

PUBLIC SECTOR - GOVT. JUSTICE

1992

~~NOV - DEC~~, OCT.

Moral dilemma when crime pays

STAR 1/10/92

MOST people would agree that there is little justice in a callous murderer not only being released after serving a mere three years of a life sentence, but being paid handsomely for his story.

Freed mass murderer Barend Strydom is being paid an undisclosed sum of money — probably more than R100 000 — by the Afrikaans Sunday newspaper Rapport for his exclusive tale

Despite numerous attempts by The Star to reach Rapport editor-in-chief Izak de Villiers for comment yesterday, no calls were returned. He told Sapa, however, that murderers had been paid for their stories in the past — and would be paid in the future.

Asked whether he was happy with the practice, he said "It's not a matter of me being happy or unhappy, and I prefer not to discuss the matter further"

Although Mr Strydom is legally entitled to sell his story, media lawyers believe there is a loophole in the Prisons Act which needs to be covered to prevent criminals released on parole, such as Mr Strydom, from being rewarded for their stories

And although there is no media code of conduct stopping newspapers from striking such a deal in a case like Mr Strydom's, the SA Union of Journalists (SAUJ) plans to set up ethics committees to address this kind of dilemma

Most lawyers and journalists agree it is immoral when the crimes of killers like Mr Strydom become lucrative assets while their innocent victims often struggle without compensation

For instance, one of Mr Strydom's victims, Geelbooi Mabena, who was crippled from the waist down, is battling on a disability grant of R500 after formerly earning a monthly salary of R700

University of South Africa Professor Koos Roelofse told

Cheque-book journalism has raised its ugly head again with a newspaper's payment to mass murderer Barend Strydom (below) for his gory tale. How does one address such an issue without stripping a free man of his rights and without censoring the media?
HELEN GRANGE reports.



Sapa he felt "cheque-book journalism" should be used only as a last resort to obtain information in the public interest. In Rapport's case, the deal had been struck to boost the newspaper's circulation and revenue

"Rapport will boost Strydom's image and give him celebrity status. This is dangerous because there is a public perception that murderers are not being punished," he said

Despite this state of affairs, however, justice has on occasion managed to see the light.

Britain's Yorkshire Ripper, Peter Sutcliffe, who killed 13 women and is serving a life sentence, was sued successfully for damages by his youngest victim's mother

Sutcliffe, who made a small

fortune from publicising his story, was compelled to pay a large chunk of the proceeds of the sale of his house to the woman.

At home, in the case of scissor murderer Marlene Lehnberg, a Republican Press deal involving payment of about R50 000 for the autobiography she had written in her cell was scuppered when the Prisons Act was amended in 1977 to stop prisoners from writing for financial gain

But as the Prisons Act only prevents remuneration or benefit for a prisoner's crime stories, prisoners who are released, even on parole, escape this constraint

This meant that when Miss Lehnberg was released after

serving seven years of her 20-year jail sentence for murdering her lover's wife, she immediately sold her story for R120 000

At the time, London's Observer newspaper spoke out against a "bitterly unjust" situation whereby an "innocent human was brutally murdered and, as the victim, her family gets nothing"

Mr Strydom has also been freed to earn from his crimes in this way, and in addition, does not have to fear being sued for compensation

South African law stipulates that compensation must be sought within a period of three years of being found guilty of the crime. (Mr Strydom was judged and sentenced in May 1989)

Rapport also escapes on a technicality. According to the code of conduct of the SA Media Council, "no payment shall be made for feature articles or programmes to persons engaged in crime or other notorious misbehaviour"

This covers only criminals who are known to be continuing criminal activity, and hence journalists' concern over ethics in a case like Mr Strydom's.

SAUJ general secretary Karen Stander said the situation was problematic and that regional ethics committees were in the pipeline.

"We think it would be extremely unfortunate if cheque-book journalism became widespread in South Africa, not only because of the ethics question but because exclusivity of information limits diversity of opinion," she said

In Britain, several newspapers have been roundly criticised by the former British Press Council for making payments to criminals

In one instance, a newspaper was condemned for paying for the confessions of a woman whose activities contributed to the downfall of a Cabinet Minister □

Goldstone's eight recommendations

B/DAY 1/10/92

THE Goldstone commission of inquiry into the Bisho shooting made the following eight recommendations in its report:

Recommendation One: Those in control of any region, city or town anywhere in SA, including the TBVC homelands, should tolerate and allow complete freedom of expression and of peaceful assembly.

Recommendation Two: The leaders of all organisations which use forms of mass public demonstrations should do so only as a peaceful means to popularise political policies and propagate political changes.

They should immediately and publicly abandon any political action which is calculated to result in conflict and violence.

Recommendation Three: In order to avoid physical conflict and violence, mass demonstrations should not be used as a means of causing serious and non-temporary distur-

bance, or as a means of direct political intimidation.

Recommendation Four: The leadership of the TBVC homelands and of the self-governing territories should forthwith publicly declare themselves willing to tolerate and facilitate reasonable and negotiated public mass demonstrations in the areas under their control.

Recommendation Five: The leadership of the ANC alliance should publicly censure Ronnie Kasrils and other persons who were responsible for the decision to lead demonstrators through the gap in the fence and thereby knowingly or negligently expose them to the danger of death and injury.

Recommendation Six: The officers commanding the Ciskei Defence Force (CDF) should immediately conduct a full inquiry into the training and discipline of their members with the intention of taking such

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steps as may be necessary to ensure that a recurrence of the undisciplined, unprofessional and wholly unacceptable conduct of which they were guilty on September 7 cannot recur. The results of such inquiry and the steps taken pursuant thereto should be made public.

Recommendation Seven: The Ciskei attorney-general should investigate criminal charges against any person responsible for death or injury of any person shot in or in the vicinity of the Bisho stadium on September 7.

Recommendation Eight: The Ciskei Council of State should publicly acknowledge that members of the CDF acted reprehensibly and unacceptably in reacting in a wholly disproportionate manner and causing the unnecessary deaths and injuries to people who were fleeing from them.

LETTERS

Improbable that ANC fired the first shots

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The commission found Ciskei government claims that the African National Congress had fired the first shots were "improbable" and that the single Ciskei soldier killed had probably been shot by a fellow soldier.

It said in the time available for its inquiry it could not make a positive finding on the Ciskei Defence Force (CDF) allegation that the ANC had fired first.

"The probability remains that there was no shooting from the demonstrators and that the version of the CDF is false, or at best for it, highly exaggerated.

"Not one of the many independent observers reported having seen or been aware of any shot fired by the crowd at a CDF member."

The commission found the question of whether shots were fired at soldiers was the only material dispute in the hearing.

The following evidence was relevant in deciding this issue:

- One video showed a Stechkin pistol found on the ground where the demonstrators had been but forensic tests proved no bullet had been fired from it.

- Another video showed a revolver on the scene and a third video showed one demonstrator carrying what could be a firearm hidden under his jacket.

- The ballistic report of the SAP's Colonel JD du Plessis indicated that only one spent cartridge had been found where the demonstrators had been.

- The way the crowd, fired on from Jongilanga Crescent, turned in unison to run made it improbable that any of them had been firing at the soldiers.

From the SAP forensic report, it appeared the CDF soldier shot and killed at Fort Hare had been hit on the left side of the back of his head.

"The disintegration of the bullet was typical of that fired from an R-4 rifle. The high probability was that he was shot by one of his fellow soldiers."

Although the commission could not make a positive finding on whether the CDF came under fire, it would make its general findings and recommendations on the "assumption" that CDF members were fired at.

'Unlikely marchers were led into trap'

The commission found it difficult to accept that the Ciskei forces had deliberately left a gap in the stadium fence in order to lead the ANC marchers into a fatal trap.

However, it said that for the CDF commanders to have been unaware of the gap was "highly negligent and unprofessional".

It was difficult to believe that an inspection of the Bisho stadium had not been carried out. Razor-wire barricades were erected on the western side of the stadium.

"To have left the gap in the

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fence in the northern side is attributable only to gross negligence or design.

However, it was difficult to accept that the gap was left as a deliberate trap.

For a trap to have been designed before the early hours of September 7, Ciskei authorities would have had to take into account the ANC's counter application to the Bisho Supreme Court, the order by the Chief Magistrate and his decision to allow the marchers to enter the stadium, the reconnoitre of the stadium by the alliance leaders and their use

of the gap to run out of the stadium. (252)

It was also improbable that the plan had been designed after the magistrate had given his order — although it could not be discounted.

No finding against the Ciskei authorities on this issue could be made. The commission agreed with counsel for the Alliance that if the instructions to the Ciskei forces were to prevent any demonstrators from leaving the stadium, there should have been a visible and strong show of force there.

Aluta continua

The four major international conventions that State President FW De Klerk is committed to signing are:

- * The convention for the elimination of all forms of discrimination against women;
- * The convention on the political rights of women,
- * The convention on the consent, minimum age and registration of marriages.
- * The convention concerning the nationality of married women.

Sweeten 11/10/92
Some of the discriminatory laws and regulations that were amended include:

- * The granting of single women the right to own property.
- * Taxing married women separately from their husbands
- * A divorce unhindered by bureaucracy for a woman, of a husband outside the country's borders.

* The Marriage and Matrimonial Property Amendment Act of 1989 which means that:

- the marital power of the husband is abolished in respect of marriages of blacks, who married after the Act came into effect.
- Blacks will be married in community of property unless this is excluded by ante-nuptial contract.
- the provisions of the Divorce Act will apply to black marriages made before the Act came into effect.
- the right of a black who is married by customary law to lawfully marry anyone other than his customary law wife, is taken away.
- In the case of marriages made before the Act takes effect, the same options available to other races will be available to black couples to change the matrimonial system applicable to their marriage while it exists

NEWS FEATURE Women's rights group says it must be consulted on changes to law

Women's coalition rejects Govt move

By Sizakele Kooma

Women will be speedily removed:

The Government's plan to abolish laws that discriminate against women this month have been rejected by the Women's National Coalition, a body formed last year to campaign for a charter for women's rights

The Coalition, which represents 60 women's organisations country-wide, cautioned the Government not to proceed with legislation concerning women without involving them directly

"The majority of women do not have the vote yet Hasty and unilateral decisions on the eve of a transitional government, cannot be considered to be in the interest of nation building," a statement from the conveners said



Kobie Coetsee

rights included in a charter or other constitutional document

"The necessity for the effective entrenchment of women's equality in the new South African constitution remains"

The Minister of Justice, Mr Kobie Coetsee, announced that more than 30

clauses in the law books that discriminate against women would be "speedily" abolished by October

Coetsee said the Government had decided not to wait until a Bill of Fundamental Rights was agreed upon during the negotiations process

He said Section 52 of the Constitution Act would be abolished because it discriminates against black women

- Other sections and regulations that face the axe will lead to
- * Black women being given equal legal status with their husbands,
 - * Black women being given access to places where sorghum beer is sold;
 - * Employers being forced to allow pregnant women to work until four weeks before and to resume eight weeks after childbirth

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NSU

The rights women want enshrined in the law

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By Sizakele Kooma

■ WLSC has fought for equal rights for many years and sees a breakthrough in Government thinking:

THE Women's Legal Status Committee believes it could have partly influenced the Government's decision to abolish laws that discriminate against women

The committee, which has in the past years been campaigning for women's rights, made recommendations to the South African Law Commission late last year for the review of the laws they viewed as oppressive to women

The laws the committee wanted evaluated include:

Marriage Law - That the marital power should be totally abolished

Guardianship of children - A mother, whether married or divorced, should have equal guardianship rights and responsibilities with the child's father

Divorce Law - 1 People married outside South Africa out of commu-

nity of property and without an antenuptial contract should be entitled on divorce to a claim against their spouse's estate

2. Persons married in South Africa out of community of property without antenuptial contract should have a similar claim

Cohabitation - If two people who are living together draw up a legal contract for the disposal of their assets at the end of their association, this should be recognised by the court and the judgment be based on legalities only.

Employment - There is no legal tenure of employment for pregnant women. This whole question needs to be investigated

2 Equal remuneration and equal treatment in respect of work of equal value should be enshrined in the law

Housing subsidies These perquisites should be based on employment and not on gender. As is the case for men, women, whether married or not, should have the same right to subsidies.

The house should be registered in both names.

Tax - A married woman should be considered a married person for tax purposes and no tax differentiations should be made in assessment, rebates, deductions, marginal rates etc

2 The concept of the male being the breadwinner is outmoded and unfounded and must be deleted from tax philosophy

Battered women - Police reaction must be more positive. Wife and family batterers must be removed from the family home.

Now if only Ciskei had

listened

The Bisho massacre could have been averted if the Ciskei authorities had accepted to the pleas of the SA Government, the SAP and the National Peace Secretariat to allow a peaceful and negotiated mass demonstration. The Goldstone Commission said Co-operation between local authorities and the SAP and the organisers of mass demonstrations had before almost invariably led to disciplined marches and meetings, some involving tens of thousands of people. This type of mass demonstration was the only form of peaceful political activity open to the vast majority of South Africans who remain disenfranchised. Defining what it called "responsible mass action", the commission said mass action must be organised to take all reasonable steps to avoid violence. That could be achieved only by removing the risk created by unpredictable conduct. Organisations should distinguish between action designed to make a political statement and mass demonstrations.

Use of lethal force 'was never contemplated'

By Peter Fabricius and Esther Waugh

On September 7 thousands of ANC supporters marched on Bisho, capital of the nominally independent Ciskei homeland. At the Bisho stadium, just inside the Ciskei, the Ciskei Defence force opened fire, killing 29.

This is a shortened version of how the Goldstone Commission described the sequence of events leading up to the shooting. On August 31 the ANC/SA Communist Party/Cosatu alliance notified the relevant authorities of their intention to gather at the Victoria Sports Grounds in King William's Town in South Africa and from there to march to nearby Bisho. The South African Government the SAP and the NPS urged the Ciskei authorities to allow a peaceful march to Bisho on September 7. The authorities would not agree. The ANC then applied to the King William's Town municipality for permission for the march which was approved. On the day of the march there were about 1 200 marshalls and



Dr Antonie Gildenhuys met executives from 200 branches of the Alliance responsible for maintaining crowd control.

People were to be searched for weapons on entering the Victoria Sports Grounds. However, the commission noted, that even if these precautions were carefully observed it would not have been possible to search those who joined the march after it left the Victoria Sports Grounds. On the evening of September 6, the Ciskei authorities brought an urgent application in the Ciskei Supreme Court for an order prohibiting the march. The Chief Justice of the Ciskei granted an order declaring

that it would be unlawful to hold the march without the consent of the Chief Magistrate. The Chief Magistrate granted permission in the early hours of September 7 on condition that marchers were to gather in the Bisho stadium between noon and 4 30 pm and were not allowed to be armed. The counsel for the Alliance told the commission that the Alliance decided it would not comply with the Chief Magistrate's order as by that time it was already firmly committed to the march.

'According to the Alliance's counsel, although it was appreciated that the Ciskei Security Forces might attempt to prevent the assembly taking place, it was never contemplated that they would use lethal force. Some Alliance leaders went ahead of the march to reconnoitre' the situation at the border. There they noticed the road had been blocked by rolls of razor wire to prevent the protestors from marching along the road to Bisho. The march leaders met National Peace Secretariat chair-



Cyril Ramaphosa leaders would consider options.

man Dr Antonie Gildenhuys and the chairman of the National Peace Committee, John Hall, and other observers. Mr Hall and Dr Gildenhuys informed the Alliance leaders — including Cyril Ramaphosa — that the Ciskei authorities were determined that the protestors would not be allowed into any part of Ciskei other than the Bisho stadium. 'The Alliance leaders indicated they did not accept that the Ciskei Security Forces had any right to frustrate their plans. Alliance organisers went into the Bisho stadium where they

noticed that a section of the outer fence of the stadium on the northern side had been flattened for a distance of about 10m. The gap provided an unobstructed route out of the stadium. According to the Alliance version CDF members could be seen about 250 m away on the eastern side of the area in front of the gap in the fence. On the western side there appeared to be no soldiers.

Counsel for the CDF suggested that those soldiers must also have been visible to the Alliance organisers. The Commission said, though, that the fact that Alliance protesters later ran through the fence in the direction of the stadium suggested they were unaware of their presence. At about 1 30 pm, the front of the march reached the razor wire barrier, about 20 m from the SA/Ciskei border. The crowd was spread over a wide area on both sides of the border, and those on the left under the active leadership and with the encouragement of Mr Kasrils began running with him into the stadium grounds.



John Hall acted as a go-between for peace.

The NPS representatives were not informed of the intention to lead demonstrators out of the stadium grounds. The group led by Mr Kasrils moved out of the stadium and ran to the left in the direction of Jonglanga Crescent. The soldiers towards whom they were running then stood up and opened fire. One sees from the video the moment firing began every one of the demonstrators turned around in unison and ran back in the direction of the stadium. The demonstrators were approximately 100 to 150 m from the soldiers. These soldiers fired 185 rounds of ammunition and four grenades.

The Alliance said the demonstrators were peaceful and unarmed and posed no threat to the soldiers or buildings. But the CDF said the first shots fired were from the group of demonstrators running at them. The overall commander of the CDF received the message the soldiers were under fire. He asked for confirmation and it was given to him. He then gave the order that the soldiers in the Jonglanga Crescent area could open fire.

Almost at the same time the Ciskei soldiers in front of the Fort Hare campus — which is on the southern side of the stadium — and those who were at the national assembly, also opened fire, without orders. 'The CDF alleged that three shots were fired at them from this part of the crowd. "One of the soldiers in the Fort Hare campus was shot and fell". The CDF also alleged that handgrenades were thrown at them. They then opened fire "for a prolonged period and quite indiscriminately". "They shot people who, in compliance with the order of the Chief Magistrate were in the stadium."

Gap in fence: followers deliberately endangered

STAR 1/10/92
 Reports by
 Peter Fabricius
 and Esther Waugh

For the ANC Alliance leaders to have approved of their followers running through a gap in the stadium fence towards Bisho was "irresponsible and deliberately placed such people in imminent danger which resulted in death and injury", the Goldstone Commission found.

"In the present climate of negotiation in South Africa and policy with regard thereto by all the major political parties, the decision to risk the lives of their followers by advancing out of the stadium was unfortunate and unjustified."

"If their intention was to draw public attention to the policies of the Ciskei authorities, they could have achieved that by more appropriate mass action on the South African side of the border and even in the Bisho stadium," the commission found.

Deliberately withholding from the National Peace Secretariat (NPS) the intention to run through the gap in the fence to Bisho was "disingenuous".

Reinforced

The commission found that at all times the Alliance leaders must have been aware the Ciskei authorities were in earnest in their refusal to allow the demonstrators into the Ciskei. That was made absolutely clear in public statements, was reinforced by the Ciskei Supreme Court's order, was conveyed in unequivocal terms by the NPS, the National Peace Commission, and by President de Klerk.

The Alliance created even more confusion by first seeking an order from the Chief Magistrate and then ignoring it, fully realising that the Ciskei authorities were bound by it.

"By all accounts, the notice by the Alliance that they would not follow the terms of the court order was inadequate."

Threatening statements made by Alliance leaders in the days before the march could only have been calculated to harden the attitude of the Ciskei authorities



Flashback . . . ANC marchers flee as Ciskeian soldiers open fire. The commission says the troops deliberately tried to cause as many deaths and injuries as possible.

Prolonged firing indefensible

Ciskei troops had deliberately tried to cause as many deaths and injuries as possible at Bisho, the commission concluded, and their conduct could only be condemned in the strongest terms

"Anyone who has watched the videos of the shooting will have experienced a feeling of disbelief that shooting could have continued for what appeared to be an interminable time

"Indeed it appears clearly that soldiers in the vicinity of Jongilanga Crescent continued to fire at the fleeing crowd virtually until the last of them disappeared from sight

"Even if there had been isolated firing from the demonstrators, the reaction of the Ciskei soldiers was completely disproportionate

"Not one Ciskei soldier in that area was injured and the

high probability is that the only soldier who was injured in the Fort Hare vicinity was shot by one of his fellow soldiers

"Even if the Ciskei commander and members believed they were under some kind of attack, even if they believed that the crowd was intent upon overrunning them and going to Bisho, even if they believed that one of their members had been shot by a demonstrator, their indiscriminate and prolonged shooting at innocent demonstrators was morally and legally indefensible and is deserving of the strongest censure"

If one added to this the firing of four grenades, "one can only conclude that the conduct of the Ciskei soldiers was deliberately aimed at causing as many deaths and injuries as possible"

"It is hardly surprising that counsel for the Ciskei Defence Force did not attempt to justify the number of rounds fired."

The commission found that Ciskei Police were deployed south-east of the stadium, not far from where the main King William's Town road was barricaded. They were equipped with teargas, rubber bullets and birdshot

"Presumably they were there in the event of the barricade proving ineffective in preventing the march to Bisho."

Members of the Ciskei Army are not equipped with non-lethal weapons — only guns with live ammunition

By running through the gap in the fence, the demonstrators outflanked or by-passed the police and ran directly at the soldiers

...ensure'

● Soldiers 'acted deliberately'

Both parties lashed

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Kasrils 'deserves

Bisho:

Political Staff

The Goldstone Commission's hard-hitting report lashing both the Ciskei government and the ANC for the September 7 Bisho massacre had an immediate impact on SA politics yesterday.

The Cabinet and the ANC's national executive committee (NEC) both considered the report at their weekly meetings. And Ciskei Attorney-General Leon Langeveld said he had already begun investigations into possible criminal charges against Ciskei Defence Force (CDF) soldiers who killed 28 ANC demonstrators and injured more than 200.

This was one of the key recommendations of Commission chairman Mr Justice Richard Goldstone, who condemned the shooting as "morally and legally indefensible and deserving of the strongest censure".

He also called on the ANC to "publicly censure" Ronnie Kasrils and other ANC-

SACP-Cosatu alliance organisers of the march for the decision to lead demonstrators out of the Bisho stadium and "knowingly or negligently expose them to the danger of death and injury".

The ANC NEC was believed to be considering this recommendation yesterday, as well as pointed advice to

More reports —
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immediately abandon political action calculated to result in conflict and violence, and not to pursue mass action as a means of causing serious and non-temporary disturbance or as a means of political intimidation".

The NEC was in any case fulfilling ANC leader Nelson Mandela's weekend undertaking to review its current mass action campaign, which includes demonstrations aimed at hostile homelands such as KwaZulu and Bophuthatswana.

Some observers believed the timely publication of the Goldstone report could help

to influence the NEC to temper mass action.

Mr Justice Goldstone stressed in his report that his criticism of the march organisers could not in any way justify or excuse the conduct of the Ciskei soldiers.

Any mitigating factors were "completely overwhelmed by the disregard for human life shown by the soldiers".

The report called on the Ciskei government to publicly acknowledge that the CDF had acted "reprehensibly and unacceptably" and recommended that the leaders of the TBVC states and other homelands should publicly declare their willingness to tolerate and facilitate reasonable and negotiated mass demonstrations.

Last night the Ciskei Council of State welcomed the commission's call for the ANC to censure Mr Kasrils and others, and its recommendation that the alliance abandon any political action calculated to result in conflict.

"Serious consideration is

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Bisho massacre: both parties lashed

● From Page 1

being given to the other recommendations of the commission".

A press conference would be held today.

The report was welcomed by the National Party, the Democratic Party, the National Peace Committee (NPC), the Transkei government and, in part, by Inkatha.

NPC chairman John Hall said mass action should be suspended pending a meeting of all National Peace Accord signatories to be held this month.

NP secretary-general Dr Stoffel van der Merwe expressed the hope that in its re-examination of mass action, the ANC would take note of the commission's views.

He said the ANC, whose credibility was "on the line", had a strong responsibility to restore confidence in its integrity by speedily implementing the commission's findings.

The NP, he said, had also urged Brigadier Oupa Gqozo's government to urgently give effect to those recommendations

referring to it.

ANC spokesman Carl Niehaus said Mr Justice Goldstone's report was one of the issues on the agenda of the NEC meeting in Johannesburg yesterday.

The ANC, he said, received the report yesterday morning and was still studying it.

The Conservative Party yesterday held the Government responsible for the Bisho massacre, saying it had an obligation not to allow South African territory to be used as a springboard for attacks on Ciskei

STAR 11/10/92

Victim outraged by Strydom's release

■ Father of two paralysed from the waist down by bullet during the shooting spree in the centre of Pretoria:

A MAN who was crippled by a bullet when mass murderer Barend Strydom went on a shooting spree in the centre of Pretoria four years ago is unhappy about his release

Mr Geelboos Mabena of Sunkwater near Hammanskraal greeted the news of Strydom's release with outrage when *Sowetan* visited him at Kalafong Hospital where he is being treated for complications resulting from his injury

A former Pretoria City Council employee, Mabena was paralysed from the waist down after a bullet penetrated his spine on that day in 1988

Eight people were shot dead in the incident

"Words fail me when it comes to having

to define Strydom's character. The man can't be trusted and I therefore find it strange that the Government saw fit to classify him as a political prisoner

"He is a cold-blooded murderer who smiled his way through the streets of Pretoria, killing black people indiscriminately," said Mabena

"With a man who has sworn that, given a chance, he would kill black people again on being freed, my monthly visits to Pretoria to collect the disability grant my family depends on for a living will not be as easy as they used to be"

● *Sowetan* apologises to readers for the non-placent of the above story in our later editions yesterday

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Benoni now a city

THE East Rand town of Benoni has been declared a city, the eighth in the Transvaal, by the Transvaal Provincial Administration.

The other Transvaal cities are Johannesburg, Pretoria, Germiston, Roodepoort, Vereeniging, Pietersburg and Boksburg. *Sowetan 11/10/92*

Kempton Park is poised to become the ninth Transvaal city.

Benoni Mayor Mrs Anna Taljaard said in a statement on Wednesday she had always seen Benoni as the leading town on the East Rand Now, with city status, it had "really come to the fore as the City of Lakes" - *Sapa*.

IFP bail decision

THE final decision on the bail application by the 71 Inkatha Freedom Party members appearing in connection with the Boipatong massacre will be heard tomorrow.

The lawyer representing the men, Mr As Burger, told the court on Monday "If president FW de Klerk agrees to grant amnesty to criminals and murderers accused of horrible crimes I do not see why men who are technically innocent should be refused bail". *(252)*

He said during the Sebokeng night vigil case last year no "bloodbath" ensued after the IFP members were granted bail as the investigating officer in both cases, Colonel John du Pont, had predicted. *Sowetan 11/10/92*

The magistrate, Mr G Rainders, dropped charges against one of the suspects, Mr Elphas Mbatha.

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Amnesty plea 252

THE all-white SA Iron, Steel and Allied Industries Union (SAISAIU) has sent a letter to State President FW de Klerk requesting that amnesty be granted to right-wing fugitive Dries Kriel.

The Iron and Steel general manager, Mr Nic Celliers, said the motivation for the request was that Mr Kriel, leader of the Afrikanervolkstaatbeweging, had realised that "other channels could be more productive than violence to achieve aims".

Kriel, a former secretary of the all-white Mine Workers Union, had been arrested earlier this year in connection with the bombing of the Pretoria Hillview High School.

A feature article

STAR 2/10/92

UK newspaper praises Bisho report

By Alan Robinson
Star Bureau

(252)

LONDON — The "devastatingly frank" Goldstone report on the Ciskei shootings has won high praise in Britain.

According to The Times, it could lead to much brighter prospects for peace and democracy in South Africa — if all sides accepted its recommendations.

In a leading article

yesterday, The Times said it was now "a matter of urgency for the Ciskei attorney-general to start proceedings against anyone responsible for the carnage.

"That ought to include Brigadier Marius Oelshig, the South African intelligence officer seconded to command its defence force."

Referring to Judge Goldstone's strong criti-

cism of the role played by Umkhonto we Sizwe intelligence chief Ronnie Kasrils, The Times said: "At the very least the leadership of the ANC alliance should follow the recommendation of the report and censure Mr Kasrils and other leaders, mostly from the Communist Party... if that should lead to a separation between the Communist Party and the official ANC, so much the better."

The leading article, entitled Beyond Bisho, concludes: "If all sides can now accept Judge Goldstone's recommendations, the prospects for peace and democracy in South Africa will be brighter than for many months.

"The shock of the tragedy on the road to Bisho which brought President F W de Klerk and Nelson Mandela together last weekend may yet prove a crucial turning point."

ay, October 2, 1992

Govt to insist on general amnesty

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By ANTHONY JOHNSON
Political Correspondent

PRESIDENT FW de Klerk yesterday signalled the government's determination to press ahead with legislation for a general amnesty later this month despite vehement ANC objections to such a move.

He said the government would submit legislation during the forthcoming short session of Parliament "to deal equitably with all prisoners" being released in terms of the government agreement with the ANC for the release of political prisoners.

The legislation would also deal with people who had committed similar offences, but who had not yet been charged or sentenced.

He also lashed out at ANC spokesmen "who create the impression that much of what the government is doing will be undone at a future stage".

He was reacting to a warning this week by ANC spokesman Mr Carl Niehaus that moves to grant blanket indemnity to state offi-

cials could be reversed by a future ANC government.

At a press conference yesterday he emphasised that the government did not intend approving a constitution that would allow any future government "to randomly alter or undo what we have done in the spirit of reconciliation and the maintaining of security and stability in South Africa".

Storm in

"We don't say that any future government cannot amend legislation, but we are not going to hand the country over into chaos".

The government would not allow the NP, the ANC or any other party to "storm in and break down and turn everything over", he said.

At the same press conference the Acting Minister of Constitutional Development, Dr Dawie De Villiers, said the government would not like to unilaterally pass legislation providing for an interim government.

But he immediately added that he doubted whether consulta-

tions with other parties would be possible before the parliamentary session.

Dr De Villiers said the government's approach to get all parties back to negotiations was to meet them bilaterally to remove stumbling blocks.

He expressed the hope that once multi-party negotiations resumed, the PAC and certain right-wing groupings like the Afrikaner Volkswem would join the process.

"We can only solve South Africa's problems if we involve as many political parties as possible. Going it alone continues the downward spiral," he said.

Mr De Klerk also said a perception that the government had capitulated to any other party was devoid of all truth.

"It is essential that all men and parties of goodwill should now come together to put a stop to the downward spiral of the past month," Mr De Klerk said.

This could be achieved only if the leaders of all the recognised parties once again got together to resume multilateral negotiations, "which at Codesa had brought us so close to a genuine solution".

SURETYSHIP LAW FM 2/10/92

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In the eye of the beholder

The banking and legal professions are in disarray following a far-reaching judgment on suretyships by a full bench of the Transvaal Provincial Division of the Supreme Court. Transvaal judges are attempting to limit the damage caused by the binding precedent set in March when Mr Justice Henry Preiss delivered a full bench decision which most of them consider unsound.

Judge Preiss held that the presence of many clauses, inserted in suretyship contracts as a matter of course by banks and other creditors, rendered them invalid on the grounds of public policy (*Economy* July 12). Judges are now vigorously "distinguishing" the facts of surety cases before them from those in the precedent-setting case.

In an unreported judgment, on September 22, in the Witwatersrand Local Division, Mr Justice Dirk Marais found that the clauses which had been described as "offensive and immoral" in the full bench decision were "perfectly acceptable and enforceable." In an action brought by Pangbourne Properties against various sureties, Judge Marais barely stopped short of being downright scornful of the defence, which was based on Judge Preiss's findings.

There are other recent decisions where a single judge bench has, in actions based on suretyships, found for the plaintiffs after distinguishing the facts of the case from those in the precedent.

Donn Jowell, a partner in attorneys Jowell, Glyn & Marais, says Judge Preiss's decision "caused widespread consternation, particularly in the banking community." If suretyships that he described as offensive are invalid, the consequences could be that securities for debts amounting to perhaps billions of rands are worthless. If the judgment stands, then at best the banks will have to reconstitute those securities (ie have them redrawn and confirmed by the debtors) at

enormous cost. At worst, it will not be possible to reinstate some of the securities and the banks will be exposed to gigantic losses. This would be the case where the principal debtor (for example, a private company) cannot pay and the creditor needs to have recourse against shareholders who signed as sureties.

To understand the muddle, it is necessary to look back at the development of the concept "public policy" in SA law and the history of suretyships. Some years ago when, as now, the economy was in recession and suretyships were being called up regularly, it became the fashion for the suretyship documents to be attacked on technical grounds. Banking institutions responded by broadening the terms of their standard suretyship documents to include provisions that would bar the technical defences and generally facilitate recovery against sureties. It is these additional clauses which are at the heart of the current dispute.

"Public policy" as a concept, meanwhile, lay dormant in our legal system. Essentially, it provides for equity in a system which does not otherwise recognise equity. There is a view that the courts have — and should have — the power to treat a contract as void if it is against public policy or contrary to moral standards. However, the courts have long recognised that this power is not one to be hastily or rashly exercised. In SA and English law the courts have recognised that the doctrine should be invoked only in clear cases. The difficulty is that equity lies in the eye of the beholder.

Significantly, in the full bench decision in March, there was no evidence as to the special circumstances to advance the argument based on public policy.

Judges, dealing with an emergent society, could understandably be moved to adopt a "consumerist" approach. But in Australia, to

take a good example, the remedy is being found in legislation (which is not retroactive) rather than in judicial inventiveness.

Jowell says the situation now amounts to legal chaos. The casualty is commercial certainty. Judge Marais and other Transvaal judges have managed to find a fair and pragmatic answer by distinguishing the facts before them from those in the case which created the precedent. While this can work well in a particular case, it is not a panacea. Each case will be decided on its own set of facts and no generally applicable rule can be formulated.

Jowell says the only way the law can be rationalised is through a decision of the Appellate Division — which of course has the power to overrule a full bench of a provincial division — or by legislation.

Under these circumstances, everything should be done to bring the appeal against the TPD decision to a hearing by the Appellate Division as soon as possible.

Robin Friedland

FINANCIAL MARKETS

Riding the bull

FM 2/10/92

A downward correction of capital market rates followed publication of money supply figures (see P34) last Friday afternoon. The Eskom 11% E168 closed at 13,825% on Monday from 14,03% on Friday, reaching a low of 13,78% on Tuesday. The RSA 12% R150 fell from 14,06% to 13,855% and closed at 13,85% on Tuesday.

Jürgen Kogl of brokers J Solms & Co, says the correction in gilt rates came at a good time. "Rates came down strongly in early and mid-August, when the R150 and the E168 briefly fell below 14%. However they stayed above that level in late August and for most of September in the wake of the Bisho massacre, uncertainty in capital markets in Europe and as local indicators moved sideways to slightly higher. This allowed the market to blow off some heat."

Kogl expects short-term rates to follow in the near future.

Meanwhile the Reserve Bank has entered into repurchase agreements to the value of R500m to alleviate the growing money market shortage. These were issued at an average rate of 15,6%. Applications of R1,1bn were received.

First National Bank group treasurer Ken Russell says the repurchase agreements should prevent the shortage reaching the R5,5bn-R6bn mark. "Had the Bank not acted, the banks would have had to push up call rates significantly. This would have meant



FM 2/10/92

POLITICAL DEALS

~~DEAL~~ ~~DEAL~~ 252

One Wit Wolf, one bomber

There are extremely disquieting elements in the deal struck by F W de Klerk and Nelson Mandela at the weekend. The release from prison of Robert McBride and Barend Strydom is bad enough — an obscenity which the nation is supposed to swallow for the sake of a pious reconciliation which is far from happening.

But again — as we suggested last week — one is struck by how quickly our leaders are moving away from genuine democracy. There is nothing propitious in this release for our future freedom, happiness and security. The entire affair was stage-managed to precede yet another of Mandela's foreign fund-raising jaunts and almost immediately contradictions emerged.

Let's consider some.

Now that they have been forgiven for their murders, McBride and Strydom — both young men — have been received back into their markedly segregated and mutually hostile communities. Neither has shown any remorse, rather, they have been glowing with an idiotic triumphalism and McBride has said he would be prepared to "do it again" (blow up civilians) in the same circumstances as 1985. This so that "peace and democracy" will prevail.

We do not yet know what Strydom thinks, since he has sold his story exclusively to *Rapport*. But clearly he, as much as McBride, is a hero to some.

The victims thus brushed aside, we are enjoined to consider the big picture — the national interest. These points arise

□ Government has finally indicated that it will move on certain glaring catalysts of violence, specifically the carrying of weapons of death in public and the monitoring of volatile hostels. These matters, one would have thought, should have long since been dealt with firmly — before Boipatong. The suspicion exists that they were left unattended for so long not because their potential for violence was unknown, but because they became chips in a bargaining process.

The cost of such neglect has been many deaths. In addition, there is the alienation of Mangosuthu Buthelezi, who now seeks an alliance with the likes of Oupa Gqozo.

□ The ANC can with some justification claim that mass action has worked — it brought government to the point where it had to act on public weapons and hostels as a kind of concession.

This supports the suspicion that government has all along had a hidden agenda in negotiation which, at the least, it backed with a dangerous tolerance of black-on-black vio-

lence. Yet, in employing the means of mass action to achieve this end, the ANC has shown itself prepared to sacrifice ruthlessly its followers for propaganda. They dutifully went straight into the death trap at Bisho.

□ The issue of amnesty for "political" crimes is far from being settled. In any comparison of psychopaths, the ANC can presumably claim that McBride believed that killing three women in Magoo's Bar was a blow for freedom and democracy but that Strydom is in a different category. There are already warnings that the ANC might rescind amnesty for the Wit Wolf — which defeats the purpose of whatever was actually agreed at the weekend.

Clearly McBride and Strydom were "swapped" for symbolic reasons, the essential understanding being that political deals transcend the rule of law. Both sides have thus laid the basis for continuous rule by expediency. Any government of "national unity" would be an uneasy — if not treacherous — coalition of political bosses continually looking over their shoulders at their constituencies.

And who exactly are the senior figures for whom government wants amnesty? How high up are they in the political and military hierarchy? De Klerk surely knows.

The extent to which justice has been subverted is emphasised by the behaviour of the Ministry of Law & Order — which abruptly suspended its well-publicised investigation of the crimes of returnees and security force agents. What only a week or so ago was said to be a matter of principle has been "temporarily postponed until such time as finality has been reached on this matter," according to Craig Kotze.

In other words, such retrospective investigations can be turned on and off like a tap, depending on what suits government.

The De Klerk/Mandela summit was a turning point. Now we know that justice itself is a pawn in a far bigger political game. Buthelezi sees this well enough — and has the potential to wreck bilateral deals which exclude him. But in

his new leopard-skin garb he appeals directly to tribal, sectional emotions and, in this, is also merely playing that bigger political game with its basis in raw power.

Who can doubt that government and the ANC will be back at Codesa, or its equivalent, within a few months? Their interests lie there. But with or without Buthelezi, scepticism over the validity of any agreements reached must be well-founded. Our two big leaders now have certain qualities in common: they are wooden, unconvincing and contradictory. ■



Concern over jail inspectors

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SPAN 2/10/92

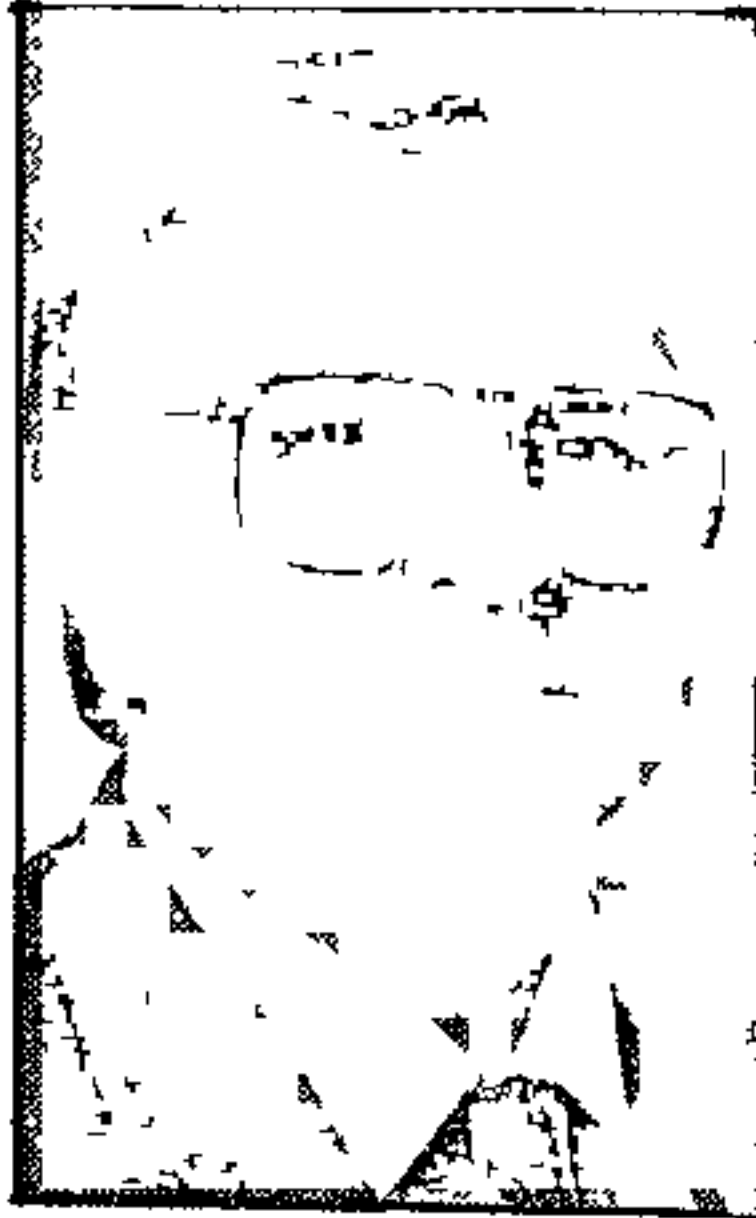
By Helen Grange
 Pretoria Bureau

Human rights circles are becoming anxious at the time it is taking for the Government to appoint prison inspectors — especially as 23 people have died in custody over the past two months.

Six weeks after Law and Order Minister Hernus Kriel announced that there would be prison inspectors appointed to visit prisons country-wide and collect complaints from people in custody, little progress has been made.

A number of awaiting trial prisoners in prisons around the country have been found hanging in their cells over the past months.

The Human Rights Commission, which is monitoring cell deaths,



Hernus Kriel . 6 jail inspectors still to be appointed.

recorded 11 prison deaths during September and 12 during August. This brought to 97 the total deaths in custody for the year to date.

The decision to appoint prison inspectors came in the wake of revelations by pathologist Dr Jonathan Gluckman, at the end of July that

police had killed prisoners in custody. Six retired magistrates have been identified, but another six have yet to be singled out, Law and Order Ministry spokesman Captain Craig Kotze said yesterday.

The 12 appointments and the details of their duties would be announced in due course, he said.

Said Captain Kotze: "We will soon be in a position to address Dr Gluckman on the matters he has raised."

The latest cell death was that of a prisoner awaiting trial in Ladysmith, Shanganı Biyela, on September 23.

Two weeks ago, the Pretoria Supreme Court heard evidence of a fatal assault on Michael Nkabinde during the trial of two suspended police constables, Andries Strydom and Andries Greyling.

Special court set up for sex abuse victims

By ALEX DODD

SPECIALISED pilot rape courts will be operating in Cape Town from November in an attempt to encourage victims to report rapes, resulting in the prosecution of more offenders

This was announced at the first formal session of the newly constituted Cape Town co-ordinating committee on rape at the office of the attorney general, Frank Kahn, last week.

Senior prosecutor and chairman of the committee, Sandra Swart, says the procedure of the trials to be held at the magistrate's court on Thursdays will not be too different. However, the prosecutors will be selected according to their specialist knowledge and sensitivity to the condition of rape victims. They will also undergo training on how to deal with rape victims.

Prosecutors will have more time to consult beforehand so that victims "will not have to go through the 'sausage machine'" they have had to endure in the past, Swart said

It is also hoped that the system will prevent cases being repeatedly re-announced. In the past, victims have had to wait as long as a year before their trials started. This has discouraged women from reporting rape. According to research carried out by the National Institute for Crime Prevention and Rehabilitation of Offenders, only about one in 15 rapes are reported

Ilse Olickers, western Cape regional director of the women's desk of Lawyers for Human Rights and co-ordinating committee member, says

female assessors who have been exposed to the issue of violence against women may be called upon to monitor the cases. She says male magistrates are often influenced in their judgments by "sexist bias" and the issue of consent is regularly clouded by this.

"The approach in rape trials needs to be revised on substantive and interpersonal levels," says Olickers. She says sexist comments are often passed by judicial officers during trials.

One of the chief problems leading to too light sentences has been the lack of good evidence. "If you want a proper sentence, you've got to have proper evidence," says Swart. Evidence is often weakened by the submission of insensitive psychological profiles due to the state's inability to finance specialist psychologists.

"Often the finding is that the victim is not suffering from psychological trauma when she is on the verge of a nervous breakdown," explains Olickers. To remedy this, LHR has agreed to fund the participation of psychologists in the procedure 2/10 - 8/10/92.

The co-ordinating committee is making headway in a much broader drive to monitor the entire process from the moment a rape is reported to the post-trial condition of victims. Government officials, including the police and medical representatives, are working together with private service organisations on the committee to investigate rape survivors' complaints about the justice system — and act to rectify them.

Rail raid victims 'not told to make arrests'

STAR 2/10/92

Staff Reporter (252)

A police sergeant denied before a committee of the Goldstone Commission into train violence that the police had ordered victims of the June 15 train attack in Daveyton to arrest the attackers.

Sergeant S Gebhardt of the Internal Stability Unit's investigations section in Daveyton said yesterday that Patrick Marakeng's assertion before the committee on Wednesday was not true. Sergeant Gebhardt

said he arrived at the scene of the attack at about 7.30 pm on June 15.

He said bodies were lying on the ground. He tried to get statements from onlookers but one man told him he would not co-operate as the police were killing them.

Another witness, Constable W Mavhuso, also denied telling Mr Marakeng to arrest the attackers.

The hearing, chaired by Gert Steyn, has finished hearing evidence. It will sit again from November 23 to 27.

Ciskei govt rejects Goldstone finding

B/DAY 2/10/92

THE Ciskei government yesterday rejected the Goldstone commission's finding that its troops had opened fire without justification, thus leading to the Bisho massacre — and appointed its own investigation into their conduct.

Ciskei military commander Brig Marius Oelshig would head the investigation, the Ciskei government said yesterday.

Meanwhile, Ciskei Chief Justice B Pickard released his findings on the massacre last night, apportioning most of the blame for the killings to the ANC — a different emphasis to the Goldstone report which laid greater responsibility for the massacre on the Ciskei Defence Force.

Pickard said soldiers who fired on a breakaway group lead by the ANC's Ronnie Kasrils may have been "justified in firing from that position", but those who fired on the rest of the marchers "overreacted considerably".

The Ciskei government stopped short of totally rejecting the Goldstone report, saying murder charges against the soldiers had been opened under the instruction of the attorney-general's office.

But the statement, which was read by Ciskei Justice Minister Don Brunette, said it was not necessary to investigate Oelshig's conduct during the massacre.

He said soldiers had been obliged to open fire because of "the irresponsible actions

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RAY HARTLEY

of Mr (Ronnie) Kasrils and his followers"

Pickard said he would hear out those who disagreed with his report, which was not a final finding. He said the soldiers who fired the second volley had probably "got out of hand and fired at random at the crowd".

"One matter is clear, and that is that the CDF does not consist of the most sophisticated soldiers one can imagine. I am informed that a large number of them have something like a standard three certificate," Pickard said.

He concurred with Judge Richard Goldstone that it was unlikely a shot was fired at the soldiers by the marchers, and supported the contention that the Ciskei soldier who was shot had been killed by his own fellow soldiers.

"To suggest that the march was an armed invasion is not justified. It seems rather a pity . . . the march from the Victoria grounds to the Ciskei border was ever permitted by the relevant SA authorities.

"A large portion of the crowd at least may have been led into the situation like lambs to the slaughter by their leaders who had a far better opportunity of assessing the risks than the average supporter."

Meanwhile, the SA government said yes-

□ To Page 2

Ciskei B/DAY 2/10/92

terday it was studying the Goldstone report "with a view to establishing the steps which should now be taken".

A government statement heaped praise on the Goldstone commission for the speed with which the investigation was conducted and "the important role which the commission can play in providing an objective evaluation of the causes of violence".

"It is hoped the report will be thoroughly studied and will receive the serious consideration which it deserves from all the parties involved," the statement said.

The Bophuthatswana government yesterday said it rejected assumptions it did not allow free political activity as "mis-

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□ From Page 1

chievous or misinformed"

The Goldstone report has recommended that "those in control of any region, city or town anywhere in SA, including the TBVC homelands, should tolerate and allow complete freedom of expression and of peaceful assembly".

The Bophuthatswana statement said "it is an unfortunate fact that mass action in our part of the world is the guise behind which certain organisations attempt to undermine legally and democratically constituted authority".

The SA Council of Churches said yesterday it regarded Judge Goldstone's findings as fair.

Inkatha three deny attacks

THREE Inkatha activists charged with five counts of attempted murder appeared in the Mtunzini Magistrate's Court this week. They were arrested after a series of attacks in Esikhawini on August 26. W/Mant. 2/10-8/10/92

After local police handling of the incident led to accusations of a cover-up, the Goldstone Commission sent a special representative to investigate and a Durban police officer is now in charge of the case.

The three — Mantengu Mathenjwa, Ben Mlambo and a minor who may not be named — first appeared in court last Friday, when they denied the charges.

They said they were not in Esikhawini at the time of the attacks because they were taking a message from an Inkatha official to a chief in the Nyoni area. Explaining injuries which they had sustained, they said they had been shot after delivering the message.

Forensic evidence heard in court was that their injuries were caused by a hand grenade. One of the attacks in which they have been implicated, on the house of National Union of Metalworkers official Bkeki Ntuli, involved AK47s, a hand grenade and a shotgun.

The state is opposing bail on the grounds that the three may interfere with witnesses.

By MARK GEVISSER
BY releasing Pretoria mass murderer
Barend Strydom along with three
African National Congress political
prisoners following an ANC/govern-
ment agreement, the government is
claiming the rightwinger as one of its
own

This is the view of Paula McBride,
Robert McBride's wife and a senior
staffer at Lawyers for Human Rights
"If Strydom's release was part of an
ANC/government deal," she says, "it
squarely places him on the government
side, and it gives us a glimpse behind
the smiling face of FW de Klerk as to

W/mack 2/10-8/10/92
'Release a
sop to the
rightwing'
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who he considers to be his people "

The ANC has said that the release of
Strydom was not part of any deal made
at the bilateral summit over the week-
end. "His crime was cold-blooded, pre-
meditated murder founded on racial
hatred. Black people were 'the enemy'

Rehabilitation was considered impossi-
ble by the presiding judge."

A government source counters: "We
made it clear to the ANC that we had to
treat all prisoners on the same basis,
and that in this regard, no preferential
treatment could be given to people
according to political affiliation. That's
what fairness and balance is about."

McBride protests strenuously again-
st this notion of "balance" He adds
that, by releasing Strydom, the govern-
ment has allowed the far-right to piggy-
back on to a deal between itself and the
ANC when it has not even entered the
negotiating forum

McBride, Strydom not in same class

Journalist - 2/10/92

Sowetan & Radio Metro

Talkback



with Tim Modise

By Mkgadi Pela

It is a pity that the two men, Robert Rotire and Strydom, are not in the same class. The former is a member of the ANC and the latter is a member of the Inkatha Freedom Party. The former is a member of the ANC and the latter is a member of the Inkatha Freedom Party. The former is a member of the ANC and the latter is a member of the Inkatha Freedom Party.

Thabisi of Soweto

Thabisi of Soweto must be avoided. He is a member of the ANC and the latter is a member of the Inkatha Freedom Party. The former is a member of the ANC and the latter is a member of the Inkatha Freedom Party. The former is a member of the ANC and the latter is a member of the Inkatha Freedom Party.

Everybody should be

Everybody should be in the first place they are not supposed to have been arrested. We have no government in this country. We don't recognize the laws. We didn't elect the regime. It was elected by the conditions of Apartheid. Joseph Motlatlepuja is proud of Robert

McBride's actions

McBride's actions are not acceptable for the ANC. In an oppressed for too long. A for Strydom is a murderer. Without political motives. Victor Buthezi, 11, 1991. It is unacceptable for the ANC to have Strydom. In doing so you have to consider if the person is not going to regret the crime. I would advise the government to suspend further release until a more representative government had been here. Eliboy Ndlovu

Delegates face further charges

W/Mail 2/10-8/10/92
EIGHT senior officials of various PWV cultural forums are to face charges of contempt of court and trespassing, following their arrest at the State Theatre in August. They were part of a delegation, led by the African National Congress Department of Arts and Culture head Wally Serote, which had intended to hand over a memorandum demanding the transformation of performing arts councils to Pact's executive officer, Dennis Reinecke.

The case has been remanded until November 12 following defence lawyer Tiego

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Moseneke's assertion that the magistrate's court does not have the jurisdiction to preside over the contempt of court charge.

The charge arose from the delegates' resistance to a supreme court order for their removal from the Pact building and should be heard in the supreme court, said Moseneke.

The delegates represent cultural organisations including Fawo, Sama, Pawe and the ANC DAC. They are: Serote, Tilly Gasela, Carol Steinberg, Anna Varney, Sam Mayekiso, Saul Rantshilo, Tshepo Rantho and Sabiki Nakh.

NO, to an amnesty

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It has been said that under an amnesty security force members who have taken part in clandestine operations against anti-apartheid activists and in covert destabilisation of the ANC will be granted blanket immunity.

In return, the ANC has secured the release of 400-odd remaining prisoners who they insist are political.

The amnesty would also resolve the question of the status of several thousand Umkhonto we Sizwe cadres who remain outside the country until the ANC formally terminates its armed struggle.

A general amnesty is sometimes declared when parties are negotiating towards peace and reconciliation after a period of conflict (Recent African examples of general amnesties are those declared in Namibia and Zimbabwe after the wars against minority or foreign rule).

An amnesty assumes that all parties in a conflict have committed human rights transgressions, including torture and murder, and pardons those acts. It is seen to be a means of "wiping the slate clean" and making a break with the past.

An amnesty is also seen as a means of encouraging admissions and accusations of transgressions and thereby getting at the truth. The assumption is that if amnesty is granted, it is less likely that those guilty of deeds of violence will thwart investigation.

It is also hoped that amnesty will reduce the number and severity of attacks on witnesses. It does indeed appear that unless there is some guarantee that those who are guilty will not suffer severe retribution, there will be no real prospect of getting at the truth!

The liberation struggle and the counter-revolutionary total onslaught spawned many evil deeds. Now, in the interests of reconciliation, should there be a general amnesty? **KARIN CHUBB, MARY BURTON and JENNY DE TOLLY** of the Black Sash feel that this is not desirable.

Experiences in other countries have shown that for healing to take place, the past has to be faced, acknowledged, atoned for and carried in the collective memory.

All South Africans have a right and a duty to know. On the part of those who suffered there is an overwhelming need to know what happened to their loved ones and to see justice done. Those who have not suffered directly nonetheless must know what has been done to their fellow citizens.

But knowledge alone is not enough — nor does it equal truth. Even now, the surviving victims know exactly what happened and many know the identity of those who are responsible.

The murderers and torturers also know what they have done and to whom.

What is needed is that this knowledge should be brought out into the open and faced. It must be acknowledged not only by those directly responsible but by this society as a whole.

There appears to be a paradoxical relationship between the search for truth and that for justice.

Without doubt, the truth has to be established about human rights violations in South Africa, and has to be faced before there can be forgiveness and reconciliation.

This would imply a pardon (or amnesty) for human rights violators — for the sake of reconciliation.

But what about justice? Do those who have suffered not have a right to see that justice is done? Can one have faith in the new society if it does not uphold human rights vigorously and if it is not seen to hold transgressors accountable? Reconciliation is not possible unless past injustices are fully acknowledged — and without that the new society cannot be peaceful or stable.

However, the need for justice requires the prosecution of human rights violators — and this could be a destabilising factor for some time.

In South Africa it is sometimes argued that fear of prosecution will continue to hamper investigations, particularly into assassinations and that an amnesty is necessary to enable the truth to be brought to light.

We believe that the possibility of an amnesty was raised by the United Nations as a way of getting at the truth and excising from the body politic the cancer of organised political violence and assassinations.

Its intention is, we believe, the very opposite "of wiping the slate clean", as the NP has termed it with such indecent haste.

At this moment, what should be there in the open for all to see is locked in the minds and consciences of those who planned, authorised and executed mayhem and murder.

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MAY 3 10 10

Can you imagine the records of the turning to written on to the "slab" of se and have to be acknowledged we crissing involved

It is, however, by resorts both in amnesty will bring out the bear area?

An amnesty, especially our trip from adequate judicial invepe Town we undermine belief in law buildings cause it could enable the restored

It is inconceivable that, all ad abused their power in the devel still be in positions of trust tourist those positions are at foreign e they are held

Above all, it should Africa had c those who are guilty held, toward nify themselves

When the possibility her classical cussed, it is those who "horror" set the terms — not a "horror" and, through the mechnon of seek to escape the people, large deeds!

History has taught us that else I ha and acknowledging the that was c is only the beginning of This was c conscientising and of I came to brance!

We have found it inst, the ext issue of amnesty The c Progress, ye general amnesty are still annel in ones, and there are still annel in to understand and deball ratepay

However, we believe are we red clared now, and permit generatin past crimes without fu on top of revelation, would usher bid anybod and resentment

Wounds would remain's, developi tant concepts of justicced along would be devalued

The price for an amn CORRE

IFP Three await

By FRED KHUMALO

THE prosecution of three Esikhawini men presently facing five attempted murder charges could shed light on the recent spate of violence that has engulfed the township, resulting in the deaths of 31 people in a month.

Tomorrow the Emtunzini district court will decide on whether to release the three IFP members on bail.

But people in Esikhawini township are praying that, "for the sake of peace", the bail application will be dismissed, because the men are "dangerous".

This was the testimony heard on Wednesday in the bail application for Bernard Mlambo, Nhlakanipho Mantengu Mathenjwa, 18, and a youth who cannot be named as he is still under age.

It emerged that Mathenjwa, a former secretary of the Esikhawini Inkatha Youth Brigade, has criminal records dating back to when he was nine years old. He was also convicted of culpable homicide at the age of 14.

The applicants were arrested in connection with the August 26 attack on a house in Esikhawini, in which shotguns and AK-47 rifles were allegedly used, and the

Fear and danger

if accused are

released - Capt

lives of the five occupants were repeatedly mentioned.

During the same night, eight people were killed in the township.

Police found shotgun and AK-47 shells at the scene of the murders.

In August, 31 people were killed in the township. But after the arrest of the three suspects, no one had died in politically-motivated violence, according to State witness

Willies Mchunu, northern Natal ANC regional executive member.

Perpetrators

Mchunu, along with Capt N Soomaroo, who is heading the investigation, called for the continued incarceration of the accused.

Mchunu said should the accused be released on bail, the lives of the witnesses would be in danger.

Mchunu said he, as a member of the Regional Dispute Resolution Committee, had been approached by residents complaining about attacks in the area and the

names of the three applicants were repeatedly mentioned.

On the other hand it emerged in court that Mlambo had, on one occasion, been stabbed in Empanangeni by people he believed were ANC members.

It also emerged that Mathenjwa's home had been petrol-bombed. The house of the unnamed youth had also been attacked.

The applicants said they were not in Esikhawini during the night of the attack. They testified that on the night of the alleged attack they had gone to deliver a message about an impending Inkatha rally to Chief Mthaba in Macabeni. On their return, an explosive was allegedly hurled at them from a passing car in the Enyoni district.

But testimony by Soomaroo - based on interviews with the chief and detectives from Enyoni - showed that no explosion had been heard in the area on the night.

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CP 10/192

Bail

cents
N KALANE
bills and notes

By QUINTON RHODES

THIS week's Goldstone report into the massacre of 28 ANC protest marchers at the Ciskeian capital of Bisho on September 7 is significant for more reasons than immediately meet the eye.

Of course the basic findings are important in themselves.

It is notable that Goldstone did not allow the red herring of the Ronnie Kasrils surge through the broken fence to cloud his judgment that "whatever criticism there may be of the decision to lead the demonstrators through the gap in the fence, they cannot in any way justify the conduct of the Ciskei soldiers. That conduct was so disproportionate and deliberate that, on the CDF's own version, any mitigating factors there may have been are completely overwhelmed by the disregard for human life shown by the soldiers."

The report recommended the opening of murder dockets against offending CDF members.

It is also important that the commission should call on the ANC to publicly chastise Kasrils, the SACP stal-

On the side of the marchers

Open 4/10/82

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wart who led the march.

Equally significant is the commission's note that the CDF should question the training and discipline of its soldiers, and the contention that "to arm such men with lethal weapons is unacceptable."

But in the end these aspects of the report are of the nature of a post mortem; they will not bring the victims back to life.

Nor, if the present reaction of the Ciskei authorities is anything to go by, will they result in any real action.

In effect the Ciskei authorities rejected the Goldstone Commission findings in advance, appointing its own internal inquiry into the massacre under Ciskei Chief Justice B de V Pickard.

Predictably the Pickard Commission, releasing an interim report only a day after the Goldstone Commission, sought to lay the lion's share

of the blame for the killings at the door of the ANC.

What is of more importance in general terms and what will prove more important in coming months, is that Goldstone stresses the democratic right of people to express their political feelings through mass protest actions.

Says one of the recommendations: "Those in control of any region, city or town anywhere in SA, including the TBVC homelands, should tolerate and allow complete freedom of expression and of peaceful assembly."

Another says: "The leadership of the TBVC homelands and of the self-governing territories should forthwith declare themselves willing to tolerate and facilitate reasonable and negotiated public mass demonstrations in the areas under their control."

"Public protest," Judge Goldstone notes in the body of the report, "has become the order of the day... This type of mass demonstration is still the only form of peaceful political activity open to the vast majority of South Africans."

Equally quick as Ciskei to react negatively to the Goldstone Report was the government of Bop. The Bop authorities in the face of Goldstone's recommendations reiterated its rejection of mass action as a means of political self-expression.

In fact political freedom is severely circumscribed in the homeland. Various pieces of legislation make it more or less impossible for the ANC to function effectively within its borders.

Bop's hardline reaction should, however, not be seen as something isolated. It comes in the wake of meetings, held this week in Mamba-

tho between Bop's President Lucas Mangope, Ciskei's Gqozo and Kwazulu Chief Minister Mangosuthu Buthelezi, where a plan was mooted to set up a front of homeland leaders in defiance of current talks between the government and the ANC.

The three homeland leaders specifically rejected last Saturday's Record of Agreement concluded after the Mandela/De Klerk summit and said they would not be bound by bilateral agreements between the two groupings. One of the points of agreement spelt out in the Record was an acknowledgment on the part of government of the right of all parties to participate in mass action.

The rejection of the Record - like the withdrawal of Buthelezi from talks - represents a hardening of attitude within Pretoria's homelands and must be seen in conjunction with the continued insistence by all three of the leaders that they will use force against mass action.

In essence, Goldstone has come out on the side of the marchers. That, despite all the qualifications, is the real message of the Bisho report.

Boipatong-killing court chaos

VANDERBIJLPARK chief prosecutor P Du Plessis prevented a threatening bloodbath by phoning for police assistance as a heated exchange broke out between Inkatha and ANC supporters.

The war of words took place at the local court where 70 people charged with carrying out the Boipatong massacre were appearing.

As City Press interviewed Du Plessis about the case, Inkatha and ANC supporters were busy exchanging abuses outside the court.

Du Plessis, in a desperate call to Vaal police liaison officer Piet van Deventer, said he feared the situation could get out of hand and police cars in the vicinity would be damaged.

The 70 men accused of the massacre appeared before magistrate GJ Reynders, but were not asked to plead on 42 counts of murder.

This week defence counsel AS Burger twice applied for bail for the accused but was turned down.

Burger argued that the world would laugh at this country's legal system for allowing the release of convicted political prisoners, while refusing bail for the accused who had not been convicted or charged with the Boipatong massacre.

The case was postponed to October 26.

**the
nation
in brief**

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**Bail refused
for IFP 70**

SEVENTY Inkatha Freedom Party members held in connection with the June 17 Boipatong massacre were denied bail on Friday, after Mr AG Reynders ruled in the Vanderbijlpark Magistrate's Court that if released they would be difficult to trace.

Their crimes were among the most serious in South African history and releasing them would be very risky considering the accused had come from different areas. No amount of bail could ensure they would return to face trial, magistrate Reynders said. The case was postponed to October 26.

Soweto 3/10/92

Trust Feeds killer cop could be freed

Sowetan 6/10/92
■ Government to push general amnesty law through Parliament this month:

By Ismail Lagardien
Political Correspondent

TRUST Feeds killer Brian Mitchell and former KwaZulu Cabinet Minister Bhekizizwe Jamile, who was jailed for murder, could be freed if the Government's proposed legislation for a general amnesty is passed by Parliament later this month.

State President Mr FW de Klerk has said Parliament would consider legisla-

tion which would "clean the slate on the past properly"

"All prisoners and offenders must be treated the same, regardless of their political affiliation," he said.

He explained the Government would table legislation in Parliament later this month.

The ANC and PAC expressed alarm yesterday that the Government unilaterally could release people like Mitchell and Jamile and grant them amnesty

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Barend Strydom

Mass-killer says he feels no remorse

BAREND Strydom is prepared to kill again. He is not sorry he killed eight blacks in 1988.

Strydom, the Strydom Square killer, says this in the Afrikaans Sunday paper *Rapport*. The newspaper has reportedly paid him R25 000 for the exclusive rights to his story.

He was released last Monday, the same day the Government released the MK trio of Robert McBride, Mthetheli Mncube and Mzondeleli Nondula.

Says Strydom "I am not stricken with remorse. To be remorseful, you must have done something wrong. I did nothing wrong. I did not kill because of hatred for the enemy but because of love for my people.

My victims were not without guilt. They were people who, day after day, are trying to take over my country."

He admits that he wrote a letter to State President FW de Klerk renouncing violence. In his letter to the Government he said when he committed his crime, there was lot of unrest in the country.

He says this has now changed and there is no...

Just a 'normal day's work', he says of slayings:

room for violence. However, if there were to be a return to the violence of the 80s, he would repeat what he did to protect his people.

He says the 1988 killings in Strydom Square and De Dour were not impulsive acts but carefully planned. "They were a counter to the ANC's terrorism. They were killing innocent women and children."

Instead, he says, his killings should have been better planned than they were.

"The world should see me as a freedom fighter and not as a cold-blooded murderer who should be hanged," he says.

According to him he woke up on November 15 1988, the day he killed six blacks in Pretoria, knowing that he had a duty to perform. "For me this was just a normal day's work which I had to do. There were no specific thoughts in my mind. I just knew I had a duty to perform."

So what?
5/10/92
2521

'HRC did not seek Lucky's release'

By Helen Grange
Pretoria Bureau

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SM 6/10/92

The Human Rights Commission (HRC) did not recommend the release of bank robber Lucky Malaza or that of at least 21 other prisoners freed in terms of the recent Government/ANC agreement, the organisation said last night.

The HRC defended its list of "political prisoners", which includes 12 prisoners released and subsequently found to be common criminals.

Suspended

The HRC explained that its lists were the product of "unfinished business" last year with the Government.

It said lists were being exchanged with the Department of Correctional Services for the purposes of prisoner releases under the Pretoria Minute agreement, but that the Government, "without consul-

tation or notice", unilaterally suspended the discussions in June last year.

This had left "a great deal of unfinished business in terms of tracing prisoners and verifying their status", the HRC said.

At least 22 of the 148 prisoners released, including Lucky Malaza, had not been recommended for release. Seventeen of the released were never on an HRC list, and five prisoners convicted for murder, including Malaza, were not included because no background information was available on them.

The HRC said it had recommended that hard-core borderline cases should be addressed by an independent arbitration body.

The Government is re-evaluating the cases of each of the controversial released prisoners, although there are no legal procedures for the re-arrest of released prisoners.

STAR
Webster (252)
8/10/92
**police seek
2 witnesses**

Almost 3½ years ago, academic Dr. David Webster was gunned down outside his Troyeville, Johannesburg, home by unknown assassins.

The killers were never brought to book but an inquest into his death will start in the Rand Supreme Court on Wednesday, October 14.

Detectives involved in the investigation are urgently trying to locate two key witnesses, Cornelius Otto du Plessis who lived in Troyeville, and Hendrik Cleophas Mpotoane who lived and worked in Randfontein. Both have since moved.

Five youths in court

FIVE Diepkloof, Soweto, youths charged with the murder of Baragwanath Hospital doctor Stephan Walter were each granted bail of R500 when they appeared in the Johannesburg Magistrate's Court yesterday.

Walter (28) was shot dead while driving home on the M1 freeway near Soweto last month.

The five youths, who are facing charges of murder and illegal possession of a firearm and ammunition, will appear in court again next Wednesday.

Soweto 8/10/92.

Webster inquest at last

THE formal inquest into the alleged political assassination of Dr David Webster will start in Rand Supreme Court on Monday - three years after his death.

Webster was gunned down outside his Johannesburg home in Troyeville on May 1 1989. Testimony would be heard at the hearing, police said yesterday.

However, detectives involved in the investigation were urgently trying to locate two key witnesses. They appealed for assistance in tracking down Mr Cornelius Otto du Plessis who lived in Troyeville and Mr Hendrik Cleophas Mpotoane, who lived and worked in Randfontein. Both have since moved.

Sowetan 8/10/92

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Stolen vehicles found

THIRTY stolen vehicles valued at R1,9 million were recovered during a three-day police operation in Alexandra and Tembisa.

Police spokesman Captain Eugene Opperman said yesterday that Benoni Vehicle Theft Unit detectives, supported by uniformed police and the Police Air Wing, arrested four people in connection with car theft in the swoop completed on Sunday. Five hundred stolen cars were recovered during the past year.

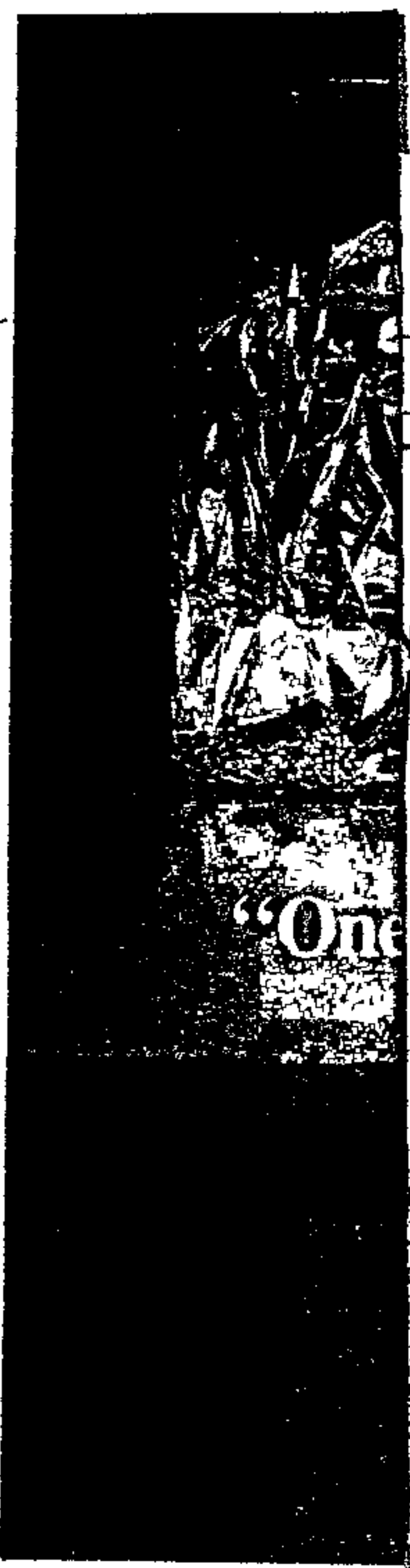
Ciskei mutineers shot

ONE mutineer was shot dead and another wounded when seven members of 2 Ciskei Battalion stationed at Keiskammahoek opened fire on a battalion officer and his staff yesterday.

The officer and two of the staff at headquarters were also wounded in the shooting. The other five defaulters were arrested. They appeared on charges of drunkenness - *Sowetan Reporters and Sapa*.

Sowetan 8/10/92

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STEPHANE BOTHMA

TWO key witnesses in the David Webster inquest which starts in the Rand Supreme Court on Monday had disappeared, police said yesterday

Detectives involved in the investigation into the murder of anti-apartheid campaigner Webster three years ago were urgently trying to locate them, Witwatersrand police liaison officer Capt Eugene Opperman said

"All attempts to find and subpoena Cornelius Otto du Plessis and Hendrik Cleophas Mpotoane have been unsuccessful so far," Opperman said

Du Plessis used to reside in Troyeville, where Webster was gunned down outside his home on May 1 1989

Opperman would not divulge the nature

Webster inquest witnesses missing

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BIDAM 8/10/92
of the testimony needed from the men, but said it was of great importance to the inquest "However, the inquest will continue with or without them," he said

Witwatersrand Attorney-General Klaus von Lieres und Wilkau requested in April this year that a formal inquest into Webster's death be held This was after a year-long special investigation by a legal task force had failed to uncover any relevant facts or to identify any suspects

At the time of the killing, it was widely speculated that Webster was gunned down by a state "hit squad"

Goldstone denies calling for a general amnesty

OSLO. — The head of the Goldstone Commission, Mr. Justice Richard Goldstone, has denied he ever called for a general amnesty for police, soldiers and black guerrillas.

Mr. Justice Goldstone, on a two-day visit to Norway, said a future democratic government would be better placed to decide such a complex issue.

The judge, appointed last year to investigate the causes of township violence that has

killed more than 12 000 people since 1984, said he had been misinterpreted by the media.

"In a statement from the commission ... I said that consideration should be given to the question of amnesty in order to enable the commission to obtain information," he told a news conference.

"There were some media in South Africa that misinterpreted that statement as a call for a blanket amnesty. It certainly was never intended to be."

Malaza a history maker

■ **GATES OPENED** Is it legal for a criminal released in error

to be asked to go back to prison?

Sowetan
9/10/92.

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By Sonti Maseko

CAN a criminal released from prison by error be asked to go back to prison?

Is it fair, considering that he did not break out or, as it seems at the moment, did not use any illegal means to leave prison. Above all, is it legal?

The man at the centre of the storm is, of course, Lucky Malaza, who after two weeks of freedom is being asked by the State, which opened the gates for him to freedom in the first place, to surrender himself back to prison to serve the rest of his 16-year sentence, of which he has

served only three.

He was sentenced for his part in a robbery of a bank by Dube gang members in Cape Town in 1987 in which a policeman was murdered.

Should Malaza have benefitted from some, no doubt, highly embarrassing errors committed by the State?

"He would be very foolish to do so," a leading criminal law expert has already said.

Surrendering himself would simply mean that he was entering into a new contract where he was waiving the pardon the state had offered him, said Professor Jan Van Rooyen of Unisa yesterday.

Now it seems like the state would have to resort to the very difficult path of seeking a court order to rearrest Malaza and to explain why it was withdrawing the pardon which they offered to and which was accepted by Malaza.

Malaza is clinging to the case of Khethani Shange, a KwaZulu policeman released in May last year after he was sentenced to serve 27 years for murdering five members of a KwaMashu family in 1990.

Whatever the outcome, one benefit for Malaza is already apparent. He has become famous and looks set to make legal history.

Law may be changed to put murderer back in prison

Malaza rides his luck

(252)
Staff Reporters

The Ministry of Correctional Services may seek to amend legislation during the short session of Parliament next week to enable police to rearrest convicted murderer Lucky Malaza

Malaza, who was given until today to surrender, said he would not return to jail unless convicted murderer and former KwaZulu policeman Khetham Shange was rearrested as well

Ministry spokesman Lieutenant Bart Slabbert said this morning "If we do not hear from Malaza today we will take legal action"

According to law experts, Malaza cannot be rearrested unless new legislation is passed Malaza is defying an ultimatum to return to prison voluntarily today or face arrest

He dismissed reports that he was in hiding

Malaza, who was mistakenly released as a "political prisoner" two weeks ago, after an agreement between the Government and the ANC, accused the Ministry of Correctional Services of "playing" with his feelings

"I will not go back," he said in Soweto "I was released by them - I did not even appeal for this indemnity It was just given to me, so how can they say they want to take me back?"

"They are playing with my feelings, and I am a man with children and a wife

"I am going about my business as usual I'm not scared and I'm not in hiding - I'm not here, it is because I'm arranging family matters or speaking to my lawyers or trying to arrange to buy a taxi"

Malaza said he was enjoying his unexpected freedom and under no circumstances wanted to return to a life of crime, which was why he



Defiant "I won't go back," says Lucky Malaza of the ultimatum to return to prison voluntarily or face arrest Picture Debbie Yazbek

was trying to buy a taxi

"I will never do anything again that will put me back (in prison) My crimes were not political I won't do crime again. I have learnt something from this"

It is unlikely that Malaza faces imminent arrest if he defies today's deadline

In another development, the General Bar Council chairman Brian Southwood said the release of common criminals "by mistake" de-

monstrated "administrative incompetence and ineptitude on a staggering scale"

"The suggestion that one notorious murderer and robber submit himself voluntarily for a further period of imprisonment is laughable and merely serves to emphasise the incompetence of those concerned," he said in a statement

The council called on the Government to take the necessary action against those

responsible for the bungle

"While accepting the need for reconciliation in the 'new' South Africa, and the use of the prerogative of pardon and indemnity in order to bring about reconciliation, the council has noted with disquiet and concern the use of these principles to bring about the release of two convicted murderers, Barend Hendrik Strydom and Robert John McBride, both of whom were

convicted of hideous crimes of an overtly racist nature"

No reasonable and right thinking person could regard Strydom and McBride as political prisoners or their crimes as "political offences", the council said

"The disquiet and concern of the GBC stems from the fact that neither of the two men released committed the murders in circumstances which could be described as political and the wide

spread perception of the public that the Government and the ANC cynically disregard the true facts whenever it suits them"

● The ANC said last night it had conducted a "reticulous" investigation into the cases of 11 prisoners who are allegedly criminals released as political prisoners

"The ANC has found the allegations in the report to be baseless regarding eight of the prisoners"

Goldstone probe into hostel violence on hold

THE Goldstone commission has suspended further inquiries into violence at hostels.

Hostels subcommittee chairman Advocate Bob Nuget said the decision followed the Record of Understanding reached between government and the ANC

This agreement, which entails fencing off several hostels including Dube and Dobsonville, was based on an interim report submitted to President F W de Klerk last month by the sub-committee

The committee would convene to probe further the hostel issue when and if necessary, Nuget said

It is understood the Goldstone commission will meet next week once Judge R Goldstone has returned from overseas

It will discuss, among other things, whether further inquiries into violence at hostels are still necessary.

Meanwhile, the Transvaal Hostel Residents' Association has put on hold its plans to embark on mass action in protest against the fencing of hostels

A spokesman said the mass action would be suspended pending the outcome of a

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WILSON ZWANE

meeting between De Klerk and representatives of organisations which this week attended the "conference for concerned South Africans"

It could not be ascertained yesterday when the meeting would take place.

□ Sapa reports that both parties involved in the Alexandra taxi war told a committee of the Goldstone commission that police partiality led to distrust

Alexandra Taxi Association (ATA) chairman Petrus Manamela and Alexandra, Randburg, Midrand and Sandton Taxi Association chairman Victor Mogale made submissions to the committee yesterday.

Mogale claimed the former station commander of Alexandra police station accepted the use of an ATA member's minibus to take his family on holiday

He also claimed policemen were operating taxis, some without legal permits

Manamela told the committee ATA members were reluctant to lay complaints because of rumours of police partiality

Search for Pinochet generals' ^{9/10-15/10/92}

LAWYERS for the David Webster Trust aim to identify South Africa's "Pinochet generals" when an inquest into the assassination of the human rights academic begins in the Rand Supreme Court on Monday next week.

A list of 50 people — including three army generals and former Civil Co-operation Bureau chief Staal Burger — have been told to appear and much of the evidence will deal with senior army officers' involvement in "dirty tricks" operations against their political opponents in the 1980s.

"We are out to kick arse. We are looking for the senior people involved here. This inquest is all about the government's proposed amnesty for past crimes. It is clearly one of the reasons why the government is pushing for its amnesty," says attorney Greg Nott.

President FW de Klerk plans to introduce a Bill in parliament on the same day that the inquest begins that will allow him to grant amnesty to people across the political spectrum who have committed politically motivated crimes in the past.

"But even if they get this and it prevents us from getting convictions against those who killed David, this inquest will become a truth forum, a way to ensure that there is honesty before amnesty. What we want is to identify South Africa's Pinochet generals," says Nott.

Included in the list of people who will be forced to give evidence and undergo cross-examination in the hearing are former military intelli-

General amnesty or no, next week's inquest into the

assassination of David Webster

aims to identify the top

security officials involved in

the government's 'dirty tricks'.

By EDDIE KOCH

gence boss General Witkop Badenhorst, special forces commander General Eddie Webb and army General Joop Joubert.

Webb has already applied for amnesty in terms of the current amnesty laws Joe Versler, head of the

army's now disbanded CCB, has also been called to give evidence.

Other former military men included in the lawyers' subpoena list are members of the Johannesburg CCB cell, Calla Botha, Ferdie Barnard, Slang van Zyl and Chappie Maree.

Most of these names — especially those of Botha, Barnard and Maree — have been mentioned in media reports as suspects in the Webster assassination.

A surprise inclusion on the witness roll, however, is Burger, former head of the CCB operation in Johannesburg, who has thus far managed to steer clear of the controversy.

Brixton Murder and Robbery Squad detectives are looking for two witnesses

es to the murder who came forward to give evidence soon after Webster was gunned down outside his Troyeville home on May 1 1989. They are Otto du Plessis and Hendrik Mpotwane, who both appear to have gone to ground.

Both witnesses told the police that they saw the men inside the vehicle from which Webster was blasted at close range with a shotgun. One of them has allowed the police to devise a new set of identikit photos of the suspects, which have not yet been made public.

The inquest will be presided over by Justice MS Stegmann, the supreme court judge who last year convicted Winnie Mandela and others in connection with the abduction and assault of activist Stompie Sepele.

Most of the evidence that will be led involves the activities of army employees and military agents. The South African Defence Force has appointed a team of lawyers to represent it at the hearing and, significantly, the South African Police do not have any legal representation.

The inquest is expected to last for at least four weeks and may include a number of other surprise witnesses.

Bar Council slams prisoner releases

THE crimes committed by convicted killers Robert McBride and Barend Strydom could not be called "political", the General Council of the Bar of SA said yesterday.

Hitting out at the prisoners' release, it said no reasonable and right thinking person could regard the murders committed by Strydom and McBride as political offences. **BIDM 9/10/92.**

The council said while it accepted the need for reconciliation in the new SA, it noted with disquiet and great concern the release of two men convicted of hideous crimes of an overtly racist nature.

Even if the flexible guidelines used by government and the ANC to determine whether an offence or person was "politi-

STEPHANE BOTHMA (252)
cal" were applied, the two did not qualify for release, the council stated.

Strydom's trial judge found that his actions were of an exclusively racist nature and the judge had intended to remove Strydom from the community permanently.

McBride had placed his bomb which killed three and injured scores of people in order to achieve "white destruction" — not to achieve any political aim and not in execution of the policy of the ANC. In fact it was done contrary to the policy of the ANC, the council stated.

The release of common criminals by

To Page 2

Releases **BIDM 9/10/92.**

"mistake" was also severely criticised in the statement and the council demanded action against those responsible.

"In a society already ravaged by crime — widely believed to be perpetrated by released criminals — this is an inexcusable error which demands there be accountability at the highest level."

Referring to the release of Lucky Malaza, the council said the suggestion that the notorious murderer and robber submit himself voluntarily for a further period of imprisonment was laughable and merely served to emphasise the incompetence of those concerned.

The council said the releases had led to a loss of respect for the criminal justice system and the administration of justice.

A widespread perception had also emerged that government and the ANC

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disregarded the true facts whenever it suited them, it added.

RAY HARTLEY reports that legislation making it legally possible to rearrest a prisoner who had been released wrongfully could be passed by a special sitting of Parliament next week, a Correctional Services spokesman said yesterday.

He said such legislation would make Malaza's redetention possible.

The ANC yesterday cleared eight prisoners alleged by a weekend newspaper to be common criminals wrongfully released along with political prisoners.

Three others were still under investigation, an ANC statement said.

A Correctional Services spokesman confirmed yesterday that a committee of ANC and government representatives had cleared the eight.

Image of the lower courts is deteriorating

Magistrates

under attack

(252)
RGT 10/10/92

■ President De Klerk recently announced that the independence of magistrates was to be entrenched in law. Just how independent are they now?

DAVID YUTAR

Weekend Argus Reporter

RECOMMENDATIONS for changes to the way magistrates are appointed and how they function, put forward by the Hoexter Commission in 1983, have been largely ignored.

And Dr Lovell Fernandez, a senior lecturer at the University of the Western Cape warns that the image of the lower courts is suffering as a result.

The importance of the Magistrates' Courts cannot be underestimated, he said

"Many people have the impression that the Supreme Court is most important

"But the run-of-the-mill case is heard in the Magistrate's Court and that's where the ordinary person's perceptions of the system of justice are formed.

"One of the most important proposals the Hoexter commission made was that magistrates be independent of the executive. That was a decade ago and yet nothing has been done to implement that recommendation.

"Added to this has been a rapidly deteriorating public image of the lower courts"

The fundamental problem, said Dr Fernandez, is that magistrates are part of the executive arm of government

Allied to this are the system of appointment and promotion and the close kinship between magistrates and other servants of the state such as prosecutors and the police

Magistrates also have to compromise their judicial functions with a host of administrative ones and not least is the problem of a Bench that is glaringly homogeneous, filled as it is, by what has been called "a part of a part of a part of the population".

"It is vital to the legitimacy of magistrates that, in the eye of ordinary people, the impression not be created that they are in collusion with the executive," said Dr Fernandez. "And yet that is precisely the situation we have at present. Magistrates need to be completely separated from the executive arm of government. That image must be maintained not only in theory but in practice as well."

The system of appointment and promotion will also have to be critically looked at in the new South Africa, he said

"The community will have to have a greater say in their appointment. After all they are the people who are going to be served by these courts. Far more women will have to be appointed in future too

"But perhaps most important the Department of Justice will have to become far more open. Magistrates will, for example, need to be able to voice their opinions more freely and must become part of a democratic dialogue and culture."

A senior regional magistrate interviewed by Weekend Argus conceded the magistracy was too closely linked to the executive. "We are the only Western country where the part of the judiciary is attached to the civil service," said Magistrate X.

Magood bomber lashes out at the law

ARC 10/10/92

JOHANNESBURG — Freed bomber, Robert McBride yesterday described comments made by Mr Brian Southwood of the Bar Council of South Africa as "ill informed and emotional".

In a statement Mr McBride said that as a senior representative of the legal profession, Mr Southwood should have established the facts before making such wide-ranging comments.

Mr Southwood said on Thursday that neither Mr McBride nor "Wit Wolf" Barend Strydom qualified for release after committing "hideous crimes of an overtly racist nature".

"No reasonable and right-thinking person could regard McBride as a political prisoner or that the murders committed by him could be regarded as political offences," Mr Southwood said.

In reply Mr McBride said he had no comment to make on Mr Strydom's release.

"If Mr Southwood, in keeping with established professional standards, had taken even five minutes of his time to browse through my indictment, he would have not even thought of making such a statement."

"Very senior members of the selfsame Bar Council have argued for my release in front of the Indemnity Committee, in terms of the flexible guidelines referred to by Mr Southwood."

Mr McBride said the Bar Council had remained strangely silent over the past years in the face of human rights abuses and had left the 'conscience work' of the legal profession to bodies like Lawyers for Human Rights and the National Association of Democratic Lawyers (Nadel).

"Where was the Bar Council's concern when the South African Defence Force were raiding the frontline states and killing civilians?"

"Where is their concern for the wholesale slaughter happening on our trains and in our communities?"

"It is significant, too, to note that the Bar Council did not express the same concern at the release last year of Mabo and Vilakazi."

"Does Mr. Southwood even know who these two men are?"

"Isn't it perhaps time that Mr Southwood rearranged his prejudices and re-evaluated his selective 'concerns'?" — Sapa

Police to investigate Inkatha 'lawyer'

W. W. 9/10/15/10/92

(252)

9/10-15/10/92

THE first case being investigated by a Goldstone Commission appointee in Natal has been dealt a severe blow — the defence lawyer appearing for three Inkatha accused turns out not to be a lawyer at all. The Mtunzini chief magistrate has handed the matter over to the police, and the case will probably have to start again from scratch.

Five counts of attempted murder hang over the heads of the three accused, alleged to have attacked Esikhawini Congress of South African Trade Unions shop steward Bheki Ntuli's house with a hand grenade on August 27. Eight people were killed that night in a series of attacks, and it is expected that the accused could soon face additional charges. After community allegations of a cover-up by kwaZulu Police and the local South African Police, a Goldstone Commission investigator appointed a senior outside SAP officer to take over the case.

The bail application of the three accused has so far taken four full days. Spearheading the

Police are investigating whether a defence lawyer appearing for three Inkatha accused is really a lawyer at all.

By CARMEL RICKARD and Weekly Mail Reporter

application, cross-examining witnesses and leading evidence is a balding, loud-spoken man with a hot temper. He is well-known in the courts of northern Natal where he has conducted a number of cases. In Johannesburg he is known as a priest of the Apostolic Church, a millionaire businessman and a lawyer, with a huge mansion he is trying to sell in Soweto's elite "Beverley Hills".

He told reporters at the Mtunzini court this week his name was "R. Gabela", but angrily refused to give his full name. However he signs court documents "VD Gabela". His Mandini

post box is registered in the name "Vusumuzi Dennis Gabela" with the business "Gabsons Carriage and Transport", and a Tugela Mouth Road address.

Asked by reporters who he worked for, Gabela mentioned a couple of companies before settling on the Johannesburg firm Lowenberg and Jvanbhaga. However staff at Lowenberg said Gabela was "not a lawyer" and that his job was to "look for work for us. He goes out to bring us clients in Motor Vehicle Assurance matters and criminal work". Neither the Natal Law Society, the Transvaal Law Society nor the Association of Law Societies has any record of any Gabela.

NLS officials said that it was against the law for anyone to pretend to be a lawyer. It constituted fraud and the commercial branch of the SAP would be asked to investigate. Mtunzini's chief magistrate has confirmed that the law societies have told him they have no record of Gabela and that he has handed the matter over to the police.

He said the Esikhawini case in which Gabela is appearing would reconvene on October 15. If Gabela was in court on that day he would be asked whether he could satisfy the court that he was in fact entitled to appear. If he could not satisfy the court, "the case cannot be proceeded with". The presiding magistrate will then decide on the next step, by checking on whether there are any precedents. However he believed the case might well have to start afresh.

Officials at the Mtunzini and Empangeni magistrate's courts have confirmed that Gabela has appeared in several cases. In fact on Wednesday of this week alone, one of the Empangeni prosecutors had two cases involving Gabela on the roll, both of which she discussed with him to arrange a postponement date. Yesterday he was not at home. Relatives said he was out at court, either Mtunzini, Empangeni or Eshowe. They said he had given up Gabsons, and was now "spending all his time on court work".

Many questions are being asked about Gabela and his work. For example, after Monday's court session, why did he take two German-made G3 firearms from his car and give them to the bodyguards of Esikhawini Inkatha chairman Landi Mbuyazi? Mbuyazi had been attending court after giving evidence last Friday urging the magistrate to grant bail.

Eshowe court officials said Gabela was well known to them for practicing in the regional court where he handled serious matters. He told them last year that he worked as a legal adviser to the kwaZulu government but that this year he was practising on his own. However, kwaZulu department of justice officials denied that they knew him.

Gabela also caused drama in court when he cross-examined the investigating officer. Quite unexpectedly, he claimed that Ntuli's legal representative, John Willis — who is keeping a watching brief for Ntuli and Cosatu — had impersonated a policeman in an effort to obtain access to one of the accused. The magistrate said he took a very serious view of the allegations and postponed the case so the police could investigate Gabela's claims. Willis has strongly denied Gabela's allegations which he says are defamatory. He has reported the matter to the Natal Law Society and has made a statement to the police.



Another way — correctional supervision

New options in sentencing

ARCTIO/10/92
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■ South African prisons are hopelessly overcrowded. Now there are new punishment options, correctional supervision among them. An investigation by **LIBBY PEACOCK**, Weekend Argus Reporter

SENTENCING of former Gilbeys bookkeeper Margaret Harding to a five-year term of imprisonment, which may be converted to correctional supervision, has put the spotlight on alternative sentencing options in South Africa

Harding, 56, a Somerset West divorcee convicted in the Supreme Court, Cape Town, of fraud and corruption, is likely to spend only a short period of the term in jail

Once she is released and placed under correctional supervision, she will have to stay at home until her term is served. She may leave only to go to work and to shop once a month.

With the exception of community service, co-ordinated by Nicro for the past 12 years, jail terms, fines and suspended sentences have been the run of the mill punishment imposed by South African courts in the past.

But South African prisons are hopelessly overcrowded with a population of almost 110 000 and statistics show that South Africa has one of the highest prison populations in the world.

By the end of August 370 people in 100 000 of the population were in prison. Figures in other countries varied from 102 in Zambia, 220 in Madagascar, 42 in Sudan,

71 in France, 96 in England and 450 in the United States

Something had to be done

Now there are some new options.

Correctional supervision, organised by the Department of Correctional Services, has been in operation in the Cape Peninsula since April

According to the White Paper on alternative sentencing options tabled in Parliament in May last year, projections in the growth pattern of the prison population show that the number of prisoners in South African jails will increase from 110 000 in 1990 to 135 000 by the year 2000, which will mean prisons are over-populated by 27,6 percent

Clinical psychologist Colonel Johan Lourens, who is in charge of the correctional supervision programme in the Western Cape, said benefits of the programme were that offenders were not exposed to hardened criminals, the community got the opportunity to help rehabilitate offenders and the break-up of families was prevented

Criteria for a correctional supervision sentence included availability of work and accommodation, danger to society, the offender's attitude and a stable environment

Only people with potential to be rehabilitated within society could qualify for correctional supervision, he said

Offenders under correctional supervision were monitored closely, had to take part in structured programmes — such as drug rehabilitation programmes and programmes for alcoholics — and were under house arrest for most of the time that they were not at work. They also had to do community service

There were already 400 people on the programme and the Department of Correctional Services hoped about 3 000 peo-

ple would ultimately be accommodated on the programme

Colonel Lourens said keeping one prisoner in jail cost the State — and the taxpayer — R43,88 a day, while keeping a prisoner on the correctional supervision programme cost R15,31

Offenders who did not fulfil the conditions were dealt with strictly. If warnings and closer monitoring were to no avail, the offender could be imprisoned for 72 hours, while his future management was reviewed

So far the highly structured programme had had a drop-out rate of only five percent

Offenders under house arrest were monitored closely by random telephone calls and visits by Correctional Services squads. Monitoring relied on a surprise element and a person could be visited more than once a night or not at all

Colonel Lourens admitted that at the moment there were only 10 black male offenders on the programme, compared with the 73 white and 255 coloured men

He explained that while there were many black offenders suitable for correctional supervision, it was difficult to monitor them properly in the "unsafe" townships. But he emphasised it was "not a system for the privileged"

Most offenders earned less than R800 a month and about 80 percent had qualifications of Std 8 and lower

Nicro training manager Ms Jane Keen said Nicro co-ordinated about 300 offenders doing community service in the Western Cape.

She said although officially open to all, community service and correctional supervision were being used predominantly for white offenders by the courts at this stage, and this needed to change

ON THE EVE OF THE INQUEST INTO THE HUMAN RIGHTS ACTIVIST'S DEATH

A WITNESS who saw the faces of David Webster's killers is missing on the eve of tomorrow's inquest into the activist's death

Police say they have been unable to trace Mr Cornelius du Plessis, 32, since March 1990, when he moved from the Johannesburg suburb of Troyeville

He is one of two witnesses who have disappeared. Shortly after Dr Webster was gunned down in front of his home in Eleanor Street, Troyeville, on May 1 1989, Mr Du Plessis told police that he had been an eyewitness to the murder and had seen the murderers' faces. He was driving behind a white vehicle from which the shots that killed Dr Webster were fired, he said.

In his statement, he said the car slowed down as it approached No 13 Eleanor Street, a shot rang out and a man standing on the pavement in front of the house collapsed.

He said the two men in the car turned around and looked straight at him before the vehicle sped away.

Mr Du Plessis got out of his car and tried to save Dr Webster's life by giving him mouth-to-mouth resuscitation, but the Wits University anthropologist died 30 minutes later.

Mr Du Plessis told police that he had seen the faces of the two men in the car clearly. This is the first time that this has been disclosed.

A second eyewitness to the killing has also disappeared, police said.

Mr Hendrik Celophas Mpotane was employed by a Randfontein-based removal company at the time of the murder, and was in Eleanor Street when Dr Webster was shot.

A spokesman for the SAP said all attempts to find and subpoena Mr Du Plessis and Mr Mpotane had been unsuccessful.

At least 48 people will give evidence at the inquest in the Rand Supreme Court before Mr Justice MS Stegmann from tomorrow.

Proof

They include 12 people who were in Eleanor Street at the time of the shooting, several former members of the SADF's shadowy Civil Co-operation Bureau, three SADF generals — Joop Joubert, Witkop Badenhorst and Eddie Webb — and Namibian deputy-commissioner of police, Jumbo Smit.

Brigadier Smit will be questioned on reports that a West Rand businessman had told him CCB agent Ferdi Barnard had allegedly confessed to Dr Webster's killing.

Former CCB managing director Joe Verster and Johannesburg regional chairman Staal Burger are on the witness list along with former CCB agents

Reports:
CHARLES LEONARD

Picture:
JOHN HOGG

Calla Botha, Slang van Zyl and Chapple Maree

Johannesburg advocate Martin Luitingh has also been subpoenaed to give evidence about the alleged confession by Mr Barnard.

The Harms Commission found that there was no proof the CCB had been responsible for Dr Webster's death.

Members of the Johannesburg city council spy ring — investigated by the Hiemstra Commission — will also be called. Among them are spy handler Martin Hennig, Dick Greyling, Paul de Swardt and Hannes Gouws.

Also on the list is Mr Hennie Els, who is being sued by Mr Hennig for R65 000 for allegations made in an M-Net documentary about a CCB plot to murder Dr Webster.

Trigger

Investigating officers Brigadier Floris Mostert and Warrant Officer Ross Roussouw will also be called.

Webster Trust spokesman Eric van den Bergh said this week.

"The inquest will obviously try to establish who pulled the trigger — but it may also be expected to explain why no one has been charged with Dr Webster's murder in three-and-a-half years."

The trust will be represented by Eberhardt Bertelsmann, SC, and Gys Rautenbach, while the SADF's lawyers are Piet Coetzee, SC, and Herman van Eeden.

Andre de Vries, SC, from the Witwatersrand attorney-general's office and Jannie van Vuuren from the Western Cape attorney-general's office will appear for the state.

The inquest is expected to last for four weeks.

Riddle of the man who saw Webster's killers

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SITimes 11/10/92

IT'S three years and five months since Maggie Friedman saw the man she loved gunned down in the street outside the modest suburban house they shared.

Time has helped to ease the pain, but she never stops missing him.

She still lives in the home they made together — "it's comforting to be surrounded by David's things" — but has made one major change.

One of the bedrooms has been turned into a nursery for the son Maggie adopted more than a year ago and who is helping fill the void Dr Webster's death left in her life.

Friends say becoming a mother is the best thing that has happened to Miss Friedman since that fateful day in May 1989 when the Wits University anthropologist and anti-apartheid activist was murdered.

Convinced

She agrees, but for the next few weeks she'll be dividing her attention between Leo, 14 months, and the inquest into Dr Webster's death.

Miss Friedman is one of 48 witnesses who will give evidence in the Rand Supreme Court, and she is relieved something is finally being done to find the truth.

"No one has been charged with the murder, so this seems the best forum to get closer to bringing David's killers to book."

"The police investigation

MAGGIE FRIEDMAN PRE

has led nowhere and, after all this time, my feeling is they were simply incompetent.

"I am still convinced that a state sponsored hit squad was responsible for David's death."

"It was such a terrible

waste and it's still happening," she said this week.

Miss Friedman attended the Harms commission hearings into alleged hit squads, and during the inquest will come face to face again with government agents whose names have

FORD SCRAP SIERRA

Sunday Times Reporter
London

FORD ditched the Sierra yesterday for the new look Mondeo, named after the Latin word for world.

In a first for Ford, the car will be built and sold in both Europe and America. Company bosses hope the model will boost sales and dent Japan's increasing share of car markets.

The Mondeo, which is being kept under wraps until March, will be a family-sized saloon to attract private and company buyers.

Despite selling 800 000 Sierras in 10 years since replacing the popular Cortina, the car has failed to capture the imagination of drivers.



Court rules on kitscop killing

S (Times [C]meto) 11/10/92

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THE findings of an inquest court in Oudtshoorn has brought to a close a chapter in a lengthy battle between residents of Oudtshoorn's Bongoletu township and special constables stationed there in the 1980s.

The court found last week that a special constable stationed in Bongoletu in 1988, David Sibango, had killed Mr Suyisile Andrew Douse, 26, unlawfully

Douse died after being shot in the back in January 1988 by Sibango

Following the shooting, a crowd gathered in the township and in the ensuing confrontation with police two people were killed and several others injured

Johnny Carelse, 15, and Selwin Botha, 22, died after being shot

A schoolteacher, Mr Moses Mvimbi, was seriously injured.

The Supreme Court subsequently granted an application for an urgent interim interdict restraining members of the SAP in Bongoletu from acting unlawfully

By CHIARA CARTER

The application was filed separately from a previous application requesting relief for inhabitants of Bongoletu against alleged unlawful behaviour by members of the SAP. In an affidavit submitted by Ms Linda Majola, whose father Mr Eddie Majola had killed a special constable, Bangi Salman, a week before the shooting, she said Sibango had told her Salman's death would be "avenged" and "blood would flow"

In affidavits made after the shootings, Sibango claimed he had shot Douse in self-defence after he was attacked by Douse and two brothers, Mr Mbulelo Mvimbi and Mr David Mvimbi. Several colleagues of Sibango made statements and gave evidence supporting Sibango's version of events

However, the dead man's wife, Ms Emily Minnies, and the Mvimbi brothers said Sibango had shot Douse in cold blood

The Mvimbi brothers were subsequently acquitted in the Oudtshoorn

regional court on a charge of attempted murder after the magistrate found the special constables who had given evidence to the court had changed their stories several times

In cross-examination during the inquest hearing, the special constables contradicted their affidavits and each other's evidence. The magistrate remarked they had made a "poor impression" on the court

Despite some discrepancies, the court found that the evidence given by Minnies and the Mvimbi brothers was a more likely version of events

Consequently, the court found there was prima facie evidence that Sibango had acted unlawfully. A docket is to be forwarded to the Attorney-General

Sibango, who is serving a long-term sentence for murder, had a Std 2 education and six weeks' training before becoming a special constable

Douse's widow, 33-year-old Emily Minnies, said she was pleased that "the truth had come out" but felt Sibango should be charged with murder

"I am bitter that I have been left to raise our son, Philemon, who is now seven," Minnies said.

IFP 7 deny 28 murders

By MARTIN NTSOELENGOE

A WEST Rand detective was this week called a liar by a member of the legal team defending seven IFP members facing 28 charges of murder, 27 charges of attempted murder, arson and public violence relating to the Swamerville massacre on May 12 last year.

The men - Vumisan Majola, 35, Siswe Majola, 48, Joseph Khanyile, 42, Bakhithi Dlamini, 29, Bhekowakhe Mdlalose, 29, and Pheyi Nhlapo, 49, of Kagiso No 1 Hostel, and Mzanywa Sithole, 34, of Watville Hostel - have all pleaded not guilty, and defence law-

yer AS Burger told the court some were forced to make confessions.

When asked why a confession was taken at night in a police station, a Maj Dicks, who testified for four days, said there had been no magistrate available.

Burger argued the men were booked out of the Krugersdorp prison to force them to confess. He said the two Majolas and Khanyile were blindfolded, given electric shocks and assaulted.

Dicks had denied taking three of the men out at night, but the occurrence book showed they had been booked out after 6 pm.

New evidence in Webster inquest - lawyer

By Philip Zolo and Carina le Grange

(252)
STAR 12/10/92.

A lawyer representing the family of slain activist Dr David Webster believes significant new evidence will be presented at the inquest into the Wits academic's death, which begins in the Rand Supreme Court today

But the Black Sash asked in a statement at the weekend what hope there could be of justice "more than three years later". Transvaal regional spokesman Laura Pollecutt said most evidence to date had been uncovered by private investigators

But attorney Eric van den Berg said. "We hope to present something new, not just a rehash of old evidence"

Webster, a social anthropologist at Wits University, was shot dead outside his Troyeville, Johannesburg, home on May 1 1989.

Van den Berg said he did not know whether the evidence would shed light on the motive for the murder, which was crucial for a better understanding of who had commissioned the killing "We need to know what triggered his death, what he did

or knew that got him killed," Van den Berg said.

He said about 48 witnesses had been subpoenaed to testify at the inquest

The first week of the inquest was expected to deal with evidence obtained in the police investigation. The testimony of witnesses was expected to follow, Van den Berg said

The Webster family's legal team is to be headed by Pretoria advocate Eberhardt Bertelsmann, SC, who will be instructed by attorneys Bell, Dewar and Hall

Webster inquest finally begins

■ **Startling facts possible as ex-CCB operatives subpoenaed:**

THE inquest into the killing of anti-apartheid activist Dr David Webster begins in Rand Supreme Court today - more than three years after his death

Webster, a social anthropology lecturer at Wits University at the time of his death, was gunned down on May 1 1989 by masked gunmen in front of his home

in Troyeville, Johannesburg. At the time it was speculated that state sponsored "hit squads" allegedly involving top security officials were responsible

After a year-long investigation, Witwatersrand Attorney-General Klaus von Lieres in April said the task force failed to uncover "relevant and admissible" facts

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Days before he was murdered, Webster and his girlfriend, Maggie Friedman, had completed a study of rightwing death squads

Several CCB officers have been subpoenaed including former operative Ferdi Barnard, who, according to a *Sunday Star* revelation this year, had confessed to killing Webster

Hardline LP rejects amnesty

(252) CF 12/10/92

PORT ELIZABETH — A hardline Eastern Cape Congress of the Labour Party rejected government insistence on a general amnesty at the weekend.

However it did endorse the Record of Agreement between the government and the ANC, calling on other parties to support it and also to back church leaders in their efforts to bring an end to violence.

The congress further called for the immediate disbandment of the tricameral parliament, and said the

short parliamentary session that starts today should be scrapped. It was a waste of taxpayers' money because it would not be able to pass legislation agreed on at Codesa which was the original reason for calling the session.

Other resolutions called for the firing of the NP controlled Ministers' Council of the House of Representatives, and supported mass action as a legitimate and democratic weapon of the oppressed — Sapa

Webster inquest told of destroyed files

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STEPHANE BOTHA

IT WOULD be impossible to prove whether the CCB had assassinated political campaigner David Webster because the organisation's project files had been destroyed as part of an "emergency plan", an inquest court was told yesterday

W/O Wessel Rousseau, the policeman who spent the past three years investigating the May 1 1989 murder of Wits anthropologist Webster, was the first of about 30 witnesses to testify in the inquest which started in the Rand Supreme Court before Judge M Stegmann yesterday

Although hearsay evidence from several sources indicated that former CCB operatives Ferdie Barnard and Calla Botha had been involved in some way, Rousseau said he had been unable to find enough evidence to justify the indictment of any person

According to evidence at the Harms

commission, the project files of the CCB had somehow vanished or had been destroyed as part of a so-called emergency plan.

"It is obvious that without these files — unless someone comes forward with information that can be proved — it will be impossible to prove if the CCB or one of its members were responsible for the murder of Webster or not," Rousseau said

A post-mortem report read out by Witwatersrand deputy Attorney-General Andre de Vries, leading evidence in the inquest, showed Webster had died as a result of a shotgun wound in the chest.

Fifteen shotgun pellets, a plastic wad and a stone were removed from Webster's body, the inquest heard

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Webster

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Rousseau testified that immediately on his arrival at the scene of the shooting outside Webster's house in Troyeville, he had realised it was a political murder

The only corroboration in the several witness reports investigated was that the assassins had driven a white car, he said

Shortly after the incident, national serviceman Ernest van der Bank had supplied the police with a detailed account of the events, including descriptions of the assailants and their car — a green pick-up truck

The information was investigated extensively and identikit's were supplied to the media. However, it had turned out to be completely false.

"He had lied in the hope that we would keep him in Johannesburg to assist us with the investigation and, in doing so, keep him out of his army base at Potchefstroom a while longer," Rousseau said

In September 1989, Rousseau had received information that Barnard had indicated to his former employee Willie Smit that he (Barnard) had been involved in the Webster killing. However, Smit would not make a sworn statement to the police and said he did not want to be involved

Early the next year, Donald Acheson, arrested as a suspect in the murder of Swapo member Anton Lubowski, said Barnard had admitted to him that he was present when Calla Botha shot Webster. But when approached by Rousseau to make a statement, Acheson refused.

Several other statements, including one from convicted rapist and murderer Cyril de Jongh, that Barnard and Botha had been involved in the murder could also not be substantiated, Rousseau testified.

"In my opinion, I have not found adequate information during my investigation which makes possible the prosecution of any person for the murder of Webster."

The inquest continues today.

Sapa reports more than 30 witnesses have been warned to appear or make themselves available for up to two months.

De Vries said he had asked the witnesses to be available for the next two months "to be on the safe side" but did not expect the inquest to last that long

One of the two missing witnesses for whom police had been searching, Cornelius du Plessis, was present in court yesterday

● Picture: Page 3

NEWS Bophuthatswana human rights abuses to be highlighted at conference

SACC to examine

human rights abuses

Sowetan 13/10/92

By Themba Molefe
Political Reporter

VICTIMS TALK Bantustan accused

of repression and harassment:

HUMAN RIGHTS abuses in Bophuthatswana will go under the microscope at a three-day conference which begins in Bloemfontein today

The South African Council of Churches (SACC) said in a statement that it had called the seminar in line with its 1992 annual conference resolution on Bophuthatswana

"Fifteen victims of the Bophuthatswana regime, including pensioners and returned exiles, will

share with us their experiences in the homeland

"Since its 'independence' in 1977, the bantustan has been characterised by massive repression through detention, harassment, arbitrary dismissals from work, deportation, torture and death"

The SACC said the purpose of the conference was to receive reports on human rights abuses and their impli-

cation in the wider South Africa

SACC general secretary the Reverend Frank Chikane will be among the speakers The keynote address will be given by the Reverend Noko Kekana on the topic "What is the theological challenge for the Church"

The ANC, PAC, Azapo and the Progressive People's Party of Bophuthatswana will attend as observers.

Trials even after amnesty - Hani

By Brian Sokutu

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Even if President de Klerk passed legislation for a general amnesty, Civil Co-operation Bureau agents and other people implicated in hit squad activities would be brought to trial if the ANC come to power, SACP general secretary Chris Hani warned yesterday.

Addressing a lunch-hour rally in central Johannesburg to protest against the opening of Parliament, Hani said De Klerk sought to "conceal evidence" on the activities of CCB agents, askaris ("turned" MK cadres) and Government officials through a general amnesty.

Referring to the right-wing/homeland alliance, he said: "These creatures of apartheid like Buthelezi are afraid. Let the elections come and we will see who commands support."

Speaking at the same rally, ANC PWV chairman Tokyo Sexwale said South Africa had to learn a lesson from the war in Angola.

"Those puppets representing the right-wing homeland alli-

ance think they can topple this country's democratic government, as Unita is trying to do in Angola after elections. They'll fail here," said Sexwale to loud cheers.

Earlier, ANC alliance leaders led a health workers' march to the Johannesburg offices of the Department of National Health and Population Development where SA Dispensing Practitioners (SADP) chairman Dr Joe Maelane presented a petition to the department's acting regional director, Robby Hamilton.

The petition from the SADP, SA Health and Social Services Organisation, National Progressive Primary Health Care Network, South African Students' Congress, CAST, ANC, Cosatu, the Disabled People of South Africa, and the SACP protested at what was called the Government's "unilateral restructuring of health services".

The petition called for a moratorium on the closure of hospitals in Natal and other regions, and for the Government not to go ahead with the privatisation of public hospitals.

Webster: security forces suspected

STAR 13/10/92
By Susan Smuts

Police investigating the murder of University of the Witwatersrand academic and human rights activist Dr David Webster suspected early in the probe that he had been assassinated by a branch of the security forces, an inquest at the Rand Supreme Court heard yesterday.

Warrant Officer Wessel Rousseau of the Brixton Murder and Robbery Squad told Mr Justice M Stegmann that family, friends and the press had regarded Webster's death as a political murder.

No other motive could be found and the investigating team (consisting of Rousseau, General Jaap Joubert and Brigadier Floris Mostert) suspected one of the security organs might have been involved.

Joubert had dealt with the SA Defence Force and told Rousseau he had not been very successful in his investigations. The security police had denied any knowledge of the murder.

Rousseau told the inquest that the police had been unaware of the existence of the secret SADF unit, the Civil Cooperation Bureau, at this stage. The CCB was exposed when agent Ferdi Barnard was held for questioning over the murders of Webster and Namibian lawyer Anton Lubowski, and an alleged plan to murder activist Roland White.

Webster died of a shotgun wound to his chest after being shot dead in front of his Troyeville, Johannesburg, home on May 1, 1989. Sixteen pellets were found in his chest, according to the post-mortem report handed in at the inquest.

The shotgun round was of a type available to the public, as well as to the security forces, Rousseau said.

Several false leads had wasted time and effort during the investigation, Rousseau said.

These included dubious evi-

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Inquest told of false leads

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From Page 1

dence from an eyewitness who gave descriptions of three men he claimed to have seen fleeing the scene in a green car.

The witness, Ernest van den Bank, was a national serviceman stationed in Potchefstroom. Rousseau said he doubted the veracity of his statement as he had said the shooting had taken place at 9:30 am when it had, in fact, occurred at 10:20 am. It was strange he could have described the men so accurately if they had been in a moving car.

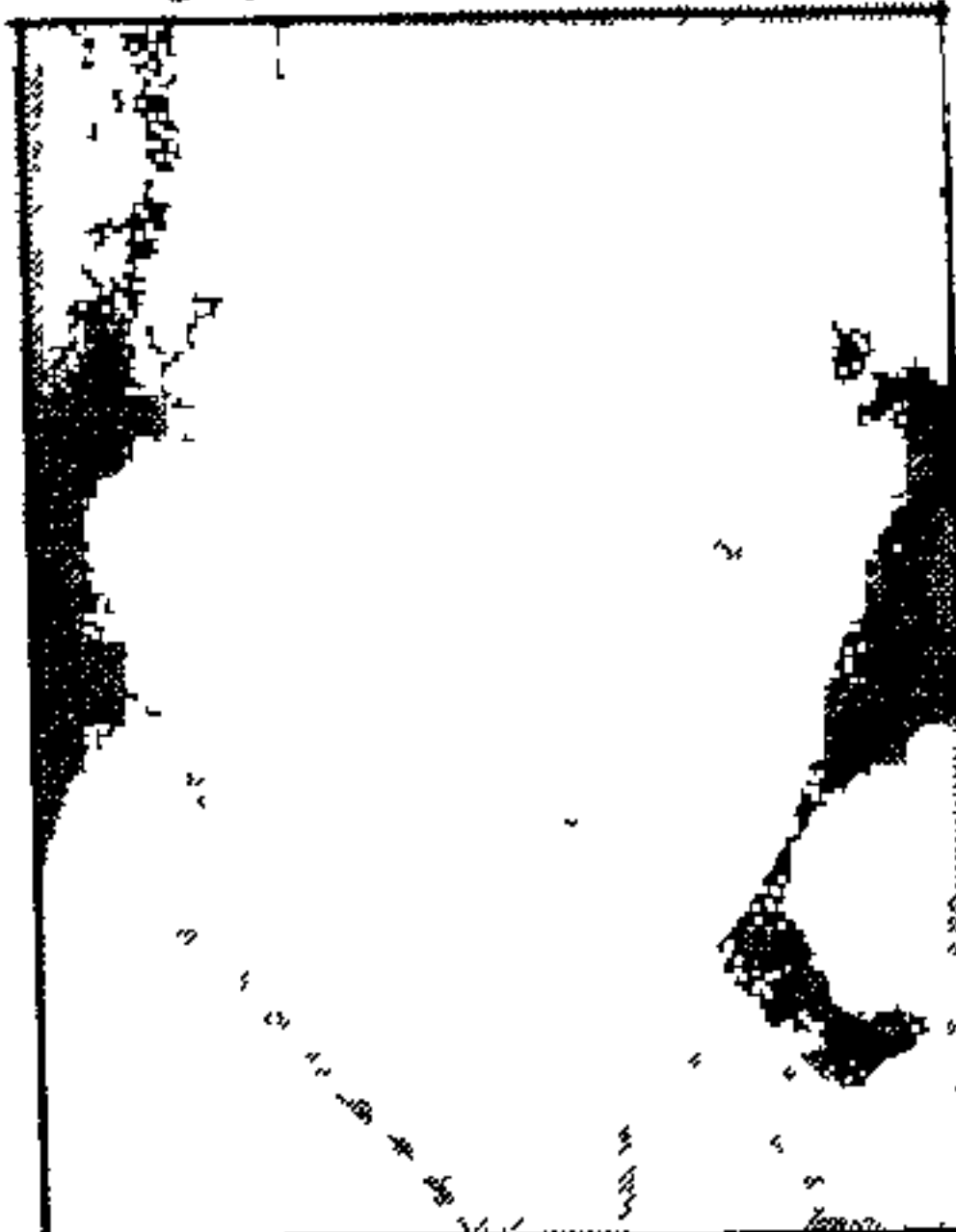
Van den Bank had described dents in the car but had not noticed its number plate. He described the car as green whereas other witnesses had said it had been a white Opel.

Although much time had been wasted on this lead, it was all the police had to go on at the time, Rousseau testified.

A visit to Kosi Bay, where Webster was apparently investigating training camps of the Mozambican rebel movement Renamo, also proved fruitless.

A lead was provided by a woman who told the police that Christiaan Roestorf had told her he hoped he would not be questioned about the murder. Before the police spoke to him, Roestorf killed his wife and himself. He had allegedly conned the woman of R22 000 and the police concluded she had probably acted out of malice.

Under cross-examination from Eberhard Bertelsmann, SC, acting for the David Webster Trust, Rousseau admitted that other leads had not been followed up.



Murdered more than three years ago . . . David Webster.

Included in these was a claim by a man that he had seen the murder from room 4 of a local hotel. No room 4 existed and the lead was dropped.

Rousseau said he had only recently become aware of allegations that two nights before Webster's death, certain policemen had been seen at the hotel. The only policeman who had been booked into the hotel that night had been a student constable who had since been discharged, he said.

Two CCB agents who had a high profile during the Harms Commission (which investigated the alleged assassination of Government opponents) — Calla Botha and Barnard — were arrested after Webster's murder when they were caught on top of a Johannesburg building where they were keeping watch on White, allegedly with the intention of murdering him.

Botha told police he had seen a woman at the parking lot and wanted to meet her. He and Barnard had waited to get her car's registration number. Their version of events was rejected by the investigator, a Lieutenant Zeelie, who told them to reconsider their story and tell him the truth the next day.

Zeelie's investigation established that their actions were connected to White. He accepted their new story that Barnard had taken Botha with him to repossess a white BMW because the new owner had not kept up his payments, Rousseau told the inquest.

Barnard had asked his former boss, Willie Smit, to tell the police "if they asked" that he had used his white BMW that day. Smit told Rousseau he had been convinced Barnard had been involved in Webster's murder although he admitted Barnard had not said as much.

Barnard had also been allegedly linked to the slaying of Lubowski. During this investigation, Barnard told the police he worked as a recruitment agent for a consortium of businessmen in order to infiltrate political organisations worldwide to obtain information which would lessen the risk to investments.

He said he had recruited Lubowski's suspected killer, Irish national Donald Acheson, but had nothing to do with him since, Rousseau testified.

After Acheson's arrest in connection with Lubowski's death, other CCB members were arrested but later released on a ministerial order.

The hearing continues

Session a waste of time, says Dalling

CAPE TOWN — The ANC regarded the present session of Parliament, which would cost the taxpayer more than R10m, as a total waste of time and he and its other members would not support any of the legislation, David Dalling (Ind Sandton) said in Parliament yesterday. **B/Dm**

Speaking during debate on the President's address, he said none of the Bills now before Parliament were urgent or essential and the ANC would "not assist the President in this farcical window-dressing".

The October session had originally been scheduled by President F W de Klerk to give legislative effect to agreements reached at Codesa II. **3/10/92**

While no agreements had been reached at Codesa II, De Klerk and the NP had since conceded virtually all the issues raised by the ANC which had led to the breakdown in the first place.

Dalling said the Record of Understanding signed by government and the ANC on September 26 was belated but real progress, and had laid the basis for a resumption of the negotiating process. **3/10/92**

De Klerk should not be deterred by his detractors. He would enjoy the support of the overwhelming majority of South Africans in the rapid implementation of the agreements reached on September 26.

Dalling called on the President to take urgent action to restore free political activity in homeland territories, particularly Bophuthatswana, Ciskei and Kwazulu.

He urged De Klerk to call off the present parliamentary session and instead to start preparing to negotiate the transfer of power to the democratic majority. — Sapa

ANC 'will reject any new law on amnesty'

CAPE TOWN — The ANC would reject any legislation by government for a general amnesty and would refuse to recognise such a law, ANC deputy president Walter Sisulu said yesterday. **B/Dm** **13/10/92** **(252)**

Addressing an ANC/SACP/Cosatu rally outside Parliament, he said the ANC would continue to insist on full disclosure of criminal activities by state officials. "Before the apartheid criminals can be forgiven, their crimes must be exposed. We must know who did the killing and kidnapping. We must know who stole our taxes. We must know who gave the orders and who committed the murders."

Amnesty could be negotiated by an interim government of national unity only once the offences had been made public.

The only legislation Parliament had still to pass was that which would ensure speedy transition to democracy and installation of an interim government.

Renaming Stalplein Luthuli Square in honour of the late ANC president Albert Luthuli, Sisulu said the ANC had begun a process to ensure that heroes of SA's struggle were recognised and honoured.

SACP chairman Joe Slovo said President F W de Klerk had recently used NP platforms to "spit venom at the ANC and abuse us".

Referring to the President's call to the ANC to "stop its nonsense", he said "It was through our 'nonsense' that we got to Groote Schuur and that we got the government to move on the banning of dangerous weapons, securing of hostels and the release of political prisoners. We will continue with our nonsense."

While De Klerk said SA was "sick and tired of the ANC's arrogance and intolerance", Slovo said "If anyone is sick and tired after 300 years of racist rule, it is the people of this country. We are sick and tired of the government's delays in the negotiating process, of the way in which it is clinging to power and trying to find methods for a minority veto."

Government had to set the example by disciplining state officials whom commissions of inquiry had shown to be involved in murder.

Slovo also called on government to end its financial and military support for "puppets" such as Ciskei leader Brig Oupa Gqozo.

Mass action would continue until demands for an interim government and a non-racial constituent assembly had been realised.

At a small rally in Johannesburg yesterday SACP secretary-general Chris Ham called for the dissolution of Parliament, saying it was convened by people who did not represent most South Africans.

The SACP, he said, was not bound by the decisions of the extraordinary session called to pass legislation drafted by Codesa.

The ANC/SACP/Cosatu alliance would march on Ujundi, Bophuthatswana and again on Bisho when it chose to, he said.

Before the rally demonstrators marched to the Department of National Health and Population Development's offices to present a memorandum calling for an unconditional moratorium on restructuring of public services and the economy. — Sapa

REPRINTED FROM BUSINESS DAY



focus on releases

Sowetan 14/10/92

(252)

THE RELEASE of political prisoners as part of the reform process has created a dilemma for common law prisoners

At the heart of the problem is the assertion by Government and political organisations that the political prisoners were not only fighting oppression, but were forced by apartheid laws to commit the crimes for which they now languish in jail

Thus, so the argument goes, as part of the process of political emancipation, their crimes must be understood and forgiven

And therein lies the rub for the common law prisoners who are being bypassed by releases

Prisoners who were sentenced for theft and armed robberies are also victims of apartheid, they argue

They were, like their political bedfellows, also forced by poverty and harassment by apartheid laws to commit their crimes in order to survive

By what right, the common law prisoners ask, are people who committed horrendous crimes such as mass murders suddenly found pardonable, while other people who stole to survive the ravages of apartheid have to rot in jail until kingdom come?

During a tour of prisons earlier this year, we spoke to many prisoners who expressed these views. One such prisoner is Moses Modibane, presently at the Leeuwkop prison, who wrote to us recently

"Minister Coetsee announced an amnesty on April 26 last year for nonpolitical prisoners. He mentioned that the Government had been kind to those on the left and nice to those on the right

"But what about chaps in the middle? If you are motivated by political offence (sic) you can get off. Is that fair? There will be a general amnesty," the minister said

Modibane said instead of an amnesty that covered common law prisoners, certain groups were released in a scheme that led to protests that were brutally suppressed, leaving prisoners dead

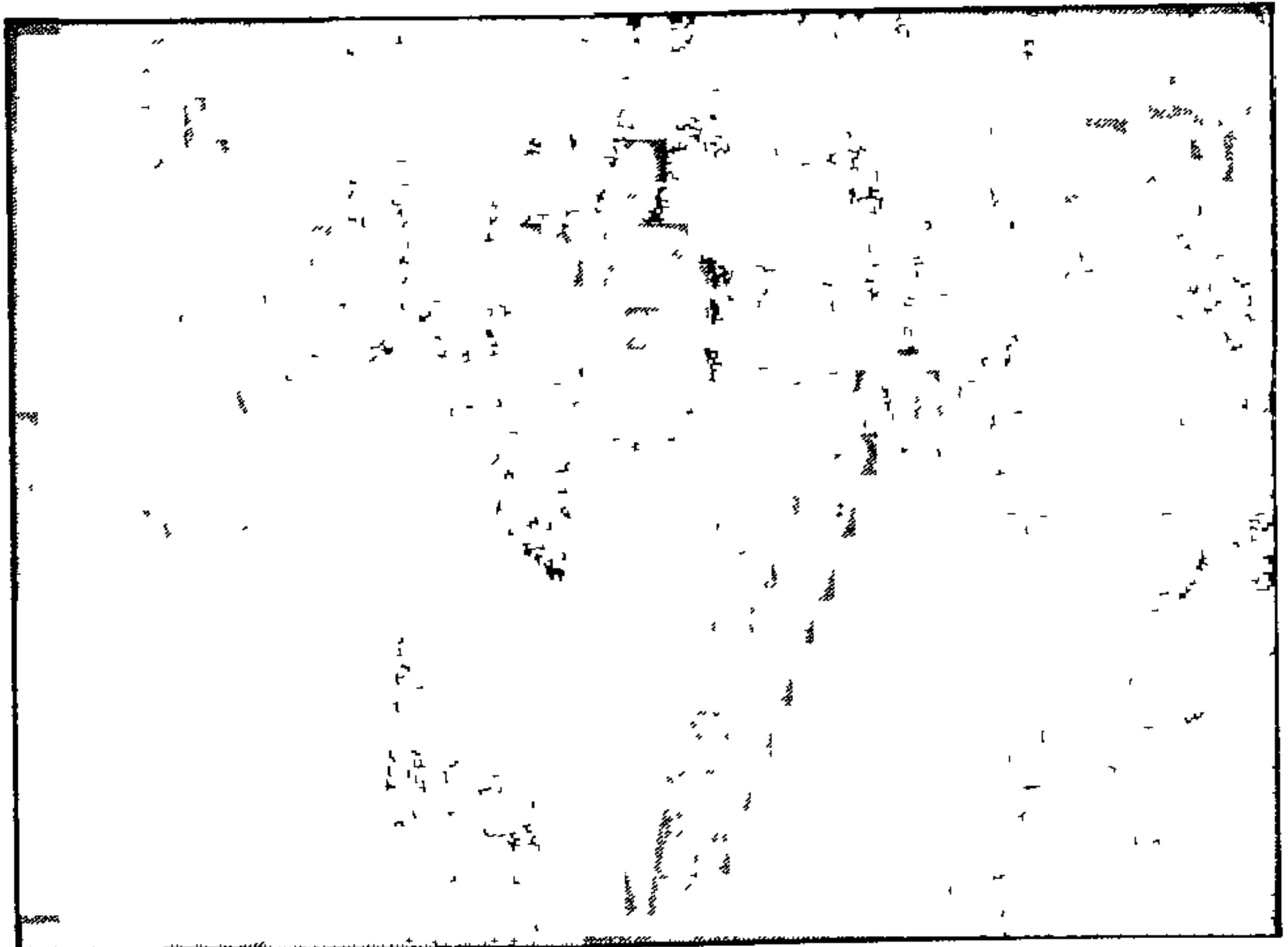
"The government failed to clarify the criteria it used to release Jack la Grange, whose guilt was proved beyond reasonable doubt and who was confirmed as a second offender

"The final straw came in February this year when Minister Vlok announced a new parole system. Instead we saw killer cop Khetani Shange released under controversial circumstances and explanations

"And this is now becoming a trend to release killer cops when taking into consideration the latest cop who was serving 18 years but was released after only seventeen months

"Now this situation caused the ordinary common law prisoner, who has stayed at least five years or more in prison, to wonder as to what

The release of political prisoners in a deal between the Government and ANC is leading to bitterness among ordinary prisoners who feel they have committed lesser crimes in comparison with some of those who have been released. **Mathatha Tsedu** reports:



ANC member Robert McBride gives the thumbs-up sign after his release from Durban's Westville Prison. He was released in terms of an amnesty agreement.

rehabilitation is all about

"We also wonder what political changes are all about because now there are utterances of a bargain between the Government and the ANC on the question of the remaining ANC political prisoners and other cops who have murdered people

"Though the ANC condemned such a proposal, if the Government went through with it, this arrangement is set to exclude common law prisoners who have spent a number of years behind bars while they have committed less horrendous crimes than the released cops

"In the final analysis, one concludes that the treatment meted out to prisoners who have stayed long in prison is not only discriminating but also unfair

"This situation requires a general amnesty for all prisoners in order to benefit a true democratic

South Africa. Although our deeds are not condoned by society, our political plight and dilemma however need the full review and attention of society itself

"The Government is committing daylight fraud against prisoners who in fact did not even vote for them," Modibane concluded

Since this letter was written, more political prisoners, such as Mthetheli Mncube, Mzondeleli Nondula and mass killer Barend Strydom as well as Malaza, have walked out of the prison gates smiling, while the rest of the Modibanes still languish in there

And as the debate rages on, thousands of black men and women who were forced by the racist laws of this country to kill and steal to survive, languish in jail, hoping against hope for an understanding that would give them a fresh start in life

Nadel slates Bar Council (252)

THE National Association of Democratic Lawyers has joined the Black Lawyers Association in criticising the General Council of the Bar of South Africa for failing to reflect the views of all bar members by not considering ANC bomber, Robert McBride, a political prisoner.

Sowetan 14/10/92
McBride's actions were committed to the "liquidation" of the apartheid system. Unlike Strydom, he had no other option for political expression but to act as he did, it added.

Nadel said that McBride had shown remorse and indicated his desire for reconciliation. "On the contrary, Strydom has displayed racist arrogance and repeated that he could commit similar acts of cold-blooded murder again."

Webster inquest: CCB man warned

By Susan Smuts

A detained Civil Co-operation Bureau (CCB) agent was warned that if he made any statement about the activities of the SADF unit to police investigating the assassination of Dr David Webster he would have to bear the consequences, the inquest into Webster's death heard yesterday.

Webster, a Witwatersrand University academic and human rights activist, was shot dead outside his home in Troyeville, Johannesburg, on May 1 1989.

Investigating officer Warrant Officer Wessel Rousseau told the Rand Supreme Court that CCB agent "Slang" van Zyl had said in a statement that he had received this message from SADF Brigadier "Krappies" Engelbrecht.

Cross-examined by Piet Coetsee, SC, appearing for the Minister of Defence, the SADF and the chief of the Defence Force, Rousseau admitted he had not asked Engelbrecht whether there was any truth in the allegation.

He told Mr Justice M Stegmann he had reported the matter to his superiors, Brigadier Floris Mostert and General Jaap Joubert. Their role in the Webster investigation was to question people of a higher rank than Rousseau and investigate any possible security force involvement in the murder.

Coetsee said Engelbrecht would deny the allegations.

Calla Botha, another CCB agent, had also made a statement, said Rousseau, claiming he had received a message from Engelbrecht telling him to "keep quiet" for about six or seven months. Botha had told Rousseau he knew that the message came from CCB managing director Joe Verster.

Cross-examined by Eberhardt Bertelsmann SC, appearing for the David Webster Trust, Rousseau said the investigation had effectively come to

● To Page 3

The Star Wednesday October 14 1992 3

CCB agent warned, Webster inquest told

● From Page 1

a standstill after documents detailing CCB projects had been seized by the investigating team for the 1990 Harms Commission into alleged police death squads as well as other political crimes.

The investigating teams of the Harms Commission and the Webster case had found the documents during a raid after a tip-off from Botha, who had told Rousseau that if the CCB had been involved in Webster's murder, the documents would prove it.

General Ronnie van der Westhuizen and Colonel John Wright of the Harms team had told him they would make any relevant documents available once the commission had been completed, Rousseau said. However, he never gained access to the documents.

Other CCB documents disappeared during the Harms Commission hearing and were never retrieved although the judge had ordered them to be presented. In 1991, Wright had told Rousseau that some of the documents had been handed back to the CCB. Rousseau said he un-

derstood this to mean the SADF, since the CCB had already been disbanded. He said Wright had told him that no reference to the Webster killing was found in the documents.

Cross-examined by Coetsee, Rousseau said he did not believe Van der Westhuizen and Wright had tried to interfere or impede his investigation.

Joubert had told him to drop all aspects of the investigation which involved the CCB because agents would have to be released as soon as they were picked up for questioning. This was because the Harms Commission was in progress, Rousseau said.

Rousseau said he had become aware of the CCB in November 1989, more than six months after Webster's death, and had investigated the clandestine unit as a possible path to Webster's killer.

Several CCB agents were arrested but released on the Minister of Law and Order's instructions. Rousseau said he was unhappy about their release as the police were "getting information from them".

The hearing continues.

Arson charges quashed

STAN 14/10/92
Pretoria Correspondent

Eight counts of murder and a charge of arson have been withdrawn against the man arrested for allegedly starting the Elm Church fire in Pretoria

Pretoria Regional Court magistrate D van der Merwe yesterday quashed the charges after the Attorney-General's office refused to proceed with the case against Johannes Vorster (36) of Randfontein

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Eight street children died in the fire on March 12

Attorney-General Dr. Jan de Oliveira said: "The charges were quashed because it would not be justifiable to prosecute Mr Vorster at this stage."

Vorster said yesterday he would be treated like "Wit-Wolf" Barend Strydom. "I will be treated like an outcast"

He will appear in the Roodepoort Magistrate's Court on October 20 on other charges.

CCB men were told 'shut up'

■ CELL VISIT Webster inquest told senior

security men visited detained suspects:

TWO MEMBERS of the Civil Co-operation Bureau (CCB) were visited in detention and told to keep quiet about their SADF activities, the David Webster inquest heard in Johannesburg yesterday.

Warrant Officer Wessel Rossouw, the SA Police officer investigating the May 1 1989, shot-gun slaying of University of the Witwatersrand lecturer and political activist Dr David Webster, told the Rand Supreme Court inquest that CCB operatives Abram "Slang" van Zyl and Calla Botha were being held in terms of Section 29 of the Internal Security Act at Brixton in February 1990.

While they were there, they were visited by the former head of the Brixton Murder and Robbery Squad, Brigadier Krappies Engelbrecht, and SADF Military Intelligence officer Gen Witkop Badenhorst.

During the visit, the men were told to keep quiet about their military activities.

Rossouw - under cross-examination by Mr Eberhardt Bertelsmann (SC), who appears for

Webster's brother Gavin - said van Zyl was told to keep quiet about a bomb blast at the Early Learning Centre in Athlone in the Cape. He was also told not to say anything about an incident in which a baboon foetus was hung in a tree outside the home of Cape Town's Anglican Archbishop Desmond Tutu.

He said van Zyl was told to keep quiet because the "politicians won't take the blame" for the incidents.

He was to "shut up" about the incidents for about six or seven months, Rossouw said.

He added that he had been told by General Jaap Joubert, also of the team investigating the Webster murder, that he should suspend the investigation until after the Harms Commission, which investigated politically-motivated violence, had finished sitting.

Documents from the CCB found as a result of a warrant made out for the team investigating the Webster murder were taken by policemen collecting evidence for the Harms Commission.

The files were said to have been returned to the SADF after the commission finished. - Sapa.

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14/10/92

General 'stopped probe into CCB's Webster links'

THE officer investigating David Webster's murder was ordered early in 1990 to stop probing the CCB's suspected involvement.

This brought the investigation to a halt, the Webster inquest court was told yesterday

Brixton Murder and Robbery detective W/O Wessel Rousseau was further told by the SAP's Gen Jaap Joubert not to detain any CCB operatives because they would only be released again

Joubert was part of the team appointed to investigate the May 1 1989 shotgun slaying of Webster, an academic and political activist, outside his Troyeville, Johannesburg, home

The orders followed the February 1990 appointment of the Harms commission, which had its own team of investigators Rousseau was however promised that all relevant CCB documents would be handed to him after completion of the Harms commission — a promise which was not kept, Rousseau testified

Rousseau, who earlier detained CCB operatives Slang van Zyl, Ferdie

BIDAM 14/10/92
 252
 STEPHANE BOTHMA

Barnard and Calla Botha and also CCB MD Joe Verster, said the detainees were released on an order from the Minister of Law and Order to allow them to testify before Harms

"They were released on Friday because they were to testify on the Monday However, they were only called more than two months later to give their testimony," Rousseau said

While held under Section 29 of the Internal Security Act, Van Zyl and Botha were visited in detention by former Brixton Murder and Robbery chief Brig Krappies Engelbrecht and SADF military intelligence officer Gen Witkop Badenhorst.

In statements made by Van Zyl and Botha after the visit, the detainees stated they were told not to say anything about their activities for the following six to seven months, the inquest heard

Rousseau said CCB documents, confiscated as a result of the Webster murder investigation team, were tak-

en by Harms investigators before he (Rousseau) could look at them

"They told me to stand aside and not to look at the documents because I had not taken an oath of secrecy," he told the inquest Rousseau said he had believed the commission's investigators, Col John Wright and Gen Ronnie van der Westhuizen, would make the documents available after the commission hearings

He told inquest chairman Judge M Stegmann that about five to six days after Webster's murder a source told him to look at the possible involvement of Joe Verster in the slaying

However, Rousseau could find no evidence and only several months later, in November, the arrest of Van Zyl exposed the existence of the CCB and Verster's involvement in it

The inquest also heard that Barnard's CCB co-ordinator was Lafras Luttingh, the cousin of the then chairman of the Webster Trust, Martin Luttingh Lafras Luttingh operated under the name "Louis" when employed by the CCB, the inquest heard

The inquest continues

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ct in Elim fire 'murders' ● New Bill on inquests



A train attack victim, Joyce Mzama of Jabulani, Soweto, talks to a paramedic at Langlaagte Station on Tuesday night. Two people were shot dead and 17 others seriously injured in two instances of train violence. PIC: SELLO MOTSEPE

Outrage over release of Elim fire suspect

■ **CHARGES DROPPED** Lawyers for Human Rights say

there's no progress: (252) ~~252~~ Sowetan 15/10/92

LAWYERS AND FAMILY members of the Elim Church fire victims have expressed concern and anger at the decision to drop charges against a man allegedly responsible for the fire in which eight children died

The Attorney-General of the Transvaal decided on Tuesday not to continue with the prosecution against Mr Johannes Stefanus Vorster (33), who was facing eight counts of murder following the inferno at the Elim Church in Sunnyside, Pretoria, on March 12.

Vorster had already pleaded not guilty during his appearance in court in May

Spokesman for the Lawyers for Human Rights, Mr Jody Kollapen, told *Sowetan* his organisation was concerned that nothing seemed to be happening. He said it should be noted that the Attorney-General's decision was based on what he had

"What is of concern is that there has been no real breakthrough in the matter.

"But it should be remembered that innocent children were killed and the more time it takes to resolve this the more other people will feel unsafe out there," Kollapen said

Sources close to family members of the victims expressed concern and anger that it has taken so long to resolve the matter.

They also wondered why police were so determined that they had their man. The Elim Church fire broke out on the morning of 12 March this year and eight children who were housed there perished, while 14 others sustained severe burns

The Attorney-General for the Transvaal, Dr Jan D'Oliveira, was said to be in a meeting early yesterday and not available for comment.

Person held over fraud

■ NCCR defrauded of R300 000:

ANOTHER person has been arrested in connection with the embezzlement of funds of the National Co-ordinating Committee for the Repatriation of South African Exiles.

The committee yesterday said the person was linked to two women who had defrauded it of R300 000 while they were temporarily employed by the organisation between March and August this year.

"The arrest of the person has given the NCCR valuable information with regard to a sophisticated network that has defrauded the organisation

"The NCCR will do all in its power to make sure the interests of the returning exiles are protected at all times," NCCR coordinator Mr Moss Chikane said. - Sapa.

Biko inquest may be reopened

■ DP man welcomes new move:

By Ismail Lagardien
Political Correspondent

THE inquests into the deaths of Steve Biko, Griffiths and Victoria Mxenge and Ahmed Timol could be reopened when the Inquest Amendment Bill is passed

The Bill, which is presently before Parliament, amends the Inquest Act of 1959 "so as to further make provision for the reopening of an inquest"

It will empower attorneys-general to recommend to the Minister of Justice to reopen a particular inquest.

Speaking in the debate on the Bill yesterday, Democratic Party spokesman on Justice Mr Tony Leon said "The need to reopen certain inquests which litter the history of South Africa as a reflection of our sordid past cannot be in doubt."

Leon said more than 64 people had been assassinated between 1981 and 1989. He said, according to the Independent Board of Inquiry into Informal Repression, 42 of these had been killed by State agents

He said at least 138 people outside the country identified as "opponents of the State and apartheid" had been killed, while more than 50 had died in detention


Leon said the special powers given to the police under former Minister of Justice and then Prime Minister, the late John Vorster, had led to many of these deaths

While the Bill was aimed primarily at reopening the inquest into the death of Matthew Goniwe in 1985, Leon said he hoped it would also result in fresh inquests into the deaths of Biko, the Mxenges, Timol and others

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Govt on amnesty law

THE Government is planning to table the contentious amnesty legislation in Parliament tomorrow. (252)

The legislation proposes to unilaterally indemnify and provide amnesty to people, including State officials, who could be charged with crimes against humanity under apartheid.

The African National Congress has rejected the move and has said it would deem the legislation, if it is passed, "null and void" under an interim government.

Snwefam 15/10/92

Desperate bid to save life of David Webster

■ Assassination followed shopping and jogging:

WITS academic Dr David Webster's companion, Ms Maggie Friedman, told a Rand Supreme Court inquest yesterday how she gave mouth-to-mouth resuscitation to him after he had been shot from a passing car

Friedman gave evidence during the inquest into the shooting of Webster on May 1 1989, outside his home at 13 Eleanor Street, Troyeville, Johannesburg

Fell on pavement

The couple had left home between 7.30 and 8am on that day and had gone for a jog at Crown Mines, then going to Robertsham, Rosettenville and Hillbrow, before going home

Friedman said in a statement "He fell on to his knees and then landed half on the pavement. He was lying slightly on his left side

"I applied mouth-to-mouth resuscitation at a certain stage"

Friedman heard the shot after she had left the passenger side of the bakkie and was picking up parcels from the front seat - *Sapa*

Goniwe killing: Huge reward

Own Correspondent

PORT ELIZABETH
Police yesterday offered R200 000 — the largest reward ever in South Africa — for information about the killers of Mr Matthew Goniwe and three other Eastern Cape activists.

Mr Goniwe's family welcomed the announcement, saying it had given them a "little bit of hope".

Acting Eastern Cape attorney-general Mr Mike Hodgen said last night the aim of the huge reward was to "try and solve the Goniwe murders once and for all".

Reacting to the announcement, the ANC said the reward was "just another propagandist stand. We don't take it seriously," spokesman Mr Phila Nkayi said.

South African Police Commissioner General Johan van der Merwe, making the announcement yesterday, said all information on the murders would be treated confidentially.

The Cradock activists, Mr Goniwe, Mr Fort Calata, Mr Sparrow Mkhonto and Mr Sicelo Mhlauli, were murdered near Port Elizabeth on June 27, 1985.

Amnesty Bill due on table

Political Correspondent

THE government's controversial amnesty legislation will be unveiled in Parliament tomorrow.

President F.W. de Klerk this week restated his determination to legislate a blanket amnesty for all offenders with a political motive — from all parties.

The ANC executive has said the state cannot excuse itself of crimes committed and that the issue of a general amnesty would have to be settled by an interim government of national unity. (25) CT 15/10/85

Webster 'planned to probe SADF'

STEPHANE BOTHMA

A WEEK before David Webster planned to return to Kosi Bay near the Mozambique border to investigate the SADF's rumoured support for Renamo rebels, he was gunned down outside his home, the inquest into the academic's death was told.

Webster's former lover Maggie Friedman, who was with him when he was shot on May 1 1989, told Judge M Stegmann that Webster and a friend planned to visit Kosi Bay the following weekend. *BIDM*

She said Webster had spent a lot of time in the Kosi Bay area doing an anthropology study on the community. *15/10/92*

"He knew there was military activity in the area and suspected the SADF of assisting Renamo. He planned to return... and I think he had plans to continue his work and to look at what the military activity was all about," Friedman testified.

On the day of the shooting, Friedman and Webster had just returned home after a shopping trip to a nursery.

Friedman said she had heard a loud bang which sounded like a vehicle back-firing, and saw Webster falling to the ground. Although she saw a white car passing at the time, she could not identify the make or model or the occupants.

Webster died on the scene despite Friedman attempting mouth-to-mouth resuscitation, the inquest heard.

Former Brixton Murder and Robbery chief Brig Floris Mostert was also called

□ To Page 2

Webster *BIDM*

to testify yesterday. *15/10/92*

He said there were no hard facts linking the SADF's covert CCB unit to the shooting, despite the fact that three CCB operatives had been arrested as possible suspects during the investigation.

Mostert told the inquest of the difficulties experienced by the police investigating team in obtaining CCB documents after the Harms commission of inquiry had been appointed.

The commission brought the police investigation to a halt, the inquest heard.

After raiding the home of suspect Theuns Kruger and seizing CCB documents, Harms commission police investigators prevented the Brixton team from looking at the documents. The Harms team said it had the first right to the papers.

The commission also claimed documents taken from CCB headquarters.

Although there were promises that all documents relating to the Webster murder would be handed to Mostert and his team of detectives, no documents had been re-

ceived by them to date and the documents could not be traced.

The inquest heard earlier that the Harms commission returned all the documents to the SADF.

Mostert said he believed the Webster murder — at that stage not an "unsolved crime" — did not fall within the Harms commission terms of reference.

"The murder was still under investigation and we were making good progress. We will now never be able to know what we could have achieved with our investigation if it could have continued," he said.

CCB operatives Ferdie Barnard, Calla Botha and Slang van Zyl had been held in terms of security legislation while being questioned about possible involvement in the murder. However, they were released on an order from the then law and order Minister Adriaan Vlok to testify before Judge L Harms.

"The moment our detainees were released, our investigation failed," Mostert told the inquest.

□ From Page 1

Move to reopen inquests approved

Political Correspondent

POTENTIALLY far-reaching legislation to allow for the reopening of any inquest under a judge has been passed by all parties in parliament

Anyone who could provide relevant new evidence on an inquest completed in the past under a magistrate could now approach an Attorney-General to have it reopened under a judge, Deputy Minister of Justice Mr Danie Schutte said during debate on the Inquest Amendment Bill

The legislation would make it possible to reopen controversial inquests such as the Biko case

Mr Schutte said the Bill was indicative of the government's commitment to open and honest administration

Democratic Party justice spokesman Mr Tony Leon said there was an undoubted "need to reopen certain inquests which litter the history of South Africa as a reflection of our sordid past"

The DP supported the Bill.

(25) ALLG K/DP

Appointments Bill

a 'Draconian' move

ARG 15/10/92 (252)

MICHAEL MORRIS, Political Correspondent

A BILL to allow for Cabinet appointments from outside parliament has drawn strong criticism from Opposition parties who object to the creation of an "unhealthy" precedent

The Constitution Amendment Bill is one of a handful of key pieces of legislation being presented to MPs during the present special session

Deputy Minister of Constitutional Development Dr Tertius Delpont told parliament the Bill was not intended to pre-empt negotiated agreements and that appointments made in terms of it would be made only if they were justified by developments in negotiations

It would be up to the president to make such appointments, and appointed ministers would be answerable to the president

The Bill also scraps the requirement that a minister must become an MP within a year of his or her appointment.

The Conservative Party rejected the Bill as a Draconian measure that could set South Africa on course to a dictatorship.

Deputy leader of the CP Dr Ferdi Hartzenberg said in a strongly worded speech that installing people to positions of executive authority without their having been elected to parliament amounted to a major constitutional alteration.



Dr Delpont ... 'Up to the president'

Dr Hartzenberg ... 'CP was suspicious'

It could pave the way for the installation of an interim government. The CP was suspicious that the government might renege on its promise to consult voters on important constitutional changes

Democratic Party constitutional spokesman Dr Denis Worrall said the DP was opposed to the Bill because the principle of appointing people to the Cabinet without their having been elected to parliament was unhealthy.

Labour Party MP Mr Miley Richards said it was not in the country's interests to tamper piecemeal with the constitution.

"You have made promises to reform and now come with piecemeal amendments which cause greater confusion."

The... could not be traced... Picture JEREMY GLYN

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'Violations' of court's authority criticised (252)

Blom 15/10/92

GERALD REILLY

GOVERNMENT has been called on to remove the "checkmate situation" which has arisen regarding the death penalty, in terms of existing legislation and the fact that since November 1989 it has not been carried out

In an editorial in the SA Bar journal, Consultus, it is stressed that a basic principle of a civilised legal system is that sentences pronounced by the courts should be carried out

This principle has been violated by the government decision to suspend the death sentence for a further period until the constitutionality of the punishment has been firmly established, the editorial says

This presumably means the suspension will apply until a new constitution with a bill of rights has been enacted. The suspension of the execution of the death sentence amounts to approved encroachment on the functions of the courts — just as the premature release of thousands of non-political prisoners did last year

"Either the death penalty should be carried out, or abolished and all prisoners on death row reprieved, or death sentences which are not commuted should be carried out within a reasonable time," says the journal's editorial

The courts, it says, should no longer be inhibited in carrying out their task in an orderly manner

To expect trial judges to spend days hearing evidence and reasoning to determine that a death sentence should be imposed when it is, from the outset, certain that, whatever the courts may decide, no death penalty will be executed "is really not acceptable", it says.

Untenable

The suspension of the execution of the death sentence for an indefinite period in fact was probably unlawful. In times such as the present the judiciary should be strong and free to perform its function unimpeded and without let or hinderance of whatever nature

The uncertainty on the death penalty could not be allowed to continue. Apart from the untenable situation that has developed in regard to the courts, it is in the public interest that clarity be obtained without further delay. It is also inhuman to keep prisoners on death row for unreasonably long periods with agonising uncertainty, the journal says.

Medical aid schemes start campaign against fraud

Blom 15/10/92 ANDREW KRUMM

CERTAIN medical aid societies had started a campaign to clamp down on fraud and abuse of medical schemes, an industry source said yesterday

The source said the campaign included swapping accounting records among certain societies to track down doctors who were blatantly over-servicing patients and having experienced investigators talk to them

It was hoped these investigators would eradicate the abuse in the interests of the profession as a whole.

"Medical Fund Administrators has a good idea of who the abusers are, but unfortunately finds it difficult to press charges formally"

Steps would be taken against medical aid members who abused their schemes to create awareness that the over-use of benefits prejudiced medical care for others

SA Association of Medical Schemes (Saams) chairman Keith Hollis said. "The medical schemes movement is in crisis as claims escalate at a rate considerably faster than inflation through over-use and over-servicing"

Hollis said Saams was not involved in any investigation, as investigations were the responsibility of individual administrators

"Saams has launched an educational video to change perceptions and improve members' understanding of how their medical scheme works"

The video would be distributed among 82 medical aid societies and among employers for viewing by nearly 2-million members.

It was likely that a letter campaign would also be launched soon

Jo'burg 'worse than Koeberg'

Blom 15/10/92 Business Day Reporter

PEOPLE living in Johannesburg were exposed to higher radiation levels than those working at the Koeberg nuclear power station, Koeberg communications manager Donne Murray said yesterday

He was reacting to a report released this week which said 640 of the station's 1 400 radiation workers received detectable radiation doses during 1991.

Murray said exposure to radiation was normal. People living in Johannesburg were exposed to 1 850 microsieverts as opposed to 1 500 microsieverts in Cape Town

Exposure at Koeberg was below the World Association of Nuclear Operators' norm.

The company's health physics department ensured that exposure to radiation was minimised at all times, he said.

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Ex-CCB boss 'offered killer an assassin's job'

Blom 16/10/92
A CONVICTED murderer and rapist serving a natural life sentence was offered a job — later perceived by him to be that of killing people — by former CCB chief Joe Verster, the David Webster inquest was told yesterday

Cyril de Jongh, sentenced in the Maritzburg Supreme Court in April last year, was called to testify after he allegedly told fellow inmates at Diepkloof prison that CCB operative Ferdie Barnard had gunned down Webster on May 1 1989

De Jongh refused to answer several questions "for personal reasons", but denied having mentioned Barnard's name in connection with the Webster slaying

However, he told presiding Judge M Stegmann that he knew Staal Burger, Chappies Maree, Joe Verster, Slang van Zyl and Calla Botha, all former CCB operatives

"I met them during February or March 1989 at the Park Lane Hotel in Hillbrow, where Joe asked me if I was interested in a job I was not and told him so," De Jongh testified

Although the exact nature of the job was

(252) (S) (S)
STEPHANE BOTHMA

not disclosed during that discussion, De Jongh was told on the night of the Webster killing that "that was the kind of job offered to you by Joe Verster".

He was told this by a mutual friend of De Jongh and Burger, Justin Beyleveld.

On the night of the Webster murder, Beyleveld also pointed out former Brixton Murder and Robbery detective and CCB operative Chappies Maree as "the man with above average" skills with a shotgun who had shot Webster, De Jongh testified

Evidence at the inquest by nine witnesses to the killing of Webster outside his Troyeville home gave conflicting accounts of what had taken place on that morning

Only one witness had been able to supply police with identikits of the alleged killers who had used a "white car", possibly an Opel, from which Webster was shot.

However, it was not clear whether there had been three or two men in the car, whether the car was speeding or whether it had tinted windows

The inquest continues

Call for laws to pass 'green' test

Blom 16/10/92
CAPE TOWN — Compulsory environmental impact studies would have to be constitutionally imposed on all the legislation of a future government, ANC spokesman Albie Sachs said yesterday at a forum on the ANC's environmental policy.

He said constitutional guarantees to protect the environment would counter-balance the pressure a future government would face to build factories and create jobs. The green factor would have to be built into the legislative process from the beginning so that it became integrated into development.

Sachs said a delicate balance would

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LINDA ENSOR

have to be struck between the right to development and the right to a clean environment. However, that development itself — such as electrification — would solve some of the immediate environmental hazards facing communities

Strong grassroots community organisations would also ensure the implementation of a green policy.

Sachs said the environmental issue should not be appropriated for political purposes.

Blanket amnesty bill tabled today

By ANTHONY JOHNSON
Political Correspondent

252
CT 16/10/92

THE government will today table its controversial General Indemnity Bill designed to give a blanket amnesty to political offenders

President F W de Klerk this week restated his determination to push ahead with the legislation despite objections

He said the provisions of the new law would apply to members of all political parties or state departments — whether or not they had been charged or their crimes were known at this stage

The ANC executive has demanded general amnesty be settled by an interim government and has vowed to overturn any legislation enacted by the government providing for a general amnesty for its own officials

The Democratic Party yesterday proposed that amnesty should only apply to political offenders if there was full disclosure and following adjudication by a competent tribunal

In an amnesty policy document, the DP emphasises that no person should be allowed to escape both disclosure and identification as a perpetrator of a political offence. The document stresses that amnesty should be a product of the reconciliation process rather than pre-empt it

"Therefore it is inappropriate that the present government should introduce or attempt to invoke amnesty proceedings"

Speculation rife over what the 'hot potato' General Indemnity Bill may contain

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ARC 16/10/92

DALE LAUTENBACH
Political Reporter

THE contentious General Indemnity Bill is expected to be tabled in parliament today before what is anticipated will be a thorny debate on the issue next week.

There have been few clues about the content of the Bill, but fears about what it might contain have led to widespread speculation.

The ANC and the DP appear particularly concerned that the government might be pushing for a blanket amnesty which would not require disclosure of the nature of crimes to be forgiven.

President De Klerk mentioned the Bill in reply to debate on his opening address for this special parliamentary session, saying that he wanted debate on the issue and was not prepared to rely solely on his presidential powers to handle the freeing of prisoners.

"It is our position that people not yet found guilty, those not yet charged, those not even in custody and whose names are not even known at the moment be handled on the basis of exactly the same principles," Mr De Klerk said.

To this end an elaboration of the existing Indemnity Act which had been used so far in the freeing of prisoners was needed.

The DP has pre-empted the debate with a document clarifying its position on amnesty in principle.

This dovetails in some respects with the ANC position that the perpetrators of a crime should not put themselves in the position of forgiving themselves and that, for the future health of a society, full disclosure should be required when amnesty is granted.

"A general amnesty should not be pre-emptive of the process of reconciliation," said DP justice spokesman Mr Tony Leon.

"On the contrary, it must be the product of such a process. Therefore it is inappropriate that the present government should introduce, or attempt

to invoke, amnesty proceedings."

The DP calls for an interim government to be charged with this task and points out further that this should be concluded before an elected government is installed "because it could then easily become the product of the spoils of victory".

The DP recommends that amnesty be adjudicated, in public, by a specially appointed tribunal. Further compensation must be considered, there should be a cut-off date for the process and no distinction must be drawn between the opposing sides of the past conflict.

The DP couches its argument in theory that holds that truth-telling responds to the demands of justice for the victims and facilitates national reconciliation.

Mr Hidipo Hamutenya, Namibian Minister of Information and Broadcasting, was asked recently whether a State should consider forgoing justice for the sake of national reconciliation.

He replied that in the interests of nation building "yes" but the Namibian context is different to the prevailing circumstances in South Africa.

The incumbent authority is a democratically elected body and while there have been no retroactive prosecutions, the government has been careful to nurture the principle of forgive, but let us not forget.

The atrocities in Namibia's history are commemorated annually and ceremonies reach far beyond the ruling Swapo party to include most political forces on the Namibian scene.

The DP fears that a "sweeping all-embracing amnesty to protect members of the security establishment" would require unsettled matters like deaths in detention, the CCB, state of emergency detentions and torture, political violence and a possible third force and individual killings of people like Rick Turner, Matthew Goniwe and Bheki Mlangeni to be swept under the carpet.

This bump would, in the future, "simply trip us up and send us sprawling across the room".

Witnesses all saw a white car

■ Webster staggered and fell:

16/10/92
WITNESSES in Eleanor Street, Troyeville, on the day anthropologist Dr David Webster was gunned down, all spoke of a white car during the inquest into his shooting which entered its fourth day yesterday

Giving evidence in the Rand Supreme Court, Cornelius du Plessis, one of two witnesses police asked to come forward before the inquest began on Monday, said he had been travelling about 25 metres behind a white Opel Ascona with a man in the driver's seat and another in the back

The car veered towards the bakkie Webster was unloading. He heard a shot as the car started speeding up

He saw Webster stagger and fall and stopped to help

Du Plessis was sure there were only two people in the car but admitted the vehicle had headrests on the front and back seats

Another witness in Eleanor Street on May 1, 1989, when Webster was shot, was Ms Loretta Ngamata, who said there were three people in a white car, which she identified as an Opel

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Information reward

THE Deputy Attorney-General of the Eastern Cape, Mr Mike Hodgen, has welcomed the R 100 000 reward offered by the police for information leading to the arrest of the murderer or murderers of ANC activist Matthew Goniwe, and three other men in 1985.

Hodgen, who heads the investigation into the murders, said yesterday the reward should encourage the right witnesses to come forward.

He added that the investigation into a military signal relating to the Goniwe matter, exposed by a newspaper, had been completed but there was not enough evidence to prosecute anyone.

16/10/92

Goniwe

Goldstone inquiry resumes ²⁵²

THE Goldstone Commission inquiry into the Borpatong massacre will resume on Tuesday at the Civic Centre, Vereeniging, commission chairman Mr Justice Richard Goldstone said in a statement yesterday.

Sdwelem 16/10/92
The chairman of the committee is Goldstone, with members Advocate DJ Rossouw and Advocate S Sithole. They will be assisted by Mr Justice PN Bhagwati, former Chief Justice of India.

Amnesty Bill likely to draw flak from all sides

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BIDAM 16/10/92
BILLY PADDOCK

PRESIDENT F W de Klerk's controversial Amnesty Bill, which is to come before Parliament for discussion today, is expected to draw flak from most quarters.

De Klerk has several times in the past two weeks said he does not care about opposition to his unilaterally going ahead with the legislation to grant amnesty to security and state officials.

The ANC alliance, the PAC, the DP and the Labour Party have all expressed opposition to the Bill.

The ANC rejected government's offer to trade off the release of political prisoners for the general amnesty, insisting that only an interim government of national unity should be entitled to grant amnesty in a bid to forge reconciliation.

It insists that government cannot grant amnesty to its own members and has threatened to reverse the legislation later.

De Klerk, after meeting ANC president Nelson Mandela last month, said the legislation would be based on the same principles used in deciding on the release of the ANC's political prisoners.

The Bill would provide for full disclosure, to government, of the deeds for which the person was seeking amnesty.

Our Political Staff reports from Cape Town that the DP yesterday proposed that amnesty apply to political offenders only if there was full disclosure and following

adjudication by a competent tribunal
In an amnesty policy document released yesterday, the DP emphasises that no person should be allowed to escape disclosure and identification as a perpetrator of a political offence.

A general amnesty should not be preemptive of the process of reconciliation but should be a product of such a process, it says "It is inapplicable and inappropriate that the present government should introduce or attempt to invoke amnesty proceedings. Accordingly amnesty legislation should be introduced by an interim government of national unity."

The DP document notes that every person seeking amnesty would have to be adjudicated by a competent tribunal which would investigate and report on the acts or omissions which led to the offence in respect of which amnesty was sought "Any person who does not avail himself/herself of the amnesty process and procedures will be liable to criminal prosecution for whatever acts or omissions he or she might be charged with"

The DP also proposes that amnesty legislation should make provision for the victims of serious offences and human rights abuses, to be given recognition symbolically and substantially "subject to the resources of the state".

UN 'will be impartial in SA'

WASHINGTON — The UN could no longer take sides in SA, a senior UN official told a conference in Washington yesterday sponsored by the pro-ANC Lawyers Committee for Civil Rights under Law.

The UN had supported the ANC and PAC at a time when black South Africans could not speak for themselves, but that time had now passed, said UN special political questions director Hisham Omayad.

He made it clear that the role of UN agencies like the Centre Against Apartheid, which earlier this week held a session in honour of SA political prisoners, was being downgraded.

In strong contrast, ANC constitutional expert Dullah Omar suggested that the liberation movements should continue to

receive preferential treatment from the international community because they had a higher "moral claim" than government.

He was supported by journalist Allister Sparks, who attributed the root cause of violence in SA to efforts by elements in the security establishment to destabilise the ANC, with at least partial support from President F W de Klerk.

Omayad headed the first team of 10 UN observers sent to SA to monitor mass action in early August, and accompanied special envoy Cyrus Vance and his deputy, Virendra Dayal, on their subsequent missions.

He said while the UN could act as a catalyst for constitutional negotiations, it "will not get directly in-

involved" in a process that had to be conducted by South Africans

Omayad was involved in setting up elections in Namibia in 1989.

Omayad predicted that there would be "a minimum" of 100 international observers helping to defuse violence in SA by the end of the year, which would include the 50-member UN contingent.

However, the success of the teams being supplied by the UN, Commonwealth, EC and OAU, did not depend on their numbers, but "on the support they get on the ground", he said

**KIRCHMAN
DRADETTIC**

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BIDAM 16/10/92

BILLY PADDOCK

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KIRCHMAN
DDAEDTIC

Court freezes sale in Group Areas case

LINDA ENSOR

CAPE TOWN — A poor coloured family which lost its land under the Group Areas Act yesterday had a freeze placed on its resale in a court action which could act as a precedent preventing the hasty sale of state-owned land acquired under apartheid legislation.

The Legal Resources Centre, which assisted with the case, said it had important implications for the right of the state to sell land obtained as a result of the Group Areas Act. In Cape Town alone 3 241 properties are registered in the name of the Community Development Board and much has already been sold despite land reform measures introduced by government.

An agreement between John Hendricks and his grandmother Kassie, 81, and the chairmen of the development boards of the House of Representatives and Assembly, the purchaser P Basson and the Registrar of Deeds was made an order of the Cape Supreme Court.

In terms of the agreement the sale of the disputed land was frozen pending the Hendricks's application to the advisory commission on land allocation set up in terms of the Abolition of Racially Based Land Measures Act and to the Cape Administrator. *SI DAY 16/10/92*

Basson, a businessman and speculator, who has been provisionally sequestered five times and finally sequestrated once, paid R23 000 in 1991 for the land which the Community Development Board bought for R39 900 from the Hendricks family in October 1984.

Certain clauses in the sales contract with the board were illegally deleted and the case has been referred to the Advocate General for investigation.

Basson sold the property in April 1992 to the New Apostolic Church (Cape) for R160 000. The Hendricks family accused the Development Board of selling the land to Basson at well below its value.

In 1982 the Hendricks's land was declared white and the board purchased it. While legally required to move most of the family continued to live there.

In July 1989 the land was reproclaimed coloured but the Hendricks family was not informed.

In December 1991 Basson informed them that he had bought the property and demanded R10 a month in rental. Some family members refused to pay and the water supply was cut off. Basson then informed them the land had been sold and that the family was to be evicted.

Clerics planning protest march in Bophuthatswana

SI DAY 16/10/92
GAVIN DU VENAGE

THE SA Council of Churches (SACC) would soon hold a protest march in Bophuthatswana's capital Mmabatho to protest against the "heinous abuses and violations of human rights", Bishop Kevin Dowling said yesterday.

More than 35 organisations including human rights groups, community organisations and political groups such as the ANC, PAC, Azapo and Bophuthatswana's ruling People's Progressive Party attended a three-day conference in Bloemfontein this week on conditions in the homeland. *SI DAY 16/10/92*

Conference chairman Dowling said reports and personal testimonies detailing torture, harassment, unfair dismissals, detention without trial and dispossession through corrupt means had been heard at the conference.

A march of clerics and Christians would be held soon, on an as yet undecided date, to "bear witness" and publicly condemn the Bophuthatswana government.

The conference adopted resolutions calling on the Bophuthatswana government to repeal all "repressive" laws such as the Internal Security Act and the Prevention and Control of Mass Action Act.

Meanwhile, Bophuthatswana government spokesman Alwyn Viljoen said in a statement that the SACC allegations were "rejected in the strongest possible terms". He said Bophuthatswana was the first southern African country to have an ombudsman and a constitutionally enshrined Bill of Human Rights.

□ Sapa reports that a conference on violence in the Vaal triangle, in which community organisations are expected to take part, is being planned by the SACC for October 27

ANC 'no' to indemnity bill

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CT 17/10/92

By ANTHONY JOHNSON
Political Correspondent

THE ANC last night vowed to nullify the government's indemnity legislation which vests President F W de Klerk with sweeping powers to excuse apartheid crimes and other politically-motivated offences.

ANC spokesman Mr Carl Niehaus said the organisation would overturn the legislation as the powers vested in the State President represented an attempt by one party to control the indemnity process in a manner which amounted to "amnesty by stealth".

The Further Indemnity Bill, which will be debated by Parliament on Tuesday, drew fire from across the political spectrum after it was tabled yesterday.

The bill empowers the State President to appoint a national council on indemnity to consider applications for indemnity by political offenders.

The council, which will meet in secret and be headed by a judge, will make recommendations about who should be excused of political crimes committed before October 8, 1990 — but the State President will remain the final arbiter.

Law does not cover Malaza

Political Staff

THE government's controversial indemnity legislation did not cover mistakenly released prisoners, such as the convicted bank robber, Lucky Malaza, the Minister of Justice, Mr Kobie Coetsee, emphasised yesterday.

The government, however, is considering introducing retrospective legislation during the current short session of Parliament to cover the accidental release of people like Malaza.

If this bill, which has not yet been

tabled, is passed, Malaza, who was mistakenly released as a political prisoner but who has admitted he is an ordinary criminal, faces re-arrest to serve out the rest of his term.

Mr Coetsee said at a press conference yesterday that the Further Indemnity Bill, which was released yesterday, definitely did not cover the issue of mistakenly released prisoners.

However, the new proposed National Council on Indemnity would identify and certify whether people qualified for indemnity.

The names of those indemnified will be published in the Government Gazette but all information about politically-motivated crimes disclosed in the council may not be published or used in evidence in court.

Justice Minister Mr Kobie Coetsee told a press conference yesterday that the council would begin sitting "as soon as possible".

Mr Niehaus said that the ANC insisted on the principle of full disclosure, the details of which would have to be settled by an interim government of national unity.

The Democratic Party's justice spokesman, Mr Tony Leon, said the head of a political party

should not have the final say on a matter as sensitive as indemnity.

Afrikaner Volksunie justice spokesman Mr Chris de Jager said his group was opposed to the legislation because the October 1990 cut-off date meant that many right-wing political offenders could not qualify for indemnity.

Mr Coetsee said the council could not be composed of representatives of a number of parties because "we should be very careful about having one political party sitting in judgment over another political party".

He acknowledged that Mr De Klerk was the leader of the National Party — "but he is also the head of state and we elected him because he can be completely and utterly impartial".

Defeated clause in Bill will not be reintroduced

THE government had decided to abide by parliament's decision on Thursday and would not reintroduce a clause in the defeated Constitution Amendment Bill which required an absolute majority of votes in all three Houses, said Deputy Constitutional Development Minister Dr Tertius Delport.

Replying to the second reading debate on the Constitution Second Amendment Bill, he said: President De Klerk had written about this to the chairman of the Standing Commit-

tee on Constitutional Affairs, which would meet on Monday

However, other aspects of the Bill would be discussed again and come before parliament.

Referring to an amendment to the Constitution Second Amendment Bill moved by Mr Roger Burrows (DP Pinetown), Dr Delport said that if the intention was to scrap own affairs Ministers because, in effect, they would not have jobs any more, "we could discuss the matter on Monday and

come to an agreement" (252)

Dr Willem Botha (CP, Rustenburg) said the government's piecemeal changes to the constitution made a mockery of warnings against fragmented amendments by the former Constitutional Development Minister, Dr Gerrit Viljoen

The crisis caused by the proposed scrapping of own affairs administrations was so great that several MPs were considering resigning in order to obtain their gratuities, he said

Mr Pierre Cronje (Ind, Grey-

town) said the African National Congress opposed the Bill because it was not the product of negotiation and consensus and it made it possible for the government to pre-empt the work of a constitution-making body

Mr Tommy Abrahams (LP, Wentworth) said the Bill could be used as a stalling mechanism

It left the discretion to change own affairs to general affairs in the hands of the State President "We need a political decision, not an administrative one," he said

Bill attacked as general amnesty by the back door

PETER FABRICIUS and ESTHER WAUGH

Weekend Argus Political Staff

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ARC 17/10/92

"BACK-DOOR" government moves to pardon political crimes by its own officials without disclosing their offences — in effect a general amnesty — brought a storm of protest yesterday.

Although Justice Minister Mr Kobie Coetsee denied at a news conference that the Further Indemnity Bill tabled yesterday was a "general, blanket amnesty", the African National Congress, the Pan Africanist Congress and the Democratic Party condemned it.

DP justice spokesman Mr Tony Leon decried the fact that those applying for indemnity under the Bill would not have to admit their offences publicly.

ANC-aligned Sandton MP Mr Dave Dalling said the organisation would oppose the Bill as it was unacceptable that the president and a council appointed by him should secretly decide who should receive indemnity.

The ANC was not planning "Nuremberg trails" but there could be no final reconciliation and forgiveness until there had been disclosure in full.

The Bill implements the September 26 agreement between the government and the ANC for the release of remaining ANC prisoners but extends indemnity powers to cover people of all affiliations who have committed politically motivated crimes.

Mr Coetsee said the Bill was not a blanket amnesty, as people would have to apply to a National Council on Indemnity, which would be appointed by the president and chaired by a judge.

This council would hear applications in camera and the president would make the final decision.

Mr Coetsee said the names of those who had been granted indemnity — but not their offences — would then be published in the Government Gazette.

Under the Bill those responsible for assassinating opponents of the government such as David Webster could be indemnified for their crimes without the public hearing about it.

Mr Coetsee said the reason for the lack of public disclosure was to protect individuals from incriminating themselves.

Asked why the Government Gazette could not publish the details of offences once indemnity had been granted — and once individuals were protected from prosecution — he said the president could decide to disclose this information.

Exactly the same provisions had applied to ANC offenders who applied

for indemnity under the 1990 Indemnity Act, he said.

Mr Leon welcomed two aspects of the Bill — that there would be some disclosure rather than a blanket amnesty and that a tribunal would assess applications for indemnity.

But he said it had several bad features.

□ The "vague and totally meaningless definition of political offences"

□ The fact that those indemnified for offences for which they had not been tried would be spared public exposure. Mr Leon said non-disclosure had to be weighed against the public's right to know what had been done. The DP felt public disclosure was the least price indemnified offenders should pay for escaping punishment.

□ The decision to grant indemnity was the sole prerogative of the president who, as National Party leader, had a political interest.

□ Although the legislation was called the Further Indemnity Bill, in fact it was a general amnesty through the back door. The DP felt this should only happen under a transitional government and that an amnesty should be a product of reconciliation, not a precondition.

The indemnity provisions of the Bill will refer to crimes committed before noon on October 8 1990, the date that applies under existing indemnity provisions, although it says this date can be extended by the president with parliament's approval.

Mr Coetsee said the National Council on Indemnity would start work as soon as possible.

Insisting that this was not a general amnesty, he said that could only happen as a result of multiparty negotiation before the start of the transitional process.

To wait until an interim government was in place before granting a general amnesty, as demanded by the ANC, would expose officials of the present government to the danger of retribution.

Asked about the possibility of a future ANC government revoking indemnities granted under the Bill, Mr Coetsee said the government would insist that the ANC honour existing agreements and legislation.

The PAC said the issue of indemnity should be left to a transitional government. Mr Moses Mavundla, PAC Central Transvaal chairman and a member of the organisation's legal directorate, said last night that the Bill reflected the government's "intransigence and dictatorial attitude".

FW backs 'bully boys' bill

By Quentin Wilson

South

17/10-21/10/92

The security forces are telling De Klerk:

If you don't cover our backs, we'll take the country down with us' 252 

SOUTH Africa's security forces "bullied" President FW de Klerk into passing laws that give them amnesty for political crimes so as to "cover their backs" after a political settlement

According to a source inside parliament, the General Amnesty Bill to be debated in this month's special sitting was insisted upon by government securocrats in exchange for their continued support

"It is all a case of the security forces putting their foot down," says the source "They are telling De Klerk If you don't cover our backs, we'll take the country down with us

"There are people in the SADF and SAP who fear that reform will mean prosecution for them. If their fears are not addressed, they will not support the process "

The amnesty is designed to pardon politically motivated crimes and to enforce this through legislation

The bill comes in the wake of the Record of Understanding between the government and the ANC which secured the release of political prisoners including Mr Robert McBride

One difference between that hatched bilateral deal and the proposed Amnesty Bill is the latter's legislative flavour. Whereas the Record of Understanding was based on the subjective discretion of the parties involved, the bill will lay out criteria to be made into law

Why then the need to start negotiating amnesty instead of negotiating each case?

A lecturer in politics at the University of the Western Cape, Mr Siphso Maseko, says the idea is to

give a firmer reassurance to De Klerk's security forces Maseko argues that the NP wants to oversee the entire amnesty process before it hands over political power to a democratically elected government that may be less forgiving.

Says Maseko "The NP will push through as many bills as possible that protect the long-term interests of its constituency "

He also said the bill was a show of toughness by De Klerk to placate elements of the NP

"There is concern that high-ranking members of the security forces know about many political killings Either De Klerk had to sell out his colleagues or protect them — and he has chosen to protect them "

Meanwhile, the ANC and PAC have balked at the bill. Before the proposed amnesty legislation even hit parliament for debate, they said they would not recognise it

Speaking outside parliament this week, ANC vice-president Mr Walter Sisulu said "We reject their amnesty law We will continue to insist that the full truth about their criminal activities be exposed for all to see If they pass this law, we will refuse to recognise it

"Before the apartheid criminals are forgiven, their crimes must be exposed," he said.

The PAC slammed the bill as a "devastating attack on the rule of law" and said "it will not survive the deafening demand for justice"

"Justice must be seen to be done in the eyes of the victims. Circumstances under which loved ones died must be publicly known and people must be compensated for their losses," according to the PAC

UNPUBLISHED identikits of David Webster's killers, based on information from a key eyewitness, came to light during the Webster inquest this week.

The pictures have been gathering dust in police files for three years. Meanwhile false identikits, drawn with the help of a witness who later admitted to police he was lying, were widely published on TV and in newspapers.

This astonishing evidence emerged this week in the Rand Supreme Court inquest into the death of David Webster, a Wits academic and political activist who was shot outside his home on May 1 1989.

The investigating officer, Warrant Officer Wessel Rousseau, admitted in court that he did not trust the young man on whose evidence the first three identikit faces were drawn. He was Ernest van der Bank, a national serviceman who claimed to have seen the incident.

"On August 2 1989 (three months later) this witness admitted after several examinations that he never saw the incident and that his evidence was false," W/O Rousseau told the inquest.

Despite this admission, police did not officially inform the public that the Van der Bank identikits were false.

Brigadier Floris Mostert, who was the senior investigating officer in the Webster case, told the Harms Commission in mid-1990 that the police were no longer relying on the identikits.

But the genuine identikits were never issued. They can be published now for the first time since they are part of the court record in the Webster inquest.

These identikits are based on the evidence of Corrie du Plessis, a witness to the shooting. Mr Du Plessis turned up at the start of the inquest on Monday after reading newspaper reports that police had been unable to trace him because he had changed his address.

Shot

Mr Du Plessis told the inquest he drove along Eleanor Street in Troyeville, Johannesburg, about 25m behind a white Opel Ascona which had a man in the driver's seat and another in the back.

He heard a shot ring out when the white car was in line with the bakkie Dr Webster was unloading in front of 13 Eleanor Street. Dr Webster staggered and fell.

"When I heard the shot I noticed that the driver looked back," Mr Du Plessis told the inquest court. "He looked at me through the two front seats. At the same time the passenger stuck his head out the window and also looked in my direction."

Mr Du Plessis said he was sure there were only two people in the car.

The Ascona then sped off down Eleanor Street, Mr Du Plessis said.

When police showed another eyewitness, Loretta Mnamatha, the two sets of identikits, she supported both Mr Du Plessis' sketches.

"I am sure that two of the sketches look like the men in the car," she told the court this week when scrutinising them again. "I would make some changes to them, though." The changes Mrs Mnamatha made to the sketches were more stubble on both faces, and a slight cut to the crew-cut of the driver of the car.

The other drawing is of the man who sat in the back. "His window was still open when they drove past me," she said. "I was 10 to 12 yards away from where it happened. This man at the back then started to close his window."

In reply to inquest prosecutor Andre de Vries, SC, who asked how she could be sure of the faces, Mrs Mnamatha said: "Because I saw them."

A third eyewitness, Shirley Rousseau, who lives in Eleanor Street, said she had been shown both sets of identikits by W/O Rousseau three months after the shooting. She told the court one in the second set resembled the driver of the car.

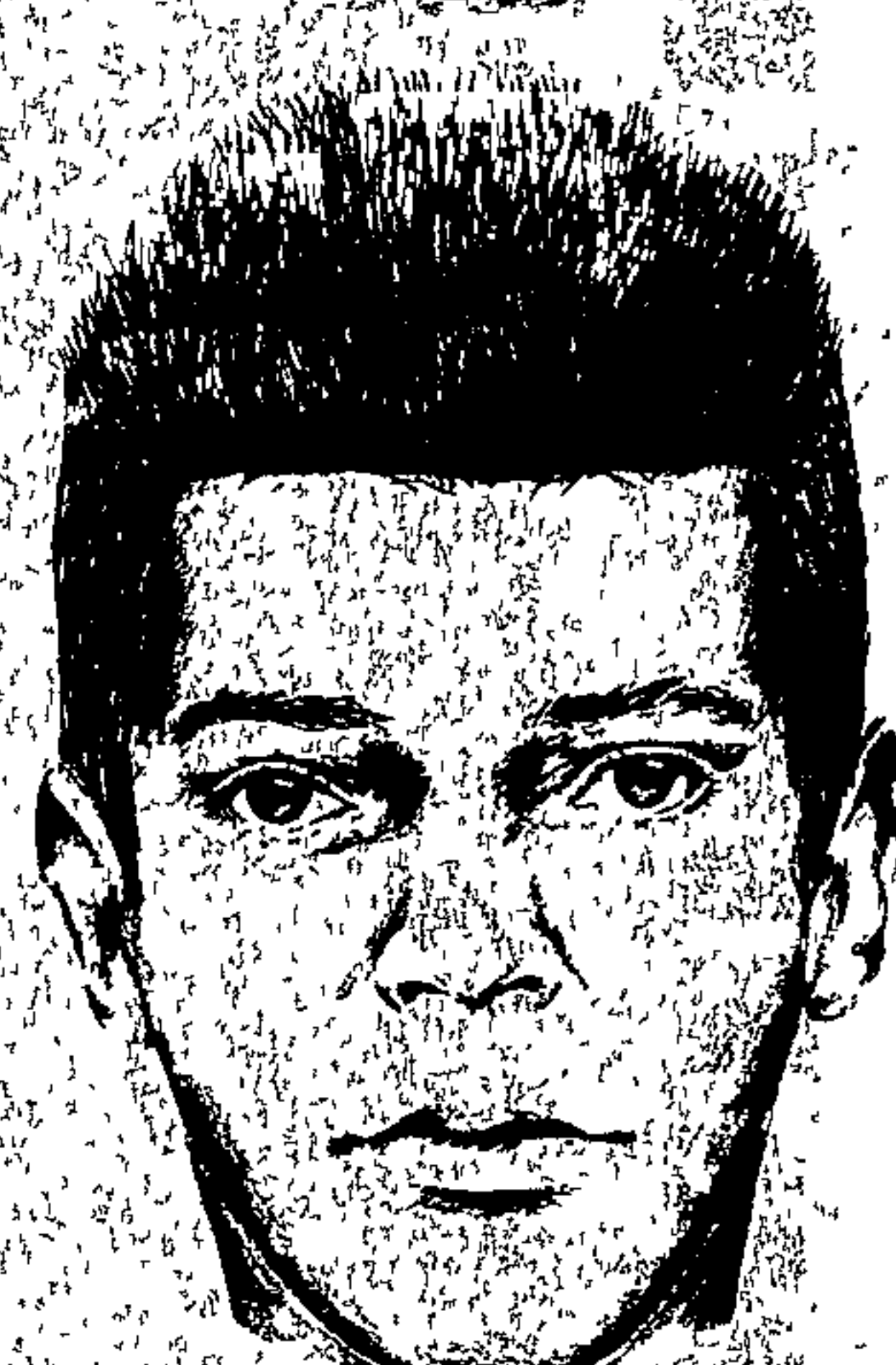
Orders

In his statement W/O Rousseau said that he was sceptical about the new sketches and "received orders not to make these sketches available to the media. However, they were kept in mind during the investigation".

Brigadier Mostert said that when the Van der Bank identikits were released two days after Dr Webster's death, the police believed they had been given the right information.

W/O Rousseau said he

RIDDLE OF IDENTIKITS THAT WERE NEVER PUBLISHED



THE REAL HITMEN

was sceptical about Mr Van der Bank's evidence because he described in detail people inside a car that was speeding past him. Mr Van der Bank also insisted the incident took place at 9.30am instead of the real time of 10.20am.

W/O Rousseau said Mr Van der Bank convinced him at the time that he was an artist and that he worked with modelling clay.

"Did he ever show you any of his works of art, except the identikits?" asked Eberhardt Bertelsmann, SC, for the Webster Trust.

"No."

"With justified suspicion did you then make any

inquiries about his background?"

"No, I became more and more convinced that he was telling a lie and therefore did not think it was necessary to make inquiries."

Brigadier Mostert said: "We knew that Van der Bank pulled the wool over our eyes."

After this experience with Mr Van der Bank, the police decided not to publish any further identikits.

"It is the exception to the rule for identikits to be of value," said W/O Rousseau.

Mr Van der Bank has been subpoenaed to give evidence this week. The inquest, being heard by Mr Justice Michael Stegmann, continues tomorrow.

THE GOLDSTONE COPS

STIWA 18/10/92

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THE first of the Goldstone Commission's five European "supercops" arrived in South Africa this week — and have already been equipped with their fluorescent uniforms.

They are Commander Tom Laidlaw, 50, of Scotland Yard — a co-author of the Waddington Report, which criticised police investigations of the Boipatong massacre — and Detective Superintendent Pallo Biehl, 49, head of Danish Interpol. They began assisting the commission's two task-force teams in Natal from tomorrow.

Members of the commission's investigation team, who are still waiting for

By CHARLENE SMITH

offices from the Department of Justice, will be wearing distinctive white-and-yellow fluorescent jackets, with the inscription "Goldstone Server" and their names.

They will also drive cars with Goldstone Observer lettered on the sides and roof. The commission has received complaints that people impersonating them have been operating in townships and other areas, and have urged people to ask for identification.

The two Goldstone cops are to be joined by three more European policemen whose

appointment is expected to be confirmed by the European Community next week.

Commander Laidlaw and Superintendent Biehl have extensive experience in security work for the police forces in their countries.

The Goldstone investigation team now has 12 SA policemen, three members of the SA Defence Force, nine attorneys, two advocates and, by the end of the month, should have all five European supercops. The team, which is already monitoring marches, is investigating allegations of Renamo links in Natal violence.

Commander Laidlaw assisted Professor Peter Waddington investigate the

Boipatong massacre within days of it occurring — and delivered a criticism of SA policing, hotly contested by the SA Police but hailed in other quarters.

He is commander for all operational matters in central London, including public order, state and ceremonial events, managing the security of government and royalty, licensing, vice and serious crime. He has had a distinguished 20-year career with the police.

Superintendent Biehl had lengthy experience with Denmark's national security branch and has had training with the FBI in the US. He has been head of Interpol in Copenhagen since 1987.

Search for dismissed workers

By JESSICA
BEZUIDENHOUT

THE Public Servants League is attempting to trace 14 of its members who were dismissed by the Department of Water Affairs in 1989, after a recent Appeal Court decision declared their dismissals invalid.

The dismissals were nullified after the court found the Department did not follow proper dismissal procedure. *STimes (Cap Metro)*

Public Servants League spokesman Mr Bernard Wentzel said the workers had been employed at the Vaal-Gamagara Government Water Scheme near Kimberley. *18/10/92*

The court ordered the workers to be reinstated and that the Department compensate them for losses suffered as a result of their dismissals, he said.

The workers, some who had been employed by the Department for up to 12 years, were dismissed by letter on the grounds that they were redundant. They were asked to vacate the Department-owned houses in which they were living while working on the project.

The PSL argued successfully that the Department had failed to conduct "inquests" into their individual work performances or their personal circumstances.

The workers then applied to court for an order declaring the termination of their services invalid on the grounds that they had not been given an opportunity to be "heard" before they were dismissed.

After this application was dismissed with costs, the Appeal Court declared the dismissals invalid.

Harms killed Webster probe, say cops

By DESMOND BLOW (252)

THE appointment of the Harms Commission thwarted police investigations into the assassination of Wits academic Dr David Webster who was gunned down outside his home in May 1989 by unknown killers.

This is the evidence of Brig Floris Mostert, then head of the Brixton Murder and Robbery Section, investigating officer W/O Wessel Rossouw and Gen Jaap Joubert, former deputy head of the CID.

They gave this evidence at the formal inquest into Webster's death which began in the Rand Supreme Court this week - three-and-a-half years after his murder.

They said following the establishment of the Harms Commission and the release from prison of five detainees, all information

regarding the Webster killing had dried up and the investigation had run dead.

All three police witnesses were adamant that police investigations were proceeding well until the appointment of the Harms Commission when they were ordered to release the five detainees, including three CCB members, who they had detained under Section 29 of the Security Act. CIP/18/10/92

They were told that the five would be called as witnesses before the Harms Commission.

A meeting was held on December 20 1989 in Pretoria with the then Law and Order Minister Adriaan Vlok; the then Defence Minister Magnus Malan; the then SADF head Gen Geldenhuys; the then Commissioner of Police Gen Johan van der Merwe and military intelligence head Gen Rudolph "Witkop"

Badenhorst. The meeting was to discuss the role of the CCB in the Webster murder.

Badenhorst was instructed to investigate the situation and Gen "Krappies" Engelbrecht, former head of the Brixton Murder and Robbery Squad, was seconded to assist him.

It was alleged in evidence that Badenhorst and Engelbrecht conducted an "intensive" investigation for three days into the Webster killing between January 6 and January 9 1990 and reported back to a meeting on January 11 attended by Vlok, Malan and Justice Minister Kobie Coetsee.

Mostert said that Witwatersrand Attorney-General Klaus von Lieres and Wilkau had also expressed concern that investigations into Webster's murder would be hampered by the establishment of the Harms Commission.

Von Lieres had told Mostert: "Your case is dead."

Joubert said towards the end of February 1990 he was instructed by Van der Merwe to release his five detainees as he had had a complaint from the Harms Commission that it was affecting their investigations.

Joubert said after the police had concluded that the murder of Webster was politically motivated, he had inquired from the Security Branch and MI whether they had any knowledge of it.

In a meeting with Badenhorst he had raised the possibility of CCB involvement.

Badenhorst said that if the CCB Region Six (which included "Slang" Van Zyl, "Staal" Burger, "Chappie" Maree and Calla Botha) had been involved, it was without CCB command's knowledge.

Clarens 18/10/92

Court awards cop's victim R20 600

SHARPEVILLE resident Jones Masilo was this week awarded R20 600 in damages after the Rand Supreme Court found the SAP guilty of shooting him in the back and for a sjambok injury which cost him the sight in his left eye. (252)

Judge G Levison ruled that the SAP's evidence was quite improbable of the incident in September 1984.

NEWS ROUND-UP

Amnesty Bill gets scornful reception

St. Time 18/10/92
THE ANC is refusing to honour legislation introduced in Parliament this week allowing assassins and terrorists to be pardoned at secret hearings for so-called politically motivated crimes.

In terms of the Further Indemnity Bill, only the names of the perpetrators of politically motivated crimes will be made public.

However, their crimes and the names of their victims will be kept secret.

ANC executive committee member Gill Marcus says the organisation will not honour the legislation if it comes to power.

The ANC, she says, sees the legislation as an attempt by government to give amnesty to policemen and army officers, particularly those involved in hit-squad activities.

Churches warn on amnesty 252

WESTERN Cape church leaders have urged the State President not to proceed with the controversial amnesty legislation, warning that they might support future efforts to reverse such legislation if it did not comply with Christian teachings. *Sowetan*

"The Gospel of Jesus Christ commits Christians to a ministry of conversion, forgiveness, reconciliation and healing. The biblical prerequisite for a new beginning is confession, restitution and genuine repentance.

"There is no cheap grace," Western Cape church leaders said in a statement. 19/10/92

Church leaders ⁽²⁵⁾ CT 19/10/92 warn on amnesty

WESTERN Cape religious leaders have warned that they would be obliged to support a future government's reversal of the present government's amnesty proposals if they were morally and theologically illegitimate

This was said in a statement yesterday by the Western Province Council of Churches (WPCC), who with the Muslim Judicial Council, the Black Sash, the Institute of Race Relations and the Civil Rights League are planning a public meeting, a procession to Parliament and a candlelight vigil outside Tuynhuys today to protest against the amnesty proposals.

The WPCC said amnesty was a topic of major political concern in any situation of transition and the need to relate accountability for past crimes with reconciliation was a major challenge.

"Issues of this kind reach to the very foundations of the moral order. The Church has a theological obligation in this regard

"The Gospel of Jesus Christ commits Christians to a ministry of conversion, forgiveness, reconciliation and healing. The biblical prerequisite for a new beginning is confession, restitution and genuine repentance. There is no cheap grace," it said

A candlelight vigil would be held outside Tuynhuys at 7pm

● Citing the "threats, demands and the general tone of the session," the SA Council of Churches yesterday said parliament's special session had failed to advance the country into the future.

"We believe that there is need to move swiftly to a time of election to fulfil the hopes of the people" — Staff Reporter, Sapa

Political Correspondent

THE government faces a barrage of criticism this week — from both inside and outside Parliament — over its controversial indemnity legislation.

The Further Indemnity Bill is due to go before the parliamentary standing committee today and is expected to be debated by a joint sitting of Parliament tomorrow.

The legislation would empower a government-appointed council meeting in secret to grant indemnity for politically motivated offences.

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Webster murder 'senseless'

810AM 19/10/92

SUSAN RUSSELL

THE murder of human rights campaigner David Webster was one of the most senseless ever committed in SA, Lt-Gen Jaap Joubert said during testimony in the Rand Supreme Court on Friday.

Joubert, who was a member of the police team which investigated Webster's assassination — he

has since retired — was testifying at the inquest on the murdered Wits University academic

The general said the police investigation team, after excluding all the possibilities, had been certain the motive for the murder was political

He told the inquest court he had contacted various intelligence and security force branches in an attempt to establish the motive for the murder.

During meetings with former military intelligence chief Gen Witkop Badenhorst and CCB MD Joe Verster, he had raised the possibility of CCB involvement. Verster had denied the Webster incident was a CCB "project"

Joubert said he had been unable to find anything to substantiate suggestions

that CCB operative Ferdie Barnard was responsible.

The general testified also that the CCB's existence had come to light only after Webster's murder.

Prior to that, however, there had been whisperings in intelligence circles about the existence of a "privatised" defence force unit which carried out clandestine operations

Badenhorst had told him the CCB's activities were so clandestine he had not known about it.

Joubert said that after listening to talk by five CCB operatives during his investigation into the Webster murder, he had found their activities so laughable that they reminded him of the "cowboys and crooks" games he had played as a youngster at school

He will continue with his testimony before Judge M Stegmann today.

Churches oppose amnesty

810AM 19/10/92

CAPE TOWN — Western Cape church leaders have urged President F W de Klerk not to proceed with controversial amnesty legislation, warning that they might support future efforts to reverse such legislation if it did not comply with Christian teachings.

A Western Province Council of Churches statement said: "Experience in other parts of the world shows that true reconciliation and healing do not take place as long as suspicion and doubt prevail, or the possibility persists for the perpetrators to continue their evil deeds from positions of influence and power.

"We are obliged to warn that there is no easy road to national healing." A complete and unequivocal acknowledgement and public turning away from past acts of evil was necessary. — Sapa.

810AM 19/10/92

● Comment: Page 6

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Ung... In... the... march

Nats' Indemnity Bill could be scuppered by resistance

(252) REC 20/10/92

MICHAEL MORRIS
Political Correspondent

GROWING resistance in parliament could scupper the government's controversial Further Indemnity Bill

Last-minute discussions were expected early today after the justice committee failed to reach agreement at the end of all-day discussions yesterday

It is understood Minister of Justice Mr Kobie Coetsee tried to rally support in the committee yesterday afternoon

The legislation, tabled last week, was due for debate today, but the government may have to withdraw it in the face of stiff opposition from the Democratic Party, Solidarity, the Labour Party and the National People's Party

The most telling opposition is from Solidarity, the majority party in the House of Delegates, which feels the Bill is being rushed through parliament without the justice committee having enough time to discuss the measure properly

If the Bill fails in any one of the three houses, the government will be forced to send it to the President's Council to be rubber-stamped, a politically unpopular step President De Klerk has so far resisted during his term of office.

The National Party was expected to offer amendments, but it was not considered likely it would budge on the secrecy clause which has drawn the most criticism

The Bill, which the DP and others have described as allowing for "general amnesty through the back door", provides for the indemnification of any political offenders, including officials and security force officers, without their having to disclose their crimes

Democratic Party justice spokesman Mr Tony Leon said yesterday "The chances of this Bill coming out of the justice committee are slight"

Mr Leon said the DP wanted "every provision relating to secrecy scrapped" This was a

"fatal flaw" in the Bill

Meanwhile, representatives of six organisations braved rain and an icy wind on Stalplein for a candlelight protest against the Bill

Protesters with placards saying "No Amnesty Now" and "Expose Past Evils" used glasses and plastic softdrink bottles to prevent their candles being blown out by the wind

Represented were the Western Province Council of Churches, the Black Sash, the South African Institute of Race Relations, the Muslim Judicial Council, the Campaign for Judicial Inquiry into Hit Squads and the Civil Rights League

The government should be prevented from forgiving its own officials in secrecy, said Mrs Mary Burton of the Black Sash.

"There can be no clean slate unless you know what you're rubbing out," said Mrs Burton.

"An interim government should deal with amnesty," said Mr Shun Govender of the WPCC

Indemnity 252 Bill may fail

Sowetan
THE Democratic Party, the National People's Party and Solidarity yesterday stonewalled the Further Indemnity Bill from passing through all three Houses of Parliament. 20/10/92

For the Bill to become law, it has to be passed by a simple majority (50 plus 1) in all three Houses.

With the alliance that is taking shape, the chances of the legislation coming before Parliament today are slight - *Sowetan Reporters, Sapa and Reuter*

the nation in brief

New twist in inquiry

IT was a day of turnarounds in the Rand Supreme Court inquest into the murder of Dr David Webster yesterday, with advocates in the witness box and an attorney empowered to represent three clients

Advocate Martin Luitingh, who represented the Webster family at the Harms Commission of Inquiry in 1990, testified that his cousin Laffras Luitingh told him of an admission by CCB operative Ferdie Barnard that he had killed Webster.

Laffras Luitingh, who admitted to being Mr Barnard's CCB handler, asked Mr Barnard if the murder had anything to do with the CCB, and when told it did not, refused to hear any more about the incident.

The Luitinghs met four times. The first meeting was spent discussing the Official Secrets Act. At another meeting Laffras Luitingh said Barnard contacted him on May 2 to arrange a meeting. It was at this meeting that Barnard admitted killing Webster

Indemnity bill

sparks vigil

(252) CT 20/10/92

Staff Reporter

FIFTEEN protesters held a candlelight vigil in front of Parliament in Plein Street about 7 last night, to protest the indemnity bill under discussion in Parliament.

Six organisations, including the Black Sash, took part in the vigil which was organised by the Western Province Council of Churches.

General told CCB men to keep quiet, inquest told

THE former second-in-command of the SAP Special Branch Gen Krappies Engelbrecht had visited CCB members in jail and warned them not to say anything about their activities, the inquest into the murder of academic David Webster heard yesterday.

Giving evidence in the Rand Supreme Court inquest, the second-in-command of the CID at the time, Gen Jaap Joubert, said CCB operatives Ferdie Barnard, Abraham "Slang" van Zyl and Calla Botha had been visited by Engelbrecht and had been told "to keep their mouths shut".

He said Botha had been told to keep quiet for about "six or seven months".

Interviews with SADF Special Services head Gen Eddie Webb elicited a denial that there was a CCB "project" on Webster.

Counsel for the Webster family Eberhardt Bertelsmann asked if the emphasis was placed on the word project Joubert replied that the denial seemed to a blanket one, covering the May 1 1989 shotgun shooting of

Webster outside his Troyeville home Bertelsmann asked Joubert about investigations into the September 1989 death of Swapo executive committee member Anton Lubowski, conducted by Col Jumbo Smit, who passed on information to the Brixton Murder and Robbery Squad

Judge M Stegmann said there might be information on the Webster inquest from the investigation of the Lubowski shooting later, but questions to Joubert were disallowed.

Later advocate Martin Lutingh, who represented the Webster family at the Harms commission of inquiry into politically-motivated violence in 1990, testified that his cousin Laffras Lutingh told him of an admission by CCB operative Ferdie Barnard that he had killed Webster

Laffras Lutingh, who admitted to being Barnard's CCB handler, asked Barnard if the murder had anything to do with the CCB, and when told it did not, refused to hear any more about the incident

Martin Lutingh said he had never met his cousin until he had to work on

the Harms commission. He never knew his phone number or where he lived and worked.

The two Lutinghs met four times. The first meeting was spent mainly discussing the Official Secrets Act. At a later meeting Laffras Lutingh said Barnard contacted him on May 2

Laffras Lutingh thought it was about payment and a meeting was arranged. It was at this meeting that Barnard admitted killing Webster

Laffras Lutingh told Martin Lutingh he had mentioned this to CCB head Joe Verster, who had spoken of it to Military Intelligence head Gen Rudolph "Witkop" Badenhorst.

In his submission to the Harms commission Badenhorst had made no mention of the incident in connection with the CCB and had not been cross-examined, Martin Lutingh said.

Earlier Joubert said he was told by Barnard that "he would be framed for the Webster killing". He had no reason to disbelieve him, Joubert told the inquest

The inquest continues today. — Sapa.

Judge orders probe of security firm

A SUPREME Court judge has directed the Natal Attorney-General to investigate the activities of Norman Reeves and his Durban security company, Combat Force — which seemed to be "nothing less than an unlawful private army"

Judge Meskin ordered the investigation yesterday before sentencing a former company employee, 21-year-old John Rautenbach, to 12 years for murder

The judge also described as "quite appalling" an instruction promising security guards at Combat Force a R100 bonus for every person killed.

Rautenbach told the court that at a parade held by Combat Force chief,

Reeves, before the killing on June 15, 1990, he had been told: "I want bodies tonight... shoot to kill... I'll back you up"

Rautenbach fired four shots at Iponse Dlamini after the man appeared drunk at a Lamontville construction site

He said he had been employed by the company for less than a month when the shooting took place, was given no training as a security guard and had no experience in the use of the gun issued to him.

After the shooting, evidence was heard that an attempt had been made by Combat Force members to cover up the incident.

Court told of shooting spree

MARITZBURG — Lady-smith murder accused Calie Delpport broke down in the Natal Supreme Court yesterday

Delpport, facing nine murder counts and others of attempted murder on January 20, wept as he told the court of an argument with his father, Martiens, over the sale of cattle.

At the steps of the farmhouse "everything before me turned black". He shot a "dark figure" that rushed at

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Indemnity held up ⁽²⁵²⁾

CT 20/10/92

THE government is having problems forcing its controversial indemnity legislation through Parliament

The Further Indemnity Bill was in danger of being stalled at the committee stage last night, raising the prospect that the government might have to resort to using the President's Council as a deadlock-breaking mechanism to pass the legislation

The ruling Solidarity Party in the House of Delegates was poised to block the bill as meetings of the parliamentary standing committee on jus-

tice continued late last night

It was also being opposed by the opposition National People's Party in the HoD, the Labour Party in the House of Representatives and the Democratic Party

The government requires majority support in all three houses for the bill to be passed by Parliament. It can force the legislation through the President's Council — where it has a built-in majority — but President F W de Klerk has avoided this option since coming to power in 1989

NEWS Inquest into Webster's death hears of confession • Bill to generate further debate

EX-CCB man 'did Webster' - evidence

Sowetan 21/10/92

SOASTFUL AGENT Inquest told of confession for third time:

He said he sent his family on holiday in Port Elizabeth after a bomb exploded in his yard about two months ago

Treitsman linked the bomb explosion to a court case in which he was charged with illegal possession of an AK-47 rifle rather than his role in the inquest

He also denied he had been pressured or threatened not to testify or that he had told attorney Greg Noth he "would rather spend 90 days in Diepkloof Prison than give evidence"

He denied telling the David Webster Trust he was not prepared to give evidence because "you (the trust) weren't there when I needed you"

He also denied telling anyone that a colonel at the Bramley Police Station

had told him to keep quiet

Former policeman William Knox told the inquest he had introduced Barnard to Donald Acheson

Acheson was suspected of killing Namibian advocate Anton Lubowski shortly after Webster had died

Investigators believed there was a possible link between the two murders and Barnard's name had come up during the two investigations

Knox said he had introduced Acheson to Barnard, a friend and former colleague

He denied recruiting Acheson to "help South Africa out" and said he thought Acheson lived in a dream world

The hearing continues

FORMER CIVIL CO-OPERATION Bureau agent Ferdi Barnard boasted to a former 32 Battalion member he "had done Webster", the Rand Supreme Court inquest into the murder of Dr David Webster heard yesterday

It was the third time the inquest had been told that Barnard had confessed to killing Webster since the probe started last Monday

But former 32 Battalion member Mr Kevin Treitsman, questioned by Eberhardt Bertelsmann, SC, appearing for the David Webster Trust, denied he had told two attorneys and two journalists that Barnard had told him "we did Webster"

Treitsman said he was reluctant to give evidence because he "had nothing to say" and not because he "was afraid"

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Government persists with Bill

Sowetan 21/10/92
Sowetan Correspondent

National Party in desperate bid to avoid defeat:

IN a dramatic development last night, the Government vowed to plough on with its controversial indemnity legislation - and possibly face humiliating defeat - after Parliament's all-party justice committee failed to support it

The row over the Further Indemnity Bill is expected to generate heated debate in the final hours of the special session today

Minister of Justice Mr Kobia

Coetsee's announcement last night that the Bill would be referred to Parliament today without amendments followed marathon two-day talks in the justice committee where implacable resistance from House of Delegates MPs and the Democratic Party denied the measure a smooth passage

Urgent discussions with the parties in the House of Delegates were underway last night as the Government desperately sought to improve its chances of

success in the chamber today

The session was to have ended last night, but the defeat of the indemnity legislation in the justice committee - largely because of the secrecy clauses it contains - forced the National Party to prolong it

The Government faced a stark choice: withdraw the Bill for further consultation, as the opposition parties demanded, or risk laying it before Parliament for debate and decision today

Battle royal looms over Bill

AG 21/10/92

MICHAEL MORRIS Political Correspondent

A MAJOR political battle is being fought in parliament today as the National Party launches a desperate bid to win approval for its controversial indemnity legislation.

This follows government's decision last night to plough on with the bitterly contested Further Indemnity Bill — risking humiliating defeat without the support of the all-party justice committee.

Heated debate is expected in the final hours of the special session today. The government line-up includes both Minister of Justice Mr Kobie Coetsee and his deputy Mr Dannie Schutte.

Senior National Party sources acknowledged today that pressing on with the bill was risky. They admitted early today there was no certainty of success.

But they indicated President De Klerk was determined to get the legislation passed "because he feels it is legislation which is necessary to assist him in decision-making and also to honour undertakings to the ANC" in the Record of Understanding forged a month ago.

Mr Coetsee's announcement last night that the Bill would be referred to parliament today without amendments followed marathon two-day talks in the justice committee, where implacable resistance from House of Delegates MPs and the Democratic Party denied the measure a smooth passage.

Urgent discussions with the parties in the House of Delegates were in progress last night as the government desperately sought to improve its chances of success in the chamber today.

The session was to have ended last night, but the defeat of the indemnity legislation in the justice committee — largely because of the secrecy clauses it contains — forced the NP to prolong it.

The government faced a stark choice — withdraw the Bill for further consultation, as the opposition parties demanded, or risk laying it before parliament for debate and decision today.

If the NP loses, as it may, it faces the humiliating prospect of having to refer the bill to the President's Council to be rubber-stamped, a politically unpopular step President De Klerk has so far not taken.

An additional disadvantage the government faces is that in terms of the rules of parliament the bill must be presented for debate in its original form — because of the lack of consensus in the committee — without any of the amendments which might otherwise have softened resistance.

Furthermore, contrary to speculation last night, the National Party is also prevented from proposing amendments in the course of debate.

Some MPs nevertheless believe that skillful and persuasive discussions with some opponents of the bill may be able to swing the vote in the government's favour.

One MP said. "The question the Nats will be weighing is whether the opposition in the House of Delegates is totally reliable, or whether its members could be persuaded to abandon their parties' stance to support the NP."

But Democratic Party justice spokesman Tony Leon predicted "certain defeat" for the government.

Private health plans slated

PLANS by the private health care community to introduce managed health care organisations have been condemned by the SA Dispensing Practitioners' Association.

Addressing the association's conference at the weekend, committee member Dr Rashid Saloojee said medical and schemes, in collusion with clinic groups, planned to entrench their dominance over all aspects of the private health care market.

Saloojee said while medical scheme administrators claimed managed health care organisations would do away with the abuse of medical aid schemes by patients and doctors, they would serve only vested interests and not the needs of the people.

The concept originated in the US and could not simply be transplanted into SA.

Account of Webster murder claim denied

A FORMER member of 32 Battalion, called to testify at the inquest into the murder of academic David Webster yesterday, denied former CCB freelance operative Ferdi Barnard had told him "we did Webster".

Kevin Treisman, who was subpoenaed to testify by lawyers acting for the Webster family, said he had never discussed the Webster murder with Barnard whom he described as an acquaintance.

When Treisman took the witness stand, counsel for the Webster family, E Bertelsmann SC, asked him if it was correct he had told instructing attorney Greg Nott earlier yesterday that he had been pressured and was not prepared to testify.

"I didn't say I was scared," Treisman said "I said I had nothing to say."

He denied telling Nott yesterday that certain people and the police were all involved and/or a colonel from Bramley had said he should keep his mouth shut.

"Did you say you were prepared to spend 90

days in Diepkloof rather than answer questions," Bertelsmann asked him. "No sir," he replied.

He agreed that an explosive device thrown into his garden some months ago could be regarded as a threat.

"I would take it as a threat, but it could be for many things," Treisman said.

Questioned by Bertelsmann, he agreed that Nott and Weekly Mail journalists, Drew Forrest and Eddie Koch, had visited him at his Corlett drive home in May this year.

Treisman said he had not discussed his relationship with Ferdi Barnard with them.

He also denied telling them that he had discussed the Webster murder with Barnard or that Barnard had said "we did Webster".

He said when Nott called at his home in September he told him he had nothing to say. Bertelsmann told Treisman that he would ask his instructing attorneys to arrange "that circumstances be created in which you may reconsider the evidence which you have given".

SUSAN RUSSELL

Finance director conference of 13% to

ANTS

It is believed ANC secretary-general tus Mekgwe

Productivity in ANC spotlight

WILSON ZWANE

NO PROGRAMME aimed at increasing productivity would succeed unless the entire economic system was legitimised, ANC NEC member Saki Macozorna said yesterday *BIDM 21/10/92*.

Addressing the 36th annual convention of the Institute of Personnel Management in Sun City, Macozorna said labour should not be blamed exclusively for the ill's of the country's economy

He said various factors had an impact on the "productivity dynamic"

These included the perception SA's economic system was illegitimate because it excluded blacks, and the poor education system which "fails to inculcate basic tenets that would help in increasing productivity"

Macozorna said the country's political crisis was characterised by

- A lack of political legitimacy;
- Mistrust of security forces and the judicial system (by blacks),
- A climate of repression and intolerance;
- Escalating exploitation of ethnic and regional divisions, and
- The collapse of local authorities

Police 'threatened Boipatong witness'

TWO policemen threatened a witness of the Goldstone commission of inquiry into the June 17 Boipatong massacre when they visited his home, the inquiry heard in Vereeniging yesterday.

ANC counsel Karel Tip told the commission, which resumed sitting yesterday after a two-month recess, that the witness had said policemen visited his Boipatong home on Wednesday last week. The witness was not home so the policemen had left a threatening message with his wife, Tip said.

SAP counsel Flip Hattingh told the commission the police had no idea the man was to be called as a witness.

He said policemen had visited the Boipatong area on Wednesday night to make certain observations, but said they had not entered any premises.

The commission was also told that an analysis of the erased police tapes relevant to the investigation would be made available next week. *(252)*

Judge Richard Goldstone said the British government, to whom the tape had been submitted for analysis, would provide the commission with the relevant information. — Sapa. *(248)*

Stress a danger to black managers

ANDREW KRUMM

SUN CITY — The small pool of black managers would shrink in the next five years should advancement programmes not take into account stress-related disorders, Bristol-Myers-Squibb director Ben Allmann said yesterday *(112/10)*

Speaking at the 36th annual convention of the Institute of Personnel Management, Allmann said corporates had to extend their thinking beyond the workplace, or about 86% of black managers would suffer from performance-impairing stress related disorders within the next two years.

He said his predictions were based on the results of a three-year collaborative national management stress research project he conducted among managers from 13 major companies

The project showed that black managers found their homes and community environments twice as stressful as their work.

Black managers recorded lower remuneration, less praise and more criticism, discrimination and cultural gaps as contributory to stress

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half Garth Wright during a tough contact practice session yesterday

Botha is a crucial element in the resurgent South African side's game plan to clinch the test series against France in Saturday's final test against the Triaolours in Paris.

He won the Man of the Match award

the Bok's star player should be fit to take his place in the side for Saturday's test.

"It is still a bit sore, but it should be all right by the weekend," Botha said afterward.

Botha's problems were not the only injury woes in the Bok camp yesterday. Centre Danie Gerber is still strug-

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Indemnity bill CT 21/10/92 (252) govt faces defeat

Political Staff

THE government is facing its second humiliating defeat of the short session of Parliament with the House of Delegates set to veto its controversial indemnity legislation today.

This follows the government's decision to refer the Further Indemnity Bill back to Parliament after it failed to get consensus in the parliamentary joint committee on justice

The legislation was rejected by four votes to one by the House of Delegates representatives in the committee, in spite of the tabling of 14 amendments by the government yesterday

Solidarity was joined in its rejection by the opposition National People's Party in the HoD, the Labour Party in the House of Representatives, the Conservative Party and the Democratic Party in the House of Assembly

Last night Justice Minister Mr Kobie Coetsee said the bill would now be referred back to Parliament without amendments and would be debated tomorrow in a joint meeting

"Discussions with members of the HoD are continuing this evening with a view to resolving the problem"

Should Solidarity withstand the pressure until today, the legislation will be rejected because it will have failed to get the required majority in all three Houses. The only alternative left to the government would be to force the legislation through the President's Council

DP justice spokesman Mr Tony Leon said in a statement last night that the NP should "quit now, while they are ahead, before facing certain defeat in Parliament tomorrow"

● Call for ANC names — Page 2

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'Cops hindered arrests'

Sowetan 22/10/92
252
POLICEMEN in two Nyalas armoured vehicles prevented municipal police from attempting to arrest KwaMadala Hostel residents on the night of the Boipatong massacre, the Goldstone Commission heard yesterday

South African Police special constable, Mr Diau Monare, told the commission, inquiring into the massacre, that on the night of June 17 he had run to the Boipatong police station to report the attack

Boipatong police had refused to enter the township as they had no armoured vehicles, he said. They were also informed by radio that the

■ Lack of vehicles meant police could not enter hostel:

Vereeniging Internal Stability Unit was unable to send any armoured vehicles

It was eventually arranged that Sebokeng South municipal police would send a Casspir.

Monare said he had joined the municipal police in the back of a Casspir and had travelled with them through the township

He told the commission the Casspir had then headed in the direction of KwaMadala Hostel but before reaching it had come across two SADF Buffel vehicles on the road between the town-

ship and the hostel

The soldiers informed them that they had seen a large armed group crossing the road in the direction of KwaMadala.

The soldiers agreed to accompany the Casspir to the hostel and assist in arrests if necessary

Two Nyalas then arrived and three policemen carrying balaclavas alighted

"The police sergeant came to us and told us to leave. He said KwaMadala was his responsibility and that it was quiet. He said the problem was not at the hostel but at the location" - *Sapa*

NEWS Disclose names, ANC told

Probe deeper call to ANC

■ DETENTION CAMPS Praise for accepting
full responsibility for human rights abuses:

By **Themba Molefe**
Political Reporter

THE African National Congress (ANC) has received praise from several organisations for accepting full responsibility for human rights abuses at its detention camps

Now human rights and political groups have called for a full and independent inquiry and for the ANC to reveal the names of those involved in the torture and abuse of detainees. The Azanian People's Organisation said it appreciated the ANC's admission that "it committed atrocities against innocent people"

It said that not only were the atrocities committed in ANC camps abroad but against Azapo and Black Consciousness Movement formations through the United Democratic Front between 1985 and 1988

Lawyers for Human Rights (LHR) said "We look forward to the establishment of a full and independent commission empowered to hear evidence from all sides. The commission should further recommend that those found guilty of gross human rights violations should not in future hold public positions"

The South African Council of Churches (SACC) said it welcomed the ANC's acceptance of responsibility but said it was "shocked and aggrieved" at how detainees were treated at ANC camps. The church group supported the ANC's intention to appoint an independent commission and called for the naming of those responsible for the abuses. Democratic Party leader Dr Zach de Beer said Mr Nelson Mandela deserved credit

"People will be satisfied only once the names of perpetrators were known. It is important that the ANC should disclose, just as the Government should disclose"

Included in the report of a three-person commission are details of detention without trial in the Quatro camp in Angola for long periods under shocking physical conditions

Meanwhile, the Returned Exiles Coordinating Committee (Recoc) chairman, Mr Mwezi Twala, said while he welcomed the ANC's report his organisation wanted a full and independent inquiry. He said Recoc was awaiting the completion of a report into exiles' claims headed by Mr Robert Douglas, SC, which has been sponsored by the Washington-based International Freedom Foundation

Sowetan

22/10/92

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Soldiers and cops guard candidates

Sowetan 22/10/92
■ Many write exams at secret venues:

By Sonti Maseko

THOUSANDS of matric pupils turned out countrywide to write the first Mathematics paper

In Diepkloof, Soweto, some pupils, fearing disruptions, chose to sit for their examinations at secret venues while others wrote under police and army guard

The situation at several schools in Diepkloof, where schooling was disrupted for a week, seemed to have returned to normal

The pupils had vowed they would not write unless their detained schoolmates had been released

Police in Casspirs and military vehicles patrolled the area and other vehicles were seen parked outside Fidelitas High School, where a private car was stoned, looted and set alight on Tuesday

The Department of Education and Training, however, said it was unaware of the patrols

the nation in brief

CCB men 'killed' Webster

CIVIL Co-operation Bureau agents Ferdi Barnard, Chappie Maree and Calla Botha murdered Wits University academic Dr David Webster on instructions from the CCB, a judicial inquest in the Rand Supreme Court heard yesterday

Journalist Johannes Petrus Gagiano said he received this information from another CCB agent, Staal Burger, who had also been involved in the planning of the murder.

He said he had known Burger for 12 years and the information he had received from him had always been 100 percent correct.

Gagiano said it was clear the instructions to murder Webster had come from a senior SADF officer or a higher source

The hearing continues today

PAC meets Govt tomorrow

THE Pan Africanist Congress and Government summit begins in Gaborone tomorrow and will be opened by Botswana Foreign Minister Dr Gaositwe Chiepe, who is to chair the two-day meeting

The Government's delegation will be headed by the Minister of Foreign Affairs, Mr Pik Botha, and Mr Roelf Meyer, Minister of Constitutional Development

PAC second deputy president Mr Dikgang Moseneke and foreign affairs secretary Mr Gora Ebrahim lead the organisation's team

A joint statement released from Cape Town this week said the meeting would pave the way for "fully representative constitutional negotiations and to address, among other things, ways and means to end the violence"

Although the parties have agreed not to publicise the agenda it is believed the talks will focus on a future summit between PAC president Mr Clarence Makwetu and State President Mr FW de Klerk and on the PAC's armed struggle

Another humiliation for govt

FW to force defeated Bill into statutes

CAPE TOWN — President F W de Klerk last night announced his intention to ram government's controversial indemnity legislation into the statute books through the NP-dominated President's Council.

This followed the rejection by Parliament yesterday of the Further Indemnity Bill in government's second humiliating defeat of the short session.

The Bill — described by DP MP Tony Leon as "a charter for crooks, criminals and assassins" — was defeated when the ruling Solidarity party and opposition National People's Party in the House of Delegates voted against it after five hours of acrimonious debate.

The rejection amounts to a major political setback for Justice Minister Kobie Coetsee, who is being blamed for bungling the issue "It should never have happened," one senior government official said.

Government's decision to resort to the President's Council was roundly condemned by most political organisations.

DP national chairman Colin Eglin said he was "flabbergasted".

"This is really minority domination when they should be demonstrating a sensitivity for power-sharing. They are forcing this Bill through despite the overwhelming opposition, not only inside Parliament but throughout the country," said Eglin.

ANC-supporting MP Dave Dalling said the NP regarded the constitution "as their toy and Parliament as their playground". He said the move would be a setback to the negotiation process.

Political Staff

De Klerk, at a news conference called last night after an extended Cabinet meeting, predicted the legislation would be processed by the President's Council within 10 to 12 days.

He defended the decision on the grounds that the legislation was needed to give effect to the record of understanding signed by himself and ANC president Nelson Mandela on September 26.

He said the legislation was a matter of urgency because of the commitment in the record of understanding to release all political prisoners by November 15.

He said he was reluctant to use the powers of executive pardon which he had because of the heinous nature of some of the crimes.

It was also important "that whatever we do in this regard must apply to all supporters of all movements". The legislation would also apply to "those involved, in trials at the moment".

He repeated assurances made by Coetsee that amendments to the Bill would be made and brought before Parliament soon after it reconvened on January 29 next year.

The Bill was defeated by 17 votes to 10, with four abstentions, in the House of Delegates. The voting indicated that two Solidarity MPs had joined the NP's five MPs, two independents and one Merit People's Party member in voting for the legislation.

Solidarity chief whip Yakob Makda rose on a point of order to say that some of his party's members voted incorrectly be-

☐ To Page 2

Indemnity Bill

cause they had not understood the instructions given in Afrikaans by Speaker Eli Louw.

The Bill was approved by 88 votes to 46 in the House of Assembly and 43 to 28 in the House of Representatives. In terms of the constitution, legislation is rejected unless it gets majority support in all three houses.

The day of drama in Parliament had started with speeches by Leon and CP MP for Roodepoort Jurg Prinsloo in which they blasted the Bill.

Leon — in a speech which drew letters of congratulation from members of all parties, including the NP — slammed the secrecy clauses in the Bill. In terms of the legislation there will be no public disclosure of what crimes amnesty was applied for.

"You cannot bargain away human rights

in private," he said.

Government had also failed to get consensus in the parliamentary justice committee in two days of meetings before the Bill was put before Parliament.

Solidarity objected to the Bill because of its lack of public disclosure and secrecy clauses, and felt it should be allowed to "mature" in the committee.

Last week the NP suffered a setback when the Constitutional Amendment Bill was rejected because it did not have the required majority in the House of Representatives for amending entrenched clauses of the constitution. The Bill was subsequently resubmitted and passed.

Parliamentary Speaker Eli Louw yesterday adjourned Parliament until January 29.

☐ From Page 1
● See Page 7

President's Council to be asked to okay amnesty Bill

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ARC 22/10

TOS WENTZEL
Political Staff

PRESIDENT De Klerk was due to ask the President's Council today to consider the controversial Further Indemnity Bill after it was defeated in parliament.

The secretary of the President's Council, Mr Johan Weibach, said today that such a message from Mr De Klerk was being awaited.

The council had just completed one of its periodic sessions and arrangements for a new session would now have to be made.

In terms of the constitution a Bill which has been rejected by parliament is deemed to have

been passed if it is approved by the council.

After such approval it is sent back to the president for him to sign it into law.

The National Party has a majority in the council.

It appears as if the council session will be held within the next 10 to 14 days.

The Bill was defeated in parliament yesterday when the House of Delegates voted against it.

Announcing his decision to refer to the President's Council Mr De Klerk said he did not like doing this.

Going to the council on this occasion was, however, a constitutional "remedy" for an ur-

gent and necessary measure that could not wait until next year. He promised amendments at the next session of parliament.

Opposition objections to the Bill were the excessive secrecy surrounding the indemnification process and lack of consultation and time to debate the measure in parliament.

● A decision is expected soon on whether any steps are to be taken to deal with the mistaken release of bank robber Lucky Malaza.

President De Klerk announced last night that the government was "considering a few alternatives".

● See page 4

PC set to decide Amnesty Bill's fate

Aug 22/10/92
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Mr Colin Eglin

MICHAEL MORRIS
Political Correspondent

THE National Party-dominated President's Council is expected to take no more than two weeks to consider the controversial Further Indemnity Bill defeated in a day of high drama in parliament yesterday.

The Council's options are to approve or reject the Bill or approve it with certain recommended amendments.

The NP's defeat at the hands of the majority party in the House of Delegates forced a stark choice on the Cabinet — drop the Bill, or send it to the President's Council.

In a swift and sharp reaction, Democratic Party national chairman Mr Colin Eglin said "This is really minority domination when they should be demonstrating a sensitivity for power-sharing."

The Bill was being forced through in spite of overwhelming opposition within and without parliament, he said.

The decision followed five hours of continuous debate in the joint chamber and two days of marathon talks behind closed doors by parliament's all-party justice committee. Only the National Party supported the Bill.

A cheer went up in the chamber when the crucial vote in the House of Delegates — 10 for, 17 against, and four abstentions — signalled a bitter defeat for the Nats.

Mr De Klerk and Minister of Justice Mr Kobie Coetsee appeared jointly at a Press conference to defend the procedure.

This is the first time in his term of office that Mr De Klerk has used the President's Council in this way. It is widely considered a "rubber-stamping" role.

He admitted that "I do not like referring legislation to the President's Council" and said he had not used the procedure before "because the same circumstances did not pertain".

Full bench 'deplores' govt pro Deo ruling

By RONNIE MORRIS
Supreme Court Reporter

A FULL bench of the Supreme Court yesterday said it was "deplorable" that advocates who appeared pro Deo in an appeal where the death penalty had not been imposed, were not paid for their services.

Mr Justice P Tebbutt, with Mr Justice A J Lategan and Mr Acting-Justice I G Farlam concurring, made the remarks at the appeal of Igshaan Davids against his conviction and sentence on a charge of murder.

Mr Justice Tebbutt said Davids had been represented by pro Deo counsel, Mr Denzil Potgieter.

"Under the new guidelines issued by the Department of Justice he cannot be paid for his services because

(25) et 22/10/92
this was not a capital crime

"He effectively acted pro amico and it is deplorable that these circumstances prevail and I want to make my displeasure known and express the hope this situation would be corrected as soon as possible," he said.

Davids was previously convicted in the Supreme Court of murdering Mr Andrew Mathee by stabbing him in the neck and assaulting Mr Cornell Arries. He was jailed for an effective 10 years on both charges.

The full bench found that the state had failed to show that Davids had intended to kill Mr Mathee and found he had been negligent.

The court found him guilty of culpable homicide and imposed a new sentence of an effective seven years.

NP refuses to accept it is alone — Dalling

CAPE TOWN — ANC-supporting independent MP Dave Dalling said yesterday he deplored President F.W. de Klerk's decision to refer the defeated Further Indemnity Bill to the President's Council

He said in a statement on behalf of the seven ANC-supporting MPs that the NP regarded the constitution "as their toy and Parliament as their playground"

"They refuse to accept that in regard to this Bill they stand alone, without support from any other political groupings

"They have an artificial built-in NP majority of presidentially appointed Nationalists in the President's Council and no doubt their lackeys in the council will do as they are told and reverse the decision of Parliament"

Dalling said it was a "highly controversial" Bill which allowed amnesty to be granted to criminals in circumstances of secrecy, did not enjoy the support of the ANC, and it would not be honoured by the ANC in the new SA

It would also not contribute to reconciliation or the peace process.

"It is no more than a form of amnesty being made available to officials of the state who have committed crimes of violence against anti-apartheid activists over the years," he said

"It is a Bill to absolve state criminals"

He added that the "gerrymandering" of the passage of the Bill would prove another setback to the negotiating process — Sapa

MP admits he blew up Pretoria school

(252) Political Staff

CAPE TOWN — Right-wing MP Koos Botha admitted in Parliament yesterday that he blew up a Pretoria school — and then blamed the CP leadership for inspiring him to violence. *6:00 AM 22/10/92*

Botha, currently on trial for his involvement in the July 1991 bombing of Hillview School, which was to have housed exiled ANC children, said he blew up the school to demonstrate the power of the Afrikaner.

Speaking during the Further Indemnity Bill debate, he blamed CP leader Andries Treurnicht, deputy leader Ferdi Hartzenberg and Cape leader Jan Hoon for speeches that inspired him to violence.

Treurnicht rejected the claims and said Botha was the only person among the 100 000 people at the Voortrekker Monument who took his statement that "the third war of freedom has begun" as a personal instruction to violence.

Botha had forgotten repeated warnings that individuals should not take the law into their own hands, said Treurnicht.

Botha, in his speech supporting the Bill, said something had built up inside him and he reached his Rubicon of violence when it was announced the ANC would be allowed to use the Hillview School, a cherished place in Afrikanerdom.

Botha said he now believed it would be stupid to engage in violence.

"We now need freedom fighters with a trowel and a spade in their hands. Let us put away the AK-47s and the R4s and work ourselves free."

Names 'will appear in gazette'

CAPE TOWN — Any government or CCB agents who wanted indemnity would have to follow exactly the same procedure as everyone else, President FW de Klerk said last night. *BIDAY 22/10/92*

Replying to a question at a media briefing, he said as far as he understood the Bill, names of those indemnified would be published in the Government Gazette, Sapa reports

In terms of a suggested amendment to the Bill

which government found favourable, application could be made to the Chief Justice for disclosure

He said it was his understanding that "at least some of the legal people in the ANC must understand that in terms of the memorandum of understanding, this legislation is necessary if I am to proceed with releases and indemnity".

"Before September 26 I made it clear in a letter to the ANC that this would be my attitude and I would go to Parliament to ask for legislative authority."

Justice Minister Kobie Coetsee said there would be only a limited number of people affected by non-dis-

closure. *(252)*

Our political staff reports De Klerk said at a news conference last night that government was considering various "options" to deal with the mistaken release of convicted bank robber and killer Lucky Malaza.

The President said last night: "I do not think a decision in that regard will take too long."

The controversial Further Indemnity Bill, which is to be referred to the President's Council after it was rejected yesterday by the House of Delegates, did not cover the release of people like Malaza, he said.

Govt presses ahead with Bill

■ Controversial Further Indemnity Bill defeated in Parliament:

THE Government has decided to press ahead with its controversial indemnity legislation, State President FW de Klerk announced last night.

The Bill would be referred to the President's Council, De Klerk said at a Press conference in Cape Town.

The announcement followed an emergency Cabinet meeting called after the Further Indemnity Bill was defeated in Parliament yesterday afternoon.

De Klerk said the Cabinet had received a message from the Speaker, Mr Eli Louw, to the effect that the Bill had been accepted in two Houses - the Representatives and the Assembly - with definite majorities, but that it had been defeated by seven votes in

the House of Delegates.

The Cabinet considered its options... I have decided to refer the Bill to the President's Council for its decision," he said.

He said he clearly stated on September 26 when the Record of Understanding was reached with the ANC that he would need legislation to give full effect to the memorandum regarding long-term prisoners and those serving life sentences.

It was a matter of urgency if one looked at the whole Bill in its full context, he said.

It was important to the Government that what it did in this regard should apply to all political supporters of all parties.

"That is the basis of this Bill," De Klerk said. Sapa..

NEWS Amnesty International lists numerous cases of child torture ● Hastening progress

LONDON - Amnesty International yesterday highlighted reports of torture of children in India, Brazil and Mexico, and criticised the United States for executing youths for crimes committed when they were juveniles

The London-based human rights group added in its report that a girl of 16 who died in Turkish police custody had half her head shot away

The report, 'Innocence Betrayed Human Rights Violations against Children and Young People', said children were tortured, killed or arbitrarily detained by government forces and police in countries around the world

Criticising the United States, Amnesty International, which condemns capital punishment in all circumstances, said "A handful of governments continue to impose the ultimate form of cruel and inhuman punishment (capital punishment) on children

"Over the last 10 years, seven countries are known to have executed young people for crimes committed when they were still juveniles. The largest confirmed number, five executions, has been carried out in the United States"

It said that on February 11 the state of Texas executed Johnny Garrett by lethal injection for a slaying he committed

Betrayal of the

Young innocents

So what? 22/10/92
CHILD TORTURE Crime is rife in

all major countries of the world:

when he was 17 Garrett was mentally impaired, chronically psychotic, brain-damaged and suffering from paranoid delusions at the time of his execution

It gave no other details about the US executions and did not name the other six countries

"Some children are deliberately targeted for human rights abuses because they are seen as social or political threats, others have been detained or tortured in order to force surrender or confession from their parents," the report said

It said that in some countries extreme poverty forced children onto city streets to fend for themselves

"Street children are automatically regarded as criminal suspects by many law enforcement officers and are often subjected to harassment, threats or violent attacks. Children in India, as young as six, have been arrested and tortured"

It said that in June 1989 11 young children and teenagers from slums in New Delhi were detained on suspicion of theft
"Munni, a 13-year-old girl, was

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stripped naked and beaten and one 12-year-old boy was given electric shocks and beaten with a leather belt. Another boy was stripped, hung upside down from the ceiling and beaten until he fell unconscious"

The youngest children, including a six-year-old boy, were released the next morning, it said

It said police denied responsibility for the injuries, saying the children were roughed up by a family whose goods were stolen

The report said thousands of poverty-stricken children in Brazil's big cities have been tortured, murdered or have disappeared in recent years after being snatched by death squads often composed of, or run by, police officers
"Street children have also been killed

by death squads hired by local shopkeepers to remove alleged criminals and petty thieves from the area," it said
It said in a suburb a household of two women and five children killed with a hand grenade were among 1 000 people deliberately slain by soldiers last year against a backdrop of ethnic tension

It said that in Turkey a 16-year-old Kurdish girl, Biseng Anik, was among 100 people, mostly students, detained by Turkish police in March this year in Sirmak province in the southeast of the country following disturbances during the Kurdish New Year

She died in police custody
When her mother went to collect the body, she found that half her daughter's head had been shot away, her hands were torn between the fingers, some fingers were broken and her flesh was covered in cigarette burns, cuts and bruises

Amnesty International said the official police version of events was that the girl was put in a cell where a rifle had been accidentally left under the bed and she used it to commit suicide. Police denied she was tortured, the report said
It said torture in custody is widespread in Mexico and many victims are children - *Sapa-AP*

Angola teeters on edge of civil war

B10Am 22/10/92

LUANDA — Preparations by two joint Unita/MPLA commissions yesterday in Luanda, to resolve disputes over political and military affairs and so enable a summit between their respective leaders, came amid warnings by diplomats that Unita could attempt to stage a coup.

Unita forces were being deployed throughout the country, with the ruling MPLA reported to be in control only of Luanda.

Unita troops were also barricading streets in the capital city.

Angolan state media reported at least 20 people dead in sporadic violence over the past 10 days.

Radio Luanda reported from the southern Benguela province that Unita troops had attacked MPLA installations in Ganda and that senior MPLA officers had fled the town.

Police said yesterday that leading Angolan poet and scientist Fernando Marcelino was shot dead by unknown assailants in Huambo.

Marcelino's wife and sister were also killed in the attack on Tuesday night. Family friend Zaida Daskalos, one of the country's best known writers of children's books, was seriously wounded.

Marcelino's death has increased

tension in the city which has been the scene of recent violence between police and Unita's armed supporters.

He campaigned for the MPLA, which won Angola's first multiparty elections last month.

Unita has accused the government of rigging the vote, and has threatened to renew fighting in Angola's 16-year civil war.

Unita leader Jonas Savimbi has stayed in his Huambo stronghold since leaving the capital, Luanda, after the election.

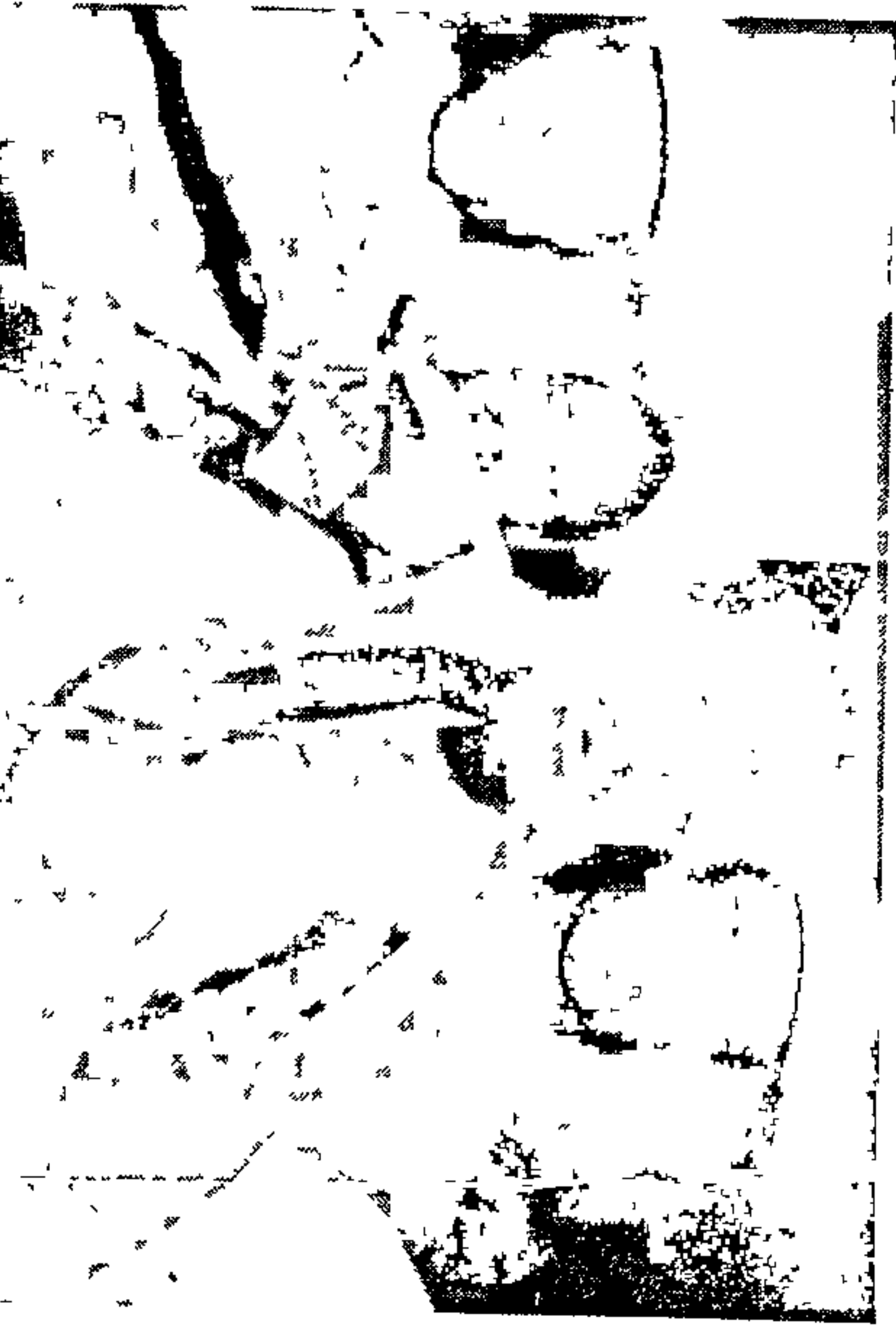
Portuguese-born Marcelino wrote in both Portuguese and Umbundo, the main language of Angola's central highlands.

He was also director of Huambo Agricultural Institute and was known for his work on improving cereal yields in the region, which was hit by famine during the civil war.

Unita officials and the MPLA were expected to meet in Luanda yesterday to fix an agenda for a peace summit between Savimbi and President Jose Eduardo dos Santos.

But although Luanda was quiet yesterday, diplomats warned there remained a real risk of a new outbreak of the civil war.

"This is all on a hair-trigger: anything could spark it," a US official remarked. — Sapa-AP



Unita leader Jonas Savimbi talks to newsmen on Tuesday in his highland stronghold of Huambo, after meeting international observers seeking to avert a new outbreak of war after Angola's recent multiparty elections. Picture AP

Hostel resident describes grisly attack

VEREENIGING — A Kwamadala Hostel resident told the Goldstone commission yesterday how he and a heavily armed group of about 250 other hostel residents cut a path of havoc and destruction in Boipatong on the night of June 17 when more than 40 people were killed.

The resident, identified only as "Mr C", is in protective custody under the Criminal Procedure Act. He was released from the attorney-general's office to attend yesterday's hearing.

Mr C told the commission sitting in Vereeniging that the group, armed with sticks,

kriees, spears and shields entered Boipatong and attacked people and property.

He said the group scattered into smaller groups once they entered the township. He saw no guns but heard gunshots once they were in Boipatong.

His group of about nine people had not hurt anyone but vandalised homes and property.

Mr C admitted to seeing a man from another group emerging from a house holding a "blooded knife" which he realised must have been used to kill someone — B10Am 22/10/92

AT

'Burger identified Webster killers'

DAVID Webster was murdered by CCB members Calla Botha, Ferdi Barnard and Chappie Maree according to information given to a journalist by former CCB operative Staal Burger, the Rand Supreme Court heard yesterday.

Testifying at the inquest into Webster's murder before Judge M. Stegmann, freelance journalist Johannes Gagiano said Burger had told him the three murdered the Wits academic on the CCB's orders.

Gagiano described Burger as an "extremely trustworthy source" who had supplied him with information for years prior to making his allegations about the Webster murder.

The journalist said he was first approached in November/December 1989 by Gen Jaap Joubert, a member of the police team investigating the murder.

Webster killers

SUSAN RUSSELL

Joubert told him there was a possible defence force connection to the murder and asked Gagiano, as a journalist, to "throw a rock into the bush".

Gagiano then wrote a report which was published in Rapport on December 3 1989.

"The reaction was that the SADF immediately officially admitted the existence of the CCB," Gagiano said.

He said at the time he was already friendly with Burger who had been supplying him with information from time to time over the past 12 years.

Some of this information had been told to him in confidence by Burger and was not for publication.

"Due to the friendly and trusting rela-

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Webster

relationship that existed between us, I had received information that few, if any, other journalists had obtained from this source. All the information ever given to me was 100% correct."

Gagiano said Burger and he had discussed the Webster murder during January 1990.

"This source informed me at his home that the police would never catch the murderers of Dr David Webster, because he (Burger) knew precisely what had happened," Gagiano said.

"He informed me that Dr Webster was murdered by three members of the CCB, namely Calla Botha and Ferdi Barnard, who were sitting in the front of the car from which the fatal shot was fired, and Chappie Maree, sitting behind on the left, and who fired the fatal shot."

Gagiano said according to Burger the three had been ordered to murder Webster.

"Although he did not specify in detail from whom the order came it was clear from the conversation it must have come from a very senior defence force officer or a higher source," the journalist said.

Gagiano said from what Burger told him he had gathered the three had received logistical support from the police because they had apparently been driving a police vehicle and used a firearm and ammunition which were standard issue to members of the police.

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He added that there was also no doubt from the conversation that Burger was involved in the preparation for the attack on Webster because he was higher up the CCB chain of command than Botha, Barnard and Maree.

"In March 1991 I had an article in the Patriot in which I quoted Staal Burger and Eddie Webb where they complained bitterly that they had been thrown to the wolves by the SADF and the government," Gagiano said.

"Staal Burger told me, as is also apparent from that report, that they carried out certain orders which they were told must be done in the interests of the country, but that they were now being betrayed since the political situation had changed."

"Gen Webb confirmed these sentiments and agreed that I must publish them."

Gagiano said Burger also informed him that Chappie Maree, together with Donald Acheson, were responsible for the murder of Namibian activist and Lawyer Anton Lubowski.

Burger also said that he was "in the area" himself at the time.

In his written statement Gagiano said he did not wish to identify his "source" unless ordered to do so by the court.

However, during initial questions put by the State which is leading the evidence of witnesses at the inquest, Gagiano immediately disclosed that the source referred to was Burger.

Maimed priest 'wants to meet bombers'

Political Staff

AN anti-apartheid priest, Father Michael Lapsley, who lost both hands and an eye in a letter bomb in April 1990, wanted to meet the people behind the explosion, an ANC MP, Mr Jannie Momberg, revealed yesterday.

The bomb was posted by registered mail in South Africa to Harare and was hidden inside the pages of two religious magazines, he told Parliament.

Father Lapsley, an Anglican priest now liv-

ing in Cape Town, was living in Zimbabwe in 1990 as part of the community of ANC exiles.

Mr Momberg, the MP for Simon's Town, said during the debate on the Further Indemnity Bill that Father Lapsley miraculously survived, but he lost both hands and an eye.

"He came back to South Africa this year and was required to obtain indemnity."

"He was given indemnity. He said: 'I am a priest and not a lawyer. I understood that they were forgiving me for their sins'."

"Father Lapsley is not a bitter man. He says that he is not filled with hatred nor desire for revenge."

"He says, 'I would like to meet the person who typed my name on the letter bomb. I would like to meet the person who assembled the bomb, carefully disguising it in the religious magazine. I would like to meet the people who gave the order that I should be killed. If they ask me for my forgiveness, I would have to decide how to respond.'"

"As a community we are right to condemn abuses committed by the ANC in the cause of a just struggle against what the world calls a crime against humanity," said Mr Momberg.

"However, to say the crimes of the state agencies are no worse than what was done by the ANC may be acceptable to some members of the white community but God, history, the international community and those who have been victims, will not absolve the government so cheaply and easily."

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tended as a general amnesty bill and the ANC reserved the right to reverse the legislation

Labour Party MP for Durban Suburbs, Mr Luwellyn Landers, said the legislation was an attempt by the NP "to keep clean" for the first non-racial general election

Solidarity justice spokesman Mr Farouk Cassim called on the government to withdraw the hastily-prepared legislation because the Sword of Damocles would hang over the heads of all those pardoned, as a future government might reverse the process

qualify to walk away from their deeds unnamed and unpunished

"The secret Star Chamber created by this bill is simply the precursor to fully-fledged Nuremberg trials in a future South Africa"

ANC MP for Sandton Mr Dave Dalling charged that the bill was "nothing more than a means of reassuring the restive members of hit squads, CCB operatives and their bosses, that they will be allowed to escape punishment for their crimes"

He said there was no doubt that the proposed legislation was in-

From page 1

FW defiant

Danie Schutte, who accused critics of the legislation of double standards, the NP relied largely on backbenchers and junior MPs to defend the bill

Mr Leon led the multi-pronged assault on government benches when he declared to cheers that the legislation massively widened the net of assassins, bombers, terrorists, necklace murderers and state killers who would

Govt suffers new defeat on amnesty

By ANTHONY JOHNSON
Political Correspondent

A DEFIANT President F W de Klerk last night announced the government's determination to bludgeon its controversial amnesty proposals into law by forcing it through the Nationalist-dominated President's Council.

The move follows the government's second humiliating defeat in Parliament yesterday when the House of Delegates vetoed the pur-
their Indemnity Bill after a bruising debate that lasted more than five hours

The bill — described by Democratic Party justice spokesman Mr Tony Leon as a "charter for crooks, criminals and assassins" — was defeated when the ruling Solidarity Party and opposition National People's Party in the House refused to buckle to intense government pressure.

Last night the National Party stood alone, with no party inside or outside Parliament prepared to endorse its indemnity bill — but the government insisted on forging ahead with the measures in the name of "peace, reconciliation and democracy"

The defeat by Parliament of the sweeping legislation amounts to a major setback for Justice Minister Mr Kobie Coetsee, who is seen in party circles to have bungled the sensitive issue. One senior government official said last night: "It should never have happened."

Mr De Klerk told a press conference after a delayed cabinet meeting that he had decided to press ahead with the legislation because he believed it was necessary for the release

of further political prisoners and the granting of indemnity for those facing trial. He dismissed opposition claims that it was "designed to cover our own people", insisting that the government was determined to ensure that political offenders from all parties should enjoy the same indemnity benefits

Mr De Klerk said he expected the President's Council — where the ruling party has a built-in majority — to complete its task in the next 10 to 14 days

However, he acknowledged that the law would probably be changed again when Parliament reconvenes

The president admitted he could use his existing powers to grant indemnity but preferred to act with the endorsement of Parliament because "we are essentially a democratic party"

The bill was approved by 88 votes to 46 in the House of Assembly and 43 to 28 in the House of Delegates by 17 votes to 10, with four abstentions. Under the constitution legislation is rejected unless it gets majority support in all three Houses

During the most explosive debate of the eight-day session, opposition MPs lambasted the government's last-minute efforts to steamroller the legislation onto the Statute Book as a "national disgrace", a "charade" and "hypocrisy at work"

A number of MPs charged that the government had a hidden agenda and was forcing the indemnity provision into law because of an ultimatum from the security forces. Apart from Mr Coetsee and his deputy, Mr

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● The mouse that roared — Page 9

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INDEMNITY
FM 23/10/92

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Dare not speak its name

In some ways, the arguments of those who said they would enter the tricameral parliament in order to subvert government are being vindicated. This week, impasse within the joint committee on justice considering the Further Indemnity Bill looked like deferring the law's passage until next year.

As introduced, the Bill would provide blanket amnesty for past political misdeeds — the cut-off date is October 8 1990 — with the names of the criminals and details of their crimes, withheld. President F W de Klerk argues that such a secretive process would serve reconciliation, but critics are more dubious, suspecting a further erosion of the rule of law and a desire to protect the guilty high and mighty.

The ANC — itself less than forthcoming about who bears specific responsibility for torture and murder in its external punishment camps — wants the scope of amnesty to be negotiated by a transitional government.

The entire unseemly fracas arises out of the bargaining between De Klerk and Nelson Mandela that led to the release of Barend Strydom and Robert McBride late last month. This exchange of psychopaths was intended to have a symbolic healing effect: in actuality it caused outrage about the concept of amnesty itself and damaged negotiations further because Mangosuthu Buthelezi walked out.

The ANC immediately made it plain it was not happy with Strydom's release. But this places a question mark over exactly what Mandela and De Klerk did agree on; or whether the need for a bit of world-pleasing theatre overrode sustainable contact between two outfits that actually hate each other.

About a year ago, all sides were doing a coy shuffle in advance of what Mandela called a "Christmas present" for SA — what turned out to be Codesa. A year later, the agreements reached in that bargaining shed near Jan Smuts lie around like so many discarded wrappers. Surely this shouldn't be so? Whatever its shortcomings, Codesa was not an exercise in cynical deal-making.

What we need now is not more special deals between De Klerk and Mandela, but substantive moves to resume constitutional talks. Yes, Buthelezi is being recalcitrant, but if people paid more attention to what he is actually saying (see following pages) they might find it less difficult to accommodate him within a national convention. He can't be left out.

The current phase of rule by inertia and sleight-of-hand — while violence continues — is proving profoundly damaging to what remains of economic and political confidence. We must go back to timetables and realism. ■

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The support of all three houses of parliament is necessary to avoid the Bill being sent to the NP-dominated President's Council for what would effectively be rubber-stamp approval. It is understood that President F W de Klerk is not prepared to use this option. Government's other option would be to shelve the Bill or allow the joint committee to continue debating it and reintroduce it in parliament next year.

The Bill is also opposed by the ANC, the DP, CP and Labour Party. It is regarded as a unilateral action and the ANC has warned that, as a possible future government, it may not honour indemnities granted in terms of the measure. A multiparty transitional administration is seen as a more suitable initiator of a new indemnity law.

Government argues that the measure merely extends provisions of the Indemnity Act. According to a memorandum published with the Bill, it aims to "promote reconciliation and peaceful solutions" by providing a mechanism to broaden indemnity or to free prisoners jailed for "political" crimes. A National Council on Indemnity chaired by a judge will hear applications and make recommendations to the State President. The hearings will be secret and publication of details of proceedings will be banned. Information from hearings will also not be admissible in any other court case or hearing. Crimes qualifying for consideration will have to have been committed before October 8 1990.

The Bill is government's attempt to wipe the slate clean by effectively pardoning people who broke laws for political reasons either under orders from superiors or in the belief that what they were doing contributed to a political cause.

However, critics point out that many allegedly political crimes by rightwingers have been committed since that date.

While accepting the need for some form of indemnity to promote national reconciliation, opponents of the measure say its secrecy provisions severely undermine the judicial process and may keep important information from the public. The DP's Tony Leon points out, for example, that people granted indemnity based on secret details may later be appointed to senior positions in the civil service or stand for public office — so it is vital to disclose information that could affect their performance or fitness for election.

It is also not clear whether the media would be allowed to publish information on "political" offenders gathered from sources other than council hearings.

De Klerk denies the measure is aimed at indemnifying civil servants who are known to have committed crimes. He says he does not know the identity of a single State official who has not yet been arrested and prosecuted for breaking the law.

Even if the Bill is approved, its seems unlikely that many offenders will come forward to confess without guarantees from the ANC that it will honour the amnesty if it forms the next government. ■

AMNESTY ~~2097~~ 252

In the balance FM 23/10/92

Government's bid to force its controversial indemnity Bill through parliament hung in the balance this week in the face of total rejection by the House of Delegates. As the FM went to press, the joint committee on justice was unable to agree on the measure which provides for a blanket amnesty for all "political" offenders after secret hearings.

Rumbles of dissent in NP ranks over FW's indemnity

Blom 23/10/92

THERE were serious divisions in the NP caucus over the defeated Further Indemnity Bill, with some MPs opposed to it accusing President F W de Klerk of being arrogant and autocratic, sources said yesterday.

Three NP MPs, spoken to after the Bill was referred to the President's Council by De Klerk on Wednesday, said there were between 10 and 15 MPs who were very disturbed by the move. They had also expressed concern that Inkatha president Mangosuthu Buthelezi was being "left out in the cold" by De Klerk.

One MP, who has been in Parliament for several terms and regards himself as a "stalwart Nat", said the NP was in serious trouble when it flaunted democracy "to protect gangsters and crooks".

He said as a senior member of the NP caucus he could not understand why De Klerk was so intent on getting the Bill through that he had to resort to the President's Council. There appeared to be no obvious need for it — but he pointed out he was not in the caucus "inner circle".

He claimed De Klerk had surrounded himself with a select group of people who

made him "believe he can weave magic". De Klerk could not do anything unilaterally and the process did not allow for magic, the MP said.

Another caucus member said the indemnity Bill was put together badly, its intentions were unclear and there had been too much secrecy in the runup to its tabling in Parliament.

He said that in the first year to 18 months of De Klerk's presidency the caucus had been informed of most, if not ev-

BILLY PADDOCK

Bill strategy

Nats B | DM 23/10/92

legislation for an interim government together for the short session he should have cancelled Parliament.

"We argue that simple majoritarianism is unacceptable and that there has to be power-sharing in a new constitution. But then our frontline man turns around and uses minority power to force something so unpalatable down everyone's throats."

He said it was evident no party inside or outside Parliament was going to accept the Bill, so it should have been dropped

From Page 1

According to the three sources, there was also concern about Buthelezi being given the cold shoulder and some MPs had been talking to Inkatha members about the idea of a centrist party.

One of the sources said the Broederbond was still an integral part of government strategy, and alleged he was excluded from "midnight meetings" that took place before the weekly caucus meetings.

● See Page 4
● Comment: Page 8

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He said that from the Gambling Amendment Bill, through the Constitutional Amendment Bill (the Keys Amendment), to the Indemnity Bill, the NP had been humiliated.

He pointed out that when De Klerk had the opportunity to allow a large section of the House of Delegates, where the Bill was rejected, to join the NP he refused. "because he said they could not be trusted to toe the party line".

The third NP caucus member said when De Klerk realised he could not get enabling

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When going to jail is illegal

By BAFANA KHUMALO

THE Prisons Act is alive and haunting journalists. This is what *Weekly Mail* photographer Kevin Carter discovered last week when he and two others were convicted of contravening the Act. *U/M*

Carter, British reporter Graham Harvey and prisoners' rights activist Robbie Lombard faced four charges under the Act and one common-law charge. The four charges under the Act were: unlawful entry into a prison area, photographing a prison installation, talking to a prisoner without permission and photographing a prisoner. The common-law charge was that of trespass.

The charges arise out of an incident earlier this year when the three entered Leeuwkop Prison to investigate claims that arms were being manufactured in the prison workshop. *23/10 - 29/10/92*

After being convicted on two of the five counts in the Randburg Magistrate's Court, Carter and Lombard were this week sentenced to a R1 000 fine or a six-month prison term, half of which was suspended for three years.

Sentencing Carter, magistrate ST Bezuidenhout, took into consideration that he was acting under the instructions of his editors; that this was his first offence; that he could not afford to pay a heavy fine; and that his intentions were noble rather than criminal.

Reacting to his conviction, Carter said: "It is unbelievably ironic that I should end up with a criminal record for entering a prison illegally."

A warrant was issued for the arrest of Harvey, who has returned to London.

Plea for a mass killer

■ Ladysmith murderer who is of sub-normal intelligence was subjected to whippings by his father, says counsel in mitigation:

LADYSMITH mass killer Callie Delport should not be condemned or jailed for life because several mitigating factors were present, his counsel, Mr Kobus Booysens, SC, said in the Supreme Court here yesterday

Delport (36) was convicted on Wednesday of murdering his father and eight other people and attempting to murder many others during a shooting rampage in Ladysmith in January

Booyens said that because of his mental defects and the rage which had built up inside him because of injustices, his ability to act in accordance with his knowledge of wrongfulness had been reduced

At the time Delport had been emotionally unbalanced. He was not an inherently violent man. There was at least one incident in which he had been very angry but he had not responded with violence

A sub-normal intelligence, as was the case with Delport,

Sweetan 23/10/92
was also a mitigating factor

Delport had been subjected to years of stress caused by a conflict with his stepmother and other factors

He and his stepmother had hated each other but he had not committed any violence against her

The relationship with his father had not been a normal father-son relationship. His father had treated him harshly and unjustly for many years, including whipping him as an adult in front of others

He had also subjected him to acute stress shortly before the first shooting. He was humiliated and had often been unfavourably compared with his more talented brother

Booyens said that many normal people would have resorted to drastic action when subjected to such stresses

Dr John Dunn, the senior psychiatrist at the Midlands Hospital complex, had testified that Delport could be rehabilitated (Proceeding)

the nation

in brief

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Webster inquest postponed

THE inquest into the murder of Wits academic and human rights activist Dr David Webster stood down yesterday following startling disclosure on Wednesday that three Civil Co-operation Bureau agents had killed Webster on orders from the clandestine SADF unit *Sowetan 23/1992*

Mr Piet Coetsee, SC, counsel for the SADF and the Minister of Defence, said he needed more time to consult his clients before cross-examining journalist Johannes Gagiano

Gagiano on Wednesday named Staal Burger as the person who told him CCB agents Chappie Maree, Calla Botha and Ferdi Barnard had killed Webster. Gagiano will be cross-examined on Monday

PC ponders rejected indemnity bill

By ANTHONY JOHNSON
Political Correspondent

THE Nationalist-dominated President's Council (PC) was hard at work yesterday considering the Further Indemnity Bill after its rejection by all but one of the parties in Parliament. PC secretary Mr Johan Weibach said the deadlock-breaking body would hold a plenary session "in about 10 days" and then hand its deci-

sion to President F W de Klerk. PC sources said November 5 had been pencilled in as a possible date for a decision.

Although the PC's constitutional affairs committee is expected to hear further evidence on the bill in the next few days, a decision to support passage of the measures into law is seen as a formality.

The government has indicated that

changes to the Further Indemnity Bill aimed at addressing some of the objections raised by opposition parties can be expected when Parliament reconvenes early next year.

Meanwhile, the outcry at Mr De Klerk's decision to ram the bill into law through the PC continued unabated yesterday.

The ANC yesterday flatly dismissed Mr De Klerk's assertions that the im-

plementation of his agreement with Mr Nelson Mandela on prisoner releases was dependent on the indemnity bill's becoming law.

Mr De Klerk said on Wednesday night the Record of Understanding "will come to a standstill" and the trials of a number of politically-motivated offenders would continue unless the proposed legislation was passed.

(252) cf 23/10/92

PRESIDENT De Klerk was quite put out this week by a suggestion that the National Party ought to be embarrassed at having to send its deeply controversial Further Indemnity Bill to the President's Council to get it on the statute book.

After all, he chided, why should the NP be embarrassed about being in the majority?

Yet he was candid about his reluctance to use the National Party-dominated council in this way.

It is not hard to see why.

Euphemistically described as a "deadlock-breaking mechanism", the President's Council is, within the existing skewed architecture of state, nothing more than a fail-safe instrument to secure National Party interests.

It is easy to get your way, but it just doesn't look good.

It is very much a left-over of the blunt politics of the P W Botha era.

Not surprisingly, Mr De Klerk reached for an end-justifies-the-means argument as the principal defence for his decision.

And he suggested that the need to have the law ratified urgently to enact prisoner releases and clear the names of political offenders was not so much his, as the country's.

He raised the prospect of the collapse of the Record of Understanding — reached with the ANC a month ago after tortuous negotiation — if the Further Indemnity Bill were not approved in time to meet the November 15 deadline for the release of prisoners agreed by the two parties.

For this reason, he argued, he could not accede to opposition demands in parliament that the Bill be withdrawn for wider consultation and re-formulation.

Most opposition within and without parliament arose over clauses which will shroud the indemnification process in secrecy.

The Bill provides for the appointment by the President of a National Council on Indemnity which will sit behind closed doors to adjudicate applications from political offenders. Names of successful applicants will be published, but not their crimes.

The records will be entrusted to the Chief

FWV's 'rubber stamp' option

There is a sense of desperation about President De Klerk's decision to refer his unpopular indemnity legislation to the President's Council — where assent is virtually guaranteed — since, however constitutionally legitimate it might be, the procedure has the unmistakable appearance of being undemocratic. Indeed, by his own admission, Mr De Klerk does not like this "rubber stamp" option, and has resisted using it until now. Political Correspondent **MICHAEL MORRIS** reports.

Justice and he may, on application, disclose details of certain cases.

Opposition in the all-party justice committee remained implacable after two solid days of argument and the government decided to take its chances in open debate.

Despite desperately persuasive lobbying, the critical opposition of Solidarity, the majority party in the House of Delegates, remained firm and, while the Nats got the Bill through the House of Assembly and the House of Representatives, the losing 10-17 tally (with four abstentions) in the Indian House spelled defeat.

In terms of the Constitution, a Bill is de-



President De Klerk

feated if the vote is lost in any one of the three Houses.

In this case, the government can do one of two things — drop the Bill (or withdraw it for reconsideration) or force it through the National Party-dominated President's Council.

This appointed body matches, numerically, the political complexion of parliament, so it operates as an approver of government policy.

It is, nevertheless, a constitutional organ of parliament, enabling Mr De Klerk to describe sending the Further Indemnity Bill on

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this route as a "constitutional remedy".

The President acknowledged that without this remedy, the Constitution endowed him with sufficient prerogative powers to enforce the key provisions of the legislation without parliamentary approval, but he believed these powers were never intended to be used "on such a scale".

In fact, there is a great deal of merit in this argument — excessive use of prerogative powers would be — and could establish a precedent for — rule by decree.

Detractors, though, might argue that the effect of using the President's Council is much the same.

The debacle over the indemnity legislation provides a fresh example of what today's constitution-writers must avoid by creating mechanisms to deal with such disputes more acceptably.

What many have tended to lose sight of in the political tussle over the Bill is that it is intended to provide a way of nurturing reconciliation among South Africans.

What hope is there of achieving this lofty goal when the process itself is rendered so controversial?

Finally, though at the risk of being simplistic, the irony in Mr De Klerk's use of the President's Council to get his way is that it is so inimical to his protestations about the evils of simple majoritarianism.

It is perhaps in the nature of exercising power that even a party avowedly committed to combating political domination and entrenched mechanisms to prevent it in future cannot resist expediently resorting to that which it claims to abhor.

Should public opinion decide the fate of 300 waiting on Death Row?

(252) ARG 24/10/92

Should policy on the death penalty be set by popular notions of justice?
JO-ANNE COLLINGE of the Weekend Argus political staff reports on a growing debate.

THE idea that public opinion on the death penalty should decide, for once and all, the fate of about 300 people on Death Row looks set to provoke as much controversy as that other mechanism of popular justice — the people's court.

Already, University of South Africa law Professor Jan van Rooyen has come out with all guns firing against the proposal, which was mooted in the Bar Council's journal, *Consultus*, by editor Philippus Coetzer

Professor Van Rooyen says "The death sentence, like most matters relating to the administration of justice, is not a matter for populism, but for perceptive leadership."

Mr Coetzer argues that "public opinion should be conclusive — not the opinion of politicians or the courts" when it comes to deciding for or against the continued application of the death penalty

His proposal arises from the fact that, while there have been no executions since November 1989, judges still are constrained by law to impose the death penalty in certain circumstances. So, last year, while no one was hanged, 90 more people were sent to Death Row

Mr Coetzer interprets recent government statements to imply that the moratorium on executions will continue until a new constitution is in place

Neither Mr Coetzer nor Professor Van Rooyen finds this indefinite moratorium an acceptable solution. Mr Coetzer states "The suspension of the execution of the death penalty is most probably not only unlawful, it is also contrary to the idea of a constitutional state which . . . contemplates that governmental actions should invariably fall within the law"

Where the two prominent legal figures part company is on how the moratorium should be ended

Mr Coetzer says some kind of referendum should be taken "If the preponderance of public opinion is against the death penalty, it should be abolished forthwith by the legislature and the prisoners on Death Row should be relieved without further ado.

"But, if the preponderance of public opinion is in favour of the retention of the death penalty, then all death sentences which, in the ordinary course of events, are not commuted by the State President should be carried out."

In the latter case, a clause should be inserted in the Bill of Rights "to make it clear that the death penalty will remain valid in South Africa notwithstanding any other provision contained in the Bill and that the courts, therefore, will have no say in the matter"

Professor Van Rooyen is appalled. He calls for politicians to take a speedy lead in ending the moratorium. He argues that the African National Congress is committed to abolishing capital punishment so "the only question which remains is whether the present government has the will and courage to do what they know they must do (and get the credit for it) or whether they will let things develop to the point where they will once again appear to be the loser".

He is scathing in his criticism of the "new democrats" of criminal justice, who have recently gained prominence in the Afrikaans media.

"These 'new democrats' surely ought to know that

criminal justice policy cannot be determined by public opinion, but must be formulated through courageous and enlightened political leadership

"Would they include in their 'poll' such questions as: Should people's courts be recognised? Should executions be public? Should armed robbers be shot without trial — as recently proposed by a letter-writer in *Beeld*?"

"Should former apartheid leaders be tried for crimes against humanity — and executed if found guilty, a la Nuremberg? Should we mutilate certain criminals? Should the cat o' nine tails be reintroduced?"

Professor Van Rooyen also argues that there is no such thing as "the" death sentence. There are many varieties of death sentence, enacted from time to time

They differ in terms of the crimes to which they apply, the conditions under which they may be imposed and the safeguards which govern the procedure.

For this reason, opinion polls and referenda on the death sentence are usually meaningless, says the professor.

"One doesn't know what they measure which death sentence respondents had in mind"

Likewise, the insertion of a clause in the Bill of Rights, declaring that the "death penalty will remain valid" would be meaninglessly vague, argues Professor Van Rooyen

"It also would be foolish in the extreme, ousting — as it does — even the Constitutional Court's jurisdiction and opening the door for all kinds of death sentences."

Deputy minister 'told lie'

Political Staff

THE Deputy Minister of Justice Mr Danie Schutte had told "a lie" when he said on television that all parties supported the further Indemnity Bill and that only objection was that they had not enough time to study it the Democratic Party said yesterday.

"This is a lie and Mr Schutte knows it is a lie," it said in a statement issued by one of its representatives on the Parliamentary Standing Committee on Justice, Mr Douglas Gibson.

Govt, PAC meeting 'amicable'

GABORONE — Talks between the South African government and the Pan-Africanist Congress continued into last night here, with both sides describing the discussions as amicable.

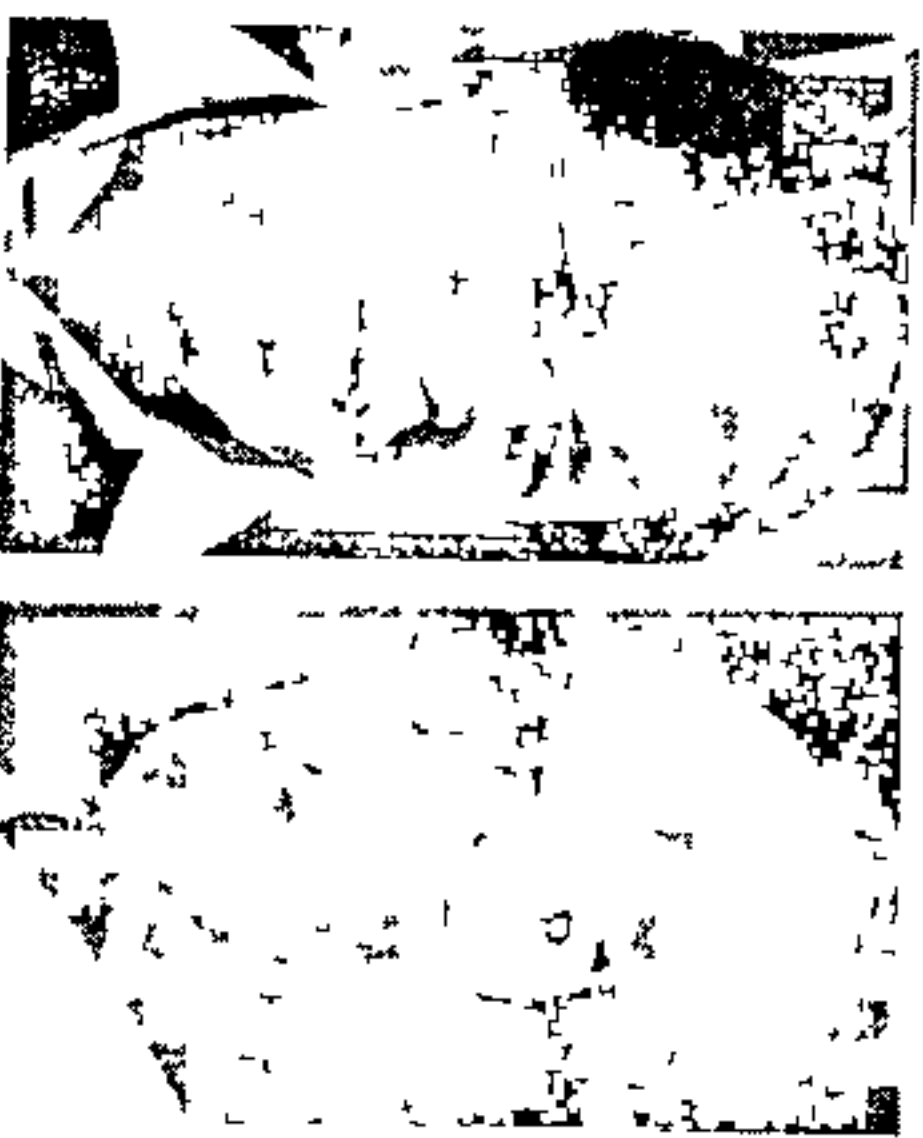
No statement would be issued after yesterday's talks, government spokesman Mr Marius Kleinmans and PAC spokesman Mr Jaki Seroke agreed.

Name list incorrect,

says ANC

By ANTHONY JOHNSON
Political Correspondent

THE ANC said last night that the list of names published yesterday of alleged torturers in its camps in exile was "inaccurate" and included names of people who could in no way be connected to any of the allegations.



NAMED
Chris Hanu

NAMED
Oliver Tambo

The ANC's response followed the publication in the Weekly Mail of what the newspaper billed as "The names the ANC tried to hide". The names published included those of key ANC officials, including some still in leadership positions. Earlier this week the ANC released details of "abuses of its most chilling kind" contained in its own Report of the Commission of Inquiry into Complaints by former ANC prisoners in the organisation's camps.

Observers' costs shared

THE costs of visits by United Nations and Organisation of African Unity observers are not being fully borne by the South African taxpayer.

Foreign Minister Mr Piik Botha said the government would provide financial assistance to the observers for office accommodation and related expenditure.

ANC to challenge 'ban' in KwaZulu

DURBAN — The ANC intends going to the Supreme Court to challenge the KwaZulu authorities' alleged virtual banning of public meetings by the organisation and its allies.

This was announced at a news conference here yesterday, where the ANC said it was to consult lawyers.

Lubowski killing 'was CCB project'

JOHANNESBURG — The murder of Swapo executive member Mr Anton Lubowski was a Civil Co-operation Bureau project but the shotgun killing of University of the Witwatersrand academic Dr David Webster was not, the Deputy Commissioner of Police in Namibia, Colonel Jumbo Smit, told the Webster inquest in the Rand Supreme Court yesterday.

Colonel Smit said this had been told him by Brigadier Floris Mosler, who got the information from CCB head Colonel Joe Verster.



NEW HOME Conservationists encourage some of the six zebra relocated at the Grootte Schuur Estate, near UCT, to move into their new home yesterday. The zebra are part of a programme to selectively breed a quagga.

VERENINGING — The local Internal Stability Unit did nothing to identify, pursue or arrest the attackers in the Boipatong massacre which left more than 40 residents dead on the night of June 17, two members of the unit told the Goldstone Commission yesterday.

Quagga breeders' come to city

SIX plain zebra — all part of the controversial quagga breeding project — were freed yesterday on the Grootte Schuur Estate near the University of Cape Town.

VERENINGING — The local Internal Stability Unit did nothing to identify, pursue or arrest the attackers in the Boipatong massacre which left more than 40 residents dead on the night of June 17, two members of the unit told the Goldstone Commission yesterday.

Two policemen shot dead

DURBAN — Gunmen shot dead two policemen in separate incidents in townships around Durban on Thursday in a wave of attacks on officers that has left five policemen dead this week.

The deaths brought to at least 65 the number of policemen killed in Natal so far this year. Authorities say 170 policemen have died nationwide.

Commission chairman Mr Justice Richard Goldstone said the committee would comprise Mr G Slego, a commission member, and Mr S Moshidi, a Johannesburg attorney. The committee would sit from November 9 to 13 in Pretoria. — Sapa

During their September appearance they were referred to Valkenberg for an initial 30 days' observation

Yesterday both of them in court, who smiled at each other quietly

Court mirror to prevent witness intimidation

Staff Reporter

CT 24/10/92

A SCREEN with a one-way mirror, used in court to prevent witnesses in sex trials from being intimidated by an accused, was welcomed by Cape acting attorney-general Mr Frank Kahn as part of a new approach in rape cases

A screen was used in a Cape Town Regional Court yesterday in a rape trial, held in camera, where the victim was a high school girl

The girl testified facing a mirror, which enabled the accused to see her but hid him from her view. Mr Kahn said the screen was used with the approval of defence lawyers

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The toll of violence

South 24/10 - 28/10/92 (252) (252)

FIGURES compiled by the Human Rights Commission provide a chilling, if admittedly incomplete view of the toll political violence has taken

In its latest report on destabilisation, "Checkmate for Apartheid", the HRC estimates that between July 1990 and June 1992.

- Politically-related violence claimed the lives of 6 229 people. This works out to an average of 260 lives a month or 8,53 a day

- At least 11 888 people were injured

- Security forces were responsible for 352 deaths (5,7 percent), vigilantes for 5 060 (81,2 percent), hit squad attacks for 126 deaths (two percent) and right wing attacks for 44 deaths (0,7 percent). It is clear vigilantes have been the "shock troops of community destabilisation", said the HRC

- A total of 2 008 deaths took place in Natal, 3 670 in the PWV region, 133 in the rest of the Transvaal, 64 in the Eastern Cape and Border, 143 in the Western Cape, 128 on the OFS and 79 in the homelands

- There were 49 massacres in which 1 250 people died, or an average of 25 deaths a massacre. In 15 cases the toll was higher than 25

- The victims have mainly been ordinary residents of black townships, who have died in train, bus and taxi attacks

- Of those killed between July 1991 and June 1992, 234 were IFP/Inkatha members, 274 ANC members and 979 township residents. In the same period, 65 policemen were killed

The HRC report identifies two centres of destabilisation playing a major role in this litany of death and destruction — the Nationalist government and its extensive security establishment and the KwaZulu

government, both of which feel threatened by the liberation movements and want to disperse their support

But, says the HRC, these forces are likely to be checkmated soon — hence the title of its new report. Their hopes of "an early collapse of the liberation movements' negotiating strength in the face of severe destabilisation have not materialised, and (they) are now trapped into processes of which (they) are no longer masters"

The violence is coming under scrutiny, not only of the Peace Accord mechanisms, but also of the international community "

In response to criticism that HRC is largely blind to political violence caused by ANC supporters, national director Ms Safoora Sadek admits that HRC is partisan in terms of being an anti-apartheid organisation

"However, we are meticulous in measuring the human rights record of the apartheid government against the standards of the Universal Declaration of Human Rights, and in reporting facts as accurately as we possibly can. Any future government will also be measured by the same standards and we presently do not ignore or overlook ANC-inspired violence "

She personally does not believe that there is a deep-rooted culture of violence in South Africa, but that political violence is repeatedly imported into communities with a view to destabilising them

The most vivid example of this is the violence that has suddenly sprung up in Saulsville hostel in Atteridgeville, Pretoria. This hostel has long been an ANC stronghold and there have been no incidents of political violence there since 1990. On October 11, the IFP bussed people in to launch a branch at the hostel, and one person was killed and two injured. There are now fears that the hostel violence in the PWV area is spreading to Pretoria

Cops forced to exhume bodies they dumped

ST Times 25/10/92

By KURT SWART

THIS was the macabre sight as police exhumed 14 unidentified bodies on the orders of the Goldstone commission at Ratanda township, near Heidelberg, this week.

Police had earlier dumped coffins containing the bodies in a row of unmarked graves

After complaints by the African National Congress, the commission told the police to return the corpses to a government mortuary for identification.

This weekend, Ratanda residents were still angry after witnessing a police unit, accompanied by a team of gravediggers, drop the coffins into open graves on Thursday morning. Eleven graves were left uncovered.

Tense

Police have given conflicting statements about the reasons for the mass burial.

Lieutenant-Colonel Roelf Rohrs, one of the officers who carried out the exhumation, said all except one body had been identified before burial.

"Some are murder victims, some have died of natural causes and some of unnatural causes," he said.

A later statement by a police spokesman contradicted this. It said police obtained magisterial permission to bury the bodies after they had lain unidentified at a government mortuary for six months.

Community leaders said the

Ratanda community believed the bodies were those of victims of recent violence in the township, involving residents, the police and Inkatha-aligned hostel-dwellers.

According to ANC Ratanda branch chairman Obed Nkosi, police arrived in trucks at the township cemetery with 14 coffins carrying unidentified bodies.

Angry residents engaged in a tense stand-off with police as the 14 graves were dug.

"Why were the police involved in this mass burial and why were these bodies dumped here without dignity? Who are the dead?"

"They could be my parents, my uncle, other relatives — there are so many people who have gone missing here and in other areas," said Mr Nkosi.

"If this were to happen with white bodies, there would be a tremendous backlash against the government. We condemn the treatment of our people by the SAP and the government."

ANC PWV officials Ronnie Mamoepa and Tokyo Sexwale visited the gravesite on Friday in the company of six United Nations observers.

"We are disgusted at the way these bodies were dumped in unmarked mass graves. The graves themselves are shallow and a health risk," said Mr Mamoepa.

"We are also appalled that not even the normal procedures of lowering the coffins was followed. You could see they were just thrown in

"One coffin was upside down, one was broken and some were lying skew inside the grave, not even touching the bottom"

The ANC was told about the burials by the local community and instructed its lawyers to contact Judge Goldstone, who appointed advocate PJ Botbyl to investigate.

The ANC also contacted Police Commissioner Major-General Johan van der Merwe, who appointed a Heidelberg police officer to investigate the burials.

Removal

On Friday evening, ANC members and policemen under the command of Colonel Rohrs negotiated the removal of the coffins.

In the gathering darkness, under the glare of the spotlights of a police Nyala, teams of policemen in camouflage uniform, wearing white surgical masks and red gloves, began hoisting up the coffins one by one with the aid of a hosepipe serving as a makeshift rope.

Tomorrow, in an identification process facilitated by the Goldstone commission, the bodies will be photographed and fingerprinted in the presence of police and lawyers representing the ANC.

Lawyer takes Bar Council to court

EAST Rand lawyer Thokwane "Post" Moloto has taken the Johannesburg Bar Council to court to show cause why they refused to furnish him with a copy of the Rules of the Bar, known as "the Red Book".

AP news 25/10/92 (252)
The application has already been filed in the Rand Supreme Court and is due to be heard on November 3.

Twice - in 1989 and early this month - the council turned down his request to have "the Red Book", he said in an affidavit.

The council has not supplied reasons for its refusal, he said.

His application seeks a court order ordering the council to furnish him with the copy or alternatively declare that he is entitled to all rules and regulations which affect and bind it.

Moloto argues that the council cannot refuse him the copy of the rules and at the same time expect him to be bound by them.

Mitchells Plain court staff threaten walkout

S/ Times (Cape metro)

25/10/92

(252)

By EVE VOSTLOO

ABOUT 40 staff members at the Mitchells Plain Magistrates Court are threatening to walk out of their jobs because of the "authoritarian and racist" attitude of the new chief magistrate there

Of the 74 staff members at the court, 20 are white

There are 13 white and two coloured magistrates, 15 coloured and three white prosecutors, 23 coloured or black clerks and five white clerks and 10 black interpreters

This week 40 members of the "non-white" staff — including prosecutors and clerks — held a meeting to air their grievances

Refusing to give their names because they had been "threatened with reprisals", they said Mr Jacob Blom, who was transferred from Krugersdorp in July, was making their working lives "unbearable"

Volatile

They said he was rude to people of colour, had made everyone work overtime without pay — which they said he was not allowed to do — sign a register when they arrived at and left work and sign a requisition form to make a photocopy or a telephone call

"He is not treating us like graduates and professional people," a spokesman said "These actions degrade us and are a blatant infringement of our dignity and professionalism"

He said the situation was "volatile" "When anyone approaches Mr Blom with grievances he threatens to fire or transfer them because he has 'a lot of contacts' at head office

"During the stayaway on August 3 and 4 all court officers who did not work were identified and ordered to give written reasons regardless of the fact that their lives were in danger All of them were threatened in terms of Section A18(3) of the Public Service Act," one prosecutor said

The staffers say that since March — when Guguletu, Nyanga and Crossroads were added to Mitchells Plain's jurisdiction — the building has become so overcrowded that it is "an insult to justice"

Two regional courts and eight district courts are housed in the building, but some courts are held in offices too small to allow the public in

Prosecutors and clerks have to share offices, there are no consultation rooms for prosecutors to discuss cases, no social worker or probation officer on the premises Their offices are in the Shoprite building in the Mitchells Plain Town Centre some distance away

They say the court cells are unhygienic as there is no water supply to them and the toilets don't work

"There is also no regional office here in Cape Town at which we can discuss our conditions of work or complaints and we are not allowed to contact the head office in Pretoria without the permission of the Chief Magistrate," one staffer said

"We are considering direct action, including a walkout and demanding an interview with the Minister of Justice" Mr Blom refused to comment

Marree police trigger

CCB chief told me all, witness tells inquest

BY DESMOND BLOW

FORMER policeman Chapple Marree gunned down David Webster in cold blood from the left-hand back seat of a car as fellow CCB operatives Ferdi Barnard and Calla Botha looked on from the front seat.

This was the testimony of a surprise witness at the inquest into the murder of the academic and activist outside his Troyeville home on May 1 1989.

Execlence journalist Johannes Petrus Gagliano told the inquest that Stael Burger, former chief of Section 6 of the CCB, had told him this.

Gagliano - who described Burger as an "utterly trustworthy source" who had supplied him with reliable information for over 12 years - also said that according to Burger the order to kill Webster had come from a "very senior SADF officer" or an "even higher source".

He also said he had no doubt Burger had played an active role in the planning of the murder.

There was also evidence that Joe Verster - the then head of the clandestine CCB - confessed to Brig Floris Mostert, then head of the Brixton Murder and Robbery Unit, that the CCB had murdered Adv Anton Lubowski in Windhoek in September 1989.

Deputy Commissioner of the Namibian Police, Jan De Bruin (Jumbo) Smit, told the David Webster Inquest that Mostert had told him this when his investigations into the political assassination of Lubowski brought him to Johannesburg.

He said Mostert, who was investigating the assassination of Webster at the same time, had told him that Verster had told him the CCB was responsible for the Lubowski killing, but not the killing of Webster.

Mostert, who gave evidence at the inquest last week, did not testify that he had interviewed Verster and what Verster was alleged to have told him.

At least three witnesses named Barnard as the murderer in their evidence, but all had heard the allegations from a second source who said Barnard had told them he had killed Webster.

A fourth witness, who was alleged to have told two attorneys and two journalists that Barnard had told him he had killed Webster, told Judge Michael Stegmann that "I am not in fear of my life . . . but I have nothing to tell".

Kevin John Treisman, a former member of 32 Battalion, admitted that after he was subpoenaed two months ago to give evidence an explosive device was thrown into his garden in Corlett Drive - and that as a result he had sent his family to the coast where they still lived.

Treisman denied having told an attorney outside the court on Thursday that the inquest was a waste of time and that it would not succeed. He also denied that a police colonel from Bramley had warned him not to give evidence.

He said that two attorneys from Bell, Dewar and Hall, and the journalists Eddie Koch and Drew Forrest, would be lying if they said he had told them Ferdi Barnard had told him "We did Webster".

He also denied telling Koch and Forrest when they called on him after the bomb had been thrown into his garden: "You guys were not here when I needed help." He also denied saying he would rather be locked up in Diepkloof than give evidence.

Evidence suggested that different members of the CCB were involved in the murders of Lubowski, the first white to be a prominent member of Swapo, and left-wing activist Dr David Webster.

Gen Jaap Joubert, former deputy chief of the CID, has given testimony that while Barnard was being detained under Section 29 of the Internal Security Act in the western Transvaal he had been visited by Brig "Krappies" Engelbrecht, who had been appointed to help the Harms Commission, and who had allegedly told Barnard to "keep quiet", Joubert said.

Evidence alleging that Barnard was the killer also came from Gagliano and Adv Martin Luitingh.

Luitingh, who represented the Webster Trust at the Harms Commission, said that his cousin Laffras Luitingh, who had been Barnard's handler in the Namibian cell of the CCB, had told him Barnard had told him that he had killed Webster.

However, he said Barnard, who had been dismissed from the Namibian cell of the CCB because "he talked quite a lot about what he did", had told Luitingh the killing had not been a CCB project.

Gagliano is to be cross-examined by the teams of lawyers representing the SADF, the Minister of Defence, the CCB and various members of the CCB tomorrow.

Cops did not arrest killers

THE Vereeniging Internal Stability Unit did nothing to identify, pursue or arrest the perpetrators of the attack on Boipatong residents which left more than 40 people dead on the night of June 17, two members of the unit told the Goldstone Commission on Friday.

Lance-Sgt Vorster Brand Schiebusch and shift commander Sgt Deon Kruger told the commission, which is hearing evidence on the massacre in Vereeniging, that they both considered it a priority to stabilise the area before pursuing suspects.

Schiebusch said it was the duty of the investigating officers who went to Boipatong the next morning to establish who the attackers were - Sapa

20/10/92

Lubowski 'killed by CCB'

THE murder of Swapo executive member Anton Lubowski was a Civil Co-operation Bureau project but the shotgun slaying of University of the Witwatersrand academic Dr David Webster was not, the Deputy Commissioner of Police in Namibia, Jumbo Smit, told the Webster inquest in the Rand Supreme Court on Friday. *Smit 26/10/92*

Smit said this had been told him by Brixton Murder and Robbery head Brigadier Floris Mostert who got the information from CCB head Colonel Joe Verster. Smit told the inquest the head of the CCB's Region Six, Colonel Staal Burger, and operative Calla Botha were involved in a conspiracy to kill Lubowski.

The inquest continues today with cross-examination of Mr Gagiano who alleged Burger had told him Mr Barnard, Mr Maree and Botha were responsible for the Webster murder. *Sapa* (252)

Attacks probed Sowetan
26/10/19

A GOLDSTONE Commission committee will sit next month to investigate the origins of "recent serious and violent attacks" on policemen.

Commission chairman Mr Justice Richard Goldstone said the committee would comprise Mr G Steyn, a commission member, and Mr S Moshidi, a Johannesburg attorney (252).

The committee would sit from November 9 to 13 in Pretoria - Sapa

Service option for minor offences

Staff Reporter CT 26/10/92

SENIOR state prosecutors at the Cape Town Magistrate's Court are to offer those charged with minor offences the opportunity of performing community service instead of having to face a trial.

Mr John Vermeulen, a senior prosecutor, said at the weekend that, if the prosecutor felt crimes like minor thefts did not warrant prosecution the accused would be offered the community service option.

"Senior prosecutors would suggest to Nicro which offenders should perform community service after which they would decide the term of service and where offenders would be placed."

The option would only be offered if the offender admitted guilt. The offer could be rejected, he said.

Mr Vermeulen said the option would lead to a saving in court time and taxpayers' money.

Those who agreed to community service would not have criminal records.

Offenders sentenced to community service in hospitals and institutions had found it a rewarding experience. "Some people had volunteered to continue after their service period had lapsed," he said.

NEWS CCB was not 'linked to Webster killing' • Dead guard was 'hanged and burned'

SADF disputes

Webster testimony

Source - 27/10/92

CLANDESTINE GROUP Colonel did not mention

organisation by name because it had no name:

A ALLEGATIONS from a military source about orders to kill University of the Witwatersrand academic Dr David Webster were a figment of freelance journalist Johan Gagiano's imagination, the Rand Supreme Court inquest into Webster's murder heard yesterday.

Mr Piet Coetsee, SC, for the South African Defence Force, said the head of the Civil Co-operation Bureau's Region Six, Colonel Sjaal Burger, would deny any conversation implicating CCB operatives in the killing.

Webster was shot and killed outside his Troyeville, Johannesburg, home on May 1, 1989. On Wednesday last week Gagiano testified that Burger had told him CCB operatives committed the murder on orders from above. On Monday Gagiano told Coetsee that Burger had mentioned the CCB by name. The interview between Gagiano and Burger took place in December, 1989 or in January 1990 and at

that stage it was not known what the clandestine right-wing group attached to the SADF was called, Gagiano said.

Gagiano said the possibility of police support for the Webster operation were conclusions drawn from information on the shotgun, type of shells and reports of the type of car used.

Gagiano said his interview with Burger had been off the record, which was why he had not disclosed the allegations before.

Coetsee said both Burger and former head of the SADF's Special Forces General Eddie Webb would deny giving Gagiano any of the information contained in his statement.

Gagiano told the inquest he had been approached by Mr Eberardt Bertelsmann, who appears for the Webster family, and decided to give the information voluntarily. He would otherwise have been subpoenaed to disclose what he knew. The inquest, under Mr Justice Michael Stegmann, continues - Sapa

ISU 'did nothing'

Sawefan 27/10/92
■ Shift commander's actions were 'extraordinary':

THE Vereeniging Internal Stability Unit shift commander, Sergeant Deon Kruger, did nothing to co-ordinate the actions of the security forces present in and around Boipatong on the night of the June 17 massacre, the Goldstone Commission heard yesterday.

Kruger told the commission he had not sought or exchanged information with municipal police or Iscor security, both of whom were on the scene at the KwaMadala hostel following the attack

Cross examination

He conceded during cross examination by African National Congress counsel Mr Karel Tip that he had also done nothing to co-ordinate the actions of the ISU, the South African Defence Force, Iscor security and the municipal police in order to arrest the KwaMadala hostel residents who were the prime suspects

Tip put it to Kruger that his failure to make inquiries or to co-ordinate the security

forces' action against the KwaMadala residents was, "to say the least, extraordinary"

Complete absence

"I put it to you that your failure to take steps to identify, pursue, or arrest the attackers can only be consistent with a complete absence of will or desire to act," Tip said

Kruger said the ISU's duty was to stabilise the area and the investigative team was to do the rest

He said the investigators had indicated to him that they would return at sunrise to search the hostels. He said that he would not have entered the hostels with less than 500 men as the hostel was notoriously violent and dangerous

He added that it was the duty of the investigative team and of the ISU to identify and later remove the attackers from KwaMadala hostel

The hearing continues - Sapa

Boipatong cop denies claims

■ **LAST WITNESS** Driver tells Judge

Goldstone colleague asked him why he

gave whites army vehicle:

(252)

A MUNICIPAL policeman yesterday told the Goldstone Commission a colleague recently asked him why he had given a Casspir to "whites" on the night of the Boipatong massacre

Constable Phafodi Khanye was testifying before the Commission, chaired by Mr Justice Richard Goldstone, investigating the massacre on June 17

More than 40 men, women and children were killed

The last witness to be called to testify, Constable Khanye, said under cross-examination by counsel for the SAP, Advocate Flip Hattungh, that he was recently approached at his home by a Constable Monare. Monare said he had heard that Khanye had given a Casspir he (Khanye) was driving to "whites" on the night in question

Khanye said Monare explained himself. Monare started having doubts about the identity of the person who was supposed to "have given the

Casspir to the whites" after Khanye's explanation

The witness said he then walked away because Monare had no authority to question him in his house. He had already made a statement about all he knew

Monare's earlier evidence conflicted with that of Khanye and other policemen

Khanye said he received a message on June 17 about 10.10pm to go to Boipatong as residents were being attacked. He did this. Shortly after entering the township he came across a woman at the intersection of Lekoa and Bafokeng streets who was covered with blood.

An ambulance was called before he was ordered to proceed to the KwaMadala Hostel to see if they could spot any of the suspected attackers

All was quiet when Khanye arrived at the hostel. He was informed by SADF members on the scene that he could leave

Arguments by the counsel representing the various parties will be heard in Johannesburg tomorrow and on Friday.

Witness 'saw alleged killer at inquest'

3(DAM) 28/10/92
A WITNESS to the 1989 slaying of David Webster saw one of the alleged murderers at the first day of the inquest into the Wits academic's death, the Rand Supreme Court was told yesterday

Corrie du Plessis, who had already testified at the inquest about what he had witnessed outside Webster's Troyeville home on May 1 1989, made a surprise appearance and an additional statement yesterday

His statement was read in open court, but his subsequent testimony and cross-examination was heard in camera

Calla Botha, Ferdi Barnard and Slang

252
STEPHANE BOTHMA

van Zyl — three former CCB agents detained earlier as possible suspects in the murder — attended yesterday's hearing, but Du Plessis said the man he had recognised was not in court yesterday.

Du Plessis described the man he had seen as recognisable by facial pock marks

During the hearing in camera yesterday, Botha, Barnard, Van Zyl and a fourth person — with red-blond hair and pock marks, and who had not earlier been in court — were called into the courtroom for what

was believed to be an informal identification parade for Du Plessis' benefit

Du Plessis claimed in his statement that on October 12 this year, when the inquest started, he reported to court

He recognised a man standing in the corridor "as the person who was on the back seat of the white Opel Ascona on May 1, who had probably fired the fatal shot".

Du Plessis said he had feared for his safety and that of his family since witnessing the murder and that the man's presence at court had come as a huge shock. The man had recognised him, he said

David Webster's 'killer at court'

■ Key witness tells judge he recognised the man who fired shotgun that killed activist:

A WITNESS to the shooting of University of the Witwatersrand academic Dr David Webster yesterday told the inquest into the murder he had recognised one of the killers in court the first time he had given evidence.

Mr Cornelius du Plessis, the witness who police successfully traced before the start of the inquest, made a surprise appearance in the Rand Supreme Court yesterday and submitted a statement following his initial evidence on October 15.

Du Plessis said he had been under severe pressure since the start of the inquest and would have liked to have his latest revelations heard in camera.

Before a ruling could be made, however, Du Plessis stood up in court and indicated he was prepared to give his testimony in open court.

When Du Plessis arrived at the Supreme Court on October 12 he noticed three "big" men standing outside the court.

"When I approached them I saw another large man around the corner with a two-way radio.

"I immediately recognised him as the man sitting in the back of the white Opel Ascona, who fired the shot."

He added that he was shocked to see

the man in court and when the man made eye-contact with him, "I noticed his eyes got big and it was apparent he recognised me."

Assassin's car

The man had stood next to another man who looked similar to an occupant in the assassin's car but his hair was now different in colour and style to the person drawn up in an identikit by Du Plessis.

Du Plessis was asked if any of the men he had recognised were in court yesterday and he replied "no". Counsel

for former Civil Co-operation Bureau operatives (Ferdie Barnard, Calla Botha and Abraham "Slang" van Zyl), Mr Piet du Plessis, pointed out to the presiding judge Mr Michael Stegmann that all three of his clients were in court. Du Plessis was then asked by counsel for the Webster family, Mr Eberhardt Bertelsmann, if he would like to give further evidence in camera but Du Plessis did not reply.

Bertelsmann then asked Mr Justice Stegmann if, through the lack of reply, it was not evident Mr du Plessis was scared - *Sapa*.

28/10/92

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NEWS Bail for Mamelodi civic leaders withdrawn ● Witness tells of Webs

Court told of 'garbage action'

■ Councillors tell court how singing groups asked them to resign their posts:

By Josias Charle

A MAMELODI town councillor yesterday told how refuse was dumped at his home on two occasions in a bid to pressure him to resign.

Mr Robert Josia Makgatho, who is also local branch chairman of the National Party, told the Pretoria Regional Court that three Mamelodi Civic Association executive members led the groups of people to his house on each occasion.

The three are Mr William Dube, deputy chairman, Mr Pasty Malefo, publicity secretary and organiser, Mr Tunka Matlila.

The three had their bail withdrawn on Monday after allegedly violating conditions.

They first appeared in court on September 8 on charges related to intimidation and were each granted bail of R2 500.

Sowetan
28/10/92
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Among the conditions was that they should not contact Mamelodi councillors.

Makgatho testified that the first time Matlila and Malefo arrived at his home they were accompanied by a group of about 60 people.

They dumped refuse on his premises, asked him to resign and then left.

He said on October 10 the group returned with Malefo, Matlila and Dube. They again dumped refuse on his premises.

He said he told them he needed time to think about their request and they left.

Councillor Mr Amos Mtsweni told the court he was contacted by Matlila and Dube who asked him to resign.

On one of the occasions they were accompanied by a singing crowd.

He also told the court he believed the men had violated their bail conditions by contacting him at his home and at his business.



Uupa and Tshidi Matsel are the winners of the Sowetan/American Swiss Bridal Couple Of the Month competition for July 1992. They are pictured here receiving their prizes at a cocktail party at Sowetan.

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ST 28/10/92
New team to
probe rapes

JOHANNESBURG —
The Brixton Murder and
Robbery Unit has taken
over the investigation,
into the Yeoville rapes,
Witwatersrand SAP liai-
son officer Lieutenant-
Colonel Dave Bruce said
last night. (52)

The announcement
came after Colonel
Bruce said Mr Errol Ted-
dy Mattera, who was ar-
rested in a Yeoville cof-
fee bar last week, had
been charged with two
cases of housebreaking.

The investigation,
which will be headed by
Lieutenant Johnny John-
son, and assisted by
three detectives will be
supervised by Lieuten-
ant-Colonel Paul Loock.

Commercial crime: 31 suspects arrested

B10AM 28/10/92
PRETORIA — The SAP's Commercial Branch arrested 31 people countrywide from October 12-19 on charges of commercial crime involving about R30m

The SAP's liaison department said yesterday those arrested included two directors of a group of companies under liquidation.

Commercial Branch head Maj-Gen Martin Nel said commercial crime largely went unnoticed by the media

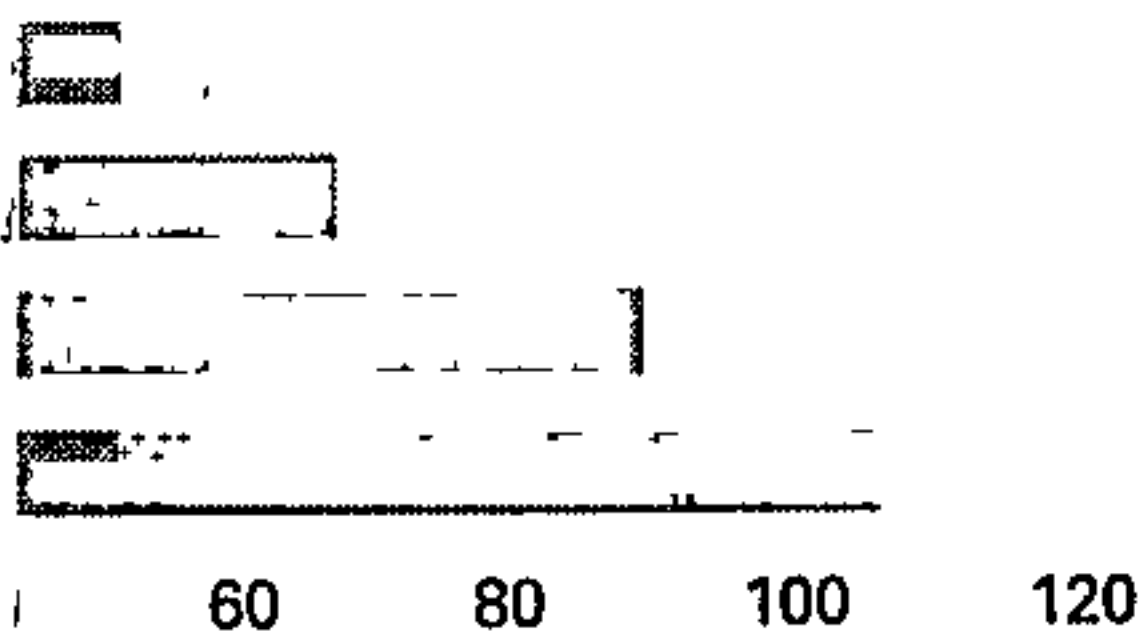
and the public. Between 1987 and 1991 the number of cases reported to police had increased by 70%.

In the Witwatersrand area the Commercial Crime Unit was investigating more than 900 fraud-related cases involving several billion rands.

"We need the media to take up the public outcry... innocent victims are being exploited by fraudsters, swindlers and conmen," he said — Sapa



\$ PER SHARE (cents)



Announcement

previous year, are outlined below.

Operations

received pleasing results. Turnover up 8% and profit after tax by 19%. Chemical and Critical Care divisions performed well and achieved real growth, although Consumer and Self-Medication divisions were affected by reduced consumer spending. Nevertheless market shares of leading products maintained or increased. The Chemical division achieved satisfactory growth in a competitive market.

Income of R76,5 million represents a 10% increase over 1991. This result was achieved through effective manufacturing and

Evidence is contradicted

B10AM 28/10/92
VEREENIGING — A Sebokeng South municipal police constable and Casspir driver told the Goldstone commission yesterday that another policeman and witness visited his home and accused him of allowing white men to use his Casspir on the night of the Boipatong massacre.

Const Phafodi Khanye told the commission he had then told Const Diao Monare this was not possible because Monare was with him in the Casspir on a patrol of Boipatong that night.

Monare told the commission last week that when the vehicle arrived at Kwa-Madala Hostel soon after the attack, three internal stability unit members carrying balaclavas alighted from a Nyala armoured vehicle and told them to leave.

This was denied by Khanye, who said the internal stability unit policemen did not alight from their vehicle or speak to the municipal policemen.

Monare, however, had said they were told by the commander of the Nyala that the hostel was a unit post and had nothing to do with the municipal police.

Monare said he felt disappointed at the time because the unit had prevented them from arresting the prime suspects.

The commission adjourned until tomorrow for closing argument — Sapa

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PATH TO PEACE Lack of control at stations fuels violence on the trains - report



State President FW de Klerk

Goldstone report handed over to FW

Sowetan 29/10/92

Lack of control at stations seen as main problem:

THE Goldstone Commission found that the lack of control - and where it existed its location on platforms - were two of the major factors inhibiting proper policing on trains

A 21-page report, prepared by a special subcommittee comprising of Mr G Steyn as chairman, Mr BM Ngoepe and Mr S Moshidi, was presented to the State President, Mr FW de Klerk, for implementation

The commission investigated violence committed on trains in the Southern Transvaal which has led to the death of 138 people and the injury of 261 others between July 1 last year and April 27 this year

It found that policing of stations was rendered useless by the absence of any control at all on some stations, where those bent on fomenting violence could easily get on trains with weapons without being detected

It identified the control of stations and the inability, by law, of police to conduct searches on stations, as the major factors contributing to the seeming inability to curb train violence

It found that security and policing facilities at stations had deteriorated after the integration of the railway Police into the SAP in 1986

Facilities at stations for the police were found wanting with telephone links between some stations out of order when the commission went on its investigations

The commission found that the SAP had brought very few cases to the

courts, and those they had rarely resulted in convictions. It also found that police "routine(ly) destroyed" records, making the compilation of statistics difficult

The commission said it had failed to find evidence of who was responsible for the train killings. They have however found that hostel residents launched attacks in groups

The analysis of victims showed no specific pattern. Overcrowding on trains and the absence of interleading doors between coaches were other factors

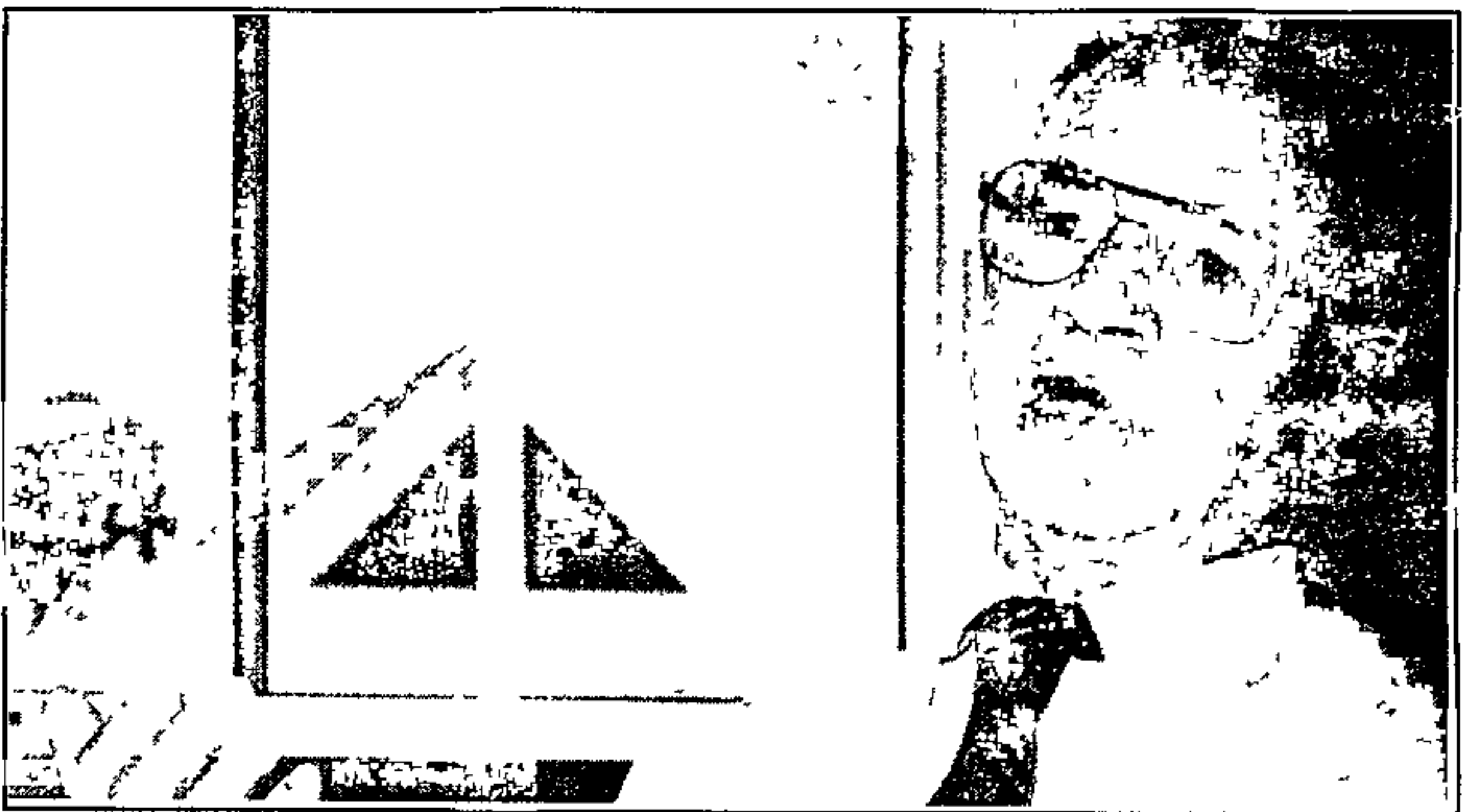
With the South African Railway Commuter Corporation (SARCC) running at a loss, the commission has recommended an increase in state subsidy to facilitate the creation of control mechanisms at stations

The commission also called for a community based guards corps, employed by the SARCC who would wear a distinctive uniform to police stations and trains

The Government, in its reaction to the report, announced that the upgrading of the system suggested was accepted and would be implemented in phases due to financial constraints

Transport Minister Dr Piet Welgemoed said the entire system would need R200 million every year which the Government did not have

An amount of R250 million would however be spent this year on upgrading control points, which would result in checkpoints being moved outside the stations



Meyer We are doing our best

Making trains safe a huge task

Sowetan 29/10/92

By Mathatha Tsedu

SARCC official outlines plans for 'user friendly' trains and stations:

THE South African Rail Commuters Corporation (SARCC) responsible for the running and policing of stations and trains, is doing its best to create conditions of safety on trains

'Who does not want to make train rides the joy they used to be when people used to play cards and read on the trains. We want to recreate that spirit'

SARCC senior general manager for Metro Services Dr Koos Meyer tries very hard to convince

His is a mammoth task. To explain how and why people continue to die on his trains

He admits it is a difficult task, more so because no one seems to know who is doing the killings

He admits further to serious shortcomings in the way stations are built and their policing

But he emphasises the stations were built 40 years ago and were not designed to deal with the problems of the nineties

He says due to a realisation that the survival of the SARCC depends on how it markets itself to its customers, an aggressive campaign to make stations and trains 'user friendly' has been embarked on

This will entail installing security measures such as fences where these no longer exist

It will also include

Moving ticket examiner cubicles

from the platforms where they are now to outside stations where all searches and control of access will take place

Installation of closed circuit television cameras on trains. These will be monitored from control rooms all over the affected areas

Installation of panic buttons that are "play proof" for use in coaches to raise the alarm in case of disturbances. The button will be linked to the train conductor, driver and control room where police officers will be able to respond immediately

Hiring a community guard corps of about 4 500 people to maintain security on trains and stations

Building secure accommodation for police at stations and improving communication by installing telephones and radio links with main police stations in the area

Improving communication between train drivers, conductors and the control rooms that are manned for 24 hours by SARCC personnel and police officers

Creating clean and accessible selling points for hawkers and

Building bridges for pedestrians who are crossing the railway line at stations at points that will not be affected by the new measures

Meyer says the SARCC is trying, with the limited resources at its dis-

posal, to implement the recommendations of the Goldstone Commission

The sealing of train doors that stop movement across the coaches has been stopped following the realisation that many casualties were a result of the sealing off of the coaches

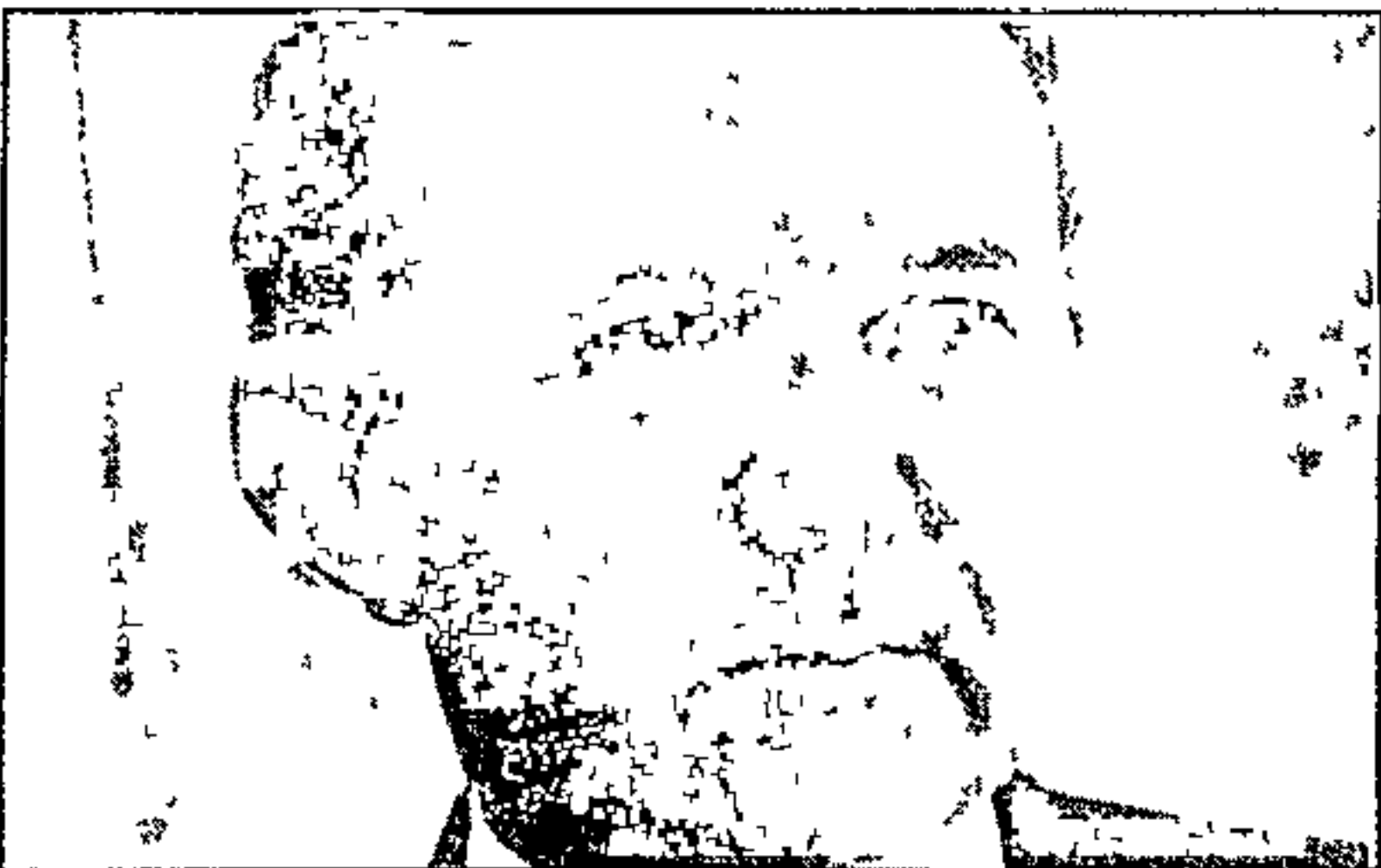
Meyer is however at a loss to explain why first class coaches on the Randfontein Springs lines, the occupants of which are 90 percent white, were not sealed

He insists that racism was not the cause as the trains were now desegregated

Following the outcry that the sealing created 'moving coffins' in the event of attacks, the SARCC had decided to reopen the doors. A pilot scheme would be unveiled in a month's time where the coach links would be covered as in mainline trains

But will all this help stop the carnage that continues to dog the rail system and claim the lives of many? Or will this be just money down the drain as more and more commuters move to taxis and leave the trains running half empty?

Meyer told us he wished he knew. He could only hope that this would work. However whatever system was installed could not stop the violence unless the people perpetrating it stopped doing so themselves



Mr Justice Richard Goldstone

| A COSTLY RIDE WITH SPOORNET | |
|-------------------------------------------------------------------------------|----------------------------------|
| Number of stations country wide | 4084 |
| Money needed for building and upgrading police facilities on all stations | R25 million |
| Money for Southern Transvaal stations only this year | R3 million at nine stations |
| Number of stations in Southern Transvaal | 158 |
| Number of people killed in genuine train accidents 90/91 | Three |
| Amount to be spent between now and April 1 1993 on platform communication | R7 million |
| Number of cross bridges to be built this year in Soweto | Four (this will cost R8 million) |
| Cost of removing control points from platforms in S Tvl | R100 million |
| Amount to be spent on control points before April 1 for 10 stations in Soweto | R9 million |
| Cost of rebuilding broken down services country wide | R250 million |
| Cost of research for this year on closed circuit TV on trains | R7 million |
| Number of guard corps members to be employed nationally | 4 500 |

Sowetan 29/10/92

Sponsored by Gencor Limited in the interests of a peaceful, democratic and prosperous South Africa

Ex MK man sues State

FORMER Umkhonto we
Sizwe commander in
Swaziland Mr Ebrahim
Ismail Ebrahim is claim-
ing R700 000 from the
SA Defence Force or the
SAP (252)

Sentenced to 20 years'
imprisonment for high
treason but released after
appealing to the Appel-
late Division, Ebrahim
launched his action in the
Pretoria Supreme Court
against the Ministers of
Law and Order, of De-
fence and of Justice, on
the grounds that he was
unlawfully abducted
from Swaziland and de-
tained in South Africa

Sowetan 29/10/92

Ferdi Barnard 'told workmates he was involved in Webster

murder.

FORMER CCB operative Ferdi Barnard told colleagues at an insurance company he had been involved in the murder of academic David Webster, the Rand Supreme Court was told yesterday.

Businessman Willem Smit said he and a number of his employees had been told this by Barnard on various occasions. Smit, who has been under police guard since the second day of the Webster inquest, said he did not wish to endanger the employees concerned by identifying them. He told the court that on one occasion he and his wife had been woken in the early

hours by a panic-stricken Barnard, who was accompanied by his brother. Barnard asked Smit to provide an alibi for him and Calla Botha after an unsuccessful attempt to "take out" anti-apartheid campaigner Roland White. The businessman told the court he had met Barnard socially in 1988, shortly before the latter was convicted and imprisoned for murder.

After Barnard was released on parole, his brother had asked Smit to organise a job for the former policeman at the insurance company where they both worked.

Smit, a senior manager at that time, had done so. He said Barnard had a photo album containing 22 pictures of corpses which, he told people, were the bodies of people he had murdered. Barnard, he said, would go into detail about how he had shot these people. Smit said the pictures appeared to have been taken from police dossiers. After working for the insurance company for about three months, Barnard told

Smit he was leaving because he had been offered a job by the security police. He told Smit his job, mainly, would involve monitoring political campaigners. Smit said he himself left the firm some time later to establish his own company. He had regular contact with Barnard's brother Calla (not to be confused with Calla Botha, another CCB operative) who worked for an insurance company which had premises close to his own. Smit said the next direct contact he had with Ferdi was when the Barnard brothers came to his home after the Roland White

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25/1/10/92

SUSAN RUSSELL

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Nats B/D/Am/23/10/92

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From page 1

legislation for an interim government together for the short session he should have cancelled Parliament.

According to the three sources, there was also concern about Buthelez being given the cold shoulder and some MPs had been talking to Inkatha members about the idea of a centrist party.

"We argue that simple majoritarianism is unacceptable and that there has to be power-sharing in a new constitution. But then our frontline man turns around and uses minority power to force something so unpalatable down everyone's throats." He said it was evident no party inside or outside Parliament was going to accept the Bill, so it should have been dropped.

One of the sources said the Broederbond was still an integral part of government strategy, and alleged he was excluded from "midnight meetings" that took place before the weekly caucus meetings.

● See Page 4
● Comment Page 8

incident. On that occasion Barnard told him he and Botha were monitoring White. Barnard told Smit the two had orders to "take out" White, but had been caught by members of another branch of the security police in the United Towers building, where White worked. These policemen, Barnard told him, were not aware of their activities. Smit said Barnard asked him for the use of a white car from his list of stolen vehicles to establish an alibi, because the police who had caught them had not been

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21 29/10/92
**Amnesty
decision
brought
forward**

By ANTHONY JOHNSON
IN A SHOCK move the President's Council were told late last night they would have to make a decision on the controversial Further Indemnity Bill by tomorrow — instead of next week as originally scheduled.

Angry councillors said they had not yet seen their Constitutional Committee's report on the bill. (152)

Speculation in Conservative Party circles is that the government is anxious to prevent a trial, scheduled to be heard soon, from going ahead as this could be damaging to Nationalist office-bearers.

However, they refused to disclose which trial.

One opposition member who did not want to be named said: "The managing of the process is irresponsible, autocratic and blatantly undemocratic"

"The question which has to be asked is why the indecent haste to force this hugely important measure into law?" one member said.

● The Democratic Party's Mr Douglas Gibson challenged the PC to prove it was not the government's rubber stamp and to reject the bill and ask the State President to introduce a proper amnesty bill at the appropriate time.

● The Conference of Editors expressed misgivings about the secrecy provisions in the bill, Sapa reported.

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Inquest is told of disguises

Sowetan 29/10/92.

(252)

■ **RELUCTANT EVIDENCE** Witness says he

identified two men in Identikit pictures:

FORMER CIVIL CO-OPERATION BUREAU operative Ferdie Barnard often wore wigs in the presence of his former employer, Mr Wilhe Smit

One was similar to the hairstyle of one of the people said to have murdered University of the Witwatersrand academic David Webster outside his Troyeville, Johannesburg, home on May 1 1989

Smit yesterday told the Rand Supreme Court inquest into the Webster slaying he identified Identikit pictures drawn up by witnesses as Barnard and a friend of his whom he knew as Eugene Riley

Smit said he was shown two sets of Identikit pictures, one of three men and the other of two

The pictures of the two men resembled Riley and Barnard, he said

Smit said Barnard, while flying with him in his private aircraft, described how Webster

"flew through the air" after being shot

During cross-examination Smit said he had been threatened and because he feared for his safety, had been reluctant to give evidence

He said his brother-in-law noticed a man in a car outside his house who resembled one of the people he had identified in the Identikits

Smit also noticed people taking down the registration numbers of cars parked at his home at Constantia Kloof, Florida

Presiding judge Mr Justice Michael Stegmann ruled that Smit need not disclose to the court the names of employees who had also heard claims by Barnard of his involvement in the Webster murder

Smit would give these names to the inquest's investigating officer, Warrant Officer Wessel Rosseau

Smit is under police protection

The inquest continues - Sapa

President's Council is denounced

Sowetan 29/10/92.

(381)

■ **Dalling refused to testify for Bill:**

ANC-aligned MP for Sandton Mr Dave Dalling yesterday declined to give evidence on the Further Indemnity Bill to the President's Council's Constitutional Committee

In a letter to the committee's chairman, Dalling said "I regret but I decline to lend any credence to your pre-determined decision-making"

Dalling said he had considered the chairman's request to appear before his Committee on the Bill which failed to obtain sufficient support from Parliament

"I did speak in Parliament during the debate on this Bill, and I refer you to my speech as recorded by Hansard, should you wish to acquaint yourselves of my opinion"

The National Party, in the face of unanimous opposition both from within and outside Parliament, were "starkly alone" in their support for this "shoddy, less-than-honest Bill", he said

The State President had now referred the Bill to a council largely appointed by him and packed with Government supporters for "supposedly independent and objective review" - Sapa

Mass killer sentenced

252
■ Man shot dead 8 people:

80wefan 29/10/92
LADYSMITH mass killer Callie
Delport was sentenced to an effective 22
years in prison by the Pietermaritzburg
Supreme Court yesterday

Delport was convicted last week on
nine counts of murder, including that of
his father

Delport shot his father Martiens after
an argument over the sale of livestock
and then went on a killing spree in
Ladysmith on January 20

Mr Justice R P McLaren said Delport's
actions could not be likened to political
killings such as that by racist murderer
Barend Strydom

Delport's positive relationship with
the labourers on his father's farm was
cited as evidence Delport did not have a
racist intention - Sapa

Inquest is told of disguises

Sowetan 29/10/92 252
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Smit is under police protection

The inquest continues - Sapa

Amnesty 'against law'

HUGH ROBERTSON
The Argus Foreign Service
WASHINGTON — An ex-

pert legal opinion sought by Africa Watch, a leading human rights group, suggests that President De Klerk could be breaking international law if he grants a general amnesty to those who have committed political crimes.

It also claims that a future government could lawfully annul any amnesty agreement reached between parties in South Africa and could

proceed to hold human rights trials

Africa Watch, a division of Human Rights Watch, has advised President De Klerk of its opinion in a letter, in which it urges him not to attempt to force his amnesty proposal through the President's Council

The letter adds "The implications for the character of a future regime if this legislation becomes law are enormous, and sinister. If South Africa is to move forward to a future of reconciliation and nation-building, it must face

more honestly the question of accountability for past abuses"

In its legal analysis of the issue, the organisation says "Although it is in principle up to each nation to formulate its own policy with regard to past abuses of rights, a state is not at liberty to adopt measures that conflict with its obligations under international law"

In the case of South Africa, which is a party to only a very few of the large body of international human rights treaties, and has con-

sistently rejected the validity of numerous resolutions relating to apartheid that have been adopted by the General Assembly of the UN, the state is nevertheless bound by the norms of customary law in the field of human rights that have developed over the decades since World War 2"

The legal argument says international law outlaws "the whole corpus of domestic law implementing the racial,ly discriminatory policies of apartheid" and requires the government to punish "at the very least those guilty of tor-

ture and extra-judicial execution"

It adds "The prohibition of systematic racial discrimination has become one of the most firmly supported elements of international human rights law"

"Virtually all commentators agree that racially discriminatory policies conflict with states' obligations under the United Nations charter and international customary law"

President De Klerk was also given a full explanation of the legal opinion.

ARG 29/10/92 (252)

Webster witness gave false evidence

THE inquest into David Webster's murder took a dramatic turn yesterday when businessman Willem Smit admitted he had falsely implicated former CCB operative Ferdi Barnard in the killing

Smit testified on Wednesday that Barnard, whom he had known since 1983, had told him and a number of his employees that he had been involved in Webster's murder. His allegations were also contained in a written statement.

During cross-examination by Barnard's attorney Piet du Plessis earlier yesterday, Smit said he did not wish to answer any more questions and would walk out of the hearing if questioned any further.

At that point Smit said he stood by his

statement, but did not wish to testify any further and would lie under cross-examination in order to get out of the court.

He said his presence at the inquest was ruining his business and his family.

After a break, his counsel Henne de Vos told the court Smit had had a conversation with someone outside the courtroom and did not wish to testify any further.

The court then reconvened in camera.

When the inquest was reopened to the public and media shortly afterwards, Du Plessis put it to Smit that his statement and evidence had been a fabrication.

□ To Page 2

Webster

Smit admitted that he had lied about Barnard's disclosures to himself and members of his staff. He also retracted evidence that Barnard had asked him for an alibi after an unsuccessful attempt to murder political campaigner Roland White.

At the conclusion of his cross-examination, De Vos informed the court he was withdrawing from the matter.

The media, through the State, later asked Judge M Stegmann if they could be informed of what had occurred during the in camera session.

Stegmann said the impression might have been created that pressure had been

improperly applied on Smit.

The judge said there had been no proof of this being the case.

Former CCB operative Abram "Slang" van Zyl testified next.

Cross-examined by E Bertelsmann SC on behalf of the Webster family, Van Zyl said the task of the CCB was to act against those identified as enemies of the state.

Van Zyl said he had been involved in the project to eliminate lawyer Dullah Omar.

He believed Omar had been targeted because the advocate had been a UDF executive member and a member of Lawyers for Human Rights.

The hearing continues today.

SUSAN RUSSELL

From Page 1

Govt set to ram through amnesty bill

Political Correspondent

THE government is set to use its built-in majority in the President's Council today to ram the controversial Further Indemnity Bill into law.

The move comes against a growing outcry from opposition parties and the legal profession at the headlong rush to get the controversial legislation onto the Statute Book.

Speculation among opposition parties about a government "hidden agenda" was fuelled yesterday after debate on the report of the PC's constitutional committee — originally scheduled for next week — was switched at the eleventh hour to this morning.

The report to be debated at today's three-hour plenary session had by late yesterday afternoon still not been handed to individual councillors — a situation described as "farcical" by angry opposition-party councillors. ET 30/10/92

However, it is understood that Nationalists have decided to ask President F W de Klerk to sign the sweeping indemnity measures into law — a step which could take place as early as this afternoon.

Democratic Party justice spokesman Mr Douglas Gibson said: "South Africa needs to know the reason for this disgraceful haste." (252)

Former ANC army boss brings R700 000 law suit

(252) ARCT 30/10/92
The Argus Correspondent

PRETORIA. — Former Umkhonto we Sizwe (MK) commander in Swaziland Mr Ebrahim Ismail Ebrahim — sentenced to 20 years' jail for high treason but released after a successful appeal — is claiming R700 000 from the Defence Force or the police

Mr Ebrahim launched his action for damages in the Pretoria Supreme Court against the Minister of Law and Order, the Minister of Defence and the Minister of Justice, on the grounds that he was unlawfully abducted from Swaziland and detained in South Africa under the Internal Security Act until his trial

Mr Justice Els has been asked to give judgment as to

which party, either the police or defence force, has to pay the claim

In court papers Mr Ebrahim said his "abduction and detention from Swaziland" in December 1986 was not only a breach of International Law, but unlawful as the Act did not provide for an arrest outside the borders of South Africa.

He was detained at various prisons in the country between December 16, 1986 to May 14, 1987 as a prisoner awaiting trial. Mr Ebrahim was found guilty of high treason and sentenced in the Rand Supreme Court in 1988 to 20 years' imprisonment. He was released on appeal.

The action was being opposed by the defendants. The hearing continues.

Smit admits to lies

252

■ Revelation after in-camera hearing:

sovetan 30/10/92

AN ADMISSION that his statement to the Webster inquest was "a pack of lies" was made in the Rand Supreme Court yesterday by Mr Willie Smit, former employer of Civil Co-operation Bureau operative, Mr Ferdie Barnard.

Smit refused to give further testimony while being cross-examined by advocate Mr Piet du Plessis.

After an in-camera hearing into the reasons why Smit refused to give further evidence, Smit admitted to Du Plessis that Barnard had never mentioned any involvement in the killing of Dr David Webster.

Smit said his claim that Ferdie and Calla Barnard visited him to ask for an alibi was also a lie.

Asked by du Plessis if his entire statement was "a pack of lies", he said it was. - Sapa.

President's men' to meet

'All the pre

252 APR 30 10 92 Council 'to give green light' to Indemnity Bill

Political Staff

THE President's Council is to hold a special session today to consider the controversial Further Indemnity Bill which recently failed to get through parliament.

With the overwhelming National Party majority in the council the measure is bound to be accepted. It will then be forwarded to President De Klerk to be signed into law.

The National Party has 42 members, the Labour Party 6, Solidarity 5, the Conservative Party 4, the Democratic Party 2 and the National People's Party 1.

The decision to hold the session was taken after the council's constitutional committee had considered the Bill.

The Minister of Justice, Mr Kobie Coetsee, and members of the justice committee of the National Party appeared before the committee yesterday and underlined the urgency of the measure as far as the government was concerned.

The chairman of the council, Dr Wilhe van Niekerk, today rejected speculation that there was a specific reason, such as a pending trial, for the rush to hold the meeting.

He said it was decided to have it after the constitutional committee had decided that the council should consider the Bill.

The council will have a three-hour session starting at 11am.

In a last-ditch bid to stop the legislation, Democratic Party MP and a member of parliament's all-party justice committee, Mr Douglas Gibson, challenged the committee to reject the Bill to disprove the general perception that it was the government's rubber stamp.

He asked the committee to request Mr De Klerk to consider all of the evidence before introducing a proper Amnesty Bill as an agreed measure at the appropriate time.

ANC MP Mr David Dalling has refused to give evidence to the President's Council committee so as not to "lend any credence to your pre-determined decision-making".

In a letter to the committee's chairman, he said "The president's men must do as their master bids. But I will not be there".

"I did speak in parliament during the debate on this Bill, and I refer you to my speech as recorded by Hansard, should you wish to acquaint yourselves of my opinion."

In his submission, Mr Gibson said he believed that politics surely dictated that indemnity or amnesty should be an act of mutual forgiveness agreed on by all the leaders, and "not unilaterally imposed in a totally unacceptable Bill such as this".

He said a close analysis of the Bill showed there was "no legal reason" for its introduction.

Nats ram 'crooks's charter' into law

By ANTHONY JOHNSON
Political Correspondent

THE Nationalist-dominated President's Council (PC) yesterday bludgeoned the controversial Further Indemnity Bill into law — casting a shroud of mystery over hundreds of crimes committed in the name of apartheid and the struggle.

The ANC immediately warned last night that it would consider the law "null and void" under a new government after a day in which the NP once again stood alone in voting for what has been dubbed "a charter for crooks, criminals and assassins".

ANC spokeswoman Ms Gill Marcus said the organisation viewed with "extreme concern" the way the government had rushed through a measure which would effectively allow criminals to pardon themselves.

"What are they so desperate to hide? There should be greater right to know what has been going on in the name of the government than ever before," she said.

Concerns about a political cover-up — either via the secret pardoning of individuals or the stopping of pending legal proceedings — were raised by several opposition speakers during yesterday's three-hour PC debate.

Conservative Party and Democratic Party speakers speculated that the sweeping powers being granted "with indecent haste" to President F W de Klerk to suspend court cases and secretly pardon individuals could be designed to get a wide range of individuals off the hook.

Examples raised by the DP's Mr James Selfe and the CP's Dr Servaas Latsky included pend-

DP: Goniwe report delay?

THE DP's Mr James Selfe said during the debate that he was concerned that the acting Attorney-General of the Eastern Cape Mr Michael Hodgen, who was involved in investigating the murder of a Cradock teacher Mr Matthew Goniwe, and three other activists might have completed his report, and "it might be gathering dust somewhere, pending the passage of this Bill".

His secretary said Mr Hodgen was aware of the allegations, but would only release a press statement later.

He did not make a statement by the time of going to press.

No decision has been taken on the date of the inquest into the deaths.

2 hours at

To page 2

REUTERS — the other favours an at

Indemnity bill

(252)
ing or expected legal action against Mr De Klerk and other "high and mighty" state officials and the possible protection of Mrs Winnie Mandela from prosecution.

A pending case before the Industrial Court involving unfair dismissal of the former managing director of the CCB, Mr Joe Verster, who is understood to have "certain files" at his disposal — thereby "placing the bar on the institution or continuance of civil actions in terms of this Bill in a potentially sinister light"

Some Nationalists yesterday conceded privately that it would be difficult for negotiators from the government and ANC camps to make proper progress if the possibility of the prosecution hung over senior members of their parties

However, the NP's head of the PC's constitutional committee, Mr Johan Heyns, said the ANC had stated during a Supreme Court trial as recently as September that it supported legislation which would allow its members

who were in prison, facing trial or in exile, to avoid prosecution

But Mr Selfe told the council that no party — inside or outside Parliament — was prepared to back the legislation which "can become a charter for any type of criminal, ranging from a currency defrauder to an official of the state who exceeded his authority

"In fact, the only people enthusiastic about it are criminals," he said to objections from Nationalist benches. These were overruled by the chairman

And the DP's Mr David Gant asked what "seedy circumstances" had forced the government to rush the Bill in such a manner as to make it "the victim of what can appropriately be described as procedural rape"

The Labour Party's Mr A Delpport said that only one of the 19 parties attending Codesa supported the Further Indemnity Bill and challenged the government to hold a referendum on the issue

● A total of 38 NP members voted for the Bill, with Mr Russel Crystal abstaining. The 14 votes against the Bill came from the CP, the DP, the LP and Solidarity

Weekly Mail allegations 'unfounded'

Informants' statement totally

false:
Sowetan 30/10/92

Sowetan Correspondent

THERE is no evidence to support allegations made in the *Weekly Mail* of May 8 to 14 and May 15 to 22 that the South African Police (SAP) planned and instigated violence in the Vaal area, the Goldstone Commission has found.

In a report released yesterday the Commission also found that in evidence before the one-man Goldstone Committee chaired by Mr RM Wise, SC, set up to investigate the *Weekly Mail* allegations, nothing justified the allegations that the SAP had a base which was linked with the planning of assassinations in the Vaal, or the innuendo that the police were involved in a death campaign or a "silent war against leaders and activists of the ANC and its allies".

The committee also found the statements by Mr Daniel Kolisang and Mr Solly Mngomezulu that the SAP planned and instigated violence, which constituted the basis of reports by the *Weekly Mail* on May 8 and 15 this year, to be totally false.

Courts take steps to cut prison population

■ New victim-offender programmes instead of jail:

THREE bold new steps are being taken by magistrates' courts to ease overcrowding in prisons and rehabilitate juvenile, first-time and petty offenders. Instead of facing trials, some offenders are participating in victim-offender mediation programmes or doing community service. And in cases of juvenile offenders, magistrates have the option of sending them on rehabilitation courses at special "juvenile schools".

Hostel inmates are blamed for massacre

(252)

INDEPENDENT witnesses and other evidence conclusively proved that only KwaMadala Hostel residents had been responsible for the Boipatong massacre, the Goldstone commission was told yesterday

Flip Hattingh SC, delivering closing argument for the SAP at the inquiry into the massacre, told Judge R Goldstone the evidence further proved the attackers had moved on foot from the hostel to the township

He asked the commission to reject allegations the SAP or individual members had been involved in the

killings, or had supported or protected the attackers. However, senior counsel for the ANC, Denis Kuyi, argued that the events in Boipatong that night showed the police had either been actively involved in the massacre or had neglected their duty

Responding to a remark by Goldstone that it was "hardly conceivable" that the police would use their official vehicles to assist in the attack, Kuyi said that in the past police had gotten away with similar actions merely on the basis of an official denial

Arthur Chaskalson, also representing the ANC, questioned how KwaMadala inmates could have brazenly attacked, murdered and plundered with apparent impunity

Either the group of about 500 attackers knew the security forces were so incompetent that they would not be apprehended, or it had been arranged that no action would be taken against them, he argued

STEPHANE BOTHMA

Weekly Mail claims 'false'

PRETORIA — The Goldstone commission found yesterday that allegations by the Weekly Mail newspaper of planning and instigation of violence by the SAP in the Vaal area were devoid of truth

The commission's report, released in Pretoria, found no justification for the newspaper's allegations that the SAP operated a base where assassinations of political campaigners were planned

In the report, the Goldstone commission said statements by Daniel Koli-sang and Solly Mngomezulu, whose allegations of SAP involvement in violence and assassinations were the basis of the Weekly Mail reports on May 8 and 15, were totally false

The commission accepted the finding that the newspaper staff's attempts to get police comment had been inadequate

The Ministry of Law and Order welcomed the findings yesterday

A spokesman said in a statement the finding "will hopefully increase confidence in the SAP". — Sapa

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0 September 1992

Comment on results



Nervous (252)
witnesses
W/M cut
name Ferdi
30/10-5/11/92.
Barnard

By JACQUIE GOLDING and EDDIE KOCH

EVIDENCE is mounting against former Civil Co-operation Bureau operative Ferdi Barnard as the man who gunned down Wits academic David Webster in 1989.

This week, Barnard's former employer, Willem Smit, joined a number of witnesses who have named Barnard during the Rand Supreme Court hearing into Webster's murder.

Smit told the court that Barnard had described to him how Webster "flew through the air" after being hit by a blast from his shotgun. Smit, a former MD of President Insurance, said he is in fear of his life after giving evidence.

The court is also in possession of documents, not yet made public — that supplement Smit's testimony.

These include a statement by Irishman Donald Acheson describing how Barnard had bragged about killing Webster while they were sitting in a Johannesburg coffee shop.

"The Webster murder became a point of discussion. I asked him who Webster was and he said that he was a radical 'kaffir' lover. I asked how they had killed him and he said that it was a shotgun," says Acheson's statement.

"He then said that the noise was deafening. That his ears were ringing for two days. This was the first indication that he had given that he was involved. He went on to say that Calla (Botha) had pulled the trigger."

Acheson was deported from South Africa after being detained in connection with the murder of Swapo lawyer Anton Lubowski in Wind-



hoek, an assassination that is believed to have been carried out by the now defunct CCB. The court has another statement from one George Mitchell, who says he met Webster through another CCB member during 1988. "About two months before the Webster murder, Barnard asked me if he could borrow my sawn-off shotgun — a 12-bore Bernardilli — so that he could test the weapon whilst firing from a vehicle down the coast as he was going down to Durban," the statement says.

Smit testified that his brother-in-law, Andrew Vorster, had informed him that Barnard had displayed a sawn-off shotgun and claimed it had been used to shoot Webster.

How Barnard managed to pay cash for a new house in Roodepoort just days after the Webster murder is a question raised by Mitchell's statement. Mitchell notes that Barnard was able to raise enough money in

May 1989 to buy his (Mitchell's) house at 26 de Wet Street, Horison, for R41 000.

"I asked him where he got the money from to pay me. He told me that the money was from his father and also from insurance deals that he had done," says the statement.

An intriguing aspect of the hearing revolves around an identikit provided by a man who says he witnessed Webster's murder.

The identikit, which was not made public by the police investigating team because they regarded it as unreliable, bears an uncanny resemblance to Barnard wearing a wig.

LATE FLASH!
Yesterday afternoon, Willem Smit withdrew all his evidence implicating Ferdi Barnard. He said he had been lying when he told the court Barnard had admitted killing Webster.

Smit testified that Barnard often wore wigs during his employ in 1989 at ACA Insurance Company in Roodepoort. He said he recognised two identikits before the court as resembling Barnard and a friend called Eugene Reilly. The hairstyle attached to one identikit was similar to a wig worn by Barnard, he added.

Another feature of the hearing is the claims by witnesses that they fear for their lives after giving evidence.

Smit is apparently being protected by ex-members of the police counter-insurgency unit, Koevoet, who accompanied him every day to court.

Barnard's counsel, Piet du Plessis, told the court that his client would deny having been involved in the Webster killing.

During Du Plessis' cross-examination of Smit, the judge decided again to hold the proceedings in camera because Smit said he did not want to testify further.

What would Ferdi Barnard look like in a blond wig? Witnesses at this week's Webster inquest said that the macho ex-policeman, decked out in a wig, was the man who pulled the trigger. Barnard denies the claim. We asked an artist to put a wig on Barnard, and were struck by his resemblance to the police identikit sketch (right). But then, as we ourselves said only last week, those identikits can make anyone look guilty.

Weekly Mail Reporter

THE Goldstone Commission has cleared the police of allegations that a secret network of police bases in the Vaal area was used to plan and instigate political violence.

However, the one-man investigation by advocate RM Wise into the allegations — carried in *The Weekly Mail* earlier this year — recommends that covert operations aimed at obtaining intelligence in relation to crimes of violence should be investigated by a "non-police, impartial agency" and that guidelines should be laid down for the implementation and supervision of these.

"When an organisation exists which is permitted to carry out such under-

Goldstone clears 'secret base' police

cover operations and which has sophisticated means of doing so, the opportunity and temptation for abuse exists," Wise notes. "Outside the evidence before this committee there is much to suggest that in other contexts and other circumstances covert operations have been abused, in that they have been the means whereby illegal acts of violence have been carried out by the security forces."

He stresses, however, that covert operations for legitimate purposes appear to be recognised both internationally and by the National Peace Accord.

The "Wise Commission" was charged with conducting a preliminary inquiry, with an eye to determining whether a wider investigation into *The Weekly Mail's* allegations was necessary. Finding that the sources relied on by the newspaper "proved to be untruthful and without substance", it recommends that no further investigation take place.

The commission also finds that the police were not given adequate time to respond to the allegations before they were published. (*Weekly Mail* editor Anton Harber) did not send the police the draft articles, but a list of questions

which cannot really be said to have made it clear what they were being accused of," he says.

The Weekly Mail based its reports on affidavits by a Vaal activist, Daniel Kolisang, and a recently returned exile, Solly Mngomezulu, who both stated they had been taken to a secret house and offered training or money to carry out attacks on African National Congress targets.

A *Weekly Mail* investigation discovered the location of the house and others linked to it, that it was a police operation and the names of several policemen involved. To do this, it had

to penetrate an elaborate veil of secrecy, including the systematic use of falsely registered vehicles and falsely registered pager and telephone numbers.

The Wise Commission found that Kolisang and Mngomezulu's statements were "totally false". It also cleared the policemen mentioned in *The Weekly Mail* reports, Captain AD du Plessis, Constable Johannes Mkwane, Warrant Officer Thys Nolte and Sergeant George Supra, of involvement in planning or committing acts of violence.

● The commission's report only arrived an hour before the paper went to press. A fuller report will appear next week. See editorial, Page 18



CP slates approval of Indemnity Bill

PRETORIA — The Conservative Party has condemned the approval of the Further Indemnity Bill by the President's Council yesterday, adding this was further proof of President De Klerk's capitulation to the African National Congress.

In a statement in Pretoria, CP spokesman on justice Mr Jurg Prinsloo said that in spite of opposition from almost every political party, Mr De Klerk used his National Party majority in the President's Council to enact his unilateral agreement with the ANC on September 26.

It appeared hundreds of dangerous criminals would be set free before November 15 in terms of the agreement between the National Party Government and the ANC.

Others would be indemnified without details of the crimes they had committed ever being revealed, he added — Sapa

252 NACT SIMOPE

Amnesty Bill rubber-stamped by PC

ARG 31/10/92

(252)

PETER FABRICIUS
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Political Staff

THE President's Council rubber-stamped President De Klerk's highly contentious amnesty legislation yesterday, damaging his political credibility and throwing a veil of secrecy over unknown numbers of political crimes of the past and perhaps the future.

The National Party stood isolated as it used its built-in majority to steamroller the Further Indemnity Bill into the statute books, brushing aside a chorus of protests from political and legal bodies both inside and outside the council.

The vote at the end of a heated day's debate was 38 to 14. The Labour Party, Democratic Party, Soli-

darity, the National People's Party — and even the Conservative Party — voted against.

The council formally recommended that Mr De Klerk approve the Bill though it had not been passed by parliament because the House of Delegates opposed it.

Critics said it was like a return to the days of President P W Botha. It was the first time that Mr De Klerk had resorted to the President's Council to ram through legislation.

DP president's councillor David Gant called the rubber-stamping of the Bill "blatant minority domination and constitutional manipulation" which would damage the honour and integrity of Mr De Klerk.

Some political commentators forecast that the Bill would hinder negotiations but this question was

clouded by uncertainty over the ANC's position.

NP president's councillors claimed yesterday the ANC really supported the Bill despite its public disclaimers.

This rekindled suspicions that the government and ANC might have done a secret deal to use the legislation to indemnify each other's political crimes.

Supporting this claim, the NP's Mr Johan Heyns, vice-chairman of the council, quoted from evidence which ANC national executive committee member Mr Matthew Phosa gave in the Transvaal Supreme Court on October 5, in support of an application for the suspension of the murder trial of a member of Umkhonto we Sizwe.

Mr Heyns said Mr Phosa had supported the suspension on the

grounds that the government was about to pass legislation to indemnify people like the accused.

According to Mr Heyns, Mr Phosa, when asked if he supported the proposed legislation, said "We are in favour of the legislation which is going to ensure that people in respect of whom we have a brief who are facing trials . . . who are still in exile, are not prosecuted."

A spokesman for Justice Minister Kobie Coetsee said later "This was a classic example of ANC equivocation and unscrupulous deception."

Mr Phosa could not be reached for comment last night.

The legislation provides for an indemnity council appointed by the president to decide in secret who should receive indemnity.

Michael Morris reports that the most exciting thing to occur during

the vote in favour of the Further Indemnity Bill was National People's Party councillor Mr A K Beesham's accidental abstention.

But, of course, it had no bearing on the outcome.

Nobody doubted the outcome yesterday, and the only bit of excitement came during the division.

In terms of the rules, members wanting to abstain must leave the chamber and remain outside once the bells stop.

Mr Beesham — who had delivered his maiden speech just 20 minutes before — walked out when the bells starting ringing and intended, apparently, to come back and vote.

The trouble was that he returned too late. The bells had stopped and the voting was under way when, halfway to his seat, he was spotted and promptly ordered out.

Indemnities Bill: What is FW hiding?

30/10/85 51192

THE government will attempt to ram its controversial amnesty Bill through the President's Council (PC) today, amid speculation by MPs that the cabinet is desperately trying to quash damning evidence that is likely to emerge in a pending political trial.

Democratic Party MP David Gant, a member of the PC, said the haste with which the Bill is being pushed through amounted to "procedural rape". Members of the PC were told to convene today, instead of next week, to make their decision about the

Further Indemnities Bill
It is believed that the speed with which the government is pushing its Bill through is a measure of the pressure President FW de Klerk is under from the security establishment Conservative Party members say the government is anxious to prevent a trial which may be held soon from going ahead because it can cause serious damage to National Party office-bearers

Clive Derby-Lewis, CP member of the PC, said he was unable to pinpoint which trial his members were referring

to. "But it must be very serious for De Klerk to bulldoze this through as hastily as he is"

The constitution allows the PC to deal with Bills that have been rejected

by the legislature into law

De Klerk has never used this mechanism to enact legislation. His actions around the amnesty Bill are the most authoritarian since he took over the presidency, indicating he is prepared to risk his reputation as an enlightened reformer by ramming the Bill through

There are three judicial processes in the pipeline that may be driving the government's determined effort

● It is believed that Joe Verster, former head of the Civil Co-operation Bureau, is in possession of important CCB documents that went missing at

the time of the Harms Commission of Inquiry into the unit's activities and that he is using these to force the government into accepting demands for severance packages for his men

At a press conference in June, Verster said a decision had been taken by the government to disown the CCB and blame it for most crimes that had been carried out by the security forces.

"I know about certain meetings, where people came together from the SADF and more than one government department, where they decided — and I know the name of the man who made the suggestion — to push the CCB in front and let it take the rap."

Verster said the generals who issued orders for the CCB were now being looked after by the state. His commander, General Eddie Webb, had been given a comfortable retirement package and had applied for indemnity against prosecution for political crimes

● The inquest into the murder of academic David Webster is producing evidence that links former members of the CCB — Ferdi Barnard, Calla Botha, Chappie Maree and Sjaal Burger — to the crime

It is possible that the government wants to prevent these ex-CCB men from being charged in a criminal court for the murder in case they decide to defend themselves by incriminating officials further up the line

The inquest has heard evidence from retired police general Jaap Joubert about the way in which his investigations into the murder were hampered by the SADF's former intelligence chief, General "Witkop" Badenhorst.

● The acting attorney general for the eastern Cape, Michael Hodgen, is investigating a top secret signal message which suggests that intelligence boss General CP "Joffel" van der Westhuizen was responsible for ordering the murder of anti-apartheid activist Matthew Goniwe in 1985.

The journal, *Africa Confidential*, which has receives information from Western intelligence sources, reports that Foreign Minister Pik Botha, Justice Minister Kobie Coetsee and Water Affairs Minister Magnus Malan served on the State Security Council at the time it handled the signal message

A source in the Constitutional Committee, where the Bill was debated this week, reports that Kobie Coetsee had acknowledged that the State Security Council could, in theory, qualify for indemnity in terms of the Bill. This raises the bizarre prospect that the chief architect of the Bill is seeking his own amnesty.

Hodgen has not yet made a finding and it is believed that the government is anxious to have its law in place before his report is made public.

Derby-Lewis said there was dissatisfaction among NP members about the way the Bill was being handled and noted that the country's attorneys general, whose work would be severely affected by the implications of the Bill, had not been consulted

The MP said he would boycott the sitting of the PC.

Meanwhile, expert legal opinion sought by Africa Watch, an international human rights group, suggests De Klerk could be breaking international law if he goes ahead with the general amnesty.

The organisation has advised De Klerk in a letter that South Africa is bound by the norms of customary law in the field of human rights that has developed since World War II. This corpus of international law requires the government to punish, "at the very least, those guilty of torture and extra-judicial execution".

PUBLIC SECTOR - GOVT. - JUSTICE

1992

NOV. — DEC,

NP man in Bill protest

By HEATHER
ROBERTSON

A MEMBER of the National Party walked out of the President's Council on Friday in protest against the way the Further Indemnity Bill has been "steamrollered" through

Mr Russell Crystal, director of the South African branch of the conservative International Freedom Forum and an NP member since 1977, abstained from voting on the Bill "because I don't believe it meets the stated objectives of achieving peace and reconciliation"

Mr Crystal said yesterday that it was "a political necessity to interfere with the legal process for the sake of reconciliation — but indemnity will not work unless there is absolute consensus"

"In order to be truly effective, the various political players must feel morally obliged to adhere to the provisions."

He said there was no question about his support for President FW de Klerk or party principles but he believed the Bill required further amendments so that consensus could be achieved.

● In a statement on Friday the Department of Justice welcomed the approval of the Bill by the President's Council "in spite of unprincipled objections and unsubstantiated opposition"

by the killings of
"These deaths are
If there are to be
there is no hope for
Residents said the
place in other parts

Joint action

NAMIBIA and South Africa's agreement on joint administration of Walvis Bay comes into effect today.

A spokesman for the Joint Administration Authority said several issues — like identity documents, border requirements, passport, citizenship, defence, education — were to be sorted out next week when the management committee meets.

Jockey hurt

REIGNING South African champion jockey Lloyd escaped serious injury after taking a fall off Matched M the second race at Durbanville yesterday.

Near the 900m mark the rein snapped, causing Lloyd to fall towards the running rail. He was trampled as the field loped by and lay on the ground until assistance arrived.

□ See Page 31

WEATHER

TRANSVAAL: Partly cloudy with scattered showers but isolated in the west. General rain and thunder in the south-west.

OFS: Partly cloudy and with scattered thunder but cloudy and cooler in the morning with general thundershowers in the west, central and southern.

NATAL: Partly cloudy with isolated thunder becoming scattered.

CAPE: In the east it will be

CCB chief asks to appear in disguise

THE Rand Supreme Court inquest into the shotgun slaying of anthropologist Dr David Webster had its third in-camera hearing on Friday, this time to decide whether Civil Co-operation Bureau head Joe Verster is to give his evidence tomorrow, again in camera.

Col Verster was due to give evidence on Friday and his counsel, Jurie Wessels, on Thursday asked if the court would make a ruling on whether his client could give evidence in a cleared court or in some sort of disguise to protect his identity.

Following the evidence of CCB operative Abraham "Slang" van Zyl, the court was informed Col Verster would be available to give evidence on Monday before leaving on an overseas trip.

During the Harms

Commission of Inquiry into politically-motivated violence, Verster and various other CCB members testified while wearing a variety of wigs, dark glasses, false noses and moustaches.

Earlier on Friday, Van Zyl, who submitted the same statement to the Webster inquest as he did to the 1990 Harms Commission, said he was asked about Dr Webster's death by Verster during an internal inquiry.

He was also later asked about possible CCB involvement in the killing by Military Intelligence head Gen Rudolph "Witkop" Badenhorst.

Throughout his evidence, Van Zyl denied any knowledge of the killing.

The inquest continues before Judge Michael Stegmann. - Sapa

Workers' claim sewn up

St. Times (Cape Metro) 1/11/72
THE South African Clothing and Textile Workers Union (Sactwu) has won R27 000 for five workers dismissed by a knitting factory in Elsie's River.

Mr Richard Kawie, the union's Elsie's River organiser, said this week that the company — Knitmaster — had underpaid the workers, had not given them their leave pay or their provident fund or sick fund contributions and had dismissed them unfairly when they complained.

The union brought 23 charges against the company in an action that was to have come before the Industrial Court. It was settled the day before the case was to have been heard.

The workers were awarded different amounts in settlement of the claims.

The managing director of Knitmaster, Mr Basil Zafiroopoulos, did not respond to messages left asking him for comment.

'Hit squads' probe

S/Time 1/11/92

(252) (248)

THIRD FORCE hit squad allegations are expected to be a key issue during the forthcoming Goldstone hearings into Natal violence.

The inquiry, which will begin on November 30, will be headed by Mr Justice Richard Goldstone — indicative of the concern with which the violence is viewed. It is expected that some members of the commission will travel to Natal two weeks before the hearing to make preparations.

Most of the Goldstone investigation teams are in Natal, including three foreign policemen.

In its most recent report, the commission found that allegations by the Weekly Mail newspaper of the plan-

By CHARLENE SMITH

ning and instigation of violence, including assassinations, by the SA police in the Vaal area were devoid of truth.

The findings were based on an enquiry conducted by advocate Robert Wise, who heard evidence around allegations published by the Weekly Mail in its May 8 and 15 editions. Mr Wise found that statements by Daniel Kolsang and Solly Mngomezulu — whose allegations were the basis of the reports — were false.

The Weekly Mail has accepted the finding.

In his recommendations, Mr Wise suggests the investigation of security force covert operations "by a non-

police, impartial agency", with guidelines laid down.

A case begins in Pretoria this week — the first as a result of a Goldstone inquiry — against two Schweizer Reinecke policemen alleged to have planned the assassination of three civic leaders.

Nonetheless, the Goldstone Commission has yet to find evidence of a third force.

It has conducted five enquiries dealing with so-called third force complicity in acts of violence, including the Weekly Mail allegations. Although the findings of the Boipatong hearing are not likely to be made public until late this year, three other instances proved unfounded.

Department goes to defence of chief magistrate

By EVE VOSLOO

THE Department of Justice has responded to complaints to the press by staff at the Mitchells Plain Magistrate's Court about the behaviour of the new chief magistrate, Mr Jacob Blom, by saying it is unaware of any grievances there and that Mr Blom has an exemplary service record.

Last week Cape Metro reported that the mostly "coloured" staff had issued a statement claiming that Mr Blom was rude to them and treating them in a way that was an insult to their professional status.

They said he had made them sign an attendance register, fill in forms to make photocopies or telephone calls and work overtime without pay.

In a faxed statement the Department of Justice in Pretoria said this week that it did not investigate anonymous "generalisations".

"If allegations are properly motivated and the necessary evidence is submitted, the matter will be investigated."

The department said Mr Blom had been transferred to Mitchells Plain on merit. He was a senior official "with extensive experience who has already served the Department of Justice for 37 years and eight months in an exemplary manner".

This was the first time allegations of this nature — "which are totally without foundation" — had been made against Mr Blom.

The fax said attendance registers were "common practice" in the department to control attendance, leave and overtime.

When the staff at the court brought their statement to the Cape Metro they said they were doing so as a last resort and were making it anonymously because Mr Blom had often threatened them with reprisals. They said they would consider a walkout if the reply from the department was not satisfactory.

No secret deal

State claims amnesty was for the ANC

AP News 1/11/92

THE ANC effectively denied yesterday that it had made a secret deal with the government on amnesty.

The organisation was reacting to a report quoting NP official Johan Steyns as saying it had backed the Further Indemnity Bill by calling for the suspension of a murder trial against ANC members on the grounds that indemnity legislation was underway.

"This is an unscrupulous distortion of the court record and the Record of Understanding," said ANC legal adviser Matthew Phosa.

"We want to reiterate our position that only an interim government can grant amnesty and this we made clear to the judge in the matter referred to," Phosa said.

The Further Indemnity Bill was rammed through on Friday by the President's Council after its passage was blocked in parliament a few weeks ago.

The NP outvoted the united opposition of the other parties by 38 votes to 14 endorsing the Council's Constitutional Affairs Committee recommendation that the State President sign the legislation.

Condemned

The recommendation also proposed the early amendment of the Act in terms of amendments put to the Parliamentary Joint Committee and amendments of its own aimed at reducing secrecy surrounding the granting of indemnity.

It makes provision for the indemnification of persons who committed crimes with a political motive before October 8 1990; the creation of an Indemnity Council whose members are to be appointed under the State President; functioning under chairmanship of a judge; and advising the State President on applications made for indemnity.

It also provides for the privileged hearing of evidence presented by an applicant, confidentiality of the proceedings and the publication of the names of successful applicants without being linked to specific crimes.

The Labour Party has condemned the Bill, saying it only served to protect the government and confirmed that senior cabinet ministers may be implicated in "dirty tricks".

Labour Party justice spokesman Llewellyn Landers said that the question of amnesty and indemnity should be left to an interim government of national unity which would give the process its legitimacy - "something which it lacks at present". - Sapa

— ANC

Strike delays ANC case

UMTATA — The trial of two ANC members, Mr Mfanelo Matshaya and Mr Ndibulelo Ndzamela, charged with the murder of a dissident, Mr Siphon Phungulwa, has been postponed until next week because magistrates and prosecutors are on strike.

252 (P) CF 2/11/92

Goldstone closes Boipatong inquiry

BLOM 2/11/92

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STEPHANE BOTHMA

THE inquiry into the Boipatong massacre was declared closed by Judge R Goldstone on Friday, but could be reopened if the analysis of erased police tapes warranted such a move

The tapes, which contained information relevant to events of the evening of June 17, were submitted to British government experts for analysis after the information was taped over by the Vereeniging internal stability unit of the SAP

Closing proceedings, counsel for the commission J J du Toit asked the commission to consider recommending creation of a "crack apprehension squad" which could work closely with the internal stability unit of the SAP in townships. The unit's prime task should be the following up of attacks and the tracing of those responsible while the trail was still fresh

Meanwhile, Flip Hattingh SC, representing the SAP, said in closing argument that massacres such as that at Boipatong could not be averted. "It is physically impossible to prevent attacks of this nature taking place. We do not have the manpower and vehicles to patrol every township 24 hours a day," Hattingh argued

He conceded the police should have taken steps to enter and search KwaMadala Hostel sooner than they did after the Boipatong massacre. This could have resulted in the arrest of more attackers and seizure

of evidence before it was destroyed, he said

But, he told the commission, entry into the hostel shortly after the massacre would have met with resistance, violence and possible further bloodshed

Louis Visser SC, representing Inkatha and the KwaZulu government, said in his closing argument on Friday that there had been no evidence that linked his clients to the massacre

"No evidence has been submitted which in any way justifies allegations of any direct or official complicity in, or planning of, the attack on the residents of Boipatong by either the KwaZulu government or Inkatha," Visser said

Although evidence showed residents of the KwaMadala Hostel had perpetrated the attack, "the fact that someone is a Zulu and lives in KwaMadala does not necessarily mean he is a member of Inkatha"

Visser told Goldstone the criminal trial which would follow in the near future would probably show the massacre was not preceded by a carefully considered, politically motivated plan

SADF senior counsel Anton Mostert SC argued that the two SADF units in the area on the night of the massacre had conducted themselves properly

R8,7m passed for hostels in Transvaal

GERALD REILLY

PRETORIA — An amount of R8,7m had been voted from the R196,6m made available by government to the TPA for the improvement of 92 hostels in the Transvaal, planning and development MEC John Mavuso said at the weekend

It had been agreed that at 12 out of 14 towns in the eastern Transvaal, hostel accommodation should mainly be converted into family units

Mavuso said co-operation between inter-

est groups should serve as an example of what could be achieved when the needs of communities were put first

Negotiations were in progress at a further 46 hostels on the process of upgrading and/or conversion

Mavuso said in nine other cases, efforts were being made to identify all interested parties and to urge them to negotiate

...after infiltrating from Transkei

ANC denies it struck deal on blanket amnesty

Sowetan 2/11/92

(252)

By Ismail Lagardien
Political Correspondent

THE African National Congress (ANC) has denied that it had struck a deal with the South African Government on a blanket amnesty which resulted in President FW de Klerk steamrolling the Further Indemnity Bill through Parliament

The much criticised Bill, which empowers De Klerk to appoint an indemnity council which will consider, in secret, who should be indemnified, was rubber stamped by the President's Council on Friday

As the Bill stands only the names of people indemnified will be listed in the

Government Gazette and not the crimes they committed

The way the Bill was forced through Parliament despite opposition from even National Party members of the President's Council, was reminiscent of the PW Botha era, critics have said

The Democratic Party members in the President Council said the haste with which the Government was pushing the Bill into law had "aroused suspicion" and appeared to be an attempt to preempt "pending court cases against the high and mighty"

As a case in point Mr James Selfe of the Democratic Party said the former boss of the Civil Co-operation Bureau

was about to appear before court and had valuable files "at his disposal"

The ANC has denied that the Bill had the backing of the movement. It denied having called for the suspension of a murder trial against its members on the grounds that indemnity legislation was under way

The ANC's legal adviser, Mr Matthew Phosa, yesterday said "This is an unscrupulous distortion of the court record and the Record of Understanding"

He said evidence referred to in this respect was when the ANC sought (through negotiations) the termination of the trials of some of its members



To add humour to your day,
Sowetan cartoonist Len Sak
uses his sharp pen to take a
look at a slice of South
African life

ANC denies amnesty deal

JOHANNESBURG —
The ANC has denied it
struck a secret deal with
the government on an
amnesty (25)

The movement was
reacting to a report that
quoted a National Party
official as saying the
ANC had backed the
Further Indemnity Bill,
passed by the Presi-
dent's Council, by call-
ing for the suspension of
a murder trial against its
members on the grounds
that indemnity legisla-
tion was under way. —
Sapa et 2/11/92

'Show security force violence'

Political Staff (32)

THE SABC should spend a week showing films seen overseas about the actions of South African security forces so President F.W. de Klerk can understand why they need indemnity, says Dr Allan Boesak.

Mr De Klerk had said he did not know of a single member of the security forces who had applied for indemnity — but the rest of the world knew because they had seen television films of them in action, Dr Boesak told the ANC's Western Cape congress

2/11/92

'CCB not linked to lawyer's death'

Sowetan 3/11/92
By Sowetan Correspondent

THE CIVIL CO-OPERATION Bureau did not order the assassination of Namibian advocate Anton Lubowski, the David Webster judicial inquest in the Rand Supreme court heard yesterday.

Counsel for the SADF, Peet Coetsee, SC, said neither Military Intelligence chief General Witkop Badenhorst nor CCB chairman General Eddie Webb had been aware of any sanctions for the murder.

He was cross-examining one of the investigating officers into Webster's murder, General Jaap Joubert, who earlier told the court the Lubowski killing had been a CCB project while that of Webster was not.

Joubert said he was given the impression during discussions with Webb and Badenhorst that Lubowski's murder had been a CCB project, although the correct procedures were not followed.

"The person who pulled the trigger got the sanction from someone. The correct procedure was not followed but someone in the structure gave the authority for the shooting," he told Mr Justice M Stegmann.

■ WRONG IMPRESSION

Made to believe Lubowski's murder was CCB project:

Coetsee said his instructions were that Badenhorst had commented to Joubert that he was upset Lubowski was murdered as he was a Military Intelligence agent. Neither Badenhorst nor Webb further discussed the assassination with Joubert, he added.

Joubert replied they had discussed the assassination because he was following up parallels between Webster's and Lubowski's murder. "In my wildest dreams I can't imagine that we did not discuss the matter," he said.

Webster was shot outside his Troyeville, Johannesburg, home on May 1 1989 and Lubowski was gunned down outside his Windhoek home on September 12 the same year. The hearing continues.

in brief

Sowetan 3/11/92 (252)
CCB man flees the country

A WARRANT for the arrest of former CCB managing director Joe Verster, who failed to appear in court yesterday, was issued by Mr Justice Michael Stegmann in the Rand Supreme Court.

The court was told that Verster, who was subpoenaed to appear yesterday to testify at the inquest into the May 1 1989 killing of Wits University academic Dr David Webster, had left the country.

Agreement to disagree

FOOD and Beverage Workers Union of South Africa official Mr JT Mdlalose yesterday contested an attorneys' statement on Friday that two union officials had been reinstated as members of the union's executive committee in terms of an order granted in the Rand Supreme Court. He said the return to FBWUSA administrative affairs of the two officials was the result of an agreement reached in court, rather than an order as reported.

Security boost for Natal

AN ADDITIONAL 250 policemen left for troubled areas of Natal from the Transvaal yesterday, Law and Order Deputy Minister Gert Myburgh told Soweto. He said they formed part of 600 policemen who would be deployed in the province as part of the Government's plan to curtail violence there.

Alleged necklacers on trial

LEGAL argument in the trial of five policemen, alleged to have attempted to murder a man by "necklacing" him, will begin in the Durban Regional Court today.

The men, Lance-sergeants Mark Lucy (24) and Simon Gerald Coetzee (22) and constables David Potgieter (19), Pierre Laubscher (18) and Bradford Brown (19), have all pleaded not guilty before Mr PJ du Plessis to attempting to kill Mr Vusi Phiri.

Is fencing-off the answer?

THE GOVERNMENT appears to be in a dilemma over plans to fence off troublesome hostels on the Reef and the Vaal Triangle.

"The aim of fencing off hostels - in line with the Record of Understanding - was to place a barrier between attackers and people on the receiving end of the violence, but in areas where normality has returned we have to ask ourselves whether such measures solve the problem or worsen it," said Deputy Law and Order Minister Gert Myburgh during a tour of eight hostels on the Reef and the Vaal Triangle yesterday.

Hefty damages paid out

A STELLENBOSCH wine farmer yesterday agreed to pay two farmworkers R50 000 in a Supreme Court sequel to the fatal beating of one of the workers. Mr Wynand Smit, owner of the Koopmanskloof wine estate, did not accept liability when settling the claims arising from assaults by a former employee, Mr Rudolf Rix, said the applicants' attorney, Mr Glynn Williams.

Smit agreed to pay the estate of the late Andrew Thompson R20 000 and R30 000 to Mr Godfrey Williams, plus their costs.

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B10/11/92

Policemen on trial (252)

LEGAL argument in the trial of five policemen, alleged to have attempted to murder a man by necklacing him, will begin in the Durban Regional Court today. L-sgts Mark Allan Lucy and Simon Gerald Coetzee, and constables David Wilhelmus Potgieter, Pierre Cornelius Laubscher and Bradford Brown, have pleaded not guilty to attempting to kill Vusi Phiri, whom they suspected of unlawful possession of a pistol.

Erasing of Boipatong tapes 'deliberate'

ALAN FINE

AN INVESTIGATION by British government experts has found that the Boipatong tapes may have been "hurriedly and deliberately erased with the object of obscuring the contents". *BIPM 3/11/92*

Details of the findings are scheduled for public release today by the Goldstone commission. They were released to the SAP's legal advisers and other legal teams involved in the hearing on Friday to enable police to consider their response.

It is understood the police have questioned the validity of the UK findings.

The tapes in question were those which recorded radio communications between police in the field and the Vereeniging

internal stability unit on the night of the June 17 Boipatong massacre. It had been hoped that they would throw light on allegations of neglect of duty by the police in failing to prevent or halt the massacre, or even of complicity.

Police told the Goldstone inquiry on August 11 that the recordings had been wiped clean accidentally because of a procedural fault.

The tapes were then handed for analysis to a local firm, Grinaker Electronics.

It later emerged that the firm, which found no evidence of deliberate erasure,

had links with the security services. The commission requested the British government to analyse the tapes independently.

British Embassy First Secretary Geoffrey Adams said yesterday the results of the analysis and the tapes themselves had been handed to the commission. The tapes had arrived from London on Sunday.

Commission spokesman Glen Cuthbertson said yesterday Judge R Goldstone received the report late last week.

Neither was willing to comment further. The Boipatong inquiry was officially closed on Friday but Goldstone said it could be reopened if the analysis of the tapes warranted it.

Warrant of arrest for ex-CCB head

A WARRANT for the arrest of former CCB MD Joe Verster was issued in the Rand Supreme Court yesterday after he failed to appear to testify at the Webster inquest.

The court was told that Verster had gone abroad to finalise the winding up of various projects undertaken by the CCB before it was disbanded. *8/10/94 3/11/92*

Verster, who is under subpoena to testify, left the country despite a directive to his counsel from Judge M Stegmann last Friday that his client be in court yesterday to testify.

On Friday the judge granted Verster's application to testify in camera to protect his identity, but ruled that a transcript of his evidence would be made public.

In a statement submitted to the court Verster apologised for his non-appearance but said the arrangements for winding up these projects had been made before he

SUSAN RUSSELL

was aware that he had to testify yesterday.

Verster said he had no intention of not testifying and would be available not later than November 23. *Q52*

Verster said in terms of the agreement between the SADF and the CCB, former members of the covert unit would not receive final pension payouts until these projects had been wound up. All parties involved in the projects had been given a time scale in which to complete them.

A plan had been drawn up to meet these people within the shortest possible time without the one being made aware of the other's involvement in the CCB.

Verster said there were already at least four people on the move and the first meeting with them was to have taken place

□ To Page 2

Arrest warrant *8/10/94 3/11/92*

yesterday

"My working relationship with these people must be kept in mind," Verster said

"I cannot reveal my involvement in the Webster inquest because I have only dealt with these people on a business basis"

Verster said there had also been pressure to conclude the projects because the families of several CCB members were living below the breadline.

He apologised if the court found that his decision to place the interests of his subordinates first was incorrect and said he was sorry if he had embarrassed Stegmann by his non-appearance

He also said it was his duty to mention that circumstances had forced him to

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make the statement and that no pressure to do so had been placed on him by his legal representative or anyone else

Later yesterday former CCB operative Calla Botha testified He denied he was involved in the Webster murder.

He also said he did not know who was responsible for the murder

Cross-examined by E Bertelsman SC for the Webster family, Botha said the State was paying his legal costs incurred during the inquest

Botha said he was not certain if the funds were coming from the SADF although his attorney Piet du Plessis had had consultations with SADF members

The hearing continues today

FW: No
releases ^{et. 3/11/92} ⁽²⁵²⁾
without
legislation

JOHANNESBURG. — President F.W. de Klerk last night said he would not free any political prisoners without the backing of proper legislation.

He was responding to criticism to the government's decision to push the controversial Further Indemnity Bill through the President's Council last week.

Interviewed on SABC TV's Agenda programme, Mr De Klerk vigorously defended the Bill which was rejected earlier by Parliament.

He said there were limitations in existing legislation, in terms of which thousands of ANC returning exiles had been granted amnesty, and this had created problems.

"For instance, people who had committed political murder had been excluded and it had become urgently necessary to broaden the existing legislation."

Mr De Klerk said he had committed himself in terms of the government-ANC Record of Understanding agreement reached in September to have the Bill on the statute books as soon as possible. — Sapa

SA needs more courts — law society chief

61 DAY 3/11/92
OUDTSHOORN — The basis of society would disintegrate if the Justice Department was not adequately funded to rectify shortcomings in the legal system and restore the public's confidence in the administration of justice and government, Cape Law Society president Carl Pohl said yesterday.

He urged government to recognise the importance of a respected justice administration as the basis of a sound community and legitimate government.

Government should acknowledge

the need for an enormous injection of funds to the Department of Justice — at the cost, if necessary, of other departments.

Pohl told the Cape Law Society's AGM at Oudtshoorn that there had been a great effort in various courts to streamline procedures to reduce delays. Although matters had improved there was no doubt more courts were needed.

He added that he believed the Justice Department was aware of the problems, but was hamstrung by a budget for this year being only 0,78%

of the country's total budget.

Pohl criticised the release of political and ordinary prisoners, and also said that the passage of the Further Indemnity Bill was regrettable.

Meanwhile it was reported from Pretoria yesterday that Transvaal Law Society president Igna Klynsmith called on all attorneys in the province to help root out all forms of corruption.

Klynsmith said society had been rendered punch-drunk by all the "corruption shocks" that had rocked the country — Sapa

NEWS Goldstone rejects experts' findings on erased massacre tape



Workers at Soweto businessman Mr Richard Maponya's supermarket hoist placards and toy-toyi during their strike for more pay, which entered its fourth day yesterday. Pic VELI NHLAPO

Goldstone rejects evidence

Information from British experts too 'tentative'

By Ismail Lagardien
Political Correspondent

The Goldstone Commission has rejected the evidence of British experts that the erasure of police tapes of the night of the Boipatong massacre "may have been done deliberately to obscure the contents"

The tape recordings of police communications on the night of the Boipatong massacre were returned to the commission last Thursday when they were replayed to verify findings of British government experts

Commissioner of Police General Johan van der Merwe yesterday expressed his "appreciation" for the Goldstone Commission's rejection of the evidence of British experts

Mr Justice Richard Goldstone yesterday said "No conclusions can fairly be drawn on the strength of the tentative suggestion made by the British experts

"Not only because it is tentative but in particular because no reasons at all have been furnished in support thereof

"The portions of the tape played on November 2 do not appear to confirm the information furnished by the British experts"

Train killers strike again

NEW WAVE Commuters shot indiscriminately

in coaches and from platforms:

By Abbey Makoe

SEVEN people were killed and five others seriously injured yesterday in a new wave of attacks on train commuters on the East Rand and in Johannesburg

Five of those killed on the East Rand died while a policeman tried to rescue them

The unidentified policeman told the station officials he could not gain entry to the adjoining coach, where he heard gunfire and screams, because the doors were locked

A Witwatersrand police spokesman said three people were shot dead at Pilot Station and two others mowed down at Lindem Station, both on the East Rand, when gunmen opened fire

He told *Sowetan* that the attackers appeared to have boarded the train at Kwesine Station, near Kwesine Hostel, and were armed with Russian-made Makarov pistols

"They also seemed to have shot at commuters as the train stopped at platforms," the spokesman

added
Meanwhile, in a separate attack, the body of a man was found at Croesus Station in Johannesburg on the railway line to Soweto

Police said witnesses alleged that the man had been attacked on a train before being thrown out.

The body of another man was found about 100 metres from Braamfontein Station in Johannesburg. Police said the body was found along the railway line

Pilot and Lindem stations are not far from Katlehong on the East Rand, where police said five people narrowly escaped death during train attacks yesterday

The survivors were admitted to the Natspruit Hospital where by late yesterday four of them were still being treated for gunshot wounds

A Natspruit Hospital spokesman said the fifth was rushed to the Hillbrow Hospital in Johannesburg

Police would not disclose the identities of the dead victims and the hospital would also not furnish the names of the survivors, including two others who were treated and discharged

Bureau men 'not seeking amnesty'

Political Staff

(252)
CIVIL Co-operation Bureau (CCB) chief Mr Joe Verster and other members of the organisation are "not interested" in applying for amnesty under the controversial Further Indemnity Bill. *AKG 4/11/92*

In a statement issued in Pretoria, Mr Verster — who is abroad to wind up "business projects" of the now-defunct organisation — said he did not believe he and "his people" should apply for amnesty for carrying out orders from higher authority.

"Amnesty would be meaningless unless our employers and the politicians themselves first applied for it," Mr Verster said in a statement read to the media by the former personnel manager of the CCB, codenamed "Wessel Huyser".

LLOYD COUTTS

Verster says unit is govt scapegoat

THE CCB alleged yesterday that an orchestrated effort was being made to hold the organisation accountable for a large number of crimes committed in SA

Ex-CCB MD Joe Verster accused government, the police, the Auditor-General and the media of conducting a witch-hunt

A warrant for Verster's arrest was issued on Monday when he failed to appear at the Rand Supreme Court to testify in the David Webster inquest

Verster said the police had chosen to focus on the CCB in its investigation of the Webster murder, despite the fact that the Harms commission and the Webster Trust believed the CCB had nothing to do with the killing

Police officers had been subpoenaed only to help prove the CCB's participation in the murder. Not only the investigation, but witnesses were being manipulated to suit the trial, Verster said

Verster said he had attempted to present arguments to the parliamentary Select Committee on Public Accounts against claims of large-scale maladministration and theft of funds by the CCB, to no avail

His attempts to secure an interview with President F W de Klerk had proved fruitless, and government had added to the proclamation of lies about the CCB when

To Page 2

Verster

former Defence Minister Magnus Malan said CCB projects had been terminated

"I am, however, now busy closing the same projects with the sanction of the President. It is clear that certain Ministers did not inform the President thoroughly"

He added there was no truth to reports that he intended laying low until amnesty legislation was passed. The question of amnesty was meaningless unless those who had given commands and politicians applied for it

"I do not believe that my people and I should apply for amnesty for the execution of orders given during a specific political era," Verster said

Former CCB personnel manager Wessel Huyser (an "administrative" name), told

the news conference that Verster was abroad dismantling former CCB "business deals"

The identity of the businessmen involved could not be revealed to protect them

Some of the businessmen involved would lose money from the closure of the CCB, but Verster was also in the process of recovering assets for the government

Asked how he could still be acting as CCB personnel manager, Huyser said that although no CCB projects were under way, certain "structures" still existed

The ANC, meanwhile, said it was shocked and outraged that the CCB still operated to such an extent that its head could defy a court of law

From Page 1

NEWS Webb wanted to 'protect brothers in arms' ● Harare meeting goes ahead as planned

'Misled Harms' - CCB man

Sowetan
Sowetan Correspondent

CCB CHAIRMAN GENERAL Eddie Webb deliberately misled the Harms Commission investigating alleged death squads to protect his "brothers in arms", the inquest into the murder of Dr David Webster heard yesterday

Giving evidence in the Rand Supreme Court, Webb admitted he and CCB managing director Colonel Joe Verster had misled the commission by denying any knowledge of plans to murder lawyer Dullah Omar and journalist Gavin Evans

He conceded his omission was designed to mislead the commission's chairman, Mr Justice Louis Harms. He did not want the commission to make the finding that the CCB could have assassinated people inside the country

Mr Eberhardt Bertelsmann, SC, appearing for the David Webster Trust, said "If you were prepared to mislead the commission under oath to protect your brothers in arms against possible repercussions for unsuccessful assassination attempts, how much further would you be prepared to go to protect them for actual murder?"

4/11/92
BUSINESS TRIP Covert unit managing direc-

for Joe Verster says he is not in hiding:

Webb replied that had the assassination attempt on any of the targets been successful, his evidence to the commission would have been different

He said senior CCB officials were aware of plans to murder South African citizens, but he had twisted the truth since "it would have negative implications" for this to be made public

He denied trying to create the impression that the murder of people within the country had been unauthorised actions by lower-ranking agents. The inquest heard earlier that former CCB agent Ferdi Barnard was suspected of murdering Webster on May 1 1989 to impress the CCB hoping to winning another contract

Webb said this suggestion had been made to him by Verster, whom he had approached to inquire about possible CCB involvement in the assassination. He claimed Verster and others had "taken it

upon themselves" to decide which enemies to eliminate - in direct conflict with the established procedures

Webb told Mr Justice M Stegmann he would have had to approve plans for any elimination, and, since such action would have political and strategic implications, he would have to consult his superiors in the SADF

Verster had not fled the country as alleged in media reports but is on a scheduled overseas business trip, a senior official of the CCB said yesterday

CCB personnel manager Mr Wessel Hyser said he had been mandated by Verster to release a statement denying the reports

"I have never tried to flee, and the South African Police have never had to arrest me. I even made myself available to give evidence before the Harms Commission and I have no reason not to do so now," Verster said in the statement



CCB chief misled Harms commission

FORMER CCB chairman and SADF Special Forces CO Gen Eddie Webb admitted yesterday he had misled the Harms commission by not disclosing he knew CCB MD Joe Verster had approved the elimination of activists Dullah Omar and Gavin Evans.

Testifying at the Webster inquest yesterday, Webb agreed that this evidence would have had a material effect on the findings of the Harms commission.

Webb, Verster's immediate superior, said CCB projects to eliminate people had to be approved by himself. Both he and Verster denied during evidence to the Harms commission that CCB activities included killing people inside SA

B/DAY 4/11/92
SUSAN RUSSELL

Webb testified yesterday that he had first found out about plans to kill Omar and Evans at a meeting with Verster and former MI chief Gen Rudolph "Witkop" Badenhorst during an internal inquiry into CCB activities in January/February 1990.

Verster told him that the projects had been approved at his level.

Under cross-examination, Webb agreed that the only person at Verster's level had been Verster himself.

He denied that his motive for withholding his knowledge of the Omar and Evans projects from the Harms commission was

because it would have shown the world that the CCB had in fact committed acts of violence inside the country.

Webb also denied that he had tried to create the impression at the Harms commission that these were unauthorised activities by low-level CCB operatives.

Counsel for the Webster family E Bertelsmann SC put it to Webb that if he was prepared to lie under oath about the unsuccessful Omar and Evans projects to protect brothers in arms, it was more probable that he would lie about successful projects like the murder of Webster and Swapo lawyer Anton Lubowski.

□ To Page 2

CCB *B/DAY 4/11/92*

Webb replied that that was pure speculation. He said he had not known about a CCB project to monitor Evans.

CCB operatives had not been required to inform him or obtain his approval for monitoring projects, he said

Webb told the court he had been aware of the name Evans because it had been used by Lusaka-based ANC member Hein Grosskopf

Asked whether he knew of a project to eliminate Grosskopf, counsel representing the SADF, P Coetzee SC, objected on the

(252) (253) (254) From Page 1

grounds that Webb could not answer questions about foreign projects because this would contravene the Defence Act.

The court was also told that Webb had applied for indemnity in respect of various CCB activities carried out while he was head of the covert unit. The Lubowski and Webster murders were not among these

Webb also refused to answer questions about certain CCB projects on the grounds that he would incriminate himself.

The hearing continues today

ANC, who said the tapes were not erased as computers tried to copy the tape, and that the ANC's 2x2 drive. Erlston, who took three years to develop the drive, and who says the drive enjoys greater popularity than in SA. He expects the Bldrive will sell for around \$30.

Picture ROBERT BOTHA

FW's fall 'his own fault'

BILLY PADDOCK

PRESIDENT F W de Klerk was responsible "all by himself" for any damage to his popularity, ANC spokesman Carl Niehaus said yesterday. He was responding to De Klerk's complaint on TV1's Agenda programme on Monday night that the ANC had embarked on a "negative" campaign against him after the referendum because he was becoming too popular. De Klerk said his growing popularity had been perceived by the ANC as a threat and thus had led the organisation to embark on the campaign. Niehaus said De Klerk and government's lack of movement towards democracy, and its lack of commitment to this ideal and clearly addressing the violence was the major reason for people losing faith in De Klerk. The President should look to himself and not others to blame for his political misfortunes, he said.

Report inconclusive on Boipatong tape erasure

THE Goldstone commission had found no conclusive evidence that the Boipatong tapes may have been deliberately erased as suggested by British experts, Judge R Goldstone said in Johannesburg yesterday. British government experts found the tapes had been recorded over and said the technical evidence "suggests that this may have been done deliberately and hurriedly in order to obscure the contents". Their report was received by the commission on October 29. After portions of the tapes were replayed on Monday, the commission found that "no conclusions can fairly be drawn on the strength of the tentative suggestion made by the British experts", Goldstone said in a statement issued yesterday. "The important information ascertained by the British experts is that what was over-recorded is not retrievable," Goldstone said. The technical experts had offered a further clarification of their findings on Monday, he said. They said some of the material superimposed on the tapes, which recorded police communications on the night of the June 17 Boipatong massacre, was recorded at a non-standard speed equivalent to between a third or a quarter of the normal

recording speed. In addition, some of the superimposed material had been recorded backwards, they found. Goldstone said "The commission would like to emphasise that in its opinion it would be speculative to draw any inferences or conclusions on the information which has thus far been received with regard to the circumstances in which the original information on the tape came to be erased". Police told the Goldstone inquiry on August 11 the tapes had been accidentally erased, which was supported by the preliminary findings of a local firm, Grinaker Electronics. But when it emerged that the company had links with the security forces, the Goldstone commission withdrew the tapes from Grinaker and the British government agreed to have the tapes analysed by its own technical experts. Goldstone said yesterday that if any party wished to have further witnesses called or if the tapes were required for further technical analysis, the commission would decide on such requests after consultations with the legal representatives of all interested parties. — Sapa.

BIDAY 4/11/92

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Standard's actions do not

Policeman acquitted

FORMER Mooi River station commander Lt George Nichas was found not guilty on two counts of murder and two of attempted murder after a series of shootings in Bruntville during 1990. (251)

Passing judgment in the Durban Supreme Court yesterday, Judge Booysen said that never in 34 years as a judicial officer had he heard so many witnesses — policemen and civilians — tell so many lies which prevented the truth from being discerned. (252)

BIDAM 5/11/92



Webster probe hears missing diary entries

SUSAN RUSSELL

A PAGE missing from the diary of former CCB co-ordinator Wouter Basson appeared to be instructions to an assassin, the Webster inquest heard yesterday. (252)

Basson, alias Christo Brits, was co-ordinator of the CCB's region 6 which operated inside SA. BIDAM 511192

He conceded during cross-examination that his notes for September 12 1989, the day on which Swapo lawyer Anton Lubowski was murdered, did look like instructions for an assassin after completion of an assignment.

The page is one of two missing from the diary. Forensic experts who examined the diary have been able to ascertain the contents of the missing entry.

The entry reads: "disguise/don't phone. new clothing. only act according to plan. don't use pager, no personal contact after completion. Alibi, to go to Zambia".

Basson, who denied there had been CCB projects to murder Lubowski and David Webster, said the entry referred to a CCB operation outside SA involving an individual known as Mohamed.

He said it was purely coincidental that this page and the one for August 31 were the only ones missing from the diary.

August 31, he said, was the date of a CCB operation, one of four about which he did not wish to testify.

Basson was cross-examined at length about other entries in the diary.

The August 3 entry refers to "options" in respect of "client 2". Among the options are "witchdoctor, medical, and car bomb".

Counsel for the Webster family, E Bertelsmann SC, put it to Basson that these were the options suggested for the elimination of a subject.

Basson said the entry could be referring to suggested methods for recruiting people, but conceded it was possible the "options" did refer to methods of elimination.

Another entry refers to Client 1 being made to "fall" (val) before the end of August and client 2 by the middle of September.

□ To Page 2

Webster ^{BIDAM 511192} ~~(252)~~ (252) □ From Page 1

Basson agreed that omval (topple over) was CCB terminology for elimination. chairman Gen Eddie Webb

Entries in July 1989 refer to CCB projects to disrupt Swapo activities prior to the elections in the then South West Africa. "It's very clear, isn't it, that during the course of 1989 the CCB had a very intensive interest in Namibia," Bertelsmann asked.

Basson admitted that one note referred to an order that Staal Burger, who was involved in the CCB's activities in SWA, MD Joe Verster, but did not know if Ver-kill supporters of Hein Grosskopf. "It was a direct order," Basson replied. He said the order had come from CCB. aster had received the order from higher up.

He said this order had come from CCB. The hearing continues.

Ambush of police: State drops charges

ET 5/11/92
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Staff Reporter

THE family of ANC soldier Mr Fumanekile "Feti" Booi, who until this week was charged with the murder of a policeman, have urged the state to publicly clear his name.

The police, who are perplexed by the sudden decision to drop the charges against Mr Booi, will also be requesting an explanation from the attorney-general's office.

Mr Booi, 31, was arrested in January for the murder of Sergeant "Kulu" Els in an ambush in Nyanga in July, 1990, and the attempted murder of two policemen during the same incident.

Only the attorney-general, Mr Frank Kahn, could disclose the reason for dropping the charges against Mr Booi, the deputy attorney-general, Mr J.A. Niehaus, said.

Mr Kahn was away and could not be reached for comment.

The attorney-general's office was not obliged to give reasons for drop-

ping the charges, Mr Niehaus said.

Miss Thundie Booi said the family "had been through hell".

"My brother has been defamed by the state and it is up to the state to clear his name. I will be encouraging him to sue for what they have put us through," she said.

Police were yesterday sorting through the evidence they had gathered against Mr Booi and plan to visit the attorney-general's office for an explanation.

Colonel Anthony Dewhurst, head of police public relations in Cape Town, said there had to have been enough evidence against Mr Booi to obtain a warrant for his arrest.

ANC spokesman Mr Willie Hofmeyr said Mr Booi should not have been charged. "We believe they have no evidence to support it," he said. He believed the arrest to be part of a "smear campaign" against the ANC.

Colonel Dewhurst denied this.

De Klerk signs Bill into law

By Ismail Lagardien
Political Correspondent

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STATE President Mr FW de Klerk has signed the Further Indemnity Bill into law, which means that security force members who may have assassinated State opponents may now be pardoned.

De Klerk signed the Bill on Tuesday and it is expected to be published in the Government Gazette soon, Mr Dave Stewart, director-general in the State President's Office, said yesterday. The Bill was opposed by Parliamentary and extra-parliamentary political groups. But the Government used its special powers in the President's Council to push it through. Meanwhile, Law and Order Minister Mr Hernus Kriel said the Government had proof that the ANC's military wing, Umkhonto we Sizwe, had sent at least 120 of its soldiers into Natal. Kriel said the Government had dispatched 2 000 South African Defence Force troops into Natal and declared Richmond and Umbumbulu Unrest Areas "to give the security forces extra powers".

He appealed to Mr Nelson Mandela and Chief Mangosuthu Buthelezi to meet and to stop the fighting in Natal.

State agents may now not be prosecuted for their offences:

6/11/92

"political" acts by State officials Coetsee, in evidence to a PC committee, denied that it would be used to indemnify the entire government and bureaucracy for past acts — but conceded that it was possible to do so

Opposition sources believe two pending events may have spooked government into rushing the measure through, the imminent completion of the official report into the murder of Matthew Goniwe and fellow activists in the eastern Cape, and the Webster inquest and possible evidence by former CCB commander Joe Verster (A warrant for Verster's arrest was issued this week when he failed to appear at the inquest to give evidence. He is reported to be overseas winding up CCB business)

A third possibility is the existence of a secret protocol attached to the Record of Understanding reached in September between De Klerk and ANC leader Nelson Mandela — but this has been denied by the ANC

Democratic Party President's Councillor James Selfe says there is no cogent reason De Klerk suddenly needs the powers contained in the Bill. It covers five categories of people: prisoners sentenced to death, those in jail for life, those in jail for lesser periods, people facing trial, and those not yet charged

Selfe says that in terms of the constitution and the Correctional Services Act, De Klerk can already commute death sentences and unconditionally release prisoners serving sentences of less than life. And under Section 6 of the Criminal Procedures Act, attorneys-general can withdraw charges against people facing trial — which amounts to an acquittal — and De Klerk can use the existing Indemnity Act to pardon people not yet charged

Only life sentences could pose a problem. In terms of the Correctional Services Act, the Advisory Release Board must advise the President before people sentenced to life terms can be released. The board has laid down certain criteria, including that the people to be released must have served at least 16 years in prison

However, a number of prisoners, including Robert McBride and Barend Strydom, did not comply with this requirement and it is understood that De Klerk did not consult the board before they were released. Technically, then, it seems possible that they could consequently be re-imprisoned

But even this does not explain the near-panic pace at which government has forced the measure into law ■

INDEMNITY FM 6/11/92

Still a mystery (252)

Government's decision to rush the Further Indemnity Bill through the President's Council last week instead of this Thursday as scheduled, has added to the mystery of why the measure is needed in such a hurry

Some critics argue that a cover-up is on the go. They believe the new law may be used to suppress highly embarrassing information which is about to be published — or at least contain any damage, should names get out, by immediately indemnifying those involved

President F W de Klerk is paying a high political price for bulldozing the Bill into law, despite its rejection in the parliamentary process (see *Current Affairs* October 30)

In an unprecedented move, Nationalist Russell Crystal abstained from backing the Bill and later spoke out against it. According to NP sources, he is just one of many Nat members of the PC who were unhappy with having to rubber-stamp the measure. It is also known that a significant number of Nat parliamentarians and senior government officials are dissatisfied with the way in which De Klerk — spurred on by Justice Minister Kobie Coetsee — has handled the matter

On TV this week, De Klerk denied that the Bill was needed to cover up unpalatable

Ex-spy chief denies CCB admission

FORMER Military Intelligence (MI) chief Gen Rudolph "Witkop" Badenhorst denied at the Webster inquest yesterday that CCB MD Col Joe Verster had ever admitted in his presence to giving approval for the murder of two activists.

Earlier this week former CCB chairman Gen Eddie Webb testified that Verster had told Badenhorst and himself that approval for the murder of Dullah Omar and Gavin Evans had been granted "at his level".

According to Webb, Verster had made this disclosure in early 1990 at an internal investigation into CCB activities.

Badenhorst, however, yesterday denied Verster had ever made this disclosure. It was put to Badenhorst by counsel for

SUSAN RUSSELL (252)

the Webster family. E. Bertelsmann SC that if this was the case then Webb's evidence must be false. He replied that Webb could have been referring to another meeting, and reiterated that the discussion had never taken place.

He also admitted omitting to mention to the Harms commission that he had received a report that CCB operatives Ferdi Barnard and Calla Botha were involved in Webster's murder.

The report had come from Barnard's handler Leifraas Luitingh. Badenhorst said he had tested Luitingh's allegations and

□ To Page 2

CCB BLOAY 6/11/92

found them to be false.

Badenhorst said he questioned several people and had put the allegation to Gen Jaap Joubert who was part of the police investigation.

Joubert told him he had questioned Botha and Barnard and the allegation was not true.

Badenhorst said he had also questioned Botha and he had denied any involvement.

He said he had never questioned Barnard, nor had he had any connection with him.

Badenhorst denied he had made no attempt to ascertain whether senior officers

252 (252) were involved.

From Page 1
Asked about the allegations of CCB involvement in the murder of Swapo lawyer Anton Lubowski, Badenhorst said he was sure the unit was not responsible.

Lubowski's death, he said, had left a large gap in "our organisation".

After Webster's murder he had not been worried about possible MI involvement because this had never been its task.

"We were an information collecting organisation."

The inquest was adjourned until November 16.

● Comment: Page 10

NEWS Webb denied any involvement in lecturer's murder

11/11/92
SOWETIAN Friday November 6 1992

Policeman knew

CCB secrets?

Sowetan 6/11/92

Sowetan Correspondent

A SENIOR POLICEMAN who allegedly told former Civil Co-operation Bureau (CCB) agent Ferdi Barnard "to keep quiet"

while he was in detention, was part of an informal investigation team into the CCB's possible involvement in Dr David Webster's murder, an inquest in the Rand Supreme Court heard today

The court had earlier heard that Brigadier Krappie Engelbrecht had told Barnard in November 1989 to keep quiet about their projects for six or seven months

The police suspected SADF involvement in the May 1 1989 assassination of the Wis anthropologist and

■ DIVIDED LOYALTY Claim that cop

was involved with CCB and probe:

Engelbrecht and Military Intelligence chief General Wikip Badenhorst were instructed in December 1989 to form a contact committee to facilitate this aspect of the investigation

Badenhorst told Mr Justice M Stegmann he was aware of the allegation that Engelbrecht had passed a message to Barnard. He had investigated the claim but was satisfied there was no need to withdraw Engelbrecht from the inquiry

Badenhorst said he first became aware that the CCB operated within South Africa's border when General

Jaap Joubert, one of the investigators into Webster's murder, had contacted him towards the end of 1989. Joubert had wanted information about claims made by Barnard in a statement made in detention

Badenhorst initially acted as middleman between Joubert and the head of Special Forces, CCB chairman General Eddie Webb, but later arranged for Joubert and Webb to have direct contact. He also arranged for contact between Joubert and CCB managing director Colonel Joe Verster

The hearing continues





ANC agriculture spokesman Derek Hanekom, right, ANC deputy president Walter Sisulu and civil engineer Prof Rob McCucheon at yesterday's news conference to announce ANC leader Nelson Mandela's mission to the far northern Transvaal.

Picture ROBERT BOTHA

Country courts arrive by truck

STEPHANE BOTHMA

TWENTY prefabricated mobile courtrooms, designed to be transported by truck, have been ordered by the Justice Department for use in rural areas

The mobile courtrooms, complete with air conditioners, fully insulated walls, aluminium sliding windows and offices for the magistrate and prosecutor, would cost a total of between R3,5m and R7m, the Public Works Department said yesterday.

Public Works, which designed the courtrooms, said. "The magistrate's office is separated from the courtroom by a folding door

"The raised floor level of the magistrate's office enables him to preside over court sessions from his desk, eliminating the need for a separate judicial bench"

The mobile courts have been introduced to ease the shortage of court accommodation in the country and the prefabricated courtrooms would be delivered by truck to sites all over the country

Construction of the units has already begun with each costing from R175 000 to R350 000, a Public Works spokesman said

The courts would be fully furnished under the building contract.

"As is implied by the appellation "mobile court", the ease with which the units can be transported is of the utmost importance. Therefore the units have been designed so that they can be placed on a stable chassis to ensure easy transportation," she said.

ANC probes drought relief distribution

RAY HARTLEY

ANC president Nelson Mandela will visit the drought-stricken far northern Transvaal at the end of the month as part of an ANC focus on the failure of relief resources to reach those in greatest need

The announcement of Mandela's visit and similar visits to areas of the Free State today and the eastern Transvaal in the coming weeks by deputy president Walter Sisulu was made yesterday

Agriculture spokesman Derek Hanekom said government was hamstrung by "the invidious situation it finds itself in" with 14 ethnic government structures channelling drought relief funds

"We have refrained from making a political issue out of this, but the reality is that it is a political problem. The fact that rains have now come is no guarantee that the water crisis is over," he said

Civil engineer Rob McCucheon said at least between five and 10% of the "public purse" — R4,25bn-R8,5bn — should be spent on a public works programme to relieve rural poverty.

McCucheon serves on an employment creation working group of the consultative forum on drought — a joint government/development agency relief structure.

He said a four-phased public works programme involving education, "serious analysis and planning", training supervisors and finally a national employment creation programme

should be embarked on.

He said short-term demands could be met by short-term employment such as street cleaning and rubbish clearing while a national employment creation programme was being built

At present only 10% of money spent on road building was spent on wages and this should be increased to between 40% and 50% to dramatically boost job creation

Kenya, Botswana and Malawi had all successfully implemented such programmes, he said

McCucheon said it was unrealistic to think the public works programme would solve unemployment on its own, because this would happen only once a worldwide economic recovery had taken place

Hanekom said employment creation had to become "a major policy objective", and a future government would continue with such a programme if it was initiated now

The ANC was busy with a pilot project, which involved the building of a dam, borehole drilling and employment creation in the northern Transvaal, he said.

He said the Ciskei government had refused to acknowledge the severity of its drought despite international engineers describing it as one of the worst hit places in SA

ASSASSINATED academic David Webster uncovered details of an ivory smuggling operation across the border between Mozambique and Natal before he was gunned down three years ago

Sergio Verra, a former minister of security in Mozambique, last week told a South African Police officer that Webster had called him to report the illicit movement of ivory from areas south of Maputo into northern Natal

Webster was conducting research in the Kosi Bay region, which straddles the Mozambique border, and was killed just days before he was due to travel into the area.

Lawyers for the David Webster Trust plan to interview Verra, now a professor of politics at the Eduardo Mondlane University in Maputo

The Weekly Mail has a confidential statement from another source which alleges that former members of the Civil Co-operation Bureau were linked to a network of smugglers who brought weapons, ivory and rhino horn from Mozambique across the Natal border and into Johannesburg

Former CCB agent Staal Burger had passed on an order from senior military officers that Webster be killed, freelance reporter Johannes Gagiano has testified at the inquest into the academic's assassination.

At the inquest hearing in the Rand Supreme Court this week, former CCB operative Carel "Calla" Botha said that when he joined the organisation in January 1989 he believed the country was "in a war situation". Dealing with "enemies" ranged from "breaking a window" to the "elimination" of targets

Botha denied having been ordered to monitor or "eliminate" Webster but admitted he had monitored Webster's friend, Bruce Roland White, after reports that White was an active

Webster reported

Smuggling network

W/maad 6/11 - 12/11/92

A former Mozambican minister of security has revealed that

David Webster divulged details of an ivory smuggling operation before

his assassination.

By **JACQUIE GOLDING and EDDIE KOCH**

member of the United Democratic Front His orders were given to him by Burger and Christ to Britz, who provided him with White's name, car registration, work address and a photograph, he said

Cross-examination following Britz's evidence centred on pages missing from his 1989 diary The page for September 12 1989 — the day Swapo official Anton Lubowski was assassinated in Windhoek — was missing

Britz — whose real name, Wouter Basson, was placed on record — said that the missing entries referred to CCB projects outside South Africa, with regard to an agent called Mohammed, and that this was classified information He said he may have torn out the pages of the diary and attached them to CCB files, but some files were missing

Former CCB chairman Major General Eddie Webb, a retired South African Defence Force Special Forces commander, told the court this week he had lied to the Harms Commission of Inquiry in 1990 about CCB orders to "eliminate"

lawyer Dullah Omar and *Weekly Mail* journalist Gavin Evans.

His object in lying was to protect CCB managing director, Colonel Pieter Johan "Joe" Verster, who had admitted ordering the assassinations of Omar and Evans

Webb added that the orders were given without his approval

Webb testified that CCB operatives did not always inform him of their monitoring activities and that, in retrospect, he realised he did not have "complete control" over the organisation.

The plans to eliminate Evans and Omar had been revealed to him only in November 1989 by Military Intelligence chief General Rudolph "Wikop" Badenhorst who, he said, was conducting an internal investigation into Webster's death

Badenhorst contradicted Webb's testimony on Thursday, when he told the hearing that Verster had not even known about the Omar and Evans projects

Many rumours had been brought to his atten-

tion, he said, but at no stage had he approached or questioned Verster.

Badenhorst insisted that he had taken the internal investigation seriously, reporting at intervals to the minister of law and order at the time, Adriaan Vlok

He conceded that he had not followed up rumours that SAP deputy chief General "Krapies" Engelbrecht had allegedly visited Botha and CCB colleague Ferdi Barnard while they were detained under Section 29 of the Internal Security Act in November 1989 and had told them to "keep their mouths shut", nor had he removed Engelbrecht from the investigating team

Earlier in the week, a warrant for Verster's arrest was issued by Mr Justice Stegmann after Verster failed to respond to a subpoena It had been agreed that Verster would testify in camera because he feared that if his "face was matched to his name", his life would be in danger

In the event, he went abroad instead, according to his counsel, Jurie Wessels

Wessels said his client had been forced to travel overseas to attend to certain outstanding CCB monetary matters The trip was unavoidable, he said, because payments of outstanding monies had to be met He was under pressure from CCB families who had received no money after the disbanding of the organisation

Verster's testimony was crucial in the cross-examination of other witnesses and his absence was disrupting the logical sequence of witnesses being called to testify, argued Eberhardt Bertelsmann SC, appearing for the Webster Trust

Wessels told the court Verster would be available on November 23 Judge Stegmann said Verster had "inconveniently" the court "It is not for him to stipulate when he will testify," he added

Why tapes experts couldn't testify

Weekly Mail Reporters

BRITISH intelligence specialists at one of the world's most technically advanced intelligence-gathering facilities were responsible for findings that the erasure of the "Boipatong tapes" may have been deliberate

The analysis of the tapes, which Judge Richard Goldstone rejected this week on the grounds that it was "speculative", was conducted at the Government Communications Headquarters at Cheltenham, one of Britain's key intelligence establishments and which for decades was the pivot of Western intelligence operations against the Soviet bloc

It also has the most advanced technical facilities in the world for the capture of and interpretation of radio communications.

The fact that intelligence operatives — not mere "specialists", as stated in the local press — analysed the tapes explains why they were unable to testify before the Goldstone Commission. They would clearly not wish to appear at a South African hearing and discuss their methods

Even in British court cases, elaborate procedures are used to protect the identities of intelligence agents giving evidence. At the 1988 inquest into the SAS killing of three IRA members in Gibraltar, British MI5 operatives testified behind screens

Judge Goldstone wants them to testify, and suggests that their unwillingness to do so undermines their findings. "No conclusion can fairly be drawn on the strength of tentative suggestions made by the experts," he said in a statement this week

The analysis of the erased tapes was designed to shed light on whether the police may have had advance knowledge of the attack on the Vaal township of Boipatong on June 17 this year, or whether they themselves took part, as has been alleged by Boipatong residents

The carefully worded British report said the superimposition of material of the recordings "may not have been accidental". It added that "the technical evidence suggests that this may have been done deliberately and hurriedly to obscure the contents".

Some of the superimposed material was recorded at non-standard speed and some of it backwards, the report said

Although couched in diplomatic speak, the mere fact that the British intelligence put their head on the block by making the suggestion indicates they believed the erasure was not accidental

ARTHUR GAVSHON reports that British Foreign office informants have revealed another reason for the specialists' inability to testify: the British government did not want to become involved in a dispute between an arm of the South African security forces and the Goldstone Commission

This could have far-reaching political repercussions, including the embarrassment of President FW de Klerk's administration, they said

The Goldstone Commission asked the British government to help unscramble the tapes after it was discovered the electronics firm that had cleared the police had close ties with the South African security forces

But it was made plain the specialists would not appear as witnesses before the commission

Said a foreign office official: "We gave Goldstone advance notice that our personnel would not be able to testify on their findings".

LET's be frank — our witnesses were lousy on the day. Their testimony left the Goldstone Commission little choice but to find they were unreliable

But the Goldstone report into police complicity in violence in the Vaal conducted by advocate RM Wise, released last week, leaves many questions unanswered, and *The Weekly Mail* is far from satisfied that the allegations against the South African Police are devoid of truth. Large question marks also hang over the police role in the affair, why critical information was held back until the commission heard evidence and why the commission never took a proper look at what was happening inside police secret houses in the Vaal.

The background is as follows: recently returned exile Solly Mngomezulu, a victim of the African National Congress' detention camps, came forward with a curious tale of a semi-abduction at the hands of mysterious men who took him to a secret house and offered him training to attack his former tormentors. Later, Daniel Kolisang, of Sebokeng, made an affidavit to the ANC in which he, too, claimed to have been taken to a secret house and offered money to attack ANC targets.

The Weekly Mail's part was to establish, through a lengthy investigation, that the two men had indeed had contact with a covert network in the Vaal, that it was a police network, the location of the secret houses and the names of some of the policemen involved.

That the network exists, and uses a variety of ploys of dubious legality to conceal itself, was not disputed when the allegations came before a Goldstone inquiry. But the SAP insisted it was a legitimate anti-crime operation, and that secrecy was vital to the safety of its operatives.

From a hostile newspaper like the *Citizen* one might conclude that *The Weekly Mail* published false claims to smear the police. This is untrue.

After weeks of contact with Kolisang, and as much cross-checking as was possible, we and our lawyers concluded he was fundamentally reliable. Mngomezulu was clearly maimed by the horrors of exile, but there seemed to be a core of truth to his claims.

At the commission, both men were torpedoed by documentary evidence only available to the SAP. Kolisang's Waterloo, for example, was his frantic denial that he was a police informer — his signature on information he provided, and receipts for payouts, exploded this. Police documents also blew him away on the dates he claimed to have met his "handler".

In his report, Wise censures *The Weekly Mail* for giving the SAP too little time to respond to the allegations. This is nonsense, as is his outlandish finding that we should have given the articles to the SAP before publishing.

We "doorstepped" two policemen four days before publication, and three more the next day, questioning them closely about Kolisang and the secret house in Vanderbijlpark. We then sent a list of questions and a request to meet the Law and Order Minister, the police commissioner or his deputy.

Where 'tis folly to be Wise

*The Wise Commission criticising
a Weekly Mail exposé of a
secret police operation in the
Vaal leaves many questions
unanswered,
argues DREW FORREST*

The request was refused, and other than declaring they had referred the matter to Goldstone, the police said nothing before we published.

It would have taken five minutes to confirm that Kolisang was a police spy — why was this vital fact not conveyed to *The Weekly Mail*? One possible answer is bureaucratic inertia. But another is that the police wanted the newspaper to publish, with the aim of springing the documentary evidence at Goldstone.

A week later, when *The Weekly Mail* was preparing to blow the whole secret network and sent questions in this regard, the police showed they could respond swiftly if they chose to. In a single day, they assembled a complex application — including a 67-page founding affidavit — for a publication ban.

Kolisang and Mngomezulu gave poor evidence, and on the strength of it Wise could not find for us. But is its core, that they were incited to violence, a simple pack of lies? For the following reasons, we suspect not.

●No evidence was led, and no finding made, on the witnesses' motives — but in these lie a profound puzzle. Why should Mngomezulu, who suffered in the ANC's camps, concoct a story damaging to the police and supportive of the ANC's "third force" claims? Why should Kolisang, a police informer, abruptly turn on the police and risk exposure by running to the ANC and then working for many weeks with *The Weekly Mail*?

In one way, Kolisang's claims make better sense if he was a spy — his "handler" would be more likely to instigate violence in the context of an established relationship.

●Kolisang and Mngomezulu are unknown to each other, and yet their tales bear a curious similarity. Both say they were contacted by men claiming to represent fictitious companies, that they were driven to unstated destinations

lying on the back seat of a car with heads covered, that en route they shifted from tar to dirt road, that they were questioned by white men about Umkhonto weSizwe. They also, independently, claim they were incited to violence.

●Since *The Weekly Mail's* original reports — the focus of the Wise Commission — suggestive details have emerged about some of the policemen linked to Kolisang's account.

A municipal policeman allegedly mentioned to Kolisang as a "hit squad trainer" has been accused of arming members of a private football club in Sebokeng, and taking them for regular meetings at a local Inkatha house. An SAP man once based at Kolisang's "safe house" has been named as being present at a "planning meeting" at the kwaMadaia hostel, at which violence was discussed.

Both policemen, coincidentally, appear on a list of suspected "hit men" compiled by the ANC in the Vaal.

In its narrow scope, we believe, the Wise Commission was flawed from the outset: our request for a full inquiry into the covert network, which falls under the Criminal Intelligence Service, was refused by Judge Goldstone. A small victory is Wise's call for an impartial body to investigate covert operations and draft guidelines, but until this happens, their scale, modus operandi and systems of accountability remain in the shadows.

Wise appears to view the CIS as an offshoot of the Boy Scouts movement, but SAP insiders confirm it is nothing less than the once-dreaded security police under a new name. Manned by men who have devoted their lives to destabilising the ANC, it deserves the deepest suspicion.

Two things suggest the old security police mentality persists in the CIS: obsessive secrecy, extending even to title deed fraud and the false registration of phone numbers, and the evident belief that operatives are above the law. *The Weekly Mail* uncovered cases where the car licence numbers of bona fide firms and individuals had been hijacked for police use.

If the "safe houses" are genuinely about keeping tabs on violence, one may reasonably doubt their effectiveness. With breathtaking cynicism, the SAP met the Waddington Report's charge that its intelligence systems had failed before the Boipatong massacre by blaming *The Weekly Mail* for blowing its Vaal operation. According to CIS boss General PJ Viljoen, the network was set up nationally in 1988. Between September 1990 and June 1991, long before *The Weekly Mail's* exposé, 108 people were killed in five Vaal massacres.

Finally, there is the lack of context: nowhere among Wise's dry legal certainties is there any sense of a country being torn apart by violence, nor of the extraordinary difficulties faced by journalists trying to unravel it.

Almost without exception, newspaper sources are themselves men of violence, semi-literate, psychological cripples or from the criminal underworld. At Goldstone they face the phalanxes of the state, drilled in court procedure and with vast resources at their fingertips.

5 mobile courts for Peninsula

Staff Reporter
CT 7/11/92

Twenty mobile courts are being constructed to alleviate the country's shortage of court accommodation and the first one will be set up in the grounds of the Bellville Magistrate's Court on Monday.

Cape Town has been earmarked for five of the 15,5 metre-long units.

Two will be set up in Bellville, and the others will be erected in the grounds of the magistrate's courts in Mitchells Plain, Kuils River and Atlantis.

The units were designed by the Department of Public Works. Tenders were awarded in September, from R175 000 to R350 000 a unit.

The units will only be moved if an "urgent need for a court room developed in some other area", a spokesman said.

Amnesty bill: FW signs, ANC opposes

PRESIDENT F W de Klerk has now signed the controversial Further Indemnity Bill, the director-general of his office, Mr Dave Steward, confirmed yesterday — but the ANC again pledged to nullify it as soon as possible

His signing means that the measure is now technically law but it will have to be published in the Government Gazette to become effective

Mr De Klerk's move was strongly criticised in a statement by the ANC yesterday

It said the ANC had consistently expressed its opposition to the bill and the way it had been enacted

"The ANC wants to put it on record that it has no option but to have the law nullified retroactively at the earliest possible opportunity"

While the ANC believed indemnification was essential in the process of national reconciliation, "it has to be a product of a national consensus worked out by an interim government of national unity"

SADF denies role in Webster killing

By Rehana Rossouw



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the slaying of the Witwatersrand University academic

THE South African Defence Force is vehemently denying complicity in the assassination of human rights activist Dr David Webster following new evidence which emerged at the inquest into his death.

Former Civil Co-operation Bureau (CCB) chairman and head of special forces General Eddie Webb admitted deliberately misleading the Harms Commission two years ago by not revealing that he knew CCB managing director Colonel Joe Verster had approved plans to murder journalist Mr Gavin Evans and lawyer Mr Dullah Omar.

Webb testified this week at the Rand Supreme Court inquest into

He said he had discovered that Verster had approved the plans to murder the two activists during the initial internal investigation into the activities of the CCB.

This investigation was conducted by the former head of Military Intelligence, General Rudolph "Witkop" Badenhorst, in January 1990.

In his report published almost exactly two years ago, Harms fingered the CCB for conspiring to murder Evans and Omar. He cleared them of responsibility for the assassination of Webster.

The Harms Commission referred the CCB conspiracy to murder the two to the Attorney-General for further investigation. To date, none has been prosecuted.

Webb said this week he had no knowledge that Evans and Omar had been earmarked for elimination until he was called in to attend a meeting between General Jaap Joubert, Verster and the CCB's region six co-ordinator, Christo Brits.

At the meeting Verster admitted that he had approved the plans to eliminate Omar and Evans.

Verster and Webb testified to the Harms Commission that they had no knowledge of the project.

The Minister of Defence and of Public Works, Mr Gene Louw, and the Chief of the South African Defence Force, General Kat Liebenberg, insisted that they did not have any knowledge of instructions for action against Webster.

"If at any time such an instruction could have been issued without authorisation, it would have been

condemned in the strongest possible terms," an SADF statement read.

"Former members of the CCB were not and are not subject to the Military Disciplinary Code of the Defence Force. Subsequently no military legal action could and can be taken against them. The CCB was a civilian organisation.

"It was and remains the position that the legal process must take its normal course. The Defence Force unconditionally co-operates fully with the instruments of investigation."

The statement said the SADF had no moral obligation to support its former members with legal representation at the Webster inquest.

"Should there be evidence of guilt or criminal conduct, costs incurred will be recovered in terms of the prescribed regulations."

'Lenient' on cops' necklace

By FRED KHUMALO

252 ~~252~~ copies 8/11/92

ANGER and condemnation from both legal and political circles greeted the "lenient" sentencing of three white policemen who early this year necklaced a black Natal youth.

"The sentence does not reflect the interests of the community," said Lawyers for Human Rights Natal regional director Bess Pillemer.

"Necklacing has been shouted on rooftops by the SA government as the most dastardly deed . . . it's ridiculous now that officers can get away with this heinous crime," said ANC spokesman S'bu Ndebele.

Azapo spokesman Strini Moodley said the sentence "drives home the point that a judiciary that is rooted in racism cannot be expected to act fairly."

Sgt Mark Allan Lucy, 24, and Lance-Sgt Simon Gerald Coetzee, 23, were each sentenced to 18 months' imprisonment for the necklacing of Vusi Phiri, a 19-year-old schoolboy from Mariannahill in January this year.

Each had a further six months' imprisonment sus-

pending for five years.

The third accomplice, Const Bradford Brown, 19, was sentenced to 18 months' imprisonment (half suspended for five years).

Phiri's trauma started when six policemen descended on his parents' house in Mariannahill and questioned him about an unlicensed firearm which they said was in his possession.

His house was searched thoroughly by the policemen, but no gun was found.

In an attempt to force him to confess, the policemen took Phiri to a secluded place where the questioning punctuated by beating, continued, until they left him for dead.

"Three of them started to assault me again. One burnt me with a cigarette lighter on my ears, feet and fingernails. I kept jumping to get away from flames but they had pinned me down on my side. One of the white policemen went to the van and came back with a tyre which he put around me . . . then policeman came back with petrol and sprinkled it on the tyre and on me. It must have been two litres," Phiri said.

Taxpayers foot R800 000 bill — in defence costs

TAXPAYERS have paid at least R800 000 so far to defend CCB agents linked to the murder of Dr David Webster.

The inquest into the death of the Wits academic, which completed its fourth week in the Rand Supreme Court on Thursday, has involved three legal teams acting for the Civil Co-operation Bureau agents, officials and the SA Defence Force.

It was admitted at the inquest this week that the state was funding the three legal teams — for the SADF, CCB boss Joe Verster, and for three CCB agents, Calla Botha, Ferdi Barnard and Slang van Zyl.

Legal experts said that this "legal assistance" over the past four weeks in court had cost the state at least R800 000.

Despite footing the legal bills, the Ministry of Defence this week distanced itself from the CCB.

In a statement, ministry spokesman Das Herbst said that the CCB had been disbanded in 1990 and that any questions about former members should be directed to the organisation.

"Former members of the CCB were and are not subject to the standing orders of discipline of the defence force," read a further statement by Defence Minister Gene Louw and chief of the SADF Kat Liebenberg.

But, said the statement, "regarding the Webster inquest, the defence force has a moral obligation to

By CHARLES LEONARD

provide its former members with legal assistance".

The privately funded Webster Trust is the fourth legal team taking part in proceedings, representing the Webster family. Their counsel are Mr E Bertelsmann SC and Mr G Rautenbach.

On behalf of the Minister of Defence and some CCB members, Mr P Coetsee, SC, and Mr H van Eeden appear. Mr JJ Wessels and Mr P Louw appear for Joe Verster, while the three

CCB agents are represented by a senior attorney, Mr P du Plessis.

Mr Bertelsmann also represented the Webster family at the Harms Commission in 1990, while Mr Wessels was the CCB's junior counsel on that occasion.

The high fees charged to the state by some of the lawyers for the CCB and the SA Police during the Harms Commission led to the suspension of three lawyers by the Pretoria Bar Council at the beginning of this year.

Justice on wheels

By EVE VOSLOO

MOBILE courts will be erected at 20 sites throughout South Africa at a cost of between R175 000 and R350 000 each.

This was said this week by the Department of Public Works, which has designed the units.

The courts are to be introduced "to alleviate the shortage of court accommodation in the country".

The first tender was awarded in September.

The mobile courts have been designed with the courtroom in the middle and two offices on either side. The magistrate's office is separated from the courtroom by a folding door and has a raised floor level so that the magistrate can preside over the court from his desk when the door is opened.

The units can be moved by placing them on a chassis and pulling them to a new location.

The walls and ceilings are fully insulated and the aluminium sliding windows have 4mm thick glass.

There will be a covered roof area outside the court which will be used as a waiting area.

11/11/92
Metro
Cape
Times

Tape tests may delay findings on Boipatong

SI Times 8/11/92
252

THE outcome of the Goldstone commission hearings into the Boipatong massacre could be held up for weeks while a controversial police tape is subjected to a number of tests

The tape in question recorded all police radio and telephone traffic on the night of the Boipatong massacre — June 17 — when 45 people were slaughtered in their homes. Police told the commission it was accidentally recorded over the following day.

The Goldstone commission is presently transcribing the controversial tape

It will then give its transcript and copies of the tape to the five legal teams at the hearing so they can institute their own testing if they deem it necessary

The ANC has yet to make a decision in this regard but the police have already announced that they want foreign experts to assess the tape

Deliberate

Independent tests by the British government have added to the uncertainty

The British government was given the tape for its experts to analyse on August 27. They reported last week that "the tapes have been over-recorded"

"The technical evidence suggests that this may have been done deliberately and hurriedly to obscure the contents. It is not possible to recover the original data"

An official at the British Embassy in Pretoria said it was not possible to identify anything intelligible on the over-recording and that there was only a "masking noise".

By CHARLENE SMITH

The British report added that some of the over-recording appeared to have been done backwards — which the SA police claim is a technical impossibility

However, Judge Richard Goldstone noted that when the tape was played before two of the commissioners and the legal teams "contrary to the information received from the British experts, on those portions of the tape played back messages could clearly be heard, no 'masking noise' was heard"

Necessary

As a consequence, Judge Goldstone said "no conclusions can be drawn on the strength of the tentative suggestion made by the British experts".

If necessary, once the legal teams have studied the transcripts and the tape, they may recall witnesses.

The British experts have declined to give verbal evidence on their findings

RACE POTTER

UNIVE

FIDESTANTS

Govt denies secret CCB deal

By BARRY STREEK
Political Staff

A REPORT that the government had struck a deal with members of the defunct Citizens Co-operation Bureau (CCB) which prevented them from the spilling the beans about its covert operations was devoid of truth, the Minister of Defence, Mr Gene Louw, said yesterday

He said in a statement that he denied "the existence of any secret or open deal which silences people on matters relating

to the disbanded CCB"

The only "deal" was related to a dispute about the retrenchment packages for the members and the return of state assets from CCB operations

This agreement was mediated by the ombudsman, Mr Justice Piet van der Walt, who said last week that his role was "virtually complete"

A Sunday newspaper reported yesterday that the government had struck a deal with the ex-CCB members to silence them

after a group of the former agents threatened to expose details of the SA Defence Force unit's dirty tricks

It also said the deal was made within days after President F W de Klerk's announcement on October 3 that he was tabling the Further Indemnity Bill in Parliament

However, Mr Louw said Mr Justice van der Walt was appointed as mediator, by agreement with both sides, on June 3, long before Mr De Klerk's announcement

252 252

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DP moots amnesty proposal

Political Staff

A PROPOSAL for a conference of all political parties and organisations to adopt guidelines and principles for a general amnesty is to be made at the Democratic Party's national conference in Johannesburg next month.

It will also discuss a call for all private armies to be disbanded and an independent commission to be appointed as a matter of urgency to investigate the integration of all armed forces inside and outside South Africa.

The party will also discuss a call, made in a draft resolution by the DP's Bloemfontein West constituency, for the abolition of all laws discriminating against the gay community.

Much of the congress agenda, which was released yesterday, deals with already published, but not yet formally adopted, policy proposals on a new constitution, an electoral system, transition, local government, status of women, violence, empowerment, rural development, the aged, economic growth and price stability.

Hough probe shows by two councils

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entered into an agreement with a private security firm, only for the council to be successfully sued for R120 000 when the contract was illegally terminated

The investigation found seven of Diepmeadow's 18 councillors in arrears with rent and service charges.

One Soweto councillor, allocated a damaged council house, spent R104 000 repairing it, while continuing to pay rent of R85 a month.

"The approximately 67 tenants in Power Park (excluding eight councillors) pay rent which varies between R400 a month and R600 a month," the report stated

"In contrast, the eight councillors pay monthly rentals of R100 each and R20 for services a month. Even these amounts appear to be credited against the purchasing of the houses by the eight councillors."

In addition, the TPA report said some councillors actively discouraged payment of rent and services charges by residents, while the councils themselves had "persistently

failed" to collect owed monies and had taken "inadequate steps" to recoup, in the case of Soweto, R116m lost since October 1990.

The TPA reported that at a meeting in September, which attempted to resolve the situation in Soweto, "councillors present accused and blamed each other and officials of the council, the accused councillors and officials defended themselves and placed the blame elsewhere".

Hough has listed more than 70 demands the two councils, which owe more than R700m between them, must fulfil to avoid intervention.

These include repayment of illegally gained funds and arrears in rent and service bills, wage reductions, retirements and retrenchments in council staff, the dropping of a lawsuit against the Central Witwatersrand Metropolitan Chamber and full participation in its activities. A host of further restitutive actions have also been listed

A Soweto council source said it was extremely unlikely the long list of demands would be met before the December 15 deadline.

Flores to testify at Mlangeni inquest

FORMER SADF agent Leon Flores, who was arrested in London in April for his alleged involvement in a plot to assassinate renegade policeman Dirk Coetzee, is to testify at the inquest into the death of ANC lawyer Bhekis Mlangeni today.

Flores and MI operative Capt Pamela du Randt, who was arrested with him in London, have both been subpoenaed to testify at the request of lawyers acting for the Mlangeni family.

The inquest was to have resumed in the Rand Supreme Court yesterday, and Flores and his counsel Wim Cornelius were present. But Cornelius told the court his client could not testify because he was involved in a labour dispute with the SADF which was due to be finalised yesterday

(252) SUSAN RUSSELL

Cornelius said the Attorney-General was also investigating criminal charges against Flores. This matter was also expected to be settled yesterday.

Du Randt was not present because she had not yet received her subpoena

Judge B O'Donovan postponed the inquest until today.

Mlangeni was killed when he activated a booby-trapped "walkman" cassette player posted to him from Lusaka. The cassette player and a tape marked "evidence - hit squads" was posted to Coetzee but redirected to Mlangeni, who was listed as the sender, after he failed to collect it

Labour deal

International Labour Organisation's fact-finding mission - which made recommendations to bring SA labour law into line with internationally accepted standards - may be implemented,

Amendments to the LRA to enable registration of public and private sector unions by February; and

Allowance for Cosatu to make an input on the Public Sector Labour Relations Bill

There was also agreement on processes and committees to investigate problems regarding industrial council agreements, the Industrial Court (including the appointment of court personnel), the harmonisation of labour relations in SA and the homelands and the introduction of a labour appeal court next year.

In addition, it was agreed the restructured National Manpower Commission should start working by February

From Page 1

Naidoo said Nactu and Saccola were not part of the agreement because the "sticky points" in negotiations had been between Cosatu and government

GERALD REILLY reports SAAU manpower committee chairman Chris du Toit said the decision had been taken without consultation with organised agriculture

The SAAU had submitted its own draft legislation to the Minister and had arranged to discuss its document on November 20 "It was, therefore, with shock and indignation that agriculture learned that the Minister had, before his discussion with the agriculture sector, made a decision in consultation with Cosatu, especially in the light of the fact that Cosatu has virtually no members among farmworkers.

"All the good work of the recent past has now been rendered worthless by an ill-considered decision."

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REPUBLIC OF SOUTH AFRICA
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Government Gazette Staatskoerant

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Vol. 329

PRETORIA, 10 NOVEMBER 1992

No. 14404

PROCLAMATION

*by the
State President
of the Republic of South Africa*

No. R. 127, 1992

252

COMMENCEMENT OF THE FURTHER INDEMNITY ACT, 1992 (ACT No. 151 OF 1992)

Under section 14 of the Further Indemnity Act, 1992 (Act No. 151 of 1992), I hereby fix **10 November 1992** as the date on which the said Act shall come into operation

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Tenth day of November, One thousand Nine hundred and Ninety-two

F. W. DE KLERK,
State President

By Order of the State President-in-Cabinet

H. J. COETSEE,
Minister of the Cabinet

71609—A

PROKLAMASIE

*van die
Staatspresident
van die Republiek van Suid-Afrika*

No. R. 127, 1992

INWERKINGTREDING VAN DIE WET OP VERDERE VRYWARING, 1992 (WET No. 151 VAN 1992)

Kragtens artikel 14 van die Wet op Verdere Vrywaring, 1992 (Wet No. 151 van 1992), bepaal ek hierby **10 November 1992** as die datum waarop genoemde Wet in werking tree

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Tiende dag van November Eenduisend Negehonderd Twee-en-negentig

F. W. DE KLERK,
Staatspresident

Op las van die Staatspresident-in-Kabinet

H. J. COETSEE,
Minister van die Kabinet

14404—1

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ANC inquest adjourned (52)

JOHANNESBURG — Two witnesses failed to arrive to give evidence at the inquest into the death of ANC lawyer Mr Bheki Mlangeni, causing the trial to be adjourned until today.

Lesotho ambassador Joseph Mollo, right, and Foreign Affairs protocol chief Lowellyn Crewe-Brown review a guard of honour at the Presidency in Pretoria yesterday, during the ceremony at which Mollo and Hungarian ambassador Andras Gargely presented their credentials. Picture BRIAN HENDLER

Ex-SADF agent denies he set up hit on Dirk Coetzee

DISMISSED SADF agent Leon Flores denied in the Rand Supreme court yesterday that he was given R10 000 by former Vlakplaas commanding officer Maj Eugene de Kok to pay Royal Ulster Constabulary (RUC) members in London for monitoring renegade police Capt Dirk Coetzee.

Flores also denied RUC contacts had offered to "take out" Coetzee.

The former agent said he told these lies during his debriefing by Military Intelligence (MI) after his arrest and deportation from Britain in April this year because he thought he was being set up and used as a scapegoat.

Flores was testifying at the inquest into the death of ANC lawyer Bheki Mlangeni, who was killed in February last year when he activated a boobytrapped cassette recorder that was apparently meant for Coetzee.

Coetzee had since claimed that the parcel was sent to him by former police colleagues at Vlakplaas who he alleged were involved in covert hit squad activities.

Flores and Capt Pamela du Randt were arrested in London by Britain's anti-terrorist unit in April suspected

of being involved in a plot to eliminate Coetzee.

Flores said his task in Britain had been to introduce Du Randt to his contacts there while she was investigating the ANC/Umkhonto we Sizwe.

According to MI reports submitted to the inquest yesterday, Flores told them that De Kok had given him R10 000 to be deposited into an account for his parents-in-law.

The report said that during his debriefing that Flores had agreed to a "lie detector" test, indicating he had not been truthful.

Cross-examined by Jules Browde SC for the Mlangeni family yesterday Flores said both his versions to MI had been "lies".

He said he had used De Kok's name because the police officer was highly respected and that this would take the pressure off himself.

"As you say in English I was passing the buck, but I just did it in the wrong way," Flores said.

The hearing continues before Judge B O'Donovan today.

SUSAN RUSSELL

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Goldstone summons SADF

THE GOLDSTONE Commission has asked the Defence Force to provide evidence that ANC "special operations teams" disguised as security force members were involved in violence.

This was said by Mr Justice Richard Goldstone yesterday. Army chief Lieutenant-General George Meiring, last Friday accused the ANC's "special operations teams" of attempting to discredit the security forces and said arms and arms caches had been made available to these teams and to Umkhonto we Sizwe self-defence units.

Sowetan 12/11/92

dies in hospital

Three policemen shot in the township in Springs on Tuesday has died at East Rand Hospital. A second policeman was injured in an operation while the third had stab wounds. The constables, who were investigating a series of robberies shot at by two suspects were shot at by two suspects from a range of 40 metres. The suspects are - Sowetan Reporters and

Job Creation finalists Last 20 informed by telegram:

The final list of the Job Creation Project will be interviewed at the offices of the Annamannated Banks of Southern Africa in Johannesburg tomorrow. Get Ahead Foundation's Mr Jackie Kola said telegrams would be sent to individuals. They are Mr Morris Mosmane of Kagiso, Miss Nhlalaha Khumalo of Soweto, Mrs Mmasosa Radbe of Diepkloof, Mr KE Sbraya of Soshanguve, Mr Albert Rachdi of Mamelodi, Mr Stanley Mathonzi of Mmabatho, Miss Dinakiso of Port Elizabeth, Mr Ben Mambe of Diepkloof, Ms Phundile Mkhwanazi of Rockville, Ms Angelina Ramala of Dube, Dave Medi of Wynberg, Peter Marshane of Meadowlands, Mabey Distributor of Soshanguve, Mr P Dzingwa of Daveyton, Stanley Langa of Soshanguve, Solomon Kekana of Meadowlands, Mrs Lorraine Mabuza of Kew, Mr T Tabata of Kew, Sipho Moganedi of Tembisa, Mr Desmond Yende of Mamelodi and Ms Priscilla of Mamelodi.

Folweni killers are still on the loose

■ Fight arrested for massacre are released:

KWAZULU Police have announced that eight people were arrested and subsequently released at the weekend in connection with the Folweni massacre of 22 people at a traditional gathering at Mpushini Reserve south of Durban last month. The massacre occurred on October 24 when gunmen attacked the Sabelo homestead during a traditional celebration. Twenty people died at the scene and two others died in hospital later. Captain Kwazi Nene, head of the team investigating the killings, said on Tuesday the men were arrested on Friday but released the next day because "they were not physically involved in the killing" - Sapa

No reprieve for three on death row

THE Bophuthatswana government yesterday confirmed that execution orders for three death row prisoners were issued last week and that the three men are to be executed on November 17, government spokesman Mr Alwyn Viljoen said.

The three convicts, Jonathan Molema (31), Stephen Mashumi (42), and Joseph Minsi (30), were sentenced to death for murder with no extenuating circumstances by the Bophuthatswana Supreme Court.

Molema was given the death sentence in 1987,

Lawyers for Human Rights trying to prevent the executions.

Mashumi in 1985 and Minsi in 1989.

Lawyers for Human Rights has since taken up the case of the three death row prisoners, saying it would ensure "through all the means at our disposal" the executions are not carried out. Last week LHR said in a statement "Lawyers for Human Rights is launching an urgent court application to stay all three executions on the basis, among other things, of the

unconstitutionality of the proposed action

"If such executions were to take place in what is an illegitimate and unrecognised state they would be tantamount to illegal and extra-judicial murder," LHR said.

LHR was scheduled to hold a Press conference on Wednesday in Pretoria to discuss the fate of the three death row prisoners as well as detained minors - Sapa



country to end the violence.

Picture: BRIAN HENDLER

Mlangeni inquest told of illegal cash export

SUSAN RUSSELL

FORMER army intelligence operative Leon Flores illegally took money out of SA while on a mission to spy on renegade policeman Dirk Coetzee in London, a colleague yesterday told the inquest into ANC lawyer Bheki Mlangeni's death.

Capt Pamela du Randt also told the inquest at the Randt Supreme Court that Flores had told her not to tell their superiors about the money after their arrest and deportation from the UK.

Flores has denied receiving R10 000 from former Vlakplaas commanding officer Col Eugene de Kock, which he allegedly took to London to pay Royal Ulster Constabulary members for monitoring Coetzee.

Du Randt and Flores were arrested in London in April by the British anti-terrorist unit, which suspected the pair were involved in a plot to kill Coetzee.

Flores was dismissed by army intelligence after an internal inquiry found he had been acting according to an agenda outside the scope of his official instructions. Du Randt was exonerated.

Du Randt said yesterday Flores told her about the money on their flight to London, where she was to investigate links between

re must be an awareness of the attitudes and acts which give rise to repentance, forgiveness," said Napier. "I cannot commit a crime and myself."

COURT reports the police committee meeting on November 24 will not be by the leaders of the NP, Mkhatha. Instead, permanent like the ANC's Thabo ha'a Frank Mtshali and in de Beer will probably

In KwaZulu, police said eight people had been arrested, but subsequently released, last weekend in connection with the Folweni massacre of 22 people in Mpumali south of Durban last month. The men were released because "they were not physically involved in the killings".

Bid to halt executions

PRETORIA — Influential businessmen — including Sun International's Sol Kerzner — are to be approached by Lawyers for Human Rights in an attempt to put pressure on the Bophuthatswana government to halt next week's execution of three convicted murderers.

LHR spokesman Andries Nel Lawyers said yesterday entertainment and sporting celebrities taking part in the Miss World Pageant, the Million Dollar Golf Challenge and the Lost City opening would be asked to boycott the events if the executions were carried out.

Jonathan Molema, 31; Stephen Mashini, 42; and Joseph Mhisi, 30, are due to be hanged on Tuesday.

"We will take whatever measures open to us, both legal and otherwise, to halt the pending executions. A court application will be heard in the Bophuthatswana Supreme Court on Friday," Nel said.

The group would also ask President F W de Klerk for help.

Bophuthatswana Information Department spokesman Alwyn Viljoen this week confirmed that the three Death Row prisoners had received execution orders last week.

— Sapa

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However, employment
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Verster will testify in camera ⁽²⁵²⁾ judge rules ^{BYDAM 2/4/92}

FORMER CCB MD Joe Verster will testify behind closed doors at the Webster inquest today after the court was told his life could be in danger if his identity was made public and he was recognised

Judge M Stegmann granted Verster's application to testify in camera, but ruled that a transcript of the former CCB operative's evidence would be made available to the media and the public

Verster's counsel, J Wessels, told the inquest court that his client's concern for his safety if he was recognised did not arise from CCB activities inside SA, but from projects carried out outside the country.

Verster's external projects had included acts of violence, Wessels told the court

He said the application for an in camera hearing was not to stop Verster's evidence being made public, but to prevent the former CCB operative from being recognised.

Verster's application was opposed by both the State, which was leading the evi-

SUSAN RUSSELL

dence of witnesses, and counsel for the Webster family, E Bertelsmann SC

It was submitted that the Vrye Weekblad had already published a picture of Verster at the time of the Harms Commission. The names and identity of other former CCB operatives under Verster's command, as well as his superiors like Gen Eddie Webb, were also public knowledge.

Wessels said according to Verster he was not identifiable from the photograph and he had been unrecognisable to himself and to people who knew him

The court was also told that a witness at the Harms Commission, an askari, had been found murdered in the veld three days after testifying at the commission

Granting Verster's application, the judge found there was a possibility that Verster would be endangered if his face was made public

Public defenders 'needed nationally'

GAVIN DU VENAGE

THE initial result of using public defenders in Johannesburg had been successful and justified expansion on a national basis, public defender pilot project steering committee representative Les Morison said at the weekend.

Speaking in Johannesburg at an international conference on the right to legal representation, Morison said the project had silenced the "considerable concern" voiced at its launch in January.

Two senior and eight junior public defenders had been appointed for a two year period to the Johannesburg Magistrates' Court, with a budget of R2,5m.

To date more than 2 200 cases had been dealt with, with a 57% success rate on the not guilty pleas, and a 90% success rate for bail applications.

Nearly 2 000 applications for assistance which could not be accommodated, for reasons such as limited capacity and

the type of assistance sought not being offered, were referred to the Legal Aid Board.

The average cost per case was about R420, which compared "very favourably" with the costs allowed to private practitioners by the board, he said.

Board fees were themselves considered very low

Morison said that the quality of defence was "high," as public defenders appeared in the same courts daily, attended training courses and were in an environment of active discussion.

This compared well to a private practitioner who stood to lose money if a case was not wrapped up quickly.

He called for support in lobbying the Justice Minister to establish a national public defenders' office.

BYDAM 2/11/92

Controversial Indemnity Act is pushed through

MICHAEL MORRIS and
KAIZER NYATSUMBA
Political Staff

252

APR 12 1996
The President also has a discretionary right to order disclosure.

THE controversial Further Indemnity Act, rubber-stamped by the President's Council two weeks ago after it was rejected in parliament, has been promulgated.

The Act was referred to the National Party-dominated President's Council for approval despite widespread opposition to it inside and outside Parliament.

An announcement is expected soon on the appointment of a National Council on Indemnity, probably to be chaired by a judge, which will hear applications for indemnification from political offenders.

Both the Democratic Party and the Conservative Party questioned the government's "indecent haste" in having the measure passed into law. DP leader Dr Zac de Beer said this suggested a potentially embarrassing trial was imminent and the government was trying to prevent it.

The terms of the Act, which was published in the Government Gazette in Pretoria yesterday, shrouds the process in secrecy.

However, the government has denied claims that it is acting under severe pressure from elements in the security forces who are seeking protection from retribution in future, claiming the real reason for the haste is the impending November 15 deadline for the release of unnamed ANC prisoners.

The names, but not the crimes, of successful applicants will be published.

All records of the Indemnity Council's hearings will be entrusted to the Chief Justice.

He may be petitioned, in certain cases, to disclose more information.

Indemnity judges named

252
CF 12/11/92

PRETORIA. — President F W de Klerk has appointed three judges as the members of the National Council on Indemnity, Justice Minister Mr Kobie Coetsee announced yesterday.

They are Appeal Court judge Mr Justice M T Steyn, Mr Justice H H Moll and retired judge Mr Justice R A Solomon. Mr Justice Steyn will be the chairman.

The council has been instituted in accordance with Section 5 of the Further Indemnity Act which came into effect on Tuesday, Mr Coetsee said in a statement. It will consider all applications for indemnity or release submitted or referred to it.

The council will meet for the first time here today.

The controversial Further Indemnity Bill was defeated in Parliament last month, but was referred to the President's Council by Mr De Klerk and approved. He then promulgated the bill.

Mr Coetsee said regulations concerning the Further Indemnity Act would be published in the Government Gazette shortly.

These regulations would contain information on the procedures to be followed when applying for indemnity or

release from prison, he said.

The minister added that provision would be made for notices of indemnity or release to be published in the Government Gazette, as had been the case with regulations promulgated under the Indemnity Act of 1990.

"These regulations state that the notice must contain the name of the person and in the case of indemnity also the act with a political object in respect of which indemnity has been granted," Mr Coetsee said.

He stressed that such publication would inform the public on the events or acts for which indemnity had been granted.

"During the tabling of the Further Indemnity Bill in Parliament, it was repeatedly stated that the process would be managed in the same way as under the Indemnity Act, which was generally supported and received with enthusiasm."

Mr Coetsee reiterated the government's view that it did not condone any actions for which people had been released or for which indemnity against criminal or civil prosecution was granted.

"However, the government is committed to a process of reconciliation and to seeking peaceful solutions" — Sapa

Judge backs attorneys in supreme court battle

APR 13 10 1962

STEFANS BRUMMER
Staff Reporter and Sapa

THE battle for the right of attorneys to appear in the supreme court has been boosted by Cape Judge President Mr Justice Friedman who said there was "no reason" to restrict rights to only one branch of the profession.

His remarks during an address to the Cape Law Society annual general meeting have been hailed as "a landmark" by Association of Law Societies president Mr Mervyn Smith.

To date no accord has been reached in the protracted dispute between the two branches — attorneys as represented by the Law Societies and advocates as represented by the General Council of the Bar — on the demand by attorneys for appearance rights.

The monopoly of advocates to be heard in the Supreme Court is enshrined in the Admission of Advocates Act

Judge President Mr Justice Friedman

Mr Justice Friedman said in his address that the principle of appearance rights for attorneys had to be acknowledged by the government and both branches of the profession, subject to criteria and codes of

conduct to maintain standards. "There is no reason why the right of audience should be restricted to only one branch of the profession."

He said it should depend solely on whether the practitioners were able to demonstrate that they had appropriate education and experience and were bound by codes of conduct to satisfy criteria required in the public interest by the judiciary and by clients.

The main advantages included the widening of the choice of legal practitioners available to the public and the establishment of a larger reservoir of candidates for the Bench.

In addition, it would in many cases reduce the costs of litigation, he said.

Mr Smith commented: "We welcome the speech by Mr Justice Friedman. It is a landmark speech on this issue."

"He calls for a declaration in principle and we would like to call on all parties to support

the principle that attorneys have appearance rights. It is a matter of great urgency and necessity."

"Once the principle has been accepted — and we want the Judiciary and the Bar and the Department of Justice to have input — final details can be sorted out."

Legal costs would go down "It will make the courts readily available to people who could not afford it, particularly the criminal courts where vast numbers of people go unrepresented."

Mr Smith said South Africa was "one of the few countries in the world where attorneys don't have appearance rights." Even Britain, the mother of the two-branch system, had recently granted solicitors such rights.

The General Council of the Bar (GCB) has voiced repeated objections against considering "in isolation" appearance rights for attorneys.

Application refused

AN APPLICATION by Numsa for leave to appeal against a judgment in a dispute with the Steel and Engineering Industries Federation of SA and other employer organisations, has been refused, with costs, by the Appeal Court in Bloemfontein. (252) (3)

On August 7 Judge M M Joffe dismissed an urgent application by Seifsa and the employers against Numsa for an interdict to restrain the union from a strike in a dispute, which had been declared on May 15. On August 21 a full bench of the Transvaal Supreme Court upheld an appeal by Seifsa against the finding that the employers did not have "locus standi" to bring the application.

B.10AM 13/11/92

Members of the covert units reveal all in their scramble for safety ...

I know of third force — colonel

WJW ed

13/11 - 19/11/92.

GOLONEL Eugene de Kok, commander of the South African Police's notorious Vlakplaas unit, is prepared to give the National Intelligence Service (NIS) detailed information about members of the police and army involved in third force activities in exchange for indemnity

This extraordinary statement is contained in a set of top secret military intelligence documents handed to the Witwatersrand Supreme Court this week during an inquest into the murder of human rights lawyer Bheki Mlangeni in February last year.

The Weekly Mail has information that De Kok, together with a band of other policemen and former military agents, ran a right-wing operation to destabilise the African National Congress and its supporters

Two informants who have had close dealings with De Kok and his colleagues claim this cell of rightist security force members call themselves the "Badgers". "They chose the name because the badger is known for its great cunning and because it goes straight for the groin when it attacks," said one source.

It has also been established that policemen from De Kok's police unit at Vlakplaas use a company called Badger Security as a front to communicate with each other by receiving and transmitting messages on a pager service.

The leader of the police's Vlakplaas unit is prepared to reveal police and army involvement in 'third force' activities — in exchange for indemnity.

By **EDDIE KOCH**

The sources say the "Badgers" have members in Johannesburg and Pretoria and that the secret unit is made up of police officers currently employed at Vlakplaas as well as former military agents and policemen

Men alleged to be members of the Badger unit include De Kok, a member of the Vlakplaas unit called "Chappies" Kloppers as well as Staal Burger, former member of the CCB and officer at the Brixton Murder and Robbery Squad.

Sources allege the Badger unit is involved in the surveillance of left-wing activists as well as a range of criminal activities that include the alleged laundering of counterfeit money and vehicle theft. Its members are apparently issued with a plaque depicting the portrait of a badger when they are accepted into the unit.

The report that De Kok is prepared to reveal the activities of "third force" units — which may operate in the way that the Badgers have been described — is contained in a set of hand-written notes appended to secret documents from the

Department of Military Intelligence (DMI) which have been handed to the inquest dealing with the murder of Mlangeni

The notes are headed "Items not in the report" and deal with sensitive issues that were excluded from DMI's official reports to the British government about the role that Leon Flores played in his mission to have Dirk Coetzee monitored and killed by members of the Royal Ulster Constabulary in England.

They appear to have been drafted either by General CP van der Westhuizen, the chief of military intelligence, or another senior DMI officer. According to the notes, De Kok contacted an NIS agent called "Kennedy" with an offer to expose the third force network on condition that he be given immunity from prosecution.

The notes add the startling suggestion that Brigadier "Krapplies" Engelbrecht, a senior policeman involved in a number of sensitive political investigations, tried to suppress the probe into De Kok's role in the scheme to have Coetzee's movements monitored.

Engelbrecht is De Kok's direct superior as overall commander of the Vlakplaas unit. He also worked at the Brixton Murder and Robbery Squad and is an acquaintance of Staal Burger, another alleged member of the Badgers

The DMI notes point out that a military intelligence officer gave the go-ahead for Brigadier Engelbrecht to obtain some 20 taped recordings of the Flores interrogation sessions so that De Kok's role in the incident could be investigated "Krapplies het toe nie tyd gehad nie. Hy sê ons mors ons tyd (The brigadier did not have time He says we are wasting our time)," the notes say. They add that the brigadier supported De Kok's claim that he, De Kok, had given R10 000 to Flores just prior to the London mission so that this could be given to De Kok's grandmother who lives in England.

Under interrogation Flores admitted that the R10 000 was to pay for costs incurred by members of the RUC while they were monitoring the movements of Coetzee. Yet, according to the document, Engelbrecht suggested that the investigation into De Kok's role be curtailed

Captain Craig Kotze responded to queries about police involvement in the Coetzee debacle by saying "If any policeman is involved in a crime then that allegation will be investigated. That is the policy."

Kotze said he could not comment on the implications of a cover up contained in the MI documents "We cannot comment on that particular hearing until the magistrate has made his finding."



Cape Town 'rape courts' an SA first

ROGER FRIEDMAN
Weekend Argus Reporter

A SPECIAL rape court is up and running in Cape Town — another national first in terms of the broad initiative against rape announced barely three months ago.

The magistrate's court will hear rape cases each Friday to allow identified rape experts in the police to develop stronger working relationships with prosecutors.

Yesterday, it sat for the second time and Attorney-General Mr Frank Kahn pronounced himself "very satisfied" with the arrangements.

The rape initiative aims to deal more sympathetically with "rape survivors" — the term used by people who work with women who have been raped — from the time they report the crime till after the conviction of their attackers.

It involves prosecutors, police, district surgeons and a range of non-governmental organisations.

Mr Kahn hopes the more sympathetic approach will lead to

(252) ARC 10/11/92
■ Police statistics show 990 women reported being raped in the Athlone district alone in the first 10 months of last year. Nationally, 22 761 rapes were reported in the year. But, Cape Town is fighting back...

more reports, more convictions — and, ultimately, less rape.

A Cape Town Rape Committee has been formed with Mrs Sandra Swart of the attorney-general's office in the chair. The committee includes representatives of community-based organisations and the police.

The committee provides a broad forum for discussion which Mr Kahn describes as "invaluable".

This week, the Supreme Court heard evidence of rape trauma syndrome from a University of Cape Town psychologist whose fees were paid by Lawyers for Human Rights.

The psychologist was giving evidence on sentence in the trial of three men convicted of abducting and gang-raping a teenager.

Two months ago, a set of

guidelines were issued to all prosecutors in the Western Cape region setting out exactly how rape survivors should be treated. The guidelines have alerted prosecutors to the problems in this specialised field, said Mr Kahn.

Police also are involved in the initiative and have run several workshops for detectives who will specialise in rape cases.

An investigating officer in the gang-rape case came in for special mention from the prosecutor for his sympathetic and dedicated approach.

The broad Cape Town initiative was a first for the country and other regions had started to sit up and take notice, said Mr Kahn.

■ See page 19.

Justice on the move

Weekend Argus
Reporter

SOUTH Africa's first mobile court has been delivered to the Bellville Magistrate's Court.

And within two months mobile courts will be delivered to Kuils River, Atlantis, Mitchell's Plain and other districts.

"Mobile courts will alleviate the shortage of court accommodation," said Bellville's chief magistrate Mr. Schalk Verwey.

They are about the size of a mobile home and as well as a courtroom provide two offices — one each for a magistrate and prosecutor.

The offices come with air conditioning and insulated walls.

The magistrate's office, which has a raised floor, serves as his bench.

The first case in a mobile court is likely to be held in Bellville within two weeks.

Probe: Cops

Murdered ANC man was persecuted

By S'BU MNGADI

THE Goldstone Commission's "super-cops" were yesterday scheduled to begin working on clues linking the SAP to this week's assassination of another Natal midlands ANC leader.

Remains of a body believed to be that of Natal Midlands ANC executive member Hlalanathi "Prof" Sibankulu were found in the back seat of his burnt-out car in the Newcastle township of Madadeni on Thursday morning.

The killing brought to three the number of Natal ANC Midlands executive members killed this year. Imbali chairman Sikhumbuzo Ngwenya died a fortnight ago and deputy chairman Reggie Hadebe was shot while returning from a peace meeting with Inkatha and police in Ixopo.

Judge Richard Goldstone's independent police detectives, headed by Maj Frank Dutton, were expected to question members of the KwaZulu Police and the SAP's Criminal Investigation Department (CID) who had an altercation with the ANC leader barely hours before his death.

Sibankulu's sister, who witnessed the incident, went into hiding on Thursday morning after making a detailed affidavit. She alleged her brother was shot at, chased into the Madadeni KZP station, searched and followed by CID members hours before he was killed.

Sibankulu, who was also an organiser for SA Municipal Workers Union, had gone to Newcastle from Durban to conduct a workshop.

The sister said when she and her brother drove into Madadeni - a KwaZulu-administered township - in his car, they were stopped by men driving in a white Mazda 626, registration NN 4529. Then men allegedly fired shots at the couple's car.

City Press has established from the Natal Provincial Administration's motor-vehicle licensing department that the car is registered under "District Commissioner, SAP, Newcastle".

Sibankulu sped off and ironically sought refuge at the Madadeni KZP station, situated at the entrance of the township. The men, who later turned out to be local CID officers, followed him into the police station.

Northern Natal KZP spokesman Capt ZP Mlaba said the SAP told them (KZP) they were chasing Sibankulu because they thought he had fired shots into the air.

Sibankulu and his car were searched but no weapons were found and he and his sister were released.

A KZP spokesman in Ulundi denied that Sibankulu reported to the KZP that his life was in danger and that he needed police protection prior to his death.

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Legal Aid Board probe

By CHIARA CARTER

THE head office of the Legal Aid Board is investigating allegations of serious irregularities at the Athlone Legal Aid Board.

The national director of the Legal Aid Board, Mr Nic Pretorius, confirmed the investigation would be completed in about three weeks' time. (252)

The investigation would examine claims that instead of cases being allocated on a roster basis, staff had received money and perks from attorneys in return for cases being allocated to them, said Mr Pretorius. (STWes)

Also under investigation is office procedure and administration. (Cape Note)

The Legal Aid Board is an autonomous, state-funded body which provides legal assistance to people who would otherwise be unable to afford legal fees. (15/11/92)

Ex-CCB *SI Times* agent in 15/11/92 perjury 252 probe

By CHARLES LEONARD

THE Transvaal attorney-general will investigate charges of perjury against former Civil Co-operation Bureau chairman General Eddie Webb when the Webster inquest is concluded.

"I have little doubt the court record will be referred to us once the inquest is over," said Dr Jan D'Oliviera this week.

Last week General Webb admitted under cross-examination at the inquest into the murder of Wits academic Dr David Webster that he lied under oath to the Harms commission in March 1990.

"If the inquest judge does not refer the matter to us, we will take action independently," said Dr D'Oliviera

"Although the perjury investigation could go to the Witwatersrand attorney-general, I expect it will land on our desks"

The Harms commission sat in Pretoria, which falls under Dr D'Oliviera's jurisdiction

The Webster inquest resumes in the Rand Supreme Court tomorrow.

CON



LHR in bid to ^{EP/12} save the convicts

LAWYERS for Human Rights on Friday launched a successful urgent application in the Mmabatho Supreme Court for the stay of execution of three Death Row prisoners.

Bophuthatswana Chief Justice Theal Stewart granted a 90-day stay of execution for the three Death Row prisoners following the LHR application.

⁽²⁵²⁾
The three convicted murderers — Jonathan Molema, Stephen Mashini and Joseph Mni — were to be executed in Bophuthatswana on Tuesday.

The legal drama started on November 5 when the Bophuthatswana Supreme Court handed down the execution orders for the three convicted murderers.

LHR said it initiated its action for the stay of execution for the three men because of the "unconstitutionality of the proposed action".

"If such executions were to take place in what is an illegitimate and unrecognised State they would be tantamount to illegal and extra-judicial murder," LHR said.

LHR executive director Brian Currin also threatened to launch a campaign to disrupt the opening of the Lost City entertainment centre at Bophuthatswana's Sun City complex.

The three Death Row prisoners were convicted for murder with no extenuating circumstances.
— Sapa

Mr Pheko, you do yourself a disfavouir

By GORDON FREER

INTERNATIONAL law is not a fixed, stable feature of the international system.

It is often contradictory and fluctuates wildly as the international system changes.

Events happen around the globe, not according to a set pattern, but rather as people make them happen.

International law has to catch up. It changes as people and events force change upon it.

On occasions something happens beyond these guidelines and international law has to include these events.

There is an debate that argues that SA is not a legitimate country because the government Acts that gave the territory self-government and independence never took the indigenous people into consideration.

This argument is put forward by M Pheko in his recently-published *South Africa: The betrayal of a colonised people*.

Pheko goes further in his argument stating that SA is still a colony for this reason, and that the government of SA has no right to negotiate because it is not a government of a country, but rather of an "alien people".

His primary fault is that he does not take the ever-changing nature of international law into consideration.

What is regarded as correct today was not necessarily regarded as correct 200 or even 50 years ago. This is what happened in the colonial debate.

The definition of a colony is "a collection of people whose origin is in some mother country, and who retain the languages, customs and allegiances of that country, but whose social and economic life is sustained by the place to which they have moved."

In other words a colony consists of people who move from 'home' and maintain all their ties to

'home' while governing in another country.

SA clearly does not fall into this definition. The people who regard themselves as South Africans are duplicated nowhere else in the world.

While the system of government in SA may be illegitimate, the people in government are not ruling to favour any outside powers but rather to favour themselves.

They serve no interests other than their own in controlling their 'home'.

The government may be illegitimate but the nation is not.

Pheko argues that SA is a colony not only because its government is made up of 'alien' people, but also because the State has not been recognised as an independent entity in the international system.

There are two primary ways of granting a state international legitimacy.

Firstly, a state has to fulfil three qualifications. It has to have territory, a stable population and a government to rule over the population and territory and which can engage with other governments.

Secondly, the international community must recognise and enter into relations with the state.

In both cases SA qualifies as a state. It fulfils the three qualifications in the first case and in the second it has been given international status by other states entering into negotiations with it.

By entering into relations with SA, states do not necessarily agree with Pretoria's policies.

They recognise the state as independent however, because they did not first ask Britain's permission.

Even the OAU and other African states have recognised the State of SA while obviously not necessarily agreeing with the government's policies. The OAU has recently visited SA on a fact-finding mission.

Pheko falls into the trap of equating recogni-

tion of the state with recognition of the government and approval of its policies.

One of Pheko's main contentions is that the 'alien settlers' were allowed to vote on the issue of SA independence to the exclusion of the indigenous people of SA.

The injustice of this act is not denied, but, once again, it is the legitimacy of government not of the state which is affected.

He further implies that the 'alien settlers' should not be allowed to vote at all because it is not their country.

However, former colonial settlers in other colonies in Africa were granted the right to vote on the coming of independence. Yet Pheko argues that SA should follow the same rules in the transition to independence.

The definition of a settler has become too elastic to be applied to a population which has lived in a territory for over 100 years. Taking the argument to the extremes: Should white Americans return to their European 'home'?

Americans of Hispanic origin in Latin America would have to return to the Iberian Peninsula and those of Arabian descent would remove themselves from North Africa, the greater Middle East and the Arabian peninsula!

Pheko's argument falters on a number of misinterpretations and contradictions.

Historic injustices can be corrected in the present, but it will require taking all present factors into consideration.

The clock of time cannot be turned back.

To concentrate on and grumble about the recognised injustices of the past while the future is being moulded, is to weaken your position in the present and to undermine your role in the future.

The writer is a staff member in the Department of International Relations, University of the Witwatersrand

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'Probe army actions'

Open 15/11/92
LAWYERS for Human Rights on Friday called on State President FW de Klerk to suspend SA army chief Gen George Meiring and to probe the activities of the defence force. (252)

This comes in the wake of "Project Echoes", a document allegedly approved by Meiring to discredit the ANC. (251)

Meiring claimed in a statement on Friday there had been no intention to discredit the ANC, as it had been aimed only at Umkhonto weSizwe.

He said he authorised Capt Pamela du Randt and a facilitator to travel to London to try to confirm information of possible links between MK and the Irish Republican Army and the Palestine Liberation Organisation, because the existence of such links would have serious security implications for SA. (251)

LHR said an inquiry should be established to investigate the political aims of the SADF and its involvement in "third force" activities. - Sapa

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Talks to continue, says joint statement

B/DAY 16/11/92

~~RAY HARTLEY~~

RAY HARTLEY

ANC and government negotiators are pressing ahead with bilateral talks despite government's alleged refusal to fully implement undertakings given in the record of understanding and new disclosures of alleged corruption and dirty tricks.

While no date has been set for a formal *bosberaad* between the ANC and government, neither party appeared concerned at the weekend that unrest hostels had not been fenced by the November 15 deadline.

A statement issued by ANC secretary-general Cyril Ramaphosa and Constitutional Development Minister Roelf Meyer at the weekend made no reference to hostels "Progress in the implementation of the record of understanding was noted. It was agreed that a follow-up meeting would be held soon to ensure further implementation," the statement said.

Some progress towards implementation of the record was achieved at the weekend when 42 political prisoners were released.

A senior ANC source said government's refusal to fence hostels by yesterday's deadline would not affect talks. The ANC was aware of the difficulties and was itself meeting hostel dweller organisations to "try and work something out"

Ramaphosa and Meyer agreed at the weekend to hold several meetings to deal with the record's implementation

At a weekend meeting of the Campaign

for Open Media in Johannesburg, Ramaphosa said the ANC regarded itself as "well within the transition process".

"We see the next phase being the period from the establishment of the transitional executive council leading up to the election of the constituent assembly and the establishment of an elected interim government of national unity," he said. After this, a new constitution would be drafted

ANC spokesman Saki Macozoma said disclosures that Constitutional Development Minister Roelf Meyer had personally authorised the covert Operation Echoes, aimed at undermining the ANC, would not affect bilateral talks

Macozoma said "the purity of a particular individual" would not affect the ANC's decision to forge ahead with talks

The ANC source said President F W de Klerk's announcement last week that government would stand by agreements reached during Codesa II would boost the negotiation process

Government is believed to be trying to bring Inkatha back into negotiations before it continues with a second high-profile bilateral meeting with the ANC.

However, Macozoma said army chief Lt-Gen Georg Meiring was becoming a serious stumbling block in the way of fresh talks between the ANC and government.

Legal challenge to Bop death penalty

252

STEPHANE BOTHMA

LAWYERS for Human Rights (LHR) would institute legal action challenging the constitutionality of the death penalty in Bophuthatswana, a spokesman for LHR said at the weekend. B/DAY

The move followed a successful urgent application by LHR in the Mmabatho Supreme Court on Friday for the stay of execution of three death row prisoners.

Bophuthatswana Chief Justice Theal Stewart granted a 90-day stay of execution, LHR's Andries Nel said.

The three convicted murderers, Jonathan Molema, Stephen Mashinini and Joseph Muisi, were to be executed in Bophuthatswana tomorrow. 16/11/92

Nel said the 90 days would allow the three men time to seek legal remedies — petitions to the State President and fur-

ther psychiatric observation — denied to them previously. In addition, LHR would institute legal action to challenge Bophuthatswana's constitutional right to execute death row prisoners, he said.

Molema was given the death sentence in 1987, Mashinini in 1985 and Muisi in 1989, but on November 5 the Bophuthatswana Supreme Court handed down execution orders for the three.

Sun International, whose MD Ken Rosevear last week agreed to assist LHR to appeal to Bophuthatswana's President Lucas Mangope for clemency for the three, welcomed the court decision which was "in the interest of everybody".



Boipatong massacre suspects get bail

THE court could not allow itself to be blackmailed by ANC threats of revenge on those accused of responsibility for the Boipatong massacre, a Pretoria Supreme Court judge said yesterday.

Judge K van Dijkhorst granted bail of R1 000 each to 11 of those accused for

the Boipatong massacre on condition they reported to police twice a week and did not enter Boipatong. Bail had been refused by the Vanderbijlpark Magistrate's Court, for fear the accused might intimidate witnesses or flee.

Van Dijkhorst granted the accused who were per-

manently employed bail. He referred the bail applications of 35 of the accused back to the magistrate who must determine whether they were employed by Iscor or not. The bail appeals of 25 accused, who have no permanent employment, have been refused — Sapa

Military's anti-ANC plot uncovered

Goldstone appeals for wider powers

B/DAM 17/11/92 (252)

JUDGE Richard Goldstone yesterday made an urgent plea to government for wider powers, more resources and greater co-operation for his investigation into official and private security forces, as recommended by the UN secretary-general.

He made the appeal after announcing that the commission had raided a Military Intelligence (MI) operations unit last Wednesday and had uncovered a project to "criminally compromise" Umkhonto we Sizwe members.

He found that the project had been devised and co-ordinated by former Civil Co-operation Bureau member and convicted murderer Ferdi Barnard, who had been employed by the SA Defence Force for much of last year.

● BARNARD

Acting President Pik Botha refused to comment on the report, saying government would study it urgently. When the UN report was issued in August, he said that in principle government was prepared to allow and to finance an investigation by Goldstone into the security forces.

ANC spokesman Saki Macozoma said the report was "shocking, because con-

BILLY PADDOCK

trary to belief that there were a few renegades conducting the activities, we now find that top officials are involved".

He said the main question was what government was going to do about the disclosures. He urged President F W de Klerk to purge the security forces, put good people in the top posts and move speedily to an interim government.

He agreed with Goldstone that no progress in combating the violence or moving to an interim government could be made until the security forces were investigated.

The UN Observer Mission in SA last night expressed "shock and dismay" at the disclosures and gave its full support to Goldstone's call for wider powers to implement the UN recommendation.

Goldstone told the news conference the Umkhonto plan had been approved and passed on for execution by Chief of Staff Intelligence Lt-Gen Witkop Badenhorst.

His commission had acted on a tip-off from a witness brought to the commission by the SAP. Five files, all relating to Barnard's activities in the employ of MI, had been seized. These related directly to the tip-off. Goldstone said he did not have the resources to seize and investigate the "hundreds of other files" found at the MI offices, these would now probably go missing, preventing further investigation.

The files seized showed that Barnard had been employed by the SADF from May to December last year and his services were terminated by then Defence Minister Roelf Meyer only after a newspaper report

□ To Page 2

Goldstone B/DAM 17/11/92 (252) □ From Page 1

had quoted an SADF spokesman denying that Barnard was employed by the force.

Yesterday Meyer refused to comment and referred the matter to SADF chief Kat Liebenberg, who was unavailable.

Macozoma said the fact that Meyer had not announced that Barnard was working for the SADF and that he had ordered his sacking clearly showed he knew of the plan long before December and that he was part of the cover-up.

Goldstone said the files showed the SADF had lied on this point because it was known "in high quarters that such a denial was untrue".

The confiscated files showed that Barnard's employment resulted from a referral to the "director of covert collection" by Badenhorst. Barnard was employed as a chief agent after his Umkhonto plan was approved by senior MI members.

Goldstone said the operation was evidence that there could be a third force operating in SA, contrary to his earlier findings that there was no evidence of this. But he said this was only one incident and he would not say conclusively this was proof of an organised third force.

He said the commission did not have the resources or the authority and co-operation of the relevant parties to conduct investigations recommended by the UN secretary-general into the activities of the

SADF, the SAP, Umkhonto, the Azanian People's Liberation Army and the Kwa-Zulu Police.

He said the commission "has no doubt that political violence and intimidation in SA will not be effectively curbed until there has been a thorough investigation of all SA public and private security forces and armies inside or outside the borders".

Goldstone indicated that his multiplying investigations into the causes of violence were merely "an attempt to treat the symptoms and not the disease of violence". The SAP had been incapable of apprehending those responsible for thousands of political deaths; the fact that police were being killed eroded their morale and consequently their ability to tackle violence.

He called on all political groups, in particular government, to authorise the commission "or any other independent body to urgently carry out the recommendations of the UN secretary-general".

"If the present climate of violence, intimidation, fear and suspicion is removed, the commission believes it will be able to play a meaningful role in building a security force, both the police and the army, which will have the support and confidence of the vast majority of South Africans."

He also called on the international community to assist in the speedy and efficient execution of the UN recommendation.

● Comment: Page 6

Hearing goes in camera again

By Sowetan Correspondent

Sowetan 17/11/92
■ Only Bertelsmann, Wessels and Van Vuuren sat with the witness and the judge at yesterday's proceedings:

THE JUDICIAL inquest into the assassination of Dr David Webster resumed yesterday and immediately went into in camera proceedings

State Advocate Jannie van Vuuren said Civil Co-operation Bureau (CCB) agent Derek Louw did not want to give evidence in an open court. Mr Justice M Stegmann agreed to hear an in camera application for the evidence to be withheld from the public.

This is the fourth time the proceedings have been held behind closed doors since the inquest started on October 12. The other times the court had heard evidence in camera include

When eyewitness Cornelius du Plessis told the inquest he had seen Webster's assassin in court,

An application for CCB managing director Colonel Joe

Verster to give evidence in disguise and *in camera*. The judge ruled he could give evidence in camera but could not appear in disguise.

However, ignoring his subpoena, Verster went abroad to wind up CCB projects. He is expected to give evidence later.

Willie Smit, a former employer of CCB agent Ferdi Barnard, who earlier told the inquest Barnard had described how Webster "flew through the air" after being shot on May 1 1989.

After speaking to a man during a tea adjournment, Smit indicated he no longer wanted to give evidence. The proceedings were then held in camera.

Goldstone calls for more power

Political Staff

THE Goldstone Commission has called for its investigating powers to be extended to include public and private security forces and armies inside and outside South Africa.

Mr Justice Richard Goldstone said yesterday that the commission had no doubt that political violence and intimidation would not be curbed ef-

fectively until all public and private security armies had been investigated thoroughly.

Also, successful multi-party negotiations and elections could not be held in the climate of violence and distrust.

"For the commission to continue to multiply its inquiries would amount to an attempt to treat the symptoms and not the disease of violence"

The United Nations' secre-

tary-general, Dr Boutros Boutros Ghali, had recommended that the commission investigate the army, police and political movements' military wings.

However, the commission did not have the resources to do so.

"It does not have the resources to search the many hundreds of files it has found at the Military Intelligence es-

tablishment discovered by it on Wednesday."

The UN observer mission in South Africa last night expressed "its shock and dismay" at the revelations and gave its full support to Mr Justice Goldstone's call for wider powers. CT 17/11/92

"Such investigations could indeed serve to curb violence and be of benefit to the country as a whole." 252

THE YOU GREEN VINTAGE



ANC drafts code to curb its renegade members

THE ANC is planning a code of conduct to bind its errant self-defence units to party policy and make them more accountable.

The PWV region is to consider a draft code today.

Last week the ANC said renegade members of self-defence units in the Vaal Triangle and Natal had become involved in activities ranging from extortion and killing to rape and forced recruitment.

An ANC investigation into the recent slaying of the six-member Zwane family of Sebokeng had also found that self-defence unit members may have been involved.

ANC spokesmen said the details emerging from the investigation, which was headed by ANC PWV region deputy secretary Obed Bapela, had not been confirmed.

ANC PWV spokesman Ronnie Mamoepa said the allegations had come

B/DAM 17/11/92
ADRIAN HADLAND

from communities as well as witnesses

"We have not verified the allegations. We are investigating sources of violence in the Vaal Triangle, and in Natal we have found that the bulk of the violence has been visited by the state on the people."

The draft code of conduct, which will be tabled at a summit of ANC-aligned community, trade union and political organisations at the weekend, would include clauses on "behaviour, conduct, discipline, accountability and a commitment not to become involved" in unsanctioned acts, Mamoepa said yesterday.

The self-defence units had been "operating loosely, taking far-reaching decisions with national implications", Mamoepa added.

"We have to bring the self-defence

units under control as the ANC must take final responsibility for their actions."

He said the final version of the code of conduct would be negotiated at the summit before it was implemented.

While individual members of self-defence units would not be represented at the summit, an "umbrella body" acting on their behalf would contribute to the debate, Mamoepa said.

He said the ANC was not prepared to divulge the number of self-defence units operating in the Vaal Triangle and Natal, because of "security considerations".

He said this weekend's summit was aimed at facilitating the building and strengthening of the self-defence unit structures, improving accountability, the adoption of a binding code of conduct and measures aimed at bringing the self-defence units firmly under ANC control.

Doors closed on inquest

FORMER CCB information officer Derrick Louw was granted an application to testify in camera yesterday at the resumption of the inquest into the murder of Wits University academic David Webster.

Minutes after the hearing resumed, Louw's counsel Jurie Wessels applied for his client's evidence to be heard behind closed doors in order to protect his identity.

Wessels' application for an in camera hearing was also heard behind closed doors. Judge M Stegmann granted the application.

State counsel J van Vuuren later told the media a transcript of Louw's evidence and cross-examination would be made available within a day or two.

However, members of the media were given a copy of Louw's statement to the Harms commission in 1990, which was submitted at the inquest yesterday.

The former CCB information officer said his task had been to collate

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information and make it available to the various CCB regions as needed.

During the Harms commission Louw was shown a list of names which commission officials had found among CCB documents. The list included Webster's name, next to which Louw had drawn an arrow.

Louw said Webster had been unknown to him until after the academic's death, and to the best of his knowledge had not been monitored by any CCB member.

After Webster's death, CCB MD Joe Verster had asked him if there was any information on Webster.

Louw said since the academic was unknown to him he had done a search of the CCB's information documents and, finding the list which had been drawn up by another CCB member, had put an arrow next to Webster's name to show Verster later.

Cross-examination of Louw will continue behind closed doors today.

Children slain in Natal attack

Own Correspondent

DURBAN — Two young children and two adults were killed in the latest wave of violence in Natal when several kraals near Umgababa, south of Durban, were attacked early yesterday by unknown men armed with AK-47s.

SAP spokesman Capt Bala Naidoo said Ambrose Khomo, Catherine Gumbi and her two children were killed. B/DAM

At least 21 people have died in Natal/KwaZulu since Friday, including six people who were shot dead at Nxamalala near Maritzburg on Saturday. 17/11/92

KwaZulu Police reported at least nine other deaths in their area at the weekend.

Meanwhile, Umlazi mayor Maria Xulu yesterday survived a second assassination attempt in weeks while travelling through "H" section.



Judge R Goldstone discloses details of a Military Intelligence covert operation at a news conference in Johannesburg yesterday. With him are commission members Solly Sithole and Gert Steyn. Picture: ROBERT BOTHA

Military's dirty tricks campaign uncovered

310AM 17/11/92 252
THE discovery of a large Military Intelligence (MI) operations centre together with hundreds of files by Goldstone commission investigators last week has uncovered a complex web of subterfuge and dishonesty in "high quarters"

ADRIAN MADLAND

Files seized by the commission contain details of a covert operation to criminalise and discredit the ANC's armed wing Umkhonto we Sizwe (MK), a shady MI task force led by former CCB member Ferdi Barnard, money-counterfeiting and the illegal importation of arms.

At a news conference in Johannesburg yesterday, Judge R Goldstone said it was the commission's duty to make public the information in the MI files.

The files, five of which were seized, show that Barnard, a former SAP drug squad sergeant convicted in 1984 on two counts of murder, one of attempted murder and three of theft, was employed by MI from May to December 1991

"The SADF made a public statement denying that Barnard was employed by it when it was known in high quarters that such denial was quite untrue," Goldstone said

Barnard was employed on the recommendation of Chief of Staff Intelligence Lt-Gen R "Witkop" Badenhorst.

Barnard had served part of a 20-year sentence, had worked for the CCB on his release in 1988 and was employed by MI's unnamed director of covert collection in May 1991.

Goldstone pointed out that "highly placed members of MI were party to the employment of a person with a serious criminal record involving crimes of violence and dishonesty".

From May 1991, Barnard was employed for a trial period, Goldstone said.

In June 1991, Barnard submitted to MI a plan for a task force he was to lead. The Barnard files disclose the task force was to specialise solely on MK activities. The objective was to discredit the organisation by linking its members to crime.

In this way MK cadres could be recruited, compromised or, as in the case of ANC Youth League president Peter Mokaba, discredited. Mokaba, however, survived al-

legations that he was a police spy.

An excerpt from the files says "(Barnard's team) was to concentrate on the involvement of MK in crime and its relationship with criminal syndicates. For that purpose MK members were to be used to infiltrate the criminal elements, and where such members could not be recruited they would be criminally compromised. For that purpose use would be made, inter alia, of prostitutes, homosexuals, shebeen owners and drug dealers"

The task team obtained access to "telephone bugging experts", the computer systems of the SAP Criminal Bureau and the Revenue office, contacts at immigration control and licensing authorities, the voters' roll and credit bureaus

"One of the persons used by Barnard or one of his sub-agents was involved in the installation of computers at the ANC headquarters," Goldstone said.

Following the presentation of Barnard's report, he was employed as a chief agent at an increased salary. The appointment was approved by Badenhorst.

Goldstone said "References are contained in the files stating that the ANC is involved in criminal conduct, including counterfeiting money and illegal importation of arms."

In December 1991, a man named Christopher Human appeared in court on charges of unlawful possession of an Uzzi machine gun. "In a bail application Mr Human is reported to have alleged that the weapon was left with him by Barnard, who tried to recruit him and an escort agency woman as spies for MI," Goldstone said.

"Upon instructions from the Minister" (of Defence, then Roelf Meyer), Barnard's services were terminated

In a report dated January 21 1992, Barnard's MI handler said his "attitude towards the SADF (was) still sour but his relationship with (the handler) is strong enough for (Barnard) to stay and not to go to a newspaper and cause trouble".

Goldstone said 48 members of the secret MI operations centre had spent hundreds of thousands of rands using credit cards.

NEWS *Sowetan* to pay priz

Police chief slams Judge Goldstone

■ Black organisation call for elections
for a new government:

By Themba Molefe
Political Reporter

Sowetan 18/11/92

COMMISSIONER of Police General Johan van der Merwe yesterday launched a stinging attack on the Goldstone Commission's revelations of police involvement in under-hand activities.

Van der Merwe complained that the commission did not give the police a chance to present their side before revealing details of a secret SADF project.

"In regard to the chairman's (Goldstone's) comment that the South African Police 'have been singularly unsuccessful in apprehending the culprits responsible for thousands of political murders over the past couple of years', I wish to point out that such a statement could fuel the perception that the police are unwilling or incapable of solving such crimes.

He said the commission should take note of the successes the police had achieved in solving crimes of political violence. During the past four months 1 241 arrests were made in connection with 251 cases in which 517 people were killed in political violence.

In a dramatic twist to the secret SADF unit saga, Goldstone last night said the commission had found documents which implied that former Defence Minister Roelf Meyer knew of the employment of Barnard were false.

Meanwhile, black liberation movements yesterday called for an election for a constituent assembly following the commission's revelations.

African National Congress spokesman Mr Joel Netshitenze said the revelations were just a tip of the iceberg. "We have said all along that the Government was the obstacle to a speedy transition. These revelations now make for the acceleration of elections for a constituent assembly and an interim government."

Pan Africanist Congress director of publicity Mr Waters Toboti said the solution to the "endless revelations" of corruption would come with the election of a constituent assembly and transitional authority.

The Azaman Peoples Organisation said the Government should resign immediately. Publicity secretary Mr Strini Moodley said: "Mr De Klerk cannot hide any longer behind the tired cliché. 'We did not know'," said Moodley.

Inkatha Freedom Party national chairman Dr Frank Mdlalose called for the disbandment of MI operations.

"I feel flabbergasted that a government can act in that manner. I feel terrible that there could be plans organised by a government to use a confirmed murderer, a criminal, against any political people or party," he said.

President FW de Klerk said last night the Cabinet would meet today to discuss the Goldstone report.

NEWS New wave of terror cause concern in Soweto

'Webster was a dog,' Supreme Court hears

Sowetan 18/11/92

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Sowetan Correspondent

■ **Judge Stegmann told doctor's body "jumped five foot into the air" after shooting:**

CIVIL Co-operation Bureau agent Ferdi Barnard did describe how Dr David Webster's body "jumped five foot into the air" after being shot, the mother of a witness who earlier retracted similar evidence told the Rand Supreme Court yesterday

Mrs Johanna Smit, the mother of Barnard's former employer Mr Willie Smit, told the inquest into Webster's death on May 1 1989 that she had been with her son when Barnard told of the shooting

Mr Smit earlier testified that Barnard described the shooting, but later retracted his evidence "as lies" Yesterday, Smit's brother-in-law Mr Andrew Voster told Mr Justice Michael Stegmann that Mr Smit had

withdrawn his evidence because the safety of his wife and children had been threatened

Voster, who was to give evidence after Smit, said his brother-in-law had told him it would be better if they did not get involved in the case

"After he came out of court, he said we should leave it alone Later he told me his wife and children's safety had been threatened by a Mr Mouton during the tea break"

Voster told Justice Stegmann Barnard had showed him a "short shotgun" shortly before Webster's murder Barnard had never said anything about Webster's murder to him,

but had once telephoned him and pretended to be the investigating officer in the case

Disguising his voice, Barnard had asked him whether he knew anything about Barnard and his shotgun When Voster said "no", Barnard burst out laughing and identified himself, Voster testified

Johanna Smit said Barnard was with her and Willie (her son) a day or two after Webster's death Noticing a newspaper report, she commented "it was terrible how people can be shot in the street like dogs" Barnard replied Webster was a dog

The hearing continues

ANC riddled with agents, says Barnard

 SUSAN RUSSELL 

THE ANC, including its intelligence department, had been infiltrated at a high level, former Military Intelligence agent Ferdi Barnard claimed yesterday.

He called a news conference after Judge Richard Goldstone's disclosures that Barnard was employed by MI last year to head a task force aimed at discrediting the ANC.

Barnard said he had decided to speak out because Goldstone's statement had failed to give his side of the story. (252)

Sapa reports Barnard said he was "extremely disappointed" that the judge had deemed it fit not to disclose that his proposals for the task force were never implemented. This, he said, had led to sensationalised reporting which had unjustly discredited the SADF. *BIDAY 18/11/92*

Although the plan had not been implemented, Barnard said his task force had begun recruiting. Umkhonto, we Sizwe commanders were recruited as informants and links established with individuals active in the PWV underworld, he claimed.

Barnard said links were also established with Mandrax-smuggling syndicates in southern Africa, which in turn had good contacts with certain Umkhonto commanders. "There is a very fine line between smuggling drugs and cars and smuggling weapons, because often they use the same routes into the country."

ANC official Mac Maharaj last night dismissed Barnard's claims. He said any ANC members found to have engaged in vehicle and Mandrax smuggling would probably have been deliberately infiltrated into the organisation by the likes of Barnard, to discredit it.

Barnard also claimed that Gen "Witkop" Badenhorst's evidence to the Webster inquiry, that he had never met Barnard, was "not the truth". "I bumped into Gen Badenhorst at my lawyer's office and asked him for a position at MI because I was in financial straits ... He (Badenhorst) said people would contact me within a week. After three days a colonel contacted me."

Meyer tells Goldstone he knew nothing of dirty tricks campaign

FORMER Defence Minister and chief government negotiator Roelf Meyer last night denied that he had known former CCB agent Ferdi Barnard was employed by the SADF or that he had issued instructions for his dismissal.

He also denied knowledge of a plan to undermine the ANC.

He made the statement as government came under local and international pressure to act decisively on the Goldstone commission's disclosure of a dirty tricks campaign by Military Intelligence.

Judge Richard Goldstone said last night

Meyer had informed him that two reports found in MI files reflecting his involvement were not true.

Sapa reports Goldstone said that on the basis that reports relied on were false, "Minister Meyer has been unfairly implicated in this matter."

It had been assumed by the commission that the references in the MI files "would not have falsely implicated the then Defence Minister. That the files were official files of MI was confirmed on oath by the present senior officer of the MI establishment from which they were seized."

There had been no other evidence in the files nor was the commission aware of any evidence implicating or suggesting knowledge by Meyer with regard to the employment or dismissal of Barnard. There also was no suggestion in the files that Meyer should have been consulted or informed of Barnard's employment.

In his statement, Meyer emphasised that the first time he had heard of Barnard's links with the SADF was when Goldstone made the announcement.

Meyer said on Agenda last night he believed his name had been falsely used in the MI files claiming he had known of Barnard's employment and dismissal.

He had made inquiries and "the explanation that was given to me was that this was probably used to emphasise the importance of the termination of the services of Mr Barnard but falsely so. (When) this was done, I was not even in the country."

The Minister pointed out that while the Goldstone commission had an important role and its credibility had to be protected, some of the procedures used in this in-

stance should be reviewed as De-
Meyer said when he took over as De-
fence Minister last year, he immediately
instructed the Chief of the SADF and other
heads of SADF departments that there
should be no SADF involvement in any
political activity. He believed strong ac-
tion would be taken against any members
who had disobeyed these instructions.
Meyer said he was not in a position to re-
ply to questions about Barnard's employ-
ment as the matter was being investigated
by the Defence Minister and the Chief of

BILLY PADDOCK

Meyer 6/10/77 18/11/92

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the SADF. From information he had received it appeared, however, that Barnard had "probably" received a salary for providing information to the military.

Meanwhile, President F W de Klerk, who returned to SA yesterday from London, said he was "deeply concerned" at the disclosures.

He said government had appointed the Goldstone commission and believed "it has played an important role in identifying the sources of public violence and intimidation. It will accordingly give careful consideration to the initial information and proposals contained in the statement which, according to Judge Goldstone, will require further inquiries and... form the basis of a report."

The Cabinet would consider the matter at its regular meeting today after which he would issue a further statement.

While government prepared to lay the blame for the scandal at the door of re-

grade elements within the SADF. Defence Minister Gene Louw stressed yesterday that the SADF was not a rogue organisation. He said it would bring criminal elements in its ranks to book.

Addressing troops in Pietersburg, he also deplored the existence of several private armies in SA, and claimed the SADF was the only force which could ensure peace and stability for all.

Anarchists who tried to overthrow orderly government were in for a surprise, he said, as the SADF would stop at nothing to defend the security of the country and its people.

In a statement last night, Louw "seriously disputed" several statements in Goldstone's Press briefing on Monday, especially pertaining to the manner in which they were presented. His office said a full explanatory statement would be released as soon as possible.

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ANC supports probe into all armed forces

RAY HARTLEY

ANC official Mac Maharaj said on the SABC's Agenda programme last night that the ANC supported the investigation of Umkhonto we Sizwe and all other "armed formations" as recommended by the UN. He said government had not shown a similar commitment to an impartial investigation of the SADF, SAP and KwaZulu Police.

The ANC would decide whether government was negotiating in good faith based on the response to the Goldstone commission's revelations of a covert campaign to undermine the ANC undertaken by Military Intelligence (MI), Maharaj said.

He said the question of whether or not government's chief negotiator Roelf Meyer was aware of this campaign would not dictate the ANC's attitude to talks with government.

President F W de Klerk's response to the Goldstone report was "unfortunate" and he should have accepted its recommendation immediately that its powers be extended, said Maharaj.

Meyer said on the same programme that government supported in principle the Goldstone commission's recommendation that its powers be extended, but would need more details on the issue before a decision was reached.

Inkatha national chairman Frank Mdlalose said yesterday Inkatha would support investigations to expose MI efforts to undermine the ANC.

But Mdlalose defended the KwaZulu Police, saying while the force would not object to specific allegations being investi-

gated, it would oppose "a fishing expedition launched in respect of an entire police force consisting of thousands of members".

Sapa reports that the SACP called for the sacking of the former and present Defence Ministers, Meyer and Gene Louw, as well as top leaders in the military and police.

Those to be dismissed should include SA Defence Force Head Gen "Kat" Liebenberg, Chief of the Army Lt-Gen Georg Meiring and Police Commissioner, Maj-Gen Johann van der Merwe — all of whom the SACP alleged were the "masterminds of a government low-intensity war against the mass democratic movement".

Azapo said government had to resign immediately because of Goldstone's disclosures.

Azapo publicity secretary Strini Moodley said: "De Klerk cannot hide any longer behind the tired cliché, 'We did not know'".

The CP said De Klerk, as SADF commander-in-chief, should assume responsibility for any irregular SADF acts.

The CP lamented the fact that the Goldstone commission had brought the integrity of SADF chief Gen Kat Liebenberg and Army chief Gen Georg Meiring into question by insinuating that Meiring's statements on MK were questionable.

The SA Council of Churches (SACC) said it was appalled at government's "blustering responses" to the "many recent revelations of corruption and falsehood".

Police chief takes issue with Goldstone

PRETORIA — Judge Richard Goldstone has come under fire from SAP Commissioner Gen Johan van der Merwe, who said yesterday the police had been prejudiced by his commission.

Goldstone had indicated that a witness brought before the commission by the SAP was the initial link in providing clues to an MI role in covert operations.

Van der Merwe said the witness had been presented

to disprove allegations made by a Mozambican army deserter that he was paid by the SAP to commit acts of violence.

He said claims that former MI agent Ferdi Barnard had gained access to the SAP Criminal Bureau's computer system had as yet not been established. Police had not been given an opportunity to do so, or to respond.

He took issue with Goldstone's comment that police had been "singularly unsuccessful in apprehending the culprits responsible for thousands of political murders. . ."

When untested allegations were presented so that they were perceived as facts, it contributed to a false perception that the SAP was unwilling or unable to perform its task, he said. — Sapa.

Exiles' body calls for aid

LLOYD COURTS

THE National Co-ordinating Committee for the Repatriation of Exiles is expected to appeal to government for assistance in the repatriation process.

A committee spokesman said yesterday a lack of government participation was having an adverse effect on the programme.

In a statement the committee said about 14 000 returned exiles and former political prisoners were registered, while about 6 000 were still outside SA.

The committee's funds were frozen after it was found that R300 000 had been embezzled.

The committee's policy allowed individual returnees to be given a loan of up to R6 000, payable within 18 months at an interest rate of 18%.

The ANC has also called on government to take responsibility for the funding of the repatriation programme, after repatriation centres in the Cape were forced to close because of a lack of money.

'Barnard boasted he killed Webster'

SUSAN RUSSELL

DAYS after activist David Webster was murdered, former CCB operative Ferdi Barnard told the mother of a friend that the Wits academic had been thrown five feet by the bullet that killed him, the Randi Supreme Court heard yesterday.

Johanna Smit said Barnard told her this in the presence of her son, businessman Willie Smit, during a drive to Lanseria Airport.

Smit and her son-in-law Andrew Vorster both agreed to testify at the Webster inquest yesterday on condition that Barnard and former CCB colleague Calla Botha were not present.

They were to have given evidence two weeks ago, but hurriedly left the Supreme Court building and disappeared minutes after Willie Smit withdrew his evidence implicating Barnard in the murder.

Smit told the court yesterday she and Vorster had left with her son on that occasion because they were intimidated. A certain Lester Moulton had also threatened her son's wife and children.

Smit said she met Barnard in 1988 when he started working for the company where she and her son were employed.

Barnard left the company after three months, saying he had a job with the security police.

The conversation about Webster's murder took place two or three days after the assassination, she said.

"Ferd and I were talking, I said to him it

was shocking that people could be shot dead in the street like a dog. He answered that he (Webster) was a dog."

According to Smit, Barnard then said, "Tannie, when the police heard of the shooting they immediately said it was Ferdi Barnard because he is the only person who could shoot so accurately out of a moving car."

Barnard then made the remark about the bullet.

Smit told Barnard to stop talking nonsense and he laughed, she said.

She also testified that Barnard would walk into the company's offices and laughingly tell female employees they were afraid of him because he had killed people.

"He was not ashamed to admit it," Smit said. "He said on many occasions that he was a murderer."

Barnard also told her about an album in which he kept pictures of the bodies of those he had killed.

Smit said she never saw the album, although Barnard had told her he would show it to her one day.

She told the court she and her family had been intimidated by Barnard and his relatives before her son gave his evidence.

Smit added that Barnard talked a lot of nonsense and claimed to have done many things he had not. To this day, she added, she did not believe he killed Webster.

Ramodike vows to fight corruption

LEBOWA Chief Minister Nelson Ramodike vowed yesterday to take appropriate steps to end the massive incompetence and corruption in his government unearthed by the De Meyer commission.

He said these steps would involve punishment for offenders and measures to prevent a recurrence of the situation.

His cabinet had appointed a management committee to deal with the commission's recommendations, and letters had been sent to affected departments.

Ramodike said government ministers could not escape responsibility for their departments' activities. The incompetence of any minister would be measured or evaluated according to the seriousness of the case in his department.

Defending his own position, Ramodike reiterated that he had taken the initiative to have irregularities investigated.

Ramodike said government ministers should be given a "sanctuary" by the central government "when we discovered the extent of their involvement and wanted to take appropriate action against them."

He said the NP continued to feed the homelands with incompetent seconded officials who had come only to further the idea of apartheid without real regard for sound financial management.

22 in jail hunger strike protest

RAY HARTLEY

TWENTY-TWO prisoners who claim to have been jailed for political crimes have been on hunger strike since Sunday at Leukop Prison, north of Johannesburg, in protest against the failure of the authorities to release them.

Forty-two prisoners were released over the weekend in terms of agreements reached between government and ANC negotiators in September.

A well placed source said the striking prisoners included six Numsa members imprisoned for the killing of a scab labourer, an Umkhonto we Sizwe member jailed for attempted murder, a self-defence unit member and a necklance murderer. Correctional Services spokesman Col Dame Immelman last night confirmed the hunger strike.

The hunger strikers had been informed that "undisciplined behaviour jeopardises their privileges and even their remission of sentence, which is earned through good behaviour", he said.

Meanwhile a joint committee of ANC and government negotiators have endorsed the release of 123 of the 153 prisoners freed after a joint summit in September, Correctional Services spokesman Lt Bert Slabbert said.

Sapa reports 16 inmates at Durban's Westville Prison have been on hunger strike for more than two weeks, demanding their release on the grounds that they are "victims of apartheid".

Department of Correctional Services spokesman W/O R Potgieter said two groups of prisoners began fasting on November 2 and 3.

ANC 'supports commission'

Political Staff

THE ANC has given its full support to Mr Justice Richard Goldstone's call for his commission to be given the authority to investigate the functioning and operations of the SAP, uMkhonto weSizwe, Apla, the KwaZulu Police and certain security firms

The government has said it is not opposed in principle to extending the commission's investi-

gative scope, but Constitutional Development Minister Mr Roelf Meyer said it would need to discuss with the judge "how far and exactly what kind of powers and authority he would need"

Judge Goldstone made the call after releasing information seized from a Military Intelligence (MI) establishment which indicated that convicted killer and former CCB member Ferdi Barnard had been employed by

MI to discredit the ANC

"The ANC will provide whatever assistance is necessary to enable the Goldstone Commission to carry out the above task," the ANC said in a statement last night.

However, the PAC yesterday expressed its opposition to the call, saying the only body capable of addressing the issues objectively was a transitional authority

Nixon set to receive millions

WASHINGTON. — Former president Mr Richard Nixon is set to receive millions of dollars in compensation after a federal court ruled that he should be paid for the seizure of his private records of Watergate

Mr Nixon challenged a congress ruling impounding the documents and tapes, but lost

He has continued to fight for compensation, which led to a ruling by the appeals court here that he should be reimbursed — Telegraph

SADF admits using ex-Frelimo soldier

Political Staff

THE SADF admitted yesterday that it had "utilised" former Frelimo soldier Mr Jaoa Alberto Cuna but only as a "casual source" for the collection of information on the smuggling of weapons and arms caches

Mr Cuna claimed recently he had taken part in the shooting of a house full of residents near Durban in March or April this year

He told Vrye Weekblad newspaper he had been employed by a policeman, but subsequent Goldstone Commission investigations have revealed

that his hotel accommodation during a night in Maritzburg was paid for using a credit card linked to the Military Intelligence (MI) establishment.

The SADF said in a statement yesterday that it had only utilised Mr Cuna in July and August last year

"Mr Cuna's allegations are being investigated by the Goldstone Commission and the SADF therefore cannot comment on these allegations," it added. Asked if the Mr "Boy" Schultz who allegedly hired Mr Cuna was a MI member, an SADF spokesman said "We know nothing about Mr Schultz"

'Secret files not being guarded'

Staff Reporter

THE remainder of the files that the Goldstone Commission left behind at the Military Intelligence building it raided last Wednesday are not being guarded, according to commission secretary Mr Glen Cuthbertson.

Mr Justice Richard Goldstone yesterday declined to answer further questions about his startling report which implicated Military Intelligence in discrediting uMkhonto weSizwe (MK).

'R16m needed for returnees'

JOHANNESBURG — About R16 million is needed to help 4 000 exiles ready to return to South Africa, but the exile committee NCCR has no money

Repatriations have already cost R54m, with 14 000 former exiles and political prisoners now battling with unemployment and a housing shortage.

The NCCR has accused the government of being uninterested in the repatriations — Sapa

From page 1

SADF had lied when it said Barnard had never been in its employ

It was expected the cabinet would accede to Judge Goldstone's plea to give his commission more powers, authority and co-operation and resources to properly investigate all public and private security forces and armies inside and outside the country

With international and domestic pressure mounting, the cabinet, a source said, wanted to find the best way of being seen to act while keeping political heads out of the fray

Even within the government's ranks there was protest at the Goldstone Commission's findings

Ambassador to Washington Mr Harry Schwarz said he was "furious and outraged" The disclosures, he said, had undermined all the embassy's hard work.

The United States administration has called for the prosecution of those involved in the exposed covert operations

Meanwhile, Mr De Klerk and the cabinet face the National Party's parliamentary caucus in Cape Town this morning.

Mr De Klerk, reeling under sharp attacks on the government's handling of the economy, will have to convince the caucus he is taking decisive action on the MI row as well as on the corruption in the independent states which was uncovered last week by the Parsons, De Meyer and Van der Heever commissions

● Hopes that obstacles are being cleared to make way for negotiations gained ground yesterday when the ANC's "cabinet" adopted a discussion document that opts for a five-stage process of change and possible power-sharing with the NP.

This means the ANC plan and the government's proposals are now very similar and reinforces speculation that multi-party talks could resume soon

The ANC's proposals included the formation of transitional executive councils, as agreed at Codesa II, elections for a constituent assembly, the adoption of a new constitution and transformation of South Africa into a democracy

Farmers and govt agree

JOHANNESBURG — Manpower Minister Mr Leon Wessels and the SA Agricultural Union (SAAU) have reached agreement on a process to legislate labour law for farm workers based on freedom of association and collective bargaining

The agreement does not contradict Mr Wessels's earlier deal with Cosatu

Protest march: Bhutto arrested

RAWALPINDI, Pakistan — Police arrested ousted prime minister Ms Benazir Bhutto yesterday after she and supporters broke through police barricades to lead a banned anti-government protest

About 200 police surrounded Ms Bhutto and took her into custody along with other political leaders who once opposed but now supported her bid to oust the government of Prime Minister Mr Nawaz Sharif — Sapa-AP

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BOG 001/E

Cabinet in all-day deliberations

Govt thrashes out response to Goldstone

B/DAY 19/11/92

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BILLY PADDOCK

CABINET met behind closed doors all day yesterday but by last night it still could not state what its course of action would be in the light of the Goldstone commission disclosures.

For two days government has failed to respond comprehensively on how it intends to deal with the disclosure of a dirty tricks operation within the SA Defence Force.

On Tuesday President F W de Klerk said he was treating Judge Richard Goldstone's disclosures very seriously and would issue a statement after the Cabinet meeting. But in a brief statement just before 8pm, his office said that Cabinet, which began its meeting at 10am, would probably not announce its decision before midnight.

One source said: "All the big boys were closeted in an office with their heads together trying to work out the statement." There were, the source said, "logistical problems".

Cabinet spent the day considering how best to limit the damage of the disclosures that dirty tricks were continuing within its security establishment — despite assurances from De Klerk to the contrary.

Goldstone found that former CCB operative and convicted murderer Ferdi Barnard was employed as a senior agent in Military Intelligence. His task was to undermine government's chief negotiating partner and political opponent, the ANC.

It was expected that Cabinet would accede to Goldstone's plea to give his commission wider powers and more co-operation and resources to investigate all public and private security forces and armies.

This plea was made in terms of the UN Security Council resolution that Goldstone spearhead an investigation into the SADF, SAP, Umkhonto we Sizwe, Apla, the KwaZulu Police and homeland security forces.

It was also expected that at least certain lower-level officials within the security establishment would face disciplinary action, if not dismissal.

Constitutional Minister and former Defence Minister Roelf Meyer said on Tuesday that he had issued strict instructions to all the heads of the military establishment to ensure political impartiality. Disobedience would result in strong action.

With local and international pressure mounting on government, Cabinet would be seeking the best way to act while keeping the political heads out of the fray.

Even within government's ranks there was protest at the Goldstone findings. SA ambassador to Washington Harry Schwarz said he was "furious and outraged" because the disclosures had undermined all his embassy's hard work.

The US administration also called for the prosecution of those involved in the covert operations.

Yesterday the ANC welcomed the plea to extend the Goldstone commission's powers and said it would co-operate with the commission and allow it to investigate Umkhonto fully. But the KwaZulu government said it would refuse Goldstone the right to investigate its police force.

● See Page 2

● Comment: Page 8

Verster due at inquest

SUSAN RUSSELL

FORMER CCB "managing director" Col Joe Verster is due to testify at the Webster inquest in the Rand Supreme Court today — two weeks after a warrant was issued for his arrest when he failed to appear to give evidence.

Judge M Stegmann issued a warrant for Verster's arrest after he defied a subpoena and went overseas to "wind up outstanding CCB matters".

Verster was to have testified on October 30. Instead his counsel Jurie Wessels brought an application for his client to be allowed to testify in camera to protect his identity.

The judge granted the application, but ordered Verster to appear at the inquest on Monday November 2.

When the court reconvened, however, the judge was told that Verster had gone abroad. Wessels submitted an affidavit in which Verster apologised for his non-appearance, but said he had been forced to travel overseas to finalise CCB matters.

Verster also stated that he did intend to testify at the inquest and took full responsibility for his non-appearance.

In addition to allowing him to testify in camera, the judge also ordered that no photographs, sketches or physical descriptions of Verster be published.

Probe into covert activities was 'deliberately misled'

BILLY PADDOCK

THE Kahn advisory committee set up by President F W de Klerk last year to investigate state covert operations was misled by senior security force officers, who prevented it from fully investigating all activities.

Prof Ellison Kahn was appointed to head the committee by De Klerk in July 1991, after initial reports of the Inkathagane funding scandal. His investigation was confidential, with a report going only to the President, who was to decide what would be made public.

In an interview yesterday, Kahn said all the covert projects exposed in the past few months, such as project Echo and the Ferdi Barnard plan to undermine the ANC, were "news to me". Because his brief meant he had to delve into sensitive and highly secret areas, he had to rely on heads of departments and other "high-ranking officials" to supply him with the necessary information and documents.

"I did not have free rein to go where I pleased and dig around. Such an investigation would have taken me years and was impractical," Kahn said.

The investigation, therefore, was largely in the control of, and dependent on, the openness of the high ranking officials who determined which material Kahn could have access to.

This meant that De Klerk also, as head of government, was kept in the dark deliberately.

Kahn said that because his report was confidential and submitted directly to De Klerk, it was up to the President to reveal what he saw fit.

He said De Klerk did issue a statement accepting the recommendations, and that these had been put into effect. "Therefore, if the committee had known of these projects at the time, they would have been stopped."

Kahn said.

De Klerk, in announcing the investigation, said no state covert operations aimed at political opponents would be tolerated, and he instructed Kahn to evaluate all special projects and special funds and make recommendations about which were legitimate. The rest were to be scrapped.

In December, he said the advisory committee on special secret projects had found that all continuing government covert projects met the requirements he had laid down in July.

The committee investigated and evaluated projects to ensure these did not advance or prejudice political parties, were in the broad national interest and were playing a positive role in promoting peace.

The committee reviewed secret projects of the SADF, SAP and the National Intelligence Service and was satisfied that these departments had to continue with covert activities, he said.

Inland Revenue to investigate computer claim

ADRIAN HADLAND

THE Inland Revenue Commissioner announced an investigation yesterday into whether illegal access had been gained to its computer system by Military Intelligence operatives.

The investigation stems from comments made by Judge Richard Goldstone this week that a task team headed by MI agent Ferdi Barnard had used the computer system as part of a plan to discredit the ANC. After a raid by Goldstone commission members on a secret MI operations centre last week, it was dis-

closed that Barnard's team "had the ability to obtain access" to Revenue office computers as well as those of the SAP criminal bureau.

"Every step will be taken to establish whether an offence has been committed and, if so, the necessary legal and disciplinary action will be taken," commissioner Hannes Hattingh said.

The impression had been created

that Inland Revenue had given its approval to the use of its computer system by Barnard's team, Hattingh said. "I wish to deny this emphatically. Inland Revenue has always placed great store on the confidentiality of records of taxpayers."

With the exception of the auditor-general and the Customs and Excise Commissioner "no information concerning taxpayers' records is supplied to any Minister of state, state department, organ of government or commission of inquiry".

Indemnity: PAC not concerned

PRETORIA — The Pan-Africanist Congress may decline to ask for indemnity for its members while Inkatha and several right-wing organisations are still preparing their submissions.

The Department of Correctional Services had been in contact with the IFP and several right-wing organisations to submit lists of prisoners for evaluation, as well as delegates to sit on the National Council on Indemnity, spokesman Lieutenant Burt Slabbert said.

PAC legal affairs spokesman Mr Willie Seriti yesterday said his organisation might not submit a list.

The PAC was not interested in wrangling with "the regime about who is and who is not a political prisoner", when the establishment of a constitutional assembly was the most important thing.

Those who had spoken to the Department included Inkatha, the Conservative Party, the Afrikaner Weerstandsbeweging, the Wit Wolwe, an unnamed trade union and several individuals.

Inkatha spokeswoman Ms Sue Vos said the IFP was still collating its list.

The Wit Wolwe said it would be submitting its list of Boer guerillas, soon.

The CP had no immediate comment — Sapa

CT 19/11/92 (252)

Sunday Times Reporters
CONVICTED murderer
Ferdinand Barnard
recreated a cell of desperadoes in military intelligence less than a year after his previous army unit, the sinister CCB, had ostensibly been disbanded by the government

The astonishing details of Barnard's new dirty tricks unit — comprising convicted murderers, police informers, prostitutes and Mozambican refugees — came to light this week after a surprise raid by the Goldstone commission on a highly secret military intelligence group

Barnard's cell, the Sunday Times can reveal, operated in military intelligence's Directorate of Covert Collection. Its task to find embarrassing information on ANC leaders and use that to blackmail them into becoming informers.

A secondary mission was to infiltrate criminal elements into the ANC's military wing, Umkhonto we Sizwe, thus creating further embarrassment to the ANC

Madcap

Although the SADF now denies it ever gave permission for Barnard to undertake the campaign when he worked for it between May and December last year, the Sunday Times has established that Barnard did in fact set about recruiting a team for this madcap plan to cripple the ANC

A file seized by the Goldstone commission this week showed that on June 20 last year Barnard, having been re-employed by military intelligence despite his central role in the disgraced and disbanded Civil Co-operation Bureau, submitted a plan to military intelligence for a task force which would use "prostitutes, homosexuals, shebeen owners and drug dealers" to compromise members of Umkhonto we Sizwe

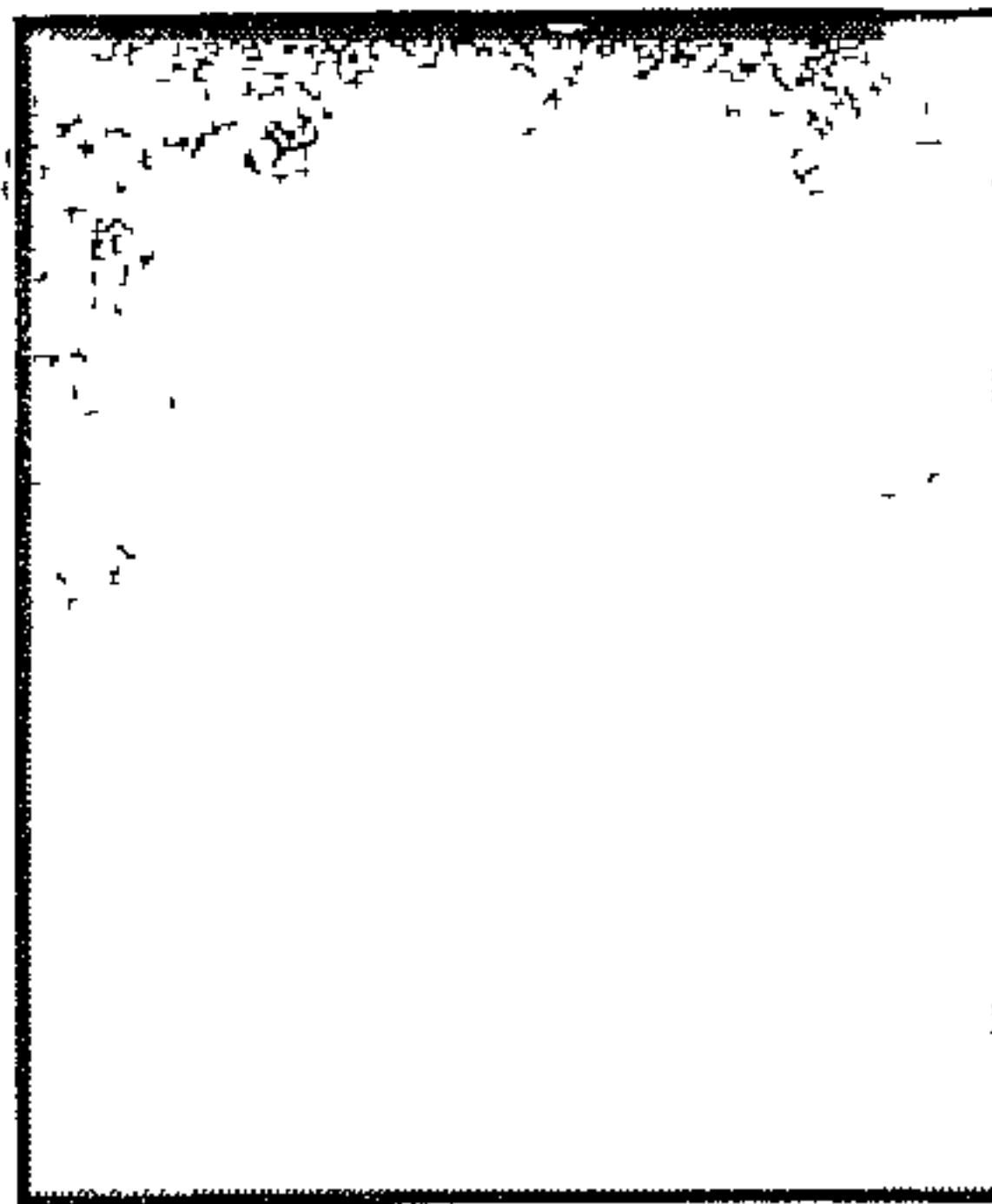
Six weeks later, on August 1, Barnard was appointed to military intelligence permanently on the recommendation of General Rudolph Witkop Badenhorst, then head of military intelligence

The files seized by the

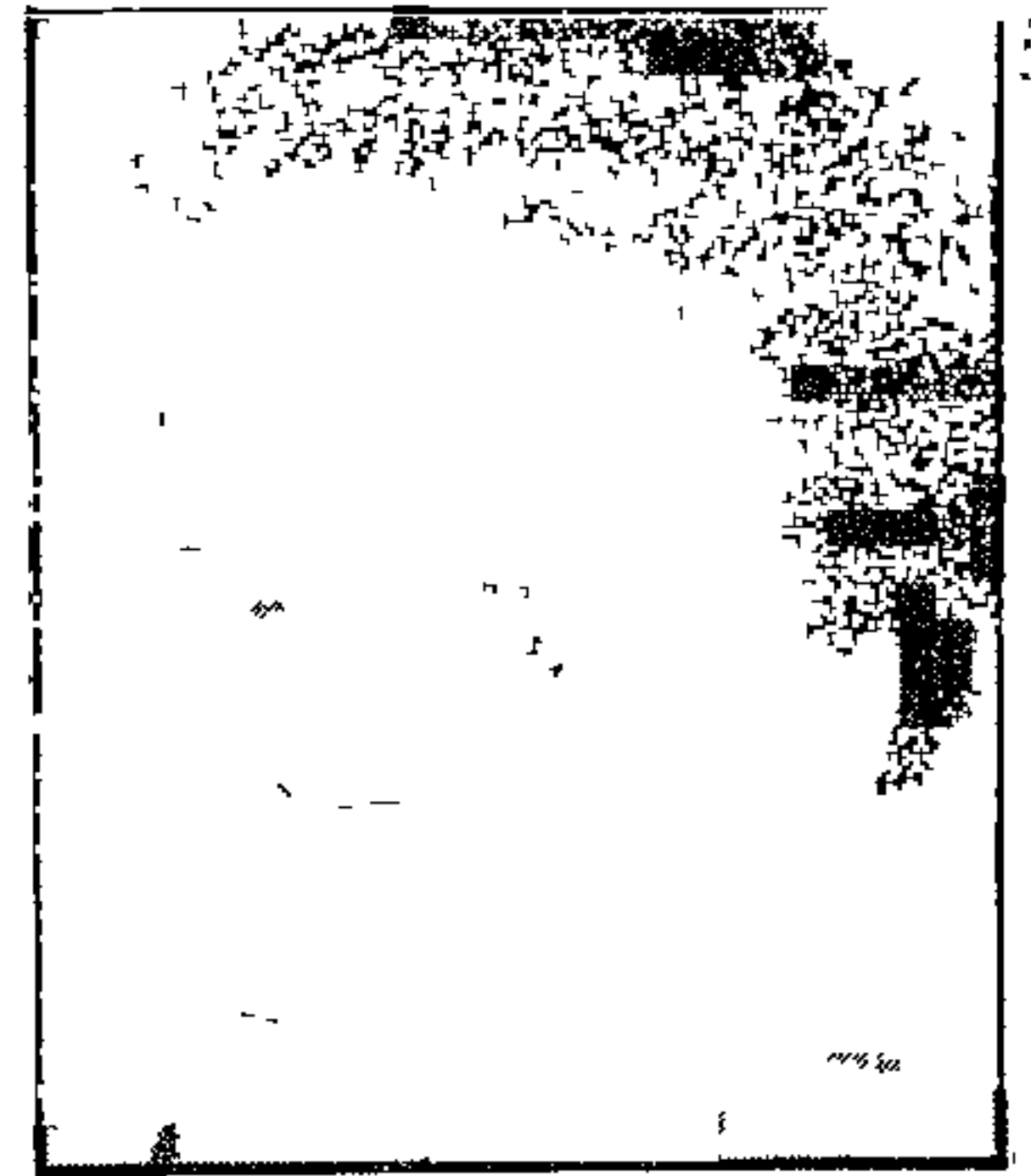
Barnard's gang of whores and killers

S/Times 22/11/92

252



HAROLD SCHULTZ. linked to killing



JOAO CUNA

Picture VRYE WEEKBLAD

Goldstone commission also show that as late as August 23 Barnard reported on follow-up operations and referred to a "support agent network" of "prostitutes, homosexuals, night club managers and criminal elements"

Barnard — currently under suspicion for killing anti-apartheid activist David Webster — was fired from military intelligence on December 31 last year after being named in a criminal case as a military intelligence agent

This week Barnard claimed his unit comprised a former white policeman, a coloured man and two black people

From documents, files and its own research, the

Sunday Times this week established the names of the unit's members. Barnard was the chief agent. Under him fell two sub-agents. They handled other informers.

The members of the Barnard cell were

● Eugene Riley, a former drug squad policeman with a checkered past in which violence features. He was Barnard's sub-agent.

He first sprang to public prominence during the celebrated trial of Captain Jack la Grange, former commander of the East Rand Murder and Robbery Squad, and Detective Sergeant Robert van der Merwe of the Brixton Murder and Robbery Squad

The men were convicted of murdering two well-known drug dealers in what is assumed to be a contract hit

In a complicated case, Riley emerged as a shady figure, having apparently been present when two of the drug dealers went to reconnoitre the home of a third drug dealer shortly before he was killed — allegedly by La Grange and Van der Merwe

Riley's name cropped up again in late 1989 when he and an alleged diamond handler, Daniel Mocumi, were involved in a shoot out in Bophuthatswana. Both were wounded

Riley and accomplice Mark Francis, a drug addict, were arrested on charges of attempted mur-

**FERDI BARNARD:
recruited a cell of
desperadoes in an
attempt to
blackmail ANC
leaders into
becoming informers**

Mokoena, deserted from the Mozambican army in 1987 and entered South Africa illegally. He found work in a cafe in Jeppe and then with Schultz, working in the family's entertainment centre. He lived with them in Maddison Road, Jeppe.

Cuna claims he took part in the assassination of ANC members in Durban in March or April this year on the instigation of Schultz and another white man he calls "Boer", but who goes by the alias "Smith". It is understood the Goldstone commission is investigating the possibility that "Smith" might be Riley or even Barnard.

The SADF admitted this week that Cuna was utilised "as a casual source by the SA Defence Force for the collection of information on the smuggling of weapons and arms caches for a short period in July and August 1991".

Schultz denies having anything to do with the assassination.

Mistress

At present Cuna is under the custody of the Goldstone commission at a Durban Hotel.

● Carol Ann Burton, 30, who was Ferdi Barnard's mistress for five months, and Christopher Human, 30.

Both Burton and Human were recently charged with illegal possession of an Uzi submachinegun. They said in their court appearance on December 18 last year that the weapon belonged to Barnard. They said he had admitted to being a member of military intelligence and had attempted to recruit them as agents in August last year — shortly after Barnard's permanent appointment to military intelligence.

Burton, a former prostitute, claims Barnard wanted her to recruit white prostitutes who would be prepared to sleep with black men.

der. Two other men present at the shooting escaped. It was suggested at the time one was Barnard.

Francis later made a statement incriminating both Riley and Barnard with complicity in the attempted murder. Soon afterwards, Francis was found beaten to death at a drug rehabilitation centre in Johannesburg. Riley was later acquitted of attempting to murder Mo-

comi, for lack of evidence.

At the Webster inquest on October 28, a witness identified Riley from an identikit of one of the alleged murderers of the anti-apartheid activist. The same witness identified the second alleged assassin — Ferdi Barnard.

Riley's attorney yesterday declined to respond to the allegations on behalf of his client. It is known the Goldstone commission

seized Riley's file during its raid on the Directorate of Covert Collection.

● Harold Norman "Booi" or "Boy" Schultz.

He and his father Joseph run a small cafe and entertainment centre in Jeppe. Although Schultz adamantly that he is a policeman, his father says he is. A spokesman at John Vorster Square police station in Johannesburg described him as a "reservist".

This week Schultz told the Sunday Times he knew both Riley and Barnard, but had not seen them for some time. Both used to come to the cafe and he sometimes used to visit Riley at home.

A pistol-packing Schultz threatened to break the Sunday Times reporters' kneecaps if he was misrepresented.

● Joao Alberto Cuna, alias Malefetsane Johanne

NEWS Mandela calls Steyn appointment a good encouraging step

Call to boycott

arms exhibition

Sowetan 20/11/92
Occasion dubbed a celebration of war:



MEMBERS of the international community, including ambassadors and South Africans, have been called upon not to attend today's opening of the arms exhibition at Nasrec outside Johannesburg.

The exhibition, due to open to the public today, has been organised by the Government-funded Arms Supply Corporation of South Africa.

The call was made jointly by the SA Council of Churches, the New York-based Special Committee Against Apartheid and the World Campaign Against Military and Nuclear Collaboration with South Africa.

Political row to erupt

Steyn's appointment can be seen as ignoring Goldstone's request for wider powers:

Sowetan 20/11/92

By Themba Molefe
Political Reporter



A POLITICAL row is poised to erupt after State President F W de Klerk appointed a South African Defence Force general to head all intelligence functions following the Goldstone revelations.

De Klerk announced the appointment yesterday of Lieutenant-General Pierre Steyn, chief of SADF staff, to head all intelligence functions, including Military Intelligence.

This development was seen in some quarters as ignoring Goldstone's recommendation that he be given wider powers to investigate all public and

private security forces and armies. De Klerk is to meet Goldstone on Monday.

The ANC rejected Steyn's appointment and called for an investigation by impartial specialists led by Goldstone.

It said De Klerk's response was dismal.

Past sham

"This is similar to past sham commissions in which the police were set up to investigate themselves."

But *Sapa* reports that ANC President Mr Nelson Mandela yesterday said De Klerk's decision to appoint Steyn was an encouraging step.

"It is a good encouraging step ... as a

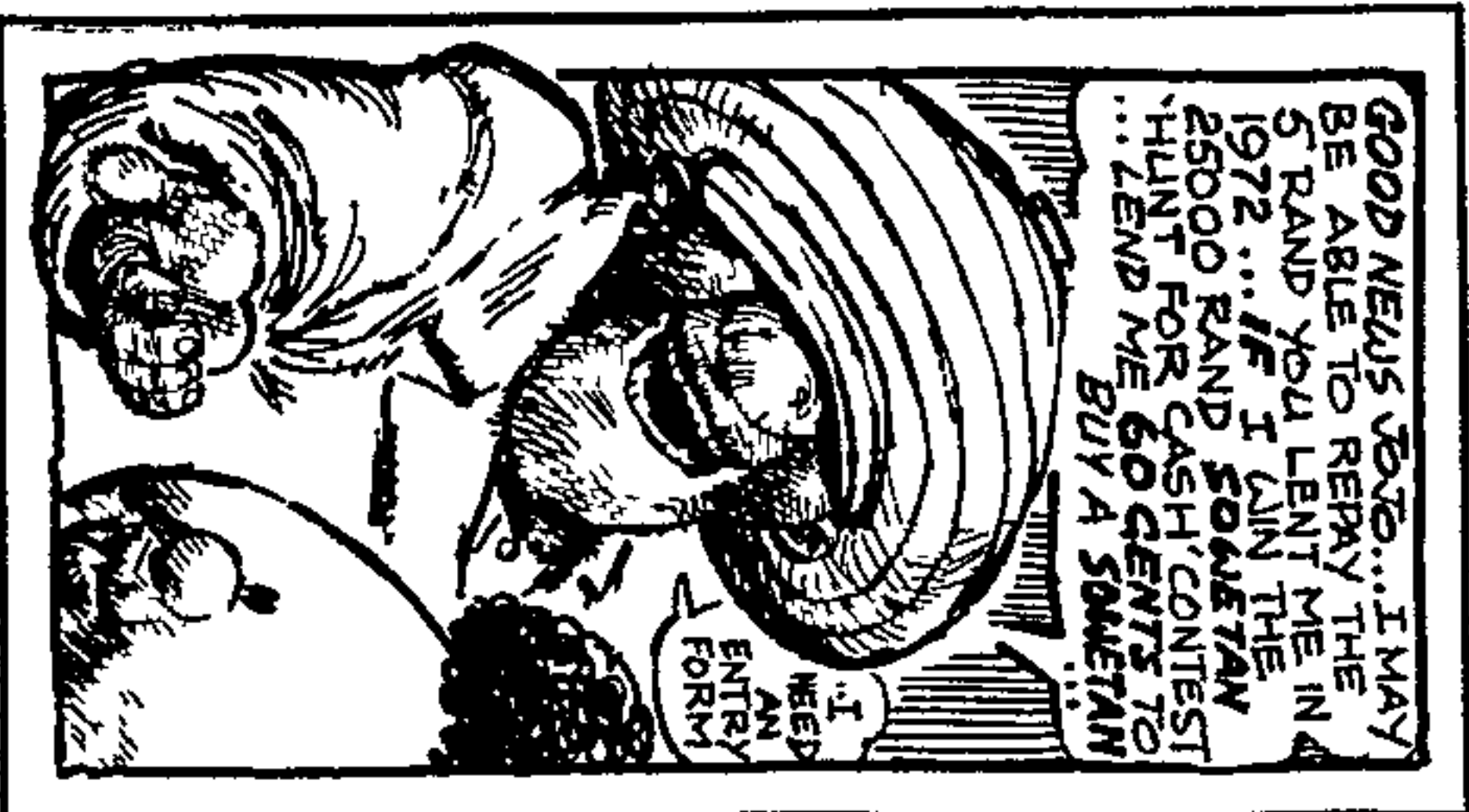
Government they acted on the facts they could find," Mandela said.

The Pan Africanist Congress said the move by De Klerk meant "nothing" and repeated its call for the Government to resign. Publicity director Mr Walters Toboiti said the Goldstone revelations were "just the tip of the iceberg" as the Government had proved to be corrupt.

The Azanian People's Organisation said it rejected "with contempt" the appointment of Steyn.

Also calling for De Klerk's resignation, Azapo said: "You cannot appoint criminals to investigate criminals."

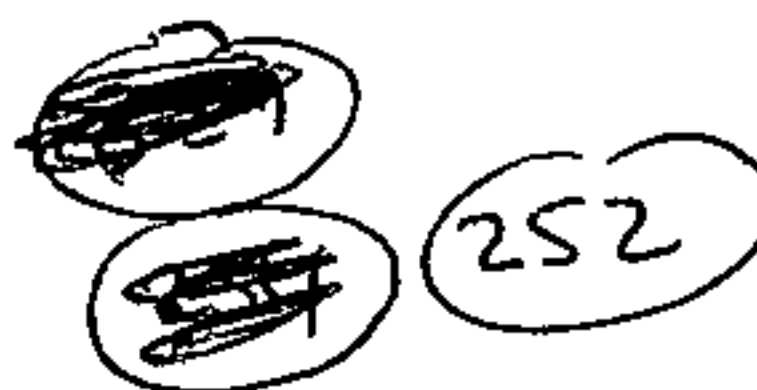
"If De Klerk believes this ploy will establish credibility for him and his Government he is sadly mistaken."



COVERT OPERATIONS

FM 20/11/92

Lifting more stones



Calling for heads to roll in the wake of this week's stunning revelations by the Goldstone Commission of SA Defence Force-sanctioned dirty tricks may be expecting too much of a government grown impervious to the principle of accountability

In any event, the perceived imperatives of negotiations may well require the retention at his post of Constitutional Development Minister Roelf Meyer, who was Defence Minister at the time these covert operations were taking place

Meyer — who is refusing to comment — looks bad, whether he approved of what was secretly going on or whether he was kept in the dark

In order to redeem himself, however, President F W de Klerk must act swiftly by, at the very least, acceding to Goldstone's call to be empowered to investigate all armies and security bodies, and ensuring that the hundreds of files discovered at the secret Military Intelligence (MI) unit are handed over — intact

Goldstone's disclosures suggest that we should keep an open mind on the existence of a so-called third force. On its own, though, the uncovering of the MI secret unit did not amount to conclusive proof of the existence of a third force, said Goldstone.

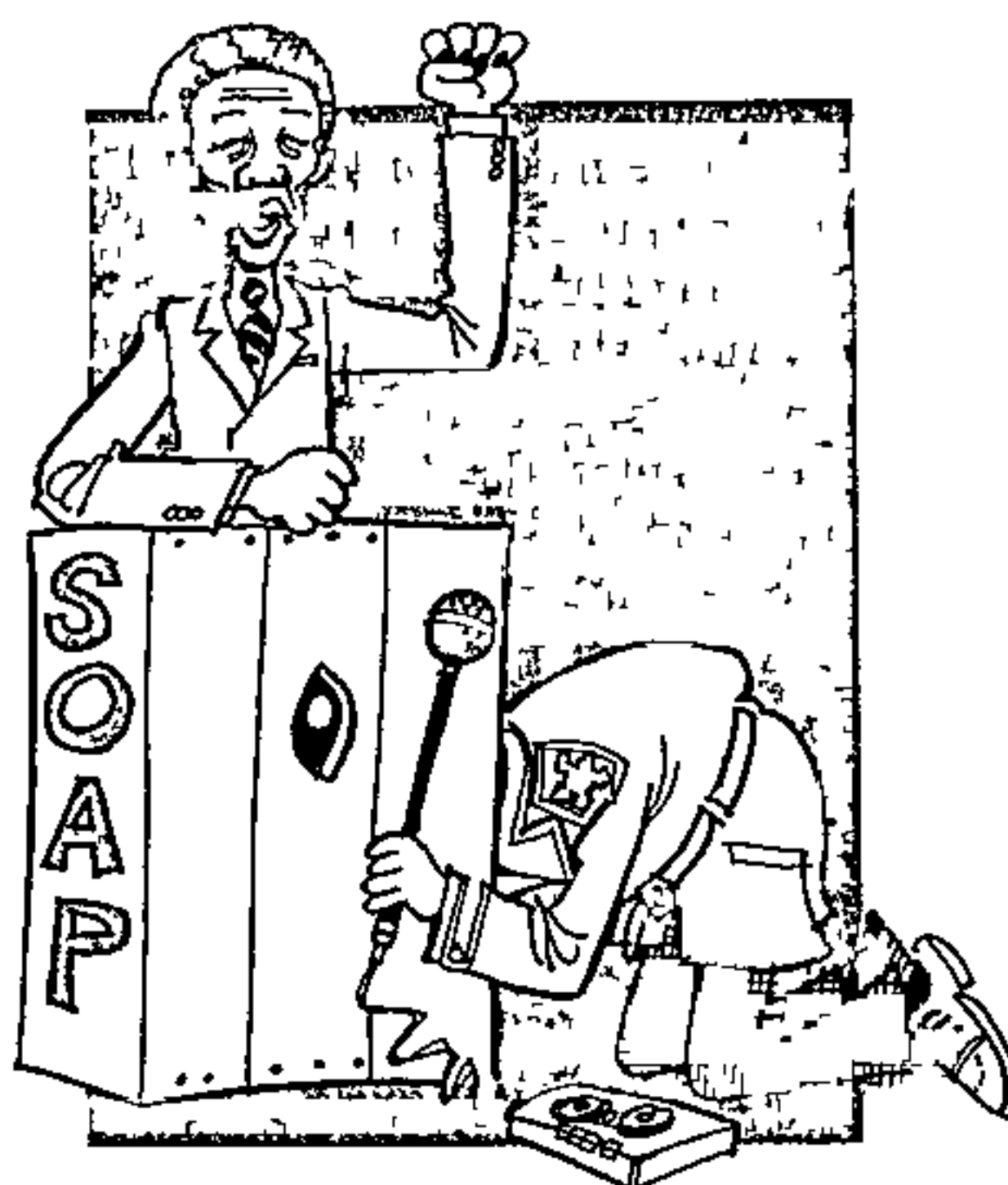
If De Klerk accedes to Goldstone's request to widen his brief, it would blunt the edge of any further revelations and go some way to restoring government's bona fides. If De Klerk refuses, the inescapable conclusion would be that he has something to hide

Making his announcement last Monday, Goldstone noted, "The commission has previously reported that the main cause for the present violence arises from the political rivalry between the ANC and the IFP. It has also reported that it had been presented with no evidence of an organised 'third force' and that there was no evidence implicating senior members of the security forces in political violence and intimidation. The commission stated that it would investigate fully any such evidence."

On November 11 the commission was led to a building housing a large operations unit of MI. This was as a direct result of the evidence of a witness brought to the commission by members of the SA Police

With the assistance of police reinforcements, the building housing the MI unit was sealed and five files were seized relating to information provided by the witness. It must be assumed that the other files have been secured against sabotage

The files disclosed that from May 1991 until December 1991, MI employed Ferdi Barnard, a notorious former member of the Civil Co-operation Bureau (CCB). Bar-



nard's employment was approved by the SADF's Chief of Staff (Intelligence) at the time, Lieutenant General "Witkop" Badenhorst

Barnard is a former SAP drug squad sergeant and has two convictions for murder, one for attempted murder and three for theft. In 1984 he was sentenced to an effective six years' imprisonment, of which he served four, in 1988 he was paroled. He was then employed by the CCB

The files show that on June 20 1991, Barnard submitted to MI a plan for the task force he was to lead, specialising in the activities of the ANC's armed wing Umkhonto we Sizwe (MK). It was to concentrate on the involvement of MK in crime and its relationship with criminal syndicates. "For that purpose MK members were to be used to infiltrate the criminal elements and where such members could not be recruited they would be criminally compromised"

Barnard's team apparently was able to gain access to the computer system of the SAP Criminal Bureau, to immigration control and licensing authorities, revenue offices, credit bureaus and telephone "bugging experts"

His detailed plan was submitted to senior members of MI and thereafter he was employed as a chief agent. A member of Barnard's team was involved in the installation of computers at the ANC headquarters

On December 19 1991 an article in *Beeld* reported that a Christopher Human had appeared in court on a charge of being in unlawful possession of an Uzi machine gun. In a bail application, Human apparently alleged that the weapon had been left with him by Barnard, who tried to recruit Human and an escort agency woman as spies for MI. According to the article, a spokesman for the

SADF denied that Barnard was employed by the army "That denial was false," says Goldstone

Evidently as a result of this publicity, Barnard's services were terminated with effect from December 31 1991. He was paid three months' wages in advance (R10 500). His handler reported that "contact is still being made in order to dissuade (Barnard) from acting irrationally and embarrassing the SADF"

In short, says Goldstone, the Barnard files indicate that

□ Highly placed members of MI were party to the employment of a person with a serious criminal record involving crimes of violence and dishonesty,

□ The SADF made a public statement denying that Barnard was employed by it when it was known in high quarters that such denial was quite untrue, and

□ At least one senior officer of MI was prepared to recommend the illegal arming of Barnard with an SADF weapon. He was able, without any apparent adverse consequence to himself, to make such recommendation to General Badenhorst

NEGOTIATIONS FM 20/11/92
Cautious optimism

President F W de Klerk's prediction this week that multiparty talks might resume within a month or two is in line with government's general view that negotiations could be under way again by February — barring any new obstacles that could arise before then

But, considering government's mounting credibility crisis in the face of financial and political scandals, resignations of "burnt out" senior party lieutenants, continuing violence in Natal and the Inkatha Freedom Party's intransigence, this outlook may be hopelessly optimistic

Another possible obstacle is the entry of at least two new negotiating partners — the Pan Africanist Congress and the conservative Afrikaner Volkunie, both of which may demand backtracking on issues already covered by Codesa. Government would, however, oppose such demands

It was significant that De Klerk predicted the formation of a government of national unity "within the next two years," indicating the likelihood of a lengthy period of multiparty talks — possibly the whole of next year and even beyond

Intensive preparations for the resumption of multiparty talks are already under way and have included bilateral meetings over the past few weeks between government and

Barnard said he killed Webster — CCB officer

Blom 20/11/92
FORMER CCB agent Ferdi Barnard told his handler Lafras Luitingh he had killed David Webster to prove to the bureau's MD Col Joe Verster that he was of use, the Rand Supreme Court heard this week.

This was said by former CCB information officer Derrick Louw, an alias, at the judicial inquest into Webster's assassination

On Monday Louw testified that Luitingh had told him shortly after the May 1 1989 attack that Barnard had confessed to the killing, in an attempt to show Verster that he was acceptable and of use to the bureau and should not be dismissed

Louw's evidence was heard in camera on Monday but the transcript was made public yesterday afternoon.

He said following Barnard's dismissal from the CCB in 1989, Luitingh, a personal friend and former co-ordinator of Barnard, had approached him to use his contacts to try and get Barnard a job with special forces

He had approached someone in special forces who required more background on Barnard — who had a criminal record and was a convicted murderer.

He had allowed the matter to rest there as he had not considered the matter a priority.

Luitingh had approached him a few days after Webster's death to tell him to inform special forces to rather "stay away" from Barnard.

He had told Louw he feared Verster would dismiss him too if he found out he was trying to get Barnard re-employed.

He admitted then that Barnard had confessed to him that he had killed Webster.

(252) ~~252~~ ~~252~~
Louw said he found it strange that Barnard had chosen Webster as a target as he was unknown to the information branch of the CCB.

At no stage had the CCB targeted Webster as this would usually involve an intensive investigation of the person's activities, his routine, photographs of his house and aerial photographs.

"To my knowledge there was no indication of any sort that Webster was a priority of the CCB"

He had told former Military Intelligence chief Gen Witkop Badenhorst during his internal investigation into the Webster incident about the conversation with Luitingh. He was under the impression from later interviews with Verster that the information had been conveyed to him too.

Louw acknowledged during cross-examination by State Advocate Jannie van Vuuren that information had been gathered on activist Gavin Evans, but denied that it was the sort of information that would suggest that Evans had been targeted for assassination.

Van Vuuren put it to him that CCB chairman Gen Eddie Webb had told the inquest Verster had admitted in his presence that Evans had been targeted for murder.

He said he had no knowledge of this order nor did he have any knowledge about the collection of information regarding lawyer and activist Dullah Omar, who, Webb also said was targeted.

Luitingh was called to give evidence yesterday as a consequence of Louw's evidence. His evidence was heard in camera

Verster is expected to give evidence today. — Sapa.

KATHRYN STRACHAN

THE controversial contraceptive injection Depo Provera came under the spotlight yesterday as leaders in the medical, political and labour spheres debated its use and abuse at a heated international symposium in Johannesburg

Jan Peterse, CE of Upjohn Pharmaceuticals — which produces the drug — said his company had planned the symposium to provide a forum to review recent scientific evidence on the product.

Wits Centre for Health Policy researcher Barbara Klugman said the problem had not been with the product itself, but the way it was used.

Family planning in SA had historically been aimed at controlling and limiting

Contraceptive put under the spotlight

Blom 20/11/92
the black population, she said, and it was in this context that Depo Provera had been prescribed.

Makhosazana Xaba, also at the centre, said it was now accepted internationally that Depo Provera was a medically safe and reliable drug, but the concern was that it was open to abuse.

It could be administered without women knowing what it was and uneducated black women were not always informed of its side effects and contra-indications. They were also not advised of alternative methods

White women, on the oth-

er hand, were discouraged from using the drug

The symposium focused on the need for more training, education and counselling to ensure that abuses of the drug came to an end.

Peterse said the recent approval of Depo Provera by the US Food and Drug Administration further proved the safety and effectiveness of the contraceptive injection

Speakers at the symposium included a World Health Organisation advisory committee member, a World Bank representative and medical experts from Washington, Sweden and Australia

Findings on Ebrahim's detention

2520 ARCA-21/11/92

PRETORIA. — A Supreme Court judge here yesterday found the Minister of Law and Order responsible for the unlawful abduction, arrest and detention of a former regional commander of the ANC.

The judge said the minister should pay damages for the full period during which Mr Ebrahim Ismail Ebrahim was detained between 1986 and 1991.

Mr Ebrahim's claim of more than R650 000 against the minister is pending. In a preliminary leg of the civil suit the court was asked to determine liability for Mr Ebrahim's arrest and abduction in Swazi-

land on December 15 1986. The court was asked to find if any of the defendants in the case — the ministers of Law and Order, Justice and Defence were named — were liable to pay damages to Mr Ebrahim.

Mr Justice Johan Els found that the acting commander of the police security branch knew at the time that Mr Ebrahim had been unlawfully abducted and taken to Pretoria when he ordered that the ANC official be taken to his head office.

When the commander associated himself with the actions of the abductors and the National Intelligence Service (NIS), who claimed responsibility for the abduction, he must have foreseen that a charge against Mr Ebrahim would be laid, and a conviction and sentence of imprisonment would follow, the judge said.

He said the police had associated themselves and formed a common purpose with the abductors and members of the NIS and that the Minister of Law and Order was, therefore, in law liable for the arrest and abduction of Mr Ebrahim.

Mr Ebrahim testified that he was unlawfully abducted from Swaziland and transported to Pretoria, where he was arrested by the police the next day.

He was detained under Section 29 of the Internal Security Act until May 14 1987, on which day he was charged in Pretoria Magistrate's Court with high treason. He was later sentenced to 20 years' jail.

Mr Ebrahim started serving his sentence in May 1987 and was released on February 26 1991, when his appeal was upheld against the dismissal of his plea that South African courts did not have the jurisdiction to try him. — Sapa.

These services are provided to help you reduce your anxieties and confusion about sexual performance and to assist you in understanding that everyone responds differently to sex. Clinical Psychologist

Slain pensioner found under bush

Boipatong, Barnard... What's next?

SOUTH 21/11-25/11/92

RS2

JUDGE Richard Goldstone's revelations that military intelligence employed a convicted murderer to head a plot against uMkhonto weSizwe (MK), the military wing of the ANC, is the most damaging scandal the government has suffered so far.

"This is certainly going to take some of the shine off De Klerk," a European diplomat said.

The South African president reacted cautiously on Wednesday. Instead of heads rolling, he simply instructed army chief of staff Lieutenant-General Pierre Steyn to probe the details of the scandal.

He also issued a veiled rebuke to the Goldstone Commission for releasing its information to the press, saying that he would still be considering the full judicial report.

The latest disclosure followed bruising evidence last week of massive corruption in two of the 10 black homelands that were cornerstones of the government's former apartheid policy.

Goldstone's inquiry linked top army officers to a plan to discredit the ANC while De Klerk was engaged in high-profile negotiations with ANC president Mr Nelson Mandela.

"All the worms are coming out of the woodwork," said Mr Tony van Nieuwerk, an analyst at the University of the Witwatersrand Institute for International Affairs.

But diplomats cautioned against an over-reaction to the disclosures, saying De Klerk should be given time to respond.

FW de Klerk's image as the reform-minded white leader trying to end apartheid is being battered by scandals over corruption and dirty tricks:



President FW de Klerk

"Let's not be too apocalyptic about this," one Western diplomat said.

The diplomat said De Klerk had to be kept in power if only because there was no obvious successor who could take over the process of dismantling apartheid and persuading whites to share power.

Stellenbosch University political scientist Professor Philip Nel said most Western governments were still inclined to support De Klerk rather than Mandela, mainly because of De Klerk's commitment to a market-driven economy.

Nel said that while the black community probably was most disturbed about the disclosure of military bias against the ANC, white Afrikaners were enraged by the evidence of corruption.

"Afrikaners have traditionally trusted their leaders to be honest and they are seriously disappointed

about the corruption. Disillusionment is a dangerous thing, it makes people unpredictable," Nel said.

ANC spokesperson Ms Gill Marcus said Goldstone, who heads a judicial enquiry into political violence, had "confirmed what we have always known" when he revealed evidence that the military had lied about employing Ferdi Barnard in 1991.

Goldstone told a news conference he had found military intelligence files confirming that Barnard, a former policeman who served four years of a 20-year sentence for killing two drug addicts, formulated a plan to undermine the ANC.

Marcus said the evidence underlined the need for a quick transition from exclusive white rule to democracy.

"It's not a question of whether De Klerk has to go, the whole government must go — that's why we

ANC leadership adopts compromises

SOUTH 21/11-25/11/92

THE ANC offered an olive branch to FW de Klerk on Wednesday when its National Working Committee formally adopted a discussion document which opts for a possible power-sharing settlement with the National Party.

The document, "Strategic Perspectives", is a modified version of the paper circulated at the October 29 Patriotic Front conference in Port Elizabeth.

At the time of phasing in a new constitution, the ANC notes that "the balance of forces, and the interests of the country as a whole may still require of us to consider the establishment of a government of national unity, provided the parties that have lost the elections will not be able to paralyse the functioning of government".

The document identifies the need to restructure the security want intern rule now and elections by the middle of next year. But there might be some ministers who should go more quickly," she said.

Marcus declined to say, however, whether she wanted Mr Roelf Meyer, the government's chief negotiator, sacked because he was briefly in charge of the defence ministry.

"Somehow, I doubt whether Meyer was ever actually in charge at the defence ministry," she said. One diplomat concluded "The latest allegations are very serious indeed, but we have to keep going, we must keep the process on track" — Sapa-Reuters, South Reporter

WEBSTER: GENERAL BEATS UP A SPYMASTER

FISTS FLY AS SPIES CLASH

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S/ Times 22/11/92

By CHARLES LEONARD

AN enraged SADF general beat up a spymaster when they clashed over an inquiry into the murder of anti-apartheid activist David Webster.

Joe Verster, controversial head of the sinister Civil Co-operation Bureau, claims he was physically assaulted by Military Intelligence chief General Rudolph "Witkop" Badenhorst.

Verster claims General Badenhorst hit him after he refused to leave his own office at the CCB's secret headquarters. The general lost his temper because Verster did not want to "play along" with the SADF's Webster inquiry.

Startling

Verster was giving testimony in camera during the Webster inquest on Friday.

In further startling claims, Verster testified that

● The chief of the SADF had told him in January 1990 that President FW de Klerk had given an assurance that there would not be a witch-hunt over the operations of the Civil Co-operation Bureau, a clandestine SADF unit.

● He told then Minister of Defence Magnus Malan that the CCB believed one of their agents, Ferdi Barnard, had killed the Wits academic in May 1989. General Malan had taken no action. Neither President de Klerk nor General Malan could be contacted for comment.

Because I didn't want to play along, Badenhorst tried to chase me out of the office. I said that it was my office, and I stayed seated.

"He then got up and, in front of (SAP Brigadier) Krappies Engelbrecht and (CCB administration officer) Christo Brits, assaulted me. I did nothing back — I just left him."

Just before the internal investigation started, Verster was summoned to

□ To Page 4

"Badenhorst called me aside and threatened me if I should make available any information about Barnard and his activities," Mr Luntingh told the inquest on Thursday.

"He told me 'If you talk more nonsense about Barnard I will let you get beaten up (opdonner)'."

These devastating accusations further probe the still real-ising SADF's intelligence commission on the Goldstone assassination. The commission's report revealed a "dirty trick" which revealed the names of the assassins. On Friday, Verster told the inquest that he had been "chased" by Badenhorst in the Court of Appeal. Badenhorst had threatened to sue Verster for libel. The inquest is expected to last several days.

□ From Page 1
Cape Town by the then SADF chief of the SADF, General Janne Geldenhuys. "It was the third or fourth of January (1990) when I met General Geldenhuys at 3 Military Hospital in Wynberg," said Verster.

"He said that the State President (FW de Klerk) was under pressure because of David Webster (De Klerk) said that he accepted that everything we

March 1990
During his evidence-in-chief this week at the Webster inquest, Verster said he went as far as General Malan to try to clear the CCB's name and told the minister that he thought that Barnard had killed Dr Webster.

After trying each week since the beginning of that year, Verster finally got an interview with General Malan on July 13 1990, he told the inquest.

In reaction to him saying that he had told the head of the police team investigating Webster's murder, General Jaap Joubert, about the Barnard link, General Malan said "Verster, you are just busy taking on the police."

Verster told the minister "We (the CCB) thought that it was Barnard because he said that, but it was hearsay and we did not have any facts to base it on."

As far as it is known, General Malan took no steps.

Earlier this week, Verster and two other senior CCB members told the inquest that not only was General Badenhorst aware of the serious allegation that Barnard had confessed to killing Dr Webster, but also that General Badenhorst actively and robustly tried to cover this up.

Despite having this

knowledge, General Badenhorst went on to tell the Harms commission under oath two months later, in March 1990, that he did not have a shred of evidence about Dr Webster's shotgun death.

Verster, CCB information officer Derrick Louw and Barnard's handler, Lafras Luntingh, all then informed General Badenhorst of Barnard's startling admission that he had killed Dr Webster.

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ties," Mr Luntingh told the
inquest on Thursday.

Chased

and a nest of spies

UNIT STAFFED BY MURDERERS, PROSTITUTES AND DRUG ADDICTS

Stimoes 22/11/92

their sons at the R24 000-a-year Hilton College or their daughters at R21 000-a-year St Annes

It was in this unlikely setting that the key to the untouchables' search lay

Hotel staff recall the arrival of the untouchables — four men in a white BMW. They were headed by Heslinga (he consideredly left a card), another white official who spoke with a South African accent, a dark-skinned man with a moustache who spoke with a Portuguese accent and Cuna. They asked to look at the records for May this year as well as May, June, July and August of last year.

They searched through the hotel's counterfoils of Standard Bank credit card payments but drew a blank. Then they turned to the American Express and Diners Club counterfoils

which are kept in a separate pile

They found what they were looking for — a Diners Club counterfoil signed by a "Mr Smith"

He had paid for three rooms — Rooms 33,34,35 — after checking in on August 2 last year and departing on August 3 — not in March or April as Cuna had previously claimed

Record

Smith had paid for three telephone calls — for R10, R2 and eighty cents. Unfortunately for the investigators, the hotel at that time did not have a switchboard which records the numbers dialled

The team rushed off to the Hilton Post Office to see if they could find a record of the numbers dialled there. Soon afterwards they returned to the Hilton — they had left behind the

all-important Diners Club counterfoil — with the crucial account number

In the absence of a name or address on the counterfoil, it was this account number, 16 smudged numbers on a piece of paper, that was the commissioner's only link to the men who had brought Cuna to the Hilton

The next day Heslinga contacted Diners Club and requested the name of the person in whose name the card was issued and — just as important — an address

Diners Club at first refused to provide the information Heslinga, now spurred on by his success at the Hilton, went straight to Judge Richard Goldstone. The judge telephoned Diners Club attorneys Edward Nathan and insisted he be given the details

Hugh Peating, managing director of Diners Club International, South Africa, later telephoned Judge Goldstone and gave permission for the information to be released.

At 9.45pm on Tuesday, November 10, Pretorius, waiting impatiently at home, received the call from Diners Club

The account, he was told, was a corporate one which meant that cards had been issued to a number of people who then bought on the same account. Forty-eight people had cards, Pretorius learnt, and the amount spent daily by all the cardholders was about R25 000

Pretorius was astonished. What had begun as the search for one man now began to look like a conspiracy. Could there be a connection between "Mr Smith" and the 48 other card-holders?

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PHOTTON HOTEL

name the cards were issued — was called Africa Risk Analysis Consultancy Pty Ltd, or Arac. Its address Momentun Mews, Lynwood Ridge, Pretoria

It was an elated group of untouchables who gathered early on Wednesday in the commissioner's spartan offices in Pretoria's Visage Street

he was unable to provide somebody in time

The untouchables knew they were on to something big. None of them, however, ever dreamt that within 20 minutes they would crack the army's deepest secret — its eccentrically named Directorate of Covert Collection and the dirty tricks operations carried out in its name

The untouchables arrived at the brown-bricked building housing the unit in a red minibus

On the fourth floor the group was confronted by a glass security door controlled by a push-button system. Behind it was a reception area

"We are investigators with the Goldstone Commission," said the leader of the group to the startled man who opened the door. "We have a warrant to search for certain documents which could help our inquiries"

Once inside, Heslinga presented his credentials and warrant to the most senior person present. It is uncertain who was more stunned — the director of Covert Collection, Brigadier Tollejue Botha, or Heslinga when he suddenly discovered that he and his team had stumbled into the nerve centre of military intelligence

Botha, a former Free State rugby player, is the registered leaseholder for Arac's premises, under the name Jack Botes

When confronted by the commissioner, he offered his full co-operation

The telephone lines to the centre were immediately cut by Heslinga, the staff of about 50 searched and then, confronted by thousands of files, the long and arduous business of sifting began

The first four files sought by the commissioner were found in half an hour

Then began a seven-hour search for the fifth, elusive file. The difficulty, the investigators rapidly found, was that files were not left on the desks of MI personnel. They were kept in a

safe lettered with code numbers — sometimes decipherable only to a specific handler who also allotted separate code names to his informants and who was often known to them by a pseudonym. If the handler needed was not available, it took even longer to find the files

Between 5pm and 6pm most personnel, except for 12, were allowed to leave the premises. They were again searched the indignity clearly apparent in the faces of the intelligence officers

After hours of searching

The rest of Momentun building was quiet at 10.30pm when the untouchables finally left. On the fourth and fifth floors the lights still burnt, the rows of files now returned to the care of military intelligence. It had been a long day for the investigators. An even longer 10 days were to follow

"We did not know who they were," one of the security guards at Momentun Mews recalled later, "but the moment they arrived we knew there was trouble on the way"

Expert

Present was Pretorius, Heslinga, a seconded British policeman, Detective Superintendent Tom Laidlaw, a Dutch policeman, Floris Bouna, the commissioner's advocate, Bill Seeales, attorney Piet Botbol and a policeman, Sergeant PM van der Merwe

They also had a computer expert on standby and attempted to get an auditor from auditor-general Peter Wronslley's department but

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THEY swooped at lunchtime. A red minibus with half a dozen men inside pulled up in front of Momentum Mews, an ordinary office block in Pretoria's Lynwood Ridge.

The Goldstone commission's investigators — including two foreign policemen — did not know it then, but they were about to break into the headquarters of the army's most secret unit, and unleash a political furor.

This week the Sunday Times followed in the footsteps of Goldstone's "untouchables" to uncover the details of the army's illegal tricks department.

A credit card receipt in the records of the Hilton Hotel, a mere slip of paper, was the key that led the Goldstone commission to the heart of military intelligence's dirty tricks

It confirmed the incredible tale of a Mozambican army deserter who claimed he had been recruited by military intelligence to spy on, and perhaps even kill, top ANC officials

It also exposed the continued existence of a unit of military intelligence, staffed by murderers, prostitutes and drug addicts,



MAN IN CHARGE
Richard Goldstone's commission caused a political furor with its findings

A slip of paper...

252 254 327

HOW THE UNTOUCHABLES TRACKED DOWN A MILITARY INTELLIGENCE

By MIKE ROBERTSON, CHARLENE SMITH and JOCELYN MAKER

whose purpose was almost certainly to blackmail top ANC officials

The remarkable tale of how Goldstone's untouchables penetrated Momentum Mews begins three weeks ago when an illegal Mozambican immigrant, Joao Alberto Cuna, claimed he had murdered seven ANC members in a Durban township on the instructions of the SA Police

The police, stung by the charge, interrogated Cuna and then handed him over to the Goldstone Commission, satisfied that he had led on all counts. It was a mistake on their part

Cuna, who had eked out an existence in Johannesburg since his arrival in 1987 by working in an amusement arcade and informing for the police, was given to the commis-

Schultz and a "Boer" There he had been booked into a "big hotel" The next day he had been driven to a Durban township by Schultz and the "Boer", where he and another black man had slain ANC members

Under Pretorius's persistent questioning, gaps began appearing in Cuna's

tale There was, for example, no record of any massacre in Durban townships on the dates he mentioned The investigators began to despair Were the police perhaps right? Was this flotsam of the Mozambican wars a liar?

The break came almost by accident

Cuna mentioned in pass-

ing that one of the men in the hotel had paid the account at the Hilton Hotel with a Diner's Club card Pretorius and Atunes exchanged quick glances This tittle, they knew, was crucial

Next day a fully briefed Colonel Henk Heslinga, former Koevoet officer and now chief investigator for the Goldstone Commission was on his way to Nata with Cuna

The Mozambican uncer- ringly directed him to the tranquil Hilton Hotel

A mock Tudor building located a few hundred metres away from the point where the N3 highway begins its steep descent into Maritzburg, it is an establishment frequented mainly by busloads of foreign tourists embarking on the Mic lands meander and well-heeled parents visitin

Barnard asked lover to set sex trap for ANC

St. Times

sex trap

for ANC

By CHARMAIN NAIDOO

SADF secret agent Ferdi Barnard recruited a former lover to help him set up a vice ring to snare black politicians.

The sex plot was uncovered this week in the Goldstone commission's raid on a Military Intelligence undercover unit.

But the link between convicted killer Barnard and former callgirl Carol Ann Burton, a slip of a woman with large, staring eyes and a drug habit which she fed by prostitution, was first exposed a year ago.

That's when Burton and her current lover, Christopher Human, appeared in court charged with the illegal possession of an Uzi machinegun. They named Ferdi Barnard as the owner of the weapon and told the magistrate that Barnard was working for Military Intelligence.

Although denied by the SADF then, the surprise raid by the Goldstone commission on the secret SADF unit uncovered documents proving the truth of the claim.

Sleaze

The files also showed that Barnard had proposed to Military Intelligence that he be allowed to use prostitutes, homosexuals, shebeen owners and drug dealers to compromise ANC figures.

Among the first people he approached with the plan, it now appears, was Burton and her drug-addict boyfriend, Human.

At their latest court hearing on November 4, the defence gave notice that the couple wanted to apply for indemnity under the Amnesty Act — an indication they might have indeed joined Barnard's sleaze cell.

The couple have moved

The investigating officer on their case, Detective-Sergeant Johan Bothma, said they were "complying with their bail requirements." He confirmed that the couple had moved to a secret address.

Affections

In an interview after their first court appearance a year ago, Burton told how she had been Barnard's part-time lover for five months, a role she shared with a woman she named only as Brenda.

She had been introduced to Ferdi by a mutual friend, Mark Francis, in the Summit Club in Hillbrow in January 1991 and soon Ferdi supplanted Mark in her affections.

At the time, Burton's long-term lover, Human, was serving a jail sentence. When he was released he and Barnard resolved that Human should live with Burton, but that Barnard would "take care" of them both financially.

Somewhere between March and August 1991, Ferdi left an Uzi automatic weapon in Human's care. Police discovered the weapon when they burst into

□ To Page 4

Barnard asked lover to set trap for ANC

according to neighbours

A resident in the townhouse complex said he had seen Barnard removing "huge wads" of R50 notes from his car and taking them into the flat about two weeks ago.

"They seem to have a lot of visitors, most of them driving luxury cars like Merces, BMWs and even a black Porsche," said the man.

Karn's Escort Agency in Johannesburg

Her husband, Wayne, a former vice and narcotics policeman, went on trial in September for the murder of her lover, ex-security policeman Dirk Wilken.

Barnard moved into a luxury townhouse in Weltevreden Park, Roodepoort, with the beautiful blonde and her son, Shaun, 4, about a month ago.

them on a computer and finding out who owned them.

It was this broken promise that particularly annoyed Human who, at the time, expressed anger that the police had broken down his front door "without even knocking first".

Ferdi Barnard is currently living with Amor Swanepoel, one-time manageress and part-owner of

□ From Page 1

Burton claimed she knew nothing of the presence of the gun. All that Barnard had told her was that she should try to find white prostitutes who were prepared to sleep with black men.

She was asked to take down the registration numbers of luxury cars which Barnard said he would check by cross-referencing

the couple's Berea flat

Burton claimed she knew nothing of the presence of the gun. All that Barnard had told her was that she should try to find white prostitutes who were prepared to sleep with black men.

She was asked to take down the registration numbers of luxury cars which Barnard said he would check by cross-referencing

out of their Berea flat and are "in hiding" somewhere in Johannesburg

Hit squad probe to look into military intelligence links

252 (252) (252) By CHARLENE SMITH *SITimes* 22/11/92.

THE Goldstone commission will begin hearings on Thursday into allegations of military intelligence involvement in hit squad activity

Judge Richard Goldstone is also expected to meet Lieutenant-General Pierre Steyn, who has been appointed by the government to investigate the SADF's Directorate of Covert Collections. The two men will discuss ways to co-ordinate their investigations

Early last week, Judge Goldstone revealed the existence of a plot by the DCC to smear the African National Congress's armed wing, Umkhonto we Sizwe, by linking it with the criminal underworld

The new inquiry and the talks between Lieutenant-General Steyn and Judge Goldstone were announced after a two-hour meeting between the judge, President FW de Klerk and Justice Minister Kobie Coetsee on Friday

The meeting followed a request by Judge Goldstone for his commission's powers to be broadened to encompass scrutiny of the SA security force establishment, including military intelligence, the police and army. This request was turned down

Harsh

The Democratic Party and the ANC have condemned the government decision not to allow the commission wider powers

Judge Goldstone said he was satisfied with the outcome of the meeting, but would not comment further

While the commission faced harsh criticism from the security arms of the government this week for releasing the information it uncovered, it has received strong international support, in particular from the United Nations

New American ambassador Princeton Lyman travelled to Bloemfontein this week to visit Judge Goldstone and express his support for the commission's work

It has been reliably learnt that the commission wanted an all-South African task force to begin investigations not only into the SA security forces, but also into the KwaZulu Police, the military wings of the ANC and PAC, as well as other private armies

Opposed

The only group that has agreed to such an investigation, which was first mooted earlier this year and endorsed by the United Nations, has been the ANC

Dr Frank Mdlalose, of the Inkatha Freedom Party, said his organisation was opposed to an blanket investigation of the KZP, and the PAC has also resisted any efforts to investigate its army, APLA

The commission is meant to investigate one security establishment without studying all

A statement by the State President after his meeting with Judge Goldstone said the SA Police would provide sufficient personnel "to assist the commission to proceed with its ongoing investigations of all other bodies and organisations alleged to be involved in violence"

Codes

Half an hour before Judge Goldstone's 4:30pm meeting with the State President on Friday, a bogus press release purporting to come from the judge was sent to some newspapers and news agencies

The press release was typed on a similar typewriter to that used by the commission, with similar codes at the top, but it was not from a fax with no identifying marks

It claimed the judge was withdrawing his apology to the military and retracting the "false" information revealed at the commission's press conference on Monday

Police guilty of abduction

A PRETORIA Supreme Court judge on Friday ruled that the Law and Order Minister was responsible for unlawfully abducting and detaining a former regional commander of the ANC.

Judge Johan Els ordered the minister to pay damages for the full period during which Ebrahim Ismail Ebrahim was in detention between 1986 and 1991. *C/Pren 22/11/92.*

Ebrahim's claim of more than R650 000 against the minister is still

pending but in a preliminary leg of the civil suit the court was only asked to determine liability for Ebrahim's arrest and abduction in Swaziland on December 15 1986. (252)

Ebrahim was sentenced to 20 years' imprisonment for high treason but he was released in February last year after the Appeal Court found that local courts were not empowered to try him

Els found the acting commander of the Security Branch was aware that Ebrahim had been unlawfully abducted. — Sapa

Political comment and news items by K Sibhya, headlines and sub-editing by E Kaswa, both of 2 Herb St, New Doornfontein, Johannesburg.



a most of African states. On show was state-of-the-art weaponry developed and manufactured by Armscor in the face of the UN arms embargo, ranging from assault rifles to the renowned 155mm G6 motorised cannon — which could explain the warning to visitors photographed by JAMES SOULLIER

Police informer organised massacre in name of ANC

STimes 22/11/92

(252)

By CHARLENE SMITH

THE Goldstone commission has found that two attacks which claimed the lives of 19 people in the East Rand township of Thokoza last year were organised by a police informer posing as an ANC self-defence unit head

The results of the eight-month inquiry into serious violence in that township and in the adjacent Phola Park squatter community found that Mncugi Ceba

headed a self-defence unit which, in September 1991, ambushed a march by hostel dwellers killing 16 and injuring 13

He also led a coup by the Phola Park SDU which violently ousted the Phola Park Residents' Committee (of which three members were subsequently assassinated), falsely claiming that the committee was involved in the fraudulent use of development money to the area

The report said the "acknowledged use of informers in positions such as that held by Ceba are not conducive to improving the already tense relations and suspicions between the security forces and the communities in question"

Although the Thokoza report was completed before the Goldstone commission's dramatic raid on a military intelligence centre last week, the technique of using people like Ceba,

who claimed falsely to be part of an ANC self-defence unit, in criminal activities tied in with suggestions Ferdi Barnard made to military intelligence last year — and which it claimed it never adopted — to employ precisely such techniques

The report detailed out-of-control self-defence units, savage attacks by residents against opponents and hit-squad type actions by some hostel members in both Thokoza and neighbouring Phola Park

However, since the commission began its work a modicum of calm had been restored to the area and a number of upgrading projects have commenced

During the commission's investigations three witnesses, including a man and his wife, and well-known community worker Prince Mhlambi were murdered

The 75-page report — the longest yet released by the year-old commission — detailed the attack on hostel inmates during a march, and six other

bloody incidents that took place in the area last year and early this year

While the commission praised the conduct of the Defence Force in bringing calm to the area after the attack on the march, it raised questions about police investigation methods afterwards

The commission, which released its report late on Friday, forwarded some of its findings to the attorney-general. It said there appeared to be a prima facie murder case against a Mr Ndebele who belonged to the so-called Kapita squad, the defence arm of the Katlehong People's Taxi Association, and who lived in a hostel

The evidence related to an attack on people attending the funeral of civic leader Sam Ntuli late in September last year during which 18 people were killed

There also appeared to be a similar case against some members of the Phola Park self-unit, of which Ceba was a leader

The commission heard the testimony of more than 100 people and four expert witnesses

It found that squatter dwellers and hostel residents felt persecuted by frequent police searches and by the way they believed opposing groups in the area viewed them

It found there were many weapons available in Phola Park, particularly AK-47s, which witnesses said came from Mozambique via a source in nearby Daveyton township

Aggressive

It found that on no occasion did the local SDU play a defensive role for the community it claimed to represent. Instead, there were a number of incidents "both within Thokoza and beyond in which the SDU or members of the SDU played a very aggressive and outright criminal role"

The commission said there was no evidence at all that Umkhonto we Sizwe was in any way involved in the SDU

The report said that political organisations bore a heavy responsibility toward SDUs that adopted them

"Either they must publicly distance themselves from, and disown, such units if the units act criminally or violently, or the national organisation or party must accept responsibility for those criminal and violent acts. They cannot have it both ways"

PAC is ready to sit down and negotiate

STimes 22/11/92

THE Pan Africanist Congress is ready to take its place at the negotiation table

State President de Klerk and the president of the PAC, Mr Clarence Makwetu, plan to meet by the third week of January to arrange the PAC's participation in multi-party negotiations, the Sunday Times has established

The PAC will insist that Codesa be replaced by a forum of another name but that it will not object to the presence of any of the Codesa One and Two participants

It is more interested in the agenda for multi party talks which it believes should be structured to ensure swift movement towards the holding of non-racial, one-person one-vote elections

Sources say the PAC would also want a UN Security Council type of veto power vested in the main political parties at the forum to avoid block voting by minority parties on the basis of "sufficient consensus", which the PAC rejects

The last time the government held bilateral talks with the PAC was on November 11 in Pretoria

This was a follow up to a

By NORMAN WEST
Political Reporter

meeting between the government and the PAC in Gaborone, Botswana, on October 24

At the Pretoria meeting it was agreed to have another round of bilateral talks with the PAC on December 9, sources disclosed yesterday

The December meeting will focus on two important issues

- The creation of a "more representative negotiation forum" in the place of Codesa,

- The drawing up of an agenda for a bilateral summit between President de Klerk and Mr Makwetu in late January

At the November 11 meeting the government was represented by Constitutional Affairs Minister Roelf Meyer, Law and Order Minister Hennis Kriel and Deputy Constitutional Affairs Minister Tertius Deipert

The PAC was represented by its secretary for foreign affairs, Mr Gora Ebrahim, and legal affairs secretary Mr Willie Seriti

Mr Kriel is understood to have made clear to the PAC that the government was aware that members of Apla (the PAC's armed wing) were being trained in Transkei and claimed that a number of attacks were being carried out from there

Banker turns to bibles

By CHARIS PERKINS

ABSA vice-chairman and deputy chief executive Piet Liebenberg took early retirement this week to devote his attention to raising money for bibles

Mr Liebenberg, 59, was due to retire from his post in September next year, but decided to leave early after discussions with Absa

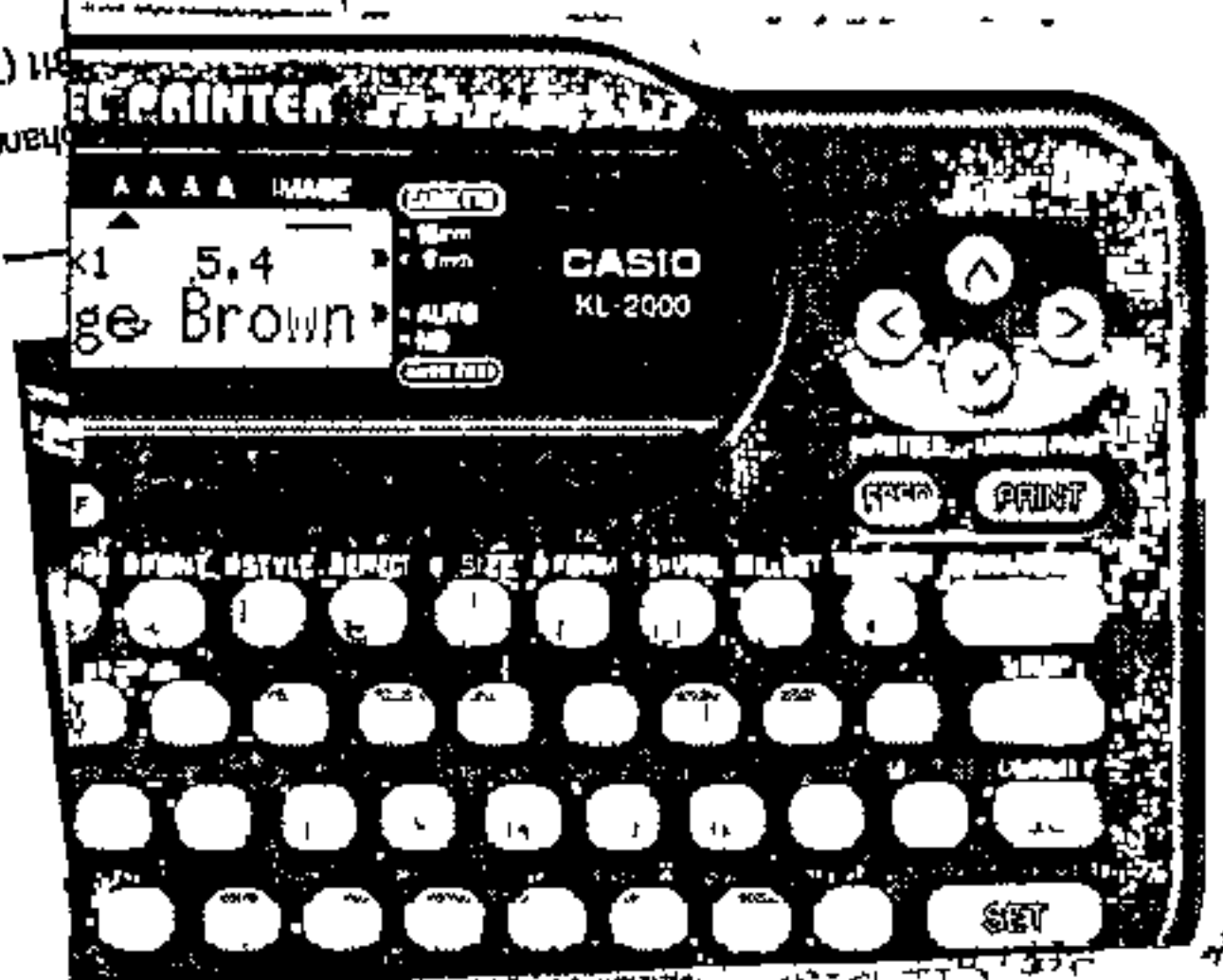
No one has been appointed to take over his post as vice-chairman and deputy chief executive, but chief executive Mr P Badenhorst will take over his role



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Reward still out on Goniwe's killers (252)

THE police are still hopeful they will be able to launch a prosecution in the lengthy investigation into the murder of Cradock activist Matthew Goniwe ~~322~~

The police have decided to extend indefinitely a R250 000 reward offer for information which will lead to prosecution. C/Pren 22/11/92

Col-Suiker Britz, leading the investigation, said on Friday his office had not received any "positive" information to date.

He declined to comment on the extent of the information received so far, but said he remained hopeful that something positive would be received.

A Department of Justice spokesman said the eastern Cape's acting Attorney-General Mike Hodgen had not ruled out prosecution but that there was not yet enough information for prosecution.

Goniwe, a Cradock teacher, and three others, were found murdered outside Port Elizabeth in July 1985.

The probe into the murders was reopened earlier this year after the publication of a military signal message which apparently implicated the SADF in the killing. - Pen

NEWS Claim that De Klerk is hostage to the military ● 1

Pressure mounts on FW

Sowetan 23/11/92 252
■ Evidence by CCB chief at Webster inquest spurs demands for an interim government;

THE Government, under fire over damning accusations about security force dirty tricks, is facing increasing pressure to make way for an interim elected administration, political leaders and analysts say

"There have now been sufficient crises for the Government to lose status as a credible negotiating partner. It now has to make way for an elected interim government with joint control over security forces," Mr Brian Currin, director of Lawyers for Human Rights, said yesterday

Dealing the latest blow to State President FW de Klerk, the chief of the Civil Cooperation Bureau, Mr Joe Verster, said he was told by De Klerk there would be no witch-hunt over security force dirty tricks

Verster told a closed inquest into the murder of anti-apartheid activist David Webster that a former head of the SADF told him the Government accepted everything the CCB did "was in good faith", according to newspaper reports

The allegation follows disclosures by Mr Justice Richard Goldstone that there was evidence senior military intelligence officers hired a twice-convicted murderer to discredit the ANC.

A Government spokesman said yesterday that De Klerk, as Commander-in-Chief, had a special duty to protect the SADF from "orchestrated attempts

to undermine its legitimate functions and good reputation."

He said the State President's approach to the CCB and "similar questions," was "a matter of record"

"It has been his (De Klerk's) position that allegations of wrong-doing should be established and that anybody guilty of offences should be charged and punished," the Government spokesman said.

The Democratic Party spokesman on justice, Mr Tony Leon, said there was circumstantial evidence that De Klerk was hostage to the military

Acting in concert

"Elements within the security forces are either undermining the Government or acting in concert with the Government according to a hidden agenda. Either option is dangerous. There is now an urgent need for a deal on an interim government," Leon said.

Mr Rocky Williams, a military analyst, said "securocrats" were holding a gun to De Klerk's apartheid reforms

"The problem is that he (De Klerk) is in a process of transition and you do not cut off options when negotiating.

"He may need to fall back on their assistance and therefore has no alternative but to live with them," Williams said

Goldstone asked for more powers and

resources to investigate wrongdoing by all armed forces of the Government, the black opposition and rightwing groups. De Klerk offered extra police investigators but said the Commission already had sufficient legal powers.

Signalling a tough line ahead of a Government-ANC summit to be held soon, ANC president Nelson Mandela has threatened to abandon bilateral talks with the Government unless there was an agreement soon on a date for the installation of an all-race interim government.

In response to Mandela's threat, Government chief negotiator Roelf Meyer said Pretoria had already committed itself to the implementation of an elected transitional government as soon as negotiations with all political parties had been completed. - Sapa-Reuter.

New venture for teenagers

Sowetan 23/11/92
A JOINT Sowetan/Star venture has come up with a new and exciting newspaper specifically tailored for the teenage market.

The newspaper, to be launched tomorrow, has been born out of a realisation that there is a gap in the market, demonstrated by the popular teenage response to Sowetan's column "Gloria's Youth"

A board of editors, comprising six black and six white teenagers, will write stories. Each group will contain the same number of males and females

■ New paper out tomorrow:

Investigative stories, special features, including some written by Gloria and her white counterpart Cathy, are just some of the items to be offered by *The Newspaper With No Name*, as it will be called on its first launch

A competition will be run and a computer awarded to the person who comes up with the most appropriate name

The newspaper will be inserted into *Sowetan* and *The Star* and will come out once a month.



NEWS An additional 500 cops deployed on Reef stations to curb violence on trains

Verster on thin thread

■ CCB boss ^{Sowetan} could be charged for defying court subpoena: ^{23/11/92}

By Ike Motsapi

THE managing director of the Civil Co-operation Bureau, Colonel Joe Verster, may be held in contempt of court for defying a subpoena to give evidence at the David Webster inquest.

This was said by Mr Justice M Stegmann presiding over the inquest in the Rand Supreme Court last Friday.

Stegmann said he would evaluate Verster's evidence before deciding whether to hold him in contempt. Verster chose to go abroad to "wind

up CCB affairs" instead of giving evidence when called to do so.

He testified in camera last week and Mr Justice Stegmann later said he would make the evidence public this week.

Verster is the fifth person to testify in camera.

Several questions put to Verster by the state counsel, Advocate Jannie van Vuuren, were blocked by his defence.

However, Verster is likely to be questioned on several issues in which his name has been mentioned by other witnesses.

U

Goldstone's 'fears' *Sowetan*
24/11/92

THERE is such a lot of publicity around the Goldstone Commission that Mr Justice Richard Goldstone is "just terrified" about saying anything except after deep consideration, the judge said after a meeting with French Deputy Foreign Minister Georges Kiejman in Bloemfontein yesterday. (252)

The two men met in the VIP room at the J B M Hertzog Airport and posed for photographs at the end of the meeting. - Sapa

Deserter lied to newspaper

A MOZAMBICAN army deserter was instigated by unknown "persons" to make a false report about SAP involvement in political violence to the Vrye Weekblad, the Goldstone commission said yesterday.

The commission has established a one-man committee to inquire into allegations by Joao Cuna, who has told the commission's counsel he gave false information to the newspaper, commission chairman Judge Richard Goldstone said in a statement.

The newspaper published a report on October 30 quoting Cuna as saying he had been approached by a policeman to attack ANC campaigners in Durban. During the attack, a number of people were killed.

But Cuna told the commission he had been instigated by "certain persons" to make the false report to the newspaper.

The one-man inquiry of advocate R M Wise will begin its investigation on November 26. — Sapa

Judge thinks twice about 'speaking out'

JUDGE Richard Goldstone said yesterday he had become "terrified" of speaking out in public because of the extensive publicity being accorded his commission of inquiry into violence.

This follows weekend confusion over conflicting news reports concerning the outcome of Goldstone's talks with President F W de Klerk on Friday regarding his commission's powers.

Sapa reports that after Goldstone met French Deputy Foreign Minister Georges Kiejman at Bloemfontein's JBM Hertzog Airport yesterday, both men declined to comment on their discussion.

Goldstone said he was "just terrified" to say anything without deep consideration.

His caution comes in the wake of his dramatic disclosures last week of an SADF military intelligence plot to discredit the ANC and the involvement of convicted murderer and former CCB agent Ferdi Barnard.

Following the ensuing outcry and calls for strong action to be taken, De Klerk and the Cabinet issued veiled criticism of Goldstone's method of disclosing damaging information.

It is known that Goldstone informed the

President's office he was about to make the Barnard disclosures because he was afraid of the information leaking out in an uncontrolled manner.

Last week Goldstone was reported extensively as having called for greater powers for his commission of inquiry.

However, after his meeting with De Klerk the judge corrected the reports, saying the "empowerment" he was requesting was not further legal power but greater manpower. De Klerk has authorised more manpower for the Goldstone commission.

At last Monday's news conference Goldstone was asked "Do you not already have sufficiently wide powers as was reported in the UN secretary-general's report?" Goldstone replied there was some dispute about this and there were differing interpretations of his brief.

It has now been confirmed by government and commission sources that Goldstone will investigate all security forces and private armies.

The internal SADF inquiry appointed by the Cabinet to look into the ANC smear plot will also continue its investigations.

BILLY PADDOCK

Labour Party faces metamorphosis

THE Labour Party is set to cease being an independent political entity when its party congress takes place in Port Elizabeth next month.

Party sources say Labour has two options. It can either join another party or dissolve and form a new centrist party with other smaller parties such as the DP.

The prevailing view within the caucus is that Labour should retain its identity but enter into an alliance with another party such as the ANC on the same basis as the Natal Indian Congress or the SACP.

None of the top sources spoken to believed that it was feasible to continue as an independent party.

According to another source, there are

two schools of thought: one pressing to join the ANC and the other wanting to form a centrist party.

However, the overriding compromise option that appears to be taking root is that congress will probably decide to go into an alliance with the ANC.

If this happens, members who favour the centrist option could defect to the DP, which they consider to be in the middle of the political spectrum.

The crisis in Labour arose earlier this year when a number of its MPs crossed the floor to join the NP and the DP.

BILLY PADDOCK

Verster denies news report

SUSAN RUSSELL

THE Attorney-General is to investigate a complaint made on behalf of former CCB MD Joe Verster that the Sunday Times published a "substantially inaccurate" report of his evidence to the Webster inquest last week.

Judge M Stegmann referred the matter to the Attorney-General after Verster's counsel complained yesterday.

The Sunday Times re-

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Vol 329

PRETORIA, 25 NOVEMBER 1992

No. 14432

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. 3234 **(252)** 25 November 1992

NOTICE IN TERMS OF REGULATION 4 OF THE REGULATIONS UNDER THE FURTHER INDEMNITY ACT, 1992

The undermentioned persons were released on 14 November 1992 in terms of the Further Indemnity Act, 1992 (Act No. 151 of 1992).

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. 3234 25 November 1992

KENNISGEWING INGEVOLGE REGULASIE 4 VAN DIE REGULASIES KRAGTENS DIE WET OP VERDERE VRYWARING, 1992

Die ondergemelde persone is op 14 November 1992 kragtens die bepalings van die Wet op Verdere Vrywaring, 1992 (Wet No. 151 van 1992), vrygelaat.

| SURNAME VAN | FULL CHRISTIAN NAMES VOLLE VOORNAME |
|-------------------------|----------------------------------------|
| BAKAWULI | Ruru Christoffel |
| BELANI | Stanley |
| DAYIMANI. | Stephen Mnyamezeli |
| FARLAND | Ringo |
| GWALA | Eighteen Mischak |
| KANANA. | Benjamin Vuyisile |
| KONA..... | Michael Switi |
| MADIKANE | Dickson |
| MAJIKELA | Zola Victor |
| MAJOLA | Desmond |
| MAKANA | Mnoneleli |
| MAMPAHGA | Tukalani David |
| MANGINDA | Patrick |
| MAUNGEDZO | George |
| MDITSHWA | Manelisi Loadman |
| MKHIZE | Nyuluka Pheneus |
| MOLEFE | Patrick |
| MOLOI | Rodney Khosana |
| NDLOVU | Bhokide Mkhashwa |
| NQAYI. | Bekindlela Phillip |
| NXELE | Jabulani Pheneus |
| NZAMA | Zamo |
| SITHOLE | Eric |
| WONCI | Similo Lennox |

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Information withheld from police — Verster

FORMER CCB MD Joe Verster told then Defence Minister Magnus Malan, and an SADF internal inquiry, of claims that Ferdi Barnard had gunned down David Webster, the Webster inquest was told yesterday.

However, the SAP investigation team into the 1989 murder had not been told of these claims implicating the former CCB operative in the killing, Verster said.

A typed transcript of Verster's earlier testimony, given in camera to protect his identity, states that on a question by State advocate Jannie van Vuuren about what information was supplied to Malan on July 13 1990, Verster replied: "That I think it is, that we think it is Barnard, because he said so, but it is hearsay and I have no facts to base it on"

Suspicion

He said repeatedly during his testimony that he was "talking under correction".

He told Judge M Stegmann that after the Webster murder he had a faint suspicion that Barnard, then dismissed from the CCB, could have been involved in the killing. This suspicion was passed on to Gen Jaap Joubert of the SAP.

"Gen Joubert told me to keep in mind that Barnard was one of our own people and that Barnard was a good person. His father was in the police," Verster said.

Information of Barnard's alleged involvement that was received later — in the form of Barnard's confession to his CCB handler Lafras Luitingh and an anonymous telephone call to Verster — was not passed

on to the police, Verster testified.

"I did disclose this information, in terms of the Defence Act procedures, to a (internal) board of inquiry," he said

Verster, who personally dismissed Barnard from the CCB after a breach of security, said in spite of several pointers, he believed Barnard's alleged involvement in the Webster murder was "nonsense"

Before Verster started his testimony behind closed doors last Friday, his advocate J.J. Wessels told the inquest: "It is our brief that Verster will answer all questions regarding his knowledge of the murder of Webster"

"However, Verster is not prepared to answer any questions regarding the CCB, because any answer could possibly incriminate him"

"Our brief is that Verster stresses that the activities of the CCB at all times were aimed at the enemies of SA and that the activities at all times were approved by the superior hierarchy."

"Because of changing politics and the continued existence of Umkontho we Sizwe, Verster is currently in the position of not being able to rely on the support of his former superiors and has to look after his own interests and therefore cannot talk freely. Even indemnity will not guarantee his personal safety," Wessels said.

The judge has been asked by representatives of the Webster Trust to consider the subpoena of Malan, now Water Affairs and Forestry Minister, to testify at the inquest.

STEPHANE BOTHMA

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Farmers 'exploiting cross-border workers'

BIDM 25/11/92 MICHAEL HARTNACK

HARARE — Northern Transvaal farmers were illegally employing Zimbabwean "border jumpers" and handing them to the SA Police when they asked for wages, Harare's Daily Gazette newspaper reported yesterday

Vincent Zulu said he was recently deported from SA and knew of many others who were victimised by miserly commercial farmers.

"In my case, I was working at a farm but when I demanded my salary I was handed over to police who detained me for a week while I waited for the next truck home," Zulu said in Plumtree, western Matabeleland.

An average of 50 people are deported back to Zimbabwe each week from the Transvaal, but most return immediately "because they find the prospects of securing jobs locally next to zero", said the newspaper. SA and Botswana have jointly deported 3 685 people from southern Matabeleland since August, police statistics show.

With Christmas only a month away, the number of Zimbabweans seeking to cross legally to SA has soared. The queue outside the SA trade mission in central Harare for visas for "shopping trips" reached record lengths yesterday, extending 400m into the street.

"I cannot be expected to sit at home and wait for something to happen," said Zulu, announcing his intention to try to infiltrate back into the Transvaal via Botswana. "I need to eat, but there is no food at home. We really do not mind what we do there as long as we get something to keep us going"

The Daily Gazette yesterday quoted an official of Zimbabwe's Domestic and Allied Workers' Union, Adams Verenga, who said 90% of black Zimbabwean employers paid less than the government's R81 a month minimum wage for domestic servants

NEWS Lawyers battle for an in camera compromise at the David Webster inquest

Webster Trust against in camera testimonies

By Sowetan Correspondent

Sowetan 26/11/92

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TRANSCRIPTS LATE Suggestion of speakers

outside court as reporters get typed evidence late:

LAWYERS ARE DESPERATELY hunting for a compromise to the in camera issue which has kept reporters out of the inquest into the death of David Webster

On Monday attorneys representing the Webster Trust suggested hospital screens could protect the identity of sensitive witnesses while allowing reporters - locked out of at least five testimonies in as many weeks - to hear their testimony

Hospital screens surrounded the witness box in which stood former Civil Co-operation Bureau managing director Joe Versier

Versier said they did not obscure him completely. Mr Justice Michael Stegmann found they interfered with the visual communication between counsel and witness

On Tuesday State Advocate Janne van Vuuren suggested that loudspeakers be installed outside the court so the Press could hear the testimony instead of waiting for transcripts, often faint and confusing, to wade through

Instead, reporters loiter outside court 4F at the Rand Supreme Court, waiting for the tea and lunch breaks

Reporters then eagerly descend on counsel for crumbs of the day's testimony

While court is in session reporters usually converge on the ground floor Press room (at least five of them have learned to play Bridge during this inquest) or cajole the transcript typists into releasing transcripts or tapes

At 4pm there is a rush to the advocates chambers, where ever-hopeful reporters clamour for any meagre information counsel might leak

Failing that, they wait for the transcripts of the evidence (invariably at least four days later) to be made available

Two reporters - *Sunday Star's* Jacques Pauw and *Sunday Times's* Charles Leonard - managed to listen to tapes on a Saturday morning before they were published

Attempts to persuade Datavif, which holds the copyright to the court records, have been unsuccessful. They say the arrangement between the typist and the Sunday reporters had nothing to do with them.

Star
26/11/92

Probe into ~~SAP~~ claim of SAP violence link

A one-man commission of inquiry into a Mozambican army deserter's allegations of SAP involvement in political violence will begin its investigation today

The committee was appointed by Mr Justice Richard Goldstone on Monday to probe claims made by Joao Cuna to Vrye Weekblad about SAP involvement in violence. (25/11/92)

When the Commission began probing Cuna's allegations, they discovered a link to the SADF's Military Intelligence (MI) and when they raided a MI operations centre two weeks ago they confiscated files which showed the SADF had planned to subvert Umkhonto we Sizwe. — Sapa. (25/11/92)

Warrant-officer shot 2 ANC men, claims soldier

8/11/92 26/11/92
MARITZBURG — A second national serviceman testified yesterday that he saw a policeman open fire and an ANC man fall flat on the ground from a seated position.

Andrew Watson, who was serving in an army camp in Empangeni at the time, told the Maritzburg Supreme Court he saw Warrant-Officer Hendrik Steyn fire two shots in the Lower Umfolozi district on August 14.

Michael Mthethwa, who had been sitting up, fell down, while another ANC man, Simon Msweli, remained lying flat. Watson testified he then turned away and heard a further two shots fired.

Steyn is on trial for allegedly murdering the men — apparently members of an ANC self-defence unit — who had been taken prisoner after a shootout with police in

252
KwaMbonambi earlier that day. Msweli and Mthethwa were injured in the shootout, which left three policemen dead.

Watson and an earlier witness, soldier Gavin Law, were told to accompany two policemen in a bakkie who were taking Msweli and Mthethwa to hospital.

On the way, they met a car carrying four white policemen. One was Steyn, who was "excited to have got Msweli and Mthethwa" and he was glad they were wounded, said Watson.

Steyn told Watson he had been searching for Msweli for a long time. He then climbed on the bakkie and told the driver to turn into a plantation. The men were shot there, and Steyn told him to pick up the "doppies", Watson said.

The trial continues today. — Sapa.

Rulings on 'Trojan Horse' case

STAR 26/11/79

BLOEMFONTEIN — The Appeal Court in Bloemfontein has found that if certain evidence had been admitted in the so-called "Trojan Horse" trial, it might well have influenced the conduct of the defence case.

Chief Justice Corbett ruled that certain evidence should have been admitted at the private prosecution of Lieutenant Douw Gerbrand Prins Vermeulen and 12 other policemen, as a result of the deaths of 16-year-old Shaun Magmoed and two others, who were shot by security force members concealed in a railways lorry.

Dismay

The court declined to order a new trial. However, the Chief Justice said he was "left with feelings of shock and dismay at the conduct of the policemen concerned with the execution of this operation."

The private prosecution was brought by Shaun's father, Martin Stanley Magmoed, after the Cape Attorney-General had declined to

prosecute the 13 policemen. Mr Justice Corbett found that the evidence that Vermeulen gave at the criminal prosecution which arose from stone-throwing in Thornton Road, Athlone, on October 15 1985 would have made a considerable evidential impact.

Acquitted by Mr Justice D M Williamson in the Cape Supreme Court on charges of culpable homicide or murder were Colonel Pieter Janse van Rensburg (commander Western Province Unrest Unit), Major Christian Loeff (of the then-SA Railways Police and commander of the regional unrest unit), Commandant Salmon Pienaar (commander of the SA Defence Force personnel on service in the Cape Flats unrest area), Vermeulen (of the SA Police at Belcon), War-rant-Officer Andre Swart and Sergeant James Sayer (SA Railways Police — SARP, Bellville), Sergeant Frank van Niekerk and Sergeant Jacobus Burger (SAP, Cape Town), Sergeant Albertus Myburgh Smit and Constable Alexander Jacobus Rossel (SARP, DF Malan Airport), Constable Andre Johan Smit (SARP, Salt River), Constable

Wilhelm Karl Friedrich Puchert (SAP Cape Town), and Constable Marius du Toit (SAP, Cape Town).

The court found there were sound reasons to hold that the evidence in question was admissible, that it served the due administration of justice to do so, and that it should have been admitted.

The court found, however, that the only relief it was empowered to grant was to set aside the acquittal of Vermeulen and to order a new trial before another judge and assessors.

New trial

Mr Justice Corbett said that, although the charges against Vermeulen were very serious, there were a number of factors that had persuaded him to exercise the court's discretion against ordering a new trial.

The original trial was a complex and lengthy one. The events with which the case was concerned occurred about seven years ago and the recollections of eye-witnesses "must by now have dimmed considerably".

This applied to Vermeulen as well.

The Chief Justice said that when the appeal was heard he did not gain the impression that the prosecution was keen to have a new trial.

It was suggested by counsel that the court could order that the excluded evidence could be admitted and that the respondents be given the opportunity to lead further evidence, if so advised.

A new trial would involve only Vermeulen, and there was no certainty that the trial would result in a conviction.

In view of those circumstances, the judge was of the view that the discretion of the court should be exercised against an order for a new trial.

Accordingly, there was no need to set aside Vermeulen's acquittal.

Mr Justice Botha, Mr Justice F H Grosskopf and acting judges of appeal Mr Justice Nicholas and Mr Justice Kriegler concurred. In the judgment Mr Justice

Corbett said there was one general observation he wished to make.

"Having read the evidence in this case, and particularly having several times viewed the video film, I am left with feelings of shock and dismay at the conduct of the policemen concerned with the execution of this operation."

Excessive

"Even on the respondents' own version, their reaction to the situation in which they found themselves was, in my view, grossly excessive."

Moreover, as the trial court found, there were 'strong indications' of the common purpose to act illegally alleged by the prosecution.

"Another court may well have concluded that these strong indications, taken in conjunction with the failure by the accused to enter the witness box, were cogent enough to secure the conviction of the respondents, or some of them," said Mr Justice Corbett — Sapa

(252) ~~STAR~~

Verster's testimony 'explosive'

STAR 26/11/92
By Susan Smuts

The cross-examination of CCB managing director Colonel Joe Verster has become a "free-for-all fireworks display", according to lawyers at the David Webster inquest at the Rand Supreme Court

But the lawyers are keeping mum about what aspect of Verster's evidence sparked the fire

Verster takes the wit-

ness stand behind closed doors for the fifth time today, but his testimony will be kept secret until the transcripts are made available later this week or early next week

Some light relief was supplied by Adele Pretorius (nee van der Spuy), founder of the Merit Party and the Bond Party, who burst into the court yesterday

Outside, she demanded

to speak to Eberhardt Bertelsmann, SC, appearing for the David Webster Trust

She claimed the CCB had made an attack on her life

Pretorius agreed to wait for a tea adjournment to speak to Bertelsmann, but disappeared shortly afterwards

The hearing continues

● Challenge to court reporters — Page 23

In camera rulings challenge our court reporters

By Bronwyn Wilkinson
and Susan Smuts

Lawyers are desperately hunting for a compromise to the in camera issue which has kept reporters out of the inquest into the death of David Webster for at least five key testimonies in as many weeks.

On Monday, attorneys representing the Webster Trust suggested hospital screens could protect the identity of sensitive witnesses while still allowing reporters to hear their testimony.

Hospital screens were brought into court to surround the witness box in which stood former Civil Co-operation Bureau managing director Joe Verster.

But Verster opposed the screens on the grounds that they did not obscure him completely from the public gallery. And Mr Justice Michael Stegmann found the screens interfered with the visual communication between counsel and witness.

Loudspeakers

On Tuesday, State Advocate Jannie van Vuuren suggested that loudspeakers be installed outside the court so the press could hear the testimony instead of waiting for transcripts.

It is not yet clear whether the proposal will be accepted.

The inquest has given rise to a new breed of court reporter.

The skills of court reporting — attention to detail and a nose for sniffing out the noteworthy in drawn-out testimony — do not apply here.

Instead, reporters loiter outside court 4F at the Rand Supreme Court, waiting for tea and lunch breaks which bring lawyers out of the sealed courtroom. Reporters then eagerly descend on counsel for crumbs of the day's testimony.

While court is in session, reporters usually converge on the ground floor press room (at least five of them have learned to play bridge during this inquest) or cajole the transcript typists into releasing transcripts or tapes.

At 4 pm, there is a rush from the fourth floor of the court building to the advocates chambers, where ever-hopeful reporters clamour for any measly piece of information that counsel might leak.

Fearing that they wait for the transcripts of the evidence (invariably at least four days out of date) to be made available.

Except for two reporters from the Sunday papers — Sunday Star's Jacques Pauw and Sunday Times' Charles Leonard — who managed to listen to the tapes on a Saturday morning before they were published, reporters are not given access to typed records until the news is overtaken.

Persuade

Attempts to persuade Datavyf, which holds the copyright to the court records, have been unsuccessful. Reporters who have asked to listen to the tapes during lunch breaks have been rebuffed and told that the arrangement between the typist and the Sunday reporters had nothing to do with Datavyf.

Van Vuuren has told reporters complaining about the number of hours spent on hard benches outside the court: "Rather the truth comes out in camera than not at all."

But the transcripts, when they do become available, are faint copies which are often confusing.

Until a solution is found that allows reporters to hear testimony for themselves, court 4F remains sealed, with "Court in camera — no entry" notices on both doors and reporters continue to practise their card games and sleuthing techniques.

NEWS Lawyers battle for an in camera compromise at the David Webster inquest

Webster Trust against in camera testimonies

Sowetan 26/11/92. 252
By Sowetan Correspondent

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Instead, reporters loiter outside court 4F at the Rand Supreme Court, waiting for the tea and lunch breaks

Reporters then eagerly descend on counsel for crumbs of the day's testimony
While court is in session reporters usually converge on the ground floor Press room (at least five of them have learned to play Bridge during this inquest) or cajole the transcript typists into releasing transcripts or tapes

At 4pm there is a rush to the advocates chambers, where ever-hopeful reporters clamour for any measly information counsel might leak
Fearing that, they wait for the transcripts of the evidence (invariably at least four days later) to be made available

Two reporters - *Sunday Star's* Jacques Pauw and *Sunday Times'* Charles Leonard - managed to listen to tapes on a Saturday morning before they were published
Attempts to persuade Datavif, which holds the copyright to the court records, have been unsuccessful They say the arrangement between the typist and the Sunday reporters had nothing to do with them

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'Trojan Horse' trial will not be reopened

BLOEMFONTEIN 26/11/92

BLOEMFONTEIN — Evidence not heard in the "Trojan Horse" trial might well have influenced the conduct of the defence case, the Appeal Court found yesterday

Judge Corbett found that evidence given by police Lt Douw Gerbrand Prins Vermeulen at the criminal prosecution that arose from stone-throwing in Thornton Road, Athlone, on October 15, 1985, would have made a considerable evidential impact

However, the judge ordered against a new trial

Corbett said the evidence should have been admitted at the private prosecution of Vermeulen and 12 other officers and men, as a result of the deaths of Shaun Magmoed, 16, and two others shot by security force members concealed in a rail-ways truck.

The private prosecution was brought by Martin Magmoed, father of the dead boy, after the Cape attorney-general declined to prosecute

The 13 policemen and security force members were all acquitted of charges of culpable homicide in the Cape Supreme Court by Judge D M Williamson, who refused to reserve six questions of law raised by the prosecution

In the Appeal Court only four of the questions were applied for by Magmoed.

The court found that there were sound reasons to hold that the evidence in ques-

tion was admissible and that it should have been admitted

The court found that the only relief it was empowered to grant was to set aside the acquittal of Vermeulen and to order a new trial before another judge and assessors

Corbett said although the charges preferred against Vermeulen were very serious, there were factors that persuaded him to exercise the court's discretion against ordering a new trial

The original trial was a complex and lengthy one. The events with which the case was concerned occurred about seven years ago and recollections of witnesses "must by now have dimmed considerably" This applied to Vermeulen as well.

Corbett said that, during the appeal, he had not gained the impression that the prosecution was keen to have a new trial. It was suggested by counsel that the court could order the case be re-opened so that excluded evidence could be admitted and respondents be given opportunity to lead further evidence, if so advised

A new trial would involve only Vermeulen, and there was no certainty the trial would result in a conviction

In view of those circumstances, the judge said the discretion of the court should be exercised against an order for a new trial

Accordingly, the judge said, there was no need to set aside Vermeulen's acquittal — Sapa.

GEN

Bop refuses request for monitors at SACC march

~~204 101~~ RAY HARTLEY

BOPHUTHATSWANA yesterday turned down a request by the national peace secretariat to allow international observers to monitor today's SACC march through Mmabatho, secretariat chairman Antome Gildenhuys said yesterday. *B10M 26/11/92*

He said he was negotiating with Bophuthatswana government officials in an effort to reverse their decision.

Both the SACC and Bophuthatswana seemed determined to avoid confrontation at the march.

SACC spokesman Bernard Spong said local ministers involved in convening the march were going out of their way to "make it the gentlest of possible protests"

It is believed Bophuthatswana security forces have been given orders to deal with the protesters with kid-gloves in order to avoid an international incident which would lead to sympathy for the SACC.

A government spokesman said the march had not been banned officially, but was considered illegal by the authorities

Spong said the march would go ahead, even if the possibility of violence existed. "We believe the Bophuthatswana government does not have the right to stop us from marching," he said.

New look at hostel fences

B10M 26/11/92 WILSON ZWANE ~~204 121~~

THE record of understanding's provisions for security at hostels were being revised, the ANC has said.

ANC officials met Local Government Minister Leon Wessels on Tuesday to reassess the provisions, ANC spokesman Carl Niehaus said. The meeting focused on how guidelines for fencing hostels identified as sources of violence could be implemented.

Niehaus said adjustments were being made to the agreement between government and the ANC, because some hostels no longer needed to be fenced as they were now peaceful.

Local Government Department spokesman Francois Jacobs said Tuesday's meeting was part of a process to prepare for a follow-up meeting with the ANC to discuss implementation of the record of understanding

Woman disrupts inquest

B10M 26/11/92
THE evidence of former CCB MD Joe Verster, who is testifying in camera at the Webster inquest, was interrupted briefly twice yesterday by former women's rights campaigner Adele van der Spuy.

Van der Spuy arrived at the Rand Supreme Court stating that she wanted to testify at the inquest

She was twice escorted out of the courtroom where Verster was testifying behind closed doors in order to protect his identity

Van der Spuy, who said she was the ex-wife of a

SUSAN RUSSELL

former judge, told lawyers and reporters there had been two attempts on her life. She accused the CCB of being responsible and claimed she could name the leaders of the "third force".

Van der Spuy left after speaking to lawyers representing various parties at the inquest. *252 30*

Verster will be followed by former CCB co-ordinator Lafras Luitingh, who is to be recalled for cross-examination by P Coetzee SC, representing the SADF

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● Startling evidence at Webster inquest

● R100-m network planned

CCB chief 'warned' FW

By Jacques Pauw

Civil Co-operation Bureau managing director Joe Verster recently approached Ferdi Barnard with a plan to set up a series of front companies — each with its own security force — to act against a future government, according to startling testimony heard at the David Webster inquest this week.

Verster allegedly said R100 million was available for the project. In evidence, it was also claimed that on October 6 Verster wrote to President de Klerk warning him of serious discontent among members and former members of the security forces.

Should these members join together, Verster wrote, they would be vastly superior to Umkhonto we Sizwe. In another letter to De Klerk, dated May 5 this year, Verster alleged that four generals, including SADF Chief General Kat Liebenberg, had influenced their subordinates in the CCB to make CCB documentation

"change" and "disappear". These and other dramatic allegations emerged during the in-camera cross-examination of Verster by counsel for Barnard, a convicted murderer and former CCB operative.

Verster denied approaching Barnard, but admitted he met him at the Transvaal Snake Park in Halfway House a few months ago. He said they discussed private matters.

Verster also admitted he recently met the commander of the SAP's former counter-insurgency force at Vlakplaas, Lieutenant-Colonel Eugene de Kock. They also discussed private matters.

It is not known whether the letters, parts of which were read into the court record, were received by the Office of the State President and whether he responded. This week's testimony in Court 4F of the Rand Supreme Court constitutes the first evidence to be given by a senior officer to the effect that discontented, former members of the security forces may form the core of a future destabilising force.

In the October letter to De Klerk, Verster said the disrespect with which he and other former agents were being treated was unacceptable.

He wrote that the group on whose behalf he was speaking included members of the CCB, Military Intelligence (MI), the National Intelligence Service, the parachute battalions, Special Forces, 32 Battalion, the SA Police, Koevoet and former Rhodesian special forces.

Verster said the link between these people could not be broken by politicians.

Counsel for Barnard, Piet du Plessis, put it to Verster that Barnard claimed the meeting at Halfway House

had been requested by Verster. Verster denied this.

Plessis stated that Verster said R100 million was available and that each South African company in a proposed network would be provided with its own security personnel, which could, if necessary, act against a future government.

Barnard said Verster had requested him to set up the meeting with De Kock.

De Kock has been implicated in various Vlakplaas "death squad" activities. His name has also been linked with the visit to London by MI agent Leon Flores, allegedly to arrange for the assassination of former Vlakplaas police officer Dirk Coetzee.

The allegations contained in Verster's second letter to De Klerk are the first suggestion that the Chief of the SADF and three of his generals were personally involved in the disappearance of CCB files during the Harms Commission.

Verster testified at the Harms Commission that an emergency plan had been activated which led to the disappearance of the files, to protect CCB members

Numsa wins appeal over strike ruling

BLOEMFONTEIN — An appeal by the National Union of Metalworkers of SA (Numsa) to set aside an order of the Labour Appeal Court was allowed by the Appeal Court yesterday

The case was remitted to the Labour Appeal Court to reconsider whether the proved facts constituted unfair labour practice *B/DAM 27/11/92*

The Labour Appeal Court had dismissed with costs an appeal by Numsa against an industrial court refusal to reinstate employees dismissed by Vetsak Co-operative, Isando Industries and Turin Pressings

The case arose from a nationwide strike

by 31 000 workers in the iron and steel industry on August 3, 1988. Among the strikers were 600 workers employed by Vetsak, Isando Industries, Turin and an associate company LM Nywerhede. There were 200 strikers at Isando and 400 at Bothaville

On August 5, the group announced that the Bothaville strikers were dismissed, but no effect was given to the announcement. On August 8, 1988 the strikers at Isando were dismissed. Despite requests they were never reinstated.

The appeal was allowed by Judge Botha and acting Judges of Appeal Kriegler and Harms — Sapa

THE PRESIDENCY

Guilty until proved innocent

FM 27/11/92

Despite his commitment to reform, De Klerk risks becoming SA's Nixon



Does President FW de Klerk really want to clean up his administration? Or is he being forced into a position where his past associations are weighing more heavily than moral convictions?

Following his response to Justice Richard Goldstone's statement about files confiscated from Military Intelligence (MI), De Klerk — for the first time since he took office — no longer gets the automatic benefit of the doubt, evidence that there might be more behind his stance than mere inaction is mounting

The MI files indicated that Ferdi Barnard, a former agent in the notorious Civil Co-operation Bureau and a convicted murderer, was employed by MI's Directorate of Covert Collection (DCC) from May 1991 until December 1991. Apparently he had been recommended to the DCC by the SADF intelligence chief, Lt-General Witkop Badenhorst

Barnard drew up a detailed plan to undermine the ANC's military wing, Umkhonto we Sizwe, using an underworld network. The plan, says the Goldstone statement, "was submitted to senior members of MI and thereafter he was employed as a chief agent". Though the plan may not in fact have been implemented, or not fully so, MI evidently thought Barnard worth keeping on.

In July 1991, during the period that Barnard was employed, the government was shaken by the revelation (after earlier denials) that the SA Police had funded the IFP. De Klerk gave the assurance that secret activities of this nature had been suspended and appointed a committee to evaluate all secret operations. In August 1991, Ministers Adriaan Vlok (police) and Magnus Malan (SADF) were relieved of their portfolios after sustained pressure from the ANC, amid allegations of secret agendas and a "third force".

In December 1991, a *Beeld* report carried an allegation that Barnard was employed by the military. This was denied by an army spokesman, but, says Goldstone, "that denial was false". Ten days later, Barnard's employment with MI was terminated, according to the confiscated files, "upon instructions from the Minister". In January 1992, Barnard's MI handler also wrote that Barnard was sacked "on instructions of

the Minister of Defence"

The Minister of Defence at the time was Roelf Meyer, now in charge of constitutional negotiations. He has denied that he knew anything about Barnard.

It is hardly likely that the MI files — seized in a surprise raid — are part of an elaborate forgery. We must assume they are genuine. Yet even if one accepts that the SADF hired Barnard for the kind of black diplomacy most military elites engage in from time to time, the country is still entitled to know

□ Why Barnard was encouraged to draw up plans to undermine the ANC — particularly at a time of extreme political sensitivity and in the face of apparently misleading assurances by De Klerk,

□ How Meyer can claim ignorance if Barnard was dismissed "on instructions from the Minister",

□ Why, if Meyer knew nothing, did he not make it his business to ensure that such covert programmes were halted, and

□ Whether the chief of the SADF, General Kat Liebenberg, and any other senior officers outside MI, knew what was going on.

De Klerk's response to Judge Goldstone's remarks was grudging and enigmatic. They were "issued in the form of a press statement and did not constitute an official report. Many of the aspects contained in the statement have thus far not been tested within the framework of the normal procedures applied by a judicial commission."

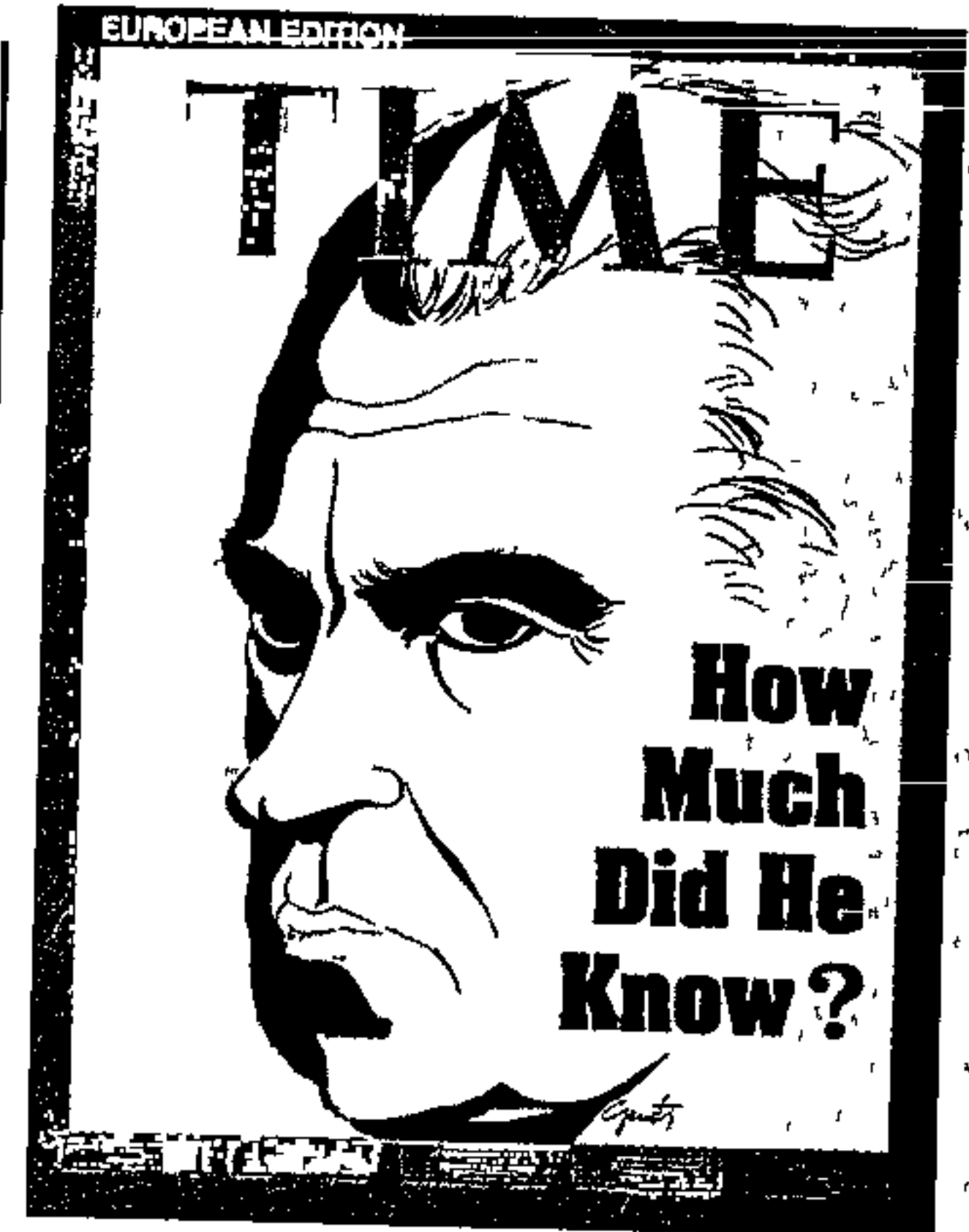
Yet Judge Goldstone made no untested conclusions. He merely raised questions, while noting the evidence that MI had employed "a person with a serious criminal record involving crimes of violence and dishonesty," that the SADF had lied about Barnard's employment, that a senior officer had recommended the illegal arming of Barnard with an SADF weapon, and that 48 DCC members operated credit cards and had spent hundreds of thousands of rands.

There are no military secrets here, the security of the State is not remotely at stake. The obvious and natural response from De Klerk would have been to instruct the Goldstone Commission to investigate the other MI files and report to him in due course. Instead, De Klerk has ordered an in-house investigation — which makes it difficult to avoid the conclusion that government itself has something to hide.

Former Leader of the Opposition Frederik Van Zyl Slabbert believes that De Klerk's



Judge Goldstone



Time May 14 1973 Nixon's point of no return

response is consistent in that his government "has always thought that it can maintain stability with a highly controversial security establishment. The Nats think, 'It is our system'."

For the first time, perhaps, De Klerk has realised that it is not "his" system any more — and Slabbert detects panic in his reaction. "De Klerk is on the back foot. When he took office he distanced himself from the tricameral system — and then used its most disreputable feature, P.W. Botha's worst weapon, the President's Council, to force through the Indemnity Bill. He has been a bit shaky."

De Klerk would be well advised to take note of recent political history. We have the example of Watergate in the US as well as our own Info scandal. In both cases, the discovery of corruption happened almost by chance. In both cases, after months of tenacious judicial work in the face of executive lies and stonewalling, the rot was revealed to go right to the top — President Richard Nixon and Prime Minister John Vorster.

De Klerk has asked Lt-General Pierre Steyn, appointed earlier this year as Chief of Defence Force Staff, to take command of all intelligence functions of the SADF. He is to provide De Klerk with "a complete and comprehensive analysis of all of the SADF's intelligence activities and to report to me as soon as possible on the advisability of restructuring these functions."

Steyn will be helped by Police General Alwyn Conradie in analysing the files of the DCC "to ascertain whether any activities have taken place which might be in contra-

INFLATION
FM 27/11/92

The turning point?

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The 13% decline in the annualised rate of inflation between September and October is a palpable advance in price stability after years of anguished failure

It could be a critical turning point. If it is, the rise in the consumer price index will be in single figures by early next year

Common experience abroad has been that once money supply growth has been suitably arrested in an inflationary economy and interest rates have been positive for long enough, there is still a substantial time lag before domestic demand declines sufficiently to curb inflationary pressures. But once that happens, progress towards price stability is usually swift

The conventional economic indicators suggest markedly that the domestic economy could be at that crucial point now. For the past two years, the commercial rand has been relatively firm against most other currencies, reflecting in part the surplus on the current account of the balance of payments. The more recent weakness of the financial rand has been brought about by factors not directly related to this phenomenon

The Reserve Bank has, with disciplined endeavour, made sure that interest rates have remained positive — that is, above the prevailing inflation rate — and money supply growth has been within the predetermined limits

Of course, weighing against these favourable develop-

ments have been the detrimental influence of the severe drought on agricultural output, government's persistently high consumption spending and various tax adjustments. None can prevail indefinitely against sound money

Whether our money has been all that sound is questionable. Its growth has certainly been reined in, but even at 8% it is too high by European standards against nil or negative growth in GDP

There has, however, been another strong curb on demand in recent months. That has been the combination of extreme violence in the townships, the breakdown of constitutional negotiations and, even more recently, the revelations of widespread and deep-seated corruption. This combination has, for the moment at least, created such dismay and consequent inertia that demand was tipped in the right direction

The danger is that dismay could just as easily contain the seed of profligacy, as those in despair begin to spend while their money still has some value. That could force us ultimately towards even greater austerity

Government needs to keep that in mind, not only in the preparation over the next three months of next year's Budget, but also in its endeavours to negotiate a new constitution, curb violence and eradicate corruption. They are all capable of adverse reflection in business activity, job creation and price stability

FIXED INVESTMENT

FM 27/11/92

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Downturn not all negative

Given the role of investment as an engine of growth, this week's finding by the Stellenbosch Bureau for Economic Research that public corporations' fixed investment spending this year is likely to fall by 35%, may seem disturbing. It will certainly exaggerate a weakness the *FM* has often pointed out: the trend for current consumption to make up an inexorably rising proportion of public-sector spending

But there is capital spending and capital spending. By coincidence, Johann Rupert suggested this week that up to R50bn of government capital spending in recent years has been wasted. Among the culprits he cited was Mossgas — whose completion, ironically, is also identified by Stellenbosch as a reason for this year's drop

The basic difference between public-sector and private-sector capital spending is that the latter is tested against strict investment criteria and if it goes wrong those who voluntarily shouldered the risk bear the loss. Far too much of our public-sector capital spending in the Seventies and Eighties was undertaken on not economic, but so-called strategic, grounds — to such an extent that those who questioned the wisdom of these bottomless pork-barrels ran

the risk of being dismissed as unpatriotic. Now many of them have gone wrong — and we're all bearing the costs

While our domestic capital formation is clearly too low to generate the new jobs we need, it's missing the point to rail at the private sector for not investing enough. Businessmen, unlike civil servants and politicians, invest when they think it'll be profitable — which is why the private sector wouldn't pay for Mossgas and Eskom has enough surplus capacity to last for years

If the decline in public corporation capex means less of such wasteful spending, it's no particular cause for mourning. Depressed as the economy may be, we're not in a situation where it makes sense to pay people to dig holes and then pay another lot of people to fill them up again

We must use this as breathing space to restore our public finances and trim public consumption expenditure too, in preparation for the demands a New SA will make. And if we want the private sector to invest, we must make it attractive for it to do so — which, sadly, requires not just continuing sound economic policies, but the far harder task of visible political progress, too

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vention of the law the findings of these investigations, which are relevant to the activities of the Goldstone Commission, will be placed at the commission's disposal"

Everything we have heard about Steyn suggests that he is a man of integrity. A fighter pilot, an Air Force research officer and a former Chief of Staff (personnel), Steyn has apparently not been involved in the SADF's intelligence functions

But what are Steyn's powers of investigation? Will he be able to question his superiors in the military hierarchy, the Chief of the SADF, the Minister of Defence and the State President himself? And who is to decide which of his findings are "relevant" to the work of the Goldstone Commission — De Klerk, Steyn or Goldstone?

The MI revelations must be seen in the context of a country riddled with corruption and dulled by ever more inquests and commissions of inquiry. This month alone we have had the admission by General Eddie Webb, former OC of SADF special forces, that he misled the Harms Commission investigating police hit-squads, the De Meyer and Parsons reports on corruption and maladministration in Lebowa and KwaNdebele, and the latest Van den Heever report on misuse of education funds

The De Klerk government's performance in dealing with these scandals has not been reassuring. There has been no attempt to regain control of homeland spending — and no expressions of regret. It is nonsense for Regional & Land Affairs Minister Jacob de Villiers to claim that government must simply hand over billions of rands to the homelands and relinquish all control. They are not independent states and they remain subject to the general laws of SA. There's overwhelming support for tough and immediate action to stop the corruption and waste

We always knew that the transition to a democratic constitution would be fraught

with difficulties, but now an unexpected and sinister scenario is beginning to take shape

De Klerk is shocked by the corruption and dirty tricks that we now know have been endemic under NP rule. He is especially upset that underhand practices continued after his public assurances that they had ceased

He would desperately like to recapture the moral high ground, but he now realises that, if there is full exposure, too many Cabinet members could be implicated and his administration could fall

The ANC (the scenario continues) realises that De Klerk would be powerless if all the rot were exposed — and it also knows that it cannot afford to inherit a bitter and vengeful SADF, SAP and civil service. The ANC, therefore, implicitly accepts De Klerk's reluctant decision to let most of the sleeping dogs lie. This might just explain ANC president Nelson Mandela's amazingly tolerant response to the appointment of Steyn. "It is a good encouraging step as a government they acted on the facts they could find (I am) not disappointed"

Mandela's comments were in stark contrast to ANC head office's more predictable view that the Steyn investigation was "a sop" and would come to nothing. This again raises outside suspicions of a deal between Mandela and De Klerk. Ordinary people are sufficiently cynical about De Klerk's administration to believe such things

There are positive aspects to De Klerk's response to the Goldstone statement last week. In appointing Steyn, he has effectively sidelined the controversial Chief of Staff (intelligence), Lt-General Joffel van der

Westhuizen — and that will have sent a signal to the rest of the SADF. It is possible that Steyn will achieve more than Goldstone would have, simply because he knows which stones to pick up

De Klerk has also agreed that Goldstone can investigate all security forces and private armies and necessary manpower will be provided

Can anything more be done? Yes

Civil servants and officers identified as being corrupt or under reasonable suspicion must be suspended immediately pending prosecution, those who are inept or unqualified must be transferred or re-trained. Stolen funds must be recovered

It's also time for the many members of the NP caucus who are known to be unhappy with the level of corruption to stand up and be counted — even if it means expulsion. If De Klerk is thinking of buying off the civil service and the brigadiers, he must be dissuaded by his caucus

Above all, De Klerk must accept what has been argued repeatedly by the *FM*: no settlement or progress is possible unless all political leaders can agree on how to sanitise the security forces. Agreement on the role of the army, the police and other forces will not follow political stability, but is a precondition of it. De Klerk might not have perceived it, but, like Nixon towards the end of the Watergate scandal, he is now at the stage of being guilty until proved innocent

Whatever his personal innocence, he must face up to the inescapable truth: the longer he countenances corruption and is not seen to be distancing himself from it, the more he will be tainted — until, finally, his political image will be beyond rehabilitation



President De Klerk

Probe into Mlangeni death 'poor'

By Susan Smuts

The "unforgivably lethargic attitude" of the police investigating the death of ANC lawyer Bheki Mlangeni had effectively sabotaged the possibility of his murderers being brought to account, an inquest at the Rand Supreme Court heard yesterday.

Mlangeni died in February last year when a portable cassette player intended for former Vlakplaas policeman Dirk Coetzee exploded.

In their closing arguments, advocates appearing for the Mlangeni family, the SADF, the SAP and the State argued before Mr Justice B O'Donovan that the court had to find his death was caused by an unknown person or persons.

Gys Rautenbach, appearing for the Mlangeni family, asked the judge to admonish the police for their poor investigation. A proper investigation could have led to different findings, he said.

Rautenbach said the arrest of former Vlakplaas policeman Leon Flores in London in April this year on suspicion of plotting to murder Coetzee, fuelled the theory that Coetzee had been an assassination target.

Etienne du Toit, SC, for the Minister of Law and Order, said the documents suggesting Vlakplaas policemen might have been involved were not admissible since they were not affidavits.

The State, represented by H Broodryk and J Neveling, said "no expense was deemed too costly" in the police investigation.

Anton Mostert, SC, for the SADF, asked the judge to exonerate the SADF.

Judgment was reserved.

Goldstone witness changes his story, then clams up

By Helen Grange
Pretoria Bureau

STA 27/11/92

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Joao Cuna, the former Mozambican soldier who sparked the Goldstone Commission's raid on a Military Intelligence building, fell silent during his testimony to a Goldstone committee yesterday, revealing later that he felt threatened.

The committee of inquiry, held under Mr Justice R Wise, was called after Cuna told the commission he had lied to Vrye Weekblad newspaper about his activities in 1991.

Cuna yesterday gave an entirely different version of events to those he disclosed to Vrye Weekblad, but clammed up when asked who he had been to see before going to the newspaper. Last week Cuna disclosed that "certain persons in-

stigated, his conduct, in making the report" to the paper.

In the Vrye Weekblad of October 30, Cuna claimed he was hired by a policeman called "Boy" Schults to conduct a shooting spree on ANC supporters in a house in Natal in 1991. He denied this yesterday, although he said he had gone to Natal with a policeman called "Reilly" and a man called "Frank".

When he lapsed into silence, the committee was adjourned and, minutes later, Judge Wise returned to say a "number of serious problems" had arisen.

"He (Cuna) is extremely afraid to the extent that he no longer wants to give evidence in an open forum," Mr Justice Wise said. Cuna is to make an application today to have his testimony heard in private.

Mlangeni case flawed - lawyer

■ **STARTLING EVIDENCE** Serious deficiencies

in police investigation into the assassination:

Sowetan 27/11/92

By Mzimasi Ngudle

POLICE investigations into the death of African National Congress lawyer Mr Bheki Mlangeni was flawed from the beginning, a family lawyer said yesterday

Mr Guys Rautenbach, counsel for the Mlangeni family, told the Rand Supreme Court in his closing argument during the inquest into the death that the evidence of two SA Defence Force agents and another person "was startling to say the least"

Explosives in headphones

Mlangeni was killed on February 15 last year when a Walkman cassette device with explosives in the headphones exploded when he attempted to listen to a tape recording

Attacking the police investigation, Rautenbach said evidence of information of a subsequent conspiracy to kill police Captain Dirk Coetzee only strengthened the Mlangeni family's complaint in regard to a proper investigation

Rautenbach said the evidence of SADF agents Captain Pamela du Randt and Leon Flores, as

well as that of John Imrie, was "startling to say the least"

He told Mr Justice B O'Donovan that there were serious deficiencies in the police investigation

He said the police investigation was lacking in that:

- Investigators only visited Vlakplaas on May 24 1991, more than three months after the event;

- A Captain Kritzingler and the investigating team, despite being aware of a possible motive by people stationed at Vlakplaas, never compiled a list of people stationed there, who could have had such a motive;

Suspect investigation

- Very little suspect investigation was done and only after the intervention of this Court, were proper handwriting specimens and fingerprints taken.

"The whole investigation demanded a thorough forensic investigation," he said

- It took the police 15 months to apply their minds to the investigation of suspects

- The first visit by the investigating team to Vlakplaas took place only three months after the death of Mlangeni.

PAC demands expulsion of 'foreign mercenaries'

THE PAC yesterday demanded the expulsion under UN supervision of foreign mercenaries it said were fomenting township violence. But it suggested it would not allow independent scrutiny of its own armed wing, Apia, which has claimed responsibility for a string of killings of policemen.

PAC president Clarence Makweu, who recently returned from a visit to the UN and Norway, said he wanted the UN to press Pretoria to expel or confine mercenaries from Angola, Namibia, Mozambique and Zimbabwe, working in the SA security forces.

"Until and unless these mercenaries are expelled or confined, violence will continue unabated."

He said members of 32 and 31 Battalions, Koevoet members, Mozambican Renamo elements and former Rhodesian Selous Scouts were still in SA.

He said Judge Richard Goldstone should investigate the actions of mercenaries "and not witch-hunt against those not responsible for the violence".

Goldstone has said he wants to probe all the armed forces, including those of government, the black opposition groups and right-wingers.

UNIQUE
NEW WINE
FROM
HAMILTON
RUSSELL
VINEYARDS



A PAC spokesman said the organisation had not yet decided whether to allow the Goldstone commission to investigate Apia.

"We don't know what Goldstone wants from Apia Goldstone is studying a specific form of violence and Apia is engaged in a different form of struggle. The matter is still pending," he said. — Reuter

Mlangeni inquest told of bunglings

THE police investigation into the murder of attorney Bheki Mlangeni was fatally flawed from the start, a Rand Supreme Court inquest was told yesterday.

Presiding Judge B O'Donovan reserved his findings.

Mlangeni was killed on February 15 last year when a Walkman cassette player with explosives in the headphones, intended for former police captain Dirk Coetzee, exploded when he attempted to listen to a tape recording.

All the parties represented at the inquest — the family of the deceased, the police, the SADF and the State — said in closing argument that on the totality of the evidence, no finding could be made as to who was responsible for killing Mlangeni.

"It is submitted that had a proper investigation been conducted, the findings could have been dramatically different and public confidence and satisfaction could have been promoted," counsel for the Mlangeni family Gys Rautenbach argued.

He called for an admonition of the SAP and the manner in which they conducted the whole investigation.

Rautenbach said deficiencies in the investigation included the fact that it took police 15 months to apply their minds to the investigation of suspects.

Herman Broodryk, for the State, submitted that no factual finding as to the com-

STEPHANE BOTHEMA

phicity of members of the SAP could be made on the evidence at the inquest.

He told the court that a great deal of time and money had been involved in the police investigation and that no expense had been deemed too costly.

"If the SAP themselves were involved, they would hardly have gone to all this effort and expense," Broodryk said.

Etienne du Toit, representing the SAP and individual policemen, agreed with Broodryk that "nothing whatsoever in facts or in allegations" before the court implicated any of his clients.

Evidence about the SADF Military Intelligence project Echoes — the visit of Capt Pamela du Randt and Leon Flores to the UK to determine the extent of the activities between ANC military wing Umkhonto we Sizwe and the IRA — was irrelevant to the inquest, the court heard.

"To determine whether Flores had any hidden agenda or whether the police were involved in monitoring Dirk Coetzee after the death of Mlangeni would not bring the court any closer to fixing legal responsibility for the death," Du Toit argued.

Anton Mostert SC, representing the SADF, argued that no room existed for linking Mlangeni's death with the SADF. "In the circumstances, the court is asked to exonerate the SADF," he said.

Mozambican denies affidavit on killings

TIM COHEN

PRETORIA — Mozambican army deserter Joao Cuna yesterday effectively denied he had participated in the killing of ANC members in a Durban township last year before abruptly cutting short his evidence before the Goldstone commission.

Giving evidence before a one-man commission, Cuna substantially contradicted the contents of an affidavit which formed the basis for a recent report in Vrye Weekblad. In the affidavit, he claimed to have participated in the shooting of between seven and nine people with AK-47 rifles together with a black man and a white man.

He told the inquiry that during the trip to Durban, he, and men he said were policemen, had collected AK-47s from the home of a Portuguese speaker. Nothing else of significance had happened during the trip, he said.

Cuna substantiated other elements of the affidavit, confirming the logistical details of the trip, including the places where the group had stayed and met.

He confirmed that he had provided a Johannesburg lawyer with a statement, but claimed that it was not read back to him.

After giving evidence for about two hours, Cuna hung his head and did not respond to questions being asked by the lawyer for the commission.

After granting an adjournment, commission chairman Rob Wise said he had been informed that Cuna was extremely afraid and had declined to provide further evidence as part of an open hearing.

The chairman adjourned the hearing in order to ascertain by means of a personal interview whether Cuna's fears were justified.

Wise said however undesirable it might be in principle, it could become necessary for Cuna to give evidence in the absence of the public and legal representatives if this was the only alternative.

Slabbert outlines basics of democracy

B/DAM 27/11/92
ONE of the basics of democracy was the ability of the individual to frustrate the will of the political majority in certain instances, Van Zyl Slabbert said at a forum on local democracy in Johannesburg yesterday.

He said there were "certain critical issues" which formed the principle of "bounded uncertainty" that had to be removed from being politically contested.

These included basic elements usually found entrenched in a constitution, such as a bill of human rights, which included freedom of association, adult suffrage and so on, Slabbert said

Another basic element was what he called "contingent consent" in which a party winning an election did not deny its opponents the right to win the next ballot.

The ruling party could not assume that its mandate gave it a right to rule in perpetuity, and abolish the opposition in favour of a hegemony

By the same token, a losing party should not deny the victor the right to rule.

"You have to accept losing, and when

GAVIN DU VENAGE

you lose, accept that the stronger party has a right to govern," said Slabbert.

Substantial or participative democracy could be measured in the way people were allowed to exercise their rights, he said.

They should be able to express their points of view through protest and mass action, and be able to call for referendums and challenge the rulers in votes of no confidence. However, mass action could never be a substitute for democracy. While people would mobilise when they felt strongly about an issue, they soon reached a "rally fatigue" and mass action would fizzle out

Slabbert said there was place for a minority veto, but not along the lines of ethnicity, or where a minority group, which had governed undemocratically, sought to preserve some of its power.

A minority veto should only be used to protect issues such as religious freedom and cultural expression.

He added that it would be difficult for democracy to exist without economic growth and redistribution

Groundwater safety probed

B/DAM 27/11/92
GAVIN DU VENAGE
GROUNDWATER that supplies most of SA's drinking and industrial needs may in many cases be unfit for human consumption, Water Research Commission research manager Tony Reynders has said.

The commission has funded an investigation into developing a strategy for accurately monitoring SA's groundwater on a regular basis, and recently published a set of guidelines on pollution testing.

Reynders warned that while South Africans had always taken for granted that their water was safe, experience overseas had shown that groundwater was sensitive to pollution

Reynders said municipal waste dumps and old mine dumps often released excessive salts and heavy metals which could end up in the water table.

Lack of sanitary services in squatter camps, where waste was uncontrolled and was left to soak into the ground, also posed a great danger of pollution.

Overseas it had been found that groundwater could be polluted by agricultural fertilisers.

Numsa wins appeal over strike ruling

BLOEMFONTEIN — An appeal by the National Union of Metalworkers of SA (Numsa) to set aside an order of the Labour Appeal Court was allowed by the Appeal Court yesterday.

The case was remitted to the Labour Appeal Court to reconsider whether the proved facts constituted unfair labour practice. *B/DAM 27/11/92*

The Labour Appeal Court had dismissed with costs an appeal by Numsa against an industrial court refusal to reinstate employees dismissed by Vetsak Co-operative, Isando Industries and Turin Pressings.

The case arose from a nationwide strike

by 31 000 workers in the iron and steel industry on August 3, 1988. Among the strikers were 600 workers employed by Vetsak, Isando Industries, Turin and an associate company LM Nywerhede. There were 200 strikers at Isando and 400 at Bothaville.

On August 5, the group announced that the Bothaville strikers were dismissed, but no effect was given to the announcement. On August 8, 1988 the strikers at Isando were dismissed. Despite requests they were never reinstated.

The appeal was allowed by Judge Botha and acting Judges of Appeal Kriegler and Harms — Sapa

Cuna 'too afraid to testify'

W/Mand 27/11 - 7/12/92. 252

By PAUL STOBER

EVIDENCE by former Military Intelligence operative Joao Cuna before the Goldstone Commission yesterday forged another intriguing link with notorious Civil Co-operation Bureau agent Ferdi Barnard.

Cuna's allegations, carried in the *Vrye Weekblad* newspaper a month ago, led to the recent raid by Mr Justice Richard Goldstone on an MI operations centre and the discovery of a plot by Barnard to smear the African National Congress' armed wing, Umkhonto weSizwe.

Cuna claimed to the *Vrye Weekblad* that in the company of masked whites he had taken part in an attack in the Durban area in which ANC activists had been killed. In evidence before Goldstone yesterday, he denied involvement in an attack or killings, but said he had been taken by two men to collect AK-47 rifles.

One of these was a certain Reilly. *The Weekly Mail* understands that this is Eugene Reilly, a former Brixton Murder and Robbery Squad member and close associate of Barnard's. Evidence has been led in the Webster inquest that Reilly was in Barnard's car when the latter shot academic David Webster.

Yesterday's Goldstone proceedings ground to a halt when a distressed Cuna refused to testify further, saying he was afraid to do so.

His confused testimony beforehand in many cases contradicted the report of his activities which appeared in the *Vrye Weekblad*.

He admitted travelling to Pietermaritzburg with two men he identi-

fied as Reilly and "Frank". According to Cuna, they went to the Hilton Hotel near the city. The following day they travelled to Durban where they met two men who took them to a house in a nearby "location".

Cuna said they visited a large house where "Frank" was given a parcel of three AK-47 rifles. The three then returned to Pietermaritzburg via Durban and spent the night in the Hilton Hotel. The following day they returned to Johannesburg.

Cuna made no mention of any attack on ANC targets and denied any involvement in killings. He claims he was dropped off at home and had no further knowledge of what happened to the AK-47s.

In other contradictions with his original account,

● He denied being promised a micro-recorder to tape meetings with ANC activists.

● He refused to say whom he had been asked to spy on. In *Vrye Weekblad*, he stated he had been asked to spy on ANC members.

Relating how the affidavit on which the newspaper based its story was drawn up, he said "I told the same story I am telling now... there was no talk of me killing anybody".

Cuna refused to answer questions put to him by a commission lawyer, Tobie Pretorius. During a recess, he told Pretorius that he was too scared to testify further.

Advocate Robert Wise, who is heading the commission inquiry, then agreed to hear an application for Cuna to give evidence to him in private.

Verster is silent on Lubowski murder

W/Mon. 27/11-3/12/92

By JACQUIE GOLDING

FORMER managing director of the now-disbanded Civil Co-operation Bureau, Joe Verster, this week refused to answer questions at the David Webster inquest about the murder of Swapo official Anton Lubowski for fear of incriminating himself.

This strongly suggests that the Lubowski murder in September 1989 was a CCB project — in contradiction to Verster's denials before the Harms Commission of Inquiry in 1990. It also sheds doubt on claims by former defence minister, General Magnus Malan, in parliament that Lubowski was a South African agent.

Giving evidence in camera this week, Verster also

- Blamed the South African Police for a "big conspiracy against the CCB to ruin its reputation", and implied that the police were attempting to deflect attention from their own "dirty tricks"

- Said he felt the CCB was being "left in the lurch" by the South African Defence Force and senior generals

Verster added that he felt there was a "total planned onslaught" on the CCB after the death of Webster, and

particularly after the disclosure of police hit-squad activities by renegade police captain Dirk Coetzee. There was a need to limit the damage caused by the disclosures made at the Harms Commission, he said.

Ferdie Barnard, former CCB member and a prime suspect in Webster's murder, aired the same sentiments in his one-off media conference held last week. "Everyone is covering themselves, from ministerial level down"

He said he was being used as a scapegoat by the SADF and the SAP.

Verster also told the inquest hearing this week that he had not informed the Harms Commission of hearsay evidence implicating Barnard in Webster's assassination because this would have led to the exposure of Barnard's CCB handler, Laffras Lutinhg.

Verster remained adamant throughout his testimony that Webster's murder was not the work of the CCB.

Referring to what he had heard of Barnard's involvement, he said "Although it was serious, it was very vague and I left it at that, because I knew I had nothing to do with it."

"Barnard was an ex-policeman. He was only employed by the CCB for nine months, but it suits the system and the media to call him a former CCB member because it sounds nice."

Goldstone and the sort-of solution

STAR 28/11/92

O H DEAR So Beeld has joined Rapport in launching a tirade against the dreaded *Engelise pers*. The Star in particular. There's a lot of the old South Africa still around, and it's as well to be reminded of that fact from time to time. Favourite old South African habits die very hard — when the going gets tough, blame the ones you always used to blame.

I think the latest attack — of which, more presently — is curiously comforting, because it illustrates the substantial and healthy differences in philosophy and approach that persist between newspapers. These differences become blurred when things are going well in the land, most newspapers, after all, share the ideal of a peaceful settlement. But when things go awry — the division between the party-political and the politically independent shines like a beacon.

In this light, thank goodness Beeld disagrees with us. I'd be concerned that we might have lost our way if that were not the case. Let me explain.

The latest piece of stone-throwing from Beeld's glass house appeared this week under the headline "Tell it like it isn't".

Anonymous columnist "Lood" laid into this newspaper for its coverage of the Goldstone "dirty tricks" revelations.

I'll try to summarise his case for the prosecution.

We (The Star) were still "breathless" about the issue a whole week after the Goldstone bombshell. We reported that the judge was not to be given wider powers. Then we reported that diplomats and politicians were cross about that



GOLDSTONE: Satisfied with the outcome of his meeting with De Klerk.

Then we reported that Judge Goldstone and President de Klerk were satisfied with their meeting. Lood thinks we were just Government-bashing.

Positively brimming with indignation and moral rectitude, he sneers "As is to be expected, the newspaper did not have the courage to tell its readers why there was no more talk of a cover-up, and why the diplomats had disappeared".

Further "In its haste to attack the Government over the Ferdi Barnard revelations, The Star is making a serious mistake." We (who "never miss an opportunity to drag in 'Nationalist newspapers'") should learn to "treat such sensitive matters more responsibly". We are "beginning to sound more and more like the holier-

UNDERCURRENT AFFAIRS
SHAUN JOHNSON

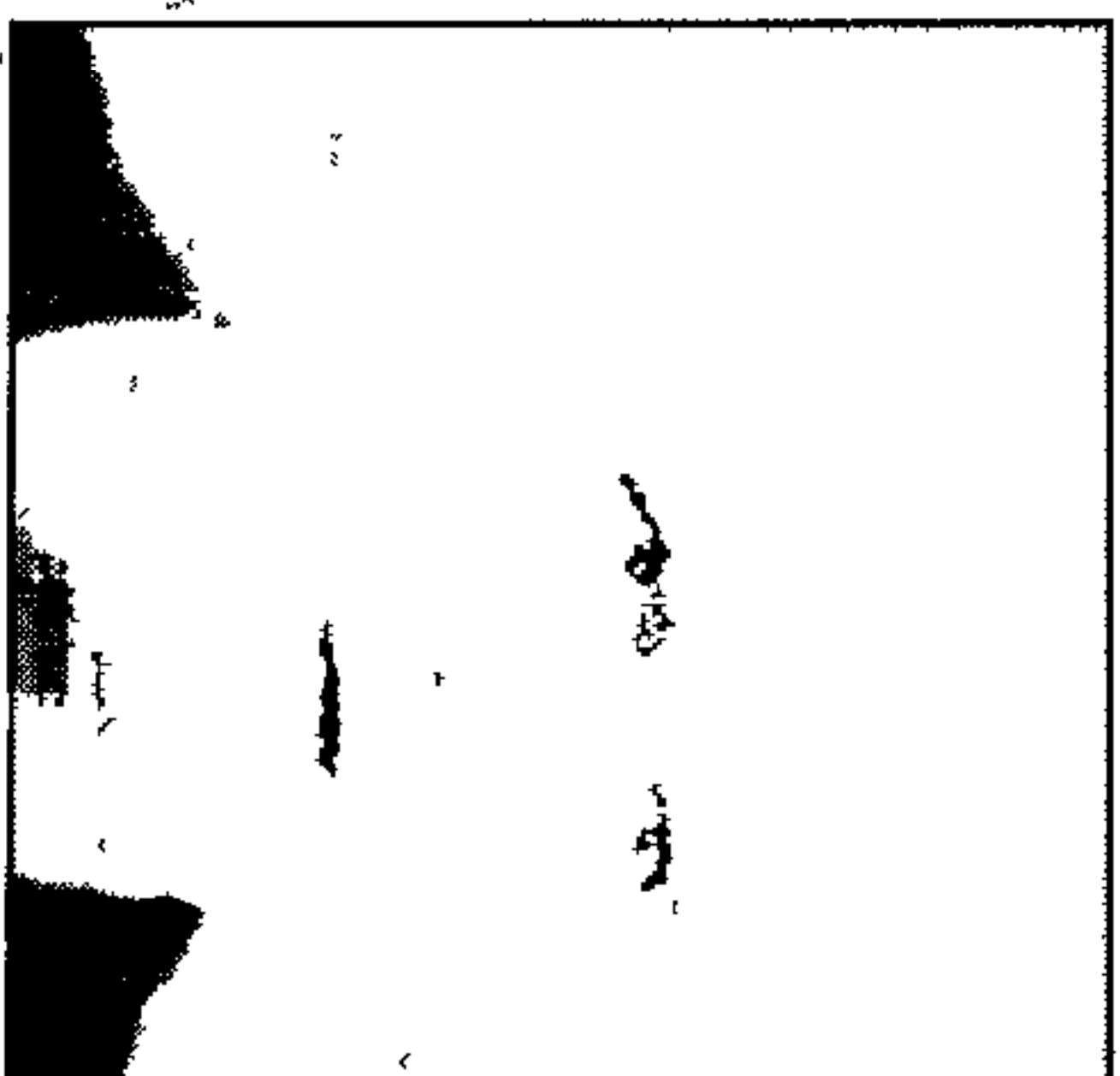
BEELD'S columnist, Lood, will be disappointed to hear that 'talk of a cover-up' has not ended, and will not end until there is proof that the State's grubby little tricksters have been exposed.

than-thou liberal Master's Voice of old."

Anyway, you get the idea. Well, all I can say is *Syoe, Lood!* A lecture from you on journalistic responsibility? That's a bit rich. Bit of course I defend your right to say what you think.

Lood will be disappointed to hear, however, that "talk of a cover-up" has not ended, and will not end until there is proof that the State's grubby little tricksters have been exposed. Experience does not provide a compelling case for accepting the Government's promises at face value.

Nor have the diplomats "disappeared". When it is appropriate — probably next week — they will be back to give their frank, non-party-political assessments of



DE KLERK: Unmistakably admonished the judge.

events

As a footnote to posterity, let us run quickly through the Goldstone revelations saga. After the judge's press conference, President de Klerk released a statement in which he unmistakably admonished Goldstone for going public with his disclosures, rather than whispering them to officials in private. This admonition was greeted with *hoor hoors* in more slavish media quarters. It was an unedifying spectacle to see some newspapers planning that a source was too forthcoming. But leave that aside.

Then the President and the judge held their meeting (last Friday) and issued a brief statement afterwards. No further comment could be elicited from either of

them, and responsible newspapers set about speaking to a range of politicians and diplomats to hear their analyses. These were reported in Saturday Star the interviewees were not happy, and said so. After this report was published, The Star again sought comment from the President and the judge, but they chose to say nothing at all. Not the politicians and diplomats they were still not happy, and this was reported. Finally The Star was able to glean from Goldstone Commission sources that the judge was satisfied with the outcome of his meeting with De Klerk, and this was reported too. (It is important to note here that in politics, just because two protagonists say everything is hunky dory, that is not necessarily the whole story — and it most definitely does not mean that everyone else is happy about their deliberations.)

The fact is that as the story unfolded, The Star reported — in good faith and to the best of its undoubtedly flawed abilities — what the various interested parties who were prepared to say anything were saying at the time. That is what appeared variously in print, accurate reflections of the position as it was known at the time. The Star sought more information than was contained in the Government's press statement, because we are not in the habit of accepting the blandishments of political parties as gospel — be they the NP or the ANC — and we do our best to get as close as possible to the truth.

My own view, for what it's worth, is that there has been a degree of intentional ambiguity about the De Klerk-Goldstone saga, that this is the reason why neither was prepared to give a full and frank statement after their meeting, and that this resulted in necessarily ambiguous reporting. I believe the Government was angry with Goldstone for going public on his own and Goldstone was angry about the bilious responses from the SADF and SAP. I believe feathers were smoothed on both sides because both knew that a public fallout would be damaging to the country. Therefore Goldstone was sort of given what he asked for, and the Government sort of got what it wanted. I think that that is closer to the truth of the matter than Beeld's easy-answer version, which allows no room for nuance.

As for Lood's comment that we were still "breathless" about the scandal a full week after its exposure — well, that says more about his tolerance levels for gruff and dirty tricks than it does about our news values. But then this Government is used to simply brazening out scandals, and, goodness knows, they are embroiled in enough of them. Why should this particular piece of disgusting deceit be of interest for more than a week?

Ne, ou Lood, the time has passed when embarrassments for the Government could be obscured in a cloud of chest-thumping protestations about *boerhaters* and the *gelding*. We're nothing so sinister, just concerned South Africans who believe that washing out dirt now makes a cleaner future possible. We make mistakes, sure. But we do not intentionally distort in the service of political masters. When we do attack the Government (or the ANC), it is because we

believe they deserve it. It may relieve some of Lood's tension to put the boot into The Star. Might I humbly suggest, however, that it would be of greater benefit if he were a little more concerned about the real issue — that a murderous former CCB agent has been caught red-handed in His Masters' House.

INSIDE
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Probe 'used to cover interim govt'

SUSAN SMUTS

THE Government used the Harms Commission probe into alleged death squads as an "insurance policy" for an interim government, CCB managing director Colonel Joe Verster told the Webster inquest yesterday.

Giving evidence behind closed doors, Verster said the Government used the commission to distance itself from the CCB so it could claim CCB agents had acted of their own accord.

Unlike the ANC, which stood by its members when they made mistakes, the Government had tried to break all links with the CCB.

Amnesty

The CCB worked with the government of the day. It was a unique organisation which was proud of its work. It did not have a political agenda. It did nothing on its own.

CCB agents would under no circumstances be able to apply for amnesty, he said. The commission had investigated the CCB but "not any of the other things which were going on," Verster said. "We were the bone which had to cut open."

He said the commission had investigated only one death squad. It had been organised to speak "three-quarters about the CCB and one-quarter about the police and ANC".

● TO PAGE 2.

Inquest

● FROM PAGE 1.

Verster claimed that SADF generals Eddie Webb, Joep Joubert, Kat Liebenberg and Witkop Badenhorst had tried to influence the evidence given by their subordinates in the CCB. They wanted to change evidence regarding the aims of the CCB, and gave instructions for files to disappear and documents to be altered.

He denied that the CCB was involved in assassinating Webster on May 1 1989. Rumours that former CCB agent Ferdi Barnard had confessed to the murder had been passed on to CID chief General Jaap Joubert and an SADF internal inquiry conducted by Badenhorst and SAP Brigadier Krappies Engelbrecht. However, this information was kept

from the commission, Verster told Mr Justice Michael Stegmann. All documents which could have implicated the State did not appear before the commission.

Referring to a letter written to the State President on October 7, five days before the inquest started, Verster said he did not want to be represented by SADF counsel for fear of "intimidation" and because he and other CCB agents were embroiled in a dispute with the SADF over their pensions.

"The police, the ANC and the whole of the State is against us. We must defend ourselves. We know we had nothing to do with the Webster matter," Verster said.

He refused to answer a question from State advocate Janne van Vuuren about whether CCB agents had been promised indemnity for CCB activities, on the grounds it could incriminate him. The hearing continues.

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The truth or your resignation

MR ABE WILLIAMS says he finds the allegations which have been made about his cheating at UWC "amusing".

"It is amusing that so many years after the event statements like these are being made," was his comment.

However, teacher organisations representing members employed by the Department of Education and Culture (DEC) are not amused.

Sadtu regional chairperson Ms Vivienne Carelse said if the story is true, the organisation could understand why Williams had made "anti-education proposals" to lower standards in the Department of Education and Culture.

A recent circular issued by the DEC lowers the pass mark for higher grade subjects to 100 out of 400, and 75 out of 400 for subjects taken on the standard

grade.

DEC students now have to know only a quarter of the work they are taught to pass an examination.

"If the claim that he cheated in his exams is true, it further vindicates our position that the man in the highest decision-making position has even less legitimacy than he purports to have," Carelse said.

"It also epitomises the kind of person teachers have been dealing with

"His latest decisions probably emanate from his fraudulent approach to his own education."

Carelse said Williams did not set a good example for students and had laid the foundation for poor educational standards in DEC schools.

Sadtu rejected the lowering of standards and their members

were not prepared to implement the latest proposal.

Cape Teachers Professional Association (CTPA) president Mr Archie Vergotine said his organisation had a responsibility to protect the integrity of the teaching profession.

"It is unthinkable that a man who is charged with dishonesty during his years at a tertiary institution could be at the head of education," Vergotine said.

"If there is any substance in this claim, the CTPA regards it in a very serious light. We will have no other option but to call on the Minister to tell the truth or we will call for his resignation

"We regard our profession as one of high calling and allegations like these which impact on the integrity and personality of the minister are unacceptable to the organised teaching profession."

'Trojan horse' judgment

By Rehana Rossouw

A FATHER'S seven-year battle for justice after the killing of his 16-year-old son was lost in the Appeal Court in Bloemfontein this week.

Mr Martin Magmoed appealed for an assessment of the judgement which acquitted policemen over killings in the "Trojan Horse" massacre. His son Shaun was killed in the incident.

The death of Shaun and two other youths sparked an international outcry on October 15, 1985, when policemen hidden in crates on the back of a railways truck opened fire on alleged stonethrowers in Athlone.

Seven years later, it appears the policemen involved in the incident have been exonerated.

Magmoed brought a private prosecution against the com-

mander of the Western Province Unrest Unit, Colonel Pieter Janse van Rensburg; Major Christian Loedolff of the then SA Railways police, Commandant Salmon Pienaar of the SADF, Lieutenant Douw Vermeulen of the South African Police and the nine policemen who had been on the truck.

The Appeal Court considered whether it was possible to set aside the acquittal of Vermeulen and order a new trial on the basis of evidence which was not admitted during the criminal prosecution of the policemen.

On Wednesday the Chief Justice, Mr Justice Corbett, said there was no need to set aside Vermeulen's acquittal as there was no certainty that a new trial would result in a conviction.

In his judgment Mr Justice Corbett said that there was one general observation he wished to

make.

"Having read the evidence in this case, and particularly having several times viewed the video film, I am left with feelings of shock and dismay at the conduct of the policemen concerned with the execution of this operation.

"Even on the respondents' own version their reaction to the situation in which they found themselves was, in my view, grossly excessive.

"Moreover, as the trial court found, there were 'strong indications' of the common purpose to act illegally.

"Another court ... may well have concluded that these strong indications, taken in conjunction with the failure by the accused to enter the witness box, were cogent enough to secure the conviction of the respondents, or some of them," said Mr Justice Corbett.

Killer cops are armed, bitter and hold rank

By S'BU MNGADI

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FOUR policemen - including a lieutenant - against whom an inquest magistrate recommended prosecution on charges of murder and defeating the ends of justice, are still holding important positions at the Umlazi police station, two months after the finding.

One of the policemen has been promoted and the position of others remained unchanged, City Press learnt this week.

City Press 29/1/92

The policemen include Const Bongani Fortune Ngcobo, who chillingly told the inquest hearing: "I have an evil heart. I have no love of other people since the burning down of my house, and should I find them, (the perpetrators) they will see their end."

The inquest followed the death of Thulani Chester Cele. According to evidence, the teenager was shot twice in the back with an R-1 rifle by Det-Const William Zibuse Maphanga on November 12 1990, while trying to escape after being arrested in Umlazi.

In spite of Cele's bleeding wounds, Maphanga, Ngcobo, Sgt Bongani Cele and Lt Themba Joseph Maphumulo deliberately delayed taking him to hospital by driving around the township for almost two hours.

Cele died 20 minutes after being admitted to the Prince Mshiyeni Hospital from loss of blood.

Dr Abdul Karrim, a medical specialist, told the inquest that Cele's survival prospect was positive had he been admitted earlier.

According to Ngcobo, Sgt Cele and Maphanga, they were looking for Cele in connection with murder and attempted murder. They told the court the deceased had confessed to the murder.

It was later proved that the investigation was one of robbery and not murder.

In a cover-up to justify the shooting, policemen falsified records at the Umlazi police station.

Umlazi magistrate MB Madlala recommended that Sgt Cele, Ngcobo, Maphanga and Maphumulo be charged with Cele's murder.

The magistrate also recommended charges of defeating the ends of justice against the policemen.

Sgt Cele was promoted to the rank of sergeant after the murder, and his three colleagues still hold important positions at the Umlazi police station, City Press learnt this week.

Umlazi court officials said the court record would be forwarded to the Natal Attorney-General's office shortly.

Rightwing killers lose appeal ⁽²⁵²⁾

THE seven death sentences imposed on each of three Richards Bay rightwingers for a machine-gun attack on a bus at Avoca, near KwaMashu, have been confirmed by the Appeal Court in Bloemfontein. *CPen 29/11/92*

The three are Orde Boervolk members David Petrus Botha and Adriaan Smuts, and Eugene Marais, who is a member of both the AWB and the Orde Boerevolk. ⁽²⁵²⁾

Appeal Court Judge Hefer said the men had taken the law into their own hands and tried to justify their actions by saying it was for love of their nation.

The bus attack took place in the full knowledge that they were committing murder. But they persisted.

Their political views carried little weight.

Ferdi in probe over dud notes

SITimes 29/11/92
By CHARMAIN NAIDOO

FORMER CCB agent Ferdi Barnard is being investigated in connection with counterfeiting activities allegedly dating back to when he was still in the employ of Military Intelligence.

Police confirmed this week that the convicted murderer and dirty-tricks operator has been at the centre of a 13-month inquiry into counterfeit R50 notes

The Sunday Times has established that police seized 33 forged R50 notes in the side compartment of a bag during a raid on the Johannesburg flat of one of Mr Barnard's former girlfriends in October last year

Weapons

An Uzi sub-machinegun and 26 rounds of ammunition were also found in the bag

At the time, it has now been established, Mr Barnard was employed by Military Intelligence's Directorate of Covert Collection.

The former girlfriend, Miss Carol Ann Burton, and a friend, Mr Chris Human, are facing charges



THE HAUL: An Uzi, ammunition and forged R50 notes

of illegal possession of the weapon and ammunition. Both claimed in court that the bag belonged to Mr Barnard, who had told them that he was employed by Military Intelligence.

This week a police spokesman confirmed that the investigation into Mr Barnard's possible involvement in forged notes began in October last year, a few weeks after police raided the Burton flat.

Acting on a tip from an acquaintance of Miss Burton, plain-clothed policemen burst into the flat, and their search led them to the bag.

In the pocket they found 33 R50 notes. In an interview two months ago Miss Burton told how one of the policemen triumphantly held up the notes and said "jackpot".

Returned

One of his colleagues held a note up to the light and said it was not a very good forgery because the colour was wrong.

The couple were not charged with possession of forged notes.

The police spokesman explained "We initially sent the docket to the attorney-general asking how we should proceed, and were told to charge the couple with firearm and ammunition possession.

"Once that case is over, the docket will be returned to the A-G, who will then decide how to proceed. We have approached Ferdi Barnard for a statement but he has refused to make one."

He added that the forgeries were not very good ones, and were easy to spot.

All the notes had the same serial number.

Unanswered

This week the Weltevreden Park townhouse that Mr Barnard shares with his lover, Amor, and her son, Shaun, was empty. There were mouldy bread rolls on the table, indicating that nobody had been in the flat for some time.

A domestic worker who said she had worked for the couple for the past two weeks said she had arrived for work each morning, but her knocks were unanswered.

A friend of hers who lives in the complex said she had seen a light on in the flat each night, but no car in the garage.

Goldstone to assist SADF inquiry

By CHARLENE SMITH

THE Goldstone commission will actively participate in investigations into SA Defence Force intelligence activities headed by Lieutenant-General Pierre Steyn *S Times 29/11/92*

At a top-level meeting in Pretoria on Friday, Judge Richard Goldstone met with General Steyn, Minister of Justice Kobie Coetsee, Defence Minister Gene Louw and the Chief of the SA Defence Force, General Kat Liebenberg, to work out the extent of the commission's co-operation.

In a statement issued by the State President's office after the meeting, it was noted that the commission's interest in the investigation by General Steyn "relates to its mandate — the investigation of political violence and intimidation".

Advocate Torie Pretorius, a member of the Goldstone commission's staff who participated in the raid on a Military Intelligence operations centre in Pretoria a fortnight ago — which revealed covert plans to destabilise the ANC's military wing — will work with General Steyn.

His appointment is to ensure the commission will be party to all relevant information gleaned as a result of investigations

Judge Goldstone reinter-

ated that his commission was not seeking extra legal powers.

"I emphasised in my statement of November 16 1992 that, from its inception, the commission has enjoyed the widest legal powers to enable it to perform its mandate"

However, at a meeting 10 days ago, President FW de Klerk granted a request by the judge for more manpower and resources to enable it to carry out those investigations.

Staff

It is believed that the commission wants to expand its small, overstretched full-time staff and needs bigger quarters than the cramped offices it now occupies in Pretoria

Judge Goldstone said he had sought the active co-operation of all relevant parties to enable the commission to investigate the activities of public and private armies and other agencies alleged to be involved in public violence and intimidation

Judge Goldstone hoped other "relevant non-governmental parties will also give their active co-operation to the commission."

Outcry at legal cutback

S. Times 20/11/92
By CATHY STAGG

THE STATE will no longer provide free legal counsel to people on trial unless they are facing the death penalty.

And, even in the case of a capital crime, if less than the death sentence is imposed, *pro Deo* counsel cannot see the case through to the Appeal Court.

The changes, which come into effect in January, have met with an outcry in the legal profession.

Not only are they unfair to the accused, but the new system will make it far more difficult for the court to establish the truth, said leading lawyers.

Backward

The chairman of the General Council of the Bar, Mr Brian Southwood SC, and the chairman of the Johannesburg Bar Council, Mr Wim Trengove SC, both described the changes as a "step backwards".

The Justice Department attributed the move to the way in which the death penalty has been applied since 1990 and to the present economic climate.

The Department, which paid out R6,9-million last year on the *pro Deo* system, has suggested that anyone unable to afford defence should apply to the Legal Aid Board.

But Legal Aid has no budget for this, lawyers insist.

Silence before the storm

STimes 29/11/92

HUGH CORDER chides the legal profession for its lack of debate on a future Bill of Rights

(252)

ALTHOUGH 1992 still has some days to run, this year will surely go down in history as a period in which constitutional negotiations in South Africa were swamped beneath a flood of petty politicking and outright bloody-mindedness

Much as the drought has crippled the agricultural infrastructure of the sub-continent, so has this small-minded selfishness fostered violence, economic decay and the erosion of what little trust still existed between South Africans

One of the worst results of this malaise is that the general population has sunk back into an apathetic carelessness on which corruption and despotism thrive. It used to be that some people, at least, were so horrified by the manifest injustices and cruelty of government policy that they were galvanised into opposing action.

The March referendum seemed to achieve that effect more widely among "whites" than ever before. Six months later, a general stagnancy has set in. Perhaps we deserve the governments we have had, and will surely get, unless we bestir ourselves.

On the other hand, we

should not despair too soon. We must remember that we have come some way together since February 1990, albeit at a cost.

I wish to focus on one aspect of apparent agreement, and to plead for further, informed and constructive public discussion among that sector of our society which will be crucial to its successful implementation. I refer to the wide acceptance of the idea of a Bill of Rights and its interpretation and enforcement by lawyers through the courts.

While there has been a fair degree of discussion of the type of rights which such a Bill ought to contain (for example by the SA Law Commission and the ANC), there has been relatively little attention paid to the effects of such a step on the law, the courts and the legal profession.

Lest this seem an abstract, sectional point, let me hasten to add that an unprepared legal profession can only serve to deny the people their legitimate rights and claims under such a Bill. Rights on paper which are not enforced in fact remain mere hollow goals.

So what are the lawyers

doing about the revolution which awaits them? The provocative answer is almost nothing.

The attorneys' monthly journal, *De Rebus*, tries hard to stir things up, but the response of attorneys, measured by the level of participation in public debate and those organisations which focus on rights issues (such as Lawyers for Human Rights), is small.

Advocates, notorious for their unwillingness to become involved as a group, have been even slower in coming forward (again with prominent and singular exceptions). Such reticence is extraordinary when one realises that the cosy club of the Bar is likely to be one of the first casualties of a new dispensation in legal practice.

And what of the judges? Paradoxically, perhaps, the judiciary has been relatively outspoken since early 1990.

No less a person than Chief Justice Corbett has called for in-service education to prepare the judges for their new role — a practice well-known to our fellow legal systems (such as the US, Britain and Canada).

Informally, many judges appear keen to engage in dis-

ussion about the envisaged changes to the law and practice, and their impact on the judicial role. While it would not be fitting for the judges to enter into party political debate, it seems unfortunate that the potential contribution of many of them to constitutional issues is not being sought, not even by their "employer", the Department of Justice.

There can be little doubt that the post-1910 judiciary, especially in the Appellate Division, substantially furthered the cause of union between English and Afrikaans-speaking whites through their harmonisation of the legal system and their sensitive judgments. There is no reason why a future Supreme Court, including many of today's judges, should not perform a similar though more modest role.

Without idolising the legal system, one could go further and state that the independent and impartial administration of an established rule of law may serve to heal wounds and divert conflict from the streets.

But where is the debate?

● *Hugh Corder is professor of public law at the University of Cape Town.*

TWO MORE DISCLOSURE

I KNOW OF NO DIRTY (252) TRICKS, S/Times 29/11/92 SAYS MAC

By CHARLENE SMITH

KEY ANC negotiator Mac Maharaj wants his day in court to refute allegations made to the Goldstone commission by a military intelligence spy

The spy, Mr Joao Cuna, told the commission an Indian man matching Mr Maharaj's description and living at his house, had told him to fabricate a report about police hit-squad activity Vrye Weekblad published the story

Mr Maharaj told the Sunday Times he had instructed his lawyers to contact the commission "I unequivocally deny that I have any knowledge whatsoever of Cuna or claims of planting a story"

In the complex events flowing from a Goldstone commission raid on Military Intelligence operations centre three weeks ago, Mr Cuna said a story published by Vrye Weekblad in which he claimed he was paid by the police to kill ANC supporters in Natal was false

Dramatic

The Goldstone commission investigated Mr Cuna's allegations as a result of the article and this led to the raid by the Goldstone commission on the MI operations centre in Pretoria Mr Cuna alleged that a grey-haired Indian man at Mr Maharaj's address gave him a made-up story for the media

Mr Maharaj said "The first I heard of this was from the press I have heard nothing from Goldstone investigators."

The Goldstone commission hearing into Mr Cuna's allegations was no less dramatic — on three occasions Mr Cuna refused to answer questions

He first became evasive when Goldstone advocate Torie Pretorius asked him about a tape recorder given to him

□ To Page 2

No tricks says Mac

S/Times 29/11/92
□ From Page 1

by his MI handlers to spy on "people"

He would not discuss why he pointed out MI offices to Goldstone investigator Major Frank Dutton, a policeman and journalist Pearlle Joubert

Mr Cuna admitted, then denied being taken to the house of an "Indian man" in Johannesburg, before falling silent

Six legal teams attended the hearing. Also present was Lieutenant Nic Deetlefs, a long time security policeman who accompanied Goldstone investigators to Natal with Mr Cuna to verify his claims. Lieutenant Deetlefs arrested and interrogated Mr Maharaj during the Operation Vula debacle in 1990.

Mr Cuna said he travelled to Natal with Major Frank Smith of MI and Eugene Riley. They collected three AK-47s from a white man in Durban before returning to Johannesburg

The hearing continues tomorrow.

'ANC house used for media report'

CP Res 29/11/92

MOZAMBICAN army deserter Joao Cuna has claimed the *Vrye Weekblad* report, in which he alleged SAP involvement in the deaths of ANC activists, was planned at a house in Johannesburg.

SAP Col Henk Heslinga, a Goldstone investigator, told a Commission sitting in Pretoria on Friday that Cuna had said this to him.

Heslinga also revealed that Cuna had been an informant for the Military Intelligence's Directorate of Covert Collection.

He said he had conducted extensive investigations into Cuna's allegations, in the course of which he had discovered the DCC link.

Its offices were later raided and five files were seized, which led to the disclosure that MI had conspired to subvert the ANC.

Heslinga said Cuna had shown him a house in Yeoville where "he attended several ANC meetings and where the *Vrye Weekblad* reports of 30 October had allegedly been planned".

The *Vrye Weekblad* report quoted Cuna as saying that he had been ordered, and paid, by security force members to kill ANC activists based outside Durban.

On Thursday Cuna denied that in the statement he had made and on which the *Vrye Weekblad* report was based, that there was "any talk of me killing anybody".

On Friday an investigating officer of the Goldstone Commission, Maj Frank Dutton, said he could not trace any attack in which ANC members had been killed, as stated in Cuna's "report".

Sapa

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the boulders. All face the mountain to ponder what will transpire "sorry" or "excuse me".

Cape courts lose out on public defenders project

By CHARIS PERKINS

SOUTH AFRICA'S first public defenders project in Johannesburg has been hailed as a major success, but the expansion of the scheme to the rest of the country — including the Cape — is being delayed because of lack of funds.

The Johannesburg service, which provides legal representation for people who cannot afford it, has been dealing with 40 cases a week since opening in January.

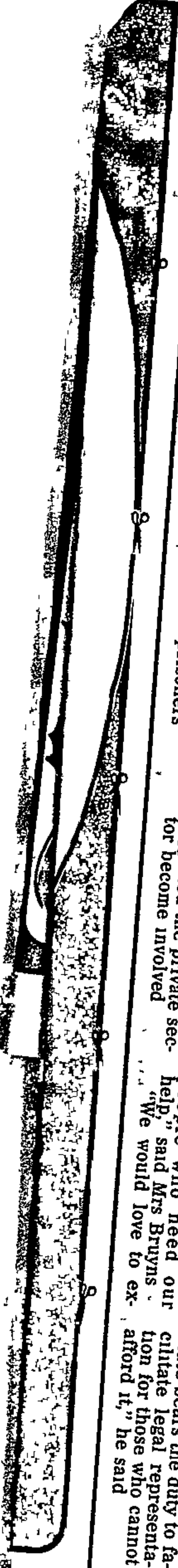
Under the guidance of 10 public defenders, 60 percent of the people who pleaded not guilty through the service won their cases.

Lawyers for Human Rights national director Mr Brian Currin said this week the state wasted R365-million a year by jailing suspects who could not afford legal representation.

The director of the service in Johannesburg, Dr Nic Pretorius, said the state would be able to afford "a wonderful system" with less than half the money wasted on awaiting-trial prisoners.

Senior public defender Carol Bruyns said "There is no question the project should go countrywide." But unless the Department of Justice can find the money to keep the project going, it will close at the end of 1993.

Justice Minister Kobie Coetsee said he recognised that expansion was possibly "inhibited by a shortage of funds" and suggested the private sector become involved.



public defenders project

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NEWS Report highlights large scale attacks at camps

ANC under fire for human rights abuse

Saxefan 30/11/92

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THE ANC has come under fire from the Government and the Democratic Party following a report by Amnesty International detailing large scale abuses in its camps

The Government said the criminal activities exposed by Amnesty International cannot be censured in strong enough terms

Had any such activities taken place in South Africa, prosecution or inquests would undoubtedly have been instituted, a Justice Department spokesman said

The report was still being studied

The DP's spokesman on justice, Mr Tony Leon, called for an immediate and proper response from the organisation

■ Government says criminal activities detailed by Amnesty can't be censured in strong enough terms:

Reacting to Amnesty's report which alleged widespread abuse and torture of ANC dissidents in camps run by the organisation prior to its unbanning in 1990, Leon said it was "a massive indictment of the ANC"

The report chronicled a "grotesque catalogue of torture, murder and deprivation of fundamental liberties without any regard for minimum norms of due process and fair procedure", Leon said in a statement - *Sapa*

DP demands
action over

ANC torture

STAR 30/11/72
Heavy criticism has been levelled at the ANC in the wake of Amnesty International's report on torture and abuse of prisoners in ANC camps outside South Africa

DP justice spokesman Tony Leon described the Amnesty document as a grotesque catalogue of torture, murder and deprivation of fundamental liberties. He demanded immediate action.

Justice Department spokesman Pieter du Randt said if the abuses had taken place in South Africa, prosecution or inquiries would undoubtedly have been instituted.

Last week the ANC announced the appointment of an independent commission to carry forward the action recommended by an earlier commission into allegations of abuse in the camps — Political Staff

Gluckman hits back at police on cell deaths

STAL 30/11/92

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Johannesburg pathologist Jonathan Gluckman said yesterday he was "stupefied" by police claims that some of his post-mortem cases were still alive.

"The only possible explanation for this is that the police constable who was afforded the freedom of my filing cabinet photostated its entire contents, including consultations with people still alive," he said

He rebutted a report in a Sunday paper, Rapport, which labelled as untrue his claim that about 90 percent of the 200-odd post-mortems on police detainees over the past two years had indicated that the victims had been killed by police

Gluckman said after his revelations regarding deaths in custody he had met three attorneys-general and afforded them complete access to his files

"The following day, a female

constable came to my rooms and told me she had come to copy my post-mortem reports"

He showed her the filing cabinet and said she could help herself with the full assistance of his secretary, who pointed out that included in the files were a number of consultation cases involving living people. But most were post-mortems relating to deaths in custody.

Gluckman said he was ill the following day and had no idea what files were copied

"The Minister is in the process of formulating a response," Law and Order Ministry spokesman Captain Craig Kotze said

"Based on the information at our disposal, including information given to us by Dr Gluckman, the original allegations that policemen were out of control and were murdering prisoners in custody, left, right and centre, cannot be substantiated," he said — Sapa



Staal invokes Act to avoid inquest probe

STAR 7/12/92
2527
By Susan Smuts

Former CCB region six manager Staal Burger invoked the Protection of Information Act yesterday to avoid telling the Webster inquest whether he was still bound to the SADF

After two weeks of evidence being held in camera, the doors have finally been reopened to the public. But no startling revelations about the CCB's dirty tricks, or how far up the chain of command went, has yet emerged from Burger's evidence as he frequently used the Act or claimed his answers might incriminate him.

The available snippets of testimony given in camera by CCB managing director Colonel Joe Verster have been more dramatic — but the transcripts of his evidence so far run only to Monday last week. A request by The Star to listen electronically to evidence in a room next to the court was turned down by Mr Justice Michael Stegmann.

Verster has claimed that during the Harms Commission into alleged death squads, four SADF generals ordered that CCB files should disappear.

He also claimed that he told the then Defence Minister

Magnus Malan that former CCB agent Ferdi Barnard had confessed to murdering Webster in 1989, and claimed R100 million was earmarked to set up a security company to act as a front against a future government.

Burger denied knowledge of Webster's assassination.

His counsel, Peet Coetsee SC, (also appearing for the SADF and the Minister of Defence) said his client would not testify about external CCB activities on account of the Protection of Information Act.

Questioned by State advocate Jannie van Vuuren, the former Brixton Murder and Robbery station commander said region six acted against State enemies, but was reluctant to give information about specific projects.

Van Vuuren: Did region six monitor (activist) Roland White?

Burger: I don't want to answer that question. It might incriminate me.

Van Vuuren: Are you prepared to answer questions about the monitoring of anyone else?

Burger: Yes, (slain Namibian advocate Anton) Lubowski. He was monitored during a visit to South Africa.

He denied being in Namibia on September 12 1989 when Lubowski was murdered.

He refused to answer questions about a monkey foetus nailed to Archbishop Desmond Tutu's door, plans to murder journalist Gavin Evans and advocate Dullah Omar.

Cross-examined by Eberhardt Bertelsmann SC, appearing for the David Webster Trust, Burger refused to divulge his current links with the SADF.

Bertelsmann: Have you any involvement with the SADF?

Burger: I am the manager of my own business.

Bertelsmann: So you are no longer bound to the SADF?

Burger: I am limited in answering that by the Protection of Information Act.

Burger said he had accepted a retirement package in March 1991 when the CCB disbanded. The SADF had undertaken to represent former CCB agents for actions arising out of their duties.

Piet Du Plessis, appearing for Barnard and two other former CCB men Slang van Zyl and Callie Botha, asked that former Military Intelligence chief General Witkop Badenhorst be recalled and SAP Brigadier Krapies Engelbrecht be called to give evidence. The men conducted an internal inquiry into Webster's murder.

The hearing continues.

Worried Goldstone witness threatens suicide

By Helen Grange
Pretoria Bureau

Joao Cuna, the former Mozambican soldier who sparked the recent Goldstone Commission raid on a Military Intelligence base, told a Goldstone committee yesterday he would kill himself before he was killed

In a day of baffling evidence, a distressed Cuna said an "Indian member of the ANC's Umkhonto we Sizwe (MK)" had promised him payment if he told a false story to the Afrikaans newspaper Vrye Weekblad about his shadowy activities in 1991

Two newspapers, which at the weekend implicated the ANC's Mac Maharaj, were told yesterday by commissioner Rob Wise that steps needed to be taken against them as Maharaj's name had at no stage

been mentioned to his committee

Wise instructed the media on Thursday last week not to publish Cuna's first mention of an "Indian man", as it would prejudice the hearing

Maharaj said at the weekend he wanted a day before the committee to refute Cuna's allegations

Cuna further detailed his contact with the "Indian man" yesterday, but said he could not remember the man's name

He knew he belonged to MK, was tall, bearded and had "whitish hair"

He told the Goldstone committee he had been taken to the man's house by two men — one a policeman named Riley and the other a man he knew only as "Frank"

Riley is understood to be former policeman Eugene Riley,

named in the David Webster inquest as a member of Ferdi Barnard's Military Intelligence cell, formed last year to infiltrate MK

At the house the Indian man, in the company of Riley and Frank, had told Cuna to relate a false story to Vrye Weekblad, implicating the SAP in a Natal massacre. He would be paid to tell the lie

Vrye Weekblad, on October 30, published allegations by Cuna that he had been recruited by a policeman, "Boy" Schults, to shoot ANC members near Maritzburg

Cuna subsequently told the Goldstone Commission that the published allegations were lies and that he had actually gone to Maritzburg with Riley and Frank, where AK-47 rifles were collected at a house

Confusion has now arisen due to Cuna's testimony yesterday

that he told this "true" version to Vrye Weekblad despite the Indian man's offer of money to tell lies, but that the false version was published in the newspaper

Breaking down during questioning at one point, Cuna said: "Now that man (the Indian man) sits in his house and I sit here with all these problems. He put me in this problem and now he is trying to kill me. I am first going to kill myself."

In earlier testimony yesterday, Pearlle Joubert of the Vrye Weekblad said that as far as she knew, Cuna was to have met an ANC representative before seeing a newspaper with his story, but that the ANC representative had failed to arrive

Joubert denied having been told a different version to what was published

Riley is expected to testify before the committee today

Defence Act silences Staal Burger

FORMER CCB member Staal Burger told the Webster inquest yesterday he was "limited" by legislation from saying whether he was still connected to the SADF

Burger was being cross-examined by counsel for the Webster family, E Bertelsmann SC

Asked what his present occupation was, Burger said he had his own business and managed a hotel

"So you are no longer connected to the SADF," Bertelsmann said

"My lord, I'm limited by certain legisla-

tion (from) answering that question," Burger replied.

The former police colonel and regional manager of the CCB's cell 6 was the first witness to testify in open court for almost two weeks. Burger, Chappie Maree, Slang van Zyl and Calla Botha were all members of the CCB's region 6 cell, which operated within the borders of SA

When Burger took the stand yesterday,

To Page 2

Burger

his counsel, Peet Coetzee SC, who is also representing the SADF at the inquiry, told the court the Protection of Information and Defence Acts precluded his client from answering certain questions

Burger was also not obliged to answer questions that could incriminate him

He said he was not aware of the existence of the CCB when he approached Col Joe Verster in June 1988 and applied for a job with the SADF's Special Forces. He had approached Verster because they had known each other at school

The chief task of region 6, he said, was to collect information about identified enemies of the state and infiltrate their networks inside the country for possible actions against them outside SA

Burger said two or three days after David Webster's murder in May 1989, Verster had questioned him about the shooting. Verster, he said, had asked him who Webster was and whether region 6 knew what the motive could have been

Burger said he thought Verster had described the killing as a "senseless murder"

State counsel Jannie van Vuuren asked him why Verster would have described the

murder as senseless if he had not known who Webster was. Burger replied that he had said this under correction and it was possible Verster used the term at a second meeting where the killing was discussed

He had not been aware that Verster suspected region 6 involvement

Cross-examined by Bertelsmann, Burger said his legal costs incurred at the inquest were being paid by the SADF

Burger said when he and other members left the CCB, they were told their legal costs arising out of cases connected to CCB activities during their period of employment would be paid

Judge M Stegmann yesterday also granted an application by attorney Piet du Plessis to have former MI chief Gen Rudolph "Witkop" Badenhorst recalled

The judge has also given the go-ahead to have Brig Krappies Engelbrecht subpoenaed to testify. Engelbrecht was a member of the police team which investigated the Webster murder, including allegations of possible CCB involvement in the shooting

Du Plessis is acting for Calla Botha, Ferdi Barnard and Slang van Zyl

From Page 1

Verster's seven days in court

Savefam 1/12/92. 252
WEBSTER KILLING Evidence in camera

involves former Defence Minister Malan:

CROSS-EXAMINATION of former Civil Co-operation Bureau managing director Colonel Joe Verster ended yesterday after seven days at the inquest into Dr David Webster's death in the Rand Supreme Court.

According to transcripts of his evidence, which was heard in camera, Verster told the inquest last week he had told the then Defence Minister, General Magnus Malan, in July 1990 that ex-CCB agent Ferd Barnard had allegedly confessed to the May 1 1989 killing.

Presiding judge

As a result of this evidence, the Webster Trust's lawyers have asked the presiding judge at the inquest, Mr Justice Michael Stegmann, to subpoena Malan.

Verster denied allegations put to him during the inquest that he recently approached Barnard to set up a series of front companies, each with its own security force, to act against a future government. It

was alleged that R100 million had been set aside for this purpose.

It was also alleged that on October 6 Verster had written to State President FW de Klerk warning him of serious discontent among members and former members of the SA Defence Force.

Army generals

In another letter to De Klerk Verster had also alleged that four army generals, including SADF chief General Kat Liebenberg, had influenced their subordinates in the CCB to make CCB documentation "change" and "disappear".

CCB agent Lafras Luitingh was also cross-examined in camera yesterday morning.

Luitingh earlier told the court Barnard had confessed to killing Webster with a view to winning another contract with the CCB.

The former head of the CCB's region six, Staal Burger, was expected to give evidence yesterday afternoon - *Sapa*.

ANC abuse probe delayed

ADRIAN HADLAND

DESPITE mounting local and international pressure, the commission of inquiry appointed by the ANC to investigate abuses in its detention camps would begin its deliberations only next year, ANC spokesman Saki Macozoma said yesterday.

The ANC's national working committee had been too busy preparing for this week's bosberaad with government to consider the commission's terms of reference.

The commission was set up after an internal ANC investigation into alleged brutality at ANC camps in Angola, Zambia, Zimbabwe, Tanzania and Uganda during the 1980s.

The publication last week by Amnesty International of a report detailing widespread abuses increased pressure on the ANC to uncover full details of activities in its camps.

In a letter to Law and Order Minister Hernus Kriel yesterday, DP justice spokesman Tony Leon called for improved witness protection facilities for former ANC detainees willing to testify.

He also called on Kriel to negotiate the

release of Katiza Cebekhulu, a key witness in the recent Winnie Mandela trial, from protective custody in Zambia.

The Amnesty report said the findings of the James Stuart commission of inquiry into the 1984 ANC mutiny had been suppressed, ensuring that the security department "would be able to continue unchecked".

Angolan embassy representative Jorge Morais said Angola's government, unlike Zambia's, would not be conducting a separate investigation. "This is a matter that people from the ANC should answer as the camps were controlled by them. We didn't know anything."

Sapa reports the Returned Exiles' Committee yesterday welcomed the disclosure of ANC atrocities committed in exile — and demanded an end to atrocities in SA.

Committee chairman Pat Hlongwane said people's courts, self-defence units and civic organisations were guilty of atrocities at home.

Deserter: ANC member told me to lie

PRETORIA — Mozambican army deserter Joao Cuna said yesterday an Indian member of the ANC had promised to pay him for telling the Vrye Weekblad newspaper he implicated the SA Police in political violence, after Cuna was taken to the Indian man by two Military Intelligence (MI) agents.

Cuna, who said he now feared for his life, testified

before a Goldstone commission committee that he was taken by MI agents "Frank" and "Riley" to a house in Muller Street, Yeoville, whose owner — "his name sounds like Rule" — was a member of the ANC's armed wing Umkhonto we Sizwe. Cuna said he met the Indian, who he described as tall and having a beard and whitish hair, "many times"

and he suggested Cuna tell the story which appeared in Vrye Weekblad.

The October 30 issue of the publication carried a report quoting Cuna as saying he was given AK-47 rifles and paid R4 000 by security forces to kill ANC activists outside Durban.

Yesterday Cuna insisted the story published in the newspaper was false — Sapa

Plea for public to foster AIDS orphans

THE National Council for Child and Family Welfare today put out an urgent appeal to the public to "open your homes" and adopt or foster one of the hundreds of orphans who have been left behind by AIDS-infected parents.

The council has chosen World AIDS Day today to highlight the plight of those who are mostly forgotten about in the AIDS epidemic — the orphans.

In a statement the council said the construction of extra children's homes would not be possible in the present economic climate as institutional care was extremely expensive. "Foster parents, adoptive parents and day care centres will be the only answer," the council said.

The council has also appealed to communities to take care of the growing number of babies who are born HIV positive — and it plans to lobby government for higher grants for those who care for HIV positive children.

Council spokesman Keith Heimann said

KATHRYN STRACHAN

SA could not even deal with the 80 000 street children, and called on the community urgently to find ways to care for the AIDS orphans.

Society for AIDS Families and Orphans organiser Claire Fleming said her organisation cared for more than 500 AIDS orphans in Soweto alone, but the organisation had been refused government assistance.

Department of Health figures indicate that as many as half a million children in SA could be orphaned through AIDS within seven years.

The Department of Health has referred the problem of AIDS orphans to the council on the grounds that to distinguish them from other orphans would lead to them being stigmatised.

But Fleming disputed this argument, and claimed that as the already overburdened welfare sector does not have the resources to cope.

Vital role ⁽²⁵⁾
for judges ^{CT 21/2/92}

PRETORIA. — The Supreme Court would have a fundamental function to fulfil in the new South Africa by testing all legislation and government actions against a bill of rights, President F W de Klerk said yesterday.

He was speaking at the induction of new Local Government Minister Dr Tertius Delport and new deputy Health Minister Mr Boy Geldenhuys.

The bench would assume a greater importance, and its autonomy and independence should be beyond question, he said.

He told Mr Justice Eloff, who performed the ceremony, the bench had built up a proud tradition — Sapa

Riley 'paid Cuna's rent'

By Helen Grange
Pretoria Bureau 2/12/92

Military Intelligence agent Joao Cuna had his monthly rental paid by Eugene Riley, the man identified in the Webster inquest as a member of Ferdi Barnard's cell, a Goldstone committee heard yesterday.

On his third day testifying before the committee, Cuna broke down several times

The committee of inquiry, held under Mr Justice R Wise, was called after Cuna told the Goldstone Commission that he had lied to the Afrikaans newspaper Vrye

Weekblad about his activities last year

On Monday, Cuna told the committee that an "Indian man" who was a member of Umkhonto we Sizwe had offered to pay him money to tell a false story to Vrye Weekblad concerning his shadowy activities in 1991

Cuna has told the committee that he is under serious threat, and has threatened to kill himself before he is killed

Riley, who made friends with Cuna shortly after Cuna arrived in South Africa from Mozambique, is understood to be Eugene Riley, a

member of Barnard's secret Military Intelligence cell

Cuna yesterday said Riley had promised him money for "dangerous work" he was to do.

Riley denied this. He said he had become involved with Cuna through "Boy" Schults to help him trace illegal weapons.

Cuna first said Riley had wanted him to get weapons but, despite tough questioning from the ANC's counsel, Azhar Cachalia, concerning the type of work he was to do, refused to elaborate

The hearing continues

ses to answer questions about activities in Namibia

Burger denies he knew journalist

Sowetan 2/12/92

252
~~251~~

Sowetan Correspondent

■ COURT EVIDENCE Freelancer impli-

cated CCB agents in Webster murder:

FORMER CCB REGION SIX manager Staal Burger denied to the Webster inquest yesterday that he knew freelance journalist Johannes

Gagiano who earlier implicated three CCB agents in the 1989 assassination of Dr David Webster

Gagiano previously told the court that Burger told him Ferdi Barnard, Chappie Maree and Calla Botha had murdered the anti-apartheid activist

Burger was not cross-examined about Gagiano's evidence by any counsel but Mr Justice M Stegmann asked him about Gagiano's claims

The journalist had claimed he and Burger had been long-standing friends

Burger said the first time he met Gagiano was when he arrived at Burger's home with a friend one night in 1992

He asked Burger to give his friend a job in the CCB Burger told the men the CCB had been disbanded the previous year

He had recognised Gagiano's name because "it was the name everyone alleged I used to travel to Namibia"

Burger also denied Gagiano had sheltered him when he was in hiding

He refused to answer questions about

CCB activities in Namibia in the run-up to the elections for a transitional government However, he conceded Namibia had been a priority for the organisation

He also refused to answer questions about a list of CCB targets which included individuals and organisations in South Africa

Merit Party founder Adele Pretorius (nee van der Spuy) briefly interrupted proceedings to deliver subpoenas to the judge and Eberhardt Bertelsmann, SC, appearing for the Webster Trust

The hearing continues

Agents 'told to co-operate'

By Susan Smuts

Civil Co-operation Bureau managing director Colonel Joe Verster told former agent Ferdi Barnard during a debriefing before the Harms Commission 'probe' into alleged death squads to "co-operate or else", the David Webster inquest heard yesterday.

After the commission, Barnard told investigating officer Warrant-Officer Wessel Rousseauw that the CCB used its agents' deeds in the line of duty "as a sword over their heads" to make them give tame evidence to the commission.

"Obviously if you have been in the game you have done certain things. They say straight to your face that you must co-operate or you're in s..."

Barnard told Mr Justice Michael Stegmann that during the debriefing, Verster had obliquely warned him to co-operate with the CCB.

He said CCB agent Slang van Zyl had been harassed after giving

frank testimony to the commission. A notice had been placed in a newspaper advertising a large white sow and a small white piglet (referring to Van Zyl's wife and child) with Van Zyl's telephone number.

Barnard denied murdering Webster and said he had not confessed or boasted to anyone that he had taken part in the assassination. His handler, Lafras Lutingh, earlier told the court Barnard had confessed



Harassed... CCB agent Slang van Zyl, allegedly a victim of intimidation.

to him.

Barnard told the inquest that Verster had approached him earlier this year to set up a security company to act as a front against a future government.

He admitted helping CCB agent Calla Botha to monitor activist Roland White and advocate Dullah Omar, and helping Van Zyl to nail a monkey foetus to a tree at Archbishop Tutu's home.

Former Military Intelligence chief General Witkop Badenhorst, who was recalled to give evidence, said he did not think it was necessary to testify earlier that Barnard had been employed by MI this year.

Badenhorst previously told the inquest that Barnard had not been employed by MI between 1989 and 1990.

Yesterday he told the inquest he could not see how the information could be important.

He denied it could have any bearing on the possible involvement of

Barnard or MI in Webster's death.

MI was not involved in the murder and Barnard had been employed merely as a source of information.

He also denied he had tried to cover up the extent of the CCB's activities during the Harms Commission.

Verster had told the inquest that four SADF generals had ordered CCB files to disappear, and that rumours that Barnard had been involved in Webster's murder had not reached the commission.

Verster, Lutingh and CCB information officer Derrick Louw (an alias) told the court earlier that they had told Badenhorst that Barnard had confessed to Lutingh about Webster's murder.

Badenhorst said the information had been presented as a rumour and not a confession. He had passed it to Verster and CCB chairman General Eddie Webb for feedback.

The hearing continues

CONFIDENTIAL

Covert operations defended ~~CONFIDENTIAL~~

COVERT police operations had proved more successful than conventional methods in uncovering arms smuggling networks and these operations could be extended in the future, the Goldstone Commission heard this week. *cl/men* 252

The full Commission is hearing submissions in Cape Town on the illegal importation, distribution and use of automatic weapons in SA. *J/3/12/92*

WL Wepener, for the SA Police, said covert intelligence and infiltration operations were "absolutely essential" to combat the import and distribution of weapons.



By Esther Waugh
Political Reporter

Mr Justice Richard Goldstone yesterday called on the United Nations and the international community to help him launch an urgent inquiry into the Azanian People's Liberation Army, saying it had a "policy of terrorism based on racist criteria, and an intention to extend the unacceptable violence".

In a statement Mr Justice Goldstone said, "The policy of Apla demonstrates the necessity of a full investigation into that organisation by the commission."

"To that end the commission calls upon the international community, and in particular the UN, to take the necessary steps to enable the commission to hold a full inquiry into the policies, manpower and arms structures of Apla, outside SA and to report fully thereon in relation to political violence and intimidation in SA."

The PAC yesterday repeated its view that it would not allow Apla, its military wing, to be probed by the Goldstone Commission.

Mr Justice Goldstone's statement came in the aftermath of the weekend golf club killings in King William's Town, for which some Apla spokesmen have claimed responsibility.

In a separate move, the Government yesterday warned that its talks with the PAC, scheduled for next

week, were in jeopardy because of the alleged involvement of Apla in the killings.

There is still confusion about Apla's involvement, with contradictory statements being made by "spokesmen" in telephone interviews.

The PAC has announced an emergency meeting of its executive for tomorrow.

The Government and PAC have met twice recently to finalise a meeting between President F W de Klerk and PAC president Clarence Makwetu.

Government sources yesterday confirmed that the planned meeting with the PAC on December 9 would not go ahead unless the organisation gave a satisfactory clarification of its relationship with Apla.

But PAC director of information and publicity Waters Toboti said yesterday it was the "regime's own indaba if they withdraw from talks".

He noted that in two previous meetings with the Government, "nothing was discussed about Apla and no undertakings were made regarding the issue".

The Government sources said they were shocked by PAC general-secretary Benny Alexander's statement that the Government was upset only by the death of whites.

They denied this and said that in an earlier statement condemning the King William's Town killings, the Government had also expressed its shock at several weekend deaths in townships.

● To Page 3

Goldstone takes aim at Apla

■ From Page 1

Mr Justice Goldstone said the ANC had agreed to an investigation into its armed wing, Umkhonto we Sizwe.

The commission had not yet received a response from the KwaZulu government on an investigation into the KwaZulu Police.

ANC executive member and former intelligence chief Patrick Lekota said the suggestion that the King William's Town attack was staged by the PAC was ridiculous.

Lekota said that for anyone to carry out the attack, they would have needed "abundance of intelligence on the planning and programme of the occasion, both before and during the occasion", and that the R-1 and R-4 weapons used were "standard SADF and police issue".

● Eastern Cape police said yesterday they suspected that those responsible for the attack had once worked as caddies at the golf club.

Govt may refuse to meet PAC following massacre Judge takes aim at

STAR 3/12/92

252

Apla

Mediation sought as prison unionists seethe

STAR 3/12/92

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CAPE TOWN — The Western Cape Regional Dispute Resolution Committee has been asked to mediate between the Police and Prisons Civil Rights Union (Popcru) and the Department of Correctional Services amid fears that frustrated members could turn to armed violence to draw attention to their grievances.

"Things are boiling in Popcru here at Pollsmoor, in Johannesburg and elsewhere in the country," a senior source in Popcru said in Cape Town this week.

"People feel that the changes in the country have no impact in Cor-

rectional Services. There are people who are on the point of considering violent action. They are saying they have been given military-style training, they have access to firearms, and know how to use them.

"They are refusing to be controlled by those at regional or national level in the union."

The union had approached the regional dispute resolution committee asking that it talk to prison authorities at Pollsmoor, Mossel Bay and Worcester.

"The department does not want to talk to us. They would rather talk to Barend Strydom."

It appeared the authorities were deliberately victimising Popcru members.

The secretary of the Western Cape Regional Dispute Resolution Committee, Steve Olivier, confirmed that the matter had been referred to the committee.

The basic dispute was the fact that the union was not recognised and was therefore not able to meet the authorities, he said. There was also a dispute about union members who had been fired or downgraded.

Normally the committee would not take up a labour dispute. However, concern had been ex-

pressed that people were frustrated and that this could lead to violence.

"That's the reason we are looking at it," he said.

The committee's chairman, Professor Jaap Durand, was consulting with the parties involved and was trying to get more information.

The Popcru source said the matter was also being taken up at national level, by the union's national office in Johannesburg, with the National Peace Committee.

However, this could not be immediately confirmed by either the union or the committee.

— Sapa

I was framed for Webster murder, says Barnard

By Susan Smuts

Ferdi Barnard had been framed by the CCB for the assassination of Dr David Webster, the Rand Supreme Court heard yesterday.

A confident and sometimes jocular Barnard named CCB managing director Joe Verster as leader of the conspiracy.

He said Verster's false evidence was supported by Lafras Luitingh (Barnard's

former handler) and CCB information officer Derrick Louw (an alias).

These men earlier told the Webster inquest that Barnard confessed to Luitingh that he had murdered Webster. This evidence did not emerge during the Harms Commission into alleged police death squads.

Denying the allegation, Barnard told Mr Justice Michael Stegmann he found it

● To Page 3

I was framed, says Barnard

● From Page 1

strange the allegation was made after CCB chairman General Eddie Webb gave testimony which incriminated Verster Webb had told the inquest that Verster had authorised the "elimination" of activist Roland White and advocate Dulah Omar in contravention of CCB procedures which required Webb to authorise eliminations.

"I find it funny that Verster suddenly lays this on the table after Webb incriminated him. It is a mockery of justice," Barnard said.

He found it strange that Louw was part of the conspiracy because he did not know him.

Barnard claimed his legal costs at the Harms Commission were paid by the CCB — but only after the CCB's lawyers had deleted parts of his statement referring to specific projects. He said Verster and CCB counsel Flip Hattingh had made him take out references to the nailing of a monkey foetus to a tree in Archbishop Desmond Tutu's home, and the monitoring of Nambian advocate Anton Lubowski a few months before

he was shot dead.

He was unhappy about this because he would not be granted indemnity if the State proved he had taken part in the projects

● In an in camera sitting before the court convened, the judge found Verster had not been in contempt of court when he did not arrive to give evidence on the date for which he was subpoenaed. In an affidavit, Verster said he had to wind up CCB projects before pension payments to its former members could be made. The hearing continues

Cuna's evidence 'laughable'

By Helen Grange
Pretoria Bureau

Former Mozambican soldier Joao Cuna was described yesterday as a good source of information concerning the smuggling of weapons from Mozambique to South Africa, but his stories implicating the security forces in a Natal massacre were called "laughable"

Giving evidence before a Goldstone committee yesterday, policeman Eugene Riley said Cuna

had been paid for his information, and that money came from Ferdi Barnard's "budget" for his intelligence cell

Riley told the committee that his only dealing with Cuna was being his handler.

Cuna this week told the committee that an Indian man in Umkhonto we Sizwe had offered him money to tell a lie to Vrye Weekblad about his shadowy activities.

Riley said he became a member of Barnard's cell after being sus-

STAR 3/12/92
pended from the police's Narcotics Bureau in 1988. His job was to investigate weapons-smuggling, particularly by the ANC and PAC.

He was introduced to Cuna by another Military Intelligence agent, "Boy" Schultz, and Cuna had shown him five or six houses where arms smuggling was supposed to be taking place.

Riley said he, Cuna and a man named "Frans" had gone to Maritzburg in July last year so that Cuna could

identify another house

He had stayed behind in the Hilton Hotel while Cuna and "Frans" unsuccessfully searched for the house.

Riley said yesterday that Cuna's allegations to the Vrye Weekblad "were absurd and laughable". Asked by the ANC's counsel, Azhar Cachalia, why he had gone with Cuna to Maritzburg, Riley said it was to reinforce the trust relationship.

The hearing will resume on January 11.

countries, 35 or 80% spent more importing tobacco than they earned ex-

economic basis of the regions concerned," the five countries argued

and its unacceptability in confined spaces" — Sapa

Mobile courts to be expanded

LLOYD COURTS (252)

THE introduction of mobile courts to prosecute traffic offenders during the December holidays proved successful last year and the Justice Department was considering an expansion of the service.

The department announced yesterday that two mobile courts would be introduced in Nylistroom and Richard's Bay this month, and courts along four main highways — the N1, N2, N3 and N4 — would be placed on standby to operate after hours.

The pilot project was a huge success (last December) and we are looking at expanding it," Justice Department spokesman Werner Krull said, adding that a third mobile court was being used in unrest areas.

A department statement said the new concept of adjudication had helped lower the holiday death toll.

The measures' benefits included relieving a holidaymaker who preferred not to pay an admission of guilt fine from having to travel back to court later.

Affirmative action alliance

WOOS major organisations

3/12/92

THE Black Management Forum is frantically trying to get two major organisations to join a newly established alliance on affirmative action.

The alliance was established in Johannesburg on Saturday at a workshop convened by the Black Management Forum.

Its objective is to co-ordinate efforts intended to advance blacks and women to senior managerial positions.

Black Management Forum executive director Lot Ndlovu said his organisation and other organisations represented at the workshop were trying to get at least two major organisations to join the alliance.

He would not name the organisations, but it is understood they are the PAC and trade union federation Cosatu, which were not represented at the workshop.

Ndlovu said a committee had been elected at the workshop, to get the organisations "on board".

Black Management Forum research and projects manager Loyiso Mbabane said the need for "a strong and well-organised body for the ad-

WILSON ZWANE

vancement of blacks and women to senior (managerial) positions" was evident given the reluctance of many companies to implement affirmative action programmes.

The alliance would research affirmative action plans and lobby for the enactment of appropriate legislation providing "the necessary structural framework for affirmative action programmes," Mbabane said.

Meanwhile, the Black Management Forum and the Business and Marketing Intelligence have embarked on a study aimed at producing a blueprint for the implementation of affirmative action.

Results of the study, which is funded by 13 companies including Eskom, Nedbank and Shell, are expected to be released in the new year.

According to sources, the study focuses on in-depth interviews with more than 800 people.

The interviewees include human resources managers, line managers, black managers, female managers and representatives of organisations from across the political spectrum.

Fireworks explode over the Palace Hotel in the spectacular of Jean Michel Jarre's light and music show played to thousands of contestants Miss Korea Mi-Young Lee, right, and Miss Sweden closely shepherded by security guards during and after the

Hawkers to sell items sourced from China

THEO RAWANA

BLACK hawkers in Johannesburg would be selling wares sourced directly from China after an agreement with the Chinese Business Association, the African Council for Hawkers and Informal Business (Achib) said yesterday.

Achib president Lawrence Mavundla said as a result of talks between the organisations after black hawkers had threatened to chase away the Chinese, an agreement was reached to allow blacks access to Chinese sources of supply for jewellery, ornaments, scarves and other items.

Mavundla said the accord, reached yesterday with former Chinese consul-general and Chinese Industries in SA chairman C C Kan, would be formalised next Friday, after Achib had viewed samples of the items made available for its members.

He said the hawkers hoped to be trading in the new items before Christmas.

"This will enable our members to trade at the same level as the Chinese. For the first time our members will be able to sell watches with a guarantee — at R15 each." He added that the council was negotiating for premises in Johannesburg to serve as a warehouse for the Chinese items. Achib would then allow the Chinese — "but only those who are already trading" — to sell on Johannesburg pavements, Mavundla said.

Kan could not be reached for comment yesterday.

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...governing countries which had no role to play, especially in re-

CCB 'pushed agent to commit perjury'

BIDM 3/12/92
 FORMER CCB agent Ferdi Barnard told the Webster inquest yesterday that the organisation had intimidated him into lying to the Harms commission about his involvement in certain projects

(252)
SUSAN RUSSELL

He said his legal team, led by Pretoria advocate Hennie Goosen, had made it very clear to him that the CCB was prepared to pay his legal costs only if he "played the game"

He and Calla Botha were told to deny their involvement in certain projects and to plead privilege when questioned at the Harms commission about their CCB activities, he said. Botha was told to exercise his right not to incriminate himself with regard to the planting of a bomb at an educational centre in Athlone, Cape Town. He had not wanted to do so but was forced to because of financial considerations, Sapa reports

He was warned that unless he agreed to do as he was told, arrears payment on his front company would not be made by the CCB and he would have to meet his own legal costs. The legal team which represented him at the Harms commission was appointed by the CCB while he was in detention, and he was given no choice in the matter

He drew up the original version of his Harms commission statement, but his legal team was unhappy with it

In it he admitted monitoring Anton Lubowski while the Swapo lawyer was in SA, and to involvement in depositing a baboon foetus at the Cape Town home of Arch-

bishop Desmond Tutu.

The incidents were omitted from the final statement on the instructions of CCB MD Joe Verster, his lawyers told him

Barnard said he and his legal team held joint consultations with advocate Flip Hattingh, who represented the CCB at the Harms commission

According to Barnard several of these meetings were held at Hattingh's home. The lawyers had correlated facts to present a single version of events to the commission

Barnard said evidence from three former CCB members that he told his handler Lefraas Luttingh that he had killed Webster was a conspiracy. He also denied telling businessman Willie Smit and Smit's mother that he had killed Webster

Smit, he said, must have given false evidence on this for financial reasons

Smit's mother could also have given evidence for financial reasons because it was well known that Smit hired and fired her on a weekly basis, he said

Before the inquest resumed yesterday morning, Judge M Stegmann held an in-camera inquiry into whether Verster was in contempt of court when he failed to appear on November 2 to testify

In a statement submitted by his counsel Jurie Wessels, Verster apologised for his absence but said he was not able to alter arrangements to wind up various CCB affairs abroad. The judge accepted Verster's explanation and ruled that no action need be taken against him

Five die in attack on family home

DURBAN — Five people were killed and seven were injured in an attack on a house at Esikhawini's J section in northern Natal early yesterday

Assault rifles and handgrenades were used in the lam attack which left five members of the Gabela family dead, said ANC regional media liaison officer Bongani Msomi

He named the dead as 60-year-old Betty Gabela, 26-year-old Lindiwe, 20-year-old Audi, 16-year-old Zebilon and 7-year-old Mhle. The Kwazulu Police confirmed the attack

Msomi said several members of the family were ANC members, although the house was in a known Inkatha stronghold

Inkatha spokesman Ed Tillet deplored the continuing violence in northern Natal, saying the attack emphasised the need for an effective dispute resolution committee. Meanwhile DP MP Roger Burrows yes-

terday told the Goldstone commission in Durban that all political groups should subscribe to a set code of conduct or forfeit participation in elections

NP MP Jacko Maree called for Umkhonto we Sizwe to hand over its arms caches and to disband, for "hardline communists" such as Harry Gwala to "refrain from preaching violence as a means to achieving political gain" and for the ANC to stop driving Inkatha supporters from their land *BIDM 3/12/92*

Estcourt farmer Graham McIntosh said Zulus should be allowed to carry sticks as part of their cultural rights. Sticks were not construed as dangerous weapons, although tomahawks, axes and spears might be considered dangerous, he said

He likened a Zulu carrying a stick to an Englishman strolling with "a stick and Labrador dog" — Sapa

PAC repudiates Goldstone

THE PAC reacted angrily yesterday to Judge Richard Goldstone's call on the UN and the international community to help him persuade the organisation to allow him to investigate its military wing Apla

Publicity and information director Waters Thaboti said the PAC would refuse to co-operate with the Goldstone commission. He rejected an inquiry into the policies, manpower and arms structures of Apla because "Goldstone is not neutral"

Goldstone made the call yesterday following a phone call allegedly from Apla commander Johnny Majozi in which he accepted responsibility for the King William's Town attack

Thaboti refused to comment on whether Apla was responsible for the attack, but said of Goldstone "We have always said he

(252) ~~252~~ ~~252~~
BILLY PADDOCK

is not neutral because he is an appointee of (President F W) de Klerk's regime. He just wants to ensure that whites remain in their privileged positions and is not interested in the black person's liberation"

He said Goldstone had made a mistake by issuing the call, because "at last he has shown his true colours"

Thaboti refused to discuss the UN Security Council recommendation that Goldstone investigate security forces and private armies

The Goldstone commission said it had asked the international community to take steps to enable it to hold an inquiry into the structures of Apla outside SA and to report

□ To Page 2

PAC ~~252~~ (252) □ From Page 1

fully in relation to political violence and intimidation

The commission welcomed government's agreement for it to investigate the intelligence operations of the security forces, and the ANC's positive response to the request to inquire into the activities of Umkhonto we Sizwe

A similar request had been made to investigate the KwaZulu Police, but no response had yet been forthcoming

Thaboti also insisted that the PAC's bilateral meeting with government would

go ahead next week, in spite of Law and Order Minister Hernus Kriel's statement that government had suspended talks until there was clarity on the PAC's stand on acts of terror by Apla

Sapa reports Apla vowed yesterday to attack white suburbs in retaliation for every vigilante attack in black townships

A man claiming to be Karl Zimbiri of the Apla High Command said the only way to solve "African violence" in the townships was to take that violence to white areas

Evidence ends with denials

W/M cut 4/12-10/12/92
By JACQUIE GOLDING

THE day of David Webster's murder "had no significance for me", the alleged "second man" in the car from which the fatal shot was fired told the Webster inquest yesterday.

In the final day of evidence in the two-month inquest, Constable Eugene Riley told the court he knew nothing of the Webster killing except what he had read in the press. (252) ~~252~~

A witness to the murder, Corrie du Plessis, had earlier described two occupants of the car. His descriptions formed the basis of police identikits strongly resembling Riley and Ferdi Barnard.

Riley admitted in court yesterday that he was part of Barnard's Military Intelligence network, uncovered during the recent raid on an MI operations centre led by Mr Justice Richard Goldstone.

Riley said he had been in financial difficulties when he joined the network, and that he had joined with the sole purpose of "gathering information".

Earlier this week, Barnard, a former Civil Co-operation Bureau agent, denied killing Webster. He told the court he could not remember where he had spent the day and that there was a plot to implicate him in the murder, led by former CCB managing director Joe Verster and supported by Barnard's former CCB handler, Laffras Luitingh, and Derek Louw, of the

administration sector of the CCB

Barnard said this conspiracy was to "protect their own interests" after Major General Eddie Webb, former head of Special Forces, incriminated Verster in acts of sabotage.

Barnard said he had been intimidated into lying at the Harms Commission concerning his involvement in certain projects, especially the monitoring of murdered Swapo official Anton Lubowski. He said his legal team, led by Pretoria advocate Hennie Goosen, had informed him that unless he agreed to "play the game", the CCB would not pay his legal costs.

He said his counsel and Flip Hattingh, CCB representative at the Harms Commission hearings, held joint consultations — and the final versions of his statements had been doctored. His lawyers told him they had acted according to Verster's instructions, he said.

Barnard's family was given about R5 000 during his detention under the Internal Security Act in October 1989 on suspicion of Webster's murder. During this time, his legal costs were paid by the CCB.

In a taped conversation between Barnard and investigating officer Wessel Rousseau during July 1990, Barnard acknowledged that he was in "f—kken finansieele kak" (financial difficulty) and that the CCB used money to keep him in line.

The inquest will resume on January 18.

Swedes keep silent about charges against rightwinger

By Juliette du Toit

Swedish policemen in South Africa to investigate murder and robbery charges against a Swedish rightwinger refused to divulge their findings when they announced the end of their visit

yesterday.

The suspect, John Alexander Ausfonus (39), faces one charge of murder and 10 charges of attempted murder in Sweden. Weapons of South African origin were allegedly used in the crimes.

Ausfonus, who was arrested in Stockholm on June 12, also faces charges in connection with at least 10 bank robberies, chief investigator and State prosecutor Ulf Engberg said. When Ausfonus was arrested, police found an address book in

his possession allegedly containing names and numbers of South African rightwingers. Ausfonus was in South Africa in 1991 and this year, and left at the end of May. The money he stole was "for the good life in South Africa".

No finding on Mlangeni's killer

By Phillip Zoio

The Rand Supreme Court was yesterday unable to make a finding on who was responsible for the death of ANC lawyer Bheki Mlangeni (32), who was killed by an explosive device intended for renegade policeman Dirk Coetzee.

"Had the investigating team acted with greater promptness, this may well have led to a different finding," said Mr Justice Brian O'Donovan.

February 15 last year, when he tried to listen to a tape recording on a Walkman which had been posted, addressed to Coetzee, who was staying in Zambia.

The headphones of the Walkman exploded when the machine was turned on and Mlangeni died of mutilation of the brain.

The judge said the point was taken by counsel for Mlangeni's family that investigators had been lethargic — they had visited Vlakplaas, an

after Mlangeni died base, only three months

But he said investigating officer Captain A Kritzinger subsequently spared no effort in trying to assist the court to arrive at the truth.

The judge nevertheless found that no evidence in court could establish the identity of the person who sent the parcel.

"In this respect, the available evidence falls lamentably short of the proof required, even on the basis of mere proba-



ANOTHER

★ WORLD FIRST FC

SUN INTERNATION

Constable jailed for 'unprovoked' murder

By Philip Zoia

(2S2)

An Internal Stability Unit constable was yesterday sentenced to an effective eight years in jail for what a Rand Supreme Court judge described as the brutal and unprovoked murder of a man in Jeppe, Johannesburg.

Constable Jacobus Adriaan Alberts (22) was found guilty by Mr Justice J M C Smit of murdering Sonwabile Sosibo on October 4 last year by stabbing him 19 times.

"This is the type of behaviour that provokes a feeling of antagonism towards the police. It is something our country

cannot afford," the judge said.

Alberts's companions, Constable Danie Oberholzer (20) and Constable Frederick Wasserfall (20), were each fined R600 (or six months) and given a one-year suspended sentence for assaulting Sosibo.

The men had been on

duty at Tokoza on the East Rand when they went to Jeppe in their Casspir. They chased after a group of blacks, catching Sosibo. Oberholzer hit him and Wasserfall kicked him before Alberts stabbed the man.

Alberts was convicted of direct intent to kill an innocent man.

'Barnard employed me at DCC'

By Susan Smuts

STAR 4/12/92

A policeman suspected of taking part in Dr David Webster's assassination told an inquest at the Rand Supreme Court yesterday he had been employed by former Civil Co-operation Bureau agent Ferdi Barnard in Military Intelligence's Directorate of Covert Collection (DCC)

Eugene Riley, whom two witnesses have identified from an identikit drawn up after the

May 1 1989 murder, said he had never worked for the CCB

The court has heard that Barnard confessed and boasted to several people that he had taken part in the murder

Barnard allegedly described to his former employer, Willie Smit, and Smit's mother, Johanna, how Webster's body had flown through the air after he had been shot. Smit retracted this evidence, but his mother said she had heard Barnard

give the same description.

She identified Barnard from an identikit, and Smit's brother-in-law, Andrew Voster, identified Riley from another. Both identikits were drawn up by a witness to the murder

Riley said he had approached Barnard for a job when he had been suspended from the SAP counter-insurgency unit pending an attempted murder trial

The inquest has been postponed to January 12

Apla violence condemned

By Hugh Robertson
Star Bureau

WASHINGTON — The international community, led by African countries, is ready to take strong and concerted action to put a stop to acts of violence by the Azanian People's Liberation Army (Apla), according to diplomats in Washington and at the UN today.

They were commenting on an appeal from Mr Justice Richard Goldstone for help in conducting an urgent investigation of Apla.

African diplomats particularly are critical of statements attributed to Apla and to the organisation's political

counterpart, the Pan Africanist Congress (PAC), following the King William's Town golf club killings

At the UN, diplomats revealed that the Africa Group — in effect the UN caucus of the OAU — had already warned the PAC against any attempt to resolve South Africa's problems outside the framework of peaceful multiparty negotiations

They insist it was their pressure on the PAC delegation, led by Clarence Makwetu, at this year's UN Security Council debate on the Boipatong massacre, which led to the PAC's belated and grudging decision to join negotiations.

And they said today they were ready to exert whatever pressure they could on the PAC and Apla to abandon violence as a means of achieving political ends

Western diplomats said there could be no doubt about their stand against violence.

"It surely goes without saying. It is an unnecessary question," said a European diplomat.

A senior African official in Washington said. "Africa has been exhausted and devastated by violence, and as a continent we are solidly behind peaceful negotiations to resolve South Africa's problems."

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need the kind of cast-iron guarantees that go beyond the sweet utterances of those in the ANC such as Thabo Mbeki and Albie Sachs (who, it should be noted, was one of those who protested against these conditions in exile)

The Amnesty findings are similar — but, in line with a wider brief, go beyond — those made by the ANC's own commission of inquiry in October, which recommended that those responsible for the atrocities should be identified and barred from holding positions of authority

Amnesty International endorses this recommendation. It has also written to the governments of Angola, Zambia, Tanzania and Uganda asking them to investigate reports of abuse by the ANC with the aim of bringing those responsible to justice

It criticised the ANC inquiry for not including in its terms of reference probes into executions and "disappearances" of prisoners, and the fact that it was not asked to name those responsible

Amnesty notes that though the victims

plastic bag was placed over his head until he lost consciousness, prisoners in an Angola camp who took part in a mutiny in 1984 were tied to trees and beaten and had molten plastic dripped on their bodies. Seven were summarily executed by firing squad. Several people are named who died of torture or by summary execution

Amnesty points out that "if those who have violated (fundamental human) rights in the past are allowed to enjoy impunity for their actions, then the rule of law and the future constitutional order will rest on a very fragile basis"

So far there has been little indication that those who are guilty of the atrocities are enjoying anything but impunity



ANC's Sachs raised objections while in exile

were often labelled as SA government spies, most appear to have been genuine ANC members, mainly of its military wing, Umkonto we Sizwe. They were imprisoned because they raised grievances in the ANC camps or because of differences over policy. Torture and executions could not be justified in any circumstances, said Amnesty

It goes on to point out that the issue of accountability for human rights abuses is on the agenda in SA today, with government's enacting of the indemnity law. The ANC and others had opposed such an amnesty (at least in so far as it shields the security forces). However, says Amnesty, those within the ANC who have committed abuses should not be given amnesty by default

Some examples of the atrocities at a house run by ANC official in Zambia, prisoners were beaten with bicycle chains and rubber hoses, prisoners taken to an ANC farm in Zambia were made to dig their own graves and climb into them. One alleged that the hole was filled in up to his neck and that a

HUMAN RIGHTS

FM 4/12/92

A strange silence

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War may be hell — but the catalogue of abuse, torture and summary execution of ANC-held prisoners over more than a decade in several African countries makes sickening reading

Details appear in the Amnesty International report on "Torture and Killings in ANC Camps," published last week

The report suggests that, at the very least, strong constitutional precautions must be built into a charter of individual rights, including the *habeas corpus* principle and laws on detention and prison conditions. These

Rent boycotts to continue

THE time was not yet ripe for the SA National Civic Organisation (Sanco) to advise its members to suspend rent and services boycotts, Sanco president Moses Mayekiso said yesterday

He said in an interview that Sanco did not want to "encourage the culture of non-payment of services"

However, a number of things had to happen before Sanco advised its constituencies to suspend the boycotts. These included "sufficient movement towards the democratisation of government — at both local and national levels", the scrapping of the Interim Measures for Local Government Act and the Provincial and Local Authority Affairs Amendment Act and the forging of a single tax base for towns and their neighbouring townships

Mayekiso said while negotiations were continuing in the Local Government Negotiating Committee — which comprised government and civics — authorities should not "penalise our people by cutting services"

Former Local Government Minister Leon Wessels said recently government was prepared to suspend the

~~WILSON ZWANE~~
WILSON ZWANE

Interim Measures for Local Government Act and the Provincial and Local Authority Affairs Amendment Act if boycotts of rent and services were lifted

In another development, a working group of the Local Government Negotiating Committee met this week to finalise a draft document on the establishment of a local government forum

The document would be submitted to the committee in the new year for discussion

The document, which Sanco has circulated to its regions, contains three options for local government

□ The inclusion of extra-parliamentary groups in the Council for the Co-ordination of Local Government Affairs,

□ The scaling down of this council to make it more cost-effective and less unwieldy, and

□ The establishment of a completely new forum for local government.

It is understood Sanco will push for acceptance of the third option

PAC to seek black businessmen's help

THE PAC is asking black business and the black professional community to work with it in finding solutions to the country's political and economic problems

PAC president Clarence Makwetu said yesterday his organisation believed business and professional people's contribution to current political debates was vital to SA's future stability and prosperity

A two-day conference attracting

~~WILSON ZWANE~~
WILSON ZWANE

around 250 people would be held at Midrand at the weekend "to explore and develop possible synergies" between the PAC and black businessmen, Makwetu said

Key speakers will include PAC deputy president Dikgang Moseneke, Nafcoc president Archie Nkonyeni and National Sorghum Brewery executive chairman Mohale Mahanyele

Witness fails to recall events

BIDAM 4/12/92

SUSAN RUSSELL

POLICEMAN Eugene Riley, identified by two witnesses at the Webster inquest from an identikit of a suspect in the murder of Wits academic David Webster, testified yesterday he could not remember what he had done on May 1 1989, the day of the murder.

Riley said the date had no special significance for him

The police counter-insurgency unit member told the court he and former CCB agent Ferdi Barnard had been friends since 1981.

Riley said after his suspension from the police force — he had been charged with attempted murder and robbery in Bophuthatswana — Barnard had hired him as an informant for MI last year. Barnard worked for MI from May to December last year.

Riley said Barnard had paid him for his services until August last year.

Earlier yesterday Judge M Stegmann refused an application by counsel for the Webster family, E Bertelsmann SC, for an order compelling the investigating officer to identify a source who approached him during the first week after the murder and suggested he direct his investigation towards CCB MD Joe Verster.

The judge said there was nothing to suggest that the source could offer information that was not already before the court

The court adjourned until January 19 when counsel will present their closing arguments.



NEWS Investigating team tardy, says judge ● Soweto toasts Charles Glass again

No finding on lawyer's death

Explosive device killed Bheki Mlangeni:

THE Rand Supreme Court was yesterday unable to make a finding on who was responsible for the death of ANC lawyer Bheki Mlangeni

Mr Justice B O'Donovan said available evidence fell short of pin pointing who was to blame

"Statements placed before the court do not provide an acceptable basis for a finding and therefore should be ignored," he said

However, the court might have come to a different finding had the investigating team acted with greater promptness

"The investigating team which was constituted to collect information with regard to the explosion did not visit Vlakplaas until three months after the explosion

"The delay has not facilitated the collection of evidence," he said

Mlangeni was killed in February last year when a Walkman device with explosives in the headphones exploded when he attempted to listen to a tape recording

The device was wrapped in a parcel addressed to DJ Cootzee, a former Vlakplaas police captain who had been living in Lusaka since 1990

Beer drought over

Sowetan 4/12/92

■ SAB products boycott is suspended after a meeting with taverners:

By Mzimkulu Malunga

THE five-day boycott of South African Breweries by taverners in Soweto and other areas is over

At a meeting yesterday with SAB management lasting four hours at SAB headquarters in Sandton, Johannesburg, taverners decided to halt the action

The two major associations whose members were involved in the boycott, the National Taverners Association and the South African Taverners Association, said the action was suspended pending a report-back to their grassroots members

Both SAB and the taverners said they had reached "common ground" on problems facing the liquor industry, but could not give details

A full announcement will be made in due course,

probably next week, after the NTA and Sata had reported back to their members

"Some of the things are very sensitive, so releasing them to the media before informing our membership will be counter-productive," said the NTA's national chairman, Mr David Mokoena

A seven-member task force consisting of four representatives from the taverners and three from SAB was charged with the responsibility of exploring short to medium-term, as well as long-term solutions to the problems in the industry

"We are delighted that the boycott is off. We think it is in the interests of the associations, SAB and the community at large, particularly at this time of the year," said SAB public affairs head, Mr Adrian Botha

The boycott had started in Soweto and spread to other areas, especially in the Free State



'Top torturer' helps Goldstone

By FERAL HAJFAJEE

(252)

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A NOTORIOUS security police interrogator, Nic Deetlefs, resurfaced recently when he assisted the Goldstone Commission in the investigation of alleged Third Force activities exposed by Mozambican citizen Joao Cuna *w/maul 4/12 - 10/12/92*

Deetlefs was implicated in the torture and interrogation of numerous activists in the early 1980s and was named in various damages claims brought against the police by detainees

"He was part of the notorious police team that pounced on the left," says attorney David Dison

Deetlefs, a South African Police investigator on the Cuna case, accompanied Goldstone Commission investigators to the Hilton Hotel near Pietermaritzburg. There, they found credit card slips verifying Cuna's claims that he had been to the hotel with two policemen. The credit card was traced to the shadowy Directorate of Covert Collections which was raided by the Goldstone Commission and a number of sensational files seized

Deetlefs was named as one of the interrogators of trade unionist Neil Aggett prior to his death in 1982, although he denied this at the inquest into Aggett's death

However, he interrogated trade unionist Monty Narsoo and student leader Auret van Heerden, both of whom brought damages claims against the police after their detention, alleging they were tortured

Narsoo, whose claim was successful, claimed that Deetlefs continually "threatened and swore at him" during detention

Van Heerden's claim failed on a technicality, although the judge ruled that he had been tortured

Keith Coleman, an anti-apartheid activist, was also interrogated by Deetlefs, so were Barbara Hogan, Cedric Mason and Jabu Ngwenya. Mason left the country after his detention

In Hogan's application, she alleged that Deetlefs had been her chief interrogator and that she had been "continuously assaulted" throughout her detention

During the inquest into Aggett's death, fellow detainees testified that he had been beaten while naked, made to do strenuous exercises and subjected to 60-hour interrogation sessions.

Other detainees testified that the same interrogation team, including Deetlefs, had tortured them. Their methods included sleep deprivation, electric shock treatment, suffocation and being interrogated while completely naked or with a canvas bag placed over their heads

Report gives new twist to Webster murder

BY EDDIE KOCH

MEMBERS of the South African Defence Force trained Renamo rebels at a concealed military base in kwaZulu's Tembe Elephant Park near Kosi Bay in 1989, according to an official intelligence report leaked to *The Weekly Mail*.

Lawyers for the David Webster Trust have examined the document to see if it can throw any light on why the human rights academic was gunned down outside his home in May 1989.

Webster was investigating Renamo activities in the Kosi Bay district of kwaZulu, which straddles the border of southern Mozambique. He was assassinated a week before he was due to travel to the region on a research expedition.

The homeland's conservation authorities have confirmed that SADF personnel conducted a paramilitary course in Tembe during the early part of 1989, but they insist only game rangers employed by the homeland's conservation department were trained. "On one occasion in 1989 we had a protective training course in Tembe. Military guys taught our rangers defensive tactics because armed militias from both Frelimo and Renamo were crossing the border into the park. At no stage were Renamo members trained in the reserve," said kwaZulu Bureau for Natural Resources (KBNR) director Nick Steele.

The intelligence report says the military programme inside Tembe included training in the use of 60mm mortars. Steele denies this. "We would never allow mortars to be used in a game reserve," he said. "Rifles were used in that course, which took place in February 1989, and the military also did a demo which involved detonating a land mine."

The Mozambican armed forces flew a Soviet-made helicopter over the Kosi Bay region in early 1989, with Cuban intelligence officers on board who were looking for evidence of Renamo bases in the area, the intelligence report says. The surveillance caused a considerable amount of alarm among members of the South African military operating in the area. The author of the report says this should be investigated as a possible reason for Military Intelligence's intense interest in monitoring the activities of Webster. "There has been consistent speculation in human rights circles that Webster was killed because he was investigating covert SADF operations in northern Natal. The intelligence report is the first indication that members of the security establishment have also considered this as a possible motive for the assassination.

The report says some of the officials who work for the kwaZulu conservation body have strong links with MI. "It is not impossible that individuals in the KBNR might be working for Military Intelligence," said Steele. "But it is not my policy, or the policy of the KBNR, to do this. We swap information with the military, but this is only to ensure the protection of my staff and the game reserve."

Steele added that his organisation had no interest in supporting Renamo or other military operations in the area. Investigators for the David Webster Trust are looking into the report, but generally believe that Webster's work with the End Conscription Campaign and other pro-African National Congress organisations provided a stronger motive for his murder.

BUSINESS DAY, Friday, December 4 1992

Part finding
conclusive

SUSAN RUSSELL

HERE was insufficient evidence to identify those responsible for the murder of ANC attorney Bheki Mlangeni, who was killed by a parcel bomb meant for renegade policeman Dirk Coetzee on May 15 last year, the inquest judge has found

Judge B O' Donovan handed down his findings in the Rand Supreme Court yesterday

He said the court had been unable to identify who was responsible for the murder

"The investigating team which was constituted to collect information with regard to the explosion did not visit Vlakplaas until three months after the explosion"

The sole issue the court had to consider was who sent the parcel bomb to Coetzee or arranged for it to be done

"In this respect the available evidence falls lamentably short of the proof required, even on the basis of mere probability," O' Donovan said

Mykonos buyers did 'phantom' deals

BIDM 4/12/92

LINDA ENSOR

CAPE TOWN — Malpractices in the operation of the Club Mykonos share block scheme meant some purchasers bought non-existent shares, which gave them rights to non-existent land, from non-existent sellers, the Nel commission of inquiry into the collapse of the Masterbond group was told yesterday

Buyers, also, were not told about existing bonds over the properties

Some of the sales contracts were deficient in not correctly identifying the land which was bought. In some cases the land did not exist, and in one case a bond over the property amounting to R55m was not disclosed, attorney and shareblock adviser Mildred Curr told the commission

Curr said the effect was that the owners concerned did not own anything

Also, she said, bonds valued at R171m had been registered over land leased to the Club Mykonos shareblock company, thereby eroding the shareblock owners' title to the land and making it improbable that they would be able to secure their rights

There had been deficiencies in the articles of association of the shareblock company in that it did not comply in all respects with the Share Blocks Control Act. This, also, had the effect of undermining

the rights of shareblock owners

Curr said that by October 22 1990, Club Mykonos Langebaan (CML) owned 29,0679ha of land which had registered bonds over the whole or portions of the land for a total capital amount of R201m

When the land was originally acquired by CML, it had measured 1 047,6671ha and had been bonded for R5m

The commission has adjourned its hearings until further notice

The question whether the Masterbond curators were entitled to call up bonds held over Fancourt Holdings — which owns lodges, land and a golf course outside George — was in dispute in the Cape Town Supreme Court yesterday

The Masterbond curators have applied for the provisional liquidation of Fancourt Holdings, claiming it has total debts of R117m, R97m of which is to Masterbond investors

On Wednesday Fancourt Properties, which owns the Fancourt Hotel, was provisionally wound up

Fancourt chairman Andre Pieterse said that a moratorium agreement reached in January prevented the curators calling up the bonds in the event of an act of insolvency by Fancourt

The hearing continues today

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No finding on lawyer's death

Explosive device killed Bheki Mlangeni:

THE Rand Supreme Court was yesterday unable to make a finding on who was responsible for the death of ANC lawyer Bheki Mlangeni (252) ~~_____~~

Mr Justice B O'Donovan said available evidence fell short of pin-pointing who was to blame.

"Statements placed before the court do not provide an acceptable basis for a finding and therefore should be ignored," he said *Sowetan 4/12/92.*

However, the court might have come to a different finding had the investigating team acted with greater promptness.

"The investigating team which was constituted to collect information with regard to the explosion did not visit Vlakplaas until three months after the explosion.

"The delay has not facilitated the collection of evidence," he said.

Mlangeni was killed in February last year when a Walkman device with explosives in the headphones exploded when he attempted to listen to a tape recording.

The device was wrapped in a parcel addressed to DJ Coetzee, a former Vlakplaas police captain who had been living in Lusaka since 1990.

Smear attempt predictable

Gluckman

DR JONATHAN Gluckman is not surprised at reports that the police response to his claims of brutality in cells — still to be released officially — will charge that some of the prisoners the pathologist alleges were murdered are still alive.

"I expected an attempt to discredit me," said Gluckman, who caused a storm in July by publicly charging that police were respon-

sible for 90 percent of the deaths he was required to investigate through post-mortems. "But the crucial issue remains the same. It has just gone on and on and on after the revelations."

A LEAKED report says prisoners alleged to have died at the hands of police are still alive, Chief Reporter JOHN PERLMAN writes.

copy his files, initially removed for safekeeping. "I had all my files in the Biko case stolen and I didn't want to lose any more," Gluckman said.

"I do the odd consultation case on people who are still alive. My secretary pointed out to the constable which ones were irrelevant, but she contacted the investigating officer who said 'take the lot'. I don't know what was included, but what strikes me is that they never called me back to seek clarification on this."

The officer supervising the examination of Gluckman's files, Colonel J F de Beer, was unavailable for comment. Law and Order Ministry representatives were still "formulating our response".

Kriel's tardiness in responding to the allegations — made when Gluckman first met the Minister in February — has sparked criticism.

In August, Kriel appeared to pre-empt the findings of the investigation, saying "My own opinion is that any death in custody is regrettable. But to come to the conclusion that these deaths are through police brutality, that I am not prepared to accept."

Until the report is published it will be impossible to test the police verdict of "natural causes" for most of the deaths — save in the instance of a detainee who "drowned in a swimming pool".

This case clearly refers to Bethuel Maphumulo who, in December 1990, heard he was a suspect in a robbery case and gave himself up for questioning. Police said Maphumulo had tried to escape while handcuffed, and in an ensuing struggle had fallen into the swimming pool at Protea police station and drowned. Gluckman's post-mortem found that the cause of death was "multiple injuries. The demonstration of fracture of the hyoid bone is highly suggestive of manual strangulation".

An inquest on Maphumulo's death will be held on January 14. It has already been the subject of a dispute between the Department of Justice and the family's lawyers, who unsuccessfully challenged the decision to hold the inquest in front of a magistrate. They argued that Kriel's promise to submit all custody deaths to a "judicial inquest" required the matter to be heard by a judge.

After Gluckman's disclosures, Law and Order Minister Hennis Kriel ordered an investigation into all deaths in police custody since January 1991. The report has

been submitted to Kriel. Leaked details of the report's contents were published in Rapport last Sunday. The newspaper said the report would show that some of those who allegedly died

in police custody were still alive and that others had died of natural causes, including heart failure. Gluckman this week said police had sent a constable to his office to

Light shed on Stai

SMUGGLEY

WHILE the occupants of Court 4F in the Rand Supreme Court sat waiting for the last witness to testify in the inquest on the death of Dr David Webster, the judge in Court 4E next door was delivering his finding that no one could be held responsible for the death of human rights lawyer Bheki Mlangeni.

Webster was blasted with a shotgun at close range outside his home on May 1 1989. Mlangeni died in February last year when the headphones of a tape-player, sent through the post, blew up when he switched it on.

Mr Justice B O'Donovan, who presided over the Mlangeni inquest, found that "death was brought about by an unlawful act by an unknown person or persons". Mr Justice Michael Stegmann, who has heard seven weeks of testimony on the death of Webster, has until January 18, when the hearing resumes, to mull over evidence. Irrespective of what he concludes, the inquest — like the Mlangeni one — has exposed a great deal about covert operations against "enemies of the State" and the men who carried them out.

Key points that emerged are:

- Senior police and army officers may have taken steps to inhibit the investigation into Webster's death.
- Highly placed army officers lied to the Harms Commission.
- The Civil Co-operation Bureau conducted an extensive campaign to disrupt Swapo activities in Namibia's elections, and may have been involved in the murder of Swapo member Anton Lubowski.
- Senior CCB members authorised the assassination of activists within South Africa.

A number of people have come under the spotlight.

INVESTIGATORS

Warrant-Officer Wessel Rousseauw — A member of the Brixton Murder and Robbery Squad, he was the officer investigating Webster's death. He told the court it would be impossible to establish whether the CCB had been involved in the killing because the organisation's files had either vanished or been destroyed in "an emergency operation".

Rousseauw said the documents had been taken from him by the investigating team of the Harms Commission — set up in 1990 to investigate political murders — and had never been returned.

Other limits placed on his investigation were:

- CCB agents Abram "Slang" van Zyl and Calla Botha both claimed they had been warned not to talk about Webster's killing by Krappies Engelbrecht,

SMIT 5/12/92
THE inquests on the deaths of two leftists, Dr David Webster and Bheki Mlangeni has revealed a world of duplicity and dirty tricks, writes Chief Reporter JOHN PERLMAN.



THE VICTIM: Wits academic Dr David Webster death.



GENERAL EDDIE WEBB CCB chief admitted he lied.



GENERAL RUDOLPH BADENHORST (Top left) Former head of MI, probed CCB (Top right) **ABRAM "SLANG" VAN ZYL** testified that CCB members were told that they need not fear prosecution (Left) **FERDI BARNARD** Much of the testimony has focused on this former CCB agent.



an SAP brigadier investigating the CCB.

● General Jaap Joubert, head of the team investigating the murder, had told him to drop all questioning of CCB operatives as the Harms Commission was in progress.

● CCB agents detained by Rousseauw were released on the orders of the Minister of Law and Order, while police were still "getting information from them".

● CCB managing director Colonel Joe Verster refused to answer Rousseauw's questions.

● Rousseauw said he had not examined Military Intelligence (MI) files on Webster. Joubert later told the court that the SAP had never asked for access to these.

Major-General Krappies Engelbrecht — Engelbrecht, then a brigadier, was joint head of a high-level investigation into the CCB. Both Rousseauw and Joubert testified that Engelbrecht had ordered detained CCB operatives to keep quiet. Engelbrecht, a member of the Crime Information Service, was recently promoted to major-general.

General Rudolph "Witkop" Badenhorst — A former head of MI, Badenhorst was Engelbrecht's partner in the CCB probe. Under cross-examination, he conceded

formed him that Lubowski's murder was a CCB project. Defence counsel for the SADF denied this.

THE CCB

General Eddie Webb — Webb, chairman of the CCB, admitted to the court that he had lied to the Harms Commission in denying knowledge of plans to murder Omar and Evans. He said these assassinations had been approved by Verster, contrary to procedure, which required Webb's sanction for any hits — indicating that Verster had also lied to the Harms probe.

Colonel Joe Verster — Verster, former managing director of the CCB, successfully applied to testify in camera, then failed to appear. Mr Justice Stegmann issued a warrant for his arrest, but subsequently accepted Verster's explanation for his absence — that he was overseas winding up CCB projects.

Verster's testimony contained startling allegations. He said the chief of the SADF had told him that President de Klerk had given an assurance that the CCB would not be subjected to a "witch-hunt". He testified further that he had plans and R100 million to set up front companies which could act against a new government. Verster said he had written a number of letters to De Klerk this year, one warning of serious discontent in the security forces and another alleging that four SADF generals, including SADF chief General "Kat" Liebenberg, had influenced CCB members to make CCB documentation "change" or "disappear".

Wouter Basson — Basson, the CCB's co-ordinator, was questioned at length on the contents of his 1989 diary, from which two pages — one for the day of Lubowski's shooting — had been torn. Notes from the diary made reference to planned disruption of Namibia's elections, including burning of buildings, attacks on rallies and spreading disease in Swapo camps.

Abram "Slang" van Zyl — Van Zyl, a CCB agent, testified that members of the bureau were told by their superiors that they need not fear prosecution for their actions, including killing.

Ferdi Barnard — Much of the testimony has focused on this former CCB agent. In December 1984 Barnard was convicted of murdering two drug dealers, of attempted murder and three-car thefts. He was released on parole after just three years, and recruited into the CCB, which he served until 1989.

A number of witnesses said they had heard from others that Barnard had killed Webster. Other witnesses testified that Barnard himself told them he had shot Webster.

● Willie Smit, who gave Barnard a job when he came out of jail, told the court that Barnard had boasted of killing Webster, describing how the shotgun had blasted

Webster into the air. Smit subsequently withdrew his testimony, following an incident outside the courtroom during a break in the hearing. Mr Justice Stegmann said there was no proof that Smit had been intimidated to do this.

● Smit's mother, Johanna Smit, subsequently testified that her son had been threatened outside the courtroom. She said she was also present when Barnard boasted about killing Webster.

● Lafras Luitingh, co-ordinator of CCB region 7, and Barnard's former handler, told the court Barnard had admitted to him that he killed Webster. Luitingh retracted testimony he gave to the Harms Commission.

Barnard has denied all allegations against him.

Good cop or bad cop?

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The policeman who solved the crossbow murder is to become a station commander. But he has a past as gruesome as the case he solved, say anti-apartheid activists.

QUENTIN WILSON

reports:



Jeff Benzien

Detective Jeffrey Benzien has been praised in local mainstream newspapers for solving the gruesome crossbow murder of Mr Graham Chatburn

But anti-apartheid activists paint a completely different picture of Detective Warrant Officer Benzien. They point to a gruesome police career which, they believe, rivals Mrs Louisa Chatburn's crossbow in its methods

It was Benzien who shot and fatally wounded ANC guerilla Mr Ashley Kriel in July 1987 while allegedly trying to arrest him

It was Benzien who earned a fearful reputation among anti-apartheid activists in the eighties for his alleged torture of detainees during interrogation

And now Benzien is off to Stanford — a village near Hermannus — to become the station commander

Mrs Ivy Kriel, Ashley's mother, said she was saddened by the praise given to Benzien during the crossbow trial

"When I saw him being praised I thought, 'Good Heavens, and this is the one who killed my son'. But I don't want to say anymore, there is still too much hurt," Kriel said

During the 1989 inquest into Kriel's death, court records show that Benzien admitted that it was his finger on the trigger when Kriel was shot in the back

He also admitted that he had stuck a pamphlet with Kriel's photograph on his office wall after the shooting. Below the pamphlet's slogan, "Freedom or Death — Victory is Certain", Benzien had written, "Not for you"

Also scrawled on the pamphlet were the words, "One down, to go"

While the inquest magistrate, Mr G Hoffman, had described this

piece of evidence as "tasteless, disgusting and disturbing", Benzien's version of the events leading to Kriel's death was accepted by the court

While trying to arrest Kriel, who was allegedly concealing a gun, Benzien had struck a blow to his head and disarmed him. Thinking he was unconscious, Benzien's fellow arresting officer started handcuffing Kriel. It was then that Kriel supposedly tried to snatch at the gun

According to Benzien, Kriel was accidentally shot in the back during the tussle for the firearm

But ex-detainees who were interrogated by Benzien, allege that he "bragged about killing Ashley"

None of the ex-political prisoners who spoke to SOUTH wanted to have their names connected with their comments about Benzien for fear of harassment

"I found him to be really weird," said one

"When he came into my cell, he would threaten to kill me and say things like 'You ask Ashley Kriel about me. Unfortunately he is not here to tell you'

"He would interrogate me with a gun lying on the table. Often he had this crazed look in his eyes

"It was a very scary experience being interrogated by him. Apart from the constant verbal abuse, he often threatened to kill me

"Once he told me 'There is no person who does not talk when I ask questions. Either you speak or



Ivy Kriel



Ashley Kriel

you die. Ask Ashley Forbes? He would brag a lot about his interrogation of Ashley Forbes"

Forbes, who was sentenced to 15 years in December 1988 for ANC activities, was allegedly badly tortured by Benzien after his arrest in May 1987

Benzien was alleged to have punched Forbes, struck his fingers up his nose, subjected him to electrical shock treatment, strangled him as well as smothering his face with a wet towel causing suffocation

Benzien flatly denied all allegations of torture, including a claim that he had said to Forbes "I have not come to question you, I have come to kill you"

Also during the Yengeni trial, other details of Benzien's alleged torture techniques came to light

The most notorious allegation was that Benzien smothered detainees by placing cloth bags soaked in water over their heads

Court records show that Mr Bongani Jonas, who refused to give evidence implicating the trialists, alleged that Benzien stood and jumped on his leg while a bullet was lodged in his thigh

Another ex-political prisoner said "I didn't have that much contact with him, but once he came into my cell and questioned me about satanism

"It was really strange. He seemed bent on the idea that my ANC work, as well as the entire anti-apartheid movement, was all part of a satanist plot"

In August 1990, the detective warrant officer was part of a job reshuffle when the Terrorism Detection Unit of the SAP was abolished

When SOUTH asked Benzien for a photograph of himself, he said "With all respect, I can imagine what kinds of things you will write in your story. Am I right or am I wrong?"

When told he was "probably right", Benzien said he "certainly did not have the time to help with the story in any way"

'Thou shalt not ration justice'

South 5/12-9/12/92.

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QUENTIN WILSON looks at why it is important for the option of legal defence to be accessible to all

EVEN if South Africa's new constitution emerges as a torch-bearing document for human rights and social justice, a huge challenge lies ahead for the country's future legal system

Will it be able to defend the admirable values enshrined in a new set of laws?

How, for example, will the law help peasant farmers unlawfully evicted from their land by corrupt bureaucrats? To whom can they turn to have this constitution mean something?

What happens to a labourer languishing in a cell after being unlawfully arrested?

In short, how do people, in no position to fork out legal fees, assert their rights?

At a recent conference organised by the South African Legal Defence Fund, Professor Wilhelm Joseph, from the City University of New York, argued that it was vital for South Africa to "explore reasonable and feasible alternatives to ensure equal access under the law to all citizens"

He argued that South Africa should take a forward look at the issues most likely to affect the poor in a new democratic society

"If it is anticipated that questions involving fundamental rights in the new society will need to be resolved in the courts, then some provision should

be made to ensure that the poor will have access to those courts," he said

Joseph argued "Invariably there will be a need to establish priorities among the competing interests for finite resources. At first blush, the right to counsel may appear to pale as a

priority when compared to other needs including food, housing, education, health care, employment and social security

"But it was Justice Hand of the US Supreme Court who cautioned, 'If we are to keep our democracy, there must be one commandment thou shalt not ration justice'

"Deeper analysis will show that the creation of rights on paper will raise the expectations

of the general populace — for the most part Africans and other population groups that have been historically excluded from equitable enjoyment of the country's resources

"It has often been said that equal access to the judicial system is

the foundation of a just society."

Joseph pointed to a range of countries whose judicial systems cater for the poor — and where lawyers representing the poor are compensated through state-funded programmes

In England every person has a right to counsel. No distinction is made between civil cases (such as a divorce settlement) or criminal cases (such as murder)

"In Switzerland the right is embedded in its constitution, the relevant section states, 'All Swiss are equal before the law. In Switzerland there is neither subjection or privilege of locality, birth, family or person'

"Similarly, an indigent litigant (someone who can't afford legal fees) in a civil case enjoys a right to the appointment of counsel in the following countries: France, Spain, Germany, Portugal, Belgium, Denmark, Norway, Sweden and the Netherlands"

Cape Town lawyers Mr Essa Moosa, Mr Bulelani Ngcuka and Mr Albie Sachs agreed that it was important to provide legal access to those who need it in the South African context

"The state simply must provide the necessary services," said Ngcuka. "You cannot begin talking about justice if this is not the case. At the moment, the state is quick to spend a lot of money on prosecution fees. They must start playing an equal role in providing defence"

According to Ngcuka, 90 percent of South Africans who go to prison do not have access to a proper defence

Said Ngcuka "Part of the problem is that there are only 9 000 qualified attorneys to service the legal needs of a population of 35 million

"So we need to rapidly increase access to the law profession itself — which means a restructuring of legal education. People who aren't fully qualified as attorneys, but who do have some knowledge of law, should be allowed to help with cases they are able to deal with

"We need to develop various mechanisms where this problem is addressed — not in the future, but right now"

Moosa also argued for a "multi-faceted" approach which would ensure legal protection for all

"We can ensure fuller legal protection by combining a number of mechanisms. We could have a public defender system. We could extend the capacity of legal aid, and we must also consider having an ombudsperson, someone who can try to intervene and resolve

cases with the state," he said.

Sachs, also part of the ANC's constitutional committee, said the ANC's constitutional proposals guaranteed legal rights for all

"In any case, where a person's freedom is affected, or his or her status is threat-



Bulelani Ngcuka

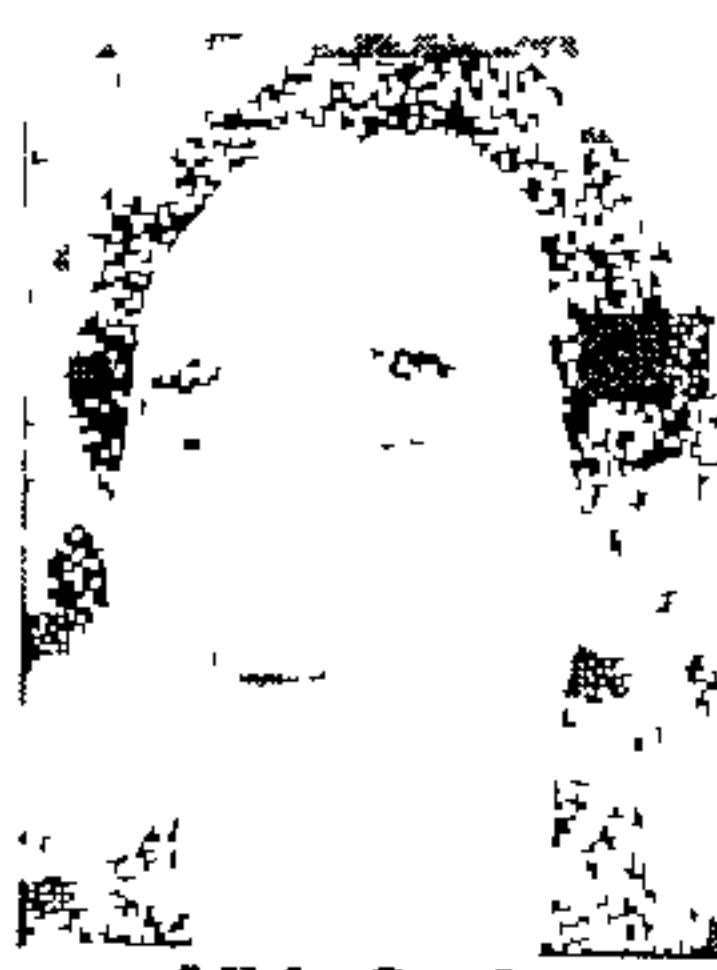
ened, as in a divorce, there should be compulsory legal assistance

"We can't promise to people if we can't deliver, but certainly no-one should be sent to jail without having a legal defence"

He said that one way of dealing with the problem was to encourage informal settlements through mediation, certainly in civil cases

Another was to extend a large role to community law centres

"These will have a role to play in picking up the non-remunerative cases which private firms are not eager to take," said Sachs. "This has worked in the US and the UK, where these lawyers are compensated by the state."



Albie Sachs

Webster inquest exposes CCB lies

THE David Webster judicial inquest this week ground to a halt after a gruelling seven-week search for facts surrounding the assassination of the academic and anti-apartheid activist.

The last witness testified before the inquest on Thursday and the legal counsels have been given six weeks to consider and collate the evidence before drawing conclusions for their closing arguments which begin on January 18.

The Rand Supreme Court inquest into the shotgun killing of Webster outside his Troyeville home on May 1 1989, has revealed perjury, at-

tempts at cover-up and blatant lies by members of Military Intelligence and the covert Civil Co-operation Bureau.

It heard from several witnesses how they misled, lied to or withheld information from the Harms Commission, which concluded in 1990 that the CCB could not be held responsible for Webster's murder.

Former CCB chairman Gen Eddie Webb admitted he had deliberately withheld from the commission information on plans to assassinate activists Gavin Evans and Dulah Omar.

Webb also implicated former CCB managing director Col Joe Verster, saying he had approved the projects to "exterminate" the two activists, but had lied to protect his "brothers in arms".

Former CCB agents Ferdi Barnard and Calla Botha were allegedly intimidated into withholding evidence from the Harms Commission.

Barnard testified that their lawyers told them their legal costs would not be met by the SADF unless they co-operated.

They then omitted to tell the commission anything about CCB participation in projects such as the bomb blast at the Earl Learning Centre in Athlone and the monitoring of Namibian lawyer Anton Lubowski - who was later assassinated.

The court also heard from the CID deputy head Gen Jaap Joubert, who investigated the Webster killing, that Botha and Barnard had been warned by SA special branch chief Gen Krapplies Engelbrecht not to say anything about the organisation's activities.

It also emerged that MI chief Gen Witkop Badenhorst withheld from the inquest the fact that Barnard had been a member of MI in 1991.

He had employed Barnard knowing he was a convicted double murderer and that his name had been linked to the Webster killing.

Joubert later testified that there was no doubt in his mind that the CCB was responsible for Lubowski's murder.

Allegations were also made about the CCB gun-running links with Renamo, which Webster had been aware of.

Many fingers pointed at Barnard as several witnesses said he had confessed to them that he killed Webster. Barnard denied this, claiming there was a conspiracy within the CCB to put the blame on him.

His former handler, Lafras Luitingh, told the inquest Barnard had admitted to the murder shortly after his services with the CCB had been terminated, saying he wished to prove to the organisation that he was worth re-employing.

Barnard admitted to the inquest that he had "tested" a friend's sawn off, double-barrelled shotgun a few weeks before the murder of Webster. He had commented at the time that the gun would prove accurate when fired from a moving vehicle.

Webster died after being shot from a moving car.

Judge Michael Stegmann will make his finding known before January 25. - Sapa

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ANC raises trial fund for murder suspects

S/Times 6/12/92

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By CATHY STAGG

THE ANC will raise funds from the international community or human-rights organisations to defend three Phola Park men facing charges of murder, armed robbery and illegal possession of firearms.

Mr Solomon Simphiwe Mqanquem, 33, Mr William Phuthumile Makhosi, 28, and Mr Daniel Siherna Motaung, 35, will stand trial in the Rand Supreme Court next year.

The state claims they used unlicensed AK-47s to hold up 11 bank employees in Southdale, Johannesburg, on May 29 last year and stole R571 280 and a bakkie.

Another series of counts concerns the alleged hold-up of security guards delivering trunks of money to Corobrik, Nigel, on November 25 last year. Five guards were hit — Daniel Johannes Jacobus Verster and Hermanus Stephanus Lombard dying of their wounds. A total of R401 880 was taken.

The men allegedly robbed a Thokoza resident of his bakkie on March 12, assaulted traffic officer Jacobus Lukas van der Merwe on March 27 and shot at two

other traffic officers who gave chase. Mr van der Merwe died of his injuries on April 14.

Last month the trial was postponed because the accused wanted the ANC to arrange legal representation.

Mr Tokyo Sexwale, chairman of the ANC's PWV region, said "Our policy is not to defend crime. But each case is looked at individually."

The attorney handling the case, Mr Tiego Moseneke, who is also a member of the ANC's regional executive council for the PWV, said "On the face of it the crimes are patently not of a political nature, but it is difficult for the ANC to make that decision."

"We have been told these men are leading members of the ANC in Phola Park. They are respected, and people say they must have been falsely implicated because they had protected the people. Self-defence units are not a creation of the ANC but are formed by the community."

Goldstone witnesses want KZP disbanded

By FRED KHUMALO

ATROCITIES allegedly committed by the KwaZulu Police dominated this week's sitting of the Goldstone Commission. Witnesses pleaded with the commission to call for the disbandment of the homeland police force.

Also under fire at the Durban sitting were the Zulu chiefs who, it was said, were being used by Inkatha in a bloody territorial war.

Legal Resources Centre lawyer Howard Varney said: "There exists today a continuous, low intensity war in many areas of KwaZulu between the KZP and Inkatha-based vigilantes on the one hand and persons and entities who represent a threat, or who challenge the legitimacy of the KwaZulu government."

He based his finding on his own research and from a document entitled *Obstacle to Peace: The role of the KwaZulu Police in the Natal Conflict*.

He said the KZP has been implicated repeatedly through:

- Acts of harassment and intimidation, including shootings and assaults against non-Inkatha people;
- Collusion with Inkatha vigilante elements in carrying out acts of harassment and intimidation against Inkatha opponents;
- Disruption of political activity such as harassing people at meetings and other events; and
- Failure to assist complainants and to investigate matters.

He said one of the steps towards peace would be the disbandment of the KZP and its incorporation into the SAP.

Weapons

Varney called for "a strong campaign" to clamp down on the proliferation of automatic weapons in the region.

He said part of the problem was the lack of control over the issue of weapons in the security forces.

He quoted from a recent judgment by Judge McCall who said: "The evidence reveals that policemen (in the KZP) are armed to the teeth with weapons issued to them as well as their own personal firearms."

Independent Law Enforcement Facilitation Office (Ilefo) staffer Adrian Paul repeated Ilefo's call during an April Durban sitting of the Goldstone Commission for a thorough investigation into the KZP.

Paul regretted the fact that earlier allegations made against the police force were only denied orally by the KZP and that the Commission itself did not deem it necessary to call witnesses so that the matter could be laid to rest.

He said that allegations of uniformed KwaZulu policemen being involved in attacks in Malukazi and Uganda had formed part of his submission on the causes of violence in the Umlazi area.

Idasa Natal director Steve Collins submitted that there would be no justice in KwaZulu while the KZP remained unchanged.

Collins said tribal chiefs, or amakhosi, were responding to change with violence.

"If you talk about sharing land, automatically you threaten the material basis on which the chief lives," he said.

Paranoid chiefs had turned to Inkatha for protection, and had been issued with automatic G-3 rifles. The chiefs had handed these to their followers.

Ilefo's Paul said the trend among traditional leaders in areas on the Natal upper South Coast was to block peace efforts.

He said traditional leaders and their assistants, the indunas, and their armed cohorts, had disrupted peace meetings.

Natal Legal Resources Centre director Richard Lyster cautioned against immediately dismantling the chief system.

He said the chief system was still vital and necessary, but needed to be transformed.

SA Foundation for Conciliation director Robert Conway called for the introduction of a team of professional mediators to work "on the ground"

Goldstone also awarded

JUDGE Richard Goldstone, chairman of the Goldstone Commission, was on Friday night awarded the *Indicator* Newsmaker of the Year award at a public banquet in Lenasia.

ANC secretary general Cyril Ramaphosa and the president of the World Conference on Religion and Peace, the Rev Gerrie Lubbe, jointly received the Human Rights 1992 award. (25)

Accepting the award, Goldstone said the media had a vital and difficult role to play in the field of human rights. CIPmen 6/12/92

"It is one of the guardians of those rights and it must constantly remain vigilant to ensure that abusers will be publicly exposed. The media, in that respect, is the first line of defence," he said.

However, he warned that media which published inaccurate stories or did not check the facts properly, would "cease to be an effective protector of human rights".

Nats 'indemnify' ANC leaders

A NOTICE extending temporary immunity to a number of ANC and SACP politicians in terms of the Indemnity Act has been gazetted in Pretoria.

The notice reads like a who's who of liberation politics and includes Chris Hani, Ronnie Kasrils, Gill Marcus, Thabo Mbeki, Joe Modise, Gertrude Shope, Joe Slovo, Oliver Tambo, Jacob Zuma, Pallo Jordan and Barbara Masekela. (252)

The notice, valid until February 28, was signed by State President FW de Klerk and Justice Minister Kobie Coetsee. ©/P/MS 6/12/92



Sunday Times Reporter

THE Attorney-General is to investigate a complaint that the Sunday Times and Citizen newspapers were in breach of an order issued by the Goldstone commission.

Mr Rob Wise, appointed by the commission to investigate claims by a Mozambican that he was paid by the SA police to murder ANC members, this week accused the newspapers of a "prima facie and blatant breach" of an order he had issued on November 26.

The order prohibited the press from publishing information about a man who had allegedly instigated the Mozambican, Mr Joao Cuna, to plant a false story in the Vrye Weekblad newspaper.

Mr Wise claimed that articles published by the Sunday Times and the Citizen last weekend breached that order.

SK Times
Complained

He also noted that the articles had mentioned Mr Mac Maharaj, a prominent member of the ANC, in connection with the inquiry.

"At no stage during the hearings last week was Mr Maharaj's name mentioned in evidence, and prior to reading these articles in the Citizen and the Sunday Times the members of the commission were not aware of any allegations that Mr Maharaj might be involved in the matters being investigated," he said.

In a subsequent statement, Mr Wise confirmed that he had referred the matter to the Attorney-General.

● Attorneys representing the ANC, meanwhile, have complained that an editorial in the Sunday Times last week misrepresented the evidence that had been heard by the Goldstone commission and had made "wholly unfair and unwarranted conclusions based on this inaccurate information".

The editorial said the commission had heard evidence that the ANC or SACP may have carried out a classic disinformation operation by sending a Mozambican (Mr Cuna) to plant a false story in Vrye Weekblad.

Hearsay

This, said the editorial, suggested the ANC was continuing a clandestine "dirty war".

The ANC's attorneys objected on the basis that the evidence before the commission was hearsay, the evidence by Mr Cuna had subsequently been challenged by another witness and the ANC's legal representatives would be placing on record that at no time had Mr Maharaj, or any other member of the ANC, met Mr Cuna.

"Your editorial therefore is extremely misleading when it suggests that it has been established as fact that the ANC or its SACP arm had sent a Mozambican agent to plant a false story in Vrye Weekblad," said the attorneys.

● *The Sunday Times* at no point stated as a fact that the ANC or SACP had conspired to plant a story. It speculated on the possibility and its implications if true.

Goldstone: A free press is essential

Sunday Times Reporter

MR JUSTICE Richard Goldstone, chairman of the commission into violence, said this weekend that the media were the first line of defence against human rights abuses

Accepting the Indicator newspaper's Newsmaker of the Year award in Lenasia near Johannesburg on Friday night, Judge Goldstone said the media had a vital and difficult role to play in the field of human rights

"It is one of the guardians of these rights and it must constantly remain vigilant to ensure that abusers will be publicly exposed. The media, in that respect, are the first line of defence," he said

The judge said a free press and human rights were the reverse sides of the same coin

"Show me a country with no free press and you will

be showing me a country where human rights are not respected"

Judge Goldstone said a nation's trust in a newspaper's reliability was essential if that publication was to play a meaningful role in human rights

"In this area in particular, if a newspaper acquires a reputation for reporting unchecked and inaccurate stories, it will cease to be an effective protector of human rights"

● Mr Cyril Ramaphosa, secretary-general of the ANC, and Rev. Gerrie Lubbe, president of the World Conference on Religion and Peace, were joint recipients of the Indicator's Human Rights Award. Among the nominees for the award was Dr Jonathan Gluckman, the pathologist who recently accused the police of murdering detainees

Teaching South Africans about human rights

THE University of the Western Cape has launched a series of activities relating to human rights — culminating on December 10, International Human Rights day.

The university's Street Law Project initiated its human rights education campaign in December 1991. (252) (S)

The campaign is aimed at educating South Africans about their civil and human rights.

Street plays, human rights camps for high school students, mock trials and community workshops were held at schools, prisons, places of safety and reformatories.

S. Times (Cape) Films (we ho)

The activities focused on enabling lay people to understand and appreciate their basic rights within a democratic society.

This week the Street Law Project and the Civil Rights Education Action Project are holding a Human Rights Film Festival at the Labia from tomorrow to December 10.

Films include Spike Lee's *Jungle Fever*, *Black Sash*, *South Africa's Killing Grounds*, *Five Girls and a Rope*, *Inside Pretoria's Death Factories*, *Any Child is My Child* and *Neria*. 6/12/92

Yesterday, a Human Rights Music Festival was held with Prophets of the City.

The festival's aim was to empower the youth of South Africa.

STAR 7/12/92

Call to probe

ANC murders

(252) (S)

The German-based International Society for Human Rights has called for a full investigation into murders and assassinations of opponents and critics of the ANC.

In a letter to President de Klerk, a copy of which was sent to Mr Justice Richard Goldstone, ISHR secretary-general Robert Chamber said it was essential that a number of "unsolved assassinations and murders be thoroughly investigated".

Sapa.

Marching to a different drummer

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STAR 7/1/92

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LIVING in the country may seem a dream to some, but for those who transgress the law it can become a nightmare Jabulani Dlodla, a 23-year-old man from Maritzburg, was allegedly such a transgressor. He was shot in the head by police during a robbery at a small bank in Kranskop, a village near Greytown.

He was admitted to Greytown hospital with a serious head injury but was later transferred to Wentworth Hospital where he underwent surgery. Three weeks later he was deemed fit to be released into the custody of the SAP.

Despite the fact that Greytown Prison has a hospital section nearby, he was held in custody at the police cells in Kranskop where he slept on the concrete, was fed an inadequate diet, had no exercise, and grew weaker by the day. The head wound began to go septic, and after two weeks he began to

scream to such an extent that the district surgeon had to be called. Jabulani was again sent to hospital where more drastic surgery was done. He emerged with a depressed fracture of the skull, which is a large hollow about the size of a tennis ball. Damage to the brain has impaired his right arm and leg.

Unbelievably, when Jabulani was released back into the custody of the SAP, they returned him to the familiar cell at Kranskop police station.

It was at this stage that his distraught family contacted Lawyers for Human Rights With Jabulani's mother and sister we drove out to Kranskop Magistrate's Court. When we arrived, I asked a police officer where I might find the prosecutor.

"I am the prosecutor," he said. Trying not to bat an eyelid, I told him that I wanted to consult with my client.

"I don't know if he will be able to understand you," he said. I explained that I had seen the medical report and that, in fact, I was intending to bring an application for my client to be sent for mental observation in order to ascertain whether he was able to understand the proceedings.

The policeman-cum-prosecutor said, "Oh, I am sure he knows what is going on."

It does not take a cross examination expert to spot that contradiction. With as much control as I could muster, I suggested that we leave that to the psychologists to decide.

Jabulani was a horrible sight, the dent in his head was shocking. He was extremely emotional, the tears jumped off his face. His mother and sister heaved and sobbed as we stood in the hot dusty yard behind the courtroom. They had brought him food and drink and he begged to be allowed

to consume it outside because once inside the cell it would be stolen by a stronger prisoner.

I went to see the magistrate in chambers to introduce myself. We discussed the case and our application to have Jabulani transferred to a mental hospital for observation was granted, and the chapter seemed to be closed.

But urban black South Africa also holds its grim surprises, and when, three days later I telephoned to check that Jabulani had arrived safely at Fort Napier, I was informed that there was a shortage of beds and that Jabulani's name was well down the list. He would have to stay where he was until they could receive him.

By this time I was raging, and after several telephone calls to several hospitals tied up in medical red tape, no further in my submission.

Finally we got a doctor from

New Hanover to drive to Kranskop to examine the patient. His determination was that the patient was extremely weak, undernourished, suspected of having epileptic seizures and required immediate treatment at a hospital or in the hospital section of the prison.

I then decided to approach the one and only attorney practising in Kranskop, and asked him to go to court with a copy of the doctor's report to apply to have the client moved to a hospital. He was quite friendly and agreed to do so. However, he explained that he would not be able to act for the client at a trial as he would probably be called as a State witness as he was present at the time the robbery took place. By this time I could almost picture him jumping in an out of the witness box to answer his own cross examination. Anything seemed possible in Kranskop.

The attorney also let slip a juicy bit of information. The policeman-cum-prosecutor whom I had met was also the same policeman who had shot Jabulani in the head.

Jabulani was transferred to the hospital section of the prison in Maritzburg where he was treated until he was transferred to Fort Napier Hospital. The psychiatric report is awaited.

If Jabulani does have to stand trial (with his co-accused who, by the way is still in custody in Kranskop police cells), it will be in the regional court, so the knowledge and partiality of the officers of the court will not be at issue.

Nevertheless, the experience shows that criminal justice is sung to a different tune in the country — and I cannot say I care much for country music. □

● Ann Skelton is director, Applied Criminal Justice Project, Lawyers for Human Rights.

...sues. He said the Sunday Times re- port was based on PAC minutes of the ... ice will "fight fire with fire" against ... celled," Alexander said

Absa suspends broker

ANDREW KRUMM



ABSA has suspended one of its United Insurance division brokers whose placement of investments in the Supreme Group had "required the most urgent attention", financial services MD Louw van Wyk said at the weekend. The Durban-based broker's services had been suspended pending an investigation which could lead to a disciplinary hearing. Louw declined to disclose the amounts involved, but said they were not in the millions.

Six other Absa insurance brokers - four United Insurance division employees, one Volkskas broker and a Bankorp employee - who had acted contrary to instructions, bank policy or their contracts, were also under investigation. "It seems in these cases there was not too much money involved, most of the amounts were relatively small."

Last week First National Bank and the Standard said none of their brokers dealt with Supreme on behalf of clients with the exception of one Standard Bank employee, who had faced a disciplinary hearing in 1990.

However, First Bowring suspended four brokers last week for contravening their conditions of employment by placing funds in more than 30 deals with the Supreme Group. First Bowring director Patrick O'Flaherty said at the weekend investigations were continuing although no other employees had been suspended.

Plan to discredit CCB alleged

BIDAN 7/12/92

A PLAN co-ordinated at ministerial level and involving sinister co-operation between the security police, Military Intelligence and senior Defence Force officers to discredit the Civil Co-operation Bureau and turn it into a scapegoat for all the sins of the security forces had been put in operation in 1989, former CCB MID Col Joe Verster has alleged.

According to transcripts of Verster's in-camera evidence to the Webster Inquest, which were made public on Friday, the covert CCB had become an offering on the altar of future co-operation between government and the ANC.

Verster alleged a "strategic communication operation" known as a Stratcom had been developed to discredit the CCB. Stratcom involved the deliberate creation of a certain milieu and the influencing of public opinion through selective disclosures to the media and other means.

Verster told the inquest into the May 1 1989 murder of Wits University academic and anti-apartheid campaigner David Webster he could not say if Stratcom had the blessing of government, but according to information available to him certain senior Ministers had been involved. Verster named Minister of Justice Kobie Coetsee, former Minister of Defence Gen Magnus Malan and former Minister of Finance Barend du Plessis.

Verster said former MI chief Gen Rudolph "Witkop" Badenhorst had also been involved in the project. Badenhorst headed an internal investigation into the Webster killing in January 1990.

Verster said Badenhorst and former head of security police Gen Basie Smit worked together to make CCB members "fall guys".

Verster also alleged that people as senior as SADF head Gen Janne Geldenhuis and then head of special

forces Gen Kat Liebenberg not only knew about the creation of the CCB, but would have had to authorise it. He said he was unable to say whether Malan would have known, but said he had access to documentation about its 1986 creation.

It emerged during cross-examination of Verster that he had written a letter to President F W de Klerk in May this year alleging that during the Harms Commission of Inquiry, into politically motivated crimes, then CCB chairman Gen Eddie Webb gave orders that certain documentation and CCB files be destroyed. Verster said none of the files had anything to do with the Webster incident.

Portions of the letter were read into the record. The inquest was adjourned on Thursday until January when closing argument will be heard. Further transcripts of Verster's evidence have yet to be made public.

TOURISM Minister of ...

ANGU ASSOCIATES 7/12/92



Natal policeman guilty of murder

STAR 8/12/92

MARITZBURG — A police warrant officer, 30-year-old Hendrik Steyn, was convicted yesterday of murdering Michael Mthethwa and attempting to murder Simon Msweli, two ANC members who had been wounded in a shoot-out with police.

In his judgment, Maritzburg Supreme Court judge Mr Justice Page also criticised Steyn's commanding officer, Captain Joseph Erasmus, for his conduct during the investigation.

The judge said "It is deplorable that a commanding officer of a unit, out of a misplaced loyalty towards one of his members who committed a crime, neglected his duty to see that justice is done."

He had doubts that the mishandling of the case was limited to the commanding officer, since the whole unit refused to stand on an identity parade.

"There is no room for such an attitude, especially at this time when the good image of the police is being damaged by allegations that members that commit crimes are being protected by their colleagues."

The judge ordered that his remarks be forwarded to the Commissioner of Police, General Johan van der Merwe, so that he could take any action "he sees necessary."

Mr Justice Page also said the evidence suggested that one of the members of the unit, Detective-Sergeant Koen Maritz, might have been an accessory to the crime.

"It is possible he may have

defeated the ends of justice and/or encouraged perjury," the judge said. He would forward the documents to the Attorney-General for his decision.

He convicted Steyn for the murder of Michael Mthethwa and of attempting to murder Simon Msweli in the Lower Umfolozi region on August 14.

Msweli and Mthethwa were injured earlier in the day during a shootout with the police at Sokhulu. They were taken to hospital in a police vehicle accompanied by two men doing their national service, Gavin Law and Andrew Watson.

Four shots

During the journey, Steyn intercepted the bakkie and instructed the driver to go into a plantation where Law and Watson heard him fire four shots and saw Mthethwa, who had been sitting, lying down.

Later at KwaMbonambi police station, a man introduced as Leon, who was identified by the court as Maritz, told Law and Watson to say Msweli and Mthethwa had died of their injuries on the way to hospital.

The following day, Law and Watson made police statements to this effect, but decided a few days later to tell the truth.

Mr Justice Page said he could only convict Steyn of attempting to murder Msweli because the State had failed to prove beyond a reasonable doubt that Msweli was alive at the time Steyn shot at him with his R-5 automatic rifle.

Dealing with Erasmus's evidence, the judge said he could not believe that firearms were handed in on every occasion when members of the Empangeni Murder and Robbery Unit had a few drinks.

Although he accepted evidence that members of the unit had drinks the night before Msweli and Mthethwa were murdered, he did not believe Erasmus could not remember whether Steyn had put his R-5 in the safe.

Erasmus had said this "in order to avoid saying the firearm was not handed in" and he was aware that his evidence was false, the judge said.

During evidence heard in mitigation, Colonel Christo Nel described Steyn as an outstanding policeman who had always worked well under difficult circumstances.

Nel also told the court that Msweli was wanted by police in the area in connection with 21 murders and numerous attempted murders, including attempts to murder 21 members of the police and army. Three policemen were killed at Sokhulu the day Msweli and Mthethwa were murdered.

Police clinical psychologist Major Jacob le Roux told the court that suicides among policemen had increased from 5,5 a month last year to 8,1 this year as a result of stress.

Le Roux also said murders of policemen had increased from five a month last year to 20 a month in the first eight months of this year — Sapa.

Indemnity 'flawed' judge

THE Further Indemnity Act of 1992, which came into operation last month is fundamentally flawed, an acting appeal judge last night told a group of graduating law and commerce students at the University of Cape Town.

Mr Justice Craig Howie, judge of Appeal and a member of the University Council, said there was much force in the argument that if an offence were committed on behalf or on instruction of one of the parties to the intended reconciliation process, it would be unfair for that party to decide upon indemnity for the offence.

The obvious risk inherent in pardoning someone who has clandestinely committed an offence of major seriousness with devils motives is that he will in no way have been deterred from similar conduct in future.

This act is fundamentally flawed and profoundly in conflict with our legal principles and traditions.

Those who seek redress as a result of the sort of conduct covered by the act should be free to pursue their cases in the courts of the land — and so let the 'rule of law' prevail," said Mr Justice Howie.

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Drop in political deaths reported

POLITICALLY related deaths dropped to a nine-month low of 263 in November, according to the latest Human Rights Commission (HRC) report on repression

HRC national director Safoora Sadek said the declining number of killings could be attributed to the increased presence of international observers at potential sites of conflict

She said there had been a noticeable shift in violence from the Transvaal to Natal and this trend could be reinforced by the return of Transvaal hostel dwellers to Natal over the festive season

While the 114 people who had died in the PWV was below the 1992 monthly average of 161, a total of 132 had died in Natal, the report said

Of the 263 killed in November, 140 had been victims of vigilante actions, while the security forces had killed three and injured 38, it added

At least 3 324 people had been killed in

RAY HARTLEY

violence during 1992 — about 38% more than this time last year, the report said

A total of 17 security force members were killed in November and a further 12 were injured in 31 separate incidents, the HRC said.

Meanwhile, a total of 461 members of the police force have been killed since President F W de Klerk's February 1990 speech, police statistics show.

A police spokesman said yesterday the 1992 death toll of 209 policemen represented a 66% increase on last year's figure of 145 deaths, while the figure was almost double that for 1990, during which 107 policemen had been killed

Sapa reports from Durban that a man was killed in KwaMashu early yesterday, bringing to at least seven the number who had died violently in the greater Durban area at the weekend, police said.

Policeman did kill ANC man

MARITZBURG — A police warrant officer, 30-year-old Hendrik Steyn, was convicted yesterday of murdering an ANC member and attempting to murder another, both reputed to belong to a self-defence unit

In his judgment in the Maritzburg Supreme Court Judge Page sharply criticised Steyn's commanding officer, Capt Joseph Erasmus, for his conduct during the investigation

The judge said, "It is deplorable that a commanding officer of a unit, out of a misplaced loyalty towards one of his members who committed a crime, neglected his honesty and duty as a policeman to see that justice is done"

Furthermore, he had doubts that the mishandling of the case was limited to the commanding officer, as the whole unit refused to stand at an identity parade

The judge ordered that his remarks be forwarded to Police Commissioner Gen Johan van der Merwe for any action "he sees necessary". — Sapa

PEANUTS

By Charles Schulz

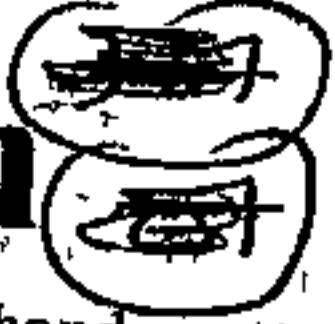


Investec Holdings Limited

Star 9/12/92

Court seeks policeman

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A warrant for the arrest of a policeman allegedly involved in the killing of Umkhonto we Sizwe cadre Itumeleng Samuel Padi (24) last year was issued in the Johannesburg Magistrate's Court yesterday.

Daniel Knoester, one of the six policemen who attacked Padi's home in Phiri, Soweto, on May 19 last year, failed to appear, and magistrate Mr. J.W. Botha issued a warrant for his arrest.

Padi and his girlfriend Nokuzola Ncalo (22) died in a pre-dawn raid on his backyard home when police fired 33 shots after Padi allegedly pulled out the pin of a grenade.

A policeman told the inquest yesterday that his evidence-in-chief differed from a statement made after the shooting.

Under cross-examination by Gys Rautenbach, for the Padi and Ncalo families, Sergeant Rudolph Mōagi said that he

had made a hand-written statement which was later taken to a typist.

When the inquest started in September, Rautenbach produced press reports to challenge the SAP version of the shooting. He quoted from a report of the shooting in *The Star* in which a police spokesman gave a different account of the raid.

The hearing continues today — Staff Reporter, Own Correspondent

NEWS Arrest warrant for cop who failed to turn up at inquest



POLICE IN ACTION ... This truck is among the four which were destined for Mozambique with stolen goods. Soweto police thwarted the attempt when the drivers were about to drive out of the country. PIC MBUZENI ZULU

Warrant out for cop

Sowetan 9/12/92

By Mzimase Ngudle

■ MEMORY LAPSE Family members grumble

A WARRANT FOR THE ARREST of a policeman allegedly involved in the killing of Umkhonto we Sizwe cadre Tumi Padi last year was issued in the Johannesburg Magistrate's Court yesterday

Daniel Knoester, one of the six policemen who attacked Padi's home in Phiri, Soweto, failed to appear at the inquest and the magistrate, Mr JW Botha, immediately issued a warrant for his arrest

Family members grumbled in the courtroom yesterday when three of the policemen had a memory lapse during cross-examination

Constable Harry Mhlanga said he could not remember to whom he made his statement re-

as officers are cross-examined:

252 *(initials)* *(initials)*

garding the incident.

He could not remember whether he took an oath but could recall that he gave his statement to Lieutenant Herman Havenga, a colleague who was also involved in the attack

Sergeant Moeledi Moagi said he had forgotten who made him sign his statement. He also gave his statement to Havenga and not to the investigating officer

Asked why they gave their statements to Havenga and not to the investigating officer, both policemen said they did not know who the investigating officer was

Detective Constable Mandla Ncele admitted that he usually imprinted an affidavit stamp in the absence of persons making statements, even days after the date on which they made statements

Investigating officer Captain M Matadin told the court that Padi was killed on May 19 when he tried to pull out the pin of a handgrenade when police came to arrest him

The police then fired 33 shots, killing him on the spot His girlfriend, Ms Nokuzola Ncalo, was also shot dead during the attack The hearing continues

'Deaths, torture continue'

Political Correspondent

THE South African government continued to notch up a litany of human rights abuses and violation in 1992, the Human Rights Commission (HRC) said yesterday.

Marking International Human Rights Day, the HRC also decried the growing levels of violence which claimed an average of 10 lives a day this year.

The 3 600 deaths in 1992 were

40% higher than last year. About 6 000 people were injured in civil strife and clashes with the state

The HRC cited a number of human rights abuses committed by the state in terms of the laws of the land. These included:

● A "creeping state of emergency" had been introduced by increasing use of unrest areas declarations, complete with most of the traditional emergency

powers. Forty magisterial districts were so affected, more than under the state of emergency of 1985/86

● Over 450 people were placed in detention without trial this year, with reports of torture and assault persisting

● Over 100 people died in police custody in 1992.

● The year saw over 200 "political trials" involving 4 000 accused.

CT 10/12/92

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UN to back Goldstone

STAR 10/12/92

The UN would give Mr Justice Goldstone every assistance in investigating activities of the Azanian People's Liberation Army (Apla), Tom Vraalsen, special envoy to the UN secretary-general, said in Johannesburg yesterday.

Mr Justice Goldstone called on the international community last week to help him launch an inquiry into Apla activities.

Vraalsen said such an investigation would be broadened to include Umkhonto we Sizwe, the security forces and homelands police.

Staff Reporter

● Interview — Page 23

— press

'Hunters use slugs that killed MK man'

By Rochelle Gosling-Hughes

Star 10/11/92

The shotgun slugs that killed Umkhonto we Sizwe (MK) cadre Itumeleng Padi (24) in May last year were not usually used to shoot people, a ballistics expert from the SAP forensic department in Pretoria told a Johannesburg Inquest Court yesterday.

Colonel Jacobus du Plessis said the slugs were usually used by special task forces in specific situations, and that hunters also used the ammunition.

Padi and his girlfriend Nokuzola Ncalo (22) died in a pre-dawn raid on his home in Phiri, Soweto, on May 19 when police allegedly fired 33 shots after Padi allegedly pulled the pin on a grenade.

Du Plessis said he had checked whether a slug could penetrate a body and exit it without mere-

ly lodging inside, by shooting pigs and checking the effect of the bullets on them.

Dr Russell Johnston, who performed the autopsies on the two bodies on May 23 and 24, said Padi had died of multiple shotgun wounds and a gunshot wound to the head.

Ncalo also died of shotgun wounds to the chest and abdomen, and the destruction of her left hand was consistent with a shotgun wound.

The court also heard yesterday that Daniel Knoester, one of the six policemen who attacked Padi's home and who was called to testify on Tuesday, had not been found.

State advocate P. Louw, appearing for the police, said Knoester's house had been found locked.

The hearing continues.

Killer policeman jailed for 18 years

STAT 10/12/92
Own Correspondent

MARITZBURG. — A policeman who shot two prisoners was sentenced this week to 18 years' jail — with the recommendation that Warrant-Officer Hendrik Steyn serve the whole of his sentence without remission.

Steyn had been convicted in the Supreme Court in Maritzburg of murder and attempted murder after he shot Michael Mthethwa and Simon Msweli in the Lower Umfolozi area on August 14.

The two men had earlier been wounded in a skirmish with the police and were being escorted to hospital when they were intercepted by Steyn and shot.

It was clear, said Mr Justice N Page, that Steyn felt that Msweli, a man wanted for crimes including murder, should pay with his life. But Steyn had no right to take such decisions.

Steyn had committed two "cold-blooded crimes", shooting the two while they were helpless.

The fact that he was a policeman had to be regarded as an aggravating factor.

Mr Justice Page strongly criticised the way prisoners were being released before they had served their full sentences.

He had recently read in the press of a policeman he had sentenced to 18 years' jail for two serious crimes being released after 17 months.

This had been done without consulting him and with no apparent justification.

Quest for truth in David Webster's murder

3/10/84 10/12/92
SUSAN RUSSELL

WHEN the inquest into the murder of Wits academic David Webster was adjourned last week it had heard 50 days of evidence from an assortment of witnesses including ex-convicts, businessmen, active and retired members of the security establishment as well as former secret agents and freelance spies

The inquest was adjourned until January 18 when Judge M Stegmann will hear final submissions from the various parties' counsel

In the attempt to establish who was responsible for Webster's assassination outside his Troyeville home on May 1 1989, much of the evidence focused on the activities of the SADF's now disbanded CCB

Since the existence of the unit became known, there was suspicion that Webster's murder and the assassination of Swapo lawyer Anton Lubowski had been CCB projects

Of all the witnesses called to testify, it was ex-vice squad policeman, former CCB agent and convicted murderer Ferdi Barnard who dominated proceedings

Barnard, a large and imposing figure whether dressed in jeans and leather jacket or a suit, was implicated in the murder by a number of witnesses

The former agent, fired from the CCB by MID Joe Verster as a security risk in March 1989, allegedly told a number of witnesses that he had shot Webster Barnard, however, denied telling anyone he killed Webster

He claimed that evidence by his former handler Lafrans Luitingh, CCB information officer Derrick Louw and Verster himself, was a conspiracy to frame him as a scapegoat

He also dismissed as lies evidence by businessman Wille Smit and Smit's mother Johanna that he told them he was involved

Smit, his mother and brother-in-law Andrew Vorster also claimed that Barnard resembled an identikit of one of the murder suspects

Vorster and Smit identified a second identikit as that of policeman Eugene Riley, a friend of Barnard's

The two identikits, drawn up with the aid of a witness who saw the car from which the assassin fired at Webster, lay in police files for three years until submitted to the inquest.

The identikits were never made public those that were, were drawn up by a witness who later admitted to police he had been lying

According to police evidence at the inquest, their investigating team had concluded the only possible motive was political, but they had been unable to establish CCB involvement

Investigating officer Wessel Rousseau told the inquest the release of Barnard and other CCB operatives from detention in terms of Section 29 of the Internal Security Act to enable them to testify at the Harms commission in 1990, had hampered police investigations

Rousseau said the investigation had also been hampered by the seizure of CCB documents by Harms commission officials which were never returned

Verster, the shadowy former MD of the CCB, who testified in camera to protect his identity, denied that the murder had been a CCB project

Former members of the CCB's internal region 6 cell, Calla Botha, Slang van Zyl and Sjaal Burger also denied any knowledge of a project to assassinate Webster

The court heard, however, that Verster had told members of the joint police and SADF team investigating possible CCB involvement

that he believed Barnard had shot the activist to win his way back into the covert unit

Barnard's former handler, Lafrans Luitingh, testified that days after the murder Barnard admitted to him he had killed Webster

Louw said Luitingh had told him what Barnard had said, but during his evidence and cross-examination, Barnard repeatedly denied any involvement in the murder

In a transcript of a conversation between Rousseau and Barnard in July 1990, which was recorded by the police officer, the former agent claimed he and other operatives had been intimidated by Verster into lying to the Harms commission

He claimed that financial pressure had been used to induce them to deny their involvement in various CCB projects

During his evidence Barnard said Verster had also approached him earlier this year about a plan to establish a series of front companies, each with its own security force, which would act against a future government

Verster told him R100m was available for the project Verster admitted meeting Barnard, but denied this had been discussed They had discussed private matters

During the inquest a raid by the Goldstone commission on the offices of another covert SADF unit, the Directorate of Covert Collection (DCC), revealed that Barnard had not been cold-shouldered by the security establishment after his dismissal from the CCB

Barnard was in fact hired by the DCC in May last year after he approached former MI chief Gen Rudolph "Witkop" Badenhorst for a job.

Files confiscated by the Goldstone commission showed Barnard worked for DCC until his dismissal in December last year



Killer cop gets 18 years in jail

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~~4/18~~

EMPANGENI policeman Warrant-Officer Hendrik Steyn was sentenced to 18 years imprisonment yesterday for the murder and attempted murder of two African National Congress supporters

Steyn (30) was convicted this week of murdering Michael Mthethwa and attempting to murder Simon Msweli during a shootout with the police near Kwambonambi in Natal on August 14

The shootout left three policemen dead

ANC members' deaths were carried out in a cold-blooded manner:

Sowetan 10/12/92
During sentencing in the Pietermaritzburg Supreme Court on Wednesday morning, Mr Justice Page said while there had been mitigating circumstances which did not warrant the death sentence, the crimes had been carried out in such a cold-blooded manner that a severe sentence was required

Justice Page said although it was clear that

Steyn had deliberately fired at the two men, he was unable to say with certainty that Msweli had not been dead at the time. After the shootout Msweli and Mthethwa were loaded into a police bakkie so that they could be taken to hospital

On the way Steyn instructed the driver to stop. The two ANC members were then offloaded and Steyn fired shots at them

ST/11/2/92
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City call to punish abusers of rights

A MEETING of Cape Town citizens has called for the prosecution of any state officials who have committed murder or subverted the aims of justice.

The call came at a Human Rights Day meeting yesterday, which represented 22 organisations and was chaired by the Mayor, Mr Frank van der Velde

Archbishop Desmond Tutu, urged those present to make something happen in Cape Town to remind people that power was in their hands — not in the hands of politicians

● UN Secretary General Dr Boutros Boutros-Ghali said 1993 would be crucial in the fight for human rights — Staff Reporter and Sapa

NEWS IN BRIEF

Human rights abused

HUMAN rights in SA did not match those of the international community, the Human Rights Commission (HRC) said yesterday on the 44th anniversary of the adoption by the UN of the Universal Declaration of Human Rights.

Government continued to notch up a litany of human rights violations and abuses in 1992, the HRC said, and a "creeping state of emergency" was being introduced through the back door by the increasing use of unrest area declarations which affected 33 magisterial districts.

BIPAY 11/12/92

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Covert action best arms smuggler trap

Star 11/12/92

CAPE TOWN — Covert police operations had proved more successful than conventional methods in uncovering arms smuggling networks and these operations could be extended in the future, the Goldstone Commission heard yesterday.

The full commission, chaired by Mr Justice Goldstone, is hearing submissions in Cape Town on the illegal importation, distribution and use of automatic weapons in South Africa.

W.L. Wepener, for the South African Police, said covert intelligence and infiltration operations were "absolutely essential" to combat the import and distribution of weapons. Eleven covert anti-crime units were already operating countrywide.

He recommended the establishment of a special unit to infiltrate and expose weapon smuggling networks from the source to the destination. Arms smugglers who were linked to several transactions could be given heavier sentences. Wepener said problems relat-

ing to the use of illegal firearms for political purposes could only be effectively addressed through a political settlement.

However, effective control over African National Congress arms caches inside the country was needed in the interim to prevent the distribution of illegal weapons. "We are not asking that the ANC's arms caches be placed immediately under police control."

Searches

"But we believe the ANC should, as a start, make available to this commission all information which it has regarding the illegal import and distribution of firearms," he said.

Improved co-operation with neighbouring states, particularly Transkei, increased penalties for offenders and legislation regulating the packing of freight to facilitate police searches at international borders were also recommended.

The commission heard that 711 people had been killed and

809 injured by AK-47 assault rifles alone during incidents of political violence from July 1 1991 to November 30 this year. In 1991, illegal weapons confiscated included a total of 1 090 AK-47s, 2 150 pistols, 1 075 revolvers, 632 home-made rifles and 1 600 kg of explosives.

Wepener said weapons were "freely available" in Mozambique and were smuggled by organised syndicates to Natal and the Witwatersrand.

Conflict between the ANC and Inkatha Freedom Party, taxi wars, train violence, faction fights and the increase in crime due to deteriorating economic conditions all helped to create a demand.

The commission also heard police had uncovered weapons smuggling networks in hostels on the Witwatersrand.

Police infiltrated such a hostel network and "bought" arms from smugglers.

A similar network, selling illegal Mozambican firearms to buyers in the Kruger National Park area, was also uncovered in August. — Sapa

Bop to cut sentences of prisoners

Star 11/12/92

More than 1 500 prisoners in Bophuthatswana will be affected by a general amnesty announced by President Lucas Mangope during the homeland's 15th anniversary independence celebrations last week, it was confirmed yesterday.

A Bophuthatswana government spokesman said the number of prisoners in the territory as of Wednesday stood at 1 561, and all, including long-term inmates, would have up to 18 months cut from their sentences. Those serving six months or less would be freed.

He said although the number of prisoners serving sentences of six months, or less was not available, hundreds would be released by the end of the week.

He could not confirm if former Bophuthatswana Defence Force member Warrant-Officer Timothy Phiri, one of the leaders of the aborted coup against Mangope's government in February 1988, was classified as a political prisoner or not.

Political organisations in the homeland, including the ANC, have been demanding the release of Phiri and Chris Makgala — Sapa

R100-m to be spent on peace

STAR 11/12/92

By Carina le Grange

As much as R100 million in sponsored funds would be spent on peace over the next few months, National Peace Secretariat chairman Dr Antonie Gildenhuys said in a statement yesterday

Gildenhuys was responding to what he called a "misleading" report

on a R60 million marketing campaign

He said the facts were that a media campaign of R3 million, which had been donated by the press, TV and radio, would be launched this Christmas to communicate the objectives of the National Peace Accord

It was expected that the main part of the

peace campaign would be launched at the end of March. This could amount to more than R100 million, but would depend on donations of media space and sponsorship

Gildenhuys said there would also be production and market-research expenses of about R1,8 million.

Panel to probe claims against SAP

STAR 11/12/92

Peter Fabricius
Political Correspondent

A permanent independent board chaired by a judge to investigate allegations of misconduct against the police is to be appointed early next year, Law and Order Minister Hennis Kriel said yesterday.

Kriel said at a Pretoria press conference that the Cabinet had already approved the leg-

islation to establish the board

It would probably be tabled early in the next session of Parliament starting at the end of January, he said

Kriel said the board would be chaired by a judge and run by an attorney-general.

It would have its own inspectors to investigate allegations of criminal conduct against the police

He confirmed that the board to be launched next year was the same as the committee he referred to in August when he announced a package of measures to improve the image of the SAP.

He said then that the committee would fall under the jurisdiction of the Minister of Justice and not the Minister of Law and Order who controls the SAP

It would thus be independent

STAR 11/12/92

Human rights picket

252

Members of Lawyers for Human Rights (LHR) staged a lunchtime demonstration outside the Carlton Centre in Johannesburg yesterday to mark the 44th anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations.

"This is not a celebration because there is nothing to celebrate in this country — apartheid is well and alive," LHR di-

rector Ahmed Motala said.

"The absence of a Bill of Rights in this country makes it difficult to challenge human rights violations," he added.

● In a statement, the Human Rights Commission estimated that 3 600 people would have died in political violence in South Africa by the year end.

The figure would be 40 per cent up on that of last year, it estimated — Staff Reporter

Escape charge is withdrawn

By Rochelle Gosling-Hughes

Charges of escaping from custody against former Blue Light Gang member Gavin Schultz were withdrawn in the Johannesburg Regional court yesterday. His co-accused, former warder Anton Nel, was convicted of assisting an escape and on two counts of obstructing justice.

The trial of Nel (21) and Schultz was split from that of four other accused, who will plead on February 22.

Schultz appeared on Wednesday, along with Nel and his brother Marius, two policemen, Lucas Strydom (25) and Pieter Greybe (20), and Godwin Webb, who is awaiting trial on fraud charges.

Nel was convicted of helping Schultz and Webb escape from Johannesburg Prison.

Schultz is serving a 10-year jail sentence for attempted murder, robbery with aggravating circumstances and the unlawful possession of a firearm.

Nel was further convicted on two counts of

obstructing justice because Webb and Schultz were prevented from attending their hearings while out of jail.

Magistrate Mr D Smith combined several of the charges saying that forging and using forged release documents were an integral part of the main escape charge, and did not need to be dealt with separately.

Nel said in a statement when he pleaded guilty that Webb had asked him to help him (Webb) escape.

He initially refused but eventually "softened" as his parents were having marital problems and he felt his mother may need the money, he said.

Former co-accused Lucas Strydom arranged the release papers, he said.

The men escaped but a few days later Webb voluntarily returned to jail after he could not find R100 000 to pay his helpers, said Nel.

Schultz intended to go overseas and send payment from there, said Nel. He was re-arrested in Cape Town.

tomorrow - The funeral service will be held at home at 10am and the cortege proceeds to the cemetery for burial at noon

Beauty contest

CONTINENTALS Amateur Football Club will hold a beauty pageant for the 10 to 15-year age group

been invited as speakers
Project co-ordinator, Mr Peter Gallens said the event was started in 1979 and "attendance grows every year"

He said everybody in the community was invited. He also appealed to graduates to wear their academic regalia -Sowetan Reporters and Sapa

Police planned killing, says dad

MK cadre was allegedly threatened by cops before they gunned him down: Sowetan 11/12/92 (252)

By Mzimasi Ngudle

POLICE intended killing his son long before they finally shot him dead, Mr Isaac Padi, father of an MK cadre, Mr Itumeleng Padi, told an inquest court yesterday.

In an affidavit submitted to the court, Padi said police threatened to kill his son if he did not hand himself over.

Padi said police took him to Protea police station on February 7 and, during interrogation, Sergeant Johannes Schoeman told him anything could happen to his children and family if he

refused to divulge the whereabouts of his son. "During the course of the interrogation I was told by Schoeman that if my son did not hand himself over, the police would shoot him when they found him." Padi was killed in his home in Phiri, Soweto on May 19 last year when police fired 33 shots after he allegedly resisted arrest. The inquest court adjourned yesterday and will resume on January 6 when the court will hold an inquiry into the absence of a police witness, Lieutenant Daniel Knoester, who failed to appear in court. A warrant for his arrest was issued on Tuesday

BOOKINGS NOW OPEN

Courts strike a blow for freedom

Law Review Suppl in

A court ruling against Ciskei strongman Oupa Gqozo demonstrates the key role judges could play in a South Africa with a Bill of Rights, reports **CARMEL RICKARD**

W/Mail 11/12 - 17/12/92

In a far-reaching decision, Ciskei's highest court has asserted its power to uphold a Bill of Rights against oppressive legislation

With significant implications for Ciskei and South Africa, the judgment makes detention illegal and will almost certainly outlaw the present blanket ban on political meetings

This serious blow struck by the Appellate Division to the wide powers of military ruler Brigadier Oupa Gqozo could be followed by another thrust the courts are considering whether to compel Gqozo to take the witness box in an inquest which could see him charged with murder

Last Friday the Ciskei AD decided that decrees or laws which clash with the Bill of Rights are invalid. This is a crucial overturning of the

supreme court ruling handed down earlier this year, which said that even if legislation is repugnant to the "statement of rights and freedoms", no court can void the decrees

The implications of the AD decision are far-reaching. It sets aside the indefinite deten-

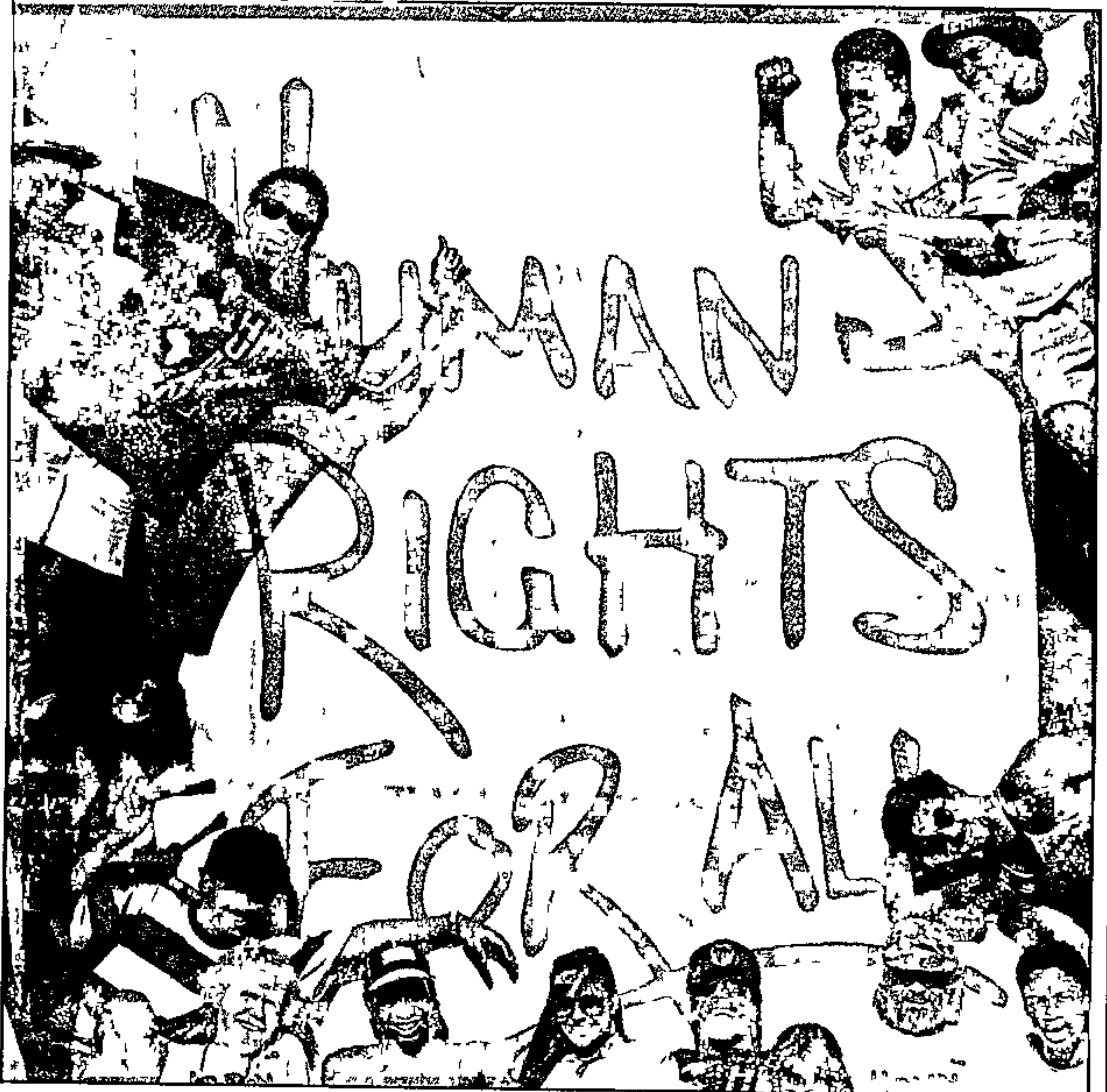
tion powers of Gqozo and his security forces. This law, Section 26 of the National Security Act, was one of the two key provisions used to stifle opposition to his rule

In another judgment earlier this year the supreme court declared Section 43 at odds with the Bill of Rights

This provision imposed a blanket ban on all meetings of more than 20 people, except with the — almost impossible to obtain — permission of the local magistrate. An application to have this section scrapped by the

In defence of those who can't afford lawyers

PAGE 7



A party down at the prison

In the old days, this was the forbidding wall of Durban's prison. But to celebrate International Human Rights Day on Thursday, a committee representing 17 organisations involved in public-interest work gave the old jail wall an unofficial face-lift



Oupa Gqozo

hundreds of claims are now likely by detainees who will ask compensation for illegal detention. Similarly if the court rules Section 43 invalid, the number of claims from the Bisho shootings, carried out under this section, could dramatically increase

supreme court is in the pipeline, and could now be heard urgently. However, given the clear ruling by the AD that laws repugnant to the Bill of Rights have to go, the hearing is expected to be a mere formality

The political implications of scrapping these two laws are enormous. They form the twin pillars on which Gqozo buttressed his rule and suppressed all opposition. Now the legal bars on political opposition are removed

The latest decision which results from an application brought by Thozama Bongopi is retrospective, and makes all detentions under Section 26 invalid. Lawyers said hun-

There is a double irony about the Bongopi decision first that it was written by former South African Chief Justice and Acting Chief Justice Pierre Rabie, now serving on the Ciskei AD, second, that a judgment so firmly committed to upholding a Bill of Rights should come from a homeland disparaged for its human rights record

Justice Rabie heard the appeal with Justice Marius Driemont and Justice Oscar Galgut. To put it mildly, none of them has a record as an activist civil rights judge. Justice Rabie constructed South Africa's long-feared security legislation (now partially removed, and a primary target

for lawyers under a Bill of Rights). He also closely protected the government's Emergency legislation during the mid to late 1980s, and was retained as South African chief justice after his retirement, apparently to keep the regulations intact

This decision shows that even with a very limited P. of Rights, quite cautious judges who are not in the activist mould can be influential in protecting basic freedoms. A similar judicial message has come from Bophuthatswana, and legal experts see this as a sign of the important role to be played by judges in South Africa under a

Continued on PAGE 2

P.T.O

Law Review Suppl IN
11/12-17/12/92 (252)

Striking a blow for freedom

From PAGE 1

justiciable Bill of Rights. Given the Ciskei and Bophuthatswana lead, how much more protection could be offered with a serious Bill of Rights, specifically designed to protect people, and a bench committed to upholding it.

In a further irony, the legal experience in these homelands is building up a body of law which could be influential in post-apartheid South Africa under a Bill of Rights

Whether the Bongopi judgment was an aberration or a trend will become clear in the awaited AD decision on another case, brought by Viwle Guzana. She asked the court to set aside a decree which prevents Gqozo from being subpoena'd to give evidence in court. Argued in the AD on the same day as the Bongopi judgment was handed down, the case arises from the inquest into the deaths of her husband, Onward Guzana, and former Ciskei leader Charles Sebe.

In an affidavit handed to the inquest court, Gqozo denied he ordered them to be killed. But other evidence strongly disputed this. Called to

explain the discrepancy, Gqozo issued two decrees ensuring he could not be compelled to appear in court. Guzana's lawyers argued that these decrees fundamentally conflicted with Ciskei's Bill of Rights, namely the right to equality before the law and the right to a fair and public hearing.

If the AD sets aside his decree, Gqozo will have to obey the subpoena and appear in court. Given the evidence before the inquest, Gqozo stands a real chance of being found responsible for the killings, and could well end up charged with two counts of murder. That, together with the removal of his powers to detain and to ban meetings, could spell the end.

●In the Bongopi case Dawid de Villiers QC assisted by Deva Pillay, instructed by Smith, Tabata and van Heerden appeared for the family. David Gordon SC, assisted by Isak Smuts, instructed by the Ciskei State Attorney, appeared for Gqozo.

●In the Guzana case George Bizos SC appeared for the family, with the other appearances as in the Bongopi case.

Policeman skips MK inquest

W/Man 11/12 - 17/12/92

(252)

(25)

BY ROSALEE TELELA

A POLICEMAN allegedly involved in the killing of Umkhonto weSizwe (MK) member Tumi Padi again failed to appear in the Johannesburg Magistrate's Court yesterday

Despite the issuing of a warrant for his arrest by magistrate JW Botha on Monday, Lieutenant Daniel Knoester's whereabouts are still not known. The case has been adjourned until January 6, when an inquiry will be held into the non-appearance of the policeman.

Knoester was supposed to be a prime witness during this week's inquest hearing into the death of MK member Padi and his girlfriend Nokuzola Ncalo, killed during a raid by police in the early hours of May 19 last year. Police say Padi was shot and killed when he attempted to throw a hand grenade at them. Ncalo, who was in the same room as Padi, was shot when she allegedly "stormed" the police.

Pathologist Russell Johnston testified that Padi had died of shotgun wounds and a head wound from a gunshot, either from a R1 or R5 that the police carried during the raid. He said Ncalo's death was caused by sustained shotgun wounds to the chest and abdomen.

Two policemen, Constable Harry Mhlanga

and Sergeant Moeledi Moagi, who were present during the shooting, told the court they could not recall whether they were present when affidavit stamps were put on their statements.

During cross-examination it emerged that both witnesses had given their statements to a policeman who had also been present during the shooting, and not the investigating officer in the case.

The investigating officer, Detective Constable Ncele, declined to answer most questions put to him by defence counsel Gys Rautenbach. He confessed, however, that at times he stamped statements in the absence of those who made them and that it was possible he had done the same with the statements of Moagi and Mhlanga.

Testimony by a forensic expert, Dr David Klatzow, contradicted the police claim that Padi had been sitting on the right side of the bed when police entered the room. He argued that it was more probable that he was on the left side, basing his deduction on the fact that there were no signs of massive bleeding on the right side and the manner in which blood had splattered on the ceiling.

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Department specialist in ...



C OUPLES facing divorce sometimes find themselves involved in lengthy, bitter arguments about a settlement. Most resort to negotiation or litigation, but there is another choice — mediation.

Divorce must always be ratified by the court, but mediation is an increasingly popular route to the court.

A voluntary, confidential and legally privileged process, it enables disputing couples to retain control of joint decision-making, encouraging them to communicate and to reach their own agreements. Couples are brought together in an informal environment rather than the formal courtroom setting. Through information exchange, communication and learning, and with the assistance of a skilled mediator, they may arrive at mutually acceptable decisions concerning their children, property and finances.

The mediator will assist the couple to uncover the bones of their immediate conflict. For example, a custody battle in a religiously divided home may turn on the future religious instruction of the children. The mediator may ask what tradition, if any, the children have followed to date; and what consequences are envisaged by spouse A if the couple opt for B's tradition. The mediator helps the couple develop possible settlement scenarios. The couple is assisted in decision-making and then asked to specify the terms of their agreement. The decisions made by the couple are drafted into a memorandum of understanding by the mediator with the co-operation of the couple.

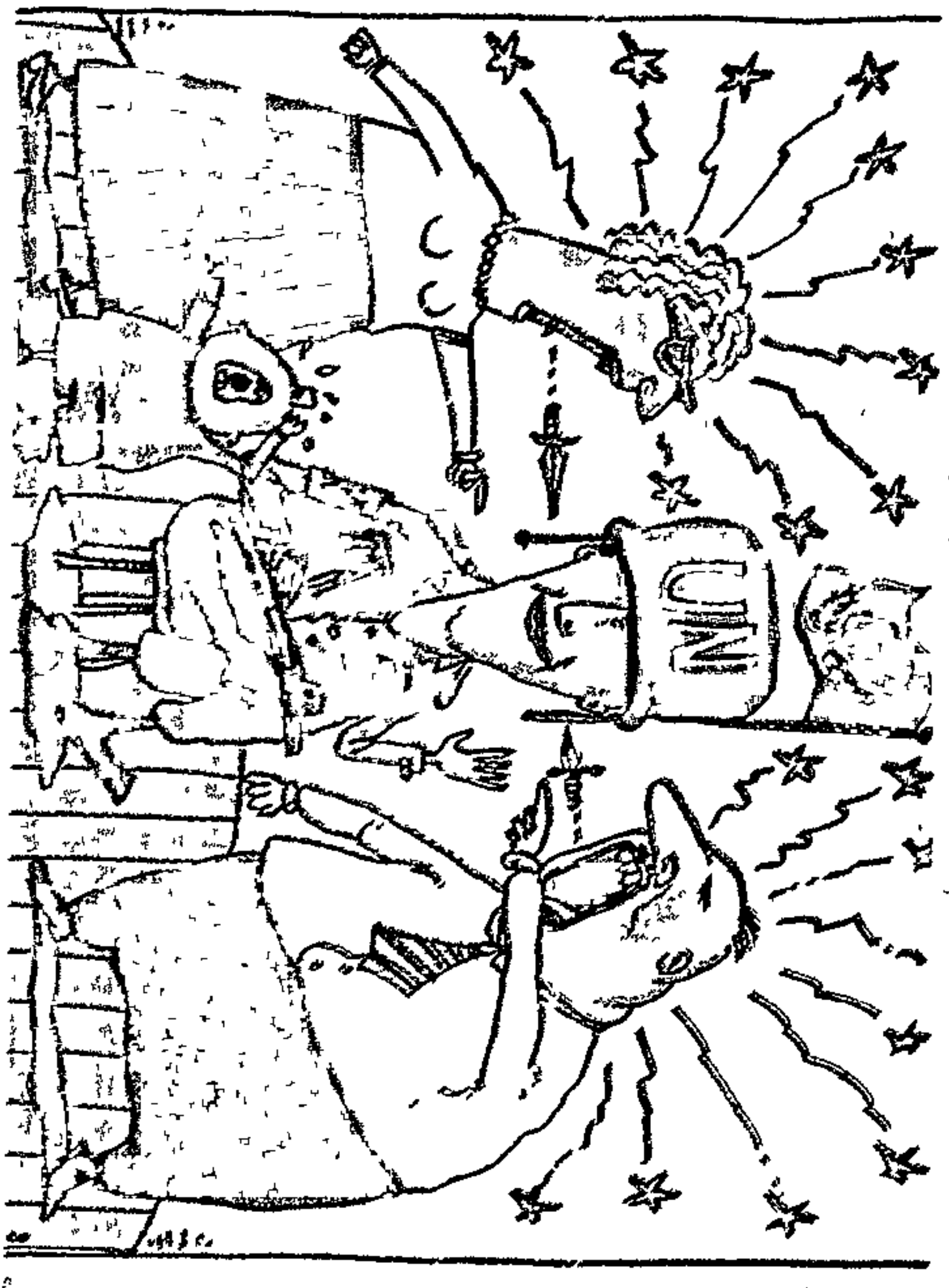
Mediation encourages spouses to retain control of what constitutes a major reorganisation of their lives. They are acknowledged as reasonable adults, best equipped and most competent in taking decisions with regard to the interests of their children and their future relationship with one another. Divorce also affects extended family members, such as grandparents, whose interests can be dealt with by the divorcing couple rather than ignored in a courtroom.

The mediator is usually a professional — a mental health worker or lawyer — trained as a family and divorce mediator. The issues that a

Divorce Without drama ... mediate

Divorce affects more than just the children and the couple. It affects the extended family, friends and colleagues. But there is a more constructive path — mediation.

By **LINDA MACUN and ROBYN STEIN**



couple bring to the mediation table will help them choose a mediator. Couples handling the issues of custody and property may opt for co-mediation with a lawyer and a mental health worker. However, because of costs, it is more common to work with one mediator. Couples should ask

an hourly fee by the mediator, a fee by the administering body and any disbursements incurred by the mediator or administering body in the course of the mediation. The number of sessions required is determined by the couple's speed in settling. The mediator has an obligation to discuss terminating the mediation if the couple are unable to reach agreement in a reasonable time period.

Couples may come back to mediation post-divorce to deal with new issues. The non-custodian parent may be relocating to start a new job with better prospects. This will affect the access arrangements previously agreed upon by the parents and they may need assistance in restructuring their agreement. Follow-up work suggests that many divorced couples, equipped with negotiation and problem solving skills through mediation, are able to renegotiate aspects of their initial agreement unassisted.

Mediators do not offer clients legal advice. If necessary, clients will be encouraged to obtain legal advice from their attorneys. Unlike commercial mediation, current thinking in South Africa excludes the divorce attorney from the mediation. However, the mediator can have no better partners than supportive attorneys on either side who appraise the clients of their legal rights, give advice on settlement scenarios and have the memorandum of understanding made an order of court.

Divorce affects children, immediate and extended family, friends, colleagues and the couple themselves. Rather than an isolated event, the separation of two people causes a social tremor felt in the emotional and financial fabric of their personal and social existence. Mediation offers couples a less confrontational and more constructive dispute resolution procedure during the difficult days of divorce.

●Robyn Stein is a candidate attorney at Bowman Gilfillen and Linda Macun is executive director of Alternative Dispute Resolution Association of South Africa

Weekly Mail Reporter

MORE than two million accused appear in South Africa's magistrate's courts every year — about 80 percent of them are not represented by a lawyer. One result is that more than 100 000 unrepresented accused are sent to jail by the courts annually.

Many accused are illiterate and ignorant of complex criminal law and procedure. Section 73 of the Criminal Procedure Act no 81 of 1977 gives an accused the right to legal representation if he or she can afford it, but for the majority of accused this is quite beyond their pockets.

One such accused, a Mr Buthelezi, appeared in the Johannesburg Regional Court this year. He was charged with fraud. It was alleged that he had been persuaded by a dishonest insurance agent to submit a false claim to his insurers for the death of one of his children. Unable to afford an attorney, he conducted his own defence. He

Defending the poor who can't afford attorneys

Law Review

Suppl

in

Why not?

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denied the charges against him but, at the end of his trial he was convicted.

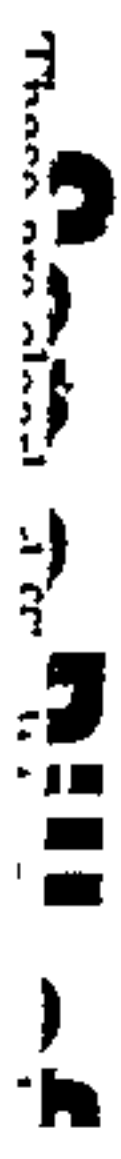
Although Buthelezi was a 47-year-old man with five children, a first offender and in steady employment, the magistrate sentenced him to four years' imprisonment. The prosecutor was shocked at the sentence and immediately approached a public defender advising him of Buthelezi's plight. Buthelezi, totally unaware he could appeal, was waiting to be taken to prison to serve his sentence.

The Office of the Public Defender opened a

file; drew and lodged a notice of appeal; applied for bail pending appeal, which was granted, and referred the matter to the Legal Aid Board (as the Office of the Public Defender does not as yet handle appeals) for the appointment of an attorney and counsel in private practice. The appeal was successful. Both the conviction and Buthelezi's case is just one example of how the Office of the Public Defender has made a difference.

admitted advocates or attorneys who assist poor accused appearing in the Johannesburg Magistrate's Court. Since January 1992, when the office opened its doors to the public, the public defenders have appeared in about 2 000 cases. In matters where accused have pleaded not guilty the success rate has been above 70 percent. Even in matters where accused have pleaded guilty or have been convicted, a lawyer can make a difference by knowing which mitigating factors to put before the court. The public defenders have also helped accused in applications for bail or for reduction of bail — about 90 percent of which were granted.

The 10 public defenders appear in 14 regional and 14 district courts in the Johannesburg Magistrate's Courts and there are about six cases on each court's roll each day. But despite its size the scheme has made a vast difference to the many accused it has assisted.



Can a Bill of Rights survive an emergency?

Law Review suppl in w/mail (252)
By JOHN GROGAN

SURPRISINGLY little attention has been given to the question of what becomes of a Bill of Rights if — as might well happen — the future democratically elected state is seriously threatened by forces trying to overthrow it

Bills of Rights are designed for societies in which both state and subjects respect and abide by the law. When either the power-holders or the opposition disregard the basic rules of democracy, their fragility is exposed.

There can be little doubt that the first government of a post-apartheid South Africa will experience militant opposition as it seeks to consolidate power. Whether it will be able to maintain order by purely democratic means during the period of transition is far from certain.

Like it or not, the point may well arrive when a future government may have to ask for additional emergency powers to deal with crises. What form should they take? And can they be reconciled with a Bill of Rights?

Under the current law, the government can give itself emergency powers over all or part of the country. By definition, emergency rule entails the suspension of human rights like freedom of speech, the press, assembly and movement, and of due process. The extent to which the government can trample on these liberties under emergency rule became apparent during the emergency of the 1980s. It is not inconceivable that a future government might try to follow that example.

After this country's experience with emergency rule, constitution-makers should think hard about how to handle a national emergency with as little damage as possible to the values enshrined in the Bill of Rights.

There is no easy answer to this problem. But, if emergency powers are not to be abused again, there must be a mechanism to ensure that they are invoked only in cases of dire threat to the existence of the state itself, that they are used only for so long as the threat persists, and that the measures taken are commensurate with the threat they are designed to avert.

These are clearly difficult tests to apply. But, if anything can be learned from our earlier experience of emergency rule, it is that the political authorities (both legislature and executive) cannot be relied upon to apply them.

Emergency measures must, therefore, be brought under the effective control of the courts — ideally, a special constitutional court designed to handle such matters. And with a Bill of Rights in place, the standard against which all emergency measures must be tested will be: do the circumstances and objectives of the particular emergency measure justify the extent to which entrenched rights are violated?

Idealists may object that any provision conferring emergency powers on the executive is by definition subversive of the values enshrined in a Bill of Rights.

But realism, I believe, indicates that strict controls on such powers are preferable to the alternative so often experienced in Africa. This is for the government to suspend the constitution entirely — at best until it has handled the crisis in its own way, at worst in perpetuity.

John Grogan is professor of law at Rhodes University.

Getting justice for workers

Law Review suppl in w/mail (252)

An advice bureau which assists workers in their battles with employers faces closure through lack of funds. By GAYE DAVIS

DUMISANI MBELE'S train to work was late. Hot and sweaty from rushing to get there, he took a key to the storeroom so that he could have a shower. An enraged foreman assaulted him for his presumption, but when Mbele complained, he was fired and the foreman stayed.

Jobless and angry, Mbele heard about an office in Athlone where there were people who knew the law and could help him. He duly arrived at the General Workers' Advice Service and, after a conciliation board hearing, Mbele won the justice he deserved.

The three full-time staffers at the advice office can tell hundreds of stories like Mbele's, of people lacking the knowledge or the language skills to fight cases of unfair dismissals and other labour-related problems.

For people like Mbele, there are few avenues for legal assistance in battles with employers. If the advice office were to close, there would be even fewer.

But a funding crisis could close the office in six months, according to staffers Jane Connolly and Simon Williams.

Cuts by donors mean the office has to find R22 000 to meet a budget shortfall for 1993, it is already battling to meet this year's shortfall and December salaries are under threat.

"If the office were to close, where would all these people go?" The Department of Manpower, industrial councils, the Legal Aid Board and unions all refer cases to us," says Williams. "As the recession worsens, the need for a place like this increases."

"We're servicing the needs of workers not represented by unions, although we do get referrals from unions."

"The office deals exclusively with labour-related issues, including health and welfare as far as the workplace is concerned. Our main brief is



Consultation. The General Workers' Advice Service helps with labour-related problems.

dealing with unfair dismissals and labour practices."

"We provide not only a watchdog function, ensuring basic labour law requirements are met, but also an educative one."

Says Connolly: "We do a lot of work the legal fraternity won't touch. Each month we get about 250 people walking in and take up between 100 and 150 cases. It's tiring, emotionally draining, time-consuming work but we're dealing with the poorest of the poor who would otherwise have nowhere to go."

Most of the workers who approach the advice office earn between R400 and R600 a month — below the minimum wage at its 1990 level of R709. Usually by the time they arrive at the advice office they have already been dismissed, which means they're without income until they

find another job — not an easy task in a depressed economy.

Volunteer workers — currently about 40 — are drawn largely from university students. Each year the office runs a training course for paralegals and trade union staff. "We're about the only organisation training people in advice office labour law skills," says Williams.

Closure would thus diminish access to justice for those who most need it — and would also mean the loss of a valuable training system.

"By June next year we must have new funders," says Connolly. "If we don't, we will have to close."

"There are workers out there who need us. It's tiring, draining work with people who are desperate. We don't need to be panicking and worrying about the future of the service."

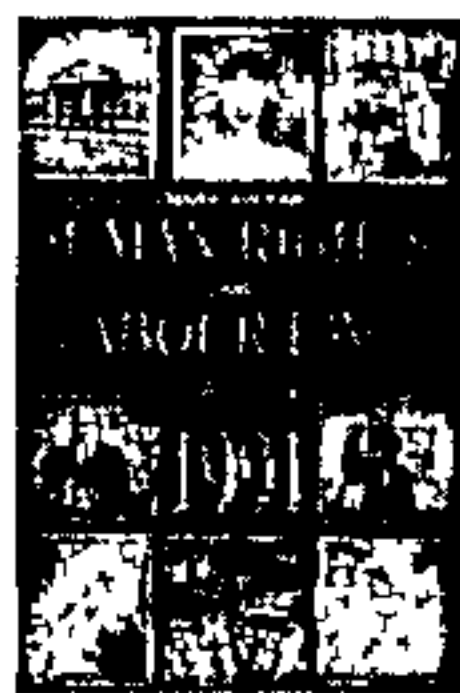
Where to jol!

A special focus on holidays in Durban and Cape Town - in The Weekly Mail next week

OXFORD



ADVANCING HUMAN RIGHTS IN SOUTH AFRICA
Albie Sachs
R34.99
Albie Sachs, lawyer and writer, looks at federalism, and the question of regional government. He examines the controversial issue of socio-economic rights and deals extensively with the theory and practice of affirmative action.
Albie Sachs is the author of several other books including *Protecting Human Rights in a New South Africa*, published by Oxford University Press in 1990.



THE SOUTH AFRICAN HUMAN RIGHTS AND LABOUR LAW YEARBOOK
Michael Robertson (ed.)
R89.99
This volume describes how laws and legal institutions are developing, notes the growing movement towards tripartite negotