-waving ANC supporters waited to greet their returning leaders. Many more were turned away by the police.

Sitting at the centre of the delegation, Mr Nzo said their task was to "explore with the apartheid regime the possibility of removing certain obstacles to enable the negotiation process to take place."

That was the delegate's mandate

police captain Mr Dirk Coetzee has to the Commission.

The allegation was denied by General van Merwe in Pretoria. He said: "That is not only I, it is completely untrue. I think I am well known in the Free State and all over the Eswatini people to know that the accusations are rejected. He said he had not read the report and was going to make further comment."

**'Close colleague'**

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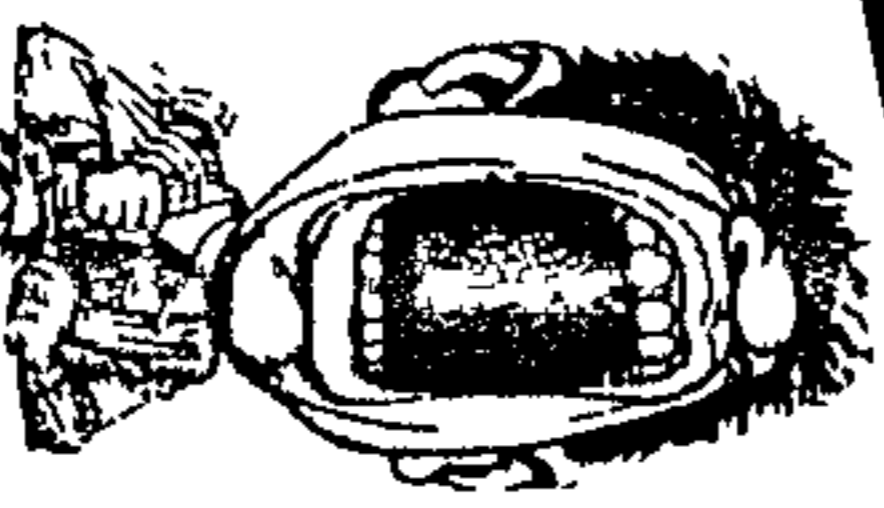
"He confirmed to me that General van der Merwe was part of the clique in Bloemfontein; he had ledge (of the killings). He said General van Merwe was one of the guys for those kinds of get's of activists."

General van der Merwe said: "I can't speak Hendrik Prinsloo. But I believe it is completely true that he would say a thing like that."

Mr Coetzee was accused by a police lawyer Sam Maritz SC, of "slandering" General van Merwe, but insisted that it was impossible if general not to have known about the deaths.

See PAGE 2.

**LET YOUR VOICES WORK FOR**



- 1) Are you ever asked to repeat what have just said?
- 2) Do you spend at least part of your speaking on the telephone?
- 3) Are you ever accused of shouting, shouting, speaking too softly, slowly or quickly?

Frith is

TO PAGE 2.

# Webster

● FROM PAGE 1.

been a number of cases of intimidation in Soweto during the schools boycott in the township

The special unit — which was trained on a police farm at Fourways, near Sandton — had "torched" a house which they believed to be "one of the headquarters of the African National Congress and in which important ANC documents were kept"

He was unable to say where the house was situated but it was "near Yeoville"

"We worked in teams. One person smashed the windows, another threw in petrol, and we set it alight," he added

Mr Gouws was unable to say whether a fire at the offices of the Transport and General Workers' Union, or bomb blasts at Khotso House and Cosatu House, all in Johannesburg, were linked to the "team"

He said the incidents could have been the work of his associates

The team was made up of SADF Major Roy Laubscher, Mr Piet Cronje, Mr Greyling, Mr de Swardt, Mr John Eagen, Mr Nic Vlok and Mr Piet Assenmacher, all of whom were said by Mr Gouws to be with military intelligence

Mr Assenmacher had not participated in some of the incidents

Other security department officials said to be connected to the SADF included deputy security director Mr Frik Barnard, Mr Martin Hennig, Mr Anthony Bennett, Mr Johan Hattingh and Mr Nic Roes-  
tof

Mr Barnard was said by the director of public safety in the council, Mr John Pearce, to be a major in Military Intelligence, while testimony has also been led stating that Mr Hennig was a lieutenant in MI and was recruited by Mr Barnard

Questioned by Mr Gilbert Marcus, representing the Five Freedoms Forum, Mr Gouws

said that he was taking a threat on his life "very seriously". He said that a price of R50 000 had been mentioned

"I am sure someone wants me dead," he said "These sort of people can murder"

Asked if "this is the sort of work" undertaken by the special unit, Mr Gouws said: "Yes"

A moment later, Mr Gouws said: "I heard the team I worked with killed David Webster." Mr Gouws later repeated the claim Under cross-examination by Mr Shein, he finally named Mr de Swardt.

Asked who would have put out the R50 000 contract on his life, Mr Gouws reluctantly said. "The CCB"

Mr Gouws earlier implicated Mr Barnard in the CCB, but Mr Schalk Burger, SC, representing Mr Barnard as well as other senior council officials, placed on record that his client (Mr Barnard) strongly denied having any links with the organisation

Mr Gouws also described how he underwent 20 months of intimidation during and after his period of service with the security department

## Kicked

He claimed to have been kicked and hit by people whom he described as his colleagues, adding that his house was burgled and damaged, his parents' home was placed under surveillance, his salary was withheld and he was followed

He was warned by Mr Hennig that "if you ever leave this council, you will be in trouble".

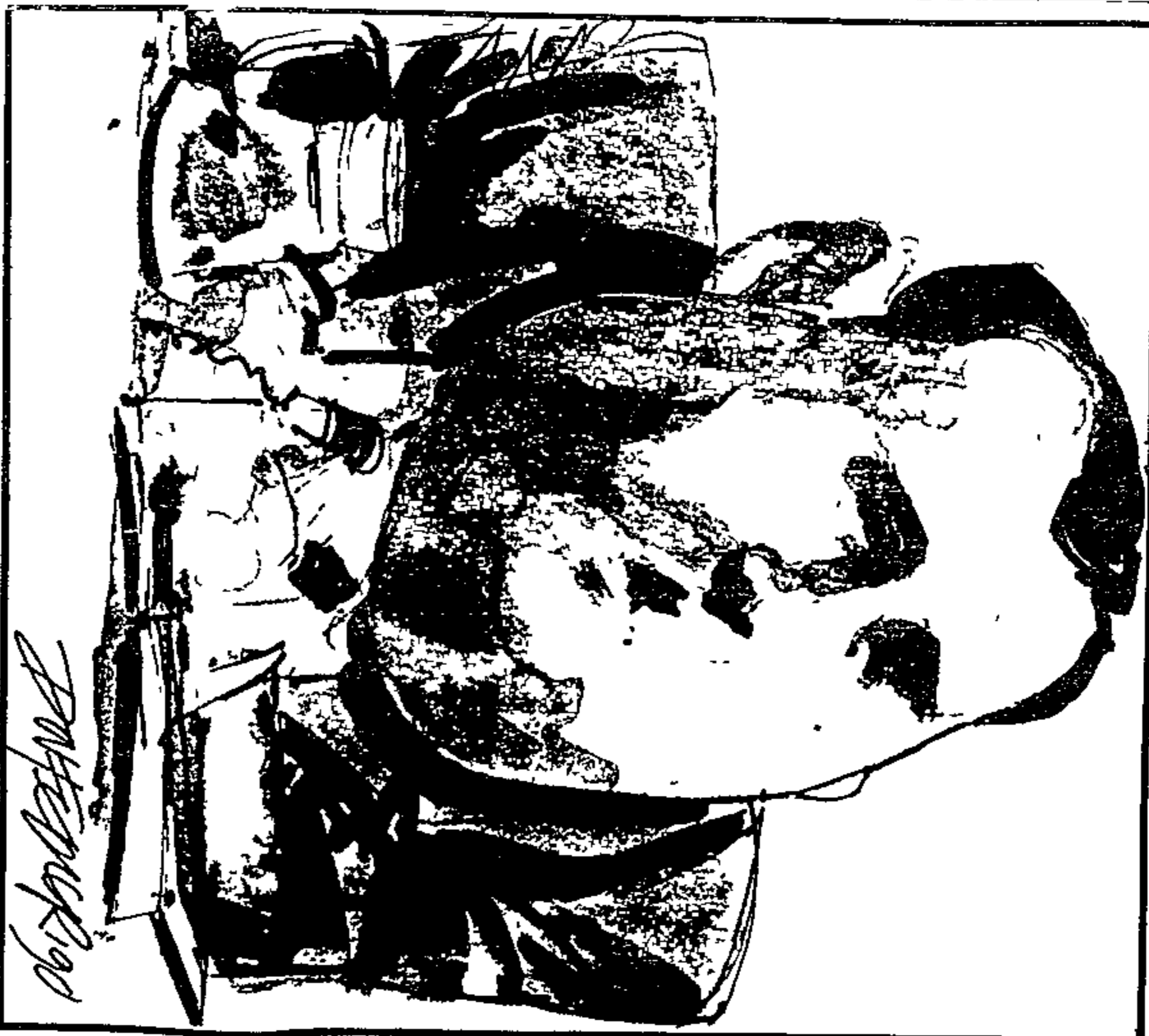
He also told the commission how he had been unsuccessful in seeking an interview with the Town Clerk, Mr Manie Venter. It was after this that he had decided to go to The Star with documents he had removed from his office.

He was accused by Mr Burger of having "stolen" the dossiers, but denied this.

# A change of pace may be the answer for Big John

Star 28/4/90

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JOHN PEARCE: The glitzer has faded for the Johannesburg City Council's golden boy.

Had Budd Schulberg aimed his writer's microscope at Mr John Pearce and not at a sharp-witted Hollywood agent, he might well have written a novel with the title, "What Makes Big John Run?"

Physically, two people couldn't have been more different. Sammy Gluck, as thin as a starling sparrow, would have been dwarfed by the bulk of the Johannesburg director of public safety, currently under investigation by the Hiemstra Commission of Inquiry for his alleged role in the city council spy ring.

But otherwise, the two bear many striking similarities. Driven by the overpowering need to get to the top in the quickest possible time, Schulberg's fictional go-getter might well have been a role model for the hulking former chief traffic officer.

Born in 1943, John Pearce was educated at the Highlands North High School and Naval Gymnasium. He joined the traffic department in 1963 and enjoyed a rapid rise to prominence. He was sent to university in Chicago, and on returning became staff officer to traffic chief Mr Saville Dorfman.

These days he looks like a retired lock forward, much different to the trimmer public face he

## Personality

JOHN PEARCE

Written by:  
MICHAEL SHAFTO

first presented after being appointed the city's youngest-ever traffic chief at the age of 34.

Then — the year was 1978 — with neatly clipped moustache and a disposition that favoured the smile rather than the scowl, he was Johannesburg's golden boy. Although traffic chief is seldom a job that places its incumbent at the top of the pops, the city and its people — it seemed — were at his feet.

Newspaper headlines reflected the media's support, the general air of approval — "Drunken drivers get the message". "City speed checks at full strength".

One writer observed that Mr Pearce seldom had a weekend to himself. He was always on the go, at the beck and call of his hip bleeper — (where today he is said to favour wearing a hoistered gun).

His international qualifications were often listed. He is a member

of the International Association of Chiefs of Police, and he holds a diploma in traffic administration from a Chicago university and a certificate in the same from the Arizona Department of Public Safety. In 1983 he was appointed president of the Institute of Traffic Officers for southern Africa.

All this was before the start, in 1983, of the Bureau for Public Safety. Since then Mr Pearce has seldom been out of the limelight.

His press has mostly been unfavourable — a process reaching a climax with the Hiemstra probe of revelations by The Star into security department spying on individuals and organisations.

In 1986, the security boss was accused of sending traffic officers to protect a close friend, Foreign Minister Pik Botha, from AWB opponents in Pietersburg.

The following year saw the start of the Rand Show parking row, which has still not abated. That year he took leave to organise the parking, and earned R137 000 for the job.

In 1988 Mr Pearce was accused of exceeding his mandate when he provided an escort for Bavarian Prime Minister Franz-Josef Strauss's Government-arranged trip to the Mabula Game Lodge. Soon afterwards came the news

that his wife's close corporation, Sweetpea Park, had won a three-year contract to organise Rand Show parking.

It was a busy year for Mr Pearce, with an inquiry following in May into the sale of the SA Associated Newspapers building.

Did Mr Pearce swap horses in midstream, failing to keep an appointment with one agent to view the property as a possible HQ for his security department only to arrive a short while later with an unlicensed agent, Mr Henne Schoeman, also a member of the management committee?

The first agent's price was R5,4 million. The price at which the building was sold to the council was R7,25 million, with a handsome R217 500 commission for Mr Schoeman.

The former golden boy has looked increasingly harassed as the Hiemstra inquiry progresses. The glitzer of gold is still there — the watch, the ring, the tepin fashioned in the shape of miniature handcuffs.

But the former air of assurance has taken a beating.

Whither John Pearce now? Perhaps a change of pace, a little less running, would be the best medicine any friendly doctor could prescribe.

# Killed by their own men

By MARTIN NTSOELINGOE

A BREAKDOWN in communication between members of the South African Defence Force and police resulted in the fatal shooting of three people and the serious injury of another.

Johannesburg Inquest Court magistrate GC de Lange this week heard a police officer explain how soldiers and police got involved in a shooting fracas in Soweto on December 14, 1988.

W/O Hennie van Rensburg told the court on that day he was the duty officer in charge of communication systems at Soweto police headquarters, Protea.

He said he received orders to warn police on patrol at White City Jabavu to stay away from house 623c in Mlangeni Street, because SADF members suspected ANC insurgents were hiding there.

Van Rensburg said because of a lack of communica-

tion, police who went to the house were greeted by a hail of bullets fired by the soldiers.

Constables M Ntshingila, Kwenzakufane Nene and informer R Pule were killed, and Const N Ngcobo lost a leg.

He said he could not communicate with the policemen—led by Const Marius Marx—who were patrolling on foot in White City as they did not have a radio with them.

Giving evidence, Maj Jan Delporte said when Marx left earlier in the evening with his men, they had not been issued with a radio. The batteries in the only available radio were flat.

Johannes van Rooyen, who had fired the first shot, told the court he was doing a camp with the SADF at the time.

They received information which prompted them to go to the house. They searched the house and the four-man team led by Lt David Muldern decided to wait for the suspects.

A fire was lit opposite the house and no one gathered around it. They assumed this was a signal.

Muldern told the court his unit decided to return to the house to catch the insurgents.

They heard firearms being cocked outside the house. A door was hit by what he thought was a rifle butt and his men fired several shots.

A few minutes later they discovered the people "ambushing" the house were police officers.

"I did not give the order to shoot, it happened in a split second. I was confused and did not know what to do.

"I nearly fired, but on second thoughts decided against the idea," said Muldern.

The hearing was postponed to June 20.

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# THEATRE OF HORRORS AT SA EMBASSY

GOTHIC tales of murder, assault, intimidation and deceit unfolded this week in the unlikely setting of a tiny theatre in London where the Harms Commission began taking evidence

The hearings are being held in the ornate basement theatre of the South African Embassy

Testifying were two exiles — former security police captain Dirk Coetzee and his one-time gardener, David Tshikalanga — who both face arrest if they return to South Africa

They told the commissioner, Mr Justice Lous Harms, who is investigating South Africa's "hit squad" scandal, that they were part of a carefully planned campaign to eliminate perceived enemies of the State by a variety of methods, including thallium poisoning, shooting and stabbing

This week daily crowds of about 70, including ANC observers who gained special indemnity to enter the South African mission, were ushered through a side entrance.

Tshikalanga, watched closely by his counsel Denis Kony because of his history of epilepsy, said he was chosen by Coetzee to murder a civil rights lawyer in Durban, Griffiths Mxenge

"Mxenge's body was found

By JEREMY BROOKS  
London

in 1981 with 40 stab wounds and his throat cut on a deserted road near the city

Tshikalanga said he had been paid R1 000 to kill Mxenge who, the commission heard, was eliminated because police suspected he was receiving money from the ANC but did not have enough evidence to convict him

Describing the murder, Tshikalanga said "There was a hell of a fight After stabbing him I couldn't take out the knife"

He said Mxenge managed to pull the knife out of his chest and tried to attack Tshikalanga's two black accomplices

"But he fell to the ground after being hit over the head with a wheel spanner and

was then repeatedly beaten and stabbed"

Mr Coetzee, the ANC's star defector, was flown into London last weekend from the Lusaka "safe house" where he has been living for several months

Dapperly dressed in light suit and tie, tanned and confident, he launched into a catalogue of sinister projects which, he alleged, had the sanction of top officers in the South African police

They included the petty and bizarre He said a Port Elizabeth trade unionist's phone was bugged and tampered with, so that calls to a daughter in Johannesburg were charged at overseas rates On another occasion a fellow black policeman's car was set on fire because he was considered left-wing

But then, as he warmed to his theme, Coetzee calmly

detailed other murderous assignments.

He and his men tried three times to poison two former ANC members who had defected from the organisation and returned to South Africa

One, Vusi, was suspected of being an infiltrator The other, Peter, was "a pathetic kind of guy He had a slender build, was always late and caused a lot of problems"

252 Heated  
Eventually the two men were given "knock-out" drops, shot in the head and their bodies burned The ashes were kicked into the Komati River near Komati-poort

"A fire was built and they were burned to ashes It took seven to nine hours I was present the whole night"

On Friday, angry scenes erupted as advocate Sam

Maritz, SC, for the police, accused Coetzee of "gushing out slime" to smear his former colleagues

A heated exchange followed Coetzee, his mouth set in a straight line and at times talking almost through his teeth, denied he was a liar.

"You are a liar. You are a perjurer You are a car thief You are a murderer," thundered Mr Maritz

Coetzee could not recall exactly what he had said when he assigned a colleague to the Mxenge assassination squad

"In our culture we are used to making long speeches," he said

The room exploded in laughter as Judge Harms interposed "I am surprised to hear that"

The commission's hearings were adjourned until tomorrow

By DESMOND BLOW

THE fight for the abolition of the death sentence took another giant step this week when a Bill was tabled in parliament abolishing compulsory executions.

Before the Criminal Law Amendment Bill (1990) was tabled by Justice Minister Kobie Coetsee, judges had no option but to sentence a man to death if the court found no extenuating circumstances.

Many judges found having to send a person to the gallows barbaric.

When the Society for the Abolition of the Death Penalty was re-launched in 1988, Justice RN Leon QC - then chancellor of the University of Natal - said he had sleepless nights after imposing the death penalty.

With the help of Lawyers for Human Rights, the Society has fought tirelessly during the past two years to abolish the death penalty.

Leon said the Rev Dr Junod, who spent 28 years ministering to prisoners and accompanied 800 blacks to the gallows, was convinced mistakes had been made.

A questionnaire sent by the late Prof Barend van Niekerk to the South African Bar more than 20 years ago showed 78 percent of lawyers believed an innocent could be found guilty of murder and executed.

Supreme Court judge John Didcott caused a furore in January this year when he came out publicly on British television in favour of abolishing the death penalty in South Africa.

On the same programme, Professor of Law at the University of Cape Town, Dennis Davis, said 97 percent of people hanged were black.

"If you are poor and black, you stand more chance of being hanged than if you are in any other category."

Although most judges disliked sentencing people to death, one or two had a reputation as "hanging judges".

Between 1980 and 1988, 1 070 people were hanged in South Africa. In 1987 alone there were 164 executions.

However, pressure was brought on the Minister of Justice by LHR's fight against each death sentence and by public and church support for the Society for the Abolition of the Death Penalty.

In 1989 executions dropped to 32 in the first eight months, but in the six weeks following the election of FW de Klerk as State President on September 6, 1989, there were 15 executions.

By the end of the year 51 people had been executed and 54 death sentences commuted.

But the number of people sentenced to the gallows did not drop.

In July last year *City Press* revealed the Death Row population was growing so rapidly additional cells were being built at Pretoria Maximum Security Prison.

At the time there were 283 people on Death Row - most of them black.

When De Klerk opened Parliament on February 2 this year he announced a moratorium on all executions, pending a full investigation into the death sentence.

Welcoming the new Bill this week, LHR spokesman Shucks Sefanyetso said it gave hope for the eventual abolition of the death sentence.

4

CITY PRESS, April 29, 1990

# Giant leap as new Bill edges out the death sentence

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# Ragged suspect cries thief

By MARTIN NTSOELNGOE

2/Press 29/1/90 252

A SOWETO man who appeared in court this week dressed in rags, told the magistrate fellow awaiting-trial prisoners at the Johannesburg Prison had robbed him of his clothes.

Mandla Albert Zwane, 23, complained to magistrate H Verhoef that when he arrived at the prison, aggressive awaiting-trial prisoners had seized his clothes and given him the tattered ones he was wearing in court.

Zwane was reluctant to leave the

courtroom, saying he needed an assurance from the magistrate that his case would be taken up by the prison's commanding officer.

He was dressed in a paint-spattered blue overall, a tattered grey shirt and a pair of gumboots.

Zwane has been charged with the murder of Winnie Makgogo in Naledi on October 16 last year.

He allegedly attempted to murder four others - Jacanita Gelane, Ouma Elizabeth Kgwale, Patricia Lebogang Kgwale and Boy Matlala Mtholo.



# Worker died 'after

## Man beater straying co

By DAN DHLAMINI

A SICKLY widow this week told court while she heard a farmer - who later died - because he was in the field

Occasionally wiping off tears, Mickey Lekone told City Press after the trial affected her health and she had to leave the farm. Mickey Lekone had come to the farm to see her husband, white farmer Jan Bezuidenhout, and his wife, Mrs. Abraham Lekone, because they had strayed into the mealie fields.

Bezuidenhout, of Esperanza farm, told the court he had killed Lekone on February 18 last year. The charge is culpable homicide.

Earlier, Lekone's grandchild, testified that he witnessed the alleged assault - and accused their grandfather of negligence - to cause great damage in the field.

They told the court the well-known farmer had hit Lekone with his fists in the rib cage and on the head.

The dead man's daughter, testified earlier that she and a woman had to carry her father from the fields because he could only manage to crawl.

In his evidence, Dr CRB Aitken said Lekone died as a result of head and body injuries.

This week Bezuidenhout told the court he had grabbed Lekone on Sunday and had grabbed Lekone to follow the cattle to go into the field.

He however denied that he assaulted him at any stage. He said Lekone was drunk on that day and he could have been assaulted by other people. He said Lekone left the fields in the company of two black women, and he was walking and not crawling as suggested earlier by Stompana.

Bezuidenhout denied that he promised the Lekones a taxi and a house if they did not lay charges against him. Elizabeth Fubu, the dead man's sister, in earlier evidence claimed that the farmer had made the promises in an attempt to convince the family not to proceed with the case against him.

Replying to a question from prosecutor Kenny Pretorius, Bezuidenhout said he did not know who ordered the Lekones to leave the farm two days after Abraham's death.

The State closed its case and the trial was adjourned to July 18. Bezuidenhout's advocate C B Celliers told the court he may call witnesses to support his client's case.



## Nani will set medical world alight

Nani Mokoena, 19, is a full-time model who is guaranteed to set any man's heart on fire. Now this bouncy lass from Mngadi Section, Katlehong, has set her sights on becoming a medical technologist. So watch out all you eligible doctors!

# Farmer's assault

## beaten up over straying cow - claim

Today this week cried silently in the Welkom Regional Court when she heard a farmer deny that he assaulted her husband - because he allowed a cow to stray into a mealie field.

By wiping off tears while sitting in court was Mickey Lekone. She told City Press afterwards that her husband's death after the assault and she had spent five months in hospital. Lekone had come to court to hear the fate of Odendaalsrus farmer Bezuidenhout who was accused of killing her husband Lekone because the cattle he was looking after in the mealie fields.

Bezuidenhout, of Esperanza farm, allegedly killed farm labourer Lekone on February 18 last year. He has pleaded not guilty to the charge.

Lekone's grandchildren Naomi, 9, and Malefu, 12 - who were present at the alleged assault - told the court Bezuidenhout had admitted to neglecting his job and allowing the cattle to stray into the mealie fields.

In court the well-built Bezuidenhout hit their grandfathers in the rib cage and repeatedly jumped on his stomach.

Bezuidenhout's daughter Stompana Lekone also told the court that she was a woman who works for Bezuidenhout had to leave the fields because he was very weak. She said she had to manage to crawl.

Justice Dr CRB Atton of Odendaalsrus said Lekone had injuries of head and body consistent with assault. Bezuidenhout told the court he was very angry on that day that he had grabbed Lekone by the chest because he had allowed the cow to go into the mealie fields.

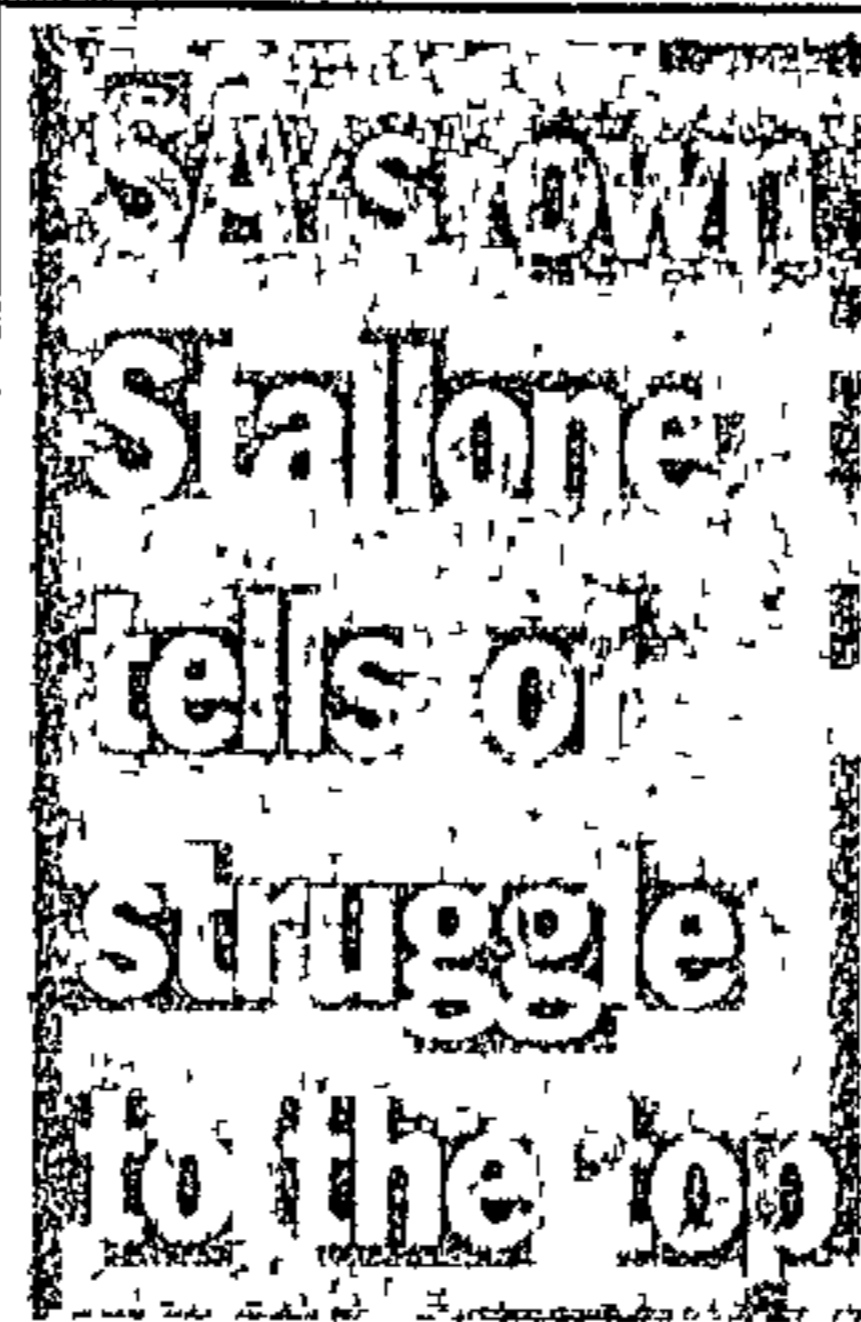
Bezuidenhout denied the assault. He said Lekone was on that day that she could have been hit by other people. Lekone in the courtroom was walking as suggested by Stompana.

Bezuidenhout denied the assault. He said Lekone was on that day that she could have been hit by other people. Lekone in the courtroom was walking as suggested by Stompana.



Mickey Lekone ... her husband died after an alleged assault.

Bezuidenhout denied the assault. He said Lekone was on that day that she could have been hit by other people. Lekone in the courtroom was walking as suggested by Stompana.



By CHARLES MOGALE

MEET the Sylvester Stallone of the local screens.

He is Thomas Mogotlane, writer-cum-director-cum-actor, and the brains behind the blockbuster movie *Mapantsula*.

Mogotlane - or Panic to movie boffins - is patiently counting the days to July when the recently unbanned *Mapantsula* will be screened locally. Already, the movie has rocked several countries overseas, including the United States, Sweden, Holland, France and England.

It has also been featured at the Cannes and Sydney Film Festivals.

Success has, however, not run to Mogotlane's head. He remains a simple man who has to be prodded to talk.

"I am obviously very delighted. I went through hell - there were days when there was just not enough money to buy food, let alone pay the rent. There was a time during the writing of *Mapantsula* when I almost quit. I very nearly went job-hunting to feed my family," said Mogotlane.

He lives with his wife Portia and two sons Jonas, 14, and Khotso, eight months, in Mabopane.

"It was tough. We were supposed to shoot the movie in about three months, but we had to squeeze it all into seven



Thomas Mogotlane with some of his many awards.

weeks because we did not want the authorities to find out what kind of movie we were making.

"One other reason I had to act the part of Panic is that I knew about the role, as a writer. So, to hasten matters I had to do it. One day, while we were busy editing, the police came and demanded to see the film. We gave them a wrong copy. Soon after that, we smuggled the right one out of the country to London, where the rest of the editing was done," he said.

A trained teacher, Mogotlane has never taught.

"I acquired a teaching diploma to have something to fall back on. I have been acting ever since I left Hebron (Training College) in 1973," he said.

He then joined playwright Gibson Kente's stable, appearing in six of his productions, and later helped train young-

sters. "Bra Gib taught me a lot. He introduced me to acting, and taught me a lot about scriptwriting," he said.

While with Kente, Mogotlane had a brief spell in detention during the filming of *How Long* in 1976.

"Some of my experiences during interrogation inspired certain scenes in *Mapantsula*," he said.

*Mapantsula* - co-written with Oliver Schmidt - has already scooped several awards. It took seven in last year's AA/M-Net Vita Awards. Mogotlane won the best actor award and shared the award for best script with Schmidt. The film also won best supporting actress for Dolly Rathbe, best music for The Ouens, best editing for Mark Bard, best sound and best local film.



GRIDIRON USA  
batling for Major League honors

# Guarded praise for changes to death penalty Bill

252

The publication of changes in the Criminal Law Amendment Bill last week means "hanging judges" will no longer be able to shelter behind the mandatory death penalty, but other measures have raised new reservations, according to a leading academic. **CARINA LE GRANGE** reports.

The State President has acknowledged that the death penalty should be applied only in extreme cases but this view has not been translated into law. In the Criminal Law Amendment Bill published last week, a leading academic says

The acting dean of the law faculty of the University of the Witwatersrand, Professor Etienne Mureinik, on the whole welcomed the new bill, which abolishes the mandatory death penalty, among other things, but voiced some reservations.

He said that if it was wrong to condemn people to death "outside of extreme cases", the death sentence should be limited to murder cases.

In his opening speech in Parliament on February 2, Mr F W de Klerk accepted that the death sentence should be applicable only in extreme cases.

Professor Mureinik said the Bill represented a considerable improvement on the previous law. He said he was particularly pleased with the new right of appeal, the new system of automatic review and the new automatic petition

According to provisions in the Bill, a person's conviction and sentence must be reviewed by the appellate division even if he does not appeal.

"The Government is to be commended on the abolition of the mandatory death penalty for murder. Hanging judges will no longer be able to shelter behind the mandatory death penalty. They will be forced to take full responsibility for their decisions," he said

Another reservation raised by Professor Mureinik concerns the review panel for existing death sentences which will have to decide whether Death Row prisoners would have been condemned if the new law had been in force when they were sentenced.

"That is a highly speculative inquiry. The panel has to guess how the trial courts would have sentenced if they had been applying criteria which are only being enacted now, and to which the courts were obviously not applying their minds when they passed sentence.

"It is entailed in the Bill that every Death Row prisoner has been sentenced under criteria that the Government now recognises to be wrong. That being so, the Government has no proper alternative but to commute all death sentences now in force"

He said the development that attorneys-general would now be able to appeal against sentences imposed by lower and superior courts was "probably a necessary evil".

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assistants Ivan Judeal riding "Tank" (left) and...  
welcome they receive from regular park visitors relaxing in the CB

# Police to quiz witness on assassination claim

By Craig Kotze

Police will question former Johannesburg City Council spy handler Mr Hannes Gouws, who has named a former SADF sergeant as the killer of Dr David Webster, as soon as he has completed giving evidence before the Hiemstra Commission, said Brigadier Floris Mostert, the detective investigating Dr Webster's death.

The man named by Mr Gouws on Friday, Mr Paul de Swardt, has reportedly denied killing the Wits University anthropologist and activist.

Mr Gouws told the commission on Friday that Mr de Swardt's SADF partner of three years, Mr Dick Greyling, had said Mr de Swardt was guilty of the murder of Dr Webster.

Brigadier Mostert said there was no question yet of any arrests, despite the bombshell claim made by Mr Gouws before the Hiemstra Commission, which is probing the council spy scandal exposed by The Star.

"We will question Mr Gouws as soon as he is done with the Hiemstra Commission.

"There are also a lot of legal ramifications regarding his claim," Brigadier Mostert said.

"There is no possibility of an arrest in the near future in connection with Mr Gouws' claim.

"We will decide only after questioning Mr Gouws," he added.

He confirmed that he had been ordered by General Johan van der

252  
The  
Hiemstra  
Commission



Merwe, the Commissioner of Police, to investigate the claim.

A man claiming to be Mr de Swardt, said to be a former SADF sergeant in the Department of Covert Intelligence, yesterday contacted the SA Press Association to deny he was involved with Dr Webster's death.

On Saturday, Mr Greyling also denied the claim and went into hiding.

According to Sapa, Mr de Swardt said: "I stand by everything Dick Greyling said to you.

"I will probably say more later, but that is all at this stage."

Sapa could not establish Mr de Swardt's whereabouts.

Sapa said that according to a source who requested anonymity, Mr de Swardt yesterday left a Johannesburg hotel in a private car with men believed to be military officers for an undisclosed destination.

Mr de Swardt had apparently arrived in Johannesburg yesterday morning from an area north of the city.

It is believed he will keep a low profile until he gives evidence to the Hiemstra Commission this week.

# How could Delmas trial have gone on so long? — law report

CA 7/1/85 30/4/90 252

By DAVID YUTAR  
Staff Reporter

PEOPLE would be justified in asking how the Delmas trial, South Africa's longest and most expensive criminal trial, could have been allowed to continue for another year when, halfway, it had become a nullity

This is the comment of an editorial in *Consultus*, the journal of the South African Bar

The 22 accused were indicted on charges of treason, alternatively terrorism in terms of the Internal Security Act 74 of 1982. Other charges included subversion, murder and furthering the aims of an unlawful organisation

The trial lasted three years and a month, during which the court sat on 437 days, 278 witnesses gave evidence, the trial record of evidence and argument fills 459 volumes containing 27 194 pages, and the trial court's judgment took four days to deliver and runs to over 1 500 pages

The trial was beset by controversy when halfway through its course, the trial judge, Mr Justice Van Dijkhorst, decided to discharge one of his assessors because he had signed a petition in the "million signature campaign" of the UDF

Subsequently when the trial went on appeal, the Appeal

Court decided that the trial judge's action had been irregular and that as a result the trial had become a nullity

The *Consultus* article points out that although the trial judge's decision was shrouded in controversy from the start, and there were serious doubts among lawyers as to its correctness, nevertheless the court was, in terms of our law, obliged to continue with the trial until it had reached its conclusion. Only then could there be any prospect of a review by the Appellate Division

"But can it ever be justified to the general public that the trial court which, after the dis-

charge of the assessor, was a nullity in law, continued for more than a year, that both the state and the defence, in addition to the many thousands of rands that had already been spent on the case, spent even more thousands and that the accused, who had already been in detention for some years, were detained for a further lengthy period?" asks the editorial

It goes on to suggest that although in the majority of cases it is undesirable for a trial to be interrupted so as to allow the hearing of a question of law by the Appellate Division, exceptions should be provided for

# I din't kill Webster call

Sowetan 30/4/90

252



DAVID WEBSTER

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THE man accused of killing Dr David Webster, Mr Paul de Swardt, yesterday denied any connection with the murder of the respected Wits University academic.

De Swardt was named by Johannesburg City Council spy handler Mr Hannes Gouws as the man responsible for Webster's unsolved shotgun assassination on May 1 last year

Gouws made the startling revelation late on Friday to the Hiemstra Commission of Inquiry investigating the council spy scandal. He told the commission De Swardt's SADF partner of three years, Mr Dick Greyling, had said De Swardt was guilty of the murder.

De Swardt yesterday contacted Sapa by telephone to express support for a denial of Gouws's statement by Greyling on Saturday.

"I stand by everything Dick Greyling said to you yesterday," said De Swardt.

## Team

When asked to elaborate he said "I will probably say more later - but that is all at this stage."

Attempts to find out from him where he was failed. In answer to a question concerning his whereabouts, he again said he might speak about this later.

On Saturday Greyling, who worked with De Swardt as a two-man team, said they had never received orders to monitor Webster and they had not spied on the senior social anthropologist, whose death is now being investigated by two judicial inquiries - the Hiemstra Commission and the Harms Commission of Inquiry - into state involvement in politically motivated violence.

Greyling has expressed his willingness to testify before the Hiemstra Commission and at this stage it is believed De Swardt is prepared to do the same.

## Call

Shortly after his telephone call to Sapa, De Swardt, accompanied by men believed to be military officers, left a Johannesburg hotel in a private car for an undisclosed destination, according to a source who requested anonymity and who confirmed the identity of De Swardt to Sapa before putting him on the line.

Apparently De Swardt arrived in Johannesburg yesterday morning from an area north of the city.

It is believed he will be kept under wraps until he gives evidence to the Hiemstra Commission this week.

Greyling also telephoned the news agency yesterday. Following his denial on Saturday of involvement in the Webster killing, he said he too had moved to avoid detection by the authorities and the Press - Sapa.



A FRESH TWIST OF LEMON

PROLOGON

# College of grace is open

*Sowetan 30/4/90*  
 GRACE College, an educational institution born out of the class boycotts in 1985, was officially opened at the weekend

The R7,8 million non-racial institution is a merger of Tswelopele Secondary School and Perseverance College Tswelopele opened in March 1986 to help students who found studying on their own difficult Perseverance College, launched by a retired headmaster Mr Hornabrook Bundwini, came into being three years ago Bundwini heads Grace, which is now a member of the Southern African Association of Independent Schools

Grace and St Ansgar's School have come together to form the Schools of the Resurrection. Grace College is at Fleurhof, 15 km west of Johannesburg

## Children

According to Mr Michael O'Dowd, the chairman of the Anglo American and De Beers Chairman's Fund, which financed the building of the college, concerned parents and community groups established several private schools to ensure that their children got some kind of education This was during the Soweto school boycotts in 1985 Some of these schools fell by the wayside

"The thing that is so impressive about Grace College is that it is entirely, from first to last, the product of black initiative We talk a lot about community initiative and this is an example of what it means, and what it can achieve," he said

The new college's premises are in sharp contrast to the rented office space in Commissioner Street, Johannesburg, where the school was housed until earlier this year Teachers and pupils now find the spacious buildings and rural setting an ideal environment

By NKOPANE MAKOBANE

With the first phase has been completed, the school will comprise 14 classrooms, two laboratories, an administration block, a maintenance workshop and change rooms Work will start shortly on the laying out of two sports fields for soccer, netball and tennis

Presently, the college has 22 teachers and 284 day scholars from Standard Five to matric Ultimately the school is to accommodate 800 pupils, half of them as day scholars and the other half as boarders The fees are R1 800 (Standards Five to Seven) and R2 100 (Standard Eight to Ten) per year

## Second phase

The school is now looking for funds to start on its second phase This includes a junior school, a dining hall and kitchen, staff residences, resource, science and art centres, a hall and a gymnasium

Grace and St Ansgar's are committed to a non-elitist quality education Bundwini, who has been appointed headmaster, said they wanted their pupils to be educated, and not just certificated. "We encourage them to think independently and question what is taught," he said.

## Devoted

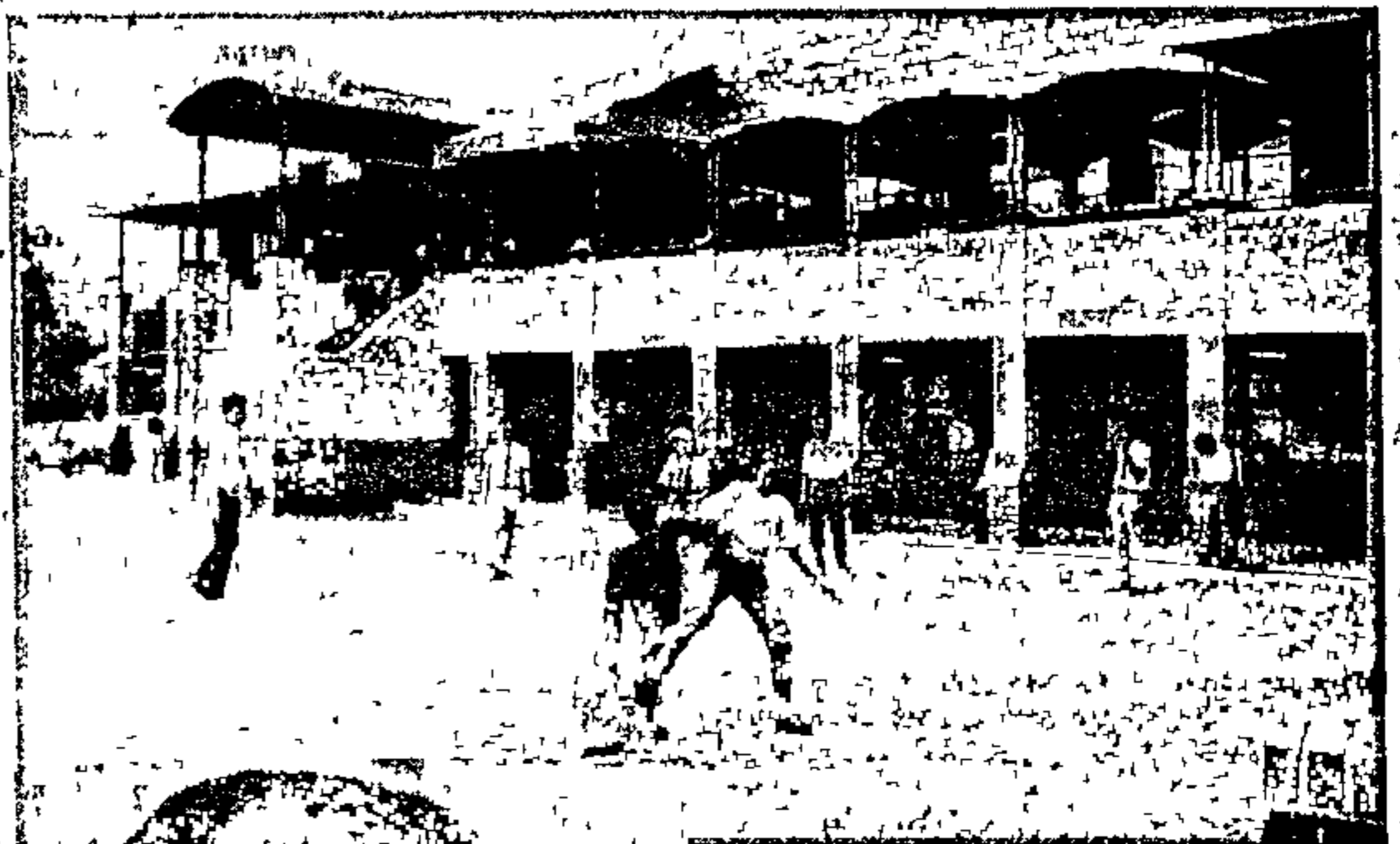
In addition, he continued, more time was devoted to the teaching of English and mathematics in the junior classes Supplementary lessons were also given to those who had suffered because of disrupted and inadequate State education

"Also, pupils should be made conscious of their responsibility to the community To achieve this, visits to homes for orphaned children and for the aged will be organised

"The country is preparing itself for a non-racial future We hope the pupils of Grace College will have the leadership qualities and the moral fibre to make a real contribution to the new South Africa," he said.



A class in progress at Grace College. The college was officially opened at the weekend.



Pupils of Grace College playing soccer before the start of classes.



Mr Hornabrook Bundwini, headmaster of Grace College.

## Tutu slams Harare bomb

ANGLICAN Archbishop Desmond Tutu yesterday slammed the use of a letter bomb which had maimed an Anglican monk in Harare on Saturday night.

"I deplore acts of violence, from whatever source they come," he said in a statement from the Church of the Province.

He suspected the "cruel bombing" was an attempt by right-wing elements, possibly with contacts in the security forces, to sabotage the negotiating process.

"It is extraordinary that this sort of activity can continue while all these commissions and police investigations are happening.

"I called some time ago for the complete disbanding of the CCB (Civil Co-operation Bureau) and I renew that call.

"The Government needs to take every possible step

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## Death bill welcome

*Sowetan*  
THE NATIONAL directorate of Lawyers for Human Rights (LHR) has welcomed the Government's proposed scrapping of compulsory death penalties.

The changes are contained in the Criminal Law Amendment Bill introduced to Parliament by the Government on April 26. The new law will allow Supreme Court judges discretion in giving the death penalty in cases where the penalty was previously compulsory. (252)

Mr M. Sefanyetso of the LHR said this step gives hope for the total abolition of capital punishment.

Mr Sefanyetso said the LHR intended setting up a panel to review every death sentence.



# Court victory for municipal union

252

THE South African Black Municipality and Allied Workers Union is set to significantly boost its membership among council employees in the wake of a decision by the Rand Supreme Court granting the union the right to represent employees at Industrial Council hearings.

In a judgment against the Johannesburg City Council on Friday, Mr Justice PJ Schabert ruled that the dismissal of three employees be referred to the Industrial Council and that Sabmawu be granted the right to assist their members in the hearing.

The case arose from the dismissals of the three in November 1988, after which Sabmawu appealed to the Industrial Council to intervene and settle the dispute.

But the Johannesburg City Council objected to the presence of the union on the grounds that it did not belong to the closed shop, and therefore had no locus standi to approach the Industrial Council.

The proceedings then came to a halt.

However, Friday's judgement has effectively overturned the Johannesburg municipality's argument, thus forcing the council to recognise in an oblique manner the existence of Sabmawu.

General secretary Mr Philip Dhlamini, told Sapa on Saturday that his union would boost its membership substantially.

50 we farm 30/4/90

Public Sector Govt. - Justice - 1990

Aug. - Sept.

**Harms Commission resumes**

SOWETAN Wednesday August 1, 1990

Page 2

THE controversial Harms Commission of Inquiry into politically-motivated murders resumes today after a six week recess. The resumption will deal with argument regarding an alleged police hit squad and the South African Defence Force's clandestine Civil Co-operation Bureau.

Once argument concerning the CCB and a police facility at Vaalkop, near Pretoria, has been heard, evidence of ANC involvement in a list of 71 unsolved political crimes is to be introduced to the commission. The commission is chartered by Mr Justice Louis Harms.

During the recess there have been numerous calls to have the frame of reference of the commission widened to include incidents which occurred outside South Africa. It is believed that the limiting of evidence to incidents which occurred inside the country has hampered its task of "laying out the bones" of the crimes being investigated.

About 300 members of the lobby for the expansion of his ambit held a march in Cape Town on Saturday and handed a petition to Parliament calling on President F.W. de Klerk to allow the commission to pursue events which occurred outside South Africa.

A statement from the State President's office on Monday said De Klerk would not consider expansion of the commission's frame of reference until he had received and studied a report of the findings once it had been submitted to him by Justice Harms.

He also declined to participate in a public debate on informal repression as it would sensationalise certain issues and could pre-empt the commission's findings. - Sapa

1/8/1990

# Harms Commission starts amid violent happenings

B12m 11/8/90

LINDEN BIRNS

THE Harms Commission of Inquiry into politically motivated murders resumes today after a six week recess during which a witness was killed, an advocate disappeared and the End Conscription Campaign (ECC) became the target of violence.

Advocate Eberhard Bertelsmann SC is acting for the Webster Trust and others.

He will lead argument this morning dealing with the role of the Civil Co-operation Bureau (CCB), the SADF and Defence Minister Gen Magnus Malan in planning and perpetrating acts of harassment, intimidation, sabotage and murder.

Commission secretary Chris Erasmus said advocate Fhp Hattingh SC for the CCB and advocate Willem Burger SC for the SADF would follow Bertelsmann in presenting their clients' cases.

Next week the commission will hear arguments surrounding the allegations by convicted murderer and Vlakplaas operative Almond Nofemela and former Vlakplaas commander Dirk Coetzee about the activities of the security branch members based at Vlakplaas, west of Pretoria.

Former Vlakplaas member Brian Ngqulunga, allegedly involved in the

1981 murder of Durban lawyer Griffiths Mxenge, was found dead 10 days ago in the veld near Garankuwa in Bophuthatswana.

The SAP said his body was "riddled with bullets" and that AK47 cartridge shells were found nearby.

Sapa reports that the SAP is leaving the investigation of Ngqulunga's death to the Bophuthatswana police.

## Disappeared

With another security branch policeman, Joe Mamasela, Ngqulunga initially refused to testify before the commission unless photographs and sketches of them were prohibited by Mr Justice Louis Harms.

Advocate Piet Leeuwenaar, representing former CCB member Willie van Deventer, disappeared from his Pretoria home early this month and has not been seen or heard of since.

Police inquiries quickly established that his disappearance had nothing to do with the commission.

The ECC and some of its members featured prominently on CCB target lists shown to the commission during May.

On July 17, a bomb exploded out-

side the East London venue where the ECC was holding a meeting. No-one claimed responsibility for the bomb blast.

Despite the commission's partial uncovering of the CCB and its operations, only its chairman Gen Eddie Webb, former commanding officer of the SADF's special forces unit at Voortrekkerhoogte, has been suspended.

All of the other members still receive salaries from government and enjoy various service benefits.

Two weeks ago, police confirmed that facilities at the Vlakplaas base were being upgraded.

Incumbant commanding officer Maj Eugene de Kock is still to be cleared of allegations that he shot a building society guard through the head, after locking him in a minibus and throwing a teargas cannister into it.

On August 13, SAP Public Affairs chief Maj-Gen Herman Stadler is scheduled to present a mammoth compilation of evidence on ANC involvement in political violence, after which the ANC will give its reply.

Evidence gathering and argument is expected to be concluded by the end of August, after which Mr Justice Harms will probably make a report to President F W de Klerk.

men appear in court soon 111

*CPT 1/18/90* *252*  
**Seven executed**

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1989 while 26 others are  
still on death row, the  
Bophuthatswana govern-  
ment's mouthpiece, Bo-  
pana, reports

(252)



NEWS

# Outcry as Torr is brought to court in chains

Staff Reporters

An Anglican priest and conscientious objector appeared in court in leg-irons in Johannesburg yesterday, sparking an outcry that could resound around the world.

Justice Minister Kobie Coetsee last night hastened to defuse the row the incident caused by expressing regret at the "unjustified" use of fetters on the Rev Douglas Torr.

Mr Coetsee said he had ordered the Commissioner of Prisons to look into the matter "and to ensure that insensitive and invidious application of handcuffs and fetters is eliminated".

## Leg-irons

Mr Torr was appearing in court to apply for bail pending his appeal against the jail sentence imposed for refusing to do military service.

Magistrate H Verhoef, who sentenced Mr Torr to 12 months' imprisonment, was the first to take a strong stand.

When Mr Torr entered court, the magistrate said: "I find it totally unacceptable that Mr Torr should be in chains."

Mr Verhoef ordered the case to stand down for the chains to be removed, but the keys needed to free Mr Torr were at Diepkloof Prison.

Mr Torr's legal representative, A Thompson, said his client was prepared

to appear in chains, and the magistrate then ordered the proceedings to be heard *in camera*.

Bail was set at R100. Mr Torr was then taken back to Diepkloof Prison for the leg-irons to be removed.

Explaining the decision to bring Mr Torr to court in chains, a Prison Services spokesman said, "For security reasons, certain measures are used when a prisoner is taken to public places.

"This is to ensure the safe custody of the prisoner as well as the safety of the public."

There has been a welter of criticism from politicians, churchmen, lawyers and human rights activists.

Democratic Party justice spokesman Dave Dalling said the chaining of Mr Torr was "yet another example of police insensitivity, verging on brutality". He said he hoped the Minister of Justice would "deal with those responsible for the incident".

Lawyers for Human Rights chairman Jules Browde, SC, said: "It is a disgrace. The magistrate was right in his approach."

The End Conscription Campaign chairman in Johannesburg, Chris de Villiers, said it was "grotesque and shocking. I am glad to see the magistrate felt the same way".

Mr Torr said last night the leg-irons he wore were "primitive, degrading and humiliating".



Douglas Torr takes to the streets. Students and End Conscription Campaigners yesterday picketed outside Wits U. ● Picture by.

# Court sees video of murder scene

Star 2/8/90  
By Cathy Stagg

A video of a murder scene was shown in the Rand Supreme Court yesterday, the first day of the trial of three men and a woman accused of robbing and murdering Johannesburg socialite Dianne Tollman (53)

The accused woman was Mrs Tollman's former maid.

Donald Khumalo (18), of Uptown Building, Abel Road, Berea, Godfrey Moerane (24), of 1832 Naledi, Thabo Makaleng (31), of Berea Boulevard, Abel

Road, Berea and Bettie Mamsie Mbuli (38), also of Uptown Building, Abel Road, Berea all pleaded not guilty to house-breaking with intent to rob and robbery with aggravating circumstances — alternatively contravening the Riotous Assemblies Act — and murder

According to the indictment, Mrs Tollman dismissed Miss Mbuli at the end of January last year and Miss Mbuli was angry about the loss of her job and live-in accommodation. She al-

legedly incited the three men to break into Mrs Tollman's townhouse at 29 Twelfth Avenue, Parktown North, on the night of Monday, February 13 last year.

Mr Justice R A Solomon and his two assessors saw a video recording, taken by the police.

The camera panned through the elegant townhouse. Blood spatters were seen on a couch in the lounge and on cushions in the main bedroom, a pair of glasses rested on a newspaper. A book lay on the floor. The bedding was disturbed and cupboards had been ransacked.

Mrs Tollman's body was discovered on the bathroom floor, wrapped in a sheet. Her hands and ankles were bound and toilet paper had been stuffed in her mouth. The cause of death was a combination of throttling and smothering, the court heard.

The trial continues.

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## Inquest Amendment Act is introduced

252

THE Inquests Amendment Act, 1990, which was introduced during the recent session of Parliament by the Minister of Justice, Mr Kobie Coetsee, came into operation yesterday by proclamation in the Government Gazette. *Sowetan 2/8/90*

A statement from Mr Coetsee's office said the Amendment Act provided, inter alia, that an inquest might also be held by a judge or regional court magistrate, that a joint inquest might be held in certain cases, and that all inquests to be held after the commencement of the Amendment Act should be held in the district where the incident occurred which led to the death.

The measure will have, among others, the effect that multiple deaths which apparently occurred due to the same incident, can be dealt with in one joint inquest - *Sapa*

## Wit Wolf cash row

The Argus Correspondent *Argus 2/8/70*  
JOHANNESBURG. — The South African Council of Churches has been condemned by the Pan Africanist Congress for allegedly contributing R40 a month to Pretoria mass murderer "Wit Wolf" Bar-end Strydom.

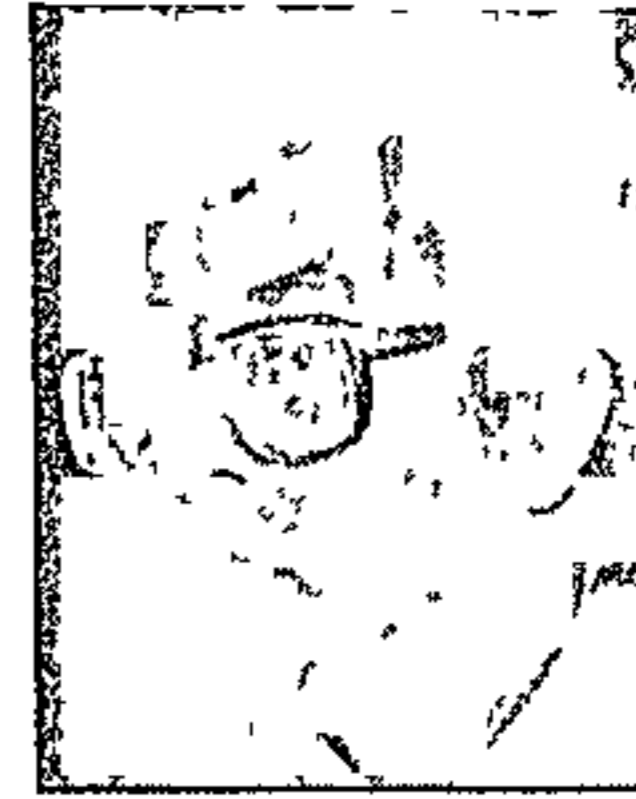
This amount was made available to everyone who was condemned to death including Mr Strydom, according to SACC director of communications Mr Saki Macozoma. It was intended that the money be spent on cigarettes, newspapers and food.

PAC general-secretary Mr Benny Alexander said today an immediate investigation would be started to check whether the donation was in fact being made.

"If this is so, it is highly irregular that an institution which is expected to side with the oppressed should finance people bent on keeping oppression alive to the point of slaughtering innocent people."



# Covert CCB: a blistering indictment



Eberhard Bertelsmann,  
SC damning attack  
on the CCB

**NORMAN CHANDLER** of The Star's Pretoria Bureau reports on the resumed Harms Commission sittings and how Eberhard Bertelsmann, SC, analysed the CCB and the men behind it

Top military men and other key figures linked to the Civil Co-operation Bureau (CCB) were given a legal roasting yesterday in the most comprehensive and damning attack yet launched against the shadowy SA Defence Force unit.

The blistering indictment of the men behind the CCB and critical analysis of its covert operations came from Mr Eberhard Bertelsmann, SC, representing the David Webster Trust and other parties at the Harms Commission.

Mr Bertelsmann was presenting his closing argument to commission chairman Mr Justice Harms, who is investigating politically-inspired murders.

In his legal summary, Mr Bertelsmann said

- The CCB was "quite possibly" involved in the murder of Johannesburg academic Dr David Webster
- There was proof that Dr Fabian Ribeiro and his wife, Florence, were murdered by the CCB or one of its predecessors
- CCB "chairman" General Eddie Webb lied to the commission.

## Covert

● Claims by SADF spymaster General Rudolf "Witkop" Badenhorst that he was unaware of the existence of the CCB were "virtually impossible" to believe

● Former police colonel Staal Burger was a critical figure in the operations of the CCB's Region 6, which undertook covert work inside South Africa

● A CCB "street operative" codenamed "Peaches" gave the commission the most accurate and comprehensive testimony

Mr Bertelsmann said CCB "managing director" Joe Verster had made it clear that the organisation could have murdered Dr Webster

"Verster made it clear the CCB's only real interest lies in people in groupings to the left his concession that he could not guarantee that it was not a member of the CCB who was responsible for Dr Webster's murder is extremely chilling"

Seen in this light, Mr Bertelsmann said, one could only conclude the CCB was a reactionary organisation that could quite conceivably have been responsible for Dr Webster's murder

He said that given the type of person employed by the unit, it was "not unfeasible that a CCB member could have murdered Dr Webster, nor that they could have done so without Verster's knowledge"

He said Mr Verster, identi-

fied during evidence as a colonel in the SADF, but whose face was covered throughout his testimony by a large beard and false wig, had been worried about the murder

Mr Verster was also said to have been blatant about the fact that the CCB viewed change in the internal political situation with deep suspicion

Said Mr Bertelsmann "Politics do play a major role in the CCB's decision-making, and this fact is emphasised by Verster"

Referring to missing files on the CCB, Mr Bertelsmann claimed the clandestine unit had a great deal to hide

On the 1986 Ribeiro murders in Mamelodi, Mr Bertelsmann said he had to conclude that the CCB or one of its predecessors was implicated

This was because claims that CCB operative Willie van Deventer had been involved in the murders had never been challenged at the commission and he had refused to answer questions because he feared he might incriminate himself

Mr Bertelsmann went on to accuse General Webb of lying to the commission. The advocate said the general had "made every effort to shield himself and the SADF from responsibility"

"Webb has made every effort to shield himself and the SADF from responsibility of the CCB's actions. It can only be concluded that Webb has lied to the commission about his own involvement in the actions of the CCB, the complicity of the SADF, and the nature of the activities of the CCB," Mr Bertelsmann said

## 'Not frank'

In contrast, the evidence given by former policeman and ex-CCB operative Abraham "Slang" van Zyl was said to be honest

Said Mr Bertelsmann "His stance differed substantially from other members of the CCB. It is submitted that where there is a difference between the evidence of Van Zyl and other members of the CCB, then Van Zyl is to be believed"

However, Mr van Zyl, recruited along with other policemen from the Brixton Murder and Robbery Squad to join Region 6 of the CCB in Johannesburg, was also said to have been "not frank" in numerous respects

Mr van Zyl's inability to say how much money he spent on projects indicated an "abuse of

finances" and he was also accused of attempting to mislead the commission by stating that the CCB would also have acted against right-wing activists. He had not been able to offer instances of such action

Other former policemen were also attacked by Mr Bertelsmann

He said "Ferdi" Barnard was a "glib liar" who had misled the commission in many aspects and avoided implicating other CCB members "at all costs"

"Calla" Botha had been engaged in a "damage control" exercise

Turning to spymaster General Badenhorst, Mr Bertelsmann said the general's claim that he did not know about the CCB was almost impossible to accept

## Report

Mr Bertelsmann said General Badenhorst had been Chief of Staff Operations before his promotion to Chief of Staff Intelligence, the position he holds now.

The advocate said General Webb had told the commission he had to report all CCB activities relating to attacks or activities involving targets other than the African National Congress to the Chief of Staff Operations

"One must deduce that General Badenhorst cannot possibly be correct when he says that he only became aware of the CCB during the last week of November 1983"

Mr Bertelsmann said it appeared very unlikely that senior officers and, in particular, Military Intelligence could have been unaware of the CCB

Referring to former policeman Mr Burger, Mr Bertelsmann said his decision not to provide substantial evidence to the commission turned him into "a critical figure" in the operations of Sector 6

Mr Burger had refused to testify about the most important issues concerning himself and mostly denied all knowledge of projects

But Mr Bertelsmann had praise for testimony given by a Cape Town CCB operative, codenamed "Peaches"

"Peaches" was later identified, initially to The Star, as Edward James Gordon, a coloured man who had allegedly assisted CCB agent Mr van Zyl on missions in the Cape and who had also allegedly been involved in other operations in the Transvaal

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2/8/90

# New evidence on David Webster killing presented to Harms

NEW evidence on Wits University academic David Webster's murder has been presented to the Harms Commission of Inquiry, but chairman Mr Justice Louis Harms yesterday refused to say what it was.

Thus came to light during argument by advocate Eberhard Bertelsmann SC, acting for the Webster Trust and others, over how the commission could get to the bottom of the Civil Co-operation Bureau (CCB) activities in SA.

Harms replied that investigations were continuing and that, in fact, new evidence

concerning Webster's murder was before the commission.

The commission of inquiry into political-ly motivated crimes resumed yesterday after a six-week recess.

Mr Justice Harms said forensic tests had been carried out on the diary belonging to CCB region 6 co-ordinator Christo Brits

In May, the commission heard how some entries had been cut from the diary while others indicated that Brits drew ammunition on the day before the Webster murder and that of Swapo, executive member Anton Lubowski

## LINDEN BIRNS

Mr Justice Harms said that his team consulted a possible witness as recently as Tuesday, but said the decision to reconvene the commission to examine fresh evidence on the CCB would be left to his discretion.

In his argument, Bertelsmann said Defence Minister Magnus Malan and other SADF members could be blamed for devising and implementing a policy involving potential violence aimed at left-wing political organisations and people.

## He referred to a 1988 Western Cape court case judgement which ordered the SADF to stop harrassing and interfering with the End Conscription Campaign, adding such harrassment constituted an illegal attack on the liberties of law-abiding citizens, indicating Malan's condonation of confrontation and potential violence.

Bertelsmann said this aggressive policy was seen by "ordinary" SADF members as an "open invitation to embark upon reckless conduct against left-wing activists". Strong words were exchanged between Mr Justice Harms and Bertelsmann over

suggestions that the commission had created an impression of "favouring the organs of state" by not calling senior SADF officers or Malan, and by his "unnecessarily severe" criticism and cross-examination of certain witnesses.

Bertelsmann recommended Malan and certain SADF and CCB members be "brought to book" for a variety of offences if the Attorney-General decided there was basis for prima facie cases.

The commission resumes on Monday

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## Missing advocate 'owes banks cash'

Debt may have played a role in the disappearance of Pretoria advocate Pieter Leeuwner.

Detectives have established that Mr Leeuwner apparently owes banks more than R100 000. He went missing last month. He represented alleged CCB member Wilhe van Deventer at the Harms Commission hearings. — Crime Reporter

## SAP objects to Torr report

The SAP has objected to media reports suggesting the police behaved in an inhumane manner towards conscientious objector Douglas Torr.

Mr Torr, a priest, was jailed for a year on Tuesday for refusing to do military service.

He was handcuffed and in leg-irons when he appeared in court on Wednesday to apply for bail pending an appeal.

In a statement last night, SAP liaison officer Captain Eugene Opperman took exception to a report in yesterday's morning edition of The Star.

The report quoted DP justice spokesman Dave Dalling as saying the chaining of Mr Torr was "yet another example of police insensitivity, verging on brutality".

The captain denied police were involved in the use of fetters on Mr Torr, saying that warders from Diepkloof Prison had escorted Mr Torr to court.

The Prisons Service fell under the Ministry of Justice and not the Police, he pointed out.

The publishing of Mr Dalling's comment had harmed the SAP's image, he said. — Staff Reporter

# Dead woman's mouth was tightly bound, court hears

Apr 28/90

Court Reporter

Dianne Tollman (53), who was found dead in her luxury Parktown North townhouse on February 14 last year, had had her nose and mouth tightly bound with a sheet and towel, the Rand Supreme Court heard yesterday

David Khumalo (18) of Berea, Godfrey Moreane (24) of Naledi, Thabo Malaleng (31) of Berea and Mrs Tollman's former domestic employee, Bettie Mamsie Mbuli (38) of Berea, pleaded not guilty to murder and to house-breaking and robbery with aggravating circumstances, at the start of the trial on Wednesday.

Yesterday, after hearing argument, Mr Justice R A Solomon ruled that statements made during the preparatory hearing

to a magistrate could be read into the record.

Mr Khumalo, questioned by the magistrate after he had pleaded guilty in the lower court, said he and Mr Moreane had gone to 29 12th Avenue, Parktown North, Johannesburg, to break in. He had not intended to kill anyone

He said he had met Mrs Tollman in the lounge "I frightened her. She stood still, then I grabbed her and tied her up. I tied a sheet around her mouth as well as a towel." Her nose and mouth were tightly covered

He told the magistrate he tied Mrs Tollman up because he did not want to have her "chasing us around the house" while they were removing goods, which they intended to sell

# Fetters on jailed priest 'regretted'

Own Correspondent

JOHANNESBURG — The use of fetters on Wednesday on Anglican priest Douglas Torr, a conscientious objector, was not justified and the incident was regretted, Minister of Justice Mr Kobie Coetzee said yesterday

Torr appeared in fetters in the Johannesburg Magistrates' Court to apply for bail pending his appeal against his 12-month jail sentence, imposed on Tuesday, for refusing to do military service.

In reaction, Mr Coetzee noted "The matter has been brought to my attention and I have requested the Commissioner of Prisons to look into the matter and to ensure the insensitive and injudicious application of handcuffs and fetters is eliminated"

He added "In the case of Mr Torr the use of fetters was not justified and the incident is regretted."

The action has elicited an outcry of protest from legal experts, churchmen, human rights watchdogs and political spokesmen which could resound round the world, reports said yesterday

Johannesburg magistrate Mr H. Verhoef was the first to take a strong stand against the prison authorities' use of fetters on the priest

When Torr entered the court on Wednesday, Mr Verhoef said "I find it totally unacceptable that a man like Mr Torr should be in chains" — Sapa

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# Mandela slams apartheid justice

## Own Correspondent

DURBAN — Mr Nelson Mandela said here yesterday that, in general, the judiciary and the whole system of justice had, over the years, been an ardent enforcer of apartheid laws

Mr Mandela delivered the keynote address at the annual conference of the National Association of Democratic Lawyers

Speaking to about 2 000 people in the City Hall, Mr Mandela said that during the "reign of terror" under South Africa's various states of emergency, the Supreme and Magistrates' courts had, with rare exceptions, enforced arbitrary detentions and suppression of liberties even when there was scope to act otherwise

He said the refusal, or failure, or inability of the judiciary to intervene in this "reign of terror" could not be forgotten

Mr Mandela commented on the "perverse way" in which the whole

legal system had been shaped to serve the apartheid order

"In our country the judiciary enjoys no legitimacy. It cannot, because it is drawn from the ranks of the white minority

"Judicial officers are drawn from the ranks of the privileged and it is they who sit in judgment over the victims of this system, the underprivileged," he said

Mr Mandela said no civilised society could tolerate the system of prisons in which thousands of people were "brutalised" and "dehumanised" For blacks, by and large, prison life was "sheer hell"

He pleaded for "a system of justice which is legitimate, fair, humane, accessible and expeditious"

He said it would take a long time to democratise and humanise life in South Africa

He said the continuing political violence in Natal and KwaZulu was likely to be raised at a crucial meet-

ing between the ANC and the government on Monday

When asked about a possible meeting between himself and Chief Mangosuthu Buthelezi, Mr Mandela said: "We are addressing the question of black unity and have appointed a top committee of various members of the national executive committee to address the whole question of how violence could be ended"

● A crowd of 1 000 Inanda residents gathered to hear Mr Mandela speak after he stopped at the side of the road to speak to the residents after visiting the site of the Inanda bus disaster which claimed 26 lives

Mr Mandela was accompanied by Mr Alfred Nzo, Mr Joe Slovo and Mr Walter Sisulu

Minutes later the crowd spontaneously presented Mr Mandela with a sheep which he accepted with words of gratitude

"We are tired of war, Nelson Mandela, we want peace," said an Inanda woman

# THE STOMPIE TRIAL

By MARION DUNCAN

MANDELA football team coach Jerry Richardson will be sentenced tomorrow on convictions of kidnapping, assault, attempted murder and the murder of 14-year-old activist Stomple Moeketsi Seipel.

It is also the day on which Witwatersrand Attorney-General Klaus von Lieres und Wilkau will start deliberating about whether to charge Winnie Mandela as an accessory.

The sensational Richardson trial took place in the Rand Supreme Court in May. It lasted three weeks, during which a shocked courtroom heard witness after witness recite a damning litany, not only against 42-year-old Richardson, but also against the "Mother of the Nation", Mrs Mandela.

She was said to have started a vicious series of assaults on three kidnap victims (Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe) as well as on Stomple, and to have participated in a session of sjambokking that took place in her Diepkloof house on December 29 1988.

Her home was the scene of beatings so brutal that blood splattered the walls, curtains, floors and ceilings, the court heard.

She was quoted as telling the four youths they were "not fit to be alive", and of accusing Stomple — who was known as the "Little General" — of being a "sell-out".

## Drama

Mrs Mandela featured in as much testimony as the accused himself, who told the court at one stage: "She is like the God we pray to. Everybody is talking about her, but nobody knows her."

Richardson's lawyers wanted Mrs Mandela to testify for their client, and made repeated efforts to contact her. Finally they wrote a letter to Mandela family lawyer Ismael Ayob asking for "the opportunity to consult with Mrs Mandela".

In a dramatic courtroom move, advocate H H Joubert (for Richardson) put his assistant Kathleen Satchwell on the stand to read the letter, and Mr Ayob's reply: "We have consulted with Mrs Mandela and have advised her not to make herself available to give evidence in the matter."

But the lawyers then went to the length of calling as a witness a woman from Brandfort in the Free State who had never met or seen the accused man, and who had no knowledge whatsoever of any of the events leading to his prosecution.

# Pall over Winnie as killer of boy faces the noose

Her sole purpose was to give Mrs Mandela an alibi for the time when the assaults were taking place: December 29 to 31 1988.

The judge, Mr Justice B O'Donovan, however, said that the woman's evidence placing Mrs Mandela in Brandfort "did not impress". And he made a special finding in his judgment that Mrs Mandela had been present for at least part of the time during the assaults.

On Richardson himself, the judge was unequivocal: he had lied to the court, and had several times failed to explain events satisfactorily. Evidence that he had kidnapped the four youths and beaten them was undeniable, as was the evidence on his attempted murder of Ikaneng Lerothodi by stabbing him with the blade of a pair of garden shears.

## Death

Although evidence linking him to the murder of Stomple was circumstantial, objective facts — including his own statements about the youngster being "dumped" or killed — clearly indicated his guilt.

So Richardson, a former Soweto street committee chairman and suspected police informer before his employment by Mrs Mandela, could get the death sentence tomorrow.

And Mrs Mandela — who recently told an American talk show host she would welcome the opportunity to defend herself in court — may soon get that chance.



WS

Star 6/8/90 (252) (22) (11)

The murder trial into the death of teenage activist Stompie Moeketsi Seipei (14) resumes today in the Rand Supreme Court with the sentencing of Mandela United Football Club coach Jerry Richardson (41). Richardson had earlier been convicted of the murder of Stompie in a much-publicised court case. During the trial, the judge found that Winnie Mandela must

## Stompie case: sentence today

have been present on the evening of the assaults at her home which subsequently lead to the death of Stompie

The Attorney-General of the Witwatersrand Local Division, Klaus von Lieres und Wilkau, said he would decide, after sentence had been passed, whether

or not Mrs Mandela would be prosecuted.

Richardson, the soccer club coach and Mrs Mandela's former bodyguard, was convicted in May this year of the murder of the Tumahole activist and sent for psychological tests

6/8/99. 252

## Mandela critical of justice system

Own Correspondent

DURBAN — The judiciary in South Africa enjoys no legitimacy because, in general, over the years it has been an ardent enforcer of apartheid laws, according to ANC deputy president Nelson Mandela.

Addressing about 1 800 people at the National Association of Democratic Lawyers' annual general meeting in Durban City Hall last week, Mr Mandela said the judiciary was drawn from "the ranks of the white minority" who sat in judgment over the victims of the apartheid system.

"What is more, the laws are made by the same privileged group," he said. "Blacks are denied the right to participate in the making of the laws. This factor in itself delegitimises the system of justice."

# Harms to hear of SB truthfulness

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A LAST-MINUTE attempt to cheat the hangman led to the establishment of one of South Africa's most controversial commissions of inquiry which sits in Pretoria today to hear argument concerning alleged police involvement in politically-motivated murder.

Sowetan 6/8/90

The Harms Commission of Inquiry, sitting in the N G Church's Synodal Centre in Pretoria, last week heard argument about the involvement of the SADF's Civil Cooperation Bureau in some of the 71 unsolved political crimes being examined by the commission.

When the one-man commission, under the chairmanship of Mr Justice Louis Harms, recon-

venes this morning, argument concerning the truthfulness of Security Branch members and disaffected policeman Captain Dirk Coetzee, death row prisoner Almond Butana Nofemela and David "Spyker" Tshikalange is to be presented.

Serving and retired SB members have all indicated the evidence given to the commission

by the three former members of the police counter-insurgency unit at Vlakplaas near Pretoria is a fabrication to bring the force into discredit.

Nofemela, on Death Row for the murder of a Brits farmer not connected with the allegations of a police hit squad, on October 19 last year - hours before he was due to be hanged - made a statement al-

leging the existence of a police hit squad and detailing its involvement in the death of Durban anti-apartheid lawyer Griffiths Mxenge.

He gave details of his and other members of the Vlakplaas unit's implication in the November 1981 stabbing of Mxenge.

Much of his story was later corroborated by former Vlakplaas commander Dirk Coetzee

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stacked up pits between deals. One stockbroker said that the gilt traders were getting tired of constantly tripping over the futures pits. "And now they at least have a place to sit," he said. Picture ROBERT BOTHA

## Decision to kill 'was taken at Mandela club meeting'

SUSAN RUSSELL (257)

AN ANC member testified in court on Friday that she was told that Winnie Mandela had mandated her football club to kill her son and another youth because they were "problematic". *Blom 6/8/90*

Dudu Chili was giving evidence at the trial of Charles Bongani Zwane, 22, who has pleaded not guilty to 11 counts of murder and 22 counts of attempted murder.

The charges arise out of his alleged involvement in four shooting incidents in Soweto between December 1988 and April 1 last year.

In one of the incidents on February 22 last year, Zwane allegedly burnt Chili's Orlando West home and murdered her 13-year-old niece Finkie Msomi.

The state alleges the house was attacked because of claims that Chili's son Sibusiso had killed a Mandela Football Club member. Chili said it happened because she would not allow her boys to become club members.

Chili told the court that she and her son had been arrested on February 22 for the murder of Mandela Football club member Maxwell Madondo. She was subsequently acquitted.

Chili testified on Friday that another youth, Dodo, had told her about a football club meeting called by Mandela at which the decision to kill Sibusiso was taken.

She said players left the club because of the things that happened at Mandela's house.

Asked by counsel whether they risked being killed if they ran away, Chili replied that they did.

## Suspects found in 6 hours

82 7/8/90

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It took about six hours from the arrest of the first suspect to the completion of the investigation into the alleged murder and robbery of Dianne Tollman (53) in her Parktown North, Johannesburg, townhouse, the Rand Supreme Court heard yesterday

Herman van Straten, a detective constable with the Brixton Murder and Robbery Squad, told Mr Justice R A Solomon and two assessors that he was one of the field team who went to Mrs

Tollman's home on February 14 last year. They tracked down Mrs Tollman's former maid, Betty Mbuli, and arrested her

Mrs Mbuli (38) and her co-accused, Donald Khumalo (18), Godfrey Moreane (24) and Thabo Malaleng (31) have pleaded not guilty to both counts

By 7 am on February 15, the police had traced the taxi driver who allegedly transported the men to and from the townhouse

The hearing continues.

## Rightwinger in court

7/8/90 252  
A rightwinger, Leon van Rensburg (44) of Helderkruid Roodepoort, who allegedly contravened the Arms and Ammunitions Act appeared in a Johannesburg Regional Court yesterday.

He was released on bail of R5 000. The court added his name to the charge sheet of Robertsham advocate Andries Smith and John Roesch (30), who appeared in court last month after an M26 handgrenade, a Mills grenade and an instant light-flare were seized by the police. The case was postponed to August 22. — Court Reporter

## Richardson is 'feeble minded'

JERRY Richardson, the Mandela Football Club coach found guilty earlier this year of murdering 14-year-old activist Stompie Seipei, underwent psychological tests and was found to be of limited intelligence, insecure, violent, aggressive, easily influenced and seemingly took his cue from Mrs. Winnie Mandela, whom he idolised. *Sowetan 7/8/90 (252)*

This was said by clinical psychologist Ms MA Doepel in the Rand Supreme Court yesterday in a plea for extenuation of sentence.

Richardson was found guilty in May of murdering Stompie, who enjoyed a reputation as a child anti-apartheid activist and commanded the respect of thousands of black children in the townships.

Doepel said he was easily influenced and sought the approval of those he admired, such as Mandela.

He "conceptualised" himself in his present situation as a martyr in that he seemed to believe if sentenced to death, he would be dying for "the struggle".

(Proceeding) - *Sapa*

## Richardson ready to die for Winnie Mandela, court told

Star 7/8/90  
By Cathy Stagg (252)

Jerry Vusi Muzi Richardson, ex-coach of the Mandela Football Club, "fears and admires Winnie Mandela so much he feels the need to protect her, even to the point of dying", clinical psychologist Midge Doepel said in the Rand Supreme Court yesterday. Richardson (41) was convicted in May of the murder of Stom-

pie Seipei (14) and of 10 other counts including kidnapping and attempted murder.

Mrs Doepel told the court Richardson was mildly retarded, with a practical IQ of 63.

She said soccer was the only area where he had a positive identity, and a lack of identity made him easily influenced. "That he lived in Mrs Mandela's

house and was accepted by her were status symbols to him. He appears to idolise Mrs Mandela," Mrs Doepel added.

Although he felt guilty about the pain of Stompie's mother, he otherwise showed no remorse which indicated elements of psychopathy.

The trial continues.



were accused of sleeping with Ver-  
ryn Seiper was accused of being a

soccer club, which provided him with  
acceptance and a positive sense of

tion is mild, just below normal."  
The trial continues today

## Claims against SAP 'probable' Harms told

ALLEGATIONS implicating SAP  
members in murder, abduction and  
cross-border raids were probably  
true, three advocates told the Harms  
Commission of Inquiry into Political-  
ly Motivated Crimes yesterday

The claims were made by former  
Vlakplaas base commander Capt  
Dirk Coetzee and former Vlakplaas  
members Butana Almond Nofemela  
and David "Spyker" Tshikalanga

Adv Denis Kuny, SC, representing  
Lawyers for Human Rights, said  
there was a strong suspicion of a  
"conspiracy of silence" in the SAP  
regarding the 1981 murder of Durban  
attorney Griffith Mxenge, and other  
acts of violence allegedly committed  
by them between 1981 and 1986

Other than that it was the truth, no  
explanation could be given as to why  
Nofemela made the claims in his con-  
fession last year

LINDEN BIRNS

Nofemela was not in contact with  
former colleagues and had no idea  
they would support his claims. Al-  
though their versions of the same  
allegations might have differed in  
minute detail, they corroborated  
each other in the broad sense, Kuny  
said

The discrepancies arose from the  
almost eight-year lapse between  
events such as the Mxenge murder  
and those events being reconstructed  
for the commission.

"One should not look at the moral-  
ity of the act, but at the probability of  
these acts occurring," Kuny said.

He submitted that the SAP had  
tried to present itself as "knights in  
shining armour" through its "none of  
this is true" attitude, when it had the  
opportunity to claim privilege and

accept that some things had occurred.  
"In this respect the witnesses for the  
CCB were more honest with the com-  
mission than the SAP."

Kuny and Adv Paul Pretorius, for  
the Independent Board of Inquiry  
into Informal Repression (IBIR),  
who also said the allegations were  
probably true, criticised the SAP's  
role in assisting the commission.

Adv Louis Skweyiya, SC, for the  
Mxenge family, said there were  
major discrepancies in SAP testimo-  
ny on Mxenge's murder and the de-  
tention and disappearance of several  
people in the Eastern Cape.

"I have never heard of three people  
making the same false statement, ad-  
mitting 'we killed so-and-so.'"

Pretorius said police had failed to  
"vigorously and objectively investi-  
gate activities allegedly perpetrated  
by SAP members".

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# Mandela football coach retarded psychologist

B10ay 7/18/90

SUSAN RUSSELL

THE murderer of teenager Stompie Seipei, former Mandela United Football team coach Jerry Richardson, was mildly retarded and suffering from a mixed personality disorder, a clinical psychologist told the Rand Supreme Court yesterday.

Midge Doepel was the first witness called by Richardson's defence team when his trial resumed to hear evidence on extenuation yesterday.

Richardson, 41, was found guilty in May by Mr Justice B O'Donovan and two assessors of murdering Seipei, 14, in January last year.

He was also convicted of kidnapping Seipei, Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe from the Soweto manse of Methodist Minister Paul Verryn on December 28 1988, and taking them to Winnie Mandela's house, where he assaulted them.

Prior to the assaults the youths were accused of sleeping with Verryn. Seipei was accused of being a

police informer.

Richardson was also found guilty of attempting to murder Andrew Ikaneng in January last year.

He had pleaded not guilty to the charges, but admitted hitting the four. He also denied Winnie Mandela took part in the assaults on the four youths or was present at the time.

Kgase, Mono and Mekgwe all told the court that Mandela had taken part in the assaults on them.

Doepel told the court Richardson suffered from a mixed personality disorder, had an IQ of 63 and was slightly mentally retarded. His low level of intellectual functioning, limited educational background and deprived childhood all had a bearing on the degree to which he had been able to develop himself.

His interests were limited to soccer. "Jerry's main support was the soccer club, which provided him with acceptance and a positive sense of

self. This related also to 'the struggle', which was the ideological framework with which Jerry identified.

"The fact that Winnie Mandela accepted him and that he lived in her house was also a status symbol and meaningful to him. He appears to idealise Mrs Mandela."

Doepel said Richardson's regressive dependency needs were explicit in his calling Mandela "Mommy".

"One can hypothesise that a reason for his persistent lying could be a perceived need to protect her at all costs as the source of his self-worth, even to the point of 'dying for the struggle', which is how his present situation is conceptualised," she said.

Under cross-examination State counsel Chris van Vuuren put it to Doepel that if her findings that Richardson was retarded were correct, he would not be fit to stand trial.

"I think he is fit to stand trial," she replied. "His level of mental retardation is mild, just below normal."

The trial continues today.

Star 2/8/90 (252)

NEWS

# Political deaths are double those in 1989

By Kaizer Nyatumba,  
Political Staff

More people died in political violence in the country in the first half of 1990 than in the whole of last year, according to figures released by the South African Institute of Race Relations in Johannesburg yesterday.

The institute said a total of 1591 people died in political violence between January and June this year, as opposed to 1403 fatalities during the whole of 1989. Three quarters of the deaths occurred in Natal.

However, the institute said the levels of violence had been reduced in April, May and June when there were a third fewer politically-related deaths than in the first three months of the year.

In Natal alone the number of fatalities had dropped by 26 percent in the second quarter of the year compared with the first one.

The institute said fatalities in Natal had peaked at 291 in March, thereafter dropping steadily to 118 in June.

Outside Natal, politically related deaths peaked at 167 in March and later dropped to 31 in June.

However, a month later the figure had almost tripled to 92.

While the causes of the deaths were often difficult to determine, "a substantial number of deaths" had occurred as a result of police action in the first three months of the year.

Deaths involving police "had more than halved" in the second quarter of the year. "There has, however, been a very large increase in the number of security forces killed, most such fatalities being municipal policemen."

The total number of fatalities in political violence between September 1984 and June 1990, according to the institute, was 7 130.

The number of "necklace" murders over the same period totalled 454.

Most of these murders had taken place in the Eastern Cape (one third), followed by the far Northern Transvaal and Natal. In the first half of this year 48 people, most of them in Natal, had been "necklaced" to death.

# Lawyers stand in forefront to liberate law – Mandela

By Cathy Stagg

The law needs to be democratized and who better equipped than the legal profession to lead the struggle for the liberation of the law, Nelson Mandela told a packed Great Hall at the University of the Witwatersrand last night.

He was given a standing ovation at his alma mater. He prepared for his career as an attorney at Wits.

Mr Mandela said law had been both an oppressor and a liberator in South Africa.

He paid tribute to lawyers and judges who had helped black people within the confines of laws made by a white legislature. He mentioned the Legal Resources Centres which, with-

out charge, had taken cases of significance.

Mr Mandela said he hoped the lawyers who had already done important work would be joined by others to take part in a new South Africa.

"Our perspective, as the ANC, is that before we attempt to draw up a blueprint, we would consult widely with the profession and other interested parties.

"The Freedom Charter gives our constitutional guidelines

"We bind ourselves to a new social and legal order through democratic means.

"The law must be transformed from division and oppression to one used for the creation of the democratic state."

Problems within the law which Mr Mandela highlighted were

- Formal court procedures – very little effort had been made to adapt them to the indigenous situation.

- Language – extensive reliance on interpreters, for whose skills he had the greatest respect, "but our jails are populated with people who never had the chance to express themselves as their English or Afrikaans counterparts".

- The perception that there is one law for whites and another for blacks, which is strengthened by a predominately white judiciary when the majority passing through the courts are black

allegedly for the duration of the hearing.  
stole three rhino horns.

## 2 appear on R5,5-m finrand fraud charge

Star 8/8/96 252  
By Marguerite Moody

Austrian citizen Rainer Moringer and a co-accused appeared briefly in the Rand Supreme Court yesterday on charges of fraud involving R5,5 million, alternatively contravening foreign exchange control rules

Mr Moringer (48), the former managing director of Ciskei Aircraft Industries, and Ulrich Leitich (49), a former divisional manager at the Allied Bank, were not asked to plead.

It is alleged the two men defrauded the South African Reserve Bank by obtaining financial rands through false pretences.

According to the indictment, Mr Moringer had applied to the Reserve Bank for permission for an Austrian company to invest in one of his companies in the Ciskei through the financial rand.

Permission for the investment of R5,5 million was granted, and provision was also made for

the purchase and relocation from Austria of machinery and equipment.

It is alleged that Mr Moringer and Mr Leitich both knew that there was no real investor and that the goods they intended purchasing to relocate to South Africa would in fact only cost \$533 000 (R1,4 million).

It is claimed Mr Leitich bought a Jersey company to act as intermediary between the suppliers and the aircraft company.

As there was no investor, Mr Leitich allegedly made a transfer in US dollars from the Allied Bank in New York for the purchase of R5,5 million in financial rands.

The money was allegedly utilised to set up initial payments in Allied Bank's books and for the payment of the machinery and equipment, leaving the balance to the accused.

The case was postponed till August 15. Both men have been granted bail.

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# Judgment today in Stompie trial

Cathy Stagg

Was Jerry Vusi Muzi Richardson (42) a product of his environment whose "terrible qualities" were used by people in the struggle, including Winnie Mandela — or was Richardson a leader who killed a small, defenceless boy?

These were the two arguments presented to Mr Justice B O'Donovan in the Rand Supreme Court yesterday.

Today the judge is expected to pass judgment on whether or not there are extenuating or aggravating circumstances present in five crimes that could result in death penalties

Although the death sentence is no longer mandatory, the judge has the discretion to pass the death penalty for four kidnappings and the murder of Stompie Seipei (14).

H Joubert, appearing for Richardson, argued he could not have walked away from Mrs Mandela, in whose house he lived. Mrs Mandela had taken two trained terrorists to Richardson's house for safety, but they had been killed in a shoot-out with police and Richardson's house had been damaged. Richardson then went to live at Mrs Mandela's Diepkloof home.

He was the coach of the Mandela Football Team, part of the struggle and close to Mrs Mandela, all of which he regarded as status symbols, Mr Joubert said.

When Mrs Mandela told the four youths they were not fit to be alive, and began to assault them, Richardson could not have refused to take part or have gone to the police, Mr Joubert said. He argued violence was the norm in Soweto.

C van Vuren, for the State, disputed that violence was a norm in black townships. Many people grew up with violence around them but did not regard it as normal, he said.

He disagreed that Richardson moved into Mrs Mandela's house because he had nowhere else to go. Richardson's wife and two daughters lived elsewhere.

Mr van Vuren said the psychological profile of Richardson, presented by a clinical psychologist called by the defence, was based on invalid tests and conflicted with the facts.

# Judgment today in Stompie trial

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Sowetan  
8/8/90

**JERRY Richardson, the Mandela Football Club coach found guilty of murdering child anti-apartheid activist Stompie Seipei, will know today whether the death sentence will be imposed on him.**

Mr Justice B O'Donovan, after hearing final argument in the Rand Supreme Court yesterday, said he would pass judgment today with regard to whether or not extenuating circumstances exist in the case against Richardson, convicted in May this year of murdering 14-year-old Stompie, as well as a host of crimes including kidnap and assault.

If it is found no extenuation exists, the court is empowered to pass the death sentence on Richardson despite the suspension of all executions in South Africa while the Government negotiates a new constitution with the ANC and other political groupings.

Mr H Joubert, Richardson's counsel, yesterday argued his client had been unable to leave the room at Mrs Winnie Mandela's house, where Stompie and three other young boys were assaulted, for fear of falling from Mrs Mandela's favour.

Richardson's "terrible qualities" - his lack of empathy and inability to control his emotions - were "easily exploited by people involved in the struggle, people like Mrs Mandela", Joubert said.

There could be no doubt that Mrs Mandela was involved in the assaults of the four youths at her house.

The four boys were brought to her Diepkloof, Soweto, house where she told them: "You are not fit to be alive."

The youths were then subjected to a bloody and vicious torture session in which they were beaten with sjamboks to the extent that the walls of the room were spattered with blood.

Had Richardson withdrawn at the point when, according to evidence, Mrs Mandela started to assault the

boys, he would have suffered the loss of his perceived self-worth, namely his link, via Mrs Mandela, to "the struggle".

Furthermore, the court had no evidence as far as the actual murder was concerned, and there was therefore nothing to prove Richardson acted in any way to aggravate circumstances leading to Stompie's death.

In closing, Joubert submitted Stompie had been "a traitor" as far as Richardson was concerned. The fact that the child activist was a reputed police informer could have influenced his judgment on the day of the crime.

The State yesterday attempted to disprove evidence led on Monday that Richardson was mentally retarded.

The prosecutor, Mr Chris van Vuuren, introduced to the court a senior psychiatrist from Sterkfontein mental hospital, Dr Meryl Vorster, to contest evidence contained in a psychological report which described Richardson as "mildly mentally retarded" and "possibly suffering from minor organic brain damage".

Vorster said tests conducted on Richardson to compile the report were unreliable and therefore invalid because they had been standardised for white people only.

The report gave the impression Richardson was mentally very sick, but when the document was studied closely it became apparent this was not so.

It was hard to believe a man who had coped in society was mentally retarded. Richardson's ability to formulate answers to questions, as displayed during his three-week trial in May, was also not consistent with the diagnosis as a mental retard

Van Vuuren, in his closing argument, submitted Richardson was responsible for Stompie's murder and liable to punishment.

He had displayed a complete lack of respect for human life and had played a leading role in the assault of the four youths. - Sapa.

# Secrecy at TPA probe

~~SECRET~~  
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A VEIL of secrecy will mask the identities of Transvaal Provincial Administration officials mentioned in evidence before the Cillie Commission today

Commission chairman Mr Justice PM Cillie ruled yesterday that the true identities of "Mrs X", "Miss Y", "Mr X" and "Mr G", all of whom are to be mentioned in evidence regarding workers' grievances at Garankuwa Hospital, may not be made public.

Their names will, however, be released to the commission and the various legal teams involved in the inquiry.

*Sowetan 8/8/90*

## Babies

The evidence will be presented to the commission today by a senior personnel officer, Mr AK Malatje.

The commission is investigating the causes and consequences of an eight-day strike at the hospital during April which is alleged to have resulted in the deaths of 23 premature babies.

It informed legal representatives of its ruling after a two-hour adjournment to discuss the permissibility of evidence contained in a statement by Malatje.

It adjourned after the TPA's legal representative, Mr J Wessels, objected to the statement on the grounds that it was irrelevant.



# Richardson had no way out — counsel

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SUSAN RUSSELL

IF JERRY Richardson had withdrawn and not participated in the assaults on teenager Stompie Seipei and three other youths, he would have lost his involvement with the Mandela Football Club, the struggle and Winnie Mandela herself, the Rand Supreme Court was told yesterday.

"Everything that gave meaning to his life would have been lost, so he could not withdraw," his counsel, H Joubert, said in his closing argument yesterday.

Richardson, 42, has been found guilty of murdering 14-year-old Seipei on January 1 or January 2 last year.

He has also been convicted by Mr Justice O'Donovan and two assessors of kidnapping Seipei and three other youths from the manse of Methodist minister Paul Verryn on December 28 1988 and taking them to Winnie Mandela's home, where he assaulted them.

Seipei was accused of being a police informer.

Joubert said Richardson's "terrible qualities" set out in the psychologist's report could be easily exploited by people, particularly people involved in the struggle, like Winnie Mandela.

"As a result of his financial and emotional deprivation and limited intellectual capacity, the accused was unable to escape from the society in which he

was born, where violence was the accepted norm," Joubert said.

"His only escape was his soccer, and unfortunately his soccer led him straight to Mrs Mandela and the circumstances under which these crimes were committed."

Richardson saw Winnie Mandela as a person to be admired, followed and to be near.

During 1988, according to the evidence, Winnie Mandela brought two terrorists to Richardson's house.

"Mrs Mandela trusted him enough to provide a home for those two trained men," Joubert said.

When police later raided the house, the two men and a policeman died and the house was damaged. Richardson was arrested.

After his release two weeks later, Richardson went to Mandela's house, where he received food and shelter.

"The accused revered Mrs Mandela," Joubert said. "He wanted to repay her for giving him a home."

"The fact that she accepted him and he lived in her house was a status symbol."

Joubert submitted that, on the evidence, Winnie Mandela was involved in the assaults on the four youths.

Mr Justice O' Donovan will decide on extenuation today.

# Hit squad allegations 'devoid of truth'

ALLEGATIONS by former security branch members Capt Dirk Coetzee, Almond Butana Nofemela and David "Spyker" Tshikalanga were devoid of truth, the Harms Commission of Inquiry into Politically Motivated Violent Crimes heard yesterday.

Adv Sam Maritz SC, for SAP members, told commission chairman Mr Justice Louis Harms the recommendation that the SAP be found to be liars was based on evidence which was not credible.

He was referring to argument submitted on Monday by Adv Denis Kuny SC for Lawyers for Human Rights (LHR), Adv Paul Pretorius for the Independent Board of Inquiry into Informal Repression (IBIIR), and Adv Louis Skweyiya SC for the Mxenge family.

Kuny had thrown all the basics of the law of evidence overboard in an attempt to convince the commission to

accept the allegations as truth, despite discrepancies in the evidence given by the three key witnesses, said Maritz.

Adv Louis Visser SC, for Law and Order Minister Adriaan Vlok and the SAP, agreed with Maritz's submission that there was no evidence that a situation had arisen necessitating a "total war" strategy, where the SAP had acted unconventionally and unlawfully.

Visser disputed Kuny's submission that Nofemela had told the truth as he confessed without knowing he would be supported by Coetzee and Tshikalanga, and that therefore all three were telling the truth, leading to the assumption they were acting on SAP orders.

Nofemela made the allegations to buy himself a stay of execution, which ran any argument of probability into the ground.

Maritz acknowledged unlawful acts had occurred, but said they were probably committed for private reasons.

Adv Mannie Witz, acting for SAP forensic research unit chief Lt Gen Lothar Neethling, said Mr Justice Harms had to accept Neethling as a credible and honest witness in the light that Coetzee was a self-confessed liar, perjurer, murderer and vehicle thief.

Witz said Coetzee's allegations that Neethling supplied "knockout drops", "truth serum" and "poison" to Vlakplaas members were untrue, and called on Mr Justice Harms to disregard Coetzee's evidence on the basis of discrepancies between the stories he had told reporters and the commission.

Visser said Vlok had no reason to account for unlawful SAP actions as none had taken place.

The commission reconvenes on August 20.

LINDEN BIRNS

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810am 8/8/90

## FW examines Goldstone report

By Shehnaaz Bulbulia

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The Goldstone Commission's report on the Sebokeng incident was receiving President de Klerk's urgent attention, a spokesman for the President's office said yesterday.

He was not able to say when the findings of the report would be made public.

The judicial commission was established in March to investigate the circumstances leading to the clash between Sebokeng residents and police on March 26 which left 12 people dead and 300 injured.

The Sebokeng shootings took place after a 50 000-strong UDF gathering, intent on marching to Vereeniging, was halted by police near the Sondela Brewery.

The marchers had been planning to present a petition to the National Party offices.

The report, compiled by Judge Goldstone, is the first of several on commissions that will be debated by top officials.

Star 9/8/90

# Richardson sentenced to death

By Cathy Stagg

Jerry Richardson, former coach of the Mandela United football team, was sentenced to death yesterday for the murder of teenage activist Stompie Seipei.

Richardson was early last year convicted in the Rand Supreme Court of murdering Stompie, then aged 14

Mr Justice O'Donovan said the crime was particularly brutal and that Stompie was "hardly more than a child".

Richardson was also sentenced to a total of 18 years' jail on charges of four kidnappings, attempted murder and assault

"The murder was the culminating event after prolonged ill-treatment. When Stompie was removed from the Mandela household, he was already severely injured

## Premeditated

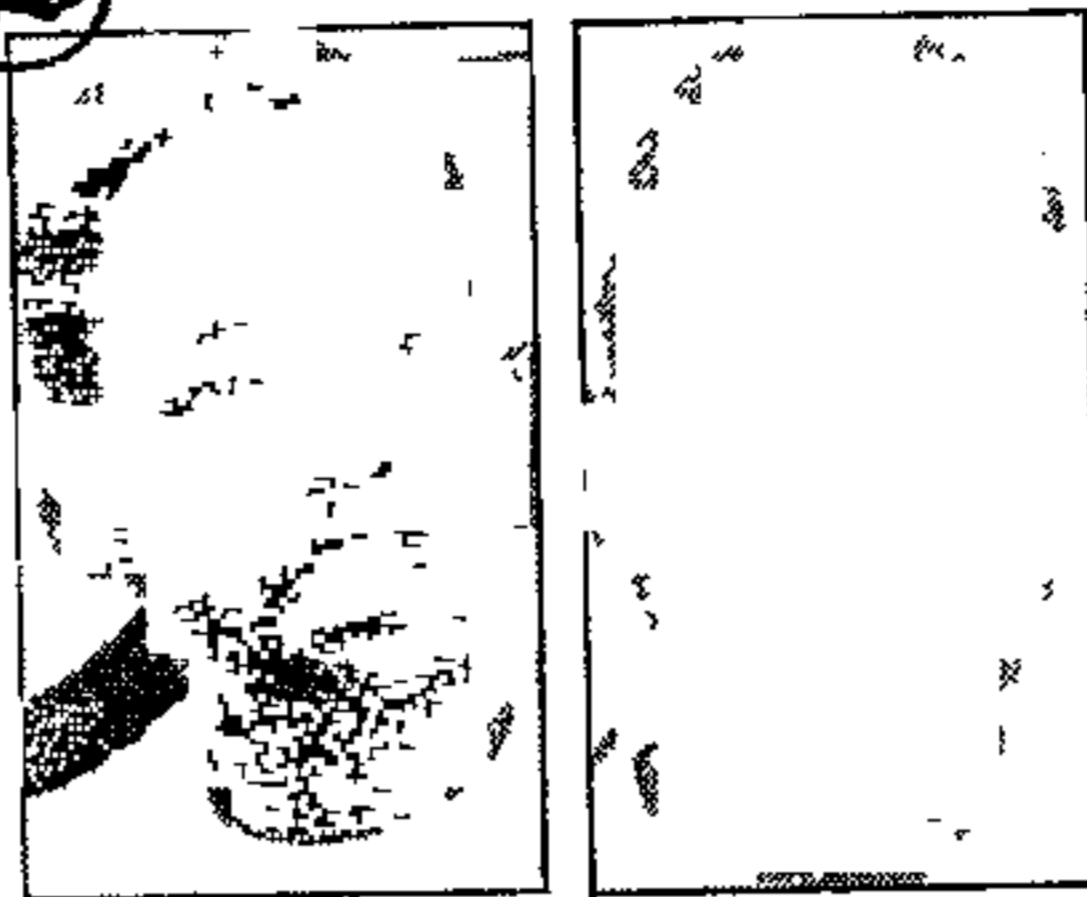
"The murder was obviously premeditated," the judge said

The court heard that Richardson and others kidnapped four youths and took them to Winnie Mandela's Diepkloof, Soweto, house. There they were accused of various things, Stompie of being a police informer.

Mr H Joubert, counsel for the defence, argued that Richardson, who lived at Mrs Mandela's house, was motivated by a desire to get Mrs Mandela's approval.

The judge remarked: "It is difficult to see how kidnapping and murder can be mitigated by a desire to please anybody"

Mr Justice O'Donovan also reject-



Jerry Richardson (left) was yesterday sentenced to death for the murder of teenage activist Stompie Seipei (right). He was also sentenced to 18 years in jail.

ed as a mitigating circumstance Richardson's belief that Stompie was an informer. He found no mitigating circumstances, but several aggravating features.

Anti-apartheid organisations yesterday declined to comment on the imposition of the death sentence on Richardson, and Mrs Mandela could not be reached for comment.

Murphy Morobe, who last year called for the isolation of Mrs Mandela over the Stompie affair, also told The Star he had nothing to say.

The Attorney-General of the Witwatersrand Local Division, Mr Klaus von Lieres, last night said he would make a decision late next week on whether or not to prosecute Mrs Winnie Mandela for her alleged involvement in events leading up to the death of Stompie Moketsi.

● Mrs Virginia Richardson and her daughter Mabel said yesterday the sentence meant the beginning of a better life for them, a life without

the constant fear they experienced since Richardson began "moving around with young boys" as the coach of the football club

"I will not cry for him. Although I am deeply hurt, I think to myself that Stompie's mother and the parents whose children were involved in this also wept for their children," said Mrs Richardson

The Richardsons have two daughters, Linah (22) and Mabel (20). Linah is in hospital after giving birth to the couple's first grandson born on July 9

When he was granted bail his wife and daughter fled and went into hiding after he threatened to kill them

They moved back to the house only after he was convicted and his bail withdrawn.

## Shout

They produced letters Richardson had written in prison, tormenting them and demanding that they be present in court for the sentencing.

"He said I must be present so I can climb on the roof and shout to everyone that he is to hang."

His daughter Mabel said she could not believe her ears when she heard the judge sentence her father to death, although moments before the court resumed for sentence, Richardson had spoken to her and told her he was certain he was going to get the death sentence.

"Our neighbours must be happy. He would stand outside and shout at the top of his voice that unlike them he was a famous man, and had appeared on television and in the newspapers," she said

# Killer Jerry Richardson to hang

●From Page 1

He rejected the contention by Richardson's defence counsel, advocate Mr H Joubert, that Richardson was motivated by the desire to secure the approval of Mrs Winnie Mandela.

*Sowden 9/18/90*

"It is difficult to see

how offences such as kidnapping and murder can be mitigated by the desire to please anybody."

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Expert evidence by psychologists that Richardson was mentally retarded and a person of low intelligence with psychopathic tendencies

was refuted by the judge

He said Richardson had withstood "lengthy cross-examination in court and was able to answer questions intelligently

He accepted a contention by psychiatrist Dr Meryl Vorster that a person such as Richardson who went up to Standard 7 at school should not be said to be mentally retarded.

## Goldstone report with FW

THE Goldstone Commission's report on the Sebokeng incident in which at least 12 people died was receiving the urgent attention of State President FW de Klerk, a spokesman for the State President's office said yesterday.

He was not able to say when the findings of the report will be made public. *Sowetan 9/8/90*

The judicial commission was established in March to investigate the circumstances leading to the clash between Sebokeng residents and police on March 26, which left 12 dead and 300 injured.

The Sebokeng shootings took place after a 50 000-strong UDF gathering, intent on marching to Vereeniging, was halted by police near the Sondela Brewery

The marchers were to present a petition to the National Party offices.

At least five people died in the shootings. Another seven died in other incidents of unrest in the area

The report, compiled by Mr Justice Goldstone, is the first of several on commissions that will be debated by top officials. - *Sowetan Correspondent.*

## Richardson given death sentence

blacy 7/8/90 252  
SUSAN RUSSELL

MANDELA United football coach Jerry Richardson smiled as he was led to the Rand Supreme Court cells yesterday after being sentenced to death for the murder of teenager Stompie Seipei.

"Watch out for Inkatha," the 42-year-old condemned man called to members of the public gallery.

He was also sentenced to a total of 18 years imprisonment for kidnapping, assault and attempted murder.

Mr Justice O'Donovan said the murder of Seipei on January 1 or 2 last year was a

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## Richardson guilty

blacy 9/18/90 252  
particularly brutal one carried out on a victim who was hardly more than a child.

Richardson was found guilty of kidnapping Seipei and three other youths from the Soweto manse of Methodist minister the Rev Paul Verryn on December 28 1988.

The four were taken to the home of Winnie Mandela where they were assaulted while being questioned about alleged sexual misconduct with Verryn. Seipei was accused of being a police informer.

Mr Justice O'Donovan said the psychologist's report submitted to the court by the defence created the impression that Richardson was a very sick man subject to a number of mental disabilities, including

mental retardation, signs of psychopathy and organic brain damage.

The report, he said, put Richardson's intellectual functioning at a low level.

"In cross-examination however, a rather different picture emerged," said the judge.

Psychologist Midge Doepel had considerably modified the conclusions in her report under cross-examination and in any event, the judge said, her findings were refuted by the court's observation of Richardson's behaviour during the trial.

Richardson can appeal to the Appellate Division in Bloemfontein in terms of the recent Criminal Law Amendment Act.

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## Upliftment campaign

### initiated

By Shehnaaz Bulbulia

Actstop and the End Conscription Campaign have initiated a community upliftment campaign to encourage people to contribute towards social concerns as an alternative to serving in the South African Defence Force.

The organisations said yesterday that a clean-up campaign, which included working in six Johannesburg buildings would begin tomorrow.

Conscientious objectors had been invited to take part and other organisations were also urged to assist

Actstop and the End Conscription Campaign said they were optimistic that the campaign would demonstrate the willingness of all South Africans to work and live together.

Non-racial activity and interaction were necessary, particularly during the present political climate, the organisations said.

Tomorrow's clean-up will begin at 12.30 pm at the Central Methodist Church, Johannesburg.



# Yengeni six await a decision on indemnity

By GAYE DAVIS Cape Town

THE future of the Yengeni terrorism trial — and the fate of its six trialists — hang in the balance in the wake of the agreement forged this week between the government and the ANC

Defence attorneys expect a decision from Cape Attorney-General Niel Rossouw today on the question of bail for two of the trialists, Tony Yengeni and Jennifer Schremer, and the future of the trial itself.

Rossouw was in Pretoria yesterday for a meeting with government officials, which was expected to focus on the implications of the agreement for political trials currently underway or pending.

In the Cape Town Supreme Court on Wednesday Mr Justice Selwyn Selikowitz repeated an earlier undertaking to make himself available on a 24-hour basis for any bail applications that might arise

Schremer and Yengeni are presently

prevented from applying for bail in terms of a certificate issued by the attorney-general in terms of the Internal Security Act, which effectively removes the question of bail from the jurisdiction of the court

No-bail certificates for the four other trialists were withdrawn this week but Yengeni's wife, Lumka, decided to remain in prison in protest against what she saw as the authorities' refusal to grant her husband bail

Defence attorneys believe there are a number of possible options for the trial in the light of this week's agreement contained in the Pretoria Minute

They are:

- that the trial may be halted immediately, in which case the six remaining trialists would be acquitted,

- that matters would wait until the indemnity outlined in the Pretoria Minute comes into effect — some time between October and December — and that the

trial would then be halted (252)  
This would mean the trial either being postponed until October — with the possibility of Yengeni and Schremer being granted bail in the interim — or its continuing until the indemnity comes into effect.

"It's a fait accompli that indemnity is going to be a reality," said defence attorney Michael Evans. "An agreement has been reached and commitments made."

The trial was adjourned yesterday until Tuesday for legal argument on the admissibility of evidence the defence wishes to bring in its bid to prove that a statement Schremer made to a magistrate while detained under Section 29 was neither free nor voluntary.

Threats, intimidation, torture, assault and sexual abuse interspersed with interrogations are among the "improper and unlawful means" alleged by the defence to have been employed by police to extract the statement

# Gang member to hang for 'cold-blooded murder'

A CONVICT with Aids was on Tuesday sentenced to death for the "cold-blooded murder" of a teenage member of a rival gang.

Clive Bezick, 27, of the American Kids gang, was sentenced in the Cape Town Supreme Court to hang for murdering Michael Smith, 15, of the Hard Living Kids gang.

For attempting to murder Michael's friend, Igshaan Galant, 14, Bezick was sentenced to 10 years in jail.

For illegal possession of a firearm and ammunition he was sentenced to a total of six years.

Bezick pleaded not guilty to counts one and two and admitted illegal possession of the gun and ammunition.

Judge DM Williamson said there was no evidence to suggest that Aids played a role in his mental state at the time of the cold-blooded killing of a defenceless youngster just because he was a member of a rival gang.

Earlier the court heard that Bezick had previous convictions for robberies,

assaults and a rape, all committed at gunpoint, and is serving a 12-year sentence for murder.

In mitigation FJ Boleurs, for the defence, said Bezick had Aids. He was unmarried and had no children.

Reviewing the evidence Judge Williamson said the charges arose from events in Olivier Road in Valhalla Park, on the night of August 27, 1988.

Michael was shot dead and Igshaan was shot in the chest and left shoulder after they were accosted by a large crowd of American Kids.

Judge Williamson said

Bezick shot Michael in the mouth, fired two shots at Igshaan and ran away.

The judge rejected the evidence of Bezick and two defence witnesses that they had been attacked by 30 or 40 Hard Living Kids and that Bezick had acted in self-defence.

"The complainant made a good impression and he was supported by an independent witness, Cecelha Williams, who was standing in her front garden and saw what happened.

"From the evidence it is clear, the accused was in a belligerent frame of mind." - Sapa

# Richardson gets death sentence

By MARTIN  
NTSOELENGOE

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WHEN he was sentenced to death for the murder of 14-year-old activist Stompie Seipei, burly Jerry Vusi Richardson turned to his friends in the public gallery and said: "Don't worry about me. I am all right, but you should look out for Inkatha."

He was stunned for a moment when Judge O'Donovan told him he could only impose the death sentence. But he recovered quickly, smiled and waved to the court.

Judge O'Donovan drew murmurs from the packed public gallery when he said: "The crime was particularly brutal and Stompie was hardly more than a child. The murder was obviously premeditated."

Richardson's counsel HH Joubert argued that his client, who lived at Winnie Mandela's house, was motivated by a desire to get her approval.

The judge remarked: "It is difficult to see how

murder and kidnapping can be mitigated by the desire to please anybody."

The judge rejected as mitigation Richardson's belief that Stompie was an informer.

Minutes after Richardson was sentenced, his wife Virginia told reporters it meant the beginning of a better life for them — a life without the constant fear they had experienced after Richardson began "moving with young boys" as coach of the Mandela Football Club.

Outside the court a small group of women softly sang songs of praise for Stompie.

Virginia put up a brave face and said: "I will not cry for him although I am deeply hurt."

Richardson got five years for kidnapping four youths from the Methodist Manse in Orlando East on December 29, 1988, three years for assaulting them at Winnie Mandela's Diepkloof Extension home, and eight years for the attempted murder of

Andrew Ikaneng.

Trouble for Richardson and members of the Mandela Football Club began after they raided the Methodist Manse in Orlando East.

This was after Xoliswa Falati, who stayed at the church, went to the Mandela house and reported that resident minister Paul Verryn practiced sodomy with the boys.

A few days later Richardson and members of the football club kidnaped Stompie Moeketsi Seipei, 14, Kenneth Kgase, Pelo Mekgwe and Thabo Mono.

They were interrogated and assaulted by members of the club at Mandela's house in Diepkloof.

Stompie was reputed to be a leader of more than 1 500 youths in Tumahole, Parys.

Kgase said Seipei had been targeted for assault because Winnie and the football team believed he was a police spy.

After a day of "interrogation" Stompie shivered, continuously sobbed and could not eat.

Three State witnesses told the court the day before Stompie vanished, Richardson wore an overall and old canvas shoes.

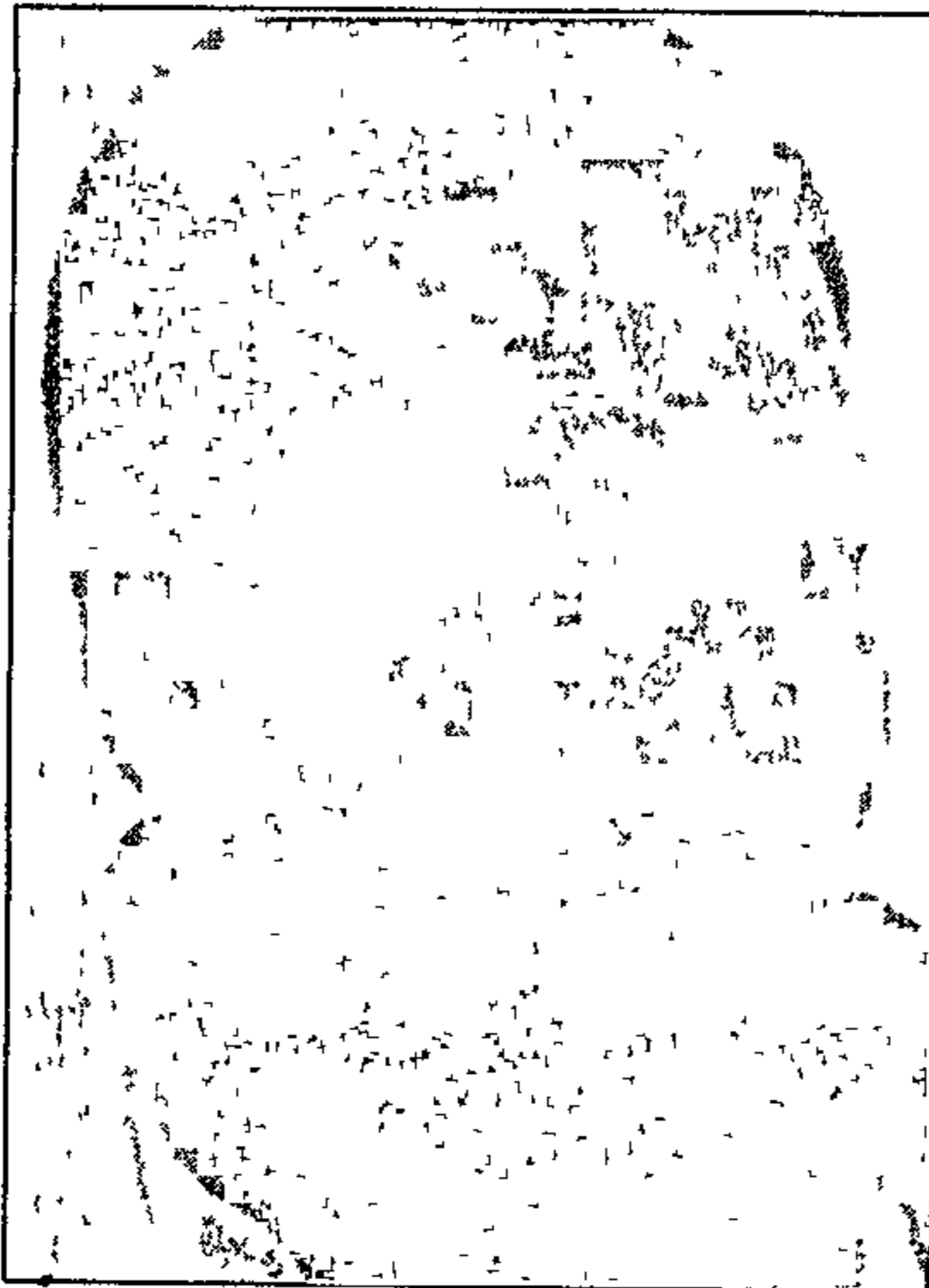
They last saw Stompie after Richardson had ordered him to pack his belongings and follow him.

The following morning they saw bloodstains on Richardson's shoes.

After the attempted murder of Ikaneng, Kgase escaped from Winnie's Diepkloof house and reported the incident to Rev Paul Verryn and other ministers.

Ikaneng, a former member of the club, was abducted in a Soweto street and taken to a veld where a garden shear blade was used to cut his throat.

Ikaneng's life was saved by nurses who took him to Baragwanath Hospital.



Mandela Football Club coach Jerry Richardson ... sentenced to death for killing Stompie.

ALTIM TV

Drivers <sup>4/11/90</sup>

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killed man

By BERENG MTIMKULU

FIVE taxi drivers who sjambokked a suspected thief to death were this week found guilty of culpable homicide by a Johannesburg Regional Court.

Isaac Mkontwana, 29, of Eikenhof, Doctor Thwala, 33, and Jameson Khubeka, 29, both of Soweto, Simon Maduna, 43, of Jeppe, and Vusumuzi Danisa, 33, were each sentenced to two years' imprisonment suspended for five years, and fined R1 200.

Pleading guilty, the men claimed Ndlovu stole a radio cassette player, cassettes and "very important" documents belonging to Mkontwana from a minibus.

## AG still to decide on Winnie's fate

3/8/80 Crime Reporter (252)

The decision whether Winnie Mandela will be prosecuted in connection with the murder of activist Stompie Seipei is likely to be taken in about five weeks' time, Witwatersrand Attorney-General Klaus von Lieres said yesterday.

"There is a principle in our law which states that, should one decide to prosecute, one

should not do so piecemeal. This is partly the reason why I am taking so long to reach a decision.

"Certain evidence given before the Supreme Court in the Jerry Richardson trial must also be examined," Mr von Lieres told The Star.

Richardson was last week sentenced to death for the murder of Stompie

... that a hit-squad  
operated from the base.

## Ribeiro killings: case to reopen

LINDEN BIRNS 252

THE Harms Commission is to reopen investigations into the murder of Dr Fabian Ribeiro and his wife Florence who were gunned down in front of their Mamelodi home on December 1 1986. *Birns 73/8/90*

Commission secretary Chris Erasmus said at the weekend the inquiry would open on August 22. Last week Free State Attorney-General Tim McNally told the commission progress had been made by the team investigating the murder for the commission.

Ribeiro was a prominent anti-apartheid campaigner. His wife was the sister of PAC founder Robert Sobukwe.

PRIME MOLE  
HAVE A WILD GUESS AT

# Vlakplaas unit made about 20 arrests in eight years

252

810-1318190

ABOUT 20 people were arrested in eight years of operations by the security branch's Vlakplaas members, a study of evidence given to the Harms Commission of Inquiry into Politically Motivated Violent Crimes has shown.

Vlakplaas commander Maj Eugene de Kock said he and his men had shot and killed at least 20 men, but he would not say how many arrests his unit had made since he took command six years ago.

Sgt Joe Mamasela told

## LINDEN BIRNS

the commission the unit had arrested about 20 people during his five years at the base.

Former Security Branch C-Section (ANC/PAC desk) chief Brig Willem Schoon put at 20 the number of arrests during his eight years of overseeing the operation.

The arrest records of nine senior Vlakplaas members were: former unit commander Capt Dirk Coetzee, no arrests, commander Maj Eugene de Kock would not say how many arrests; former unit chief of operations Lt-Col Jan Coetzee, six arrests; former constable Brian Nggulunga witnessed one arrest; former constable Almond Butana Nofemela, one arrest; security branch Sgt Joe Mamasela said the unit made about 20 arrests in his five years at Vlakplaas; Constable Thabelo Mbelo, two arrests, Capt Paul van Dyk, two to five arrests in seven years; security branch Maj Johannes Vermeulen, one or two arrests in five years.

Last Tuesday the commission wrapped up argument dealing with allegations that a hit-squad operated from the base.

Ribeiro kills

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# Amnesty 'cut-off date' envisaged

Day 13/8/90

THE working group on political offences which resumes this week will have as top priority the setting of a "cut-off date" beyond which political offences will no longer be covered by the provisions of the Pretoria Minute.

Any perpetrator of an offence committed after this hypothetical date would not be entitled to the pardon or amnesty for which the minute provides.

ANC and government officials disclosed at the weekend that the Pretoria Minute had deliberately been silent on the matter.

## Risk

This was because while government accepted the ANC argument that it required time to spread the contents of the agreement among its supporters, government did not wish there to be any implication that potential political offenders would have carte blanche during the interim period.

"It could be said government is taking a bit of a risk in this respect. They are relying on our good faith," an ANC source said.

It is understood the ANC has already informally suggested retired judge Mr Justice Ray Leon, formerly of the Natal Bench, as a possible candidate to adjudicate on the agreement.

Meanwhile, it appears the section of the agreement providing that only "ANC-related" persons are covered could have the effect of drawing into the negotiating process those groups which have so far chosen to remain outside.

The ANC had a specific motive for wanting to keep the agreement narrow — in that it covered only members of it and its allies, the source said. Given the broad nature of the definition of "political offence", the ANC did not wish to be party to an agreement that government could conceivably use to free people that the ANC did not wish to see released — like right-

ALAN FINE, PETER DELMAR  
and LINDEN BIRNS

wing terrorists, he said.

According to Constitutional Development spokesman Marius Kleyhans, government also wanted the agreement limited to cover only ANC-related personnel because it did not want to release people not committed to a peace process.

A joint government/ANC committee will also be set up later this week to look into the practical implementation of the ANC's suspension of hostilities, both sides predicted at the weekend.

The government side is expected to push for details of the location of an alleged eight or more weapons caches left inside SA by Umkhonto we Sizwe operatives taking part in Operation Vula.

Sources on both sides predicted that this week's working group meeting would address itself to setting up a number of mechanisms agreed to in the Pretoria Minute at the Presidensie meeting.

It was decided last week that a number of "additional mechanisms for communication" would be established at various levels to address public grievances including housing and squatting, education and political violence.

## Ceasefire

The committee to resolve "all outstanding questions" arising from the ANC's suspension of the armed struggle has to report back to both parties by September 15.

Sources said details of precisely how the ceasefire would be implemented and monitored would be decided by this group.

Government estimates there were between 12 and 20 active Umkhonto we Sizwe guerrillas in the country at the time the ANC agreed to suspend armed activities. While the ANC has committed itself to ending infiltration, it is expected security forces will continue to detain those operatives still in SA.



# The face of justice is white

SA 12/10/89

Many black and coloured people feel strong animosity towards the criminal justice system.

The Director-General of the Department of Justice, in a recent report, concedes that a situation has arisen where the community no longer regards as criminals those who have fallen foul of the law.

One of the major problems contributing to the unhappy situation is to be found in the statistics relating to the employment, promotion and education practices operating within the Department of Justice.

In 1988, of the departmental professional establishment of 2 537, 2 409 were white. Now, of the professional establishment of 2 588, 2 411 are white. This represents a non-racial improvement of about 1 percent.

In 1988, all 144 Regional Court magistrates were white. Today there is absolutely no change in that situation.

In 1988, all 144 Regional Court magistrates were white. Today there is no change at all in that situation.

In 1988 there were four coloured magistrates. In 1989 this figure was reduced to three, despite the fact that the total number of magistrates increased by 39.

What is worse is that most magistrates of colour, Indians in particular, were and are used almost exclusively in ethnic courts such as Chatsworth, Verulam, Stanger and the like, and are thus prevented from playing any real role in the broader administration of justice.

Magistrates of colour seldom, if ever, preside in trials involving white accused.

In 1988, of the 956 Regional and Magistrate's Court prosecutors, 847 or 88 percent were white. In 1989, of the 994 prosecutors 871 or 87,5 percent were white.

The profile of the legal training which is sponsored by the department and which prepares the way for the advancement of staff is no better.



The legitimacy of the administration of justice in South Africa has been questioned both inside and outside Parliament. Most recently ANC deputy president Nelson Mandela declared that the judiciary had no legitimacy because over the years it had enforced apartheid laws. **DAVID DALLING**, the Democratic Party MP for Sandton, looks at the issue.

In 1988 the percentage of whites being afforded this advantage rose to 76 percent.

In regard to the judiciary, not one non-white Silk was appointed an acting judge during 1989, let alone to the Bench on a permanent basis.

**'What is worse is that most magistrates of colour, Indians in particular, were and are used almost exclusively in ethnic courts such as Chatsworth, Verulam, Stanger and the like, and are thus prevented from playing any real role in the broader administration of justice.'**

To add insult to injury, a highly respected Senior Counsel who is not white, recently accepted an acting appointment to the Bench of newly independent Namibia.

I would like to quote the following final statistic. Looking at the overall establishment of the Department of Justice it is illuminating to see that the top seven grades of salary scale stretching downwards from R165 000 per annum to R38 000 per annum are commanded by 2 252

whites, seven coloureds, 14 Indians and only four black South Africans.

It is not enough for the Minister of Justice to wring his hands and say his department is colour-blind but that he is battling to find suitable candidates within the coloured, Indian or black communities to join his department.

The Minister of Justice should make it his task actively to promote recruitment. The Minister should be sponsoring legal education programmes in these communities.

He should inform, by every means possible, the schools, universities and colleges that he is looking for scholars and students of colour to undertake permanent careers in his department.

He should encourage community involvement in the administration of justice, using among other tools all available employment and training opportunities.

It would seem to me that the Government is not taking this question seriously.

In virtually every section of the Department of Justice, the situation has either not changed at all or it has deteriorated.

The prosecutors are white, the magistrates and judges are white, the people who are being trained to become prosecutors are white, and the people who are being trained to become magistrates are white.

The only role that the vast majority of black, coloured and Indian South Africans play is to be the accused or the sentenced persons.

The face of justice in South Africa is a white face.

This is not to criticise the thousands of judicial officers presently doing fine work.

This is a political criticism of the Government and the Minister of Justice who have shown a lack of foresight and effort needed to meet the challenges of the future.

I wonder if the Minister of Justice really believes that the new South Africa will tolerate the courts and justice administration being as lily white as they are today. It will surely not.

It is better to make a genuine effort to recruit, train, adapt and prepare for tomorrow and to do this now, rather than to wait for a new

**'It is better to make a genuine effort to recruit, train, adapt and prepare for tomorrow and to do this now, rather than to wait for a new Government to produce a policy of crash Africanisation which could well lower the standards of justice to which we aspire.'**

Government to produce a policy of crash Africanisation which could well lower the standards of justice to which we aspire.

Surely, the system of justice operating in the country should be a reflection of the norms and standards prevailing in our country, and the people controlling it should mirror our South African community as a whole?

This is an issue which the Government cannot afford to ignore for yet another year.

# Mandela at his alma mater

AR645 14/8/90 (1) (17) 252 (84)

**S**SOME impressions of Nelson Mandela at Wits this week, his first visit to the alma mater where he began his LLB studies over 40 years ago.

The occasion is organised by Lawyers for Human Rights. The Great Hall is filled to overflowing with human rights lawyers, non-human-rights lawyers, human rights non-lawyers, assorted dignitaries including an Appeal Court judge, academics, students, media.

Many have been queueing for an hour outside locked doors to get a seat. Someone mutters: "It's not security, it's a test to see if they can turn 1 000 lawyers into a riotous assembly."

□□□□

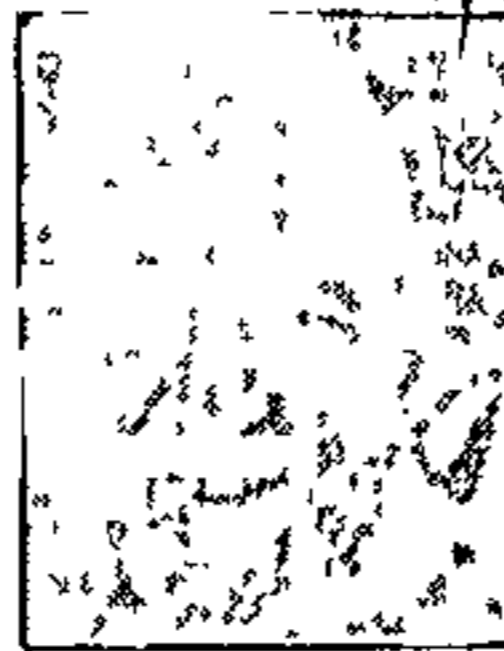
There are a few minor surprises. Some were half expecting Mandela to send a deputy to read his speech, since he'd just spent a hard 14-hour day negotiating in Pretoria and only finished up in the small hours of that same day.

But show up he eventually does, albeit some 40 minutes late. As the tall, lean figure strides briskly on to the stage and raises his arms to the crowd with that familiar infectious grin, he brings the audience to its feet.

The young acting head of the Law Faculty, Etienne Mureinik, quotes a description by Oliver Tambo from the days of Mandela and Tambo, attorneys.

Queues of deprived blacks often spilled over from their waiting-room down the corridor.

He also recounts the hassles both men had with magistrates, the Law Society and higher courts when they



SO IT  
GOES

Arnold  
Benjamin

defied the rules on separate seating in court.

Mandela turns to give a special greeting to an elderly man, Lazar Sidelsky, the attorney who articulated him when virtually no other Johannesburg lawyer would take on a black clerk. They embrace.

A further surprise is Mandela's speech. It might have been expected he'd repeat what he said to the Democratic Lawyers in Durban a few days earlier; but this talk covers new legal ground, including the ANC's commitment to human rights and its constitutional thinking.

□□□□

Yet another surprise is that after the speech he is ready to take some questions from the audience. And during this stage comes the unheralded appearance on the platform of Winnie Mandela, along with the newly returned Mrs Adelaide Tambo and a Mrs Lindiwe Mabuza.

The two are resplendent in ethnic outfits and headgear; all three are the essence of Afro chic, creating a startling splash of colour amid the legal grey.

Final surprise is the sharp tone Mandela takes with some of the questioners.

To a visiting black Kenyan professor who asked about leaders' accountability to the people he launches off:

"It is quite clear you did not listen to my address..."

To someone who asks about "murders" in Natal he recounts his own peace overtures to Chief Buthelezi and says the real responsibility for the violence lies with the government; but he then goes on to suggest the questioner is a believer in white supremacy "who lives in the past".

There is similar treatment for the young man who asks about Mandela's gestures to Gaddafi, Arafat and Castro. The first part of his answer is familiar and makes sense enough. They are comrades in arms, Cuba helped the ANC with its armed struggle when nobody else would, "your enemies are not my enemies", and so on.

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But then he goes on to question the questioner's motives "Apparently you want the status quo to remain."

Why such overkill, one was left wondering.

Maybe he felt he was being got at: he's been asked those same questions over and over in recent months. Or maybe it was just tetchiness from fatigue.

Because of a microphone problem he had to trudge across the platform to give each answer, complaining good-naturedly. "I'm an old man of 72."

More worrying, if one wanted to worry, was the chairperson of the Law Structure of the Black Students' Society, who also made a short speech of welcome and talked of problems in black education.

The problem with Wits, said this young man, was that it was still a liberal institution. It would only become a true university once it became a "people's university"

~~344~~

# TML wins appeal over quoting Gwala

SUSAN RUSSELL

TIMES Media Ltd yesterday won an appeal against its conviction and sentence of a R2 000 fine for quoting ANC member Harry Gwala in a Sunday Times article in December 1988. ~~14/18/90~~

Mr Justice McCreath with Mr Justice Levy concurring set aside both the conviction and sentence in the Rand Supreme Court yesterday.

The judges found the State had not proved that the Gwala quoted in the article and the T H Gwala mentioned in the consolidated list of prohibited persons distributed by Sapa were the same.

Magistrate S P Janse van Rensburg convicted TML on August 31 last year of contravening the Internal Security Act by quoting a listed person, and imposed a fine of R2 000.

Sunday Times editor Tertius Myburgh and reporter Mandla Tyala were both

acquitted on the same charge.

Tyala's article reflected an interview with Gwala two weeks after the ANC member's release from Robben Island

At the trial, the magistrate acquitted Myburgh after finding he could not have stopped publication of the article because he was on holiday at the time. ~~252~~

The magistrate acquitted Tyala, who had filed his report from Port Elizabeth, on the grounds that he was not responsible for the final decision to publish.

TML was convicted after the magistrate found it had acted negligently in relying on the Sapa list and not checking the Government Gazette list.

It was argued on TML's behalf that the contravention of the Act was not intentional. ~~14/18/90~~

# Army objector Bester released after appeal

*Bloem 14/18/90*  
KROONSTAD — A delighted Charles Bester was released from Kroonstad prison yesterday after serving 20 months and eight days of a six-year sentence for refusing to serve in the SADF.

Moments after driving out the prison gates with his lawyer, Bester said he was "unbelievably relieved, incredibly happy ... overjoyed", Sapa reports.

His sentence was overturned on appeal yesterday in the Rand Supreme Court, four months after the Appellate Division ruled that the six years prescribed by the Defence Act for refusing to serve was a maximum and not mandatory sentence.

SUSAN RUSSELL reports that Bester's appeal followed Appellate Division decisions earlier in appeals by conscientious objectors Ivan Toms and David Bruce

Yesterday, Mr Justice Levy with Mr Justice McCreath concurring reduced Bester's sentence to 20 months.

Mr Justice Levy said the trial court that heard Bester's case had followed the customary approach at the time in finding it did not have discretion, and was obliged to impose a six-year sentence. Since then, in the cases of Toms and Bruce, the Appellate Division had determined that this approach was incorrect.

The Appellate Division had found that the relevant Act merely prescribed a line of calculation for a maximum sentence, which in no way denied the court from using its discretion in determining sentence. Mr Justice Levy said the magistrate might well have made an error in sentencing Bester, but it was a bona fide error.

The State now recommended an approach that assured Bester's immediate release. Mr Justice Levy said there had been a great deal of evidence from Bester's legal advisers in mitigation of sentence, which established beyond doubt that Bester was of no less worthy character than Toms and Bruce.

In the circumstances the judge was willing and anxious to follow the State's recommendations. He set aside the magistrate's sentence, replacing it with one of 20 months, effective from December 5 1988.

# Assaulted family awarded R18 648

Sowetan 14/8/90

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MINISTER of Law and Order Mr

Adriaan Vlok has paid an out-of-court settlement of R18 648 to a Sebokeng family following their claim of assault and unlawful arrest by the South African Police.

Mr Abram Mzizi (63) said the incidents occurred after his son,

By DON SEOKANE

Jabulani Mzizi, was shot and killed by police in Sebokeng

They claimed he was involved in burning houses of special constables during November 1986.

During one of the raids at the Mzizi home, a police officer known as

## Thabong mayor's family is attacked

By MONK NKOMO

THE family of the mayor of Thabong, Welkom, es-

Satch Ngubeni assaulted Mzizi with the butt of a rifle

### Abusive

Mzizi's wife, Nellie, successfully sued the police for abusive language and a member of the police's suggestion that she should have sexual intercourse with members of the police

Mr Trevor Bailey, of Legal Resources Centre, said Mrs Mzizi's physical integrity was damaged when her breasts were exposed after her night dress

was torn before being arrested.

"The family was under emotional stress after their son was killed but it became worse when the police arrested the father and accused Nellie of arson

"Their other son, Ben (21) was assaulted and unlawfully detained the same day that his mother was insulted by police," Bailey said.

Mrs Mzizi said during the raid police fired bullets at their home, causing damage to the kitchen wall before forcing their way in by breaking the kitchen door



The Mzizi family who were awarded R18 648 after successfully suing the Minister of Law and Order and the South African Police.

# Advocates reject call for SA juries

OK-7/14  
14/8/90  
ZSL

By CHRIS BATEMAN

TWO top advocates yesterday rejected a call for the universal re-implementation of juries as a means of restoring credibility to the South African judicial system.

Instead, they suggested the wider use of lay assessors on the Bench.

Mr Sydney Kentridge, QC, and Mr Milton Seligson, SC, chairman of the General Council of the Bar of South Africa, were responding to a call made in an editorial of this month's De Rebus, the SA Attorneys' Journal.

The editorial said there was a "steadily growing chorus" of voices for the reinstatement of the jury system, abolished in this country in 1969.

It said the government had abolished the jury system because it feared that all-white juries would be, or would be perceived to be, racially biased in cases involving "non-whites". In the present climate juries would have to be far more representative, it argued.

Speaking from his London office, Mr Kentridge said increased black involvement in the administration of justice in SA was "really urgent".

However, unlike traditional prac-

tice in England and the USA, the jury system had never really worked in SA and would be difficult to introduce "from scratch".

His "limited" experience of the jury system in England had left him with reservations about its suitability for all types of criminal cases, some of which were too complex to be fully grasped by juries. Other cases attracted so much publicity that it was difficult for juries to remain unprejudiced.

Blacks should instead be brought into court structures, he said.

"There is no reason why black assessors should not be called in by judges. Many black lawyers are well qualified to be appointed as prosecutors, magistrates and judges to deal with every type of case," he added.

Mr Seligson said juries at magisterial level would pose virtually insurmountable economic and administrative difficulties. Lack of judicial credibility could best be attacked by changing the laws themselves.

It would also be helpful for all practising lawyers to study the African language of their area, he said.

● The Chief Justice, Mr Justice MM Corbett, yesterday declined comment.

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Star 14/8/90

# TML wins its appeal in Gwala case

## Court Reporter

Times Media Ltd, the Sunday Times' editor Tertius Myburgh and reporter Mandla Tyala yesterday won their appeal against a conviction and sentence which arose from an article which was published on December 11 1988

The article was an interview with ANC activist Harry Gwala, who had been released from Robben Island on that particular month

Yesterday it was found the State had not proved that the Harry Gwala quoted in the newspaper report was the same person as TH Gwala, mentioned in the consolidated list of people who may not be quoted.

Judge S W McCreath, with Acting Justice D S Levy concurring, handed down judgement of the case in the Rand Supreme Court.

# Raid: Vlok pays family R18 648

15/8/90

Staff Reporter

The Minister of Law and Order, Adriaan Vlok, has paid an out-of-court settlement of R18 648 to a Sebokeng family following their claim of assault and unlawful arrest by the police.

Abram Mzizi (63) said the incidents occurred after his son, Jabulani Mzizi, was shot and killed by police in Sebokeng. They claimed he was involved in burning houses of special constables in November 1986.

During one of the raids on the Mzizi home,

police officer Satch Ngunbeni assaulted Mr Mzizi with the butt of a rifle.

Police also took cash and property belonging to the family.

Mr Mzizi's wife Nellie successfully sued the police for abusive language and for a member of the police's suggestion that she should have sexual intercourse with members of the police.

Trevor Bailey of the Legal Resources Centre, said Mrs Mzizi's physical integrity was damaged when her breasts were exposed after her night dress was torn off before

she was arrested.


"The family was under emotional stress after their son was killed but it became worse when the police arrested the father of the accused Nellie of arson.

"Their other son, Ben (21) was assaulted and unlawfully detained the same day that his mother was assaulted by police," Mr Bailey said.

Mrs Mzizi said during the raid police fired bullets at their home causing damage to the kitchen wall before forcing their way in by breaking the kitchen door



# Hani gave arms-cache orders, court told

15/8/90 (252)   
Two members of an ANC unit poised to launch an armed offensive if negotiations between the Government and the ANC failed had received instructions personally from Chris Hani, chief of staff of Umkhonto we Sizwe (MK), the Pretoria Supreme Court was told yesterday.

The court was hearing an application by two women for the release of their husbands, Isaac Ditshego and Johannes Makitla, who are being detained under the Internal Security Act.

In court papers, police said arms caches consisting of RPG-7 rocket launchers, missiles, limpet mines and machine guns had been discovered. Some of these were found near Hoedspruit Air Force Base in Pietersburg, Warmbaths, and Soweto.

The police said that the Nchabaleng unit — a military structure within MK — existed and operated in the northern Transvaal.

In an affidavit Captain Charles Alfred Zeelie of the Security Branch said that on June 26 a

MK cadre, Kenny Sello Ramalekana, was arrested.

"Ramalekana left the RSA in April 1985 and had undergone military training as a MK cadre in Angola. He also received training in Yugoslavia," Captain Zeelie said.

He said Mr Ramalekana divulged information about a certain Phago, also a MK cadre, who was arrested the following day.

From the two men's questioning facts relevant to the Nchabaleng unit came to light.

It was revealed that before Mr Ramalekana and Mr Phago infiltrated South Africa in January and February this year, they received direct instructions from Mr Hani.

Their aim, in conjunction with the Nchabaleng unit under command of Mr Isaac Ditshego, was to establish underground military MK structures in the northern Transvaal, including "safe houses", arms caches and communications networks.

Mr Justice Mynhardt postponed the hearing to August 22.

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# Conference to focus on protection of rights

By Kaizer Nyatumba

Professor John Dugard will chair a workshop on the protection of group rights in a future constitution at the Five Freedoms Forum's "South Africa at a turning point - negotiations and the future" conference at the Johannesburg Sun from Friday to Sunday next week.

Professor Dugard, head of the University of the Witwatersrand's Centre for Applied Legal Studies, will be one of many legal experts to take part in the workshop. It will focus on constitutional mechanisms for the future protection of the rights of the various groupings in the country.

Others will be Professor Albie Sachs of the ANC's legal department, University of Natal law lecturer Bede Harris, Professor Denis Davis of the University of Cape Town's Law School and Professor Ian MacDonald of Rhodes University's philosophy department.

FFF spokesman Gael Neke said it would provide the first chance for members of the public to debate in small groups with politicians and experts "on subjects that will directly affect their lives in future".

The workshop will be one of many workshops and commissions to be held.

Ms Neke said that now that the need for a new constitution and a judiciary Bill of Rights was generally accepted, these two items were likely to become key issues.

"This workshop will be looking at what is the best mechanism to protect the rights of an individual as well as various constitutional mechanisms that protect an individual's rights."

● For more information, contact Alastair Teeling-Smith or Etienne Marais (011) 339-2003.

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## Lawyers taking statements from hostel dwellers

By Montshiwa Moroke

Lawyers representing Cosatu were at the Sebokeng hostel yesterday taking statements from residents on the weekend shootings which left nine people dead and more than 10 wounded.

This followed a weekend statement in which Cosatu spokesman Neil Coleman urged President de Klerk to help end the spate of shootings against hostel dwellers.

Cosatu said all that was known about the attack was that one or more whites had been seen by residents at the time.

Mr Coleman yesterday referred to an SAP statement saying the police believed the killings were linked to a power struggle between Inkatha and the ANC.

Police have offered a R10 000 reward for information leading to the arrest of those responsible for the Sebokeng massacre.

Mr Coleman said "Our experience of the police handling of the violence is that they are very much part of the problem"

● 'Reign of terror' — Page 7

Asylum

seeker is

remanded

Own Correspondent

DURBAN — Political activist Bhekumuza Jabulani Ximba, who sought political asylum in the US consulate in Durban last month, was remanded when he appeared in the Durban regional court yesterday.

His appearance arose from allegations of illegally possessing hand grenades, limpet mines and explosives.

The case was adjourned to September 14 and bail of R5 000 was extended.

In the consulate incident, Mr Ximba (39) gave himself up to the police only after being assured he would not be detained under the Internal Security Act.

# Judge rejects claims of assault

Sp-16/8/90

252 ~~252~~ ~~252~~

By Cathy Stagg

A woman who claimed police had poured acid up her nose and two men who said police had assaulted him, had their versions rejected by a judge and two assessors yesterday.

As a result of the finding in the trial within a trial, statements which had previously not been admitted as evidence would probably be read into the record today.

The trial of four people arose from the discovery of the bound body of Dianne Tollman (53) at her Parktown North, Johannesburg, townhouse on February 14, last year.

Justice R A Solomon and the assessors are presiding over the trial in the Rand Supreme Court. All four accused have pleaded not guilty.

They are: Donald Khumalo (18) of Berea; Godfrey Moerane (24) of Naledi; Thabo Makaleng (31) and Bettie Mamsie Mbuli (38) both of Berea. Ms Mbuli was Mrs Tollman's maid.

According to the indictment, Mrs Tollman dismissed Ms Mbuli at the end of January last year and Mbuli was angry about the loss of her job and accommodation.

## Face covered

Ms Mbuli allegedly incited the three men to break into Mrs Tollman's townhouse unit on the night of February 13 last year.

During a trial within a trial, Ms Mbuli told the court she was taken to the Brixton Murder and Robbery Squad where she was kept in an office

She claimed a balaclava was pulled over her head so that her face was covered, then her head was pulled back and a strange smelling liquid was poured up her nostrils. She claimed the liquid must have been acid because the inside of her nose was burnt. Ms Mbuli said a similar liquid was poured on the inside of her thighs and it caused the skin to come off, yet this did not happen on her face.

The judge said it was strange that there was no damage to her face or the inside of her throat if the liquid was administered through the balaclava.

Mr Moerane and Mr Makaleng both claimed to have been assaulted. But their evidence contained many improbabilities and conflicted with evidence presented by the State, the judge ruled.

ARGUS  
16/8/90

# Witness fear harming justice — Natal judge

252 228

The Argus Correspondent

DURBAN. — In the present anarchy in Natal it was futile to talk of a judicial commission of inquiry or to expect courts to convict and punish criminals if witnesses were reluctant to testify, Mr Justice Didcott said in the Supreme Court in Maritzburg.

He was acquitting an Inkatha supporter Mr Petros Ngcobo, 43, of 10 counts of murder, seven of attempted murder and four of arson.

He said yesterday that all the witnesses who testified in the case were less than candid, pretending that they knew nothing of the bloody battles that had been raging in their areas between the UDF and Inkatha for some years.

They pretended that their knowledge of local affairs did not extend beyond the rivalry of soccer clubs and that they were ignorant of the events which were common knowledge to all but the youngest and feeble-minded in Natal.

### "LIVES IN DANGER"

"This court is well aware of the criticisms levelled at the police and the prosecuting authorities in cases such as this — criticisms of lack of will and vigour in bringing the criminals to book.

"The criticisms have gone further, extending to the courts, which have been said in some quarters, to be ineffective in the administration of justice.

"In this case both the police investigation and the prosecution have been thoroughly energetic.

"Yet we are unable to get to the bottom of the murders because of the paucity of evidence.

"Far be it from us to condemn those less fortunate than we are, those in the pitiful position in which they fear to come forward to bear witness to what they have seen, as their lives would be in danger if they were to do so.

### LICENSED REVOLVER

"They and their communities must realise however that as long as that continues to be the case their reluctance to testify will mean little chance of the courts establishing the truth," the judge said.

It had been established that Mr Ngcobo's licensed revolver had been used in most of the murders.

Only in one murder charge and an attempted murder charge was there evidence that Mr Ngcobo himself had committed the crimes.

The attempt failed dismally, Mr Justice Didcott said.

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# Judgment reserved in ANC 3 appeal

THE Appeal Court in Bloemfontein has reserved judgment in the appeal by three self-proclaimed members of the ANC military wing, Umkhonto we Sizwe, against four-way death sentences for four murders *Sowetan 16/8/90*

Jabu Obed Masina, Frans Ting-Ting Masango and Neo Griffith Potsane were sentenced by Mr Justice MC de Klerk in the Delmas Circuit Court

● To Page 2

# Judgment is reserved in ANC trio's appeal

● From Page 1

on April 27 1989

They were found guilty of the murder of Sergeant Orphan "Hlubi" Chapi in Soweto in 1978, the killing of a former KaNgwane Minister, Mr David Lukhele, and his sister-in-law Mrs Elizabeth Dluflu in 1986, and the killing of Mamelodi policeman Constable Sinki Vuma in 1986

They and Joseph Makhura were also jailed for 25 years for multiple counts of attempted mur-

der when 17 people were injured in a limpet mine blast at a bus stop at Silverton in 1986 and for a landmine explosion at Soshanguve when a road grader was damaged on a road used mainly by military vehicles

Masina, Masango and Potsane were also jailed for 10 years (concurrent) for the attempted murder of Mrs Elizabeth Lukhele

The appeal was heard by the Acting Chief Justice Mr Justice Joubert, Mr Justice Smalberger, Mr Justice Milne, Mr Justice Eksteen and Mr Justice Friedman (acting judge of appeal) — Sapa

sd, August 16 1990

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# 'Only truth in court can halt Natal anarchy'

Own Correspondent

MARITZBURG — The capacity of courts to establish the truth depended on witnesses who were willing to testify truthfully and fearlessly and while this was lacking it was pointless to look to the courts for any remedy to the present anarchy in Natal, a Supreme Court judge said here yesterday.

Mr Justice Didcott said that while witnesses continued to be reluctant to testify, it was utterly futile to expect the courts to convict and

punish the criminals or talk of judicial commissions of inquiry.

The judge, sitting with two assessors, was delivering judgment in the trial of Inkatha member Mr Petros Fana Ngcobo, 43, of Imbali, who was acquitted yesterday of 10 counts of murder, seven of attempted murder and four of arson.

Mr Justice Didcott said hardly any evidence had emerged during the course of the trial to identify any of the perpetrators. He said it was difficult to believe

that at times when there must have been plenty of people on the streets, no bystanders had seen the armed men who "so loudly and publicly" perpetrated the crimes. It was much more plausible that many did see them but declined to get involved owing either to their "mortal fear of the criminals or to a lurking sympathy with them."

He said witnesses who did give evidence were often "less than candid", pretending they knew nothing at all of the "bloody battles" which

had been raging in their areas between the UDF and Inkatha.

"In this case both the police investigation and the prosecution have been conducted thoroughly and energetically, yet we are unable to get to the bottom of the matter because of a paucity of evidence," he said. "Far be it for us to condemn those... in the pitiful and unenviable position where they are afraid to bear witness to what they have seen because their lives are in danger. They and the community at

large must realise, however, that for as long as that continues the consequences of their reluctance to testify will be for the courts to have little chance of establishing the truth."

The judge said it had been proved that Mr Ngcobo's revolver was used in all the attacks concerned.

He found, however, that it had not been proved beyond a reasonable doubt that Mr Ngcobo had either personally fired any of the shots or had furnished the perpetrators of the crimes with his firearm.

2 Cape Times, Thur



Mr Justice Didcott



# Weekblad's aid hopes crash

Star 17/8/90

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By Carina le Grange

A misunderstanding between the independent Afrikaans newspaper, Vrye Weekblad, and the French government over money had caused the newspaper financial embarrassment as a R1 million suit loomed, editor Max du Preez said yesterday.

The chief of the forensic laboratories of the SA Police, Lieutenant-General Lothar Neethling, has sued the newspaper for damages amounting to R1 million. The claim arose from the exposé in November last year in Vrye Weekblad of police hit squads.

The case will be heard in the Supreme Court on November 12. The newspaper has to deposit security of R500 000 to secure counsel.

Mr du Preez said yesterday that the amount in excess of R1 million, which the French indicated at a conference in Paris last December that they would supply to his newspaper, seemed to have been a "misunderstanding".

"The French government now states that they meant moral support.

## Guarantee

"They did indicate, however, that they would propose that the EC gets involved in supplying the guarantee," he said. "The money would be used to pay legal fees only."

In the "process of gathering enough funds to secure legal counsel", Mr du Preez this week

sent an urgent letter to Home Affairs Minister Gene Louw requesting him to pay back the deposit of R30 000 the newspaper had to pay on registration.

Mr du Preez said in the letter that the reasons given by Mr Louw's department for the big deposit — instead of a sum of R10 — was that suspicion existed that the newspaper would promote banned organisations' interests.

"We would like to put it to you that since February 2 this year banned organisations no longer exist," the letter said.

Mr du Preez also referred to the Pretoria Minute which mentioned the deposits payable by newspapers for registration as an aspect which could be revoked.

# Murder accused met ANC 'at Winnie's home'

Sta- 17/8/90 (252) (30)  
By Cathy Stagg

Charles Zwane, on trial for 11 murders, 22 attempted murders, arson and the unlawful possession of an AK-47 rifle and ammunition, said in a statement he had met an ANC man at a party at Winnie Mandela's house.

Justice D O Vermooten, presiding with two

assessors in the Rand Supreme Court, ruled yesterday that the statement was admissible.

Mr Zwane (22), of Orlando West, was a Section 29 detainee before he made the statement on April 28 last year.

In it he said that in December 1988 he had met an ANC man at Mrs Mandela's home.

The man said he un-

derstood Mr Zwane had met ANC members before. A few days later, a man called Gybon collected Mr Zwane and took him to see the ANC man in Orlando East.

The ANC man's name was Sonwabu, Mr Zwane learnt, and he said he wanted Mr Zwane to work with him.

"He showed me how

an AK and a hand grenade worked. He told me about a place we were going to attack in Orlando East, a shebeen where police officials drank," he said.

The three men went to the property. When the door was opened, they began to shoot.

According to the indictment, this took place on December 26 1988.

# Change in SA's

W/L AR645 18/8/90

# death penalty

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# laws welcomed

**W**HEN President De Klerk in his watershed speech of February 2 announced the government's intention to reform the law of capital punishment, he was addressing an important segment of the complex system of apartheid, not just the administration of justice.

Many death sentences imposed in recent years were for political offences against apartheid.

Just as the question of capital punishment in the United States has been influenced by the racial factor, so in South Africa the death penalty has been largely the prerogative of the black person.

For example in the first half of 1988, 59 people were executed. Forty-four were black, 14 were coloured and one was white.

In a case like that of the "Sharpeville Six", the prisoners were sentenced to death for having common cause with the unknown killers of a councillor. The six were granted a dramatic stay of execution only a day before they were due to hang. This raised international storms — not only because of widespread opposition to capital punishment but because the cases were inextricably interwoven into the texture of apartheid.

Clearly Mr De Klerk's promise of a revision of capital punishment was an integral part of his whole scheme of political reform. And in the event the changes introduced are distinctly positive. But although 53 countries have abolished capital punishment (and another 27 are abolitionist in practice), unfortunately Mr De Klerk has not gone as far as that.

However, he did terminate the rule that the death sentence had to be mandatory where there were no extenuating circumstances. There have been cases where no evidence of extenuation was led and the judge writhed at being forced to pronounce the death sentence because he felt this was not called for in the particular case.

**U**NDER this amendment to the Criminal Procedure Act, 1977, the trial court has to make a finding as to the presence or absence of any mitigating or aggravating factors. With due regard to that finding the court must impose the death sentence but only if it is satisfied that such is the proper sentence.

Furthermore the convicted person sentenced to death now has an automatic right of appeal to the Appellate Division. Previously he could appeal only with leave of the court.

The question of discretion has also been substantially addressed. Formerly the Appellate Division judges, even if they were critical of the trial court's sentence of death where there were extenuating circumstances, could not interfere with his decision unless they held that he had exercised his discretion improperly or unreasonably.

Thus in a leading case, *R v Roberts* (1957), Chief Justice LC Steyn held that a form of punishment other than the death sentence would not have been inappropriate, but found that the trial judge's sentence of death had not been so unreasonable that it could be upset by a higher court. Roberts went to the gallows.

Today he would probably not have. For under the new law the sentence of death may be set aside if the Appellate Division "is of the opinion that it would not itself have imposed" that sentence. It may then "impose such punishment as it considers proper".

GERALD GORDON QC and DENNIS DAVIS, professor of law at the University of Cape Town welcome the change in South Africa's death penalty laws. However, questions remain.

Or as Professor John Dugard of Witwatersrand University said "It is an open secret, that 'hanging judges' often ignore extenuating circumstances, while 'non-hanging judges' always find extenuating circumstances".

**M**OREOVER, to human fallibility, inherent in all, must be added a judge's history, personal affiliations, mental make-up, family background, race-group and class (till recently no black has served on the South African Bench), all of which, however, unconsciously, must affect his attitudes, opinions, actions and inactions.

Besides the humanity aspects of the new law and its bearing on political reform, one of its aims was to reduce the number of hangings in South Africa whose execution record — 627 in the past five years — is second only to Iran's.

But when the amendment was still being considered by the Joint Standing Committee on Justice, Mr Justice George Munnik, Judge-President of the Cape Division, wrote to the Department of Justice opposing it on the ground that it would "emasculate the trial court's discretion".

If the amendment went through, he said, the Bill might be further amended to limit the trial court to deciding on the merits of the case and on extenuating and aggravating circumstances, the case might just as well be sent to the Appellate Division for sentence — "while the accused sits and waits anxiously for six months or more to hear what his fate is".

Instead, he said, the amendment meant that the trial judge "has to go through the trauma of deciding on the death sentence and pronouncing it, just to hear later that it has been set aside, not because he has made an error in carrying out his discretion, but because two or three other judges in the Appeal Court had other opinions than his over the sentence".

The interference, said Justice Munnik, in their discretion to pass death sentences could lead to uncertainty and dissatisfaction among trial judges.

CONFIDENTIAL

However a legal system which has the death penalty but does not make it mandatory, leaving its imposition to the discretion of the court, can run into difficulties if that discretion is not guided in some way

In 1972 in *Furman v Georgia* the American Supreme Court by a five to four majority accepted the argument that the death penalty was applied not uniformly to the general criminal population but more often in the case of poor and black defendants

IT decided that the discretionary imposition of the death penalty "without recognisable guidelines for assistance" constitutes "cruel and unusual punishment" in violation of the eighth amendment to the Constitution

Justice Brennan said capital punishment "does not comport with human dignity" while Justice Marshall said that it was "morally unacceptable"

Justice Douglas said "these discretionary statutes are unconstitutional in their operation, they are pregnant with discrimination and discrimination is an ingredient not compatible with the idea of equal protection of the laws" (as required by the 14th amendment)

Justice Stewart described capital punishment as "cruel" and "unusual" because it was applied in an arbitrary "wanton" and "freakish" manner

The court held that the death penalty as then administered by trial courts with no standards to govern their exercise of discretion, was unconstitutional under the eighth and 14th amendments

In one stroke this ruling in effect abolished all death penalties throughout the nation. But state legislatures reacted either by passing mandatory death statutes or incorporating principles of guided discretion into their systems

In his *Ultimate Penalties* Professor Leon Sheleff of Israel says "underlying personal propensities and preferences continue to render the goal of standard and objective decision-making totally elusive."

HE wrote that he had telephoned the Judge Presidents of the Transvaal, Natal, Eastern Cape, Free State and Northern Cape and that only Free State Judge President Smuts had differed from him. The others agreed with his views and "feel very strongly on the matter". Justice Smuts, however, said "that because someone's life was at stake, he would not mind if three (or five) other judges took a different view to his".

It would be interesting to learn whether each of the various Judges President had the support of the judges of his Division for his view

Mr Dave Dalling MP who had proposed the amendment, disclosed in parliament that the Chief Justice, Mr Justice Michael Corbett, had given his full approval to the amendment which in due course was adopted by the Standing Committee.

The final discretion for death sentences is thus placed with the Appeal Court (three or five judges). "That, I believe" said Mr Dalling, "is where it should be. There is no doubt that there are substantial disparities among individual judges in handing down the death penalty. It can never be accepted in a moral system that whether an accused lives or dies depends on the judge before whom he or she is tried"

We have seen therefore that even the best discretionary system is not perfect and we submit that the only true reform should be abolition. However the new Act is undoubtedly a vast improvement and it is therefore a little surprising that there should have been this recent division of opinion among our judges as to judicial discretion on hanging.

One would have thought that a single judge, seized with the grievous responsibility of deciding whether another human being should live or die, would welcome the sharing of that responsibility with three or five other judges

He would know then that his fatal words of the death sentence are not the last to be spoken. The "trauma" he had to endure under the old law, of condemning a person to die is now considerably eased

# Man sought over 'kangaroo court'

Spot 7-1-13 18/8/90



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By MONICA GRAAFF  
Crime Reporter

POLICE have launched an urgent search for a man whom they wish to question in connection with the sexual mutilation of a woman who was allegedly impaled on a stick during a "kangaroo court" in Khayelitsha



**WANTED ...** Police want to question this man.

The 27-year-old Khayelitsha mother of two was allegedly also stripped naked, beaten with sharp sticks and stoned and kicked as she lay on the ground while a group of spectators stood by.

She spent two months recovering in hospital and, as a result of serious internal injuries, will no longer be able to bear children

This horrifying "punishment" was meted out at 5pm on March 22 in J Block, Khayelitsha

A 51-year-old witchdoctor, Ms Mbigale Gwuwu, Ms Nongethene Kelo, 45, and Mr Aaron Goshman, 32, have already been arrested in connection with charges of attempted murder. They will appear in Mitchells Plain Regional Court on August 23

Police said a Nyanga East witchdoctor had played a key role in "sentencing" the woman after gazing into a crystal ball

The woman was alleged to have "stolen" a neighbour's five-year-old daughter

The man whom police are seeking is about 1,8m tall and in his mid-30s. He has a light complexion and was last seen sporting a moustache and beard.

● Police have undertaken to protect the identity of anyone who can give them more information about the incident or the people involved. People are asked to contact Detective Sergeant Robert van Almelo at Khayelitsha Detective Branch 361-3330 or at 905-4209 a/h

# NO DECISION YET ON WINNIE TRIAL

By MANDY JEAN WOODS

TEN DAYS after Winnie Mandela's former bodyguard was sentenced to death for the killing of teenage activist Stompie Moeketsi Seipei, a decision whether or not to prosecute Mrs Mandela for her role has yet to be taken.

During Richardson's trial, the judge accepted evidence that Mrs Mandela, wife of ANC deputy president Nelson Mandela, was present during assaults on the teenage activist shortly before his death in December 1989.

The court heard that the assaults took place in Mrs Mandela's Soweto home.

Transvaal attorney-general Klaus von Lieres, the man

whose task it is to decide whether or not to prosecute, said this week the matter was still being considered.

"We have given instructions for allegations made in the trial to be investigated. Within a couple of weeks we should have a decision," he said.

Whatever the decision, it is sure to be controversial given Mrs Mandela's position in the community and in the light of negotiations between the ANC and the Government.

Mr Mandela challenged the State last May to prosecute his wife, giving her a chance to defend herself.

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# Volley of shots - then silence

By MARTIN  
NTSOELENGOE

A NIGHT of terror in which two activists were killed during a shoot-out with security police was relived in the Rand Supreme Court this week.

The activists, Jackson Skhosana and another known only as Sonwabo, were killed after shots were fired at the police as they entered a home in Zondi, Soweto, to arrest them.

Lt Stephen Jacobs of the Soweto security branch was giving evidence in the trial of Charles Bongani Zwane, 22, who is facing 38 charges - 11 of murder, 22 of attempted

murder, four of possession of firearms and ammunition and one of arson. He has pleaded not guilty before Judge Vermooten and two assessors.

According to Jacobs, after Zwane was arrested he had pointed out the house in Zondi where the two men were staying. As police got out of their vehicles near the house, shots were fired at them.

He said the police fired back and used hand-grenades. When they opened the room they found the bodies of the two dead men.

The judge accepted a confession made by Zwane as evidence, and rejected claims that

he was tortured to make it.

Evidence before the court was that Zwane and two others went to a shebeen in Orlando East on December 26, 1988. They were armed with AK-47 rifles and hand-grenades. One of them knocked on the door and Zwane fired through a window. Five people died and six were injured.

Those who died were Bonginkosi Sithole, John Mbebe, Themba Malindi, Zanele Zulu and Siphwe Sithole. The six injured were Vusi Buthelezi, Fanny Khumalo, Samuel Raditlhalo, Duduzile Zulu, Phithizela Thotobolo and shebeen owner Joel Ma-

bule

On January 20, 1989 in Meadowlands, Zwane allegedly shot dead Jabulani Mngoma, Maxango Tshabalala and Masango Nkumamba, and allegedly attempted to murder Mbulelo Kapu.

Two days later he and others attacked Dudu Chili's house in Orlando West. Her niece Tinkie Maria Msomi was killed and her other niece Ntombenhle Msomi and her daughter Barbara were seriously injured.

On April 1 they allegedly attempted to murder 13 people by hurling a hand-grenade into a house in Orlando West after Zwane had been involved in an argument with another man.

The case continues tomorrow.

Political comment and newsbills by  
K Sibiyi, headlines and sub-editing  
by K Naidoo, both of 2 Herb Street,  
New Doornfontein, Johannesburg.

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e/hrs  
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# Lawyers in bid to free Sharpeville 6

By CHARLES MOGALE

A LEGAL wrangle is looming between lawyers for the Sharpeville Six and prison authorities over their classification as common-law criminals.

Lawyer A Soman, representing the five men and one woman, said representations would be made for them to benefit from the pact between the government and the ANC regarding the release of political prisoners.

The six, convicted for the killing of Vaal councillor Jacob Dlamini on September 3, 1984, are Mojalefa Sefatsa, Theresa Ramashamola, Malebo Mokoena, Oupa Diniso, Duma Khumalo and Francis Mokoena.

Although no evidence linked them to the killing of Dlamini, Judge AJ Human invoked the highly controversial "common purpose" doctrine in sentencing them to death in 1985.

But they were reprieved to serve prison terms ranging between 18 and 25 years following local and international pressure on former State President PW Botha.

Key state witness Joseph Manete, who gave evidence in camera, wrote an

open letter to Botha, confessing his testimony was false. Manete said he had testified under duress after he was assaulted by security police.

Said Soman: "It is our belief their conviction stems from actions which took place in a political atmosphere, and we will make representations to get them among the political prisoners who will be released soon."

Reginah Sefatsa, wife of first accused Mojalefa, said the families of the six were concerned that were being held with common-law criminals.

She said: "I am baffled how things have suddenly changed. Throughout the trial the case had a political flavour, and it was accepted as such. Otherwise, why were the security police involved in the investigation of the case? Why were they held under security legislation if the crime was not political? How they landed in criminal cells I cannot tell, but I know they are not happy and I am not happy."

Media liaison officer of the South African Prisons Service Capt M Bergen said the fact a person had been sentenced in a political trial did not automatically imply he would be classified as a security prisoner.



# Another 8 to appear in court over Stompie

City Press 19/8/90  
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By DESMOND BLOW

EIGHT people connected with the abduction and assaults on the murdered Stompie Seipei, 14, are to be tried in two separate trials, the first beginning tomorrow, Attorney General for the Transvaal Klaus von Lieres und Wilkau told *City Press* this week.

The eight, however, do not include Winnie Mandela.

The AG said he was still studying the evidence in the murder case against former Mandela Football Club coach Jerry Vusi Richardson, who was sentenced to death last week for murdering Stompie.

"Once I have studied the evidence I will make a decision on Winnie Mandela," he said.

The AG said something similar some months ago, but then declined to prosecute Winnie.

Evidence has been led that Winnie assaulted Stompie and other youths with a sjambok to get them to confess they were indecently assaulted by the Rev Paul Verryn.

These allegations against Verryn have since been found to be groundless by both the court and a church commission of inquiry.

■ The trial beginning tomorrow is against Thandanani Jabulani "Guyboi" Khubeka, who is alleged to have severely assaulted Stompie in a separate incident the day he disappeared from the Mandela house never to be seen alive again. The case is expected to be postponed.

■ The case against the other seven all relate to the abduction of Stompie and four other youths. It will begin on September 24.

They will be charged with kidnapping and assault with the intent to do grievous bodily harm.

Among the seven are Xolisa Falati, 36, the woman who allegedly made the allegations against Verryn, and a youngster, Katiza Cebekhulu, 18, whom she is alleged to have influenced to make untruthful statements.

The other five are Xolisa's daughter Nompumelelo, Winnie Mandela's driver, John Morgan, who allegedly drove the bus with the victims from Church House to the Mandela home, Mpho Gift Mabelane, Sibusiso Brian Mabuza and a 17-year-old minor whose name may not be disclosed.

Xolisa allegedly approached Winnie Mandela, who is a social worker, with the allegations about Verryn.

She also brought Cebekhulu to Winnie. He alleged to Winnie and later to *City Press* he had been indecently assaulted by Verryn.

Nompumelelo, 18, accompanied Richardson and other members of the "Mandela Football Club" to Verryn's house, where she allegedly pointed out Stompie and four youths. The five were then abducted from Church House and taken to the Mandela house in Diepkloof.

There, according to evidence given in Richardson's trial, the youths were sjambokked to tell the truth and Winnie Mandela was involved in the assaults.

However, according to the witnesses, Winnie was not involved in anything that followed.

# Cillie strike inquiry hears of bribes for merit awards

Pretoria Correspondent  
A teddybear, cake and several bottles of brandy are alleged to have changed hands in return for merit awards at the Ga-Rankuwa Hospital, the Cillie Commission has heard.

The commission is investigating the causes and consequences of strike action at the hospital in April this year.

A senior clerk and a member of the Ga-Rankuwa Hospital's workers' committee, Ernest Mothabela, testified yesterday he had seen colleague Thomas Mayambo carry cake and a container into the office of the senior administration clerk, H Swanepoel.

When asked what was in the container, Mr Mayambo said it held brandy and juice which he was giving to Mr Swanepoel because the senior administration clerk had promised him a merit award.

Mr Mayambo received a merit award along with several other clerks a week later, said Mr Mothabela.

Earlier, another member of the workers' committee, Jerry Ndlovu, testified that Mr Mayambo had "bought" himself the merit award with a teddybear and some money.

Mr Swanepoel's legal representative, C H Fourie, said his client

would deny any allegations of bribery arising from the presentation of merit awards.

He put it to Mr Mothabela that he had got his times mixed up and that Mr Mayambo was celebrating already having received the award.

Both Mr Swanepoel and another official — deputy-director, administration, A J Boshoff — have been accused of being racists who bullied their subordinates.

The Transvaal Provincial Administration's refusal to suspend the two officials pending an inquiry into their conduct is alleged to have sparked the strike.

The hearing continues

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## Newspaper gears up for libel case

By Carina le Grange

Vrye Weekblad yesterday secured the services of senior lawyers to represent it in the case in which the chief of forensic laboratories of the South African Police is suing the newspaper for R1 million for defamation.

General Lothar Neethling's claim arose from the exposé in the weekly newspaper in November last year of alleged police hit squads and poisoning of political opponents.

Vrye Weekblad editor Max du Preez said yesterday Bobby Levine, SC, and Frans Rautenbach, instructed by Bell, Dewar and Hall, will represent his newspaper.

In the process of gathering funds to secure legal counsel, Mr du Preez last week sent a letter to Home Affairs Minister Gene Louw asking him to pay back the deposit of R30 000 the newspaper had to pay on registration.

The case will be heard in the Rand Supreme Court on November 12.

# SA could be in the 1996 Olympics - Ramsamy



SAM RAMSAMY

LONDON - South Africa could be invited to take part in the 1996 Olympic Games after more than 30 years of exclusion because of its race policies, a leading anti-apartheid sports official said yesterday.

Sam Ramsamy, chairman of the London-based South African Non-Racial Olympic Committee, said he had visited the country and found evidence it was

ready to be brought back into the Olympic movement. "I am optimistic," he said "I think this optimism is shared by many people in South Africa."

Ramsamy said he found that black and white sports governing bodies were "either beginning to unite or considering unity".

The last time South Africa partici-

ated in the Olympics was at the Rome Games in 1960. It was then barred from Olympic competition because of its apartheid policies

Ramsamy, who returned to his native South Africa for the first time since 1972, was compiling a report for the Association of National Olympic Committees of Africa, whose approval is needed to readmit South Africa

He said his findings would be discussed at a meeting of the International Conference against Apartheid in Sport on September 4 in Stockholm.

Anoca would then meet South African sports officials in Harare on November 3 and 4 to consider the report

The IOC has indicated it would be willing to reverse its ban on South Africa - Sapa-Reuter.

*Gov. 21/8/90 252*

# Violence has cost R290-m, probe told

Sowetan 21/8/90

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**POLITICALLY** motivated violence has cost the country more than R290 million in damage to property in the past six years, according to SAP public relations chief Major-General Herman Stadler.

Stadler told the Harms Commission yesterday that 51 682 unrest-related incidents between September 1984 and April 1990 had claimed 4 529 lives.

Another 801 people had been murdered by the so-called "necklace" method.

During the same period, 20 581 buildings and 29 032 vehicles had been destroyed or damaged.

Terrorist attacks had claimed the lives of 240 people from 1977 to April 1990, while 224 suspected terrorists had been killed.

Stadler said during this

## SOWETAN Correspondent

time, 1 412 acts of terrorism had been recorded, of which the ANC had claimed responsibility for at least 154, including the Church Street car bomb in 1983 which claimed the lives of 18 people.

Another 12 incidents could be attributed to the ANC on the grounds of statements made in the official ANC mouthpiece, *Sechaba*.

Although the ANC had signed the Geneva Convention in 1980, binding itself to attacks on so-called "hard" (military) targets, the distinction between soft and hard targets had disappeared after the organisation's second National Conference in Kabwe, Zambia, in 1985.

"According to the ANC's approach, all individuals who are members of the system, for instance

black councillors and border farmers, are regarded as legitimate targets even though they are civilians," Stadler said.

The ANC has opted not to contest Stadler's allegations, saying they were based on inadmissible evidence as they had not "been freely obtained".

In another development, a top Military Intelligence officer told Mr Justice Louis Harms he was not fully conversant with the facts in his affidavit but believed nevertheless that the ANC had been responsible for violence.

ANC legal representative Mr George Bizos, QC, told Harms that Stadler, the SAP's top expert on the organisation, had provided "inadmissible" evidence on atrocities alleged to have been carried out by the ANC.

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# Hit squads case to hear evidence

THE South African Supreme Court yesterday granted an application by *Vrye Weekblad* and the *Weekly Mail* for a commissioner to be appointed to hear evidence from rebel former policeman Dirk Coetzee in London.

This concerns allegations about the role of SAP forensic expert Lt-Gen Lothar Neethling in alleged hit squad activities. *Durban 22/8/90*

Neethling is currently suing both newspapers for R500 000 each following the publication of Coetzee's allegations that the forensic expert provided poison to kill the dogs of Durban attorney M. Griffiths Mxenge shortly before he was assassinated.

Evidence has been tentatively scheduled to be heard on October 8.

Mr Justice F Roos presided. *Sapa*

# Defiant Hani won't leave SA

From MONO BADELA — Chris  
JOHANNESBURG. — Chris  
Hani, Chief of Staff of Umkhonto  
we Sizwe, has vowed to defy  
the government and remain in  
South Africa despite the with-  
drawal of his temporary indemnity.

In a telephone interview from  
Umtata, Hani said  
"I am here to stay and I will not  
move or leave the country until I re-  
ceive instructions from my organisa-  
tion."

Earlier in the week the State Presi-  
dent, Mr F W de Klerk, withdrew the  
temporary indemnity of top ANC  
leaders Mac Maharaj, Ronnie Kasrils  
and Chris Hani, saying their conduct  
had not been conducive to peace.

De Klerk also announced his inten-  
tion to push for a comprehensive  
suspension of the armed struggle, in-  
cluding the ANC's mass mobilisation  
campaign.

In response Chris Hani said: "I can't  
understand why the three of us were  
earmarked"

Hani said he was being used as a  
"scapegoat" by the government.  
He said Umkhonto we Sizwe was  
legal in South Africa and he would  
continue to wear his combat uniform.

## Propose

"I will continue to participate in the  
struggle until my people are free,"  
Hani said.

Hani, who says that the government  
is yet to substantiate its allegations  
against him, intends to continue to  
work inside the country.

The ANC is expected to propose  
Hani to serve as one of its  
representatives on the Joint Working  
Group with the government to  
resolve outstanding questions arising  
from the suspension of armed  
struggle.

The group is supposed to meet later  
this week.

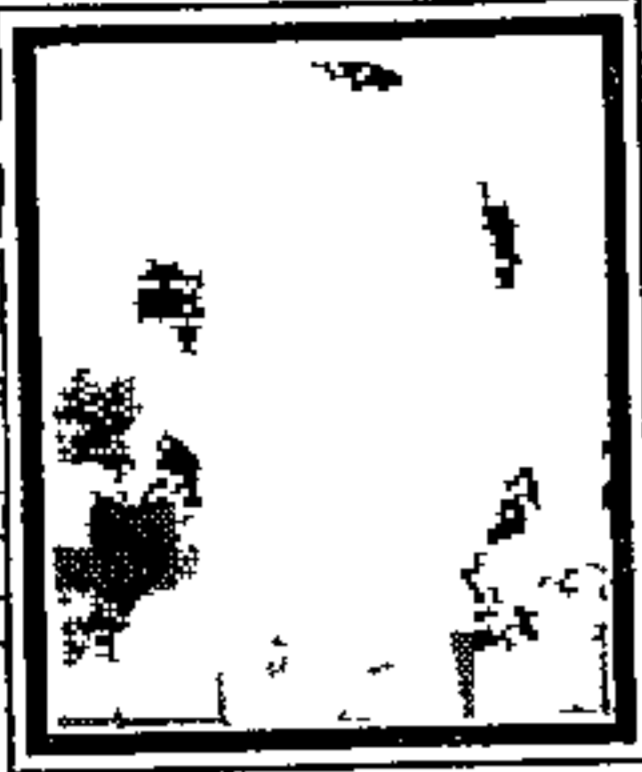
The ANC views the government's  
refusal to renew the indemnities of the  
three as creating a potentially serious  
problem in the process of removing  
obstacles to negotiations.

The SACP is also demanding the  
immediate and unconditional release  
of Maharaj and all other detainees.

A campaign for the release of all  
political detainees is due to begin this  
week.

Meanwhile police are continuing  
their investigation of charges of high  
treason against Hani.

# Probe recalls Ribeiro slayings



## HARMS PROBE INTO HIT SQUADS

FORMER Selous Scout Noel Robey, tried and acquitted in connection with the death in December 1986 of Dr Fabian and Mrs Florence Ribeiro in Mamelodi, was a member of the Civil Co-operation Bureau and operated under the administrative name of L Kirby.

The Harms Commission investigating politically motivated violence was told in Pretoria yesterday by the commission's investigating officer, Lieutenant Colonel John Wright, that in February and March this year he found documents at CCB headquarters which linked a motor vehicle to Robey.

He also found various other documents authorising payment to Kirby. Wright said at an identification parade to try and find Dr and Mrs Ribeiro's killers, two people with beards had been pointed out while Robey had appeared at the parade clean-shaven. Wright then intro-

duced a photograph of Robey on a firearm licence application form in which he appeared with a full beard.

He said bank records had shown a number of payments into his account of between R6 000 and R13 500 and a letter saying a Mr and Mrs Robey would be in Europe for the next six months.

Wright said he had established that Robey was living in London.

The commission was also told that CCB documents for the period around December 1986, when Dr and Mrs Ribeiro were shot dead in their Mamelodi home, had been destroyed.

Mr Brian Curran of Lawyers for Human Rights started yesterday's session, which is specifically looking at the Ribeiro murders, and told the commission Ribeiro had been the subject of surveillance by the Security Police in 1985 and 1986 - Sapa



# Campus hunger strike

South 23/8 - 29/8/90

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STUDENTS at the Uppington College of Education have embarked on a hunger strike to demand that a proper campus be built.

They have been angered by the "poor response" of the Minister of Education in the House of Representatives, the Reverend Allen Hendrickse who had promised them a new building.

The Students Representative Council of the college announced in a letter on Wednesday that 15 students would continue the hunger strike until Hendrickse came to a meeting to explain what happened to his promise.

## Warned

They are also demanding that the Department of Education and Culture answer in writing before August 27

Last week, more than 100 students picketed in protest against Hendrickse's "intransigence"

They were arrested on charges of participating in an illegal gathering and warned to appear in court

The students also intending holding a protest march in the town on Friday

The college is presently operating from the Louisvale Senior Secondary School near Uppington

They were told this was a temporary measure. Apart from an announcement last year that R47-m has been set aside to build a new college, students have not been informed of their future

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NEWS

# Hint of ANC disquiet over Winnie

By Kaizer Nyatumba,  
Political Staff

The ANC would not comment yesterday on rumours of dissatisfaction in ANC circles about Winnie Mandela's appointment as head of the organisation's social welfare division

Mrs Mandela, wife of ANC deputy president Nelson Mandela, was last week appointed "by the entire national execu-

tive committee" as head of the ANC's social welfare department, and her prime responsibilities would be dealing with returning exiles, according to ANC spokesman Gill Marcus.

"We are not commenting on any other aspects We are just confirming Mrs Mandela has been appointed to the job," Ms Marcus said

Mrs Mandela, a social worker by profession, was "suitably qualified for the job in terms of skills", Ms Marcus pointed out.

Since the news of Mrs Mandela's appointment was broken this week, rumours have been rife that some people in ANC and Mass Democratic Movement (MDM) circles were extremely unhappy about the appointment.

The MDM last year publicly denounced Mrs Mandela and called for her isolation in the wake of controversy surrounding the murder of child activist Stompie Seipei.

● The ANC has never booked some of its members into the Mayfair, Johannesburg hotel where an explosion occurred this week, ANC spokesman Gill Marcus said

252 (7) (8)  
**Date is set for <sup>Apr 24 8/90</sup>  
R5,5-m fraud trial**

Austrian businessman Rainer Moringer and a co-accused were told in the Rand Supreme Court yesterday that their trial on charges of fraud involving R5,5 million would start on February 26 next year.

Mr Justice P J Schabert earlier this week ordered the State to provide — by August 31 — Mr Moringer (48), former manager of Ciskei Aircraft Industries, and Ulrich Leitich (49), an Allied Bank divisional manager, with further particulars about their alleged offence.

The men are charged with fraud, alternatively contravening the foreign exchange regulations. It is alleged that they obtained financial rands through false pretences. Both remain on bail — Staff Reporter

# Protests lead to 70 arrests

Staff Reporters

More than 70 people were arrested in South Africa yesterday for taking part in protest action organised by the ANC, Cosatu and the UDF to demand the release of section detainees and ANC/SACP leaders, an ANC spokesman said.

A spokesman for police headquarters in Pretoria, Major Reg Crewe, confirmed 57 arrests

ANC regional representative Trevor Manuel was one of those arrested and was among a group who elected to stay in jail rather than pay R100 bail. They are being held at the Table Bay Police Station.

In East London, 10 people

24/8/90 (252) were arrested for carrying mock AK-47s, and in the eastern Transvaal 17 people were arrested for holding an unlawful gathering.

The "national day of action" took the form of marches, sit-ins, pickets and rallies. Memorandums calling for the release of detainees were handed to police.

A security guard was shot and wounded in the neck when between 8 000 and 10 000 marchers returned to Mangaung after a lawful protest in Bloemfontein.

The ANC said marches and detentions occurred in Johannesburg, Pretoria, East London, the western Cape, Kimberley, Welkom, Bloemfontein and Theunis-

sen. Police prevented demonstrations in Witbank and Mamelodi.

In Johannesburg, United Tobacco Corporation workers held a demonstration outside the company.

● About 16 000 people heeded a stayaway call in two major centres in Gazankulu yesterday.

● At Thabong, near Welkom, about 500 youths marched to the Jan Hofmeyr Police Station to demand the release of all political detainees.

● Umkhonto we Sizwe chief of staff Chris Hanu said in Umtata yesterday that he regarded the question of his indemnity as irrelevant and would not take orders from Foreign Minister Pik Botha

FIM 2418/90  
their leaders becomes impossible" ~~(252)~~  
Since resigning from his official position with the KwaZulu government and Inkatha (*Current Affairs* August 17), Dhlomo has been setting up the Institute for a Multi-Party Democracy. ■

THE LAW FIM 2418/90

### To err is easy (252)

"Judicial vanity cannot have greater weight than eliminating mortal error" — the words of a top legal academic, criticising the judges president of the Transvaal, Cape and Natal for opposing suggested reforms to the death penalty.

Prof Etienne Murenik, acting Dean of the Law Faculty at Wits University, says he believes judges will no longer be able to "take shelter behind the notion of mandatory or absence of proof of extenuating circumstances. Now they have to take responsibility for their decisions."

Murenik believes the incidence of the

FIM 2418/70  
death penalty being imposed will decline significantly. He criticises government for not announcing a general reprieve after conceding that "mortal doubt is anathema," he says, "it retains fallible judges to impose the sentence of death" (252)

Justice J P Munnik, Judge-President of the Cape, lodged objections on behalf of all the judges president, except Justice Smuts of the Free State, to the new regulations, objecting to the "emasculatation" of the trial court.

Says Murenik: "The (previous) system would be preferable, (Munnik) seemed to suggest, to putting the trial judge through the trauma of deciding on the death sentence and passing it, 'only to hear, later, that it had been set aside, not because he erred in the exercise of his discretion, but because two or three other judges in the Appellate Division take a different view on the sentence.'" Murenik says that instead, judges should be able to accommodate "with dignity" the fact that they are mortal and can make errors, and that their decisions will be subject to closer scrutiny.

The proposed legislation would make it impossible for the Appeal Court to increase a sentence, it removes the necessity to prove extenuating circumstances, abolishes the mandatory death sentence, removes house-breaking from the list of capital offences, and restricts capital punishment for treason to "a state of war." There is an automatic right of appeal and a compulsory system of executive review. FIM 2418/90

A review board — to determine whether those now on Death Row would have received the same sentence under the new legislation — has still to be established, according to the Department of Justice. There are now 326 people sentenced to hang.

However, there still appears to be some confusion about whether the 50-plus "political prisoners" on Death Row will be subject to the criteria of this review board, or will be released as political prisoner as defined by the Pretoria Minute. The first political prisoners to be released in terms of the Minute will walk out of jail on September 1 — but the Justice Department says it does not yet know which prisoners, nor from which prisons. (252) Charlene Smith

30 w/Jan 24/8/90

## Move is realistic - lawyers

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THE transfer of one of the "Uppington 14" - Evelina de Bruin - from Death Row in Pretoria to Uppington reflected a realistic attitude on the part of the prisons authorities and the Government, Lawyers for Human Rights said in a statement yesterday.

De Bruin, one of the "Uppington 14" sentenced to death last year, was moved to Uppington Prison on Saturday, pending an appeal against her sentence.

The LHR welcomed the step because it "reflects a realistic attitude on the part of prison authorities and the Government as De Bruin and her co-accused will no doubt form part of a general amnesty for political prisoners outlined in the Pretoria Minute".

"This move comes after she had spent approximately 200 days as the only woman in South Africa on Death Row after the execution of Sandra Smith on June 2 1989," the statement said. - Sapa

## Lawyers query charge after labourer's death

GAYE DAVIS Cape Town

STELLENBOSCH attorneys have asked the town's public prosecutor to explain why the manager of a wine estate has been charged with culpable homicide — rather than murder — following the fatal assault of a worker.

Attorney Roger Chennels said yesterday he was still awaiting a response.

Rudolph Rix, employed by the Koopmanskloof Wine Estate, is expected to appear in the Stellenbosch regional court today in connection with the death of Charlie Thompson on May 18 last year. He has also been charged with three counts of assault with intent to commit grievous bodily harm.

Thompson was among a group of workers allegedly attacked while asleep in a hostel on the farm Watergang. He later died of his injuries.

Chennels told *The Weekly Mail* a civil claim arising out of the assault was pending against the owner of Koopmanskloof, Steve Smit.

## Upington accused is moved back home — to a new cell

By GAYE DAVIS, Cape Town

AFTER 15 lonely months as the only woman on Death Row Evalina de Bruin, the 55-year-old accused in the Upington 14 trial, is back home — although still a prisoner.

De Bruin, one of 14 residents of Pabalello township sentenced to death in May last year for the 1985 murder of a municipal policeman, was transferred from Pretoria Central to Upington Prison last weekend on compassionate grounds.

Her 19-year-old son Johnny told said yesterday he had already seen his mother and that she was in good health and happy to be nearer home and family. "But we wish that all 14 could be free," he said.

De Bruin's attorney, Sandra Lie-

benberg, said the decision to transfer her followed representations made to the ministry of justice by Democratic Party MP Dave Dalling.

"It is a unique decision in the sense that it is very unusual for Death Row prisoners to be transferred to another prison — especially one near their homes," Liebenberg said.

De Bruin, who is barely educated, experienced enormous stress while on Death Row and pined for her 10 children, particularly the two youngest, Tutu (14) and Mbulelo (16).

But an application during October last year for her release on bail — on grounds of her advanced age, poor health, isolation and severe psychological strain — was unsuccessful.

Liebenberg said yesterday the other

trialists on Death Row — who include De Bruin's common-law husband, Gideon Madlongolwana (64) — were concerned that their appeal, scheduled for this month, had been delayed.

She believed a "voluminous court record" and changes to death penalty legislation were factors in the delay.

The amendments to the Criminal Procedures Act mean a judge is no longer compelled to impose the death penalty in the absence of extenuating circumstances, and an appeal becomes automatic.

In the case of the Upington 14, convicted under the controversial common purpose doctrine, the trial judge refused leave to appeal, but it was granted on appeal.



safety of these patients. It is in the public interest to know what is happening with the missing had been diagnosed as a manic depressive and had been in and will be tackling this subject in depth tomorrow night

## Rightwingers, Wits student in court

FOUR rightwingers, who were allegedly responsible for five bomb blasts in Johannesburg recently, and a leftwinger, allegedly responsible for two bomb blasts, appeared in the same Johannesburg Regional Court yesterday

The four rightwingers appeared on a charge of terrorism and six alternative charges. The men are the former AWB chief in Johannesburg, Leonard Veenendal (24), Darryl Stopforth (23), Craig Barker (21) and Arthur Archer (29). The case against a fifth man, Eugene Becker (28), was withdrawn.

The men are to stand trial on a charge of terrorism and alternative charges including the causing of explosions, attempted murder, causing malicious damage to property, intimidation and the possession of explosives and ammunition.

Their case was postponed to September 7, when

~~344~~ (91) ~~252~~ 5/24 25/8/90  
**CELESTE LOUW** (252)

they will apply for bail.

Immediately after the rightwingers' appearance, Mr Jeremy Seebers, a student at Witwatersrand University, appeared in a separate case.

Mr Seebers, son of Unisa economics professor Anthony Seeber, was also detained in terms of Section 29 of the Internal Security Act.

He is to stand trial on a charge of terrorism and four alternative charges, including attempted murder, the causing of explosions and causing malicious damage to property.

It is also alleged that Mr Seebers underwent military training with the ANC and that he had been involved in the importation of explosives.

His case was also postponed to September 7 when he will apply for bail.

# WATERGRAND ATTORNEY-GENERAL MANDALA'S DECISION



## Any action must be judged on evidence. All other factors are peripheral, says AG

STW 26/8/90

By MARK STANSFIELD

**THE MAN** who will decide whether to prosecute Winnie Mandela, Witwatersrand Attorney-General Klaus von Lieres, will not hesitate to press charges if investigations indicate complicity in the murder of activist Stompie Moeketsi Sempel.

Speaking at length for the first time about the controversial case, Mr Von Lieres insisted that he was not vulnerable to political pressure.

"I'm not known for dragging my heels, and I'm not unaccustomed to making unpopular decisions," he said bluntly this week as he waited for one of South Africa's hottest political potatoes to land in his lap.

"The police have been instructed to re-investigate allegations made during the Jerry Richardson trial



OLD FRIENDS . . . Winnie Mandela with child murderer Jerry Richardson

regarding Mrs Mandela's alleged implication in the murder of Stompie Moeketsi Sempel. If such investigations show just cause for prosecution I will do so."

Richardson, coach of the notorious Mandela football team, was sentenced to death this month for the murder of teenage activist Stompie Sempel after a sensational trial.

Mr Von Lieres said he was aware that his decision over-

Mrs Mandela could have grave political, social and economic implications for South Africa but he insisted he was under no political pressure over the decision.

"Political pressure is a factor but not a material one," he said.

"Material factors are the evidence, involvement in a particular crime and what the facts, the circumstantial evidence, say.

"Anything else — the social, economic and political interest — can only be peripheral," he said.

He pointed out

"I successfully prosecuted Hilbrow MP Leon de Beer for fraud . . . if I was under anybody's political heel would I have been able to do that?"

### Unpopular

Mr Von Lieres continued "On the Winnie Mandela issue I will make a decision and stand by it. I am not concerned by suggestions of bias because there is no real substance to that.

"Government officials — including MPs — do contact me and attempt to pressure or persuade me to make certain decisions. It is their right to try to do so, just as they have the right to try to persuade private bodies to make

### Witwatersrand Attorney-General Klaus von Lieres

director's decisions.

"Many of the decisions I have taken have been very unpopular. There was one time when I myself had to prosecute a policeman just to show that you won't die for charging and prosecuting a government official.

"I think this office's record stands by itself. We have prosecuted government officials and right and left wingers."

Mr Von Lieres added "Believe me, there were times when I have prosecuted someone with very little to stand on and the prosecution has been successful.

"I was the first man to prosecute a security policeman for the killing of a detainee.

"I have prosecuted policemen, a Member of Parliament, right wingers and those to the left of the political spectrum.

"If there is just cause for prosecution I will prosecute — regardless of political persuasion."

The police have not yet

There is lots of evidence to read through first," he said.

Mr Von Lieres' family is of Austrian aristocracy descent.

"My parents came from near Breslau in Poland and immigrated here in the 1920s," he recalled, proudly showing a ring embossed with the family crest.

He was born in Somerset West and attended a "farm school" at Sir Lowrey's Pass, then primary school in Van Ryn's Dorp.

He attended the German School in Cape Town until Std 8 and completed matric at Van Riebeeck High School in Cape Town.

"Law as a career was an accident," he admitted.

### Interesting

"I attended Stellenbosch University and took mostly commercial subjects, then left in my third year and became a clerk in the civil court in Cape Town.

"I found law interesting and was granted a bursary to complete an LLB," he said.

# Terror trial delayed after escape

By DAN DHLAMINI  
26/8/90

THE terrorism trial of alleged Azanian National Liberation Army (Azanla) cadre and six others was postponed this week because Mokonyanya escaped from police custody.

He fled after police re-arrested him in court where he and a co-accused were granted bail. The break-out has delayed a court case for 11 months.

This week lawyer Moss Mavundla, who represents the accused, told the Klerksdorp Regional Court he had been informed by the local station commander that Mokonyanya escaped in May.

The State alleged the seven were members of the Black Consciousness Movement (BCMA) of Azania plus its military wing Azanla and underwent military and political training in several countries with the aim of violently overthrowing the government.

The State also alleged that Dorris Thako, 18, of Soweto - the only woman in the group - was a platoon commander between 1986 and 1988.

It alleged that Lawrence Kondile, 22, of Port Elizabeth, was head of the intelligence and military committee of the BCMA and acted as an instructor for military training. The magistrate postponed the case until October 22 and a warrant for Mokonyanya's arrest was issued.

The other four are Matikela Mashiqana, 27, of Port Elizabeth; Patrick Nthako, 24, of Welkom; Nelson Joyi, 27, of Port Elizabeth and Simon Ndlovu, 18, of Soweto.

Govt announcement on

Star 28/8/96  
inquiry expected soon

(25) ~~(25)~~ ~~(25)~~ ~~(25)~~  
The Government will make an announcement this week about the Goldstone Commission of Inquiry into the police shooting of black protesters on March 26.

A spokesman for President de Klerk — who has had the report for some time — said he was not sure if the announcement would be the release of the report or commentary on it. — Political Staff.

# Hotelier denies report on 'sex, drug den'

By Norman Chandler

A Johannesburg hotelier yesterday denied he had ever been deported from Zambia or that one of his hotels had been used as a "sex and drug den".

Greek millionaire Alexander Kavouras told a South African Media Council inquiry in Johannesburg that he had been defamed by the Sunday Star. He also denied that the SA Defence Force's covert Civil Co-operation Bureau (CCB) had used his hotel for secret "funny meetings".

## Breach of code

The Sunday Star has denied Mr Kavouras's claims. Mr Kavouras, who owns the Quirinale and Park Lane hotels in Hillbrow, Johannesburg, brought the complaint on the grounds that a report in the Sunday Star edition of February 25 was a breach of the Media Council's code of conduct. He claimed the report was "not truthful, accurate and objective", it was not balanced, the facts were untrue, no attempts had been made to verify the correctness of what had been published, and the newspaper had "refused to rectify the matter spontaneously and without reservation or delay".

The inquiry, which has been adjourned until October 19, is being heard by Mr Justice GPC Kotze, assisted by a panel consisting of Professor SAS Strauss of Unisa, Sapa editor Edwin Limington, Professor Arrie de Beer of Potchefstroom University, and Potchefstroom newspaper editor S Hoogenboezem.

Mr Kavouras is represented by Allan Levin, of Allan Levin and Associates, and the Sunday Star by Peter Reynolds, of Webber Wentzel.

The hearing was attended by the Star's deputy editor in-chief Rex Gibson and Sunday Star editor John Hildyard.

Mr Levin told Mr Justice Kotze that as his client had had no formal education in English, it was necessary for him to assist Mr Kavouras in analysing the article which had allegedly defamed his client.

Mr Kavouras told the inquiry he had never met the reporter who had written the article, Jajane Lazarus.

Miss Lazarus had, however, telephoned him to ask whether he knew a man named Staal Burger, a retired police colonel and a former commander of the Brixton Murder and Robbery Squad.

Mr Burger was, according to evidence led before the Harms Commission, regional manager of Sector 6 of the CCB and, according to evidence led before the Media Council, was general manager of the Park Lane Hotel.

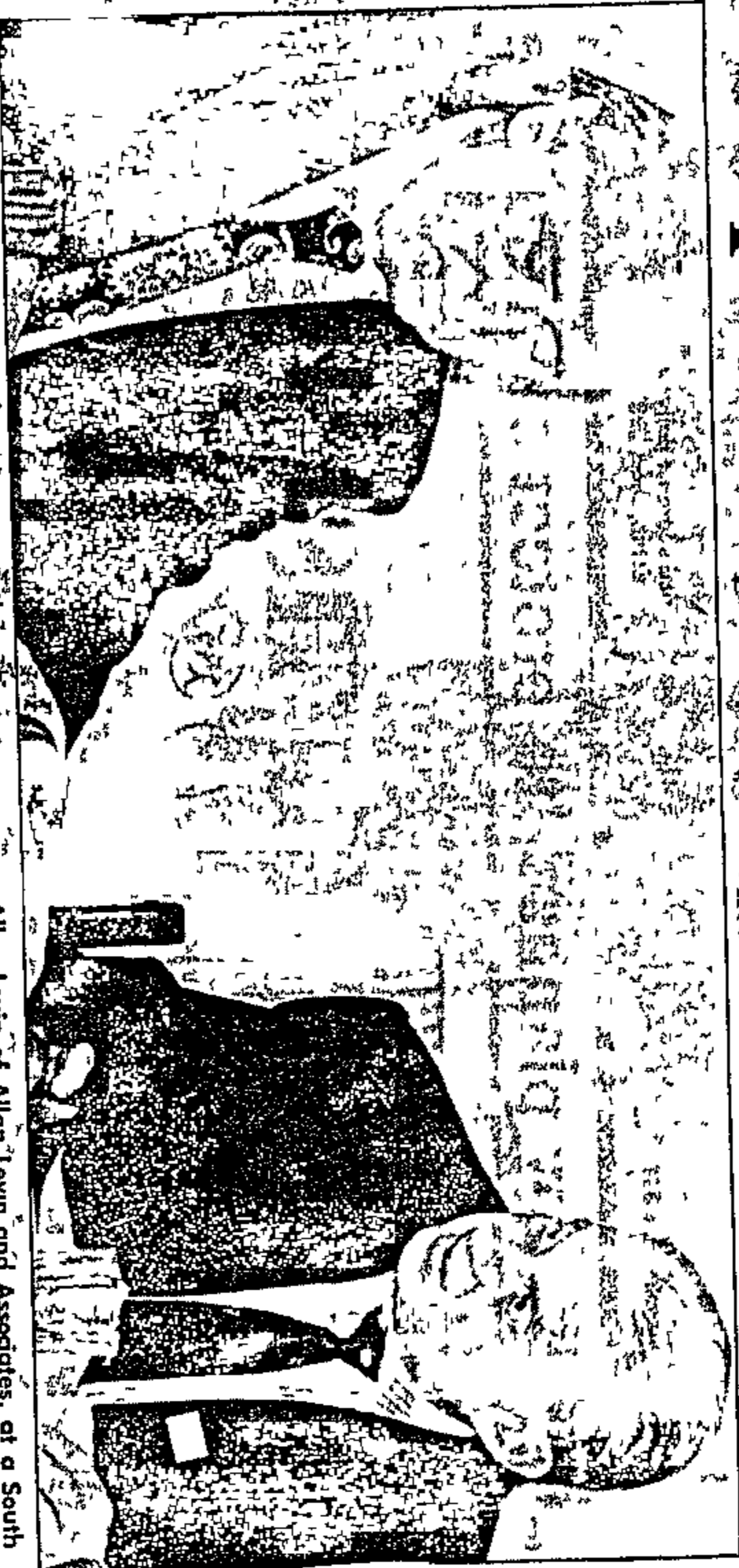
"Nothing that appeared in the Sunday Star article was ever discussed with me," said Mr Kavouras.

Questioned by Mr Levin on his links with Zambia, Mr Kavouras denied he had ever been deported from that country.

## Ordered out

The inquiry heard that the Sunday Star had contacted Zambian lawyers and on July 23 this year had heard that Mr Kavouras had in fact been served with a deportation order in December 1985.

Mr Kavouras again denied he had ever been deported from Zambia or been involved in drug activities. He conceded, however, that he had left Zambia in December 1985 after his temporary residence permit had expired.



Greek millionaire Alexander Kavouras (left) consults with his attorney, Allan Levin of Allan Levin and Associates, at a South African Media Council inquiry yesterday into a report published in the Sunday Star.

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# FW statement on Goldstone report

PRETORIA — President F.W. de Klerk will make an announcement regarding the report of the Goldstone Commission of Inquiry's findings on the March 26 Sebokeng shootings before the end of the week, a spokesman from the President's office said yesterday. *B Day 28/5/90*

The Sebokeng shootings took place after a 5 000-strong UDF gathering, intent on marching to Vereeniging, was stopped by police near the Sondela brewery.

EDYTH BULBRING

while seven others were shot dead in incidents in the area. More than 280 people were injured.

The President's spokesman could not elaborate on the nature of the announcement or whether the report would be published this week. *(252)*

An announcement on the report had not been made earlier because of the violence on the Reef during the past fortnight.

# Ombudsman role seen for advocate-general

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6 10am 28/8/90

PRETORIA — Statutory provision for the advocate-general to fulfil an ombudsman function was contained in the draft Bill to amend the Advocate-General Act now before Parliament.

Advocate-General Mr Justice P J Van der Walt said yesterday at the SA Public Service Quo Vadis symposium that the need for an office similar to that of the ombudsman had long been felt in SA.

Since the promulgation of the Act in 1979 there had been unceasing efforts from public and private sources to establish such an office in SA.

Mr Justice van der Walt said no fewer than four draft Bills — in 1984, 1986, 1989 and last year — had been prepared to amend the Act.

The 1990 draft had been introduced in Parliament for debate and hopefully for promulgation during the 1991 parliamentary session.

## GERALD REILLY

Mr Justice van der Walt said the role of the Press could not be stressed enough.

Publicity of incorrect or prejudicial administrative procedures or decisions brought these issues under public scrutiny.

The majority of complaints submitted to him concerned real or imagined difficulties which the public had with administrative procedures and decisions.

The level on which it was planned for the advocate-general to operate was sufficient to give him all the competence of an ombudsman in the accepted sense.

As in the case of improper or unlawful enrichment, the investigating field of the advocate-general in the case of unlawful prejudicing of a citizen would be unlimited.

This was much wider than was the case in most most ombudsman-type institutions, he said.

Where the emphasis of the current legislation fell on the unlawful or improper enrichment at the cost of the state, the emphasis in the draft Bill fell equally strongly on the unlawful or improper prejudicing of the citizens.

This was a sound shifting of emphasis, he said.

The draft Bill also made provision for investigations of mismanagement of state affairs which could lead to the prejudice of the state or public, he said.

In terms of the draft Bill, a citizen could have a well-founded complaint concerning administrative procedures or decisions set right by way of recommendation without the need for costly recourse to the courts, Mr Justice van der Walt said.

FW should have report soon

LINDEN BIRNS

THE report by the Harms Commission of Inquiry will probably be presented to President F.W. de Klerk during the third week of September, sources close to the commission said yesterday. Although Mr Justice Louis Harms has the discretion to keep his report confidential, yesterday sources said, informed chances were strong that he would make his findings public once they had been submitted to the President. Last week the commission heard evidence on the alleged involvement of the Civil Co-operation Bureau (CCB) in the December 1986 double murder of Mamelodi doctor Fabian Ribero and his wife Florence CCB MD Joe Verster was called to testify but failed to make an appearance, to the astonishment of Mr Justice Harms and the CCB's legal representatives. Verster did tender an affidavit on the subject of the CCB's involvement in the murders, but Mr Justice Harms said the affidavit did not answer all the questions.

Subpoena

The judge wants to know why the CCB paid the legal costs of CCB operations and former Rhodesian Selous Scout Noel Robey, initially implicated in the murders, but cleared at a preliminary examination. The commission could not examine Verster as it was not known where he was, commission secretary Chris Erasmus said yesterday. Erasmus said he doubted whether Verster had been pumped off by a policeman Brian Ngqulunga, who testified before the commission, was found dead in the veld near Garankuwa, Bophuthatswana. Verster failed to come forward and testify, the commission was entitled to draw its own inferences from Verster's affidavit on the CCB's involvement in the murder, Erasmus said. Erasmus, who is in London, could face extradition if the Attorney-General's office decides to proceed with a criminal trial. "He is an SA citizen, so extradition is no problem," said Erasmus.



## Judge refuses application for discharge of murder accused

01/09/90 29/8/90 TIM COHEN

(252)

A RAND Supreme Court judge yesterday refused an application for the discharge of Charles Bongani Zwane, who is alleged to have killed 11 people, including a person he believed killed a member of the Mandela Football Club.

At the close of the State's case, defence council advocate D Jacobs applied for Zwane's discharge, saying evidence led by the State did not show the crimes had been committed by his client.

Mr Justice Vermooten refused the application.

Apart from the alleged murders, Zwane is charged with 22 counts of attempted murder, one of arson and four of illegal possession of firearms arising from shooting incidents in Soweto from December 1988 to April 1 last year.

During cross-examination yesterday, Zwane claimed he had met another person, allegedly involved in the crimes, at a braai at Winnie Mandela's Diepkloof home. Zwane said he was invited to the braai by Winnie Mandela's daughter Zinzi or by another person living at the house. He said he had visited the house regularly before this time.

The case continues.

# Goldstone inquiry <sup>(252)</sup>

The Government will make an announcement this week about the Goldstone commission of inquiry into the police shooting of black protesters on March 26 this year.

A spokesman for President de Klerk said he was not sure if the announcement would be the release of the report or commentary on it.

The Goldstone report has been in Mr De Klerk's hands for some time.

*01/18/90  
90 refer 29/18/90*

August 30, 1990

30/8/90

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# Uproar after sentencing in Maritzburg

MARITZBURG — Pandemonium broke out in the Maritzburg Supreme Court yesterday after a youth, found guilty on multiple counts of murder, was sentenced to seven terms of life imprisonment and an additional 32 years in jail.

Police had to intervene after a crowd, many of whom were Imbali residents whose relatives were murdered by the youth, hurled abuse at him and attempted to rush at him.

The trouble started just after the judge had left the court after passing sentence.

The youth raised his fist and shouted "Amandla!"

When he got no response from the public gallery he shouted "You know me. How many people have I killed?"

At this point the crowd rose and some of the women started shouting at him.

The situation was brought under control by police.

Until yesterday, members of the public had been barred from the hearing because of the youth's age, which was given as 17 years.

This was, however, rejected yesterday by Mr Justice Wilson when passing sentence. He said he was satisfied that the youth's age was "between 18 and 19" as medical reports had indicated.

He however accepted that the youth was under 18 when he committed the murders.

Mr Justice Wilson described the youth as "an extremely dangerous person who killed without any reason".

The youth was sentenced to life imprisonment for each of the seven murder convictions.

He was also sentenced to seven years for each of the attempted murder counts and two years each for two counts of assault with the intention to inflict grievous bodily harm.

Mr Justice Wilson said he had taken into account that the youth had grown up under circumstances which could not have assisted him in becoming a respected member of the community.

The court had earlier heard evidence that the youth's father was "a jailbird" and his mother was "in and out of jail".

The judge said that there was no reasonable prospect of the youth being reformed.

Mr Justice Wilson said he was also disturbed by the fact that the youth had reportedly committed the crimes accompanied by a young boy.

"I shudder to think what his influence might have been to the young boy," he said — Sapa

●Police seek details — Page 6

# Zwane: I wasn't even there

By Adam Gordon

Alleged multiple murderer Charles Zwane (22) said in the Rand Supreme Court yesterday that he had been present at only one of the four incidents which had led to the 38 charges he is facing

Earlier, the judge rejected a defence application for the dismissal of all charges after the State had closed its case.

Mr Zwane is charged with 11 counts of murder, 22 of attempted murder, four of illegally possessing firearms and ammunition, and one of arson. He has pleaded not guilty to all charges.

Mr Zwane said the only incident at which he had been present, or in which he had been in-

30/8/90 252 872  
volved, was the throwing of a hand grenade into a shebeen in Orlando West, Soweto, on April 1 last year

The grenade had been thrown by an acquaintance, Sonwabu, he said

Mr Zwane said he had first met Mr Sonwabu at a braai at Winnie Mandela's home in Orlando West in December 1988.

He acknowledged that he had been a regular visitor at Mrs Mandela's home during that period. He also knew that Mr Sonwabu had received military training outside the country.

Mr Zwane said State witnesses' claims that he was, or had been, a member of the Mandela Football Club and the ANC were "lies".

# Police seek judgment details

Mar 30/8/90  
Own Correspondent

DURBAN — The SAP is to obtain the text of the judgment by Mr Justice Wilson in the Maritzburg Supreme Court this week when he convicted a 17-year-old of seven counts of murder.

The judge praised, and criticised, the actions of certain policemen who had investigated the killings.

Lieutenant Bala Naidoo, police public relations officer for Port Natal, said the SAP had taken note of the judgment and would immediately obtain a text of the judgment for an inquiry.

In his judgment, Mr Justice Wilson praised the actions of the final investigating officer in

the case, a Lieutenant Marrion, whom he said had left no stone unturned once he began investigating the case

But he criticised allegedly misleading evidence and the individual actions of certain policemen; alleged abuse of power under the emergency regulations; and the methods used to send exhibits from one centre to another. A firearm which was a potentially important exhibit was apparently lost in the post.

The judge said his criticisms were directed at individuals, and there was no suggestion at all of any deliberate policy of the police to support or condone acts of violence by any person or organisation.

# Bank manager: I was greedy

By Celeste Louw

A bank manager stole more than R75 000 from his employers because he had become greedy, a Johannesburg Regional Court magistrate heard yesterday

Daryl Bridger (34), a former manager at the Booyens branch of First National Bank, told the court he had committed 25 counts of fraud amounting to R76 546,25 between March last year and February this year.

"At first I regarded it as unauthorised borrowing, but greed got the better of me," Mr Bridger told the magistrate

The court heard that the money had not been spent on necessities.

Some amounts had been used to pay membership fees to the Wildlife Society and to pay the Receiver of Revenue, the court heard.

## Suicide

Mr Bridger intended committing suicide when the police started their investigations, but his wife convinced him it was not a solution to his problems, the court heard

The trial was postponed to October 25.

## Man in court after bomb set at journalist's flat

b. van 30/01/90  
TIM COHEN (252)

A MAN appeared briefly in the Rand Supreme Court yesterday in connection with charges arising from the bombing of former Sunday Times journalist Jani Allan's Sandton flat last July

Fanie Goosen, 29, of Mimosa Street, Drie Riviere, Vereeniging, who was not asked to plead, also appeared in connection with charges of attempted intimidation of Allan, to prevent her from writing about AWB leader Eugene Terre'Blanche. Other charges relate to murder, theft and the illegal possession of firearms.

According to court papers, Goosen is alleged to have killed Potoko Makgalemele on August 29 last year at the Daleside Ski Club, near Meyerton, and to have stolen his taxi earlier in the day.

Goosen did not apply for bail and was remanded in custody.

The case was adjourned until September 11.

Goosen and Cornelius Lottering, both allegedly members of AWB splinter group the Order of Death, escaped from police custody in March this year by kicking out a panel of the police truck in which they were being transported.

Police said yesterday that Goosen was arrested on Tuesday on a farm near the Botswana border and that a search had now been launched for Lottering.



Cosatu general secretary Jay Naidoo speaking to the media after appearing briefly in the Johannesburg District Court yesterday. 252 Picture CATHERINE ROSS

## Probe into alleged assault of SAP 'spy' to be widened

LINDEN BIRNS (11/10/90)

POLICE confirmed they were investigating assault charges against more Cosatu members who allegedly slapped a plain-clothes SAP constable at a media conference where he was introduced as a police spy.

SAP Witwatersrand liaison officer Capt Eugene Opperman said yesterday the police were following up the alleged assault, witnessed by reporters and photographers.

He was speaking after the appearance in the Johannesburg District Court of Cosatu office bearers Jay Naidoo, Sydney Mafumadi and Baba Schalk, who were arrested on Tuesday, allegedly under suspicion of kidnapping and robbery. No charges were put to the three yesterday and they were not asked to plead.

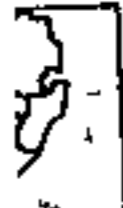
Magistrate R Button transferred the case to the Regional Court and remanded the three on R1 500 bail each until the trial proceeds on October 3.

Defence counsel Richard Spoor said charges had been laid when they were arrested, but prosecutor Leonard Louw said a formal charge sheet still had to be drawn up.

The robbery charge relates to a walkie-talkie carried by Const Joseph Maleka when he was allegedly taken by trade union officials into the building housing Cosatu's offices.

In a statement on Tuesday, Cosatu said the police were informed of the constable's apprehension, and his subsequent confession to being a security branch recruit with the job of monitoring the movements of SACP official Geraldine Jocelyn.





# No sympathy for vigilante floggers

ARGUS 30/1/90 252 206

The Argus Correspondent

**MARITZBURG.** — Four members of an Umlazi peoples' court who gave a man 301 lashes with a sjambok had their effective two-year jail sentences increased to five years when they appealed against their convictions and sentences in the Supreme Court.

The Judge-President Mr Justice Howard said yesterday that the appellants should never have been allowed bail and he ordered that police be sent immediately to arrest them.

The men are "Lucky" Khumalo, 19, scholar "Blessing" Khumalo, 19, scholar Sandile Zulu, 18, and Dumisane Zulu, 31.

## 500 lashes

They were convicted of assault with intent to do grievous bodily harm and sentenced last October to four years' jail, half conditionally suspended, by Durban regional magistrate Mr H W Weitz.

The victim, Mr Parra Makhaya, said he had been sentenced to 500 lashes after being falsely accused of murder. It was suggested he killed someone in December 1988 to obstruct court evidence.

In spite of his denial Mr Makhaya said a crowd of about 500 people had voted in favour of him being given 500 lashes at the Makhumbusa High School.

After 301 strokes he was forced to parade naked and told he would get the remaining 199 strokes afterwards.

Police arrived on the scene and dispersed the crowd after firing shots.

Mr Makhaya was in such pain he was taken to the Prince Mshiyeni Hospital. He was unable to tell police in one sitting what had happened.

Mr Justice Galgut, who sat with Mr Justice Howard, said that the merciless thrashing probably would have resulted in Mr Makhaya's death had police not intervened.

He said the courts would not tolerate unlawful vigilante actions.

When he passed sentence, Mr Weitz said that the assault was the result of a meeting called by a councillor for the area to discuss the high rate of crime in section D of Umlazi.

The councillor asked the youth to protect the citizens and hand over criminals to the police.

## Crime rate

According to the accused the decisions were implemented, and the crime rate dropped sharply.

Mr Weitz said that the appellants, by taking the law in to their own hands, had exceeded the bounds of punishment and perpetrated a brutal assault upon the victim.

Several photographs of naked men with horrific weals on their bodies formed part of the court records.

# Hani safe (252) for 41 hours

UMKHONTO we Sizwe chief of staff Chris Hani has been granted indemnity lasting 41 hours to enable him to consult the ANC's national executive committee, the Justice Ministry announced last night.

Earlier, the ANC defiantly announced that Hani would head its team to the joint working group on the ANC's suspension of the armed struggle, despite losing his indemnity from prosecution earlier this month and being a virtual fugitive in Transkei.

Strict conditions were attached to the temporary indemnity, which was granted at the request of the ANC and which would allow Hani to meet the committee on September 4 and 5.

In terms of the indemnity, Hani would not be able to make public appearances or statements and would have to act in accor-

PETER DELMAR

dance with the Groote Schuur and Pretoria minutes.

A Justice Department statement said Hani's indemnity was granted solely to allow him to meet the NEC.

ANC sources said earlier yesterday the working group, which would start meeting next week, would be unable to complete its work without Hani's participation.

Police previously warned that Hani could be arrested and faced prosecution if he returned to SA.

Despite earlier government denials, a spokesman for President F W de Klerk's office confirmed last night that the ANC had reapplied for Hani to get indemnity. It was believed the issue was raised at a

□ To Page 2

## Hani indemnity (252) 3/18/90

meeting between De Klerk and ANC deputy president Nelson Mandela last week.

The working group was established in terms of the Pretoria Minute of August 6 in which the ANC announced it was suspending its armed struggle.

The group was expected to investigate methods of verifying the suspension.

It must report by September 15.

Meanwhile, the working group charged with drawing up plans for the release of ANC political prisoners and granting indemnity has completed its report, which will be submitted to both parties.

Sources predicted yesterday that the first category of prisoners — those whose release could be dealt with administratively — could be freed as early as next week.

□ From Page 1

# Court rejects policeman's appeal

Dec 31/8/90  
Own Correspondent

(252)  
DURBAN — A former member of the Urban Terrorism Squad, who was convicted of culpable homicide after fatally shooting an 11-year-old girl while her Clermont home was being searched, had his appeal against a 3½-year jail sentence dismissed in the Durban Supreme Court yesterday.

Antonie Botes, who was 20 at the time of the shooting of Nosipho Khumalo in September last year, was part of a reaction unit acting on a report of a terrorist weapon at the home.

Mr Justice Squires said the squad had entered the house and instructed all the occupants to sit against a wall in

the passage while a search was undertaken.

During the course of the search, a weapon of Russian origin was found.

State witnesses said Botes, who was one of the policemen guarding the occupants, had pointed his firearm at the girl and shouted something like "Ha, ha".

Towards the end of his "exhibition", Botes switched on a light attached to his Uzi weapon and the girl raised her hand.

It was after that that a bullet went through her hand and into her chest, killing her.

Botes and two of his colleagues gave evidence that he was kicked on the ankle by one of the people who was sitting

on the floor, and his elbow hit the wall behind him, causing the weapon to discharge.

Mr Justice Squires, with Mr Justice Levinsohn, agreed with the regional magistrate who rejected Botes's evidence.

The judge said that while there might be stress involved in the unit's work, at the time of the incident there was little or no apparent need for that stress to be operative.

Mr Justice Squires said the effective reason for the girl's death was simply the aberrant behaviour of Botes and that while public interest demanded that those who enforced law and order have wide powers, they in turn should exercise those powers with discipline.

# Hani will test indemnity withdrawal

THE withdrawal of the temporary indemnity granted to Umkhonto we Sizwe chief of staff Mr Chris Hani will be tested next week when he leads an ANC delegation to meet high-ranking Government officials.

The working group, elected in terms of the Pretoria Minute, has been charged with the task of dealing with all matters arising from the ANC's decision to suspend the armed struggle.

The ANC delegation, which includes director of foreign affairs

By SY MAKARINGE

Mr Thabo Mbeki, information director Mr Pallo Jordan, Mr Jacob Zuma and Mr Joe Nhlanhla, will meet Government officials at a date still to be announced.

## Task

The Government's team will be led by the Minister of Law and Order, Mr Adriaan Vlok, whose department faces a daunting task of arresting or charging Hani following the expiry of his temporary indemnity about two weeks ago.

Vlok will be accompanied by Mr Roelf Meyer, Deputy Minister of Constitutional Development

and Planning, General B J Beukes of the Security Police, Mr Johan Geysler of the Department of Justice, Dr H P Fourie of the Department of Foreign Affairs and Mr M Spaarwater of the National Intelligence Service.

This is the first time that Hani will meet eyeball-to-eyeball with Vlok *31/8/90*

## 252 Committee

He was one of three members of the ANC's national executive committee whose indemnities were not renewed by State President FW de Klerk on August 17.

Mr Mac Maharaj is presently being held under Section 29 of the

Internal Security Act while Mr Ronnie Kasrils is in hiding.

Hani is currently believed to be in Transkei.

A spokesman for the police said shortly after Hani's indemnity was withdrawn that the Attorney-General would have to decide on whether to prosecute him.

"A charge of high treason is still being investigated against him," he said.

It is widely believed that the withdrawal of Hani's indemnity stemmed from his reported remark a few weeks ago that the ANC might be forced to seize power if negotiations failed.

NETAN Monday September 3 1990

## Group formed to monitor conflict in Jhb

Representatives of Lawyers for Human Rights and the Democratic Party have established a joint unrest-monitoring programme based in Johannesburg.

A joint statement issued in Johannesburg yesterday by Mr Peter Soal, MP for Johannesburg North and chairman of the southern Transvaal region of the DP, and chairman of the Witwatersrand region of the LHR, Mr David Pitman, said the programme would.

- \* Make available representatives from both organisations to intervene at areas of developing tension and conflict; Sowden 3/9/90
- \* Mediate between parties to the conflict;
- \* Defuse the conflict by providing forums at which the parties might agree to solutions,
- \* Refer complaints by one party against another to the alleged perpetrator with a view to resolving the problem - Sapa

# Charge all police linked to Sebokeng shootings — ANC

By Patrick Laurence

The African National Congress has called for the prosecution of all policemen involved in the shooting of protest marchers in Sebokeng and its neighbouring townships on March 26.

Its call came yesterday in response to the findings of the Goldstone Commission — released at the weekend — that there was complete lack of discipline and control of the police and that the firing of live ammunition had not been ordered and was unjustified.

While Mr Justice Richard Goldstone was sharply critical of several policemen on duty at Sebokeng that day, including, and in some ways especially, the commanding officer of the police line, Captain WJ du Plooy, the organisers of the march did not escape censure.

In its reaction yesterday, the ANC said. "The ANC notes the issues raised by the Goldstone report regarding organisation, co-ordination and marshalling of marches, and we strive constantly to improve our performance."

Mr Justice Goldstone said in his report. "The march at Sebokeng was not properly and effectively organised. Confusion helped create in the police line a nervousness and a feeling of being threatened."

Earlier in his report the judge criticised the organisers, the ANC-aligned UDF, for giving the authorities too short notice of their intention to organise the march and themselves

"insufficient time to properly cancel the march".

He added. "Organisations responsible for such mass action should give serious consideration to adequate planning in organisation and control, and thus reduce the risks occasioned by confusion..."

A summary of the main points from the ANC's reaction and, for elucidation, appropriate findings from Mr Justice Goldstone's report, are:

- The ANC did not recognise the right of the Government to proscribe the right of people to "peacefully assemble and demonstrate".

- The Goldstone Commission found that the crowd, which was 50 000-strong, was not armed with pangas and iron pipes and that, at the most, five stones had been thrown

## Disregard

- "It is clear from the commission report that all police officers, from Captain du Plooy down to the men in his command, acted in violation of standard police procedures and wilfully chose to disregard Colonel (Othniel) Mazibuko, the senior officer in the area"

Mr Justice Goldstone said of Captain du Plooy: "He failed to inform Colonel Mazibuko, his senior, of his presence in Sebokeng. He did not even inform him of his presence in the vicinity of Colonel Mazibuko's own police station."

- The ANC said "The shooting was completely unjustified. There was no need for the police to use live ammunition, let

alone ammunition that was so deadly."

The Goldstone Commission concluded that the shooting was unjustified and that the "force used was quite immoderate and disproportionate"

- The ANC said "We fully expect that all police personnel involved in this incident will be prosecuted to the full extent of the law. Pending such legal proceedings, the policemen identified should immediately be suspended from duty."

Mr Justice Goldstone said: "... the conduct of policemen who shot live ammunition into the crowd merits the attention of the Attorney-General." He was specifically critical of three policemen: Sergeant R van Huysteen (whose bullets killed four people), Constable J J J P A Geldhenhuys and Warrant Officer K J I Csajaghy, a security policeman of 12 years' standing who was guilty of "blatant mendacity".

- The ANC said: "It is clear that had the ANC not taken the steps it did, including the postponement of the Groote Schuur talks, an internal police inquiry would have resulted in a white-wash which would have covered up the crime committed against our people."

In his reaction to the Goldstone Commission report, Minister of Law and Order Adriaan Vlok noted that, while some individual policemen had been criticised, "the judge voiced no essential criticism against the force as a whole, except in as much as it concerned the utilisation of special constables".

3/9/90

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# Lawyers get the leaders together

Own Correspondent

The Black Lawyers Association made history at the weekend when it brought together representatives of major political forces in the black community to address its 10th anniversary conference in Johannesburg.

Delegates stood on chairs, ululated, and cheered as ANC deputy president Nelson Mandela, Azapo president Itumeleng Mosala, PAC leader Barney Desai, and New Unity Movement president R O Dudley shook hands at the podium on Saturday night.

BLA chairman Keith Kunene said his organisation was happy to provide a forum for political forces within the black community to meet and share ideas.

# A-G may probe Sebokeng police

Star 4/9/90  
By Helen Grange

Several policemen singled out by the Goldstone Commission of Inquiry as being involved in the "unjustifiable" Sebokeng shootings may soon have to answer for their deeds to the Attorney-General.

Mr Justice Goldstone recommended that the actions of all policemen who fired live ammunition that day — as well as the conduct of Sergeant Rudgerd van Huysteen, Constable Jurie Geldenhuys and Constable Jacobus Horn — be investigated by the Attorney-General.

First on the list will be Constable Sean van Rhyn, member of the Krugersdorp Reaction Unit. He was the man who admitted firing the first shot that led to a chain reaction of shots

by a police line-up at Sebokeng on March 26

Eleven people died in Sebokeng that day at the hands of riot policemen

Constable van Rhyn told the commission he had been afraid and accidentally fired the first shot with his stopper-teargas rifle.

Sergeant van Huysteen, also in the police line-up, shot one person he had identified as an

## Claims may total R3-m

By Esmaré van der Merwe, Political Reporter

Civil claims of between R2 million and R3 million may be brought against the Government following the Goldstone Commission of Inquiry's finding that police action in the Sebokeng shooting on March 26 was unjusti-

“agitator” in the crowd of about 1 000 people.

In a second incident, he and Constable Geldenhuys were together when they confronted groups looting and burning shops. The two policemen told Mr Justice Goldstone they had tried to arrest fleeing looters who had tried to hide in a hostel. They said they had then been stormed by a nearby crowd

armed with pangas and sticks

The men claimed they were being attacked when they opened fire. In this incident, Sergeant van Huysteen had been responsible for three deaths and Constable Geldenhuys for one.

Another man who may have to face further legal inquiries is Warrant Officer K J I Csa-jaghy, who Mr Justice Goldstone said had made a false statement that the crowd had stormed the police.

Warrant Officer Csa-jaghy admitted to the commission that he had not seen the shootings on March 26, but had been told a version of events at a later stage.

He had given this version in his sworn statement.



# Witness describes how troops fired

star 5/9/90  
Len Kumalo, senior photographer of Sowetan newspaper, yesterday described how 11 Sebokeng hostel dwellers were shot dead when an SADF patrol opened fire shortly after 9 am.

He had just fetched his young daughter from school in Vereeniging as he feared there would be trouble with transport later in the day.

"As I was driving back from the school with my daughter, the SADF patrol overtook me near the hostel and stopped. The soldiers got off their trucks, took up positions and cocked their guns. I thought maybe they wanted to scare the people.

"The people came towards them waving their hands, saying 'Peace, we are not fighting'. Some of them even sat down.

"All of a sudden there was shooting. Many of the people ran. Some of the people fell," he said.

Kumalo said when it was all over, there were 11 bodies, some

outside and some inside the building in the hostel compound.

He said he heard reports of an SADF Hippo driving over one of the people who had been shot. A registration number of the vehicle was passed on to him.

But the Ministry of Law and Order, in a statement, has questioned the timing of the incident.

The statement read "A number of people were killed during a shooting incident in Sebokeng on Tuesday.

## Visited

"The office of the Regional Commissioner of Police for the Witwatersrand has already issued a detailed statement regarding the incident.

"The Minister of Law and Order and the Commissioner of the SA Police visited the scene shortly after the incident.

"This office is aware of a Sapa report in which a Sowetan photographer, Mr N Kumalo, described

how he allegedly witnessed the shooting of 11 people outside a Sebokeng hostel 'shortly before 4 am'.

"This allegation is in direct contrast to the statements made by the SADF and SAP members who were present, as well as numerous other eyewitnesses who allegedly saw the small SADF patrol come under attack at 9 20 am, more than five hours after the 'incident' witnessed by Mr Kumalo.

"The SA Police will therefore immediately arrange for Kumalo to be interviewed by a senior officer and an affidavit taken to substantiate his allegations, since he claims to be an eyewitness to the incident."

Mr Kumalo's original statement, issued by Sapa, mentioned the time as being 4 am. This story was retracted and the time corrected to read 9 am. This would be consistent with the time mentioned in the original police report — Staff Reporter-Sapa.

H. J. ...

# Claims over Vaal protest shootings likely to top R3-m

Sowetan 4/9/90

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CIVIL claims of between R2 million and R3 million may be brought against the Government following the Goldstone Commission of Inquiry's finding that police action in the Sebokeng shooting on March 26 was unjustifiable, a lawyer said yesterday.

Mr James Sutherland of the Johannesburg-based legal firm of Bell, Dewar and Hall said this figure was relatively low because many of the 85 injured people had suffered minor injuries and four of the 12 dead had no family or dependants.

Sutherland, who is acting for some of the families, said the most important finding of the commission, released at the weekend, was the criticism of the police inquest into the incident.

## Guidelines

"The highlight of the finding was that it is unrealistic to expect people to investigate themselves. There needs to be an independent neutral investigation.

"Another highlight was the finding

that a number of policemen have no regard for their strict and adequate departmental guidelines on crowd control and protest marches.

"For too long these guidelines have been breached with impunity. The clear message to the police is that they have to stick to the principle of using the minimum amount of force.

## Criticism

"The implied criticism is that they do not always strive to avoid loss of life," he said.

Sutherland said the findings could play a significant role in sharpening people's awareness of police misconduct.

"It definitely may highlight public awareness in cases where police use excessive force.

"Police may find that they are liable in cases where they breach the departmental guidelines, for example, when they use heavy ammunition instead of first using birdshot as prescribed" -  
*Sowetan Correspondent.*



After the shooting a clash between SADF troops and a crowd in Sebokeng yesterday left 11 people in the crowd shot dead and many wounded

● Picture by Len Kumalo

Sto- 5/9/90 (114) (252)

# Killings: Army slated

## Staff Reporters

The SA Defence Force has appointed a board of inquiry into the killing of 11 people by troops in Sebokeng yesterday, amid calls for a judicial commission of inquiry

The 11 township residents were shot dead during a confrontation between a 5 000 strong crowd and a contingent of SADF troops called in for support by police

Today both the African National Congress and the Democratic Party said a judicial inquiry must be held. A military probe would not satisfy them.

While saying today that a military board of inquiry had been appointed, a Ministry of Defence spokesman said no further statement would be issued at this stage.

Today ANC spokesman Saki Macozoma said Nelson Mandela had

called for a judicial inquiry. The SADF could not investigate itself. DP co leader Zach de Beer said of the military probe:

"In the light of the recent Goldstone inquiry (which sharply criticised police for the shooting of protesters in the township earlier this year), this is simply not good enough.

"That inquiry showed beyond any doubt that at least in certain instances the security forces have acted improperly in suppressing unrest.

## Reckless

"The public will expect a similar objective and authoritative inquiry into the latest episode."

ANC deputy president Nelson Mandela said the ANC was outraged by the "carnage".

He was speaking after he and other ANC executive members had seen some of the bodies of the peo-

ple who were slain — just hours before Mr Mandela met Law and Order Minister Adriaan Vlok to discuss the shootings.

Sapa reported late last night that no statement was released after the meeting, at an undisclosed venue.

Addressing journalists after meeting a police station commander and other senior police officers, Mr Mandela placed the blame for the deaths and scores of injuries squarely on Inkatha and the SADF, whose actions he described as reckless.

Mr Mandela, who was accompanied by ANC internal leader Walter Sisulu and secretary general Alfred Nzo, said "We examined some of the bodies and were outraged at what we saw.

"One of the people was obviously shot in the back and his head was crushed.

"These people had been shot, hit with pangas and stabbed with

spears. This was a very cruel and vicious attack.

"This comes after the findings of the Goldstone Commission of Inquiry and it only confirms that the conduct of the police leaves much to be desired.

"We see no reason why live bullets were used because the lives of members of the army were not threatened," Mr Mandela said.

Today the township was quiet, following 48 hours of faction fighting and the SADF-crowd clash which left a total of at least 40 people dead.

According to a spokesman at the Sebokeng Hospital, 124 injured people had been treated during the last two days.

Seventy remained in wards and 54 had been discharged.

An Inkatha leader was among 150 arrested following yesterday's shootings. Police alleged he was found in possession of four AK-47 rifles, pistols and ammunition.

He will appear in the Vereeniging court within 48 hours, along with the 150 hostel dwellers arrested in connection with the murder of four local residents.

The four murders are said to have sparked the confrontation which led to SADF troops shooting dead 11 township residents among a mob outside the hostel, home to migrant Zulu workers.

## Threatened

On the East Rand, peace returned last night with only a few reported incidents of gun shots and arson after faction fighting which left three dead on Monday.

A strong police contingent patrolled the township last night.

Taxis were operating as usual this morning and travelling into the townships to fetch commuters. However, the Putco buses were still stopping on the outskirts of troubled townships.

Police spokesman Colonel Frans Malherbe said no more bodies or injured people have been reported, and the death toll for the Witwatersrand townships since Sunday night remained at 40.

# Special constables in the firing line

Sta. 6/9/90  
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343

The Goldstone Commission report into the shootings in Sebokeng criticised the presence of special constables as well as ANC marshals' control over marchers  
**DAWN BARKHUIZEN** looks at the training given to these people

Eighteen of the 30 policemen who opened fire on a group of protest marchers in Sebokeng earlier this year, killing 11 people, were special constables

These men — referred to in the townships as "the dogs of the SAP" or kitskonstabels" — were singled out for special attention in the 74-page report by Mr Justice Richard Goldstone

He recommended that the continued use of special constables in unrest situations be re-evaluated. He found that their seven-hour *onrusdru* training course in no way equipped them with the skills needed to take part in a police line

Judge Goldstone said the special constables who testified before the commission were "very uneducated and unimpressive"

SAP spokesman General Herman Stadler said in an interview that the period of training for special constables had been increased from eight to 10 weeks

It was possible to learn "quite a bit about guns" in this period, he said

## No training

According to the Catholic Institute for International Relations publication, "Now Everyone is Afraid — the Changing Face of Policing in South Africa", special constables are paid wages of about R400 a month, have no benefits and need no educational qualifications

Judge Goldstone's findings on special constables were that

- Kitskonstabels had been included in the police line at Sondela Gate, although they were not supposed to be used in police lines and, moreover, the commanding officer was not certain of the training they had received in crowd control. They had in fact received none

- Kitskonstabels had been among the policemen in the line who loaded their shotguns — without orders

In response to the commission's findings, Minister of Law and Order Adriaan Vlok said special constables would, as far as possible, not be used for riot and crowd control in future

## Terror

A Democratic Party spokesman on law and order, Jan van Eck, said the concept of "third-class police for third-class citizens" should be ended at once.

"It is the height of irresponsibility to send poorly trained men into the most volatile areas of our country where great tact and intensive training is necessary," he said

The Catholic Institute for International Relations publication stated "From evidence presented in many court cases it appears special constables have replaced the security forces in most communities and have introduced a new reign of terror

"The new policemen have little knowledge of the law and appear to think they can do what they like and get away with it

"They have killed many people who had nothing to do with unrest or crime. One of the most common complaints is that they are drunk on duty"

- In response to the commission's criticisms of the way marches were planned and executed, the ANC said it did not recognise the right of the Government to prescribe the right of people to "peacefully assemble and demonstrate"

While the ANC could not be reached for comment yesterday, SA Communist Party spokesman Jeremy Cronin said it was absolutely crucial for marshals to be well trained.

Before the July launch of the SACP at the FNB Stadium, 2 000 marshals had been trained for a month, he said

The SACP had drawn on the experience of the ANC. Much attention had been paid to controlling admission, communication between marshals on the ground and their co-ordinators, responsibility for certain areas and response in the case of emergency, and communication with health workers

Mr Cronin added: "It is our experience that rallies and meetings go off well when left alone, when the security forces are out of sight."

# Doubts on key witness appearing

star 6/9/90 ~~252~~ 252

By Adam Gordon and  
Marguerite Moody

Former Brixton Murder and Robbery Squad detective and Civil Co-operation Bureau (CCB) member Leon "Chappie" Maree is due to testify this morning in the bail application of an Israeli immigrant charged with foreign exchange fraud involving R29 million

However, defence advocate H Brandt yesterday said Mr Maree had been escaping the law for lengthy periods and it could not be said for certain if he would appear today

Mr Brandt said Mr Maree might even, in the light of an investigation by the auditor-general into the CCB's "missing millions", have a motive to disappear.

## Postpone

The bail application on behalf of David Kofmansky (41) before J J F Coetzer in the Johannesburg Regional Court was postponed yesterday until this morning to enable the State to call Mr Maree

Another defence advocate, M Hodes SC, opposed the application by the State to postpone the case, saying State Advocate D Dorfling had had "ample time" to call Mr Maree

The lapse in time in calling Mr Maree was "gross negligence" on the part of the prosecution, he said

Mr Maree is a key witness in the hearing as Mr Kofmansky has testified he was working for Mr Maree when the alleged fraud took place.

Mr Dorfling said he had spo-

ken to Mr Maree but had not yet had the opportunity for detailed consultation with him. This explained why Mr Maree had not been called earlier

It also explained how he was able to tell the court what Mr Maree's testimony would be

On Monday Mr Dorfling said Mr Maree would deny ever having given large sums of money or false documents to Mr Kofmansky

Mr Kofmansky had testified that the false passport, identity document and papers with false customs stamps found in his possession could be explained by the fact he was working for Mr Maree

He had acted as a commodity broker in various arms deals between South Africa and overseas weapons suppliers, and it was in the nature of this business that normal importing channels had not been followed, he said

Under cross-examination yesterday, investigating officer Lieutenant Pieter Welgemoed said he had no substantial evidence which linked the Kofmansky case with CCB activity.

However, he anticipated no difficulty in obtaining the cooperation of alleged CCB members in his investigation

Mr Brandt, however, said that the Harms Commission had clearly shown that cooperation from CCB members would not automatically be forthcoming

He submitted that these delays would lead to a lengthy investigation

This meant his client could remain in jail for "a year or two" if he was not granted bail

The hearing continues today

# Eskom sues Benoni council

Staff Reporters

A R3,4 million lawsuit has been launched against the Benoni Town Council by Eskom for outstanding electricity accounts owed by the Daveyton and Wattville town councils

Benoni town clerk Deneys Conradie said many residents had been paying their accounts, but it appeared that this money

had not been used by Daveyton or Wattville for the payment of their arrears accounts

The Benoni Town Council would be negotiating with all parties concerned before resorting to an electricity cut-off to the two townships, he said.

Urgent meetings with the two local authorities have been arranged to discuss the situation.

# ANC's Hani refuses to test his indemnity.

UMKHONTO we Sizwe chief of staff Chris Hani yesterday refused to exercise his 41-hour indemnity from prosecution to meet the ANC's national executive.

However, he said he was optimistic that progress would be made at today's first meeting of the joint working group on the suspension of the ANC's armed struggle.

In an interview from Umtata, Hani reiterated his refusal to accept the conditions attached to the indemnity, saying the SAP could not be trusted not to arrest him.

The ANC chose Hani to lead its delegation to the talks before government refused to renew his indemnity.

6/10 am 6/7/70  
PETER DELMAR

The working group was agreed to at last month's meeting between government and the ANC at which the ANC announced it was suspending its armed struggle.

Today's meeting in Pretoria is expected to explore issues relating to the suspension and the unrest situation.

The non-renewal of Hani's indemnity is also likely to be on the agenda.

Hani said yesterday he would have "loved" to attend the meeting because he regarded the suspension of the armed struggle as an important decision.

He expected to be briefed by the ANC's delegates and would be available to give input. (252)

It was unclear yesterday who would head the ANC delegation in his place.

Government's decision not to renew Hani's indemnity was based on militant statements he made when setting up his base in Transkei.

However, he sounded more conciliatory yesterday, saying the time for recriminations was over. A balance had to be found between white fears and the fears and frustrations of the oppressed, he said.

# Richardson's death plea is refused

252  
Sowetan  
7/9/90

**MANDELA** United football team coach Jerry Richardson, sentenced to death for the murder of teenage activist Stompie Seipei in August, was yesterday refused leave to appeal against his conviction on other related charges including kidnapping and assault.

Richardson has already used his automatic right of appeal, in terms of the recently amended Criminal Procedure Act, against the murder conviction and death sentence which was passed on August 8.

The Rand Supreme Court heard yesterday that Winnie Mandela's presence or absence when four young men were assaulted at her Diepkloof home was crucial.

Hennie Joubert, who appeared on behalf of Richardson, was arguing in front of Mr Justice B O'Donovan.

Joubert applied for leave to appeal against four kidnapping convictions and five convictions for assault with intent to commit grievous bodily harm

## Sowetan Correspondent

He said Stompie (14) and three other young men, who were taken from the Orlando Methodist manse, were "passive" and that one of them, Kenny Kgasi "left" Mrs Mandela's house

"Don't you mean 'escaped'?" the judge asked, adding that the remaining two had only been handed over to the church "with reluctance".

"Why do you have to negotiate to permit a free man to leave?" the judge asked

"That's for Mrs Mandela to answer in court, not the accused," Joubert said

Chris van Vuuren, who opposed the application on behalf of the State, submitted that the four young men had in fact been kidnapped and held against their will at Mrs Mandela's house

Whether Mrs Mandela was present or not during the assaults was irrelevant, Van Vuuren said, because there was evidence that Richardson had taken part in the assaults.



15.2

## Richardson refused leave to appeal

MANDELA United football team coach Jerry Richardson, who was sentenced to death for the murder of teenage activist Stompie Seipel, was yesterday refused leave to appeal against his conviction on charges of kidnapping and assault. *U/Ma/719-13/9/90*

Richardson, who is appearing in the Rand Supreme Court, has already used his automatic right of appeal against the murder conviction and death sentence, which was passed on August 8. — Sapa

15.2

252 Star 7/9/90

NEWS

# No leave to appeal for Stompie's killer

By Cathy Stagg

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## Assault

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Muzi Richardson, was arguing in front of Mr Justice B O'Donovan.

Applying for leave to appeal against the four kidnapping and five assault convictions, Mr Joubert said Stompie (14) and three other young men, who were taken from the Orlando Methodist manse were "passive" and that one of them, Kenny Kgasi "left" Mrs Mandela's house

"Don't you mean 'escaped'?" the judge asked

"Why do you have to negotiate to permit a free man to leave?"

"That's for Mrs Mandela to answer in court, not the accused," Mr Joubert said

Chris van Vuuren, who opposed the application on behalf of the State, submitted that the four young men had in fact been kidnapped and held against their will at Mrs Mandela's house.

Whether Mrs Mandela was present or not during the as-

saults was irrelevant, Mr van Vuuren said, because there was evidence that Richardson had taken part in the assaults.

In reply, Mr Joubert said if the Appellate Division decided that Mrs Mandela was not present on the night of December 29 last year, how could the three complainants' evidence about Richardson's involvement be accepted?

## Exaggerated

Mr Joubert argued the three complainants exaggerated during evidence and involved Mrs Mandela for "political" reasons.

Mr Justice O'Donovan said he believed the court that had heard the trial was in the best position to make findings on the credibility of witnesses' evidence.

He said there was no reasonable prospect that the appeal would succeed so he dismissed the application.

● Pictures by Andrew Ingram

Man's best

W.A. & N.W. 171 00

1070 Star 7/19/90 (252)

# Harms report on hit squads given to FW

By Norman Chandler  
Pretoria Bureau

The eagerly awaited Harms Commission report on alleged politically motivated murders was handed to President de Klerk last night

This was confirmed to The Star by Mr Justice Louis Harms, chairman of the commission, who said the report had been sent to the Department of Justice and forwarded to President de Klerk.

It is not expected that the judge's recommendations will be made known until at least the end of this month. It is not known whether he has recommended that the report be referred to Attorneys-General or the Auditor-General.

Mr Justice Harms's report stems from a 55-day hearing into whether or not the SA Defence Force or the SA Police

had "hit squads". The hearings were held in Pretoria and London.

The alleged SADF squad was known as the Civil Co-operation Bureau. The alleged SAP squad was claimed to have been part of a counter-insurgency group operating from a police training farm, near Pretoria.

## Confirmed

The commission, which began hearings on March 3 this year, took evidence from convicted killer Butana Almond Nofemela.

Former police captain Dirk Coetzee confirmed his claims in newspaper interviews and through testimony to the commission in London. It was then claimed that the SADF also allegedly had a similar unit.

or had insufficient schooling to attain literacy or numeracy

witness in a bail application for forex fraud accused David Kofmansky  
Picture ROBERT BOTHA

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# Jerry Richardson's bid for appeal is refused

D100M 7/9/70

(252)

TIM COHEN

MANDELA United football team coach Jerry Richardson was yesterday refused leave to appeal against his convictions of assault and kidnapping

In terms of new legislation, Richardson's death sentence, passed for his murder of Stompie Seipei, 14, will automatically go on appeal

Richardson was last month found to have kidnapped Seipei and three other youths from the Soweto manse of Methodist minister Rev Paul Verryn

The four were taken to Winnie Mandela's home, where they were assaulted and Seipei was accused of being a police informer.

Mr Justice B O'Donovan also sentenced Richardson to a total of 18 years' imprisonment for kidnapping, assault

and attempted murder

Defence counsel Adv Henne Joubert argued before Mr Justice B O'Donovan in the Rand Supreme Court yesterday that there was a reasonable prospect that the appeal against the kidnapping and assault charges would succeed

He said two witnesses had testified that Winnie Mandela was not present during the assaults inflicted on Seipei

This affected the credibility of the three complainants, who gave evidence to the contrary

Mr Justice O'Donovan said the appeal was based on a challenge to findings of fact, with which an appeal court would not interfere in the absence of a clear misdirection

## KwaZulu hospital remains closed

LAW AND THE COURTS

# Cinderella province takes up the cudgel

WIM COX 719-1319190

252

PUBLIC alarm at recurring images of savagely armed men terrorising the townships of Johannesburg and the East Rand led to a government proclamation banning dangerous weapons in 19 magisterial districts last month.

This government action was taken despite protestations by combatants that the weapons were "traditional" or "cultural" items and thus in some way above the law.

But just weeks later, in a move feared likely to increase the violence in Natal, the government has changed the law in that province by introducing the concept of "cultural weapons" into legislation for the first time, thus opening the way for similarly armed men to take the freedom of the streets.

Since April Durban's Legal Resources Centre has tried to ensure police enforcement of four separate pieces of legislation aimed at preventing dangerous weapons from being carried in public.

The Dangerous Weapons Act, the Natal Code on Zulu Law, the kwaZulu Code on Zulu Law and kwaZulu Government Notice 8 of 1978, all prohibit the display or bearing of dangerous weapons, either generally or in particular areas.

A letter by the LRC to the Commissioner of Police in Pretoria on April 23 notes that at a march on the previous day, many of the participants were "heavily armed".

"Most of the male marchers carried up to three weapons. These included knobkerries, pangas, knives, axes and steel pipes.

"When the writer approached a policeman on duty to draw his attention to the above, he was informed that such weapons were 'cultural weapons'. In our view the display of weapons on the march was provocative and reckless."

LRC lawyer Howard Varney said this week that despite correspondence of this kind with the SAP since April, and a meeting with officials in Cape Town during June, "there has been no satisfactory response".

During the Cape Town meeting a memorandum was handed over by LRC with various demands. One of these was that the police should enforce the provisions of the Natal code which outlawed the carrying of dangerous weapons except under stringent conditions.

They were told the Code had been referred to the cabinet, but by August when no further reply was received, LRC sent an ultimatum setting September 3 as a deadline for a response.

On that day they were informed that the state president had amended the Natal code in the gazette of August 31.

Previously the Code — which dates back to colonial times — made it an offence for any black person to carry "an assegai, swordstick, battle axe, stick shod with iron, staff or sharp-pointed

stick or any other dangerous weapon".

Exceptions were made only if such a person had been engaged on public duty, was a member of the police, had written authorisation from a commissioner or magistrate, was engaged in hunting or in bona fide night travelling outside an urban area. In the case of a staff or a sharp-pointed stick, exceptions were also made if the person was aged or infirm and used the stick for support.

All others carrying such weapons would be guilty of an offence. The new amendment makes several significant changes: the section prohibiting the carrying of assegais, axes, knobkerries or other dangerous weapons to any feast, dance or other gathering is deleted.

New exceptions are now added to the list of circumstances under which dangerous weapons may be carried. Now they will be allowed if they are carried by someone "able to prove that he had the bona fide intention to carry such dangerous weapons in accordance with traditional Zulu usages, customs or religions".

Written authorisation to carry such weapons may now also be granted by a police official "in the capacity of commander of a police station", who may now give permission to the organisers of a gathering or procession for such weapons to be carried and may set out conditions under which they may be borne.

Commenting on the changes, Varney said it was clear the authorities had no intention of enforcing the original Natal Code which placed strict limitations on the carrying of weapons in public.

"The amendment now makes it easier for persons to appear in public armed, as the new provisions permit the carrying of weapons according to traditional Zulu usages, whatever these may be.

"Instead of clamping down on this problem the authorities, in stark contrast with steps they have taken in the Transvaal, have seen fit to relax laws pertaining to weapons in Natal.

Unrest monitors said there was "well-documented proof" that the carrying of such weapons to political rallies and meetings had often led to bloodshed and they questioned the commitment of the government to bringing peace to Natal, where there is an increasing sense of being regarded as a "Cinderella province".

The problem in Natal has been simple: tough laws existed to keep dangerous weapons off the streets but they were not being implemented.

Instead of insisting that these restrictions should be enforced, the cabinet has now given the police wider scope for not implementing the law — an opportunity which, given their past record on the subject, the police are unlikely to pass up.

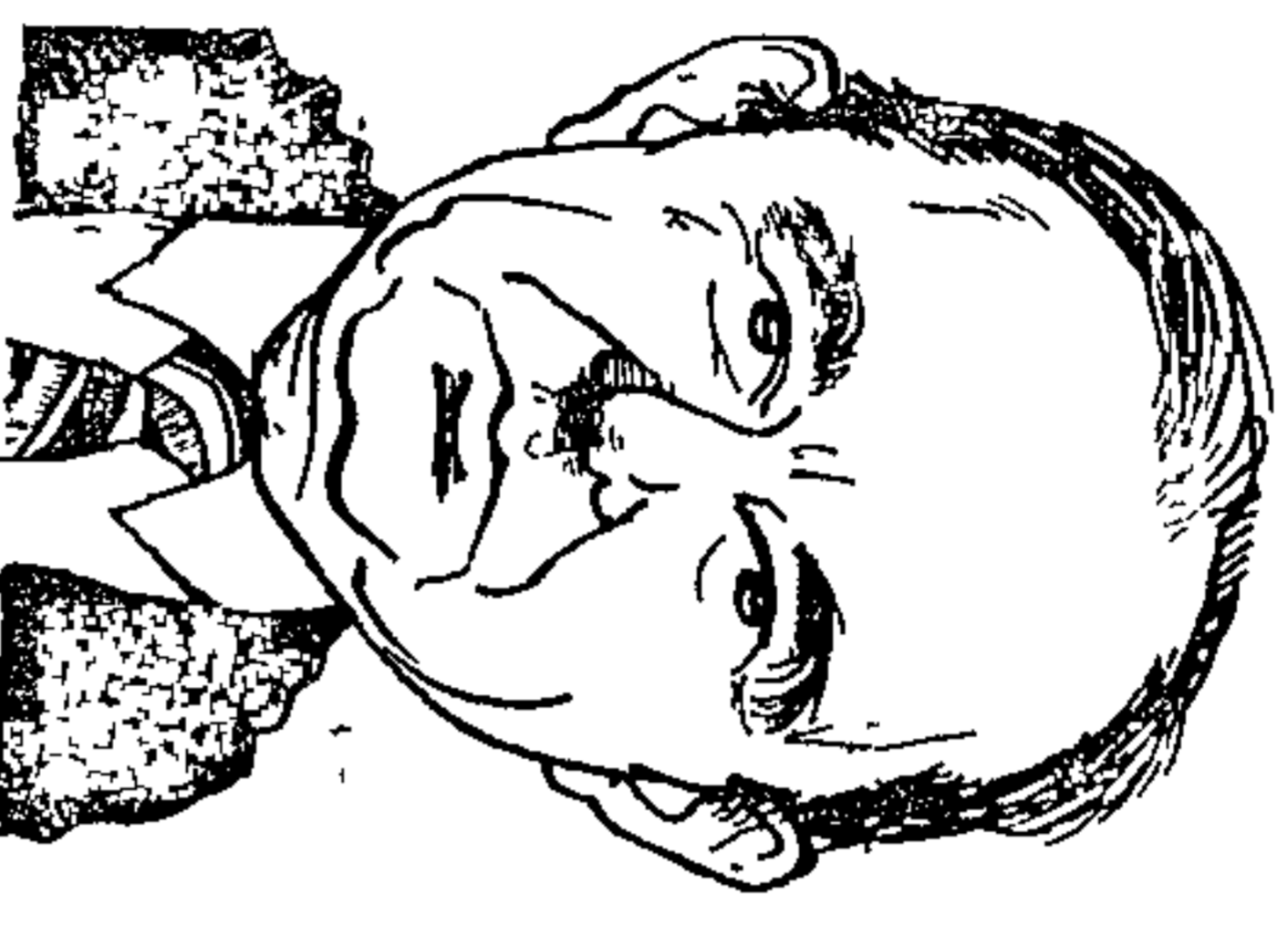
**CARMEL RICKARD**

# 'Sobokeng' judge is not known for pussyfooting

IF South Africa's image is as important as many politicians believe, then the results of the investigation by the Goldstone Commission into the Sebokeng shootings — made public last week — will have firmly established the independence and impartiality of the country's judiciary both at home and abroad.

There seems little doubt that even in a new era of reform and increased international acceptance of South Africa, the outside world might well have been expecting some form of tame or cosmetic judgment on the March 26 disaster at Sebokeng. A judgment that might have at- tempted to be all things to all men.

But anyone who anticipated some sort of judicial pussyfooting would not have known anything about the man State President F. W. de Klerk appointed to under-



**MR JUSTICE GOLDSTONE** . . . set several precedents.

take the investigation. Justice Richard Goldstone has never been known to pussyfoot or

couch his judgments.

According to his colleagues, peers and members of the legal fraternity who have appeared before him, Justice Goldstone is the epitome of a judge who ascertains the facts of a case as best he can then applies the law as fairly as possible. While this might be what anyone might expect of any judge, Richard Goldstone goes further.

He makes a habit of personally visiting prisoners and detainees — a custom which is not mandatory for judges in South Africa, but one which he believes to be his duty.

"It serves to reassure not only the prisoners but the administration that someone is taking an interest," he told The Star earlier this year.

He is also becoming well-known in legal circles in South Africa for his boldness and for setting legal precedents. The investigation into the Sebo-

## Personality

**MR JUSTICE RICHARD GOLDSTONE**

Writer by: **CHRIS MCERDYK**

keng shootings — the second in the space of less than a year that Justice Goldstone has conducted into incidents involving the police force.

In February he was chairman and sole member of the commission of inquiry into the death in detention of Mr Clayton Sithole at John Vorster Square in Johannesburg on January 30.

On that occasion he found that Mr Sithole, who was found hanging in a shower cubicle, had committed suicide.

The Sithole probe by Justice Goldstone broke new ground as it was the first judicial inquiry into a death in detention.

There is no doubt that he is held in the highest of esteem by his legal colleagues. When he was appointed acting judge of appeal in December 1989, they were enthusiastic — describing him as "a good, solid lawyer" and "an outstanding commercial lawyer who has inventively applied the law to secure justice in politically controversial human rights cases".

Since his appointment to the Transvaal Bench in 1980, he has set several precedents in civil rights cases.

The most well-known was the Gladys Govender ruling which effectively put an end to Group Areas Act prosecutions. In this case he set aside an order to evict Mrs Gladys Govender (52) from her home in the "white" suburb of Mayfair, Johannesburg, ruling that a person convicted under the

Act could only be evicted from a property if alternative accommodation was available.

In 1986 he gave one of the first rulings that allowed an emergency detainee to be released.

That same year he ruled that there was a difference between what was law and what was fair and equitable when the Marcorale Mine took an industrial court action on review.

In 1987, in the South African *Breweries vs Food and Allied Workers Union* dispute, he ruled that refusing to work overtime did not amount to a strike.

Justice Goldstone matriculated from King Edward VII High School in 1956 and graduated from the University of the Witwatersrand in 1962. He went straight to the Johannesburg Bar and took silk in 1976.

Last year he spent four months as a fellow at the Institute of International Affairs at Harvard University in the United States.

STAR

# Winnie decision imminent

By DE WET POTGIETER (252)

A DECISION on whether Winnie Mandela will be prosecuted for her alleged presence during assaults on murdered child activist Stompie Seiper is expected shortly

The Attorney-General for the Witwatersrand, Klaus Von Lieres und Wilkau, says he has almost finalised his decision on the controversial issue

"I have not decided yet when the decision

will be made public," he explained, but added that it could be expected soon

Mr Von Lieres added that the current spate of township bloodshed had taken up a lot of his time *still in 1990*

A spokesman for the Department of Justice said last month that the decision to prosecute rested entirely in the hands of Mr Von Lieres and would be based solely on legal considerations

# 'Magistrate' goes to jail

By BERENG MTIMKULU

252  
e/Pres 9/9/90

A MAN who acted as a "magistrate" at Alexandra township's "people's court" - Vuyo Mcetywa, 42, of Alexandra - was found guilty at the Johannesburg Regional Court this week of assault with intent to do grievous bodily harm and sentenced to two years' imprisonment.

The court was told that on May 9 Happyman Maxolo laid a complaint at a yard meeting in Alexandra that his niece, Eunice Moxolo, often slept out without his consent.

During the "hearing" he got furious and ultimately swore at his niece.

Maxolo was then found guilty of swearing at a "child" and Mcetywa "sentenced" him to 26 lashes with a sjambok. Livingstone Fana pleaded for mercy on behalf of the "sickly old man". Instead of Maxolo being beaten, Fana was given five heavy lashes "because he had acted as a defence counsel".

In mitigation, Advocate Mogagabe said Mcetywa showed remorse when giving evidence. His client did not know he was committing an offence. Mcetywa regarded the meeting as a tribal court.

Magistrate JJB Esterhuizen said according to the State the "courts" were illegal. He said the court had a duty to enforce law and order.



# Minority rights do not hinge on race

By CHARLES MOGALE

252

C/press 9/9/90

**T**HE protection of minority rights should be left out of a country's constitution, the Black Lawyers' Association (BLA) has been warned.

The warning came from Millard W Arnold, senior associate of the US-based Carnegie Endowment for International Peace.

Addressing the BLA's 10th annual celebrations in Johannesburg last week, Arnold said for a constitution to be effective, it must be "sufficiently flexible so as to provide the greatest guidance to this, and future, generations".

Arnold said an independent judiciary composed of competing interests in society was needed to protect the overall interests of that society.

"Accept it or not, South Africa is a nation of competing ethnic groups struggling to establish a unitary state.

"Yet in spite of the obstacles, the ties that bind this society are potentially as strong as those which divide it," he said.

Arnold said minorities had the right to preserve their identity as a separate and distinct cultural group. But he stressed the exercise of those rights should not undermine the harmony of society at large.

Arnold defined a minority as a group of people committed to a way of life in terms of culture, religion or language. Race, he said, was merely an aspect of culture.

"What apparently is more impor-

tant, is the ethnic character of race. By definition, there would appear to be no racial way of life."

He said racial attributes were not essential for the survival of a group and therefore did not need specific protection in a constitution.

The International Convention on the Elimination on all forms of racial discrimination recognised the need to protect racial groups from prejudice and intolerance by the state of society, he said.

"What the convention does not do is to suggest that the state has an obligation to protect racial purity, whereas the Covenant on Civil and Political Rights is held to expressly obligate the state to protect cultural, ethnic, or linguistic groups."

Referring to a definition of minorities in the Encyclopaedia of Public International Law, Arnold said groups possessing economic dominance or political control could not be classified as a minority.

Delegates at the conference distanced themselves from the Harare declaration adopted by the ANC as a precondition for negotiations.

They questioned the authenticity of the document, saying it did not necessarily reflect the views of black South Africans. "Who drew up the document?" one asked.

Another delegate rose to chastise the BLA for failing to draft a model constitution for a future South Africa. "It was an omission on our part that we have not come up with anything as an alternative," he said.

## No bail for four rightwing

## suspects

FOUR rightwingers who were allegedly responsible for five bomb blasts in Johannesburg earlier this year, appeared briefly before a Johannesburg Regional Court magistrate on Friday (252)

An application for bail was withdrawn by the defence for former AWB chief in Johannesburg, Leonard Veenendal (24), Darryl Stopforth (23), Craig Barker (21) and Anton Archer (29).

The men are to stand trial on charges of terrorism:

According to the charge sheet, the four men caused bomb explosions at a Jewish synagogue, the offices of the *Vrye Weekblad* and in Houghton in June and July.

The case was postponed to September 25.

Veenendal and Stopforth also appeared in court on Friday after the Namibian Government had made an application to have them extradited to Namibia. Soweto 10/9/90

### Murder

The two men were allegedly involved in the murder of a policeman and a security guard in an attack on Untag forces.

\* In another case, the Attorney General's office issued a certificate prohibiting the issuing of bail or the granting of bail for alleged leftwinger, Jeremy Seeber.

Seeber (24), a student at the University of the Witwatersrand, was arrested in connection with a bomb explosion at a Braamfontein Hotel in 1986.

According to the charge sheet, Seeber was also responsible for an explosion at the Civic Centre in Braamfontein in 1987 and he allegedly planted anti-personnel mines in Verwoerdburg.

It was also alleged that Seeber underwent military training within the ANC.

According to the certificate, issued by the Attorney-General, Seeber could not be released on bail in the interests of State security and the maintenance of law and order.

## Coetsee and Mandela meet over Hani

JUSTICE Minister Kobie Coetsee and ANC deputy president Nelson Mandela discussed the possible reinstatement of Umkhonto we Sizwe chief of staff Chris Hani's temporary immunity against arrest when they met on Monday night at Jan Suts Airport.

Coetsee said yesterday "greater clarity might emerge" about the position of Hani, who is now believed to be in the Transkei.

Coetsee went to the airport to meet Mandela on his return from abroad and it was confirmed yesterday that the Hani controversy was discussed.

The disagreement over Hani's immunity is apparently causing delays in the progress of the joint ANC/Government working group discussing the crucial issue of the practical implementation of the ANC's agreement to suspend hostilities.

The delay in completing the working group's report - due on Saturday - is in turn holding up further stages in negotiations. *Sowetan 12/9/90*

Hani is the official head of the ANC delegation to the group but missed its first meeting last week because of the Government's decision to withdraw his temporary immunity against arrest.

The group was scheduled to hold its second meeting yesterday but this was cancelled on Monday night, official sources said. *(152)*

They said that several ANC representatives on the group would be meeting President de Klerk yesterday afternoon and would therefore be unable to attend the meeting.

But Hani's absence was also hampering the group's work "We would like him in the group," an official said.

It is not certain if the ANC will attend another meeting unless Hani is able to do so too - *Sowetan Correspondent*

from company taxes, however, would be significantly less than budgeted (by

continue using the peace dividend from less spending on defence to this end"

## CP MPs take over two men's defence

TWO CP MPs yesterday took over the defence of two men charged in the Rand Supreme Court with murder and the bombing near former Sunday Times columnist Jani Allan's flat

Fanie Goosen, 29, and Cornelius Lottering, 24, are charged with the murder of Potoko Makgalemele in August 1989, in-

TIM COHEN

imidation, malicious damage to property, theft and illegal possession of arms

Yesterday the pair's pro deo council stood down in favour of advocate Fanie Jacobs, instructed by Koos van der Merwe. The case was postponed to September 18

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# Sage interdict application postponed

AN APPLICATION by Sage Holdings to prevent the publication of an article in the Financial Mail was postponed until Friday by a Rand Supreme Court judge yesterday *11/24/90*

Mr Justice M Joffe made this decision in chambers last night

Advocate John Myburgh SC, acting for Sage Holdings, requested that the application for an interdict be heard in chambers and that

TIM COHEN

the argument about whether it ought to be heard in chambers also be heard in chambers

Advocate Jules Browde SC said the action was brought against the Financial Mail and four other defendants in order to prevent the journal publishing an article

He said he intended arguing against the matter be-

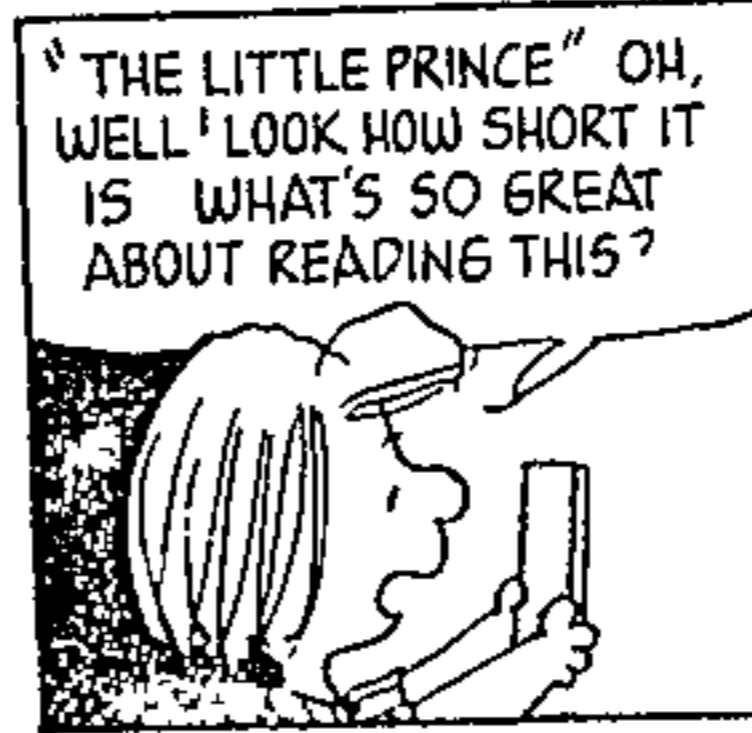
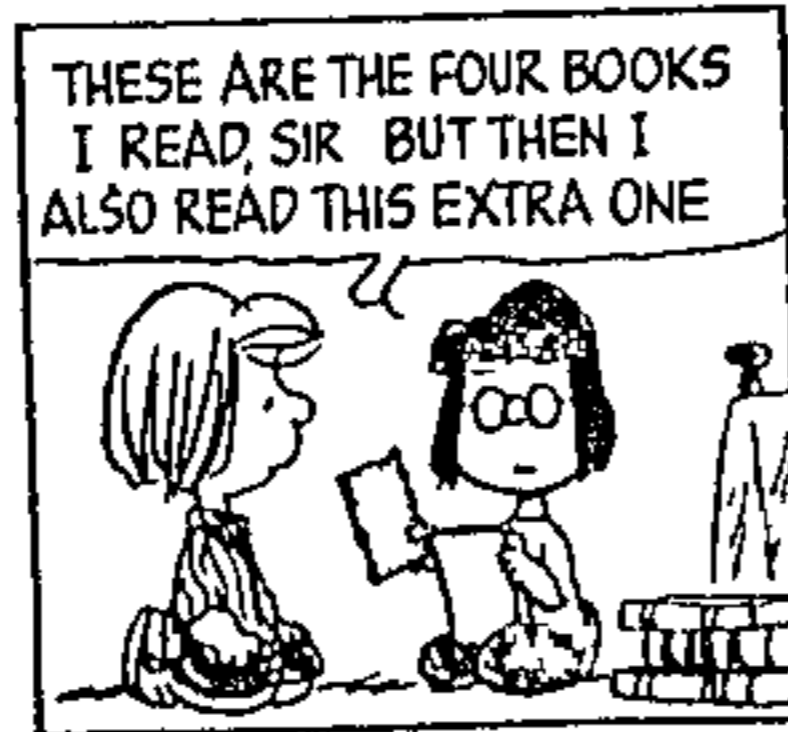
ing heard in chambers

He said he also intended arguing that even if the matter ought to have been regarded as urgent at any stage, this was no longer the case

The judge decided that further argument should be heard in chambers and subsequently ordered that the hearing of the matter be postponed until Friday when it would be heard in camera

## PEANUTS

By Charles Schulz



MILTON WILSON & PARTNERS INC.

Suspended  
13/9/90  
sentence for

AWB man

Vereeniging Bureau

A former commander of the AWB's elite Aquilla unit was this week given a suspended sentence in the Vereeniging Regional Court after being convicted on charges under the Prisons Act

Accused of harbouring or hiding an escaper, David Israel Rootenberg (42) of Panorama, Vereeniging, pleaded guilty to the charge before magistrate James Johnston

He was convicted by Mr Johnston and sentenced to two years' jail, suspended for five years.

According to the charge sheet, Rootenberg was arrested last month after he had harboured and hidden an alleged "Order of Death" member, Cornelius Lottering, at his home.

He was released on bail of R1,000 the day after his arrest. In his plea of explanation, Rootenberg said he had transported Lottering — who had escaped from custody — to his smallholding, where Lottering hid himself.

He claimed he had done this at Lottering's request as he was injured at the time. He also said he knew Lottering was a fugitive, and regarded it as his "human duty" to help him. However, Rootenberg said, he had not realised the seriousness of the offence.

# A Bill of Rights may save the judiciary's image

A BILL of Rights, justiciable by the courts, could provide the judiciary with a chance to "retrieve their reputation".

This is the view of eminent Cambridge legal scholar and author Christopher Forsyth, recently in South Africa to give evidence before the South African Law Commission on the judiciary and a Bill of Rights.

He said the legal system, including the courts, faced a crisis of confidence, as many people believed the courts were not "guarantors of their rights, but in their essence oppressive".

It appeared likely judges would be asked to be trustees of a Bill of Rights, which would make their role more important in the future, thus giving them an opportunity to "retrieve their reputation and to play an important role in the construction of a more just South Africa".

However, he cautioned, "the judicial reputation should not be viewed as an asset that will make this important job easier".

According to Forsyth, this reputation on human rights matters might lead some to believe that the judiciary would have no place in the future South Africa.

However he disagreed with this view, saying the question should rather be how the existing judiciary could be "reformed".

There were also indications "that many influential judges would welcome the opportunity a Bill of Rights would give them to vindicate the fundamental rights of (those) who come before them."

He had several suggestions of how the judiciary could be reformed:

● Widening the composition of the judiciary to end the "monstrous" situation where in a multiracial country all judges were whites. He also backed the controversial view that suitable candidates to the Bench could be sought among attorneys and legal academics.

● "Remove political influence from the appointment process." Forsyth warned that the role of judges in interpreting a Bill of Rights would be so crucial that politicians would try more than ever to ensure judges sympathetic to their political outlook were appointed.

Quoting the infamous events of the 1950s in which Appellate Division judges were appointed after consultation on their attitude to the question of the com-

mon voters' roll, Forsyth said safeguards were needed to ensure a similar situation did not happen again.

He approved the suggestion of Mr Justice Schremer in 1959 who considered appointments should be in the hands of a committee consisting of the Minister of Justice, the Chief Justice, the Prime Minister, the leader of the Opposition, a representative of the Bar and of the attorneys.

New circumstances might warrant the inclusion of a broader range of politicians and other judges. Crucially, members of this committee, apart from the Minister of Justice, should not hold executive office and the politician members "should not be able to dominate or influence the committee significantly".

● The Bill of Rights should be carefully drafted to minimise opportunities for judges to limit the principles contained in the Bill, "particularly with the South African judiciary and its fondness for arid literalism.

"Ultimately such drafting can carry no guarantee of a suitable judicial attitude, but it is surely better to have a Bill of Rights with no ringing and noble phras-

es about freedom but which actually protects freedom than a Bill that sounds wonderful but protects nothing."

● The "reformation" of the judiciary could be symbolised by swearing a new judicial oath, including an undertaking "to protect and defend wholeheartedly and in full measure the human rights and fundamental freedoms" guaranteed in the Bill of Rights.

Judges who found themselves unable to take the new oath would not have to quit the bench, but a special rule would require that when questions of interpreting the Bill arose, only those judges who had sworn the fresh oath could hear the case.

He conceded there could be no guarantee that the judiciary would rise to the challenge, after its failure to protect civil liberties during the "long dark years of National Party rule".

On the other hand, judges could use the opportunity offered by the Bill "to restore legitimacy to the judiciary and the legal system, to curb the arrogant demands of over-powerful executives and to help to heal the polity".

**CARMEL RICKARD**

# ANC killers win appeal

Step 16/9/90 252

BLOEMFONTEIN — The Appeal Court, in its first judgment in terms of amended Criminal Procedure Act provisions with regard to the death sentence, has allowed the appeal of three Umkhonto we Sizwe members against the four-way death sentence they received for four murders.

Yesterday the court substituted imprisonment of 25 years on each of the murder counts and ordered the sentences be served concurrently.

Jabu Obed Masina, Frans Ting-Ting Msango and Neo Griffith Potsane were sentenced by Mr Justice MC de Klerk on April 27 1989.

They and Joseph Makhura were also jailed for 25 years for multiple counts of attempted murder, when 17 people were injured in a limpet-mine blast at Silverton in 1986 and for a landmine explosion at Soshanguve. Masina, Msango and Potsane were also imprisoned for 10 years (concurrent) for the attempted murder of a woman.

Mr Justice Friedman (acting judge of appeal) said that when mitigating factors were taken

into account, he did not consider the death sentence appropriate. A proper sentence, in his view, would be one of 25 years' jail. Acting Chief Justice Mr Justice Joubert, Mr Justice Smalberger, Mr Justice Milne and Mr Justice Eksteen concurred.

Mr Justice Friedman said Mr Justice de Klerk had made a number of findings based on the appellants' statements and confessions. The appellants believed themselves to be soldiers, generally under the command of ANC leaders, the judge said.

They had been indoctrinated to believe that their actions and conduct were fully justified.

Mr Justice Friedman said the trial evidence did not reveal that the men were mere puppets who obeyed the orders of their superiors in the ANC without thought or question. Although they were under the general command of their leaders, they identified targets for assassination, people who, in accordance with ANC policy, would be appropriate victims — Sapa.

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NEWS

# Call for major overhaul of the legal system

The Association of Law Societies (ALS) has recommended to the South African Law Commission an extensive overhaul of the country's legal system under a new constitution

The proposals — which also identified major snags in the present legal system such as a lack of manpower and the low credibility and poor accessibility of courts to the public, were published in this month's edition of De Rebus, a specialist journal for attorneys

The ALS proposed that all courts should be independent of the executive arm of Government

## Human rights

It also proposed that black practitioners be appointed as judicial officers as soon as possible; magistrates no longer be civil servants but chosen from the legal profession, and "law agents" be set up to give a larger section of the community access to legal representation

Further proposals include

- The Appeal Court be used for appeals on constitutional and human rights matters and other matters restricted to points of law only

- The Supreme Court be used for appeals from magistrates' and high courts, and

as courts of first instance on constitutional and human rights

- High courts should be courts of first instance (including circuit courts) in all matters not dealt with by either the Supreme Court or by lower courts, and should also act as courts of appeal from the lower courts

- Magistrates' courts should be used for smaller criminal and civil matters, courts for justices of the peace for petty matters, such as minor traffic offences, and customary or indigenous courts should be used if required by the population group concerned

- Upgrading the office of the Registrar of the Court

The ALS said sufficient funds should be made available for the training of staff, the functioning of sufficient courts and for legal aid where necessary

A major problem identified by the ALS was the accessibility and credibility of the courts. As the public had a negative perception of the courts, the ALS recommended that "street-law projects" be encouraged to make the public aware of the law and its protection, and that the courts be kept out of politics and operate independently.

— Sapa

## Revamp suggested for SA legal system

AN EXTENSIVE overhaul of SA's legal system under a new constitution has been recommended to the SA Law Commission by the Association of Law Societies (ALS).

The proposals — which also identified major snags in SA's legal system such as a lack of manpower, the low credibility and poor accessibility of courts — were published in the September edition of *De Rebus*, the specialist journal for attorneys in SA. *Blowan*, 14/9/90

The ALS proposed that all courts should be independent of the executive arm of government, black practitioners be appointed as judicial officers, magistrates no longer be civil servants but chosen from the legal profession, and "law agents" be set up to give a larger section of the community access to legal representation

Further proposals on court restructuring included:

- The Appeal Court be used for appeals on constitutional and human rights matters and other matters restricted to points of law only;
- The Supreme Court be used for appeals from magistrates' and high courts and as courts of first instance on constitutional and human rights "The supreme court members should be drawn from the best available candidates," the ALS says;

### Sufficient funds

- High courts would be courts of first instance (including circuit courts) in all matters not dealt with by either the Supreme Court or by the lower courts, and would also act as courts of appeal from the lower courts.

These courts would have specialist divisions handling matters such as family law, commercial, taxation, insolvency, industrial relations, liquor, property, personal injury and criminal matters

The ALS said sufficient funds should be made available for the training of staff, the functioning of sufficient courts and for legal aid where necessary

A major problem identified by the Society was the accessibility and credibility of the courts.

As the public had a negative perception of the courts the Society recommended that "Street-law projects" be encouraged to make the public aware of the law and its protection and that the courts be kept out of politics and operate independently. — Sapa

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# ANC three win reprieve from death

BLOEMFONTEIN — The Appeal Court — in its first judgment in terms of the amended provisions of the Criminal Procedure Act with regard to the death sentence — has allowed the appeal of three self-proclaimed members of Umkhonto we Sizwe against the four-way death sentence they received for four murders.

Yesterday the court substituted imprisonment of 25 years on each of the murder counts and ordered these sentences be served concurrently with the effective imprisonment of 25 years they are serving on other counts.

Jabu Obed Masina, Frans Ting-Ting Msango and Neo Griffith Potsane were sentenced by Mr Justice M C de Klerk in the Delmas Circuit Court on April 27 1989.

## Mitigating

They were guilty of the murder of Dt-Sgt Orphan "Hluhi" Chapi in Soweto in 1978; the killing of former KaNgwane minister David Lukhele and his sister-in-law Elizabeth Dlodlu in 1986, and the killing of Mamelodi Const Sinki Vuma in 1986.

Acting Judge of Appeal Mr Justice Friedman said when regard was given to the aggravating and mitigating factors, he did not consider the death sentence was the proper sentence.

A substantial period of imprisonment was, however, clearly warranted and a proper sentence would be one of 25 years' concurrent imprisonment for each murder.

The Acting Chief Justice Mr Justice Joubert, Mr Justice Smalberger, Mr Justice Milne and Mr Justice Eksteen concurred. — Sapa.

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# FW may meet families of prisoners

THE Lawyers for Human Rights and the families of political prisoners, awaiting-trial prisoners and detainees may meet State President FW de Klerk on Monday.

A request from the LHR to meet De Klerk was receiving attention, according to an LHR statement received yesterday.

"We believe we will be granted the meeting as we know that the State President views this matter with some concern."

The LHR said their belief was strengthened because De Klerk had recently met Conservative Party members to discuss a similar problem with regard to rightwingers in detention.

"We are disturbed that September 1 has come and gone and only 26 people have been released - most of whom would have been released un-

der normal procedures of remission."

The reason for the meeting was that according to the Pretoria Minute and the Joint Working Group report all three categories of prisoners referred to were covered by the definition of political prisoners, said the LHR.

Families from as far as Cape Town, Upington, East London and Colesberg will be coming up for the meeting and various memoranda will be given to De Klerk.

"We want to see the Government implementing the promise they made in the Pretoria Minute.

"It is simple - they hold the keys to the jails and we want to see the keys being used.

"We are no longer satisfied with gestures and promises, we need more than that," the statement said. - Sapa

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Sowetan 14/9/90

# 'Court' said to punish teachers

15/9/90  
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ABBEY MAKOE

## Claims 'baloney' says union's boss

THE National Education Union of South Africa (Neusa) has been accused by some Soweto teachers and principals of running "people's courts" and victimising teachers who are not members of the union.

According to teachers interviewed by Saturday Star, the "courts" have been in operation for the past four months. Most of the teachers who have been tried and sentenced were staff from primary schools.

### Apology

Those who have so far appeared were not members of the union.

In one case, Mrs Johanna Shabangu (not her real name) a head teacher, claimed she was suspended from duty for 12 days in July for being in "contempt of court". Mrs Shabangu said she was reinstated after she had appealed and written a letter of apology.

She would not say what charges she faced at the "trial".

A letter of apology, written to the Neusa, emerged as the minimum punishment the "accused" have been subjected to.

Saturday Star is in possession of some of the letters written by some of the people's court victims.

Proceedings are usually held

at Letsibolo Combined School in Tladi, Soweto. Classrooms are used as court rooms. The "court" sat on Mondays and Thursdays after 2 pm.

A teacher, who has been in the profession for 17 years, said she was informed during a "hearing" that she was a stumbling block in the struggle, and that she was not fit to be a member of Neusa.

Saturday Star team witnessed the whole staff of Naledi's Mara Higher Primary including the headmaster enter Letsibolo school yard to be tried. The charge against them was that they had closed their school for the winter vacations, thus violating Neusa's call for the schools not to be closed. Their case has since been indefinitely postponed.

### Mud-slingers

Approached with the allegations, Mr Curtis Nkondo president of Neusa said. "I dismiss all these allegations as absolute baloney."

He said when people want to discredit an organisation they will come up with all sorts of strange stories. "This has happened to many organisations, I

didn't they phone me? This is a smear campaign," he claimed.

On the teachers' lack of discipline Mr Nkondo explained. "Teachers must abide by the policy of the organisation, which is to teach".

The Neusa president also lashed out at the Saturday Star. "For all these months your newspaper is the only one that has the information. It seems you're only interested in publishing stories without investigating them."

The Johannesburg regional director of the Department of Education and Training, Mr Peet Struwig, said it was difficult for the department to intervene.

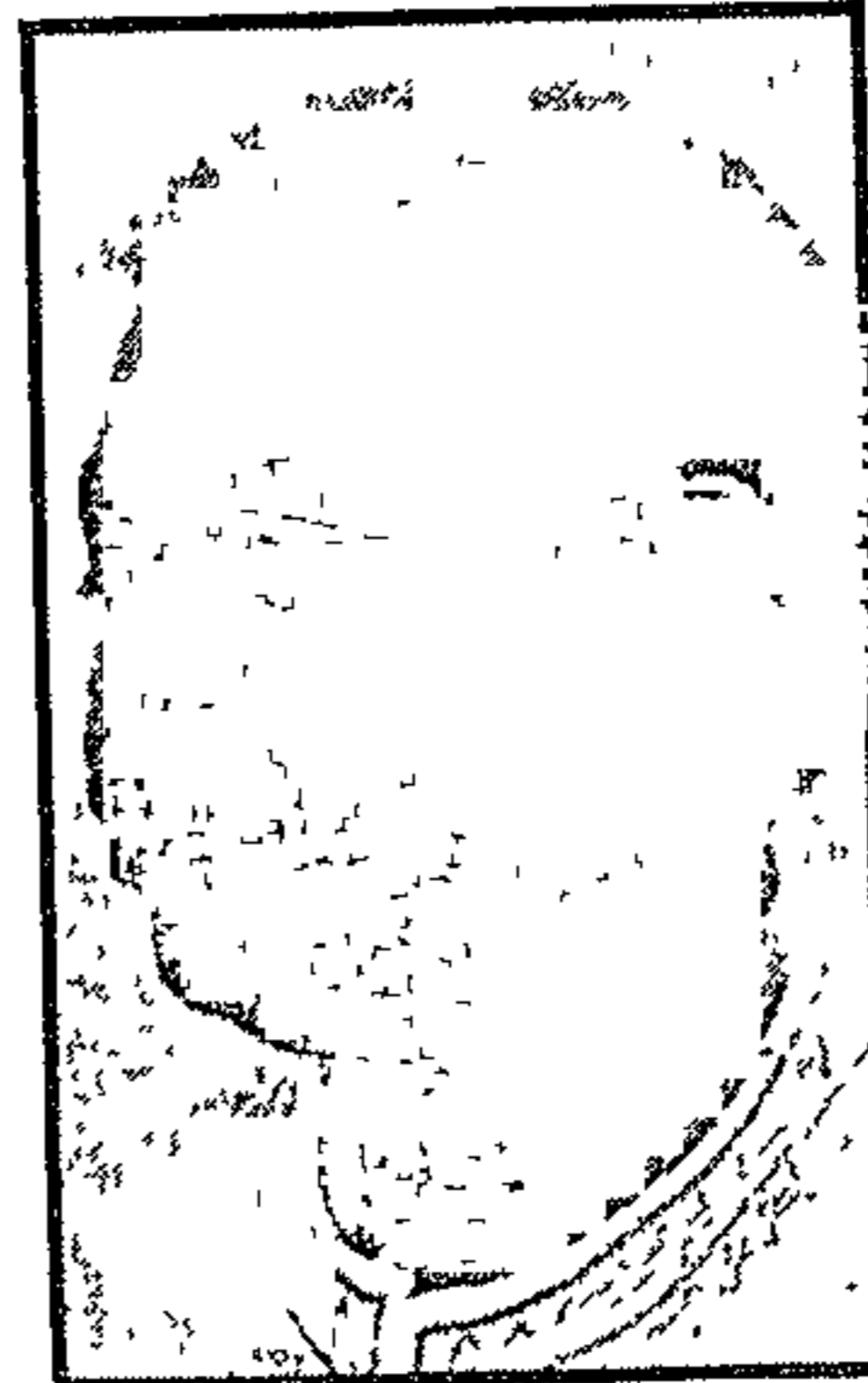
He explained "The victims are so intimidated that they seldom come forward to make statements."

### 'Catch 22'

Mr Struwig said the another problem was that Neusa held the courts after school hours and hence had put the DET in a "Catch 22 situation".

He revealed that the information about teachers being tried and sentenced only came to his attention for the first time eight weeks ago.

Mr Struwig cautioned. "The relationship between the employer and the employee must not be forgotten. Conditions of work are determined by acts and regulations."



**DISMISSIVE:** Curtis Nkondo says the allegations about kangaroo courts are "absolute baloney".

can actually say all, and Neusa is not an exception.

Asked about the self-confessed victims, Mr Nkondo said there were no victims because there was no punishment meted out to them.

"They are merely mud-slingers bent on throwing the mud at Neusa and remain with their dirty hands", he said "Why

Star 15/9/90 (252)

## Sebokeng man stoned, necklaced by crowd

**MELODY McDOUGALL**

**VEREENIGING** — A 30-year-old Sebokeng man was stoned by a group of about 500 people before being "necklaced" in neighbouring Evaton yesterday afternoon.

The victim has been identified as John Hlekiso, of Zone 7, Sebokeng. According to police the incident happened after a

group of about 500 attacked and stoned Mr Hlekiso in Milner Street.

The group then put a tyre around his neck, doused it with paraffin, and set fire to the tyre.

A police spokesman said the possibility was being investigated that the crowd acted in retaliation after Mr Hlekiso allegedly stabbed to death his girlfriend.

## Unionists arrested following dispute

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THERE was drama this week on the premises of a Potchefstroom company when riot police bundled 95 workers into police vans.

The 95 workers – all members of the Metal Workers Union of South Africa (Mewusa) – later appeared before magistrate HE Schutte, on trespassing charges.

The court was packed to capacity by the accused, who were not asked to plead.

Mewusa lawyer Mark Mehl asked for the case to be postponed to November 1, saying that by then Mewusa and WG Engineering management, who were engaged in negotiations over a dispute, would have resolved their differences.

The accused were released on R100 bail each. A request by the prosecutor that they should be banned from entering the premises of WG Engineering was not granted by the magistrate.

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# Zwane to be sentenced tomorrow

By MARTIN NTSOENGOE

MASS murderer Bongani Charles Zwane, a former member of the Mandela Football Club, will know his fate tomorrow.

He has been found guilty on nine counts of murder, eight of attempted murder, one of arson, and two of illegally possessing firearms and ammunition.

Zwane pleaded not guilty to all the charges before Judge DO Vermooten and two assessors.

A mother of one of Zwane's victims, Ntombenhle Msoni, hurriedly left court 2F in the Rand Supreme Court this week as State prosecutor K van Niekerk described how her innocent

daughter was attacked with AK-47 rifles and petrol bombs.

Finki Msoni, 13, was killed while watching TV when the house of her aunt, Dudu Chilli, was attacked by Zwane and two others on February 22 last year.

The court described the attack on Chilli's house as an act of revenge. Chilli's son Sponge had killed Mandela Football Club member Maxwell Madondo.

This week, after a request by defence counsel S Jacobs, a Soweto civic leader gave evidence in camera.

After people were again allowed into court, prosecutor Van Niekerk told the court that Zwane had committed serious

crimes against innocent people.

Pleading in mitigation, Jacobs spoke about Zwane's age, and said he could have been misled.

Zwane was found not guilty on two counts of murder and 14 of attempted murder. Acquitting Zwane of the charges, Judge Vermooten said he would not have thrown a hand grenade at Bheki Mhlongo's shebeen because his younger brother and uncle were inside.

In his confession, Zwane stated that in December 1988 he met a trained ANC member called Sonwabo at a party at Winnie Mandela's home.

Sonwabo taught him how to use an AK-47 and hand grenades.

The court found they had watched Joel Mabule's shebeen, which was frequented by police. Sonwabo and Zwane opened fire with AK-47 rifles at people in the shebeen. Five people were killed and five injured.

After the attack on Mabule's shebeen, Zwane was approached by Sonwabo and one Gybon on January 30, and told they were looking for policemen to shoot.

The three met three municipality police in Meadowlands and the subsequent shooting resulted in the death of constables Jabulani Mngoma and Maxango Tshabalala, and a member of the public, Masango Nkumamba. A third policeman, Mbulelo Kapu, was seriously injured.



# Pupils in court over protest

By DAN DHLAMINI

c/fress 16/9/90

ONE hundred and fifteen pupils – all members of the Congress of South African Students – were this week arrested in separate incidents in Potchefstroom.

The first group of 36, including Potchefstroom branch president Jimmy Masindi and Cosas members from Stilfontein, Potchefstroom and Klerksdorp, appeared before Magistrate E Schutte charged with trespassing at the Department of Education and Training offices.

Their appearance in court follows an alleged sit-in at the DET Diamond Field region's Teemaneng Building on Monday.

The accused were not asked to plead and the magistrate postponed the case to November 8.

Eight of the youths aged between 13 and 16 were released into the custody of

their parents and others are out on R100 bail each.

While the first group's hearing was in session 79 other pupils – also Cosas members – were arrested on Thursday at the DET's offices.

They have been charged under the Internal Security Act.

The state alleges that the group gathered illegally at the DET's offices in Potchefstroom.

Chief prosecutor E Nortje said the matter had been referred to the Attorney-General for a ruling.

The 79 pupils appeared before the same magistrate, who adjourned their case to November 13 pending the Attorney-General's ruling.

They were each granted R300 bail and those who were under age were released into their parents' custody.

# 137 men on 34 murder charges

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Vereeniging Bureau

A group of 137 Inkatha members, arrested after a bloody battle in Sebokeng earlier this month, jam-packed the Vanderbijlpark magistrate's court in a brief appearance on Friday.

In the group was Themba Khosa, Transvaal chairman of the Inkatha Youth Brigade

So full was the courtroom as one Zulu after the other filed into the

courtroom from the cells below, that the court had to be cleared of all spectators.

The 137 men, many of them elderly and greying, appeared before magistrate Rinus Langenhoven in connection with several charges, including public violence, 34 counts of murder, unlawful possession of firearms, ammunition and explosives and wilful damage to property

No charges were put

to the accused and no evidence was led

Many of them stood expressionless while others looked on in a baffled fashion as counsel for the defence, M Basslian, made an application for bail.

The question of bail was referred to the Attorney General's office

The case was postponed to September 28, until which time the accused will remain in custody at the Leeuwhof and Groenpunt prisons.

## Man tells of 'CCB intimidation'

Stw 17/9/90

By Helen Grange

A Johannesburg security firm chief, Declan Condon, claims he is being intimidated and threatened by three men implicated in the covert Civil Co-operation Bureau (CCB).

He said the threats began after he had started investigating the Nampac fraud case.

The two men, accom-

panied by two others, forced their way into his flat one evening and intimidated him.

Mr Condon said the men were chased from the flat after his son produced with a firearm.

Two days later he was telephoned by a man "who asked if I was working on the case and if I had anything to do with an accident in which hit squad members were involved," he

said.

Mr Condon said that since then, he had received two calls late at night.

"On the first occasion, I just heard heavy breathing. On the second occasion, I was called on the internal phone in my flat I looked through the little television security camera and saw a man there. When I went down, he was gone," Mr Condon said.

# Report on spy ring: concern over leaks

Star 17/9/90 (252)

By Kitt Katzin and Louise Burgers

There is concern over a decision to release the Hiemstra report on the Johannesburg City Council spy scandal to two directly implicated parties — the council itself and the SA Defence Force — before it is made public.

The report will be made public by Transvaal Administrator Danie Hough on September 28.

Management committee chairman Ian Davidson said last night he would be handed a copy of Judge Victor Hiemstra's report today.

## Condemned

"We will have 10 days to consider the findings of the Hiemstra Commission before the report is made public."

He said that although the Auditor-General, Peter Wronsley, had found that control of cash used to fund the spy ring was unsatisfactory, no steps would be taken until the Hiemstra report had been made public.

The spy network, which cost ratepayers R1,8 million, was operated by the council's security department, which passed secret reports on individuals and legitimate political organisations to the SADF's Military Intelligence.

The role of the military in the council's spy operation was condemned in evidence to the Hiemstra Commission.

Yet copies of the report are to be given to the SADF and the city council by the Transvaal Provincial Executive Committee and the Administrator, who

appointed the Hiemstra Commission to investigate the spy ring.

This will be done after the executive committee has considered the Hiemstra report in Pretoria tomorrow — and before the report is made public.

A second report on the spy scandal, by the Auditor-General, has also been submitted to the city council before being made public. The council was itself treated as an "accused" at the Hiemstra inquiry.

The report by Mr Wronsley was critical of the security department's internal control procedures and questioned the "inherent risks" attached to covert operations. It was sent by Mr Wronsley to Johannesburg town clerk Manie Venter on July 31.

The Five Freedoms Forum, one of the organisations which was spied upon, called on Mr Hough not to release the Hiemstra report to any of the parties involved before it had been made public.

## Regulations

FFF press officer Gael Neke expressed concern that the report could be leaked to those involved in the spy ring.

But Mr Davidson said the report would not be leaked to officials involved.

He added: "We have done the obvious and tightened up on petty cash regulations. But we are also waiting for a report from city secretary Howard Veale on any irregularities that may have come to light."

Mr Wronsley's report was handed to the management committee recently.



# Soweto mass killer gets death 9 times

By Cathy Stagg

A 22-year-old Soweto man, who had "utter contempt for human life", was sentenced to death nine times in the Rand Supreme Court yesterday.

Charles Bongani Zwane was convicted of nine murders, eight counts of attempted murder, arson and the unlawful possession of an AK-47 assault rifle and ammunition.

## Attacked

Mr Justice DO Vermooten, who heard the case with two assessors, also sentenced Zwane to an effective 22 years' jail.

The judge said Zwane had gone to "spy out the land" the night before he and a "foreign-trained terrorist", one Sonwabu, attacked a shebeen in Orlando East on the evening of December 26.

It was submitted that there

was a political motive for the crimes

The judge said that if two policemen, who were in the shebeen, had been called outside — instead of the two attackers firing 64 bullets in cold blood at the 50 people inside — this submission might have been possible to understand.

In the second attack, on January 20 last year, three municipal policemen were found outside a Meadowlands shopping centre. Two of them, and a passerby, were murdered

The motive in the third incident, on February 22, was revenge. Dudu Chili's son had allegedly killed a Mandela United Football Club member, so Zwane and Sonwabu threw petrol and petrol bombs at her house and Sonwabu fired with an AK-47. A 13-year-old girl died and two young women were badly burnt.

The judge said the court rejected the submission that Zwane was "a victim of a disin-

tegrating social fabric".

Zwane came from a solid family background, he was intelligent and was in Std 9, and earned a salary as a youth club leader. He was a founder member of the Soweto Youth Congress and organised boycotts and stayaways.

The judge said Zwane's conviction and suspended sentence for possessing an AK-47 had made no impression on him because six weeks later he embarked on his first attack

## Approval

The judge found it an aggravating factor that Zwane showed no remorse

Before passing the death sentence, Zwane was asked if he wanted to say anything "I did not kill anyone," he said

After the death sentence was pronounced there were grunts of approval from the gallery. Zwane's girlfriend, holding their eight-month-old baby, cried loudly.

September 18 1990

# Public will ~~see~~ see full spy report - Olaus

Star 18/9/90

By Kitt Katzin

The full 217-page Hiemstra report on the Johannesburg City Council spy scandal will be made public next week, Transvaal MEC for local government Olaus van Zyl said yesterday.

He said that both the findings in the report and the Transvaal Provincial Administration's recommendations would be made known, thereby discounting earlier indications that only parts of the report would be released.

## Implicated

Mr van Zyl denied allegations that the report would be sent ahead of release to individuals such as city council officials, who had been implicated in the spy ring, to give them an opportunity to make representations on adverse findings.

He gave the assurance that nothing would be leaked until the report had been made public.

Copies of the report, he said, would be sent this week to Peter Wronsley, the Auditor-General, Ian Davidson, chairman of the city council's management committee, which asked for an inquiry following

The Star's disclosures on the spy ring, and to the SADF.

Asked why the SADF, whose military arm evaluated the spy ring's reports on individuals and legitimate political organisations, would receive an advance copy, Mr van Zyl said this was a courtesy and was intended only as information for the Defence Force.

Meanwhile, a second report on the spy scandal, by the Auditor-General, has been submitted to the city council.

The report, which is in the possession of The Star, and due to be released only next week in conjunction with the Hiemstra findings, criticises the internal control procedures of the city council's security department which controlled the municipal spy ring.

The release of this report, together with the Hiemstra findings, to the city council and other affected parties drew sharp criticism from the Five Freedoms Forum, one of the organisations that was spied on by the city council.

The FFF called on Transvaal Administrator Danie Hough, who appointed the Hiemstra commission, not to release the report to anyone before it was made public.

# Report of council spy ring next week

Sowetan 18/9/90

THE Hiemstra Commission report concerning the Johannesburg City Council spy ring will be made public by the Administrator of the Transvaal, Danie Hough on September 26.

**SOWETAN Correspondent**

## Two die at squatter's shebeen

ONE man was shot dead and another fatally stabbed at a shebeen at the Orange Farms squatter camp in the early hours of Sunday morning.

According to police the incident happened after an argument arose among a group of people visiting the shebeen. Several shots were apparently fired and Sidney Mathobela (28) of Zola North, Soweto, was wounded in the head. He died almost immediately. Moments later another man, who has not yet been identified, was also attacked and stabbed in the chest with a knife. He too died on the scene. No arrests have been made yet.

commissioned before the Hiemstra Commission was established, was handed to the management committee recently. Davidson said: "We have done the obvious and tightened up on petty cash regulations. But we are also waiting for a report from the City Secretary Howard Veale on any irregularities that may have come to light. "All three reports will be looked at together they cannot be seen in isolation," Davidson said. In his report Wronsley strongly criticised the inadequate system used by handlers to pay unregistered informers (spies). He found that the City Treasurer's procedures for the control of petty cash floats were generally not followed in regard to advances to the security department's liaison section, which operated the spy ring. Wronsley also dis-

covered that informers were overpaid in some instances and control of cash advances were generally unsatisfactory.

Mr Solly Mavimbela, a caddy from Mamelodi West is the 2nd winner of our bumper sticker contest. He is being presented with his R100 prize by Mr Thomas Maswan-ganyi of Fenyane's Filling Station, where Solly got his sticker.



## Exhibitions attract many small businessmen

MORE than 200 small entrepreneurs will participate in the Caltex Oil sponsored exhibitions to be held at four venues in the PWV area during the Sowetan Nation Building campaign in October. The Small Business Development Corporation (SBDC) and Sowetan are to assist and promote the rapidly growing small entrepreneurs. Their aim is

to give small businessmen the opportunity to expose their goods during these events. The exhibitions will

take place at Vista in Soweto; Lionel Kent Centre in Daveyton; Sebokeng Zone 10 Industrial Park on October 5, 6 and 7, and near Den-neboom Station in Mamelodi on October 5 and 6. It is anticipated that

economic terms. He said it was in the economic context that his company wanted to help and support the informal sector, in whatever way they could be helped to improve themselves. "Black manufacturers have the skills, but they often battle to expose their wares to the market and they, desperately need to do this."

national promotion aimed at furthering the interests of the small business sector. This year, our objective is to surpass our previous success and to take public awareness of small entrepreneurship in South Africa to new heights. An array of more than 100 exciting events has been planned for the week. Crous said the events include activities such as

**NATION BUILDING**  
**BY JOSHUA RABOROKO**

**The power is in your hands**

## ANC response to prosecution

# Winnie: Protest over trial through media

Staff Reporters

The ANC has given a guarded response to the announcement that Winnie Mandela is to be charged on four counts of kidnapping and four of assault with intent to commit grievous bodily harm.

In a carefully worded statement yesterday, secretary-general Alfred Nzo said the ANC sought no special treatment for the wife of ANC deputy president, Nelson Mandela and deemed it improper to comment since the matter was now in the hands of the courts.

However, the ANC "must protest against this trial through the media" in view of the great publicity which had been given to the allegations made against Mrs Mandela, Mr Nzo said.

"The national executive committee wishes to affirm its unequivocal support for Mr Mandela and his family in this time of stress."

ANC sources said it was unlikely that Mrs Mandela would be stripped of her position as the organization's head of social welfare.

### 'Few tears shed'

"Such a decision will depend on the outcome of the trial," one said. Sources refused to speculate on the political implications of her pending prosecution, but predicted Mr Mandela would be distressed. However, one source said, "Not too many people will shed tears about the news."

Mrs Mandela's appointment as head of the ANC's social welfare department led to much discontent within ANC ranks.

The Attorney-General of the Witwatersrand, Klaus von Lieres, SC, yesterday announced that Mrs Mandela would stand trial in the Rand Supreme Court with seven other accused who have already been charged.

The decision to prosecute Mrs Mandela received prominent coverage in British media yesterday and was the main item on BBC television news.

The conservative Evening Standard made it its front page lead, noting the Attorney-General's decision came at a time when Mrs Mandela had "clawed her way back into ANC favour" after 18 months in the wilderness as a result of her involvement in the Stompie affair. It speculated that the prosecution would "place further strains on the fragile peace talks."

ITN's Kevin Dunn, reporting from Johannesburg, said the affair had badly tarnished the reputation of a woman once known as the Mother of the Nation and had embarrassed Mr Mandela.

The charges, four of kidnapping and four of assault with intent to commit grievous bodily harm, are the same as those that were faced by Jerry Vusi Muzi Richardson, former "coach" of the "Mandela United" football team.

Richardson (42) was convicted on August 8 of kidnapping and assaulting four youths from the Methodist manse in Orlando, Soweto.

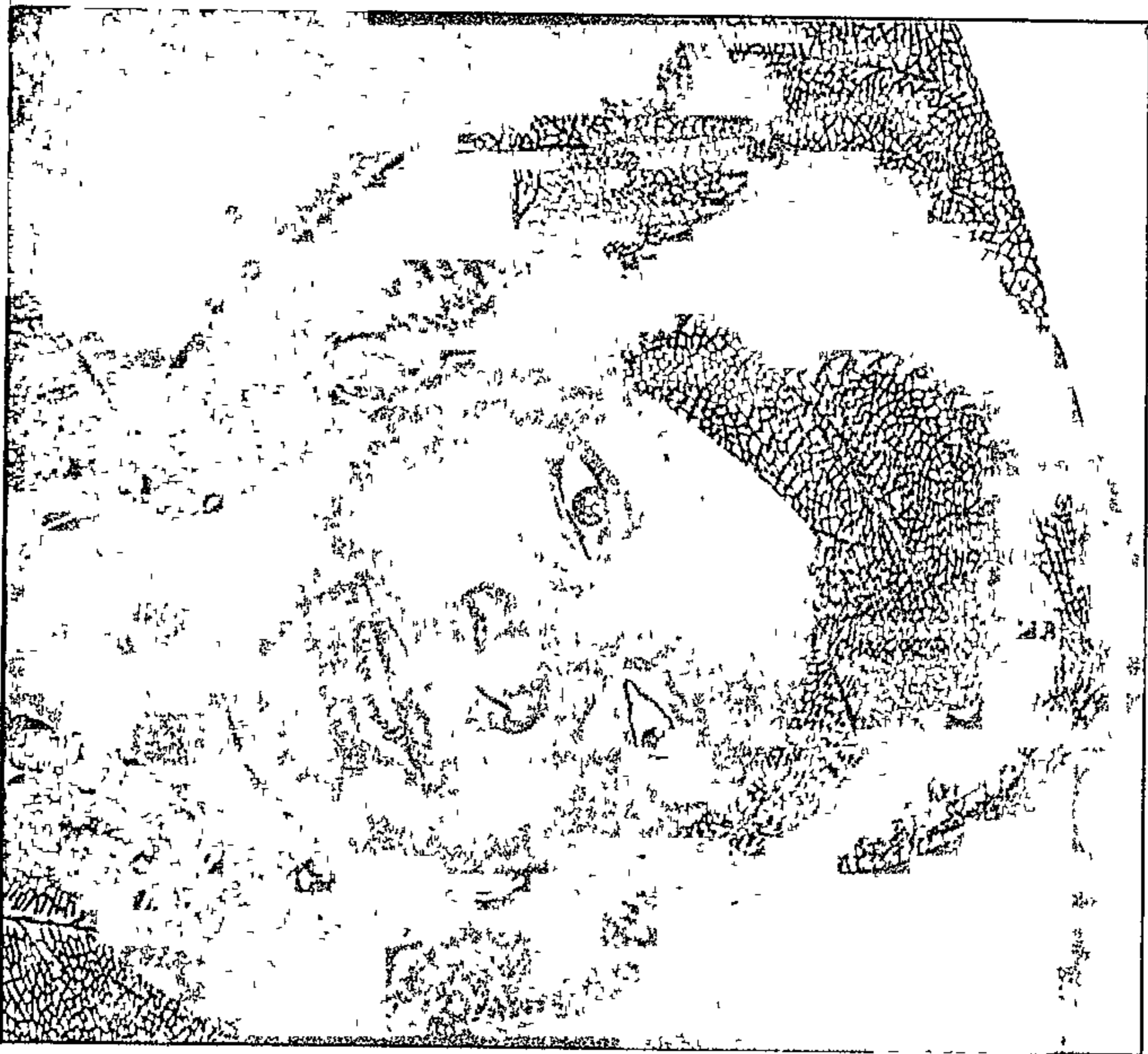
He was also convicted of murdering activist James Mokoetsi (Stompie) Seipei (14). He has lodged an appeal against the death sentence. Mrs Mandela has not been charged with murder.

Mr von Lieres said his decision had been taken because of his understanding of the facts, the law of the land and "my duty to uphold and apply the law to all alike."

Richardson was sentenced to 18 years for charges of attempted murder, kidnapping and assault.

At the time, Mr Justice B O'Donovan said the murder of Stompie was the culminating event after prolonged ill-treatment.

He made a special finding that Mrs Mandela was present at least part of the time that Stompie and three other youths were assaulted.



Winnie Mandela to be prosecuted on four counts of kidnapping and four of assault with intent to commit grievous bodily harm

## No snow for

Staff Reporter

Put away the anoraks and snow shoes. The Weather Bureau in Pretoria has dashed hopes of September snowfalls on the Peet today.

Highveld residents went back to their winter woolies this morning as early morning temperatures plunged to 4 deg C and the question on everyone's lips was "Will it snow?"

The answer from the Weather Bureau was a firm "No not on the Reef, but later over the Drakensberg and the Mainu mountains."

"Conditions for snow must be very cold and moist."



# I welcome charges, says Winnie

By Dawn Barkhuizen and Monica Nicholson

Winnie Mandela yesterday welcomed the chance to defend herself on eight charges in connection with the alleged abduction and torture of four youths in Soweto in 1988.

In her first public statement after the announcement that she would be charged with four counts of kidnapping and four counts of assault with intent to commit grievous bodily harm, Mrs Mandela said "I am unable to comment about a case that has not yet taken place, suffice to say I welcome the decision that at last I will be able to stand a proper trial and clear my name properly."

"Up to now I have been tried and found guilty by the media in South Africa, for their own purposes."

Asked to comment further on a trial by media she said, "I will respond after the trial."

She was speaking after being allowed to leave Tokoza police station on the East Rand yesterday.

Mrs Mandela was held for about three hours after being found in possession of spent cartridges and one live cartridge at a SAP roadblock while en route to visit refugees at Phola Park at about 11 am.

Police public relations officer Colonel Steve van Rooyen said Mrs Mandela had been taken for questioning but not arrested.

Colonel van Rooyen said it was not unlawful to be in possession of spent cartridges, but Mrs Mandela had had one live 9mm cartridge.

East Rand police spokesman Captain Ida van Zweekel said:

"Mrs Mandela apparently handed the shells to police at a roadblock. There is no crime involved."

Asked if she thought Mrs Mandela's actions were praiseworthy from a police point of view, Lieutenant van Zweekel said "Yes, I believe so."

As she left the police station, wearing black leather, Mrs Mandela told pressmen that Phola Park residents had given her the cartridges when she visited the devastated settlement on Monday.

## Evidence

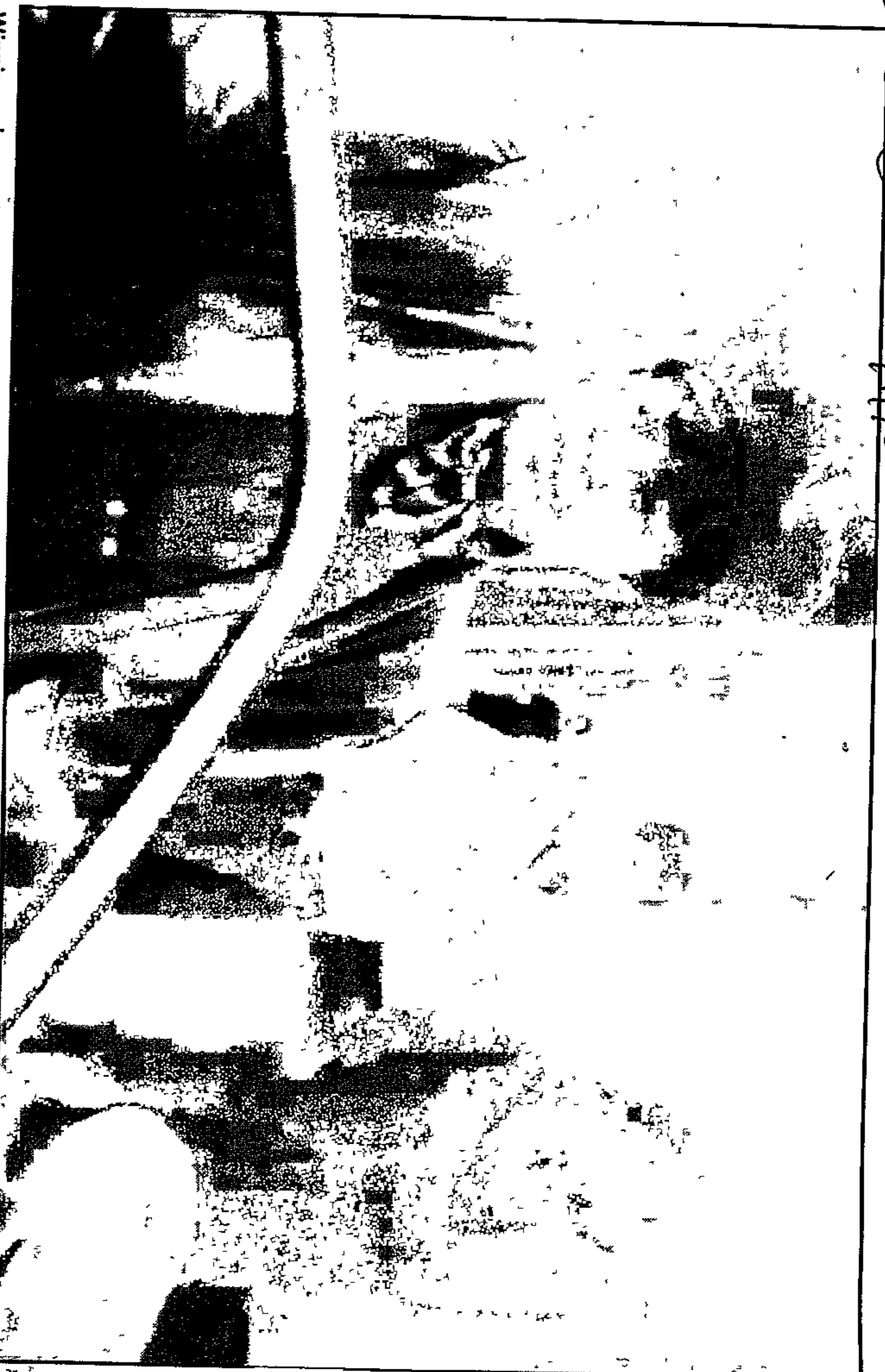
She had been intending to show them to her husband, Nelson Mandela, as evidence of the shootings that took place last week.

Police had told her that she had no right to be in possession of empty cartridges, she said.

She said "Police harassment has never been a surprise to the Mandela family or to myself or to the oppressed people of South Africa. I know I have personally been their barometer for years and I know that for as long as the present situation exists I will always be their political barometer through which they can measure the wrath of the people."

She added: "It is quite clear that the dirty methods they have been using are nowhere near being stopped. The one issue is coming to an end, so they must precipitate other issues. It is just a continuing of what has been going on."

Mrs Mandela went on to address some of the homeless squatters at Phola Park Speaking Xhosa, Mrs Mandela referred to their plight and bids to evict them from the area.



Winnie makes a statement . . . Winnie Mandela, wife of African National Congress deputy president Nelson Mandela, leaves Tokoza police station yesterday after making a statement about spent cartridges found in her car when it was stopped at a police roadblock. Mrs Mandela later spoke to Phola Park residents.

Picture by Associated Press.

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25/9/90  
Sker

# Weekblad wins bid to inspect police general's home

Star 20/9/90 (252)

An application to inspect the Pretoria home of police forensics chief General Lothar Neethling was granted to Vrye Weekblad editor Max du Preez yesterday by the Rand Supreme Court.

The application was

opposed by General Neethling, who was ordered to pay the costs of Vrye Weekblad's legal counsel.

The weekly said the application arose from an action of defamation instituted by General

Neethling against the Vrye Weekblad and the Weekly Mail, to be heard in the Rand Supreme Court in November.

Evidence of CCB-accused Captain Dirk Coetzee will be taken on commission in London

from October 8 to 12

Vrye Weekblad said in its application there was an urgent need to inspect General Neethling's residence because Captain Coetzee had claimed in evidence that the general had given

him chemicals to poison alleged African National Congress insurgents.

Captain Coetzee was asked during evidence to describe the general's residence, to which he had allegedly gone to get the poisons — Sapa.

'Dishonesty was rife'

# Charge DET officials, says commission

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By Shehnaaz Bulbulia

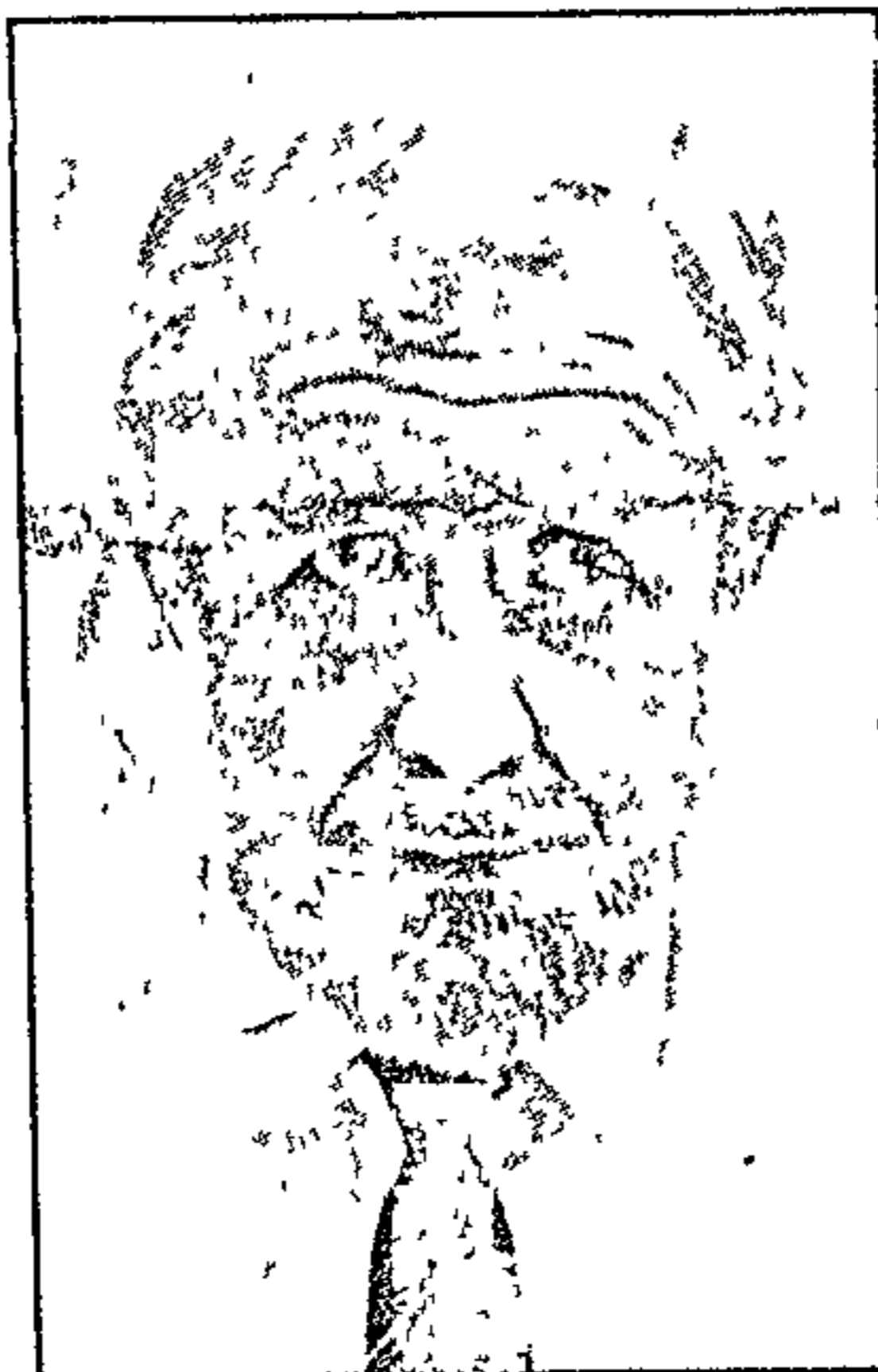
Criminal charges could be instituted against several Department of Education and Training (DET) officials in the wake of the Van den Heever Commission report that irregularities and dishonesty were the "order of the day" in the running of the department's youth camps.

DET Director-General Dr Bernhard Louw announced at a press conference in Pretoria yesterday that DET Johannesburg regional director Peet Struwig — named by the commission as possibly being implicated in the theft of money from private funds obtained by the DET — had been transferred from his post with immediate effect.

Another man, Gert Swart, was also implicated in this

The Van den Heever Commission, chaired by Justice Leonora van den Heever, began investigating DET activities in 1988. The commission released its third report yesterday after its probe into DET youth camps.

The first report covered irregu-



Peet Struwig . . transferred from his DET post in Johannesburg with immediate effect.

larities in the purchase of a computer system and the second dealt with irregular printing contracts.

Mr Struwig, who has held his post in Johannesburg for two years, has now been assigned to the Pretoria office of the DET's Provision of Education deputy director-general, Dirk Scholtz.

His place was being filled temporarily by Richard Motau, Deputy-Director of Education at Springs, Dr Louw said.

It was revealed yesterday that documents submitted to the commission indicated that irregularities with regard to money paid out had been a common occurrence.

The commission found that control in respect of financial matters had been particularly inept and documents were sometimes tampered with to create a semblance of consistency.

"Documentation is so vague and payment requisitions so easily written and honoured that a team of detectives and accountants would battle to find out what the funds were used for."

Regarding payments of deposits for the rental of camping sites, it was found that about R500 000 had been used and an amount of R394 184,84 was missing.

Several people outside the department were alleged by the commission to be guilty of criminal offences and certain DET officials and former officials could also be guilty of misconduct because they were either lax or dishonest with documentation, said the report.

These people are named as Leon

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Spec 20/9/82

# Dishonest DET staff criticised

● From Page 1

Schonken, Mr Struwig, a Mr Lubbe, Philip Engelbrecht, "Chaka" Croucamp, a Mr Schutte and Mr Swart.

It was also found that relatives or friends of certain officials had been awarded contracts without competition.

Paul Brosnihan, a friend of the late former Deputy Director-General, Jaap Strydom, and Mr Swart's brother, Renier Swart, were granted contracts without competition.

Persons found prima facie guilty of offences that could lead to prosecution were

● Mr Brosnihan and Mark Galbraith Stones for misrepresentations in the Broederstroom Training Centre invoices and failure at times to collect GST.

● Mr Stones, Mr Brosnihan and Jack Paul regarding fraud in Recreational

tional Development Centre invoices.

● Mr Gert Swart and his brother Renier regarding misrepresentations in invoices.

● Tinus Strydom, son of the former Deputy Director-General, for fraud and/or theft and trying to obstruct justice.

● Mr Jaap Strydom and Mr Schonken for bribery.

Persons which further investigations may indicate need to be charged are:

● Frikkie van Kraayenburg for overpayments of money obtained for the Alpha training centre

● Mr Lubbe, whose honesty the report questioned, saying "it is difficult to accept that an accountant could hand out money so regularly on such inadequate documentation"

● Mr Bob Swiegelaar, who was involved in Re-

creational Resorts with Mr Brosnihan. It was accepted that officials must be bribed in this operation.

The report has been submitted to the Attorneys-General of the Transvaal and Natal for investigation.

The commission recommended that:

● Further investigation into the printing and buying of books be undertaken as it was possible that other irregularities could be uncovered with regard to departmental contracts.

● A post for an ombudsman be created to take over the task of the commission.

● Persons who were guilty of criminal offences should be charged without delay.

● Officials who were still with the DET and who were responsible for certain irregularities should be removed from the department.

# New legal system may include a 'high court'

W. H. J. 219-2791 90

**WIDE-RANGING suggestions for a new legal dispensation, many of them designed to deal with criticisms of the present system, have been put to the South African Law Commission by the Association of Law Societies.**

Among the association's proposals is the establishment of an additional "rung" on the hierarchy of courts, by adding a "high court" between the supreme court and the magistrate's court.

The ALS also suggests a new kind of legal representative, who will have a minimum training before being able to appear for accused in criminal matters at the magistrate's court level.

Three "levels" of upper courts are suggested by the ALS. At the top is the appeal court which will hear appeals on constitutional and human rights matters, while on other issues it will hear appeals on points of law only.

The supreme court will hear appeals from the magistrate's court and the "high courts" and will be the starting point for constitutional and human rights disputes.

Then comes the additional "rung" suggested by the ALS—the "high court"—which will hear all matters not dealt with by the supreme court or by the lower courts, and will also act as a court of appeal for the lower courts.

(The high courts) will have a number of specialist divisions to handle matters such as family law, commercial matters,

taxation, immaterial property, insolvency; industrial relations, liquor; property (including water, expropriation and town-planning); personal injury, and criminal matters.

Circuit courts should be established for the high courts which will hear criminal and civil matters.

Four divisions are suggested for the lower courts: magistrate's court for smaller criminal and civil matters, courts under "Justices of the Peace" which will handle petty matters "including less serious traffic offences which should be decriminalised", a special court for customary or indigenous law if the population group concerned wishes to have such a court and the small claims court.

The ALS proposes there should be a right of appeal from the magistrate's courts and the high courts to the supreme court. "Further appeals should be on points of law only and with the leave of the supreme court or of the Appeal Court."

They stress that all the courts should be independent of the executive and make two suggestions for improving the existing situation.

All appointments of judges and magistrates should be made by an independent body including representatives of the bench, the bar councils, the law societies and the government.

The offices of magistrate and of public prosecutor should be separate from each other. "Magistrates should not be civil servants and should (with other judicial officials) function independently."

One of the potentially most far-reaching suggestions is to establish a new kind of legal representative. These "agents", all under the jurisdiction of the law society, would undergo less training than presently stipulated for lawyers and would appear in the lower courts on criminal matters only.

The ALS suggests that such "agents" could, for example, have been through a two-year course at a technical college

While approving the suggestion of increasing the number of practitioners able to defend unrepresented accused, Durban constitutional lawyer and head of Natal University's department of public law, George Deyenish, said their training should be through the universities.

"If they are able to 'upgrade' their qualifications later by studying for a B Proc or an LLB, the universities will want to supervise their original training."

Motivating the "law agent" concept the ALS said it would enable a large number of practitioners to qualify who would charge less than attorneys and could represent those accused presently underfended. The association also argued that it was difficult for people to support themselves during the years of study needed to qualify as an attorney and following that, during the period of articles.

Dealing with the question of the courts' credibility and accessibility, the ALS said the courts were adversely affected by geographical, financial and manpower constraints as well as by the negative perception of the public.

However, the accessibility and credibility of the lower courts could be improved by extending and privatising legal aid, establishing the proposed "law agents" system to allow representation of more people, by simplifying court procedure and by allowing attorneys to appear in the superior courts.

**CARMEL RICKARD**

## JUSTICE FOR ALL

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FM 21/7/90

In June, Winnie Mandela told a vast American TV audience that she would welcome being charged in the Stompie Seipei murder case, in order that she might defend herself.

She now has the opportunity. The wife of the ANC deputy president will be charged on four counts of kidnapping and four counts of assault with intent to commit grievous bodily harm.

Her husband, too, complained in May that she had not had the opportunity to defend herself.

Witwatersrand Attorney-General Klaus von Lieres und Wilkau says his decision to prosecute is not based on those claims and statements, "but because of my understanding of the facts, the law of the land and my duty as attorney-general to uphold and apply the law to all alike." He said he had considered all "possible implications beyond the normal legal ones" before reaching his decision. (The *FM* is puzzled that Von Lieres found it necessary to consider non-legal implica-

tions, but was unable to reach him for comment before going to press.)

The charges arise from the kidnapping and beating of four youths at the Mandela home in Diepkloof in late December 1988, not long after the body of James Moketsi "Stompie" Seipei was found. His throat had been slit with garden shears and he had been badly beaten. The youths were rescued after one boy, who had also been threatened with having his throat cut, managed to escape.

Jerry Richardson (41), coach of the "Mandela Football Club", received the death sentence in June for the murder of Stompie.

Evidence at his trial implicated Winnie Mandela in sjambokkings of the kidnapped boy.

The seven remaining members of the club, charged with kidnapping and assault, are to appear in court in Soweto on September 24 and will then be remanded for trial in the Rand Supreme Court with her.

BY TSHOKOLO MOLAKENG

NIGHT court has come to Johannesburg but it's not exactly the barrel of laughs depicted in its television name-sake.

In fact, daytime hearings at the Johannesburg Magistrate's Court are a far more dramatic presentation of the workings of the law — and of the people caught up in its operations.

The atmosphere on Monday night, the first sitting of the court, was decidedly dry: no mad-cap mayhem, no zany characters.

Only Court No 4 was operating and the building echoed the quiet. Usually, during the day, the courts

# Night court: Not exactly a barrel of laughs

Wed 21/9 - 2 31 10

hum with human activity. But on Monday night the security guard who examines the parcels of people entering looked bored to sleep.

Inside the courtroom eight people sat in the gallery. All but two were to stand in the dock.

The mass of bodies which usually crams the gallery — the soul of any court proceeding, participating as much as any accused — was absent.

A man in the dock gesticulated theatrically as he tried to convince the magistrate he had not snatched a wallet from its

owner but had picked it up in the street.

The spectators stretched their limbs and yawned. One man fell asleep. It was about 6pm.

The soporific atmosphere saw me looking at the mainly daft graffiti scribbled on the wooden barrier that separates the gallery from the legal eagles.

"God bless the offenders," read one zig-zag inscription. With the new evening hearings, offenders really need the blessing.

The new hours of 4pm to 8pm are themselves the source of a few prob-

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lems. It is difficult to get transport to the townships in the evenings. Arriving at 7pm dark — particularly with the new "Iron Fist" dusk-to-dawn curfew — is also dangerous.

The national secretary of the Black Lawyers Association, Molanku Gumbi, said night court would expedite the legal process and prevent people waiting on trial for too long. However, she added, the idea had not been properly canvassed among legal bodies.

"The hours should be extended within the time people are still in town," Gumbi

said, suggesting the court should operate until 6pm.

Although lawyers for Human Rights welcomed the move "in the interests of justice", representative Ahmed Motlala added: "The staff will be under enormous pressure and the quality of justice might suffer."

Since a flood of cases is expected, Molanku suggested night hearings be held at all Joburg courts.

According to the department of justice, the new system was introduced to cope with "the expected increase in legal cases due to the present wave of violence" and would also be introduced in Pinetown, Durban and Pietermaritzburg.

# A few days later he was aflame

**By Glen Elsas, West Rand Bureau**

A Soweto man, who told The Star he was upset by the attitude of some Church leaders who visited Reef townships last week, was the same man who appeared in photographs days later being hacked, stabbed and burnt alive.

Last week The Star conducted an interview with Linder Tshabalala, who was upset by the action of church and other leaders after a visit to the area by church dignitaries.

A few days later South Africa was shocked by pictures of Mr Tshabalala being attacked, stabbed and set alight.

Mr Tshabalala had described himself in the interview as an apolitical resident who just wanted fairness and a chance to get on with his life in peace.

His brother said he was horrified at the way Mr Tshabalala had died as he had not been involved in any unrest.

Mr Tshabalala was an eye witness during a visit by church leaders to Soweto last Tuesday. He told The Star "I am upset and horrified by what I experienced and now wonder if our leaders, church and otherwise, really do want to find a solution to our crisis or if they are just pawns dancing to the tune demanded by their particular audience at any given time.

"I was here when the unrest

in Soweto started. I read various articles and letters and saw television interviews in which different parties and organisations were held responsible for the unrest in Soweto.

"After it was announced in the media last week that the SAP was put in charge of the unrest areas, there was suddenly an increase in violence in these areas all over the Witwatersrand. In the meantime the Minister of Law and Order held discussions with several leaders in Soweto. After this, more accusations were flung at the feet of the SAP.

"The police in Soweto have undertaken several projects to help the community — from soup for the pensioners on pension day to the starting of a band for the youth. These are all projects aimed to improve the quality of our lives and they show me that the police are serious about their tasks and responsibilities," he said.

"Our State President jumped the queue and took the initiative by visiting Soweto. He was open and honest during discussions and admitted that the only force able to stop the disorder and install law and order was the police. Despite his visit, renewed violence broke out.

"I regard myself as an impartial resident and I, and many others, agree that the senseless murder of an innocent Zulu man who was on his way to work last Thursday was



**1** Death sentence Linder Tshabalala, accused of being a Zulu supporter of Inkatha, is pulled across a railway line by a group of ANC supporters.

the cause of the violence.

"Suddenly the residents living in the western areas of the township grabbed the opportunity and made the police the scapegoats for the violence.

"Church leaders climbed on the handwagon and tried to defend what leaders like Nelson Mandela, Sisulu and others were saying by carrying out Christian visits to the area.

"Yesterday the Reverend Frank Chikane and his following visited the township. They went to the Tladi squatter

camp without the SAP. Then the honourable reverend wanted to visit the Merate hostel.

"The police were asked to meet them on the way as they felt it was unsafe to go there without police protection. Two unarmed police officers accompanied the reverend through the hostel I was there.

"Rev Chikane prayed for the hostel residents and moved across the road where he spoke to a group of youths. They asked him questions especially concerning the police.

"The reverend actually replied fairly positively concerning his police escort and the police role in the township. He thanked the police in front of us for escorting him at the hostel and on his way to and from the hostel.

"Less than a half an hour passed and the reverend, his following and I went to the same church where the morning's activities had started.

"Several speakers addressed the dignitaries and church representatives. They stated the



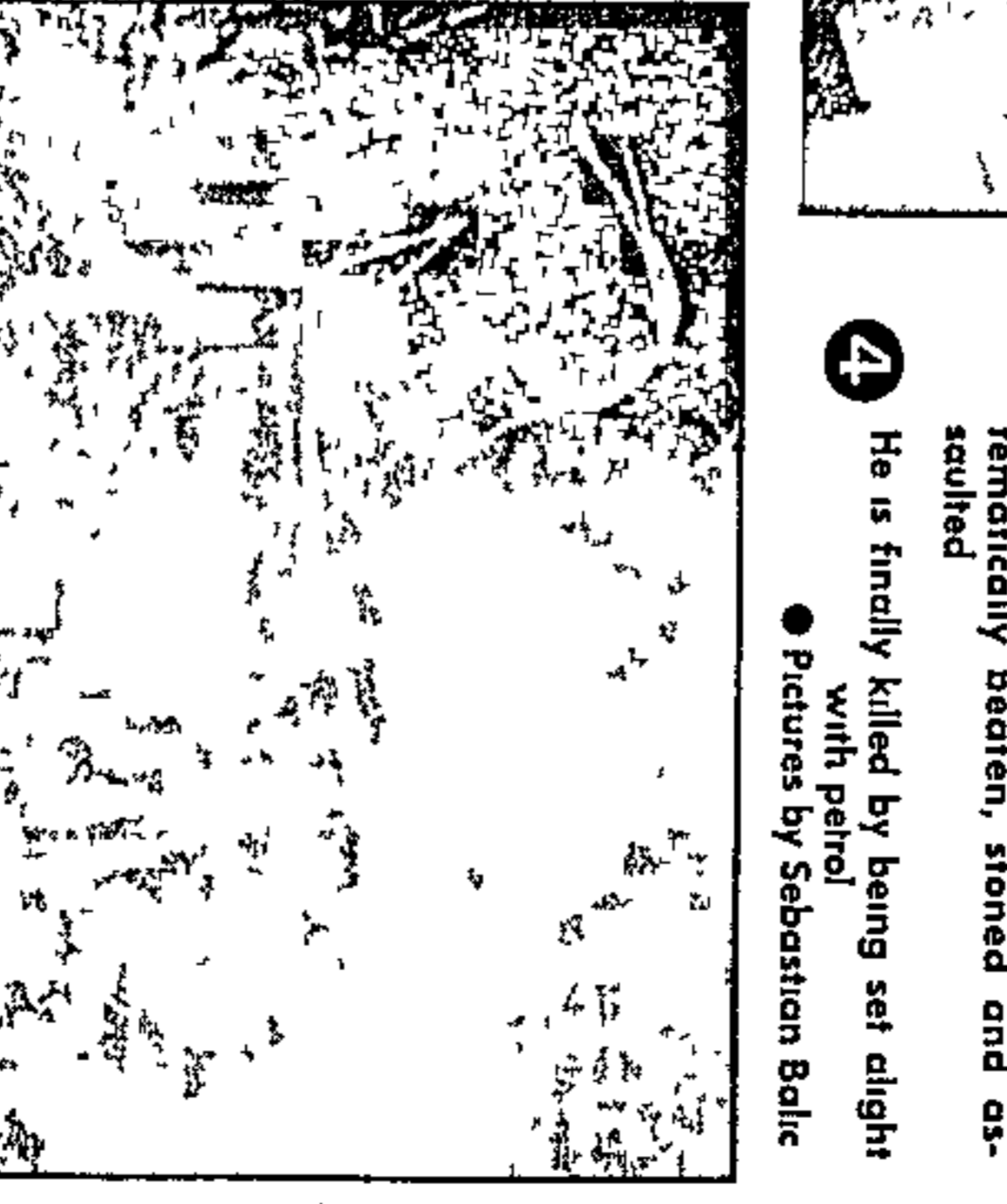
**2** Stabbed An assailant stabs him in the head

police and unsnatched they were the scum of the earth. And without a word of contradiction the reverend, who had asked the police to protect him, agreed, through his silence, with what the speakers were saying.

"Where and how must we find a solution to the problems facing the new South Africa if we cannot even open our eyes and see what is happening before us? We must learn to stand by our convictions and at least give credit where credit is due," Mr Tshabalala concluded.



**3** Second assault Already bleeding from a number of wounds, he is systematically beaten, stoned and assaulted



**4** He is finally killed by being set alight Pictures by Sebastian Bolic



Dec 21/90 (252) **'Suspend the implicated'**

## DET staff'

By Shehnaaz Bulbulia

Political and educational organisations yesterday called on the Government to suspend immediately all Department of Education and Training officials implicated by the findings of the Van den Heever Commission

This comes in the wake of the commission's revelations that irregularities and dishonesty had been rampant in the running of the DET's youth camps

The commission recommended that several prominent officials face criminal charges

Political and educational groups canvassed said the report came as no surprise

National Education Union of SA spokesman Curtis Nkondo said irregularities and corruption were to be expected where power was in the hands of a few

Democratic Party spokesman Ken Andrew said relevant officials should be suspended until judicial processes had been completed

# DET scandal: more could be charged

Star 22/9/90 (252)

MORE officials and others implicated in the corruption scandal in the Department of Education and Training could be prosecuted as a result of the Van den Heever report published this week.

Education and Development Aid Minister Stoffel van der Merwe gave this assurance yesterday after criticism that the Government's response to the commission report had been inadequate. The transfer — and not dismissal — of some officials implicated in the report has been particularly criticised.

Dr van der Merwe said the report had been referred to the Attorney-General who would prosecute officials and others if sufficient evidence of criminal behaviour was found.

"It is difficult to imagine stronger action than that," he added. It would take time for the Attorney-General to decide who should be prosecuted.

**PETER FABRICIUS**  
Political Correspondent

"In the meantime the law stipulates that a person is innocent until proven guilty. It would therefore be unjust to take premature and overhasty action against individuals — the law must take its course.

"In order to prevent any recurrence of irregularities the people who have been placed under suspicion by the commission have been transferred to posts where the recurrence of similar incidents are not possible. The interests of the State and the public are therefore fully protected."

Dr van der Merwe also pointed out that the structure of the department had been changed "dramatically" to institute effective control and avoid recurrence of corruption and bad management.

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# Mass murderer Zwane was 'warned'

By MARTIN NTSOLENGOE

IF mass murderer Bongani Charles Zwane, who was given nine death sentences and 22 years' imprisonment this week, had taken heed of his friend's advice to skip the country, his fate could have been different.

The Rand Supreme Court heard how a trained ANC member, Vuyo Gladman Buléle, alias Sonwabo, had warned Zwane to leave the country after they had attacked Bheki Mhlongo's shebeen with a handgrenade - seriously injuring 13 people.

Instead, Zwane went to his parents' home where he was arrested by security police.

After his arrest, Zwane pointed out a house in Jabulani, Soweto, where Sonwabo and another man were hiding. When police arrived Sonwabo fired at them. They returned fire, killing Sonwabo and the other man.

The court also heard that Zwane's rela-

tionship with Sonwabo - who taught him how to use an AK47 and handgrenades - started at a party at Winnie Mandela's Diepkloof house in December 1988.

The judge said Zwane was first sent to spy out the inside of Joel Mabule's shebeen - which was frequented by police - before they attacked with AK47s, the following night (December 26, 1988), leaving five dead and five seriously injured.

On February 22 last year they attacked the house of Dudu Chilli, an organiser of the Federation of Transvaal Women, killing Chilli's niece, Finki Msomi, while her daughter, Barbara Chilli, suffered serious burns.

Judge Vermooten, sitting with two assessors, said they attacked Chilli's house to avenge the death of a member of the Mandela Football Club, Maxwell Madondo, who was killed by Dudu Chilli's son, Sibusiso. Earlier, the court heard that on January 30

Zwane was approached by Sonwabo and one Gybon who told him they were looking for police to shoot.

The three guerrillas met three municipal policemen at a shopping centre in Meadowlands. They shot and killed Constables Jabulani Mangoma and Maxango, Tshabalala and a member of the public, while seriously injuring a third policeman, Mbulelo Kapu.

The judge dismissed Zwane's allegations that he was tortured by police.

Zwane previously received a suspended sentence in a murder case involving another man, Oupa Seheri, who was sentenced to death for killing two people in Zola two years ago.

Before the judge passed the death sentence, his clerk asked Zwane if he had anything to say. Zwane stood transfixed for a few seconds before saying: "I haven't killed anybody."

His girlfriend, Mirriam Sithole, who was carrying their baby, broke down and cried.

# Moment of truth looms for Winnie

By MANDLA TYALA

THE eyes of the world will be focused on a Soweto courtroom tomorrow when Winnie Mandela begins a process that may either lead to her exoneration or leave a permanent blemish on her name.

The murder of child activist Stompie Moeketsi by an associate of Mrs Mandela has hung over the ANC leader's wife for more than 18 months.

The moment of truth has now come for the controversial woman who has faced vacillating fortunes as either the "Mother of the Nation" or the firebrand many despised.

Mrs Mandela will make a formal appearance in Protea North for a Supreme Court date when she will face charges of kidnapping and assault with intent to commit grievous bodily harm.

The trial is expected to receive close international

attention, with political analysts already speculating on the damage a conviction may cause to the Mandela name.

The ANC, which has called on news organisations to refrain from what they call a trial through the media, will not be watching the proceedings without apprehension.

The organisation recently appointed Mrs Mandela to head its social welfare department, a decision which caused a measure of consternation in the ranks.

If Mrs Mandela is found guilty, the appointment may be reviewed.

Mrs Mandela has welcomed the decision to charge her so, she says, she can clear her name — a position shared by her husband, who earlier said she had not been given an opportunity to answer to the allegations.

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# Govt slammed for lack of any prosecutions

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It says it is desirable that those those who were prima facie guilty of criminal offences be prosecuted speedily. "After each report a small cloud of dust is kicked up which settles soon and is forgotten."

The commission received little co-operation from officials whose conduct was investigated. From a psychological viewpoint the trial of an offender when it no longer had news value, had little value as a deterrent. If those who trespassed were removed from the department, the bad example could be countered.

The commission mentions the possibility of appointing a team of national servicemen trained as accountants to comb the documents of the DET - like those who had been appointed to help the Department of Inland Revenue. Without such a team to work through the documents "like army-worms", the dirty stable of the DET could not easily be cleaned.

The commission found irregularities of the "greatest magnitude" would probably be uncovered with regard to contracts for the printing and buying of books.

The commission suggests the appointment of an ombudsman who could take over its work.

In his response to the report, Education and Training Minister Stoffel van der Merwe said the organisational structure of the head office of the department had been drastically changed since April 1, 1990 and it now had a clear and simple organisational structure.

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A system of budgeting by objectives had been introduced, communication in the department had been simplified and progress had been made in designing a better information system.

"To the extent in which the report contains prima facie evidence of criminal offences, the report has already been submitted to the Attorney-General for investigation," he said.

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What following the commission's report.

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# Dishonesty 'the order of the day'

23/9/90  
252  
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"Financial 'control' was so slack that (former DET director general) Jaap Strydom and his officials at Social Services decided what they wanted to do, and then they made their own rules about how to do it.

"Jaap's friend (Paul) Brosnihan was deliberately favoured, as was (DET official) Gert Swart's brother Renier, through contracts which were granted without competition, making it possible for them to make a lot of money out of the DET," the judge said.

Deposits were paid to terrain owners for youth camps of which no proper records were kept and generally no serious efforts were made to recover them.

The judge said there was prima facie evidence of criminal behaviour on the parts of:

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- Schonken for bribery.

The commission lists four men who could be prosecuted on further investigations and seven officials, including some listed above, who are prima facie guilty of misconduct. It also takes to task the Tender Board and Treasury for not being vigilant enough.

# Report exposes DET head Struwig

## Books fudged over youth camp payments

Struwig was not dishonest, he was so ignorant about the payment of money... that he should be in no position where he is given authority over more than petty cash.

This is the verdict of the Van den Heever Commission on Peet Struwig, former deputy director of youth in the DET's department of Social Services.

Struwig was this week transferred from his post as DET Johannesburg regional director in the wake of the commission's third report.

The judge made this remark when speaking of "The Ninja", a youth camp in the Phalaborwa district, which according to evidence had been used for pupils who had just been released from detention.

Cheques totalling about R140 000 for The Ninja had been paid into the account of Tinus Strydom, son of former DET director general Jaap Strydom. Tinus was prima facie guilty of fraud and/or theft, the judge said.

In the two years from October 1986 to October 1988 the DET had paid out more than R2-million for accommodation at The Ninja, but the documentation for payments was insufficient.

The commission says it is a riddle how money could have been paid in many of these cases where it was impossible to control what the payments were for and if the amounts were really owed.

But Struwig authorised payments and Finance provided the money.

According to DET files, figures showing that children were accommodated at R44 each a day and teachers at R30 a day were changed to R30 a day for children - but all kinds of extras were added like "entertainment and excursions" and "equipment and course material" to make it balance with the original invoice.

In other parts of the report the judge says Struwig

Misled National Education Minister Gert Viljoen about why former DET director-general Jaap Strydom's friend Paul Brosnhan was used to lease the department and the owners of the land of the Alpha Training Centre at Broederspoort, and  
Authorised a deposit of R60 000 in March 1987 to the Broederspoort Cen-

tre - but earlier a deposit of nearly R60 000 had been authorised on his behalf.

The judge found evidence of fraud on the part of Brosnhan and either "incredible laxity or dishonesty" on the part of Struwig and another top official, Leon Schonken.

"We mention dishonesty as an alternative deduction because it is difficult to accept that Struwig allowed this money to be paid out through ignorance," the report says.

Struwig and two other officials authorised the payment of more than R250 000 to Brosnhan's Recreational Development Centre, after he rented

Why should it have been left to the Press to open the door of the Augean stables? The size of the muck-heaps in those stables appear to be bigger with each new investigation of the commission.

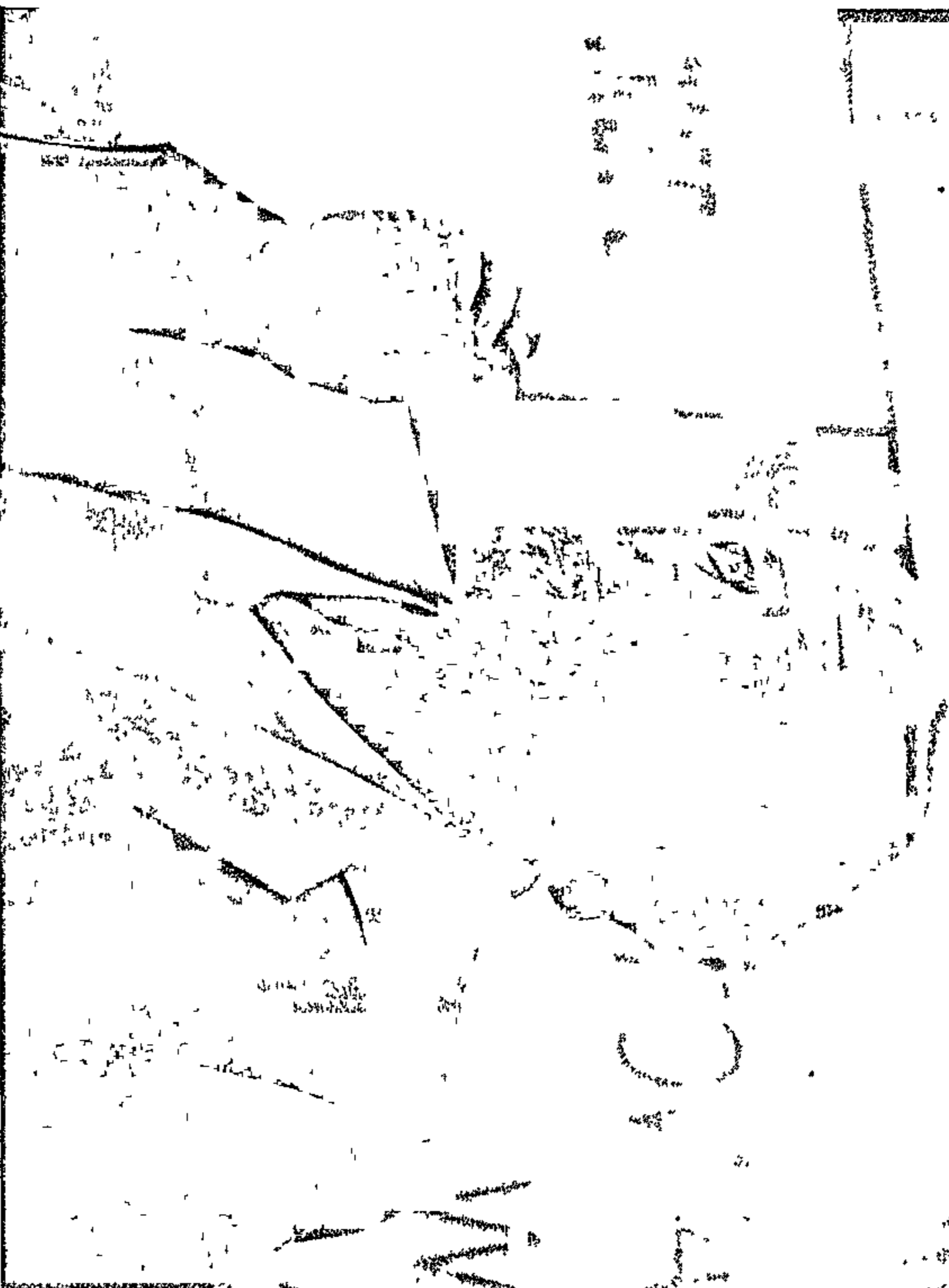
facilities at the New Heaven hotel in Natal for two years at a cost of R16 a person a day, without any proof that the DET received what it was invoiced for.

"Where Brosnhan is prima facie guilty of fraud concerning invoices with swollen figures and lengthened days, Schonken and Struwig are prima facie guilty of misconduct consisting of gross negligence in the certification of documents and authorisation of payment without any confirmation that invoiced amounts were indeed due."

Struwig asked the Tender Board to approve money after it had been spent because of the "sensitivity" of the matter. The commission could not make sense of the Tender Board's response to Struwig.

Struwig authorised the payment of deposits of R261 460 to Mooliland, another youth camp. According to the commission, deposit payments were swept under the carpet for all practical purposes. The Minister was not properly informed and Struwig did not tell the DET's legal advisers about it.

After deposits were paid to Mooliland, Struwig was given a financial "gift" with which he bought a car



Peet Struwig transferred from his DET post following the commission's report

The third report of the Commission of Inquiry into matters relating to the Department of Education and Training - chaired by Judge Leo van den Heever - was released this week. It concentrates on transactions between the DET and various parties concerning the renting of sites that were used for youth camps and youth courses, and exposes corruption on a large scale. Large deposits were paid to owners and go-betweens, ostensibly for the provision of housing and sports facilities, but numerous invoices for deposits were signed with no proof that anything had been done. Few deposits were paid back. Invoices were also signed for camps that did not take place, while figures of pupils and days spent in the camps were inflated. The first report concentrated on irregularities about a computer system bought by the DET and the second on irregularities in printing done for the DET.

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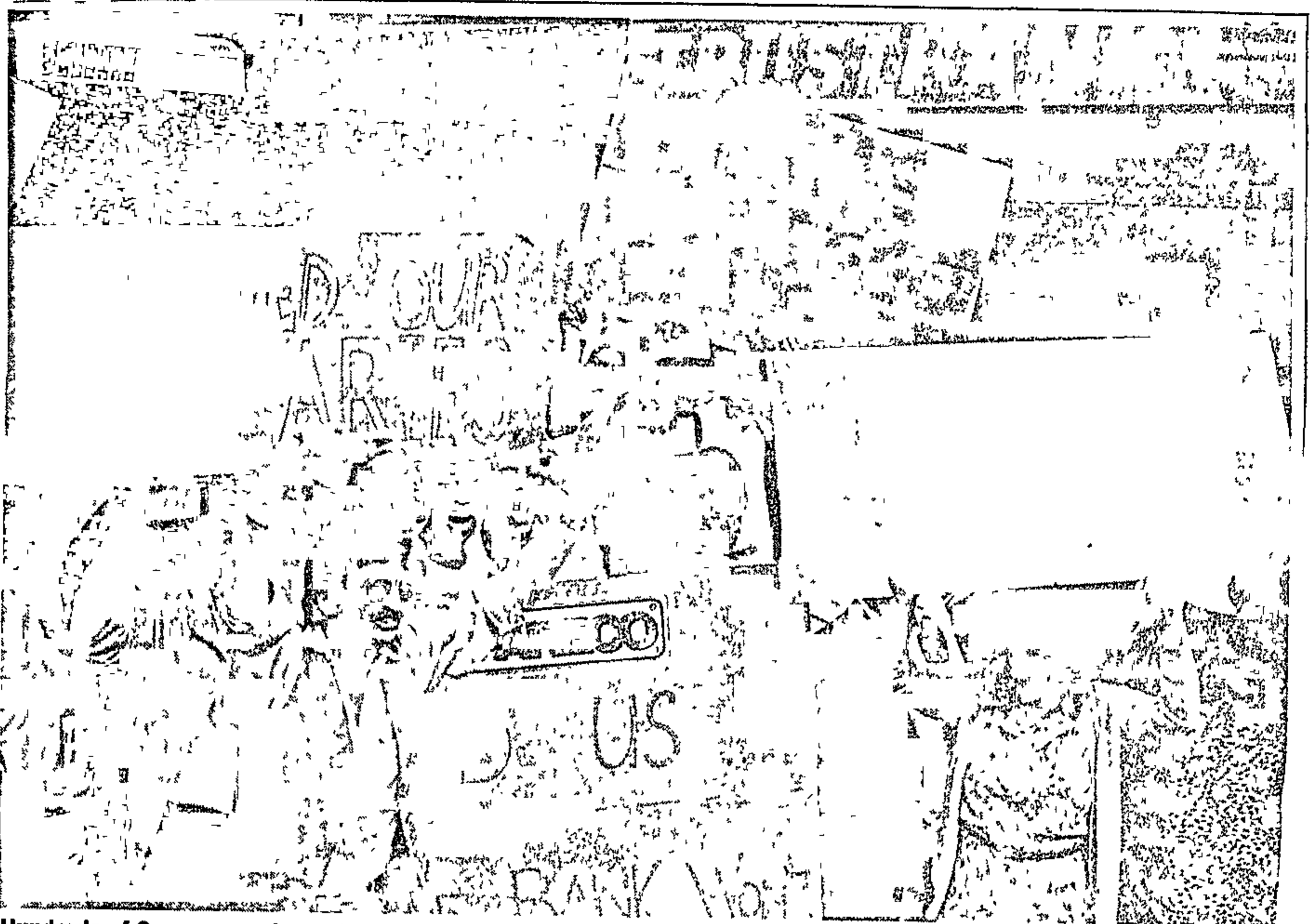
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Hundreds of Spareco workers picket Trust Bank after their cheques were not cashed.

Pic: TLADI KHUELE

# Unpaid workers demand salaries

By **DESMOND BLOW** and **SANDILE MEMELA**

*Press 23/9/90*  
 (108) (252)

THREE hundred Spareco workers protested in front of the Trust Bank in downtown Johannesburg on Friday when the bank refused to cash the cheques of 683 employees.

Carrying placards and yelling "We want money!" they refused to leave the bank until ordered out by riot police.

However, they staged a sit-down protest in front of the bank until 4pm when the riot police reappeared and ordered them to disperse.

Earlier this month four banks to whom

Spareco, an automobile spares company, is indebted for R60-million, obtained a court order freezing its assets until a court action which they are bringing against the company is heard next month.

Staff were asked to stay on and continue working for the full month.

Germiston branch manager Janet Walker said staff had continued to work for the company and all money they had earned was banked with Trust Bank.

Trust Bank spokesman Etienne van Loggenberg said there were not sufficient funds in the bank to pay the employees.

He said their client Senbank had instructed them not to pay out salaries - amount-

ing to R1-million - as the company's assets had been frozen.

"I feel very sorry for the employees, but they must take the matter up with Spareco," he said.

"We stamped their cheques 'refer to drawer' and they can submit them as claims against Spareco when the case of creditors is heard next month."

The three other creditor banks are First National Bank, Bankorp and Alpha Bank.

Most workers said they felt betrayed by the company which had plunged them into unexpected hardship and an uncertain future.



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SEPTEMBER 1990.

# Four in Express court for R57 000

By BERENG MTHOKU

FOUR black men who allegedly robbed the Yeoville branch of the OK Bazaars of R57 000 in cash on April 9 last year, appeared this week in the Johannesburg Regional Court.

Edward Makhuhu, 42, Mike Leshomo, 42, Jabulani Ngwenya, 28, and David Ramboyan, 33, pleaded not guilty to a charge of robbery and attempted murder before F Booyens.

The state alleges that a shot was fired at Rhoda Seefort during the robbery, but missed.

Makhuhu, Leshomo and Ngwenya are also expected to appear in court on October 20 in connection with two bank robberies in which more than R500 000 was taken.

The hearing continues.

# Court today on charges of assault

MRS Winnie Mandela, wife of ANC deputy president Mr Nelson Mandela, will today face four counts of kidnapping and four charges of assault when she appears with seven others at the Soweto Regional Court (148)

The Attorney-General of the Witwatersrand, Mr Klaus von Lieres, SC, announced last week that she will stand trial with seven other accused who have already been charged *Sowetan 24/9/90* (252)

The charges, four of kidnapping and four of assault with intent to do grievous bodily harm, are similar to those faced by the convicted former coach of Mandela United Mr Jerry Richardson although Mrs Mandela has not been charged with murder - *Sowetan Reporter*

# Many of those who administer justice are racist — lawyer

GERALD REILLY

252

PRETORIA — Racial discrimination had penetrated to every corner of SA life, and the administration of justice had not escaped, Lawyers for Human Rights (LHR) national director Brian Currin said at the weekend.

He told a Unisa conference on human rights justice was administered from top to bottom by whites

"Many of those who administer justice in SA are racist in both attitude and action"

Urgent attention should be given to the greater representation of other racial groups in the system

With no bill of rights, with parliamentary supremacy and with a governing party committed to protecting the rights and interests of whites, discrimination was legally entrenched

By 2004 24/9/90

If socio-economic conditions did not improve, SA would be confronted with a soaring crime rate

The situation would be aggravated if the 8-million homeless squatters became 20-million during the coming decade, if 70% of blacks continued to have no electricity and running water; if 70% remained uneducated, and if the vast majority of workers continued to earn wages below the poverty datum line, he said

## Most ominous

The criminal justice system was the product of a totalitarian state whose policies, practices and attitudes were based on political domination of a disenfranchised majority by a privileged minority

Currin said the most ominous of legislation which violated human rights and made a mockery of the administration of justice was the Internal Security Act. Among the most draconian measures was detention without trial. As a detainee "you are guilty because of policemen who say you are"

These barbaric practices had succeeded in discrediting justice administration

On capital punishment, Currin said "As if judicial executions were not enough, we are also having to deal with extra-judicial executions"

A sad consequence of SA's history was that the legal system and the judiciary were simply not accessible to the vast majority of blacks. They could not afford to take part in the system

About 85% of people who came into contact with the law were literally processed through the criminal justice production line without any resistance

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## Government promises to preserve customary law

SA WILL continue to ensure the recognition and preservation of customary law alongside common law, says Justice Deputy Minister Danie Schutte

Schutte told the fourth annual Southern African Law Reform Conference yesterday that unlike certain African states where law reform had frequently led to suppression of either customary or common law, such disregard was not part of SA policy.

"For law to be effective, it must receive popular support and meet the diverse needs of people in the southern African continent", said Schutte.

The acquisition, ownership and security of land tenure, particularly in tribal areas, should be considered for future investigation, with due regard to the preservation of customary and traditional authority systems in the particular areas.

Schutte stressed the importance of a sensitive approach to the reform of family law because the SA legal heritage had two systems — one African and the other the Western system of common law.

"By recognising marriage under both systems of law, discrimination could be obviated, and by adopting a flexible approach, account will be taken of the complex social circumstances and popular perceptions without suppressing one system in favour of the other." — Sapa. B 109 25/9/90

# Winnie's trial date set for February 4

By Helen Grange

Winnie Mandela — "accused number eight" — arrived at Soweto's Protea Magistrate's Court yesterday amid a thronging, chanting crowd



Her trial — with seven co-accused also charged with eight counts of kidnapping and assault with intent to do grievous bodily harm — was postponed to February 4 at her lawyer's request.

Radiant in a navy blue matching skirt and jacket, Mrs Mandela arrived at exactly 9 am with her husband, ANC deputy president Nelson Mandela.

As relatives and journalists piled into the courtroom, supporters dressed in ANC colours waited patiently outside. Scores of policemen kept watch over proceedings.

After legal argument between the prosecutor, Chris van Vuuren, and Mrs Mandela's attorney, Ismail Ayob, over a trial date in the Rand Supreme Court, the magistrate, T F Veldman, decided to grant Mr Ayob's request.

The trial date of October 30, suggested by the Attorney-General of the Witwatersrand local division, was inopportune, Mr Ayob submitted, as Mrs Mandela would not have sufficient time to prepare her case.

Secondly, Mrs Mandela's counsel, understood to be George Bizos SC, was not available for this date.

Winnie and Nelson Mandela outside court yesterday. ● Picture by Sean Woods.

# Winnie 'may quit if found guilty'

By Chris Whitfield  
The Star Bureau

LONDON — Nelson Mandela told British television viewers last night that his wife, Winnie, would resign from her position as head of the ANC's department of welfare if found guilty of the charges against her in court.

He also suggested that some of Mrs Mandela's recent controversial statements might have arisen from a misunderstanding of decisions by the ANC's national executive, but he said he was to blame for this.

Mr Mandela was being interviewed by David Dimbleby for BBC's "Panorama" programme. Mr de Klerk was also interviewed for the same broadcast.

Dimbleby asked Mr Mandela whether he thought it was correct to appoint Mrs Mandela to the ANC post at a time when she was facing charges of kidnapping and assault.

He defended the decision,

saying she was proved guilty," and added: "If my wife is found guilty I am sure she will be the first to say 'In the light of the decision of the court I can no longer hold this position'."

Dimbleby asked if statements made by his wife about the suspension of the armed struggle represented the ANC view. Mr Mandela said they might have arisen from a failure to understand certain decisions by the national executive.

## Implications

"People outside the national executive do not find it as easy to understand the decisions as we do."

Dimbleby asked whether this included his wife. "Yes, of course, because she is outside the national executive."

He added, however, that he sometimes failed "to do what I should", which was "coming back home and explaining to my wife the decision we have taken and its implications."

Mr Mandela, discussing the violence in the Reef townships, said the ANC had reason to believe groups were paid to "commit these massacres. This was an independent force which was carrying out certain objectives, and orchestrated by certain people."

He repeated threats to lift the suspension of the armed struggle if the Government failed to suppress the township violence.

Mr de Klerk told Dimbleby the recent violence had stemmed from "a positioning for power within the black community."

He said, however, that massacres on trains and shootings from minibuses were "different", and "a form of terrorism."

He said the motives of such attacks was "to upset the psychological atmosphere, to create a general atmosphere of uncertainty and fear."

● Winnie's case postponed  
— Page 6



A policewoman precedes Winnie Mandela and her husband, ANC deputy president Nelson Mandela, into the Soweto Magistrate's Court yesterday. Picture REUTER

## Winnie's case postponed

8 10 90 2519/190  
 WINNIE Mandela and seven others allegedly slapped, punched and sjambokked four people, according to State papers presented to a Soweto Magistrate's Court yesterday.

The wife of ANC deputy president Nelson Mandela appeared with seven others on four counts of kidnapping and four counts of assault with intent to do grievous bodily harm.

Following argument by Mandela's attorney, Ismail Ayob, the case was postponed until February 4 when it will be heard in the Rand Supreme Court.

Magistrate Tom Veldman released Mandela on her own cognisances. He also extended the bail conditions of her co-accused: John Morgan, 61, Katiza Cebekhulu, 22, Nompumelelo Falati, 18, Mpho Gift Mabelane, 19, Xoliswa Falati, 36, Sibusiso Brian Mabuza, 19, and a youth who may not be named.

The charges against Mandela arise out of the abduction of four people from the home of Methodist minister the Rev Paul Verryn on December 29 1988.

According to the court papers, the

(252)  
 accused, with the exception of Mandela, abducted James Moeketsi "Stompie" Seipei, Kenneth Kgase, Barend Thabiso Mono and Gabriel Pelo Mekgwe from Verryn's Orlando West manse.

The group were then taken to Mandela's home in Diepkloof Extension where they were hit with clenched fists, sjambokked, kicked, lifted and dropped, trampled and hit on the knees, the papers allege.

The court rejected prosecutor Chris van Vuuren's request that the trial begin on October 30 and accepted Ayob's argument that Mandela and her legal team would not have sufficient time to prepare.

Ayob also argued that Mandela had planned to travel abroad with her husband next month and that her defence counsel, advocate George Bizos, would not be free until next year.

The ANC said yesterday it would not comment on the case.

TIM COHEN

the case, further said the...  
 unless to assist its members.

THE TRANSVAAL





ANC deputy president Mr Nelson Mandela and his wife, Winnie, were cheered and surrounded by jubilant supporters as they emerged from the Soweto Magistrate's Court in Protea yesterday. Mrs Mandela has been charged with kidnapping and assault.

Sowetan 25/9/70 (252) Pic. MBUZENI ZULU

## Winnie on kidnap charges

MRS Winnie Mandela and seven other people appeared in the Soweto Magistrate's Court yesterday on four charges of kidnapping and four of assault with intent to do grievous bodily harm.

The case was postponed for trial in the Rand Supreme Court on February 4 and Mandela was released on her own recognisances.

The other accused's bail conditions were extended with a warning to appear on February 4.

A crowd of singing supporters

and scores of foreign television crews and photographers met Mrs Mandela, accompanied by her husband, African National Congress deputy president Mr Nelson Mandela, outside the court.

An October 30 date was originally set for the trial of the eight but Mrs Mandela's defence argued successfully for a postponement to February 4.

Mr Ismail Ayob said the complexity of the case - with eight accused represented by two different attorneys and over 30 witnesses

called by the State - left too little time for preparation.

He said Mrs Mandela would be abroad with her husband on October 30 on a long-standing arrangement and would not be available for trial on that date or for necessary consultation prior to the case.

Ayob said there would be "substantial prejudice" if Mrs Mandela faced trial on October 30, leaving the defence less than two weeks preparation time after

●To Page 2

P.T.O.



A woman from Bushbuckridge in the Eastern Transvaal blows the horn as others dressed in ANC regalia jig and dance the toyi toyi in front of the Soweto Magistrate's Court minutes after Winnie Mandela's case had been postponed.

Pic MBUZENI ZULU

## Winnie on assault charges

*Sowetan 25/9/90*

●From Page 1  
 particulars of the case were furnished to her counsel.

The other accused are Mr John Morgan (61), Mr Katiza Cebekhulu (22),

Ms Nompumelelo Falati (18), Mr Mpho Gift Mabelane (19), Ms Xoliswa Falati (36), Mr Sibusiso Brian Mabuza (19) and a youth of 17 who may not be named. The prosecutor, Mr

LCJ. van Vuuren, requested the case be held in camera because one of the accused was under 18 years, but the media were allowed to attend proceedings on condition he was not named - Sapa.

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## Nampak-CMS saga: new twist

By Cathy Stagg

The legal battle between Nampak and Corrugating Machinery Services CC (CMS), which was described in court as a "many headed hydra", entered a new phase yesterday when Aldo Paolo Cordano applied to intervene as the second applicant.

Mr Cordano, who lives in Atlanta, Georgia,

USA, claimed to be a 33,3 percent member of the close corporation, CMS, and asked the court to order CMS to pay Nampak Products Ltd R2,3 million.

His application was opposed by counsel representing CMS, A H Barker, R L Webb and G Germanis.

Mr Justice P J Streicher is expected to

hand down judgment on the application today.

The court heard Mr Cordano and Nampak were now allied in their applications.

Nampak had previously applied to the court for the repayment of R2,3 million.

CMS intends claiming R10 million from Nampak.

## We took MK man home, say cops

AFTER Security Police had questioned ANC Umkhonto we Sizwe member Mr John Mchunu at King's Park Rugby Stadium on September 5, they returned him to his Lamontville home, the Durban Supreme Court heard yesterday. (252) (252)

This evidence followed a court order on Monday compelling police to produce Mchunu at the Supreme Court yesterday, after his alleged abduction by "Askaris" at Durban's OK Bazaars store on September 5 1990. Sowetan 26/9/90.

Monday's court application was brought by Mchunu's sister, Miss Christina Mchunu, against Law and Order Minister Mr Adriaan Vlok and the Commissioner of the SAP, General Johan van der Merwe.

Affidavits by Lieutenant-Colonel Andrew Taylor of the Security Branch at CR Swart Square and Sergeant Aubrey Mngadi of the Maritzburg Security Branch yesterday alleged that Mchunu "offered no objection" when asked to accompany police because "we wanted to ask him certain questions" - Sapa.

4 rightwingers'  
trial postponed

By Celeste Louw

The trial of four rightwingers, who were allegedly responsible for five bomb explosions earlier this year, was postponed to November 27 in the Johannesburg Magistrate's Court yesterday.

Then former AWB chief in Johannesburg, Leonard Veenendal (34), Darryl Stopforth (23), Craig Barker (21) and Arthur Archer (29) were not asked to plead.

They are in custody.

● An inquiry to have Mr Veenendal and Mr Stopforth extradited to Namibia was postponed yesterday by a Johannesburg magistrate.

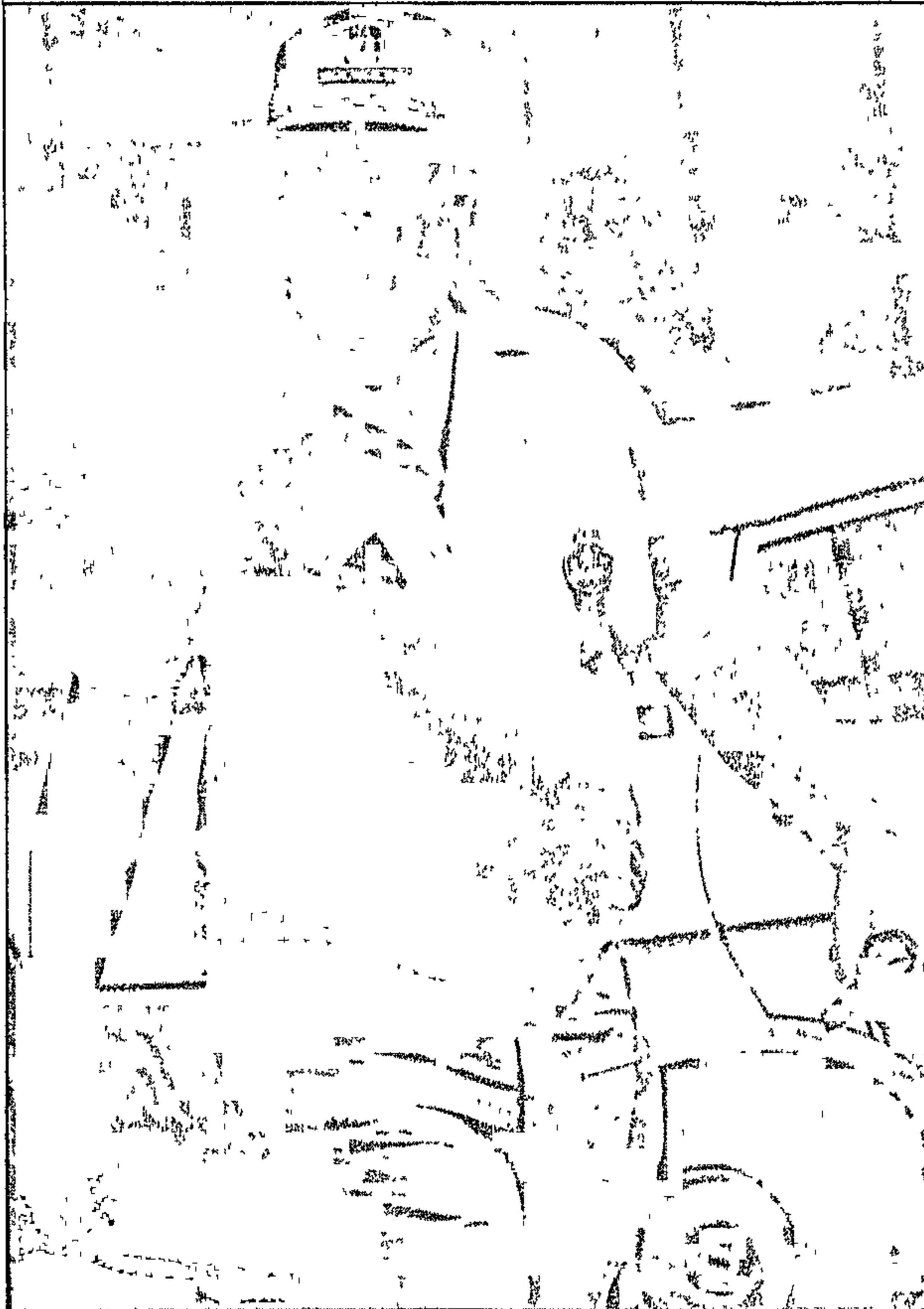
It was alleged that Mr Veenendal and Mr Stopforth shot dead a security guard in an attack on Untag forces.

They also allegedly murdered a policeman when they escaped from custody.

● Two rightwingers lose counsel — Page 5.

KGROUND

Star 27/9/90



John Pearce . . . severely criticised by the Hjemstra Commission for "Pearcean irresponsibilities".

# Negligent Mr Don't Know

By NORMAN CHANDLER

Johannesburg City Council's security chief John Pearce was yesterday labelled "Mr Don't Know" by the Hjemstra Commission.

In its report on spies in the council's security department, the commission says Mr Pearce was guilty of gross negligence over how his department operated.

Appointed by the Administrator of the Transvaal to investigate revelations published by The Star about the spy network, the commission severely criticises Mr Pearce.

Mr Justice V G Hjemstra, assisted by Mr W van den Berg, found he had contended there were "no targets for the spies" but had nevertheless signed requests for payments to be made

to spies and informers "without verifying the facts because he relied completely on Brigadier J F Visser" (former deputy director of the department).

"A massive surveillance network had been laid bare in the press but he did not even question Brigadier Visser or any one of the others about it because he had a touching faith in this commission."

### Accountability

"One of the cornerstones of democracy is accountability and it is on the issue of accountability that John Pearce stands accused."

He had not inquired into The Star's claims that 48 organisations were being spied upon because he was not concerned

about it, the report said.

Other "typical Pearcean irresponsibilities" included not knowing whether there were laws allowing infiltration, nor what the information section (of the security department) had in mind when authorising subversive activities.

He could not justify the reasons for infiltrating an organisation and had vehemently denied there were party political considerations in decisions taken. Even obvious political undertones in letters between departmental heads "did not ruffle his calm".

Answers he gave about the security department were "peppered with 'I don't know'".

The report said "There is no answer he gave more often than 'I don't know'".

## Security link-up wasn't improper

By NORMAN CHANDLER

The Hjemstra Commission report has found nothing untoward about co-operation between the Johannesburg City Council's security department and other intelligence-gathering organisations.

The commission's report, issued yesterday, points out that the council's management committee had, in fact, twice taken decisions that co-operation with the military be started and maintained.

The first was on September 17 1982 and the second on November 29 1983.

They were taken "for the formulation of an effective security planning system in the maintenance of law and order and the protection of national key points".

An eight-point plan was adopted by the council for the assessment of security risks, research, monitoring, compilation of security plans, investigations, forecasting, liaison with NIS, and provision of security consulting services.

There was "no express provision for informing clandestinely on civilian organisations," says the commission.

### Approached

The report adds that the SADF was the first organisation to be approached, and later similar co-operation arranged with the SA Police's security branch, the National Intelligence Service (NIS), and the Bureau for Information.

The programme was extended when former police officer Brigadier Johannes Visser became senior deputy director (security).

It was on Brigadier Visser's suggestion that spies or "sources" were employed — Councillor Dame van Zyl, who is now dead, agreed at a meeting also attended by town clerk Manie Venter and security chief John Pearce that spies "be appointed for reward".

There was no evidence, according to the commission, that the SADF may have asked or instructed that security department officials infiltrate or spy on trade unions and organisations, or monitor the activities of any person.

There was nothing wrong with council employees handing over house plans and the names and addresses of motor vehicle owners to the SADF.

# Good accounting may have stopped the rot

27/9/90 252

Officials of Johannesburg City Council did not follow acceptable accounting procedures in making payments to spies, the Hiemstra Commission has found

Commenting on the lack of accountability in the funding of the spy-ring, Mr Justice Victor Hiemstra said "The ratepayers and citizens of Johannesburg are entitled to receive value for their money

"They demand accountability by their local authority which enjoys a monopolistic advantage in many spheres

"We maintain that if the normal acceptable procedures were adhered to, the regrettable incidents surrounding the information system could have been avoided"

## Slipped the net

The judge said that some of the costs incurred by the spy network slipped through the net of audit procedures

- The commission found that
- A cash payment of R127,94 had been made for a braaivleis with members of the SADF
- An unauthorised personal loan (unspecified) had been made
- Some documentation for spy payments was missing.
- A suggestion that records could be traced in any fashion, such as making verbal inquiries, was in total disregard of sound accounting.

In his report on the Johannesburg City Council spy network, Mr Justice Hiemstra, finds that acceptable accounting procedures were not followed STEVE McQUILLAN AND KITT KATZIN report



The Hiemstra Commission

- Receipts made available should be viewed with caution and circumspection, because sources ostensibly signed for amounts received under false names, making it impossible to verify who paid whom
- An amount of R350 was wrongly allocated in a cash book as payment to a Mr Adler, an official in the Receiver of Revenue's office, when it was for the registration of 20 black athletes.
- The cost of the information system was R1 831 135 from 1983 to 1989. However, a costing centre was not kept for this operation which compelled the city treasurer to qualify his figures in certain major respects
- Mr H P Cruywagen, who was appointed chief internal auditor in March 1988, was totally unaware of the activities of the information system
- Mr Cruywagen's predecessor did not instruct or alert his staff to include spy payments in the audit programme for checking. Failure to do so allowed the payments system to flourish unabated
- The City Treasurer should have told his accountants how records of sensitive payments should be kept to comply with the rigid standards of accountability. Specific instructions should have been given to the internal auditors to exercise extreme vigilance concerning these transactions
- Had the previous City treasurer complied with his statutory duties, the accounting problems could have been eliminated "He should have realised that covert activities in many instances breed contempt for generally-accepted legal and accounting principles.
- Staff did not know about the monitoring activities, which resulted in a breakdown in the internal audit function with far-reaching complications

and maintenance vote of the Land Management Branch

Regarding the controversy surrounding alterations to the town clerk's home, the judge found that they were justified in the light of security measures taken to protect the him and his property, which belonged to the council

A sum R120 455 was also spent on safeguarding the houses of councillors and officials as a result of a spate of bombings and threats to public personalities. He ruled that the management committee was empowered to take the required security measures

## Valiant action

"It behoves a council to protect its councillors and officials," said the judge "This is what Johannesburg is trying to achieve and the council must be commended for the valiant action that it took in this respect"

The auditor-general Peter Wronsley, in an independent report on the funding of the spying, also found that the control of cash was unsatisfactory

He too questioned the inherent risk of covert dealings undertaken by the council's security department and harshly criticised the inadequate system used by handlers to pay unregistered informers

He also found that the city treasurer's procedures for the control of "petty cash float" were not followed

## The spy who had two masters

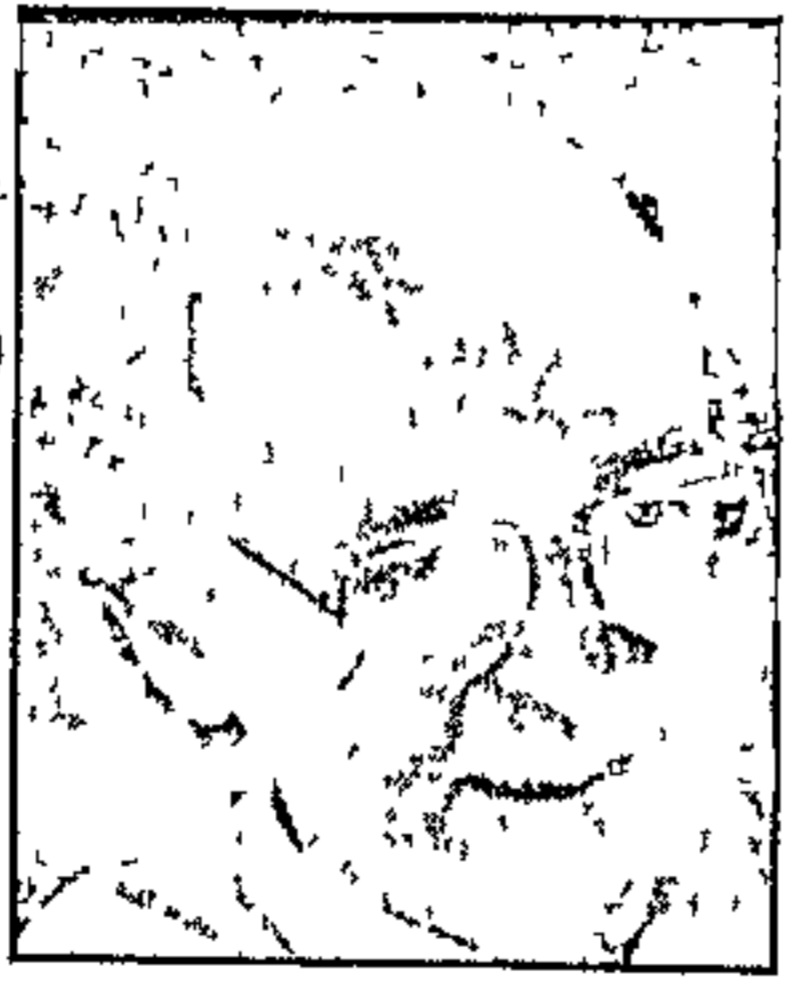
27/9/90

By NORMAN CHANDLER

Attorney Tony Naude — the man who jogged with slain left-wing activist David Webster — had spied on the Five Freedoms Forum (FFF) on behalf of both the Security Police and the Johannesburg City Council, the Hiemstra Commission has found

In its report, released yesterday, the commission refers briefly to Dr Webster and says Mr Naude was paid about R4 200 by both organisations for obtaining information about the FFF

No conclusion is drawn by the commission on Mr Naude's



Dr David Webster

association with Dr Webster nor on Mr Naude's infiltration of the FFF while he was an article clerk

Mr Justice V G Hiemstra, assisted by W van den Berg, said Mr Naude had not found anything horrific about the FFF's general attitude and objectives, although he believed he had not "got to know the real truth"

## Retribution lies with council, says Hoods

27/9/90

By NORMAN CHANDLER

The onus on taking action against municipal officials implicated in the spying operation of the security department rests with Johannesburg City Council

Dr Willie Hoods, acting Administrator of the Transvaal, said today that the province had no power to intervene in employer/employee relations

He said no city councillor had been involved

"In view of the fact that the persons involved in the unlawful activities are council officials, it is for the Council to decide what actions it intends taking," Dr Hoods said

He added that Dame Hough, the Administrator, had already written to the City Council "expressing his disquiet at the events" and asking that a recurrence should be prevented

In addition, Johannesburg was rapped over the knuckles for not complying with legislative measures relating to administration, and in particular to its financial affairs

Dr Hoods said that it had been noted that what had taken place in the security department occurred "against the background of violent unrest, the political climate and the onslaught against local government elections"

such as making verbal inquiries, was in total disregard of sound accounting.

the programme for checking Failure to do so allowed the payments system to flourish unabated.

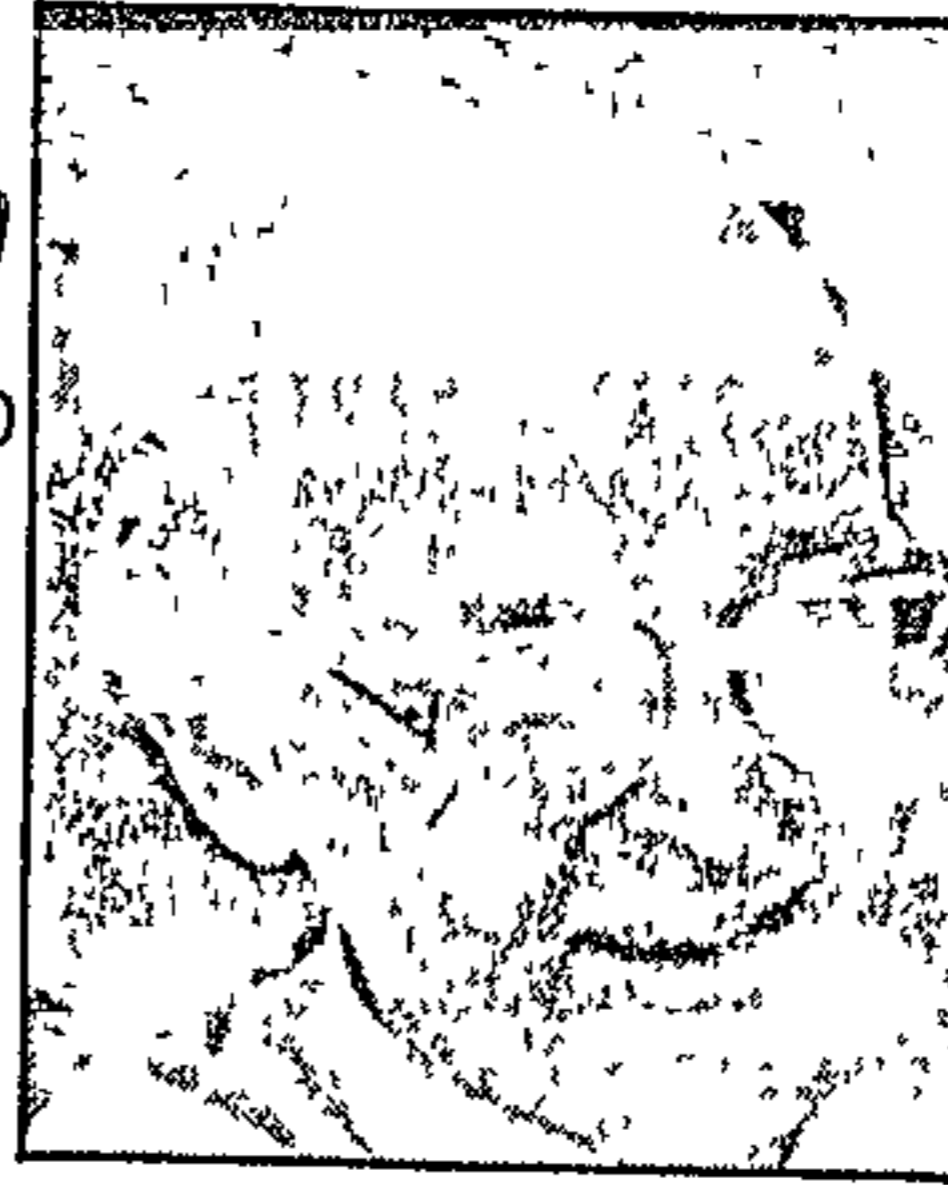
## The spy who had two masters

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Popular president . . . excited schoolgirls wait at Jan Smuts airport last night to welcome Mr de Klerk home from Washington. ● Picture by Reuter.

## Unrest cases against 100 dropped

Charges have been dropped against 100 of the 137 people arrested during violence in Sebokeng earlier this month, Attorney-General for the Transvaal D B Brunette announced today.

Forty-three people died and 137 were arrested following fighting which erupted at hostels at Sebokeng on the nights of September 3 and 4, said Mr Brunette.

He said in a statement that 137 people had already appeared in the Vanderbijlpark Magistrate's Court

257  
After having studied the evidence which came to the fore during the investigation, I have decided to withdraw the cases against 100 of the accused due to a lack of evidence.

"The other 37 accused will in due course be tried in the district and regional court on charges ranging from attempted murder to unlawful possession of dangerous weapons and firearms."

Mr Brunette said available evidence did not connect any of the

accused with the deaths of people in the township bloodshed

In the light of this an inquest was necessary to establish the causes of death and/or the liability in the case of those who had died during the unrest at Sebokeng

"As a result of the particular circumstances of the case, I intend recommending to the Minister of Justice that a judge be appointed to hold the inquests in respect of the deaths," Mr Brunette said — Sapa

D. I. . . . P. A policeman hurt

# Police rebel Rockman gets suspended fine

Star 27/9/90 (8) (15) (13) (252)

Own Correspondent

CAPE TOWN — Former police lieutenant Gregory Rockman has been given a suspended fine after being convicted of organising and attending an illegal gathering in Mitchell's Plain last year.

Rockman, 30, of Valley Way, Strand, was yesterday fined R150 or 25 days' imprisonment, suspended

for three years on condition he did not contravene the Internal Security Act again during that time.



Gregory Rockman

He was one of 16 accused who attended the gathering in Harmony Square, Mitchell's Plain on November 13 last year.

Charges against his co-accused were withdrawn in Wynberg Magistrate's Court on Monday after they paid R50 admission-of-guilt fines, and Rockman stood trial alone.

Passing sentence, magistrate SC Murphy said Rockman had enjoyed a promising career in the police force before his arrest and suspension on the day of

the gathering. He was a person of strong convictions.

His transfer from Mitchell's Plain police station to the police stores in Pinelands had been at short notice and "quite possibly unfair".

Before being sentenced, Rockman told the court the public had no trust in the police, who served the interests of the State.

"That is why the country is burning," he said.

During the closing argument, M Parker, for Rockman, described the rebel policeman as "the saviour of the people".

He caused more "ripples and waves" than any other policeman and had received "international recognition for his courage".

But Mr Murphy rejected submissions that police had trapped Rockman into being arrested.

He found Rockman had been the "main figure" at the gathering and had used it to express his grievances about the police.

This was not the conduct expected from a person who intended to carry out the duties of a policeman, Mr Murphy said.

Hienstra confirms Star's disclosures

# Town Clerk to retire after spyings scandal

By Louise Burgers, Kitt Katzin, and Steve McQuillan

The controversial Johannesburg Director of Public Safety, John Pearce, will be charged with negligence and unauthorised activities by the city council following the revelations of the Hienstra report, council sources told The Star today.

The Hienstra Commission report, released yesterday, accused Mr Pearce as being "grossly negligent"

Town clerk Mame Venter, a key player in the municipal spy scandal, will be told to take long leave pending his retirement next year.

The Star was told that an agreement would be reached with Mr Venter today. The city council cannot fire the town clerk, as town clerks are appointed by the Town Clerks Board.

Deputy town clerk Graham Collins will become acting town clerk in Mr Venter's absence. His first duty will be to lay charges against

More reports —  
Page 25

Mr Pearce in terms of internal council procedures. According to council sources, Mr Pearce alleges he has been framed and intends fighting to keep his job. The matter, according to a spokesman for the Johannesburg

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# WELCOME TO THE NEW YEAR

**One Star**

Secret agents and 'handlers' use ratepayers' money to further evidence

**Spy network in city council**

DP outrage at disclosures

Uncovered... The Star broke the spy network story in March

## Third 'summit' this week?

Political Staff

President de Klerk, just back from a triumphant American tour, today had to deal with urgent requests from the ANC for a third "summit" — to be held within a week — to set the peace process at home back on track.

ANC spokesman Gill Marcus said there had been contact at the highest level of both ANC and Government to set up a summit meeting.

The ANC believed the peace process had become "fragile" and it was necessary to redirect it.

She said there was a possibility that Mr de Klerk and ANC deputy-president Nelson Mandela would meet to arrange the summit, but this had not yet been scheduled.

Miss Marcus said the proposed summit meeting would need to take place within a week, as Mr Mandela would be leaving for Natal on October 6 and then was then going abroad on October 7.

Mr de Klerk returned to South Africa from the United States last night encouraged not only by the political impact he made, but by the interest shown by prominent US businessmen in investment and development possibilities.

He made it clear in media conferences aboard the plane and after

landing at Jan Smuts Airport last night that he considered the fact that there would be further fundamental change and a new South Africa far more important than a debate on whether political change had become irreversible.

Referring indirectly to the ANC, he said those organisations which maintained that reform had not become irreversible "must start looking for a new cause".

He added that, apart from his contacts with politicians, a feature of his visit was his contact with businessmen. He met a large number of them at two dinners.

One of the themes of his speeches was that South Africa with its expertise and its economy could serve as the springboard for development in the region.

"Those who are still in South Africa are glad they remained. Those who withdrew were sorry they had to, while others were interested. They are looking for good investment opportunities. They do not want to be sidelined by Europe or Japan. There was interest in a constructive role that could be played through South Africa to develop the region to its full potential."

## Sayco leader wounded as police raid home

Staff Reporters

The general secretary of the South African Youth Congress (Sayco),

He said when the house was searched, the police found two F1 hand grenades, five RGD hand grenades, a

The matter, according to a spokesman for the Johannesburg Municipal Association, could end up in the Industrial Court.

In its 217-page report, the Hiemstra Commission found the city council did not have the authority to run a spy ring with ratepayers' money, and its clandestine activities were illegal.

The commission confirmed the substance of disclosures on the spy network by The Star and the Sunday Star in March this year.

Commission chairman Mr Justice Victor Hiemstra found that in his view the infiltration of and spying on trade unions, other organisations and individuals undertaken by the council's security department constituted a "wrongful intrusion upon the privacy of their targets"

"Covert eavesdropping on the private meetings and confidential conversations of others is manifestly unlawful," the judge said, adding that an invasion of privacy was both a civil and criminal wrong

He asked: "Can it be any different if the intruder were to gain access to those private meetings and become a party to those confidential conversations by dishonest trickery and deceit? Clearly not."

Mr Justice Hiemstra said only State departments required by law to perform functions regarding national security were authorised to collect intelligence.

He went on to say that even State departments authorised to do so may not do so covertly.

"Only the South African Police and SADF engage in the covert collection of intelligence."

He suggested that charges of criminal injuria could be brought against some of those responsible for spying.

## Vindication

Vindicating The Star's disclosures, Mr Justice Hiemstra said the commission had concluded that:

- Undercover agents of the security department infiltrated anti-Government or left-wing organisations.
- They reported on confidential proceedings, private affairs and movements of individuals
- It was possible the agents used electronic bugging devices
- Information was passed on to Military Intelligence and the police, with which there was close co-operation
- Agents gathered their information by pretending to be interested in organisations, such as the Five Freedoms Forum (FFF) and the End Conscription Campaign.
- They did so by winning the trust and confidence of the office-bearers. "By this deceit they betrayed the trust of those who welcomed them into the organisations."
- They spied on 20 organisations, including trade unions.

He also found that

- John Pearce, chief of the department of public safety and a leading

To Page 2

## City council spy ring

From Page 1

player in the spy scandal, was grossly negligent in approving payments for agents

● The security department's information-gathering network cost a minimum of R1,8 million between June 1985 and December 1989. This included the cost of ordinary criminal investigations as well.

● Spy payments alone cost R20 805.

● The "big four" behind the spy ring were town clerk Manie Venter, Mr Pearce, security department director Brigadier Jan Visser and F J "Frik" Barnard who coordinated the spy ring

In the case of Mr Venter, the judge said he had authorised more than 60 payments for spies under an Act that did not exist.

## Infiltration

However, said the judge, "in our opinion Mr Venter knew that the payment was for sources which had nothing to do with the safeguarding of or access to buildings".

Mr Venter, he found, knew of the infiltration of organisations but was not grossly negligent as he was entitled to rely on his senior officials. However, he should have been more critical

He said Mr Venter's testimony was typified by his general attitude of "I don't know, the others know"

The judge said it was the commission's view that the spy operation

was not motivated by National Party interests.

On the other hand, there was much to be said for the strong argument from counsel for the commission that the entire spying action was oriented in favour of the NP's power position in the council

It was contended, he said, that there were political considerations in the choice of targets, many of whom were individuals opposed to Government policy

As examples, the judge disclosed the existence of a document that named 91 black people, including Archbishop Desmond Tutu and Dr Allan Boesak, who were potential targets of surveillance.

"The list of individuals consists entirely of people with leanings against the NP, and the same can be said of the organisations."

Dealing with Brigadier Visser, the judge said the former police officer regarded all organisations to the left of the Government as the enemy, and also those on the right.

Turning to Mr Barnard, he said he had acquitted himself well in evidence. But the judge found that Mr Barnard, in his enthusiasm, overstepped his mandate.

After being told by Brigadier Visser to monitor the FFF, he deduced from the fact that the name was English and that he was unable to find an Afrikaans equivalent, that it was leftist

# Hani gets exemption 252

UMKHONTO we Sizwe Chief of Staff Mr Chris Hani has been granted further temporary immunity until December 31 after an assurance that he was committed to the letter and spirit of the Grootte Schuur and Pretoria Minutes.

negotiations".  
The government revoked Hani's temporary immunity on August 19. As a result he has been unable to lead the ANC team at meetings of the joint ANC/government working group dealing with matters arising from the suspension of the armed struggle.

This was announced yesterday by the Ministry of Justice. The Ministry said in a statement the African National Congress leadership was of the firm view that Hani "is now committed to stability and to a peaceful process of

The working group met in Pretoria yesterday for a third round of talks. The Ministry disclosed that Hani's immunity was granted after a letter was received from ANC deputy president Mr Nelson Mandela.

# 'Be grateful for Hiemstra'

By Kaizer Nyatumba,  
Political Staff

Organisations yesterday welcomed the findings of the Hiemstra Commission into Johannesburg City Council's spying activities and urged that action be taken against people implicated in these activities.

Democratic Party leader Zach de Beer said the Hiemstra Commission report confirmed the worst fears people had when the council was under the late Danie van Zyl.

The people of Johannesburg could only be grateful to Mr Justice Hiemstra for exposing the rot and be thankful that the city now had a different kind of administration under the DP's Ian Davidson.

The ANC said the commission's report was yet more evi-

dence of the existence of "clandestine, paramilitary organisations" which had the full backing of the police and the defence force.

ANC spokesman Gill Marcus said the party welcomed the fact that these clandestine activities had been exposed, and hoped that the Johannesburg spy network's links with the police and the SADF would be fully investigated.

The Five Freedoms Forum hailed the report as a justification of "our angry rejection of the activities of the Johannesburg City Council spy ring".

The leader of the CP in the city council, Jacques Theron, refused to comment on the grounds that he had not yet seen the full text of Mr Justice Hiemstra's report.

# Nampak ordered <sup>282</sup> to pay court costs

By Cathy Stagg

*Star 28/9/90*  
Nampak Products Ltd should not have brought an urgent application for repayment of R2,3 million which was allegedly obtained fraudulently, because it should have expected a "massive dispute fact", a Rand Supreme Court judge ruled yesterday

Mr Justice P J Streicher said three men, accused by Nampak of fraud, had replied to the allegations and had therefore incurred "substantial unnecessary costs which they should not have to pay no matter whether they were honest or dishonest"

He ordered Nampak to pay their costs

## Give evidence

The dispute is to go to trial in the ordinary way Both sides will give evidence instead of attempting to resolve the matter on papers, as is done in motion proceedings

The urgent application first came to court on July 2

The respondents were Corrugating Machinery Services CC (CMS), A H Barker, a Nampak director and Nampak managers R L Webb and G Germanis

● A strike by more than 3 500 workers at Nampak outlets over their demand for centralised bargaining has spread to 27 factories in the Transvaal, Natal and the western Cape, a union spokesman said yesterday

Workers are demanding a single bargaining forum for wages and working conditions.

Management said yesterday they believed the interests of employers and employees were best served by plant-level bargaining

September 28 1990

# 'Negligent' Pearce faces city inquiry

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Star 28/9/90

By Louise Burgers,  
Kitt Katzin  
and Steve McQuillan

Controversial Johannesburg director of public safety John Pearce is to face a municipal inquiry after the Hiemstra Commission found him to have been grossly negligent.

Civil action is being considered against other city council officials implicated in the Hiemstra report, Johannesburg management committee chairman Ian Davidson said yesterday.

Town clerk Manie Venter, a key player in the spy scandal, has left office and taken paid long leave pending his retirement in September next year.

## Resigned

Yesterday Mr Venter would not comment on his decision to retire. Deputy town clerk Graham Collins will take over as acting town clerk.

Action is not contemplated against Mr Venter or two other top officials, spy chief Frik Barnard and former security director Brigadier Jan Visser.

Mr Barnard has resigned from the council and Brigadier Visser retired earlier this year.

The conduct of other officials involved — spy handlers Martin Hennig, Anthony Bennett and John Egan — is being urgently investigated.

A special council meeting may be held next week to decide whether Mr Pearce should be suspended.

According to council sources, Mr Pearce is determined to fight the charges against him, and alleges he has been framed. If found guilty he could face anything from a written warning to dismissal.

The Hiemstra Commission found the city council did not have the authority to run a spy ring with ratepayers' money and that its clandestine activities were illegal.

The commission confirmed the substance of disclosures on the spy network by The Star and the Sunday Star in March.

Commission chairman Mr Justice Victor Hiemstra found that in his view the infiltration of and spying on trade unions, other organisations and individuals undertaken by the council's security department constituted a "wrongful intrusion upon the privacy of their targets".

Pearce's fall from grace

— Page 13.



# Pearce will face Council inquiry

252  
So wefer 28/9/70  
THE Johannesburg City Council's public safety director, Mr John Pearce, will face a disciplinary inquiry into his "gross negligence" and alleged misconduct exposed by the Hiemstra Commission of Inquiry

Another senior council official, town clerk Mr Manie Venter, is to go on paid leave until his retirement in September next year. The commission found he had not been grossly negligent

The council's management committee chairman, Mr Ian Davidson, yesterday told a news conference consideration was being given to restructuring council security departments to prevent a recurrence of spying

He said the department's monitoring section had been closed and no longer existed

Davidson said no further action was considered against Venter, but Pearce faced possible penalties ranging from a written warning to dismissal for his alleged misconduct

Charges against Pearce follow his alleged misconduct, namely "disgraceful or unbecoming conduct, prejudicial to the good working of the council's service," Davidson said

The conduct of other council officials implicated in unlawful activities - Mr MG Hennig, Mr AR Benett and Mr J Egan - was being urgently investigated by their department head.

Davidson said he was completely satisfied with the findings of the Hiemstra Commission - Sapa

# Hani's indemnity renewed until year end

PETER DELMAR  
and MIKE ROBERTSON

GOVERNMENT has renewed the indemnity of Umkhonto we Sizwe chief of staff Chris Hani until the end of the year after representations by ANC deputy leader Nelson Mandela, the Justice Department said yesterday.

A department statement said Mandela stated in a recent letter he had no doubt that Hani remained "committed to the letter and spirit of the Groote Schuur and Pretoria minutes".

The ANC leadership was "of the firm conviction" that Hani was "now committed to stability and to a peaceful process of negotiations", the statement said.

Hani lost his indemnity from prosecution last month after making several militant statements.

Since then he has remained in the Transkei, and recently refused to take up a 41-hour indemnity offered to him to confer with the ANC leadership.

Hani said from Umtata yesterday, the news was unexpected and he did not know whether to laugh or cry, but he could not comment further until he had spoken with the ANC leadership in Johannesburg.

The ANC was particularly anxious that Hani be indemnified as it had nominated him to lead its delegation to the joint government/ANC working group considering issues relating to the ANC's suspension of the armed struggle. The group met for the third time in Pretoria yesterday.

A spokesman for Law and Order Minister Adrian Vlok, who chairs the committee, said a statement on the meeting would be issued today.

The committee was to have reported by September 15. But because of delays resulting from government's decision not to renew Hani's indemnity, by the due date it was only able to agree on a list of issues to be discussed.

To Page 2

From Page 1

## Indemnity

Sapa reported that Security Police chief Gen Basie Smit said the ANC had not yet surrendered any of its weaponry to the authorities.

Police Commissioner Gen Johan van der Merwe, responding to suggestions that defence cadres be formed in the townships, emphasised last week that the police would not allow anyone to carry unlicensed firearms.

It is likely these issues and government's "Operation Iron Fist" drive in Reef townships were raised at yesterday's meeting.

Meanwhile, an ANC spokesman yesterday confirmed that the organisation would soon approach government for a third meeting next week on a level similar to that of the Groote Schuur and Pretoria summits.

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From Page 1



# A case where police action was definitely not OK

IF President F W de Klerk is serious about appointing independent persons to investigate allegations of "excesses" by government officials, there is a matter, heard this week in the Durban Supreme Court, crying out for attention.

It involves a member of Umkhonto we Sizwe now "missing" — feared dead by his friends — who was last seen in the presence of police who picked him up at the OK Bazaars in the centre of Durban.

The missing man, John Fonono Mchunu, and a friend were taken to a deserted rugby stadium. According to the police, he was questioned there for more than seven hours before being released.

However, there is growing concern among Mchunu's friends that he may now be dead.

After repeated — fruitless — attempts to obtain police confirmation of his detention, the matter ended up in the Durban Supreme Court this week, and the sorry details emerged.

The judge who presided over the matter ordered an inquiry into why the security police had not interrogated their suspects in a police station, but instead took them for questioning to a rugby stadium where there would be no need to book them in, no official record of their actions, no note in any occurrence book.

Expressing his extreme disquiet at revelations that two suspects had been interrogated in this way, Mr Justice Wilson ordered his remarks criticising the practice of such questioning be sent to the minister of law and order, the commissioner of police and the attorney-general.

He also recommended that an independent person conduct a thorough investigation into the case.

The missing man, Mchunu, had recently returned to South Africa.

On September 5 he and a friend were picked up in the city centre by several armed police including "askaris", among them Mchunu's former commander in Angola.

Mchunu's friend, David Shezi, said they were taken first to King's Park Rugby Stadium and then to a house on the North Coast. He claimed he was chained to a chair while Mchunu was questioned in a separate room.

He was later taken home and warned not to reveal what had happened to Mchunu, at that stage still being held in the house, or he would be re-arrested.

Since then Mchunu's relatives have tried unsuccessfully to establish from the police whether and why he was being held. Each time they were given unsatisfactory answers.

Finally the family went to court and were granted what amounted to an habeus corpus order that the police had to produce him in court on Tuesday or give an explanation why they were unable to do so.

Instead of producing Mchunu, the police handed in affidavits saying they had released him around midnight on the night of September 5 after questioning him from 3.30pm in the stadium.

They denied taking him to a house on the North Coast, and said he was in good health when he was dropped off near his home in Lamontville.

However, the judge commented that he found it "alarming" that the police should consider it proper to take persons they wish to question to a stadium and question them there until 11pm ... "to take them somewhere with no record of their having been booked in and nothing written in the occurrence book or any other official record of it."

"Particularly in these troubled times when accusations are levelled against the police I consider it alarming and surprising that they should act in this way."

"There have been far too many allegations recently of unofficial actions being taken and if this is the case ... it is a matter that should be investigated thoroughly."

The judge also commented that the police had been "anything but cooperative" with Mchunu's family and lawyers who tried to establish what had happened to him.

It appears that the police have been totally unhelpful in this regard.

He said "in these troubled times" when relatives of someone who is missing made inquiries, they should be dealt with immediately.

"This taking someone into custody, removing him from the OK Bazaars ... taking him to a football ground, questioning him for hours and then, when asked about it, endeavouring to avoid giving an explanation, is again, in my view, behaviour that should be questioned and investigated and if this is normal practice, it is a practice that should cease."

It is not the first time that judges have criticised police behaviour and asked for investigations.

The appointment of an "independent investigator" empowered to carry out a proper inquiry into this matter, among others, and make the findings public, is long overdue. It is badly needed to test the truth behind claims which daily weaken public confidence in members of the security forces.

**CARMEL RICKARD**

## Hani gets indemnity until end of this year

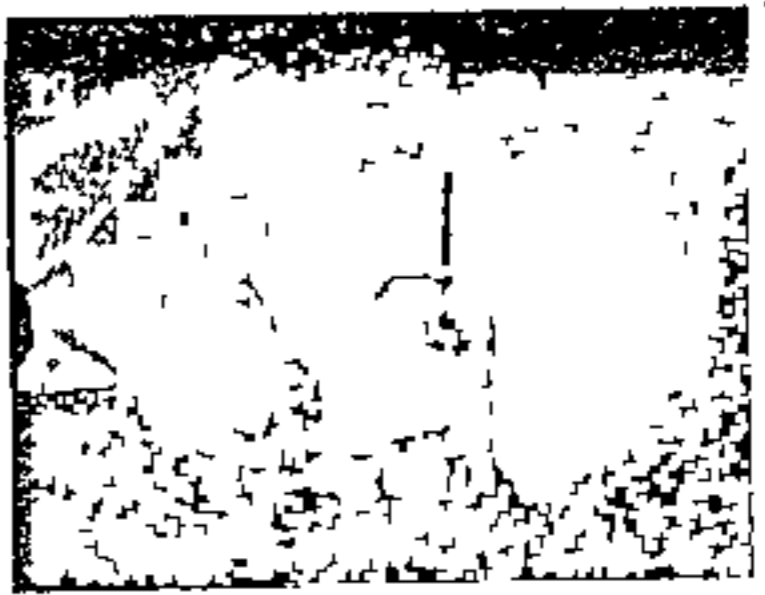
By GAVIN EVANS 28/9/90 4/10/90

MK chief of staff Chris Hani has been granted indemnity from prosecution until the end of the year ahead of a third summit between the government and the African National Congress. The meeting, aimed at putting the fragile peace process back on track, is expected to take place early next week, government and ANC sources confirmed yesterday.

The ANC, which has become increasingly unhappy with the government's response to the PWV violence, requested the meeting in a bid to help restore trust between the two parties. Government representatives yesterday confirmed their approval for the meeting.

According to ANC representative Gill Marcus there has been contact at the "highest level" to set up the summit, and it is possible that President FW de Klerk and ANC deputy president Nelson Mandela would meet to plan the agenda.

"The decision to request the meeting was made by the ANC's National Executive Committee on September 20, and its purpose is to discuss the peace process." She said the ANC "looked forward to Chris Hani's free and unhindered participation" at the meeting.



ERIK BARNARD

# Unisa job for city spy chief

KITT KATZIN

JOHANNESBURG'S former spy chief Erik Barnard has been appointed second-in-charge in the security department of the University of South Africa (Unisa).

It was confirmed yesterday by Professor Cas van Vuuren, the principal of Unisa, amid the emerging controversy of the Hiemstra Commission spy report.

Mr Barnard, who was deputy director of the city council's security department, which operated the spy network, applied for his new post earlier this year.

Yesterday, Professor van Vuuren said that Unisa was not aware of his involvement in the spy scandal until this week, whether the Hiemstra Commission released its findings, but would honor its decision to employ him. Barnard was taken on July 4. He assessed Mr Barnard's application on the merits of his experience, qualifications and

# Webster: police move to quiz council spies

See 29/9/90



THE Johannesburg City Council officials who spied on Dr David Webster are to be pulled in for questioning by police investigating the assassination of the 44-year-old academic.

In the wake of the Hiemstra Commission spy report, police are to investigate allegations that officials compiled a detailed Webster dossier during their smugler surveillance activities.

CID chief General Jaap Joubert told Saturday Star that police were calling for the record of the commission's evidence dealing with the Webster allegations.

"We are still investigating all possibilities and the evidence in the Hiemstra report could lead to new inquiries," said General Joubert.

"The police are also studying the Hiemstra report itself and will be calling on the commission's findings."

IT is now 516 days since Dr David Webster, university lecturer and human rights activist, was gunned down outside his Troyeville home.

No one has been arrested or charged for Dr Webster's assassination.

A reward of R20 000 still stands for information leading to the jailing of Dr Webster's killers.

STEVE MCCULLAN and KITT KATZIN

ing on the commission secretary to provide a copy of the record of the proceedings."

Informed sources disclosed last night that fresh investigations will lead to a number of council officials and others being questioned by police, depending on what they said in evidence.

They could include John Pearce, director of public safety, Erik Barnard, deputy director of the security department, and Martin Hennig, a spy handler.

The probe is being headed by Brigadier Floris Mostert, commanding officer of police special forces of the Witwatersrand, and chief investigating officer in the Webster murder.

Said General Joubert "We are taking note of everything that can help us to solve the murder." He gave a public assurance that the police "are determined to solve this crime."

Dr Webster died after a shotgun attack outside his home in Troyeville, Johannesburg, on May 1 last year.

General Joubert's comments come amid mounting criticism that the police investigation — after 17 months — is on the road to nowhere.

Now, however, the police are in a position to question witnesses without

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P. 1.0

# Webster

● FROM PAGE 1.

running the risk of interfering with the proceedings of the commission

Police now plan to investigate

● Allegations by a former council official, Hannes Gouws, that Paul de Swardt, formerly of the SA Defence Force, shot Dr Webster.

● Claims by legal teams appearing for interested parties at the Hiemstra Commission that a joint city council/SADF team could have been responsible for the murder of Dr Webster

● How and why a comprehensive spy report was compiled on the academic, and by whom

● What happened to the report In testimony to the Hiemstra Commission, it was said the report had disappeared mysteriously.

## Attorney

Investigations are also planned into the role of a Johannesburg attorney, Tom Naude, who infiltrated the Five Freedoms Forum (FFF), of which Dr Webster was a staunch supporter, and who befriended him as a jogging partner

In concluding argument to the commission, advocates Wim Trengrove SC and John Campbell said the council's failure after Dr Webster's death to report to police that it had spied on the academic "suggests a state of mind not concomitant with innocence"

They claim that this may have prejudiced the police investigation

Lawyers appealed to the commission to ensure that the De Swardt allegation be fully investigated

Mr Justice Victor Hiemstra did not do so and made only fleeting reference to Dr Webster in his report, on the grounds that it fell outside the ambit of his inquiry

But yesterday the FFF took issue with the

judge over his inaction, saying he should have made recommendations that the Webster allegations be investigated by the police

A FFF spokesman said "The findings on the Webster murder were scant, unfulfilling and ungratifying because there was extensive evidence led about the Webster file"

The FFF accused the city council of perpetrating a cover-up by not producing the missing file when asked to do so at the commission

FFF members who were spied on served notices of intention to sue city council officials on the grounds of an invasion of privacy They are now individually deciding whether to go ahead.

Their cases have been strengthened by Judge Hiemstra's finding that such an invasion constituted an illegal act He strongly suggested that the perpetrators could be charged with crimen injuria.

FFF members and other affected parties expressed shock at the judge's finding that the council officials did not act beyond their powers in procuring ground plans for homes of left-wing supporters, and which were subsequently passed on to the military

## Fire bomb

One such plan involved the home of Johannesburg attorney Norman Manoir, which was fire-bombed by unknown people.

Judge Hiemstra ruled that because of the brief given to security officials by the council, the gathering of ground plans was legitimate

The FFF has called on the SADF to explain why it also required this information, and its alleged role in a combined operation with city council officials to harass black activists in Soweto

The SADF, according to a spokesman, was studying the report and would not comment at this stage.

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a "reign of terror" in the area. Hoza this week gives his side of the story:

THE mayor of the Lingeletu West Town Council, Mr Mali Hoza, dismissed in an interview with SOUTH that the system of homeguards ever existed in Khayelitsha.

He said, despite numerous interdicts granted in the Supreme Court against him, his councillors and alleged homeguards, he had never been presented with evidence that the homeguards existed.

"I bear no knowledge of them, the allegations made in the Supreme Court never happened here in Khayelitsha," he said.

"When I first heard these things were happening, I was very dissatisfied."

He said while he did not dispute the fact that several people had gone to the Supreme Court to bring interdicts against him, he never attended court and did not know the details of all their allegations.

He was not given a report from the people who went to court on the details of their claims.

"We are still investigating these things at the moment. We want to know why these false allegations have been brought against us," he said.

"Our investigations are not completed yet, but so far we have no evidence that our people were involved."

"I have heard there are people doing such things, but I have never heard that the Lingeletu West Town Council was involved."

"I want to stress that the town council had nothing to do with kangaroo courts."

### Interest

Hoza said when people came to his office to complain they were brought before kangaroo courts, he referred them to the police to investigate whether criminal actions had taken place.

He had not asked the police for feedback on whether they were prosecuting.

Hoza said he was elected mayor because the people of the area knew he had their best interests at heart.

"I never made any promises during my election campaign, I expected to hear from the people what their needs were."

Hoza said since the town council was elected, many improvements had been made to the sprawling town.

Houses were being erected steadily and roads were being built.

He had never heard that the people of Khayelitsha were unhappy with his election and believed they still had a "desire for me."

"When we want to hear the people's views, we arrange to meet at halls in the area and quite a lot come to raise their opinions of our actions," he said.

# Hoza <sup>south</sup> 30/8-5/9/90 'unaware of kangaroo courts'

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In April 1989, SOUTH published a series of articles which highlighted the system of kangaroo courts allegedly held in Khayelitsha and alleged that homeguards loyal to Lingeletu "mayor" Mali Hoza were responsible for

# Five court applications against Hoza, guards

By REHANA ROSSOUW

*South 30/8-5/1990*

THERE are at least five applications for interdicts in the Cape Town Supreme Court against Mr Mali Hoza, mayor of the Langelethu West Town Council, and people identified by residents as "homeguards".

None of the interdicts against Hoza were made final because he had opposed the applications and the situation in the township had calmed down.

However, final interdicts were granted against five Khayelitsha men alleged to be responsible for assaults on residents

In one of the applications, Mr Mgcini Hunderston Mkaza, who brought the action against Hoza and six men, said he did not allege that Hoza had personally participated in the assaults on him.

He contended, however, that Hoza had been responsible for the system of homeguards and informal courts.

In his response to these allegations, Hoza said in an affidavit to the court in the matter of Mtau Fulani and others that he and three other men had formed the Langelethu Committee

*(252)* "We felt it would be in the interests of our followers to form a homeguard to assist the civil-power-to-maintain-law and order," the affidavit read.

In a similar matter brought by Mr Solomonzi Mzamo, Hoza replied that the Langelethu Committee had an executive committee which controlled the isibondas (theadmen) and the homeguard.

Hoza explained that Khayelitsha was divided into 15 sections, each of which had an isibonda.

"The function of the isibonda is to listen to the troubles and complaints of the people in his section," he said.

Mali Hoza





# RACISTS KILLERS GET OFF LIGHTLY

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## Short terms for thugs who preyed on black victims

By DESMOND BLOW

TWO young racist thugs - who this week received light sentences for murdering and mutilating a father of two - often prowled the streets to beat up unsuspecting blacks.

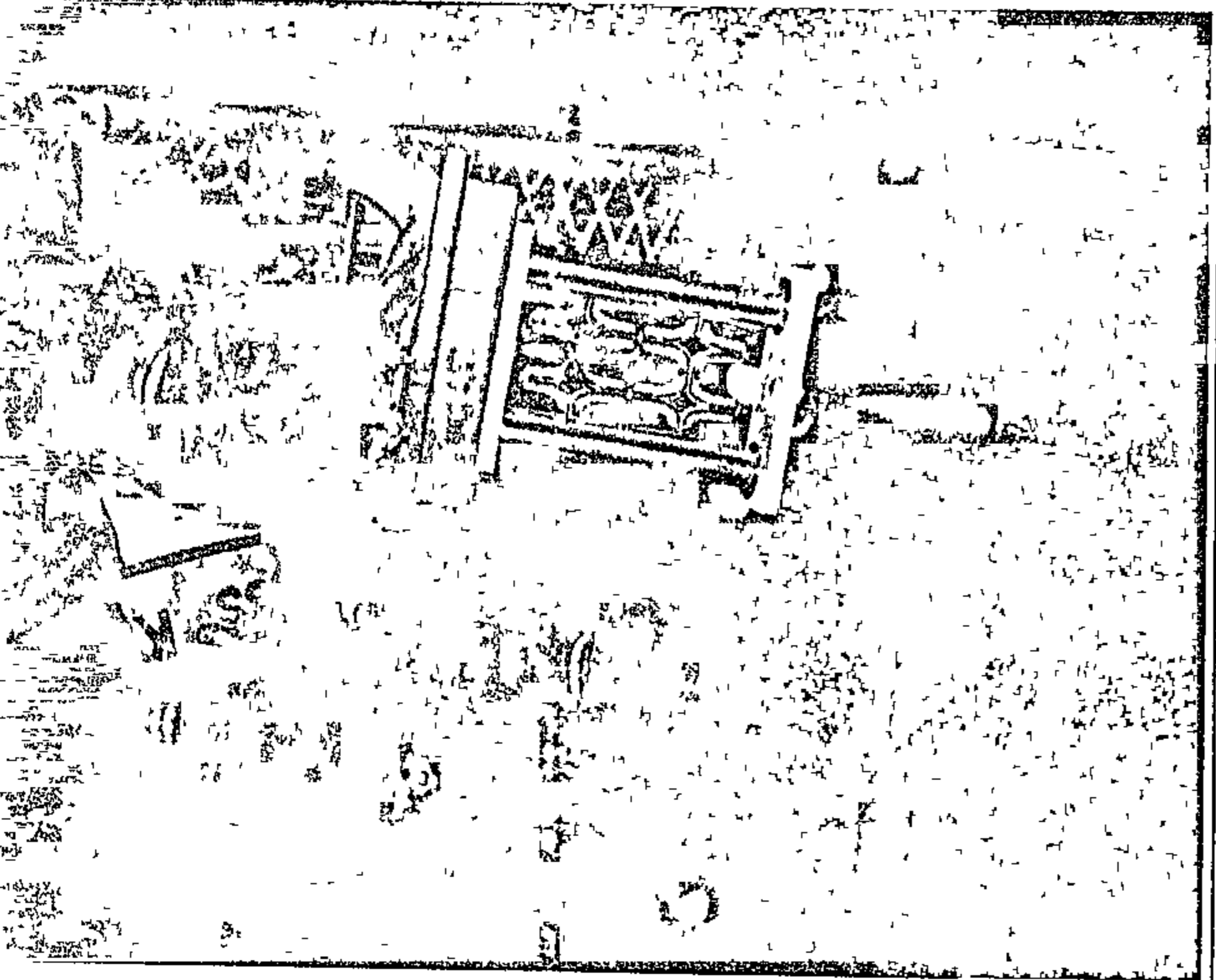
They cut off Ezekiel Mashala's ears, fingers and private parts as "gruesome trophies" but his body was so badly decomposed when discovered, doctors could not say whether he was alive at the time.

Yet the killers, Wynand Bakker, 22 and Cornelius Johannes "Neels" Nel, 19, were given comparatively light sentences. Bakker was sentenced to 10 years and Nel to eight by the Pretoria Supreme Court this week.

They could be paroled after serving only a third of their sentences.

"This is a great advertisement for the new non-racial South Africa," a black observer commented outside the court. A spokesman for Lawyers for Human Rights said: "On the face it appears the murderers were given very light sentences, but we will have to study all the evidence before we make a statement."

What shocked observers about the light sentences was that Judge Swart had been harsh in his criticism of the two young killers, whom he had described as "hooligans" who had assaulted a defenceless man, humiliated him and then left him for dead in the veld.



## Arrests nearly sink society wedding

By SIBU MNGADI

DURBAN couple Themba Gwamanda and Nombuso Ndumo had a high-society wedding last Saturday. But they nearly missed it.

Instead of celebrating the evening before their wedding at traditional stag and hen parties, the couple endured sleepless hours under intensive interrogation by members of the SAP's commercial branch at CR Swart Square.

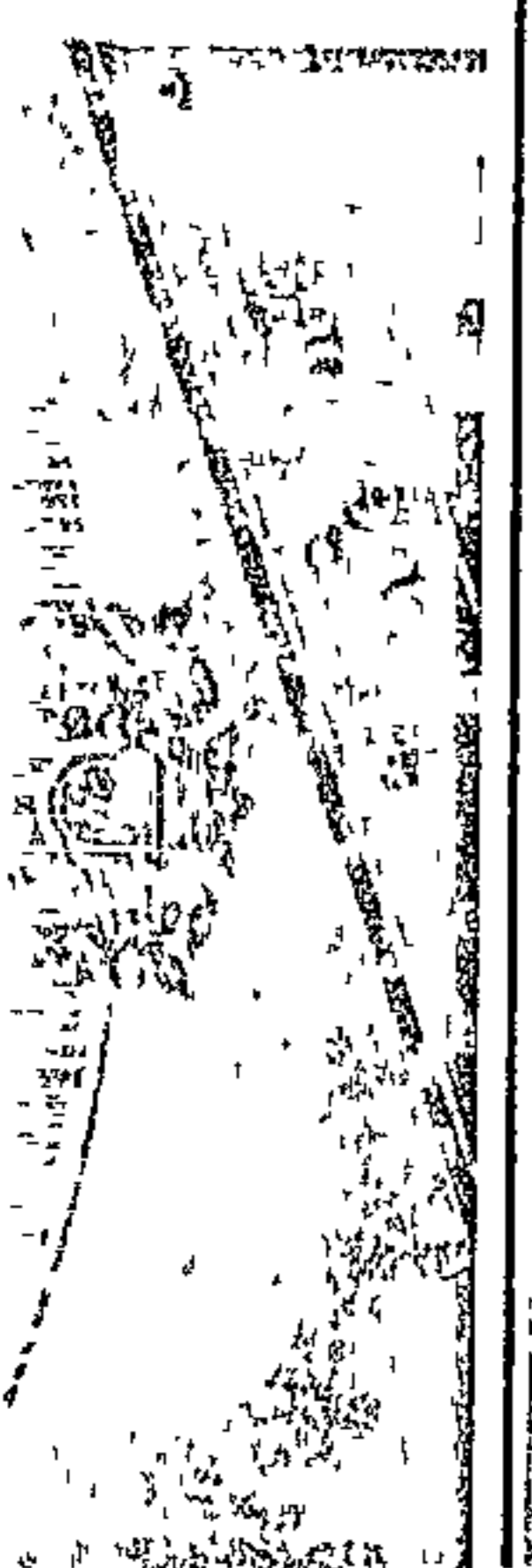
Police detained Gwamanda and Ndumo, both bank employees, on Friday in connection with a cheque for R834,929 missing from the Transkei Development Corporation (TDC) in Umtata.

The families of both, in Clermont and KwaMashu, were on the verge of calling off the wedding when the bride was released on the morning of her wedding.

The bridegroom was released in the afternoon - just in time to make it to the wedding ceremony at a five-star Durban hotel. The couple and most of their guests wore trad-



Themba Gwamanda and Nombuso Ndumo at the wedding that nearly did not take place.



# Racist killers preyed on blacks

■ From Page 1

had a black man to assault that evening?"

Bakker said after Nel had assaulted Mashala they left him for dead, returning to where the body lay two days later when Nel cut off the ears and fingers to take back to his flat.

In his statement Nel said after they had

dumped the body, Bakker insisted they go back to see if he was still alive.

"We moved the body to Olifantsfontein in the car boot where Bakker cut off the fingers and the ear."

The judge said Nel's testimony which placed the guilt on Bakker, who did not testify, was highly unsatisfactory.

On the other hand, he said, Bakker's statements to the police and to a magistrate - which in turn blamed Nel - was as unimpressive.

Mr CJ Nel, father of Cornelius Nel, told the court in mitigation he wanted to take the blame for his son's actions because he as a church official had not allowed his children "free access to the world".

In sentencing the two Judge Swart and the court accepted liquor played a part, that Nel was immature and that Bakker, who saw himself as a "dull little man", was married and a father.

"For the purpose of their sentence I am also prepared to accept they had remorse," Swart said.

TWO young racist thugs - who this week received light sentences for murdering and mutilating a father of two - often prowled the streets to beat up unsuspecting blacks.

They cut off Ezekiel Mashala's ears, fingers and private parts as "gruesome trophies" but his body was so badly decomposed when discovered, doctors could not say whether he was alive at the time

Yet the killers, Wynand Bakker, 22, and Cornelius Johannes "Neels" Nel, 19, were given comparatively light sentences. Bakker was sentenced to 10 years and Nel to eight by the Pretoria Supreme Court this week.

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A spokesman for Lawyers for Human Rights said: "On the face it appears the murderers were given very light sentences, but we will have to study all the evidence before we make a statement"

What shocked observers about the light sentences was that Judge Swart had been harsh in his criticism of the two young killers, whom he had described as "hooligans" who had assaulted a defenceless man, humiliated him and then left him for dead in the veld.

"I searched for a reason why the deceased was the prey, but could only come up with the fact he was black," the judge said, adding the two had "kept busy in February last year by patrolling the streets looking for black people to assault"

The two also faced six counts of serious assault. Bakker was convicted on one count and Nel on four.

Mashala's wife, Esther, testified the accused had pulled up in their car next to them in Phoenix Street, West Park, and asked for directions before demanding Ezekiel's "pass".

"Ezekiel said he did not have his pass on him and I said I would run to the house to fetch it. Before I reached the house the men pushed Ezekiel into the car and drove away."

Pathologist JD Loubser said it was impossible to say whether the severed body parts were removed before or after death. Loubser said the postmortem revealed six of Mashala's ribs had been fractured, apparently by someone who had jumped on him with both feet. This could in fact have killed him.

In evidence Nel said after a drinking spree he and Bakker stopped their car next to a black couple and told the man to get in the car.

"The black man began screaming and I gave him a few clouts," said Nel

"When I got out Wynand was already hitting him. I gave him a blow and he fell to the ground and then I kicked his ribs a few times.

"I wanted to kick out his kidneys," Nel said in a statement read to court.

Nel said when they drove home, Bakker had told him they had to "greet a couple of our black brothers".

But Bakker, whose statement told of several assaults on black people, said "Nel told me to stop the car, as he had not yet

**To Page 2**

## society wedding

By SBU MNGADI

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The bridegroom was released in the afternoon - just in time to make it to the wedding ceremony at a five-star Durban hotel.

The couple and most of their guests wore traditional African dress.

The wedding party, estimated to have cost R30 000, continued until Sunday afternoon.

Earlier, two Durban newspapers prominently carried articles, one accompanied by identikits, saying the commercial branch in Durban was looking for three men who deposited a cheque stolen from the TDC in Umtata and later withdrew R775 000 from the Natal Building Society in Victoria Street, Durban.

Police said three men deposited a cheque for R834 929 early this month after opening an account under the name of Douglas Home Developers.

After 14 days, eight withdrawals were made in Durban and Ladysmith, totalling R775 000. It was later established that the cheque was stolen from the TDC.

Ngidi said the men used false ID documents when opening the savings account. Two of the suspects used the names Mbongeni Henry Nxumalo and Bhekinkosi Calvet Nomvalo.

With the help of NBS staff police were able to draw up identikits of the suspects.

Police said the couple, though released, were still under investigation.

Themba Gwamanda and Nombuso Ndumo at their wedding that nearly did not take place.



## Mystery of shot youth's death

By DAN DHLAMINI

MYSTERY surrounds the death of a Jouberton youth shot during the unrest that engulfed the township last Sunday after a peaceful public meeting.

Klerksdorp police spokesman Maj Dirk Stear told *City Press* that according to his information, the boy was thrown out of a moving minibus by unknown people

Police later discovered the youth had a bullet wound in the back, caused by a small-calibre

firearm.

In an affidavit, taxi driver David Mahlatsi said he was asked by youths on September 23 to take a boy they said had been shot by police to hospital.

As they were trying to put the injured youth into his minibus a police caspiron drove up to where he had parked and the youths fled.

Armed police ordered everybody in the vicinity to go away and the taxi driver left without the injured boy.

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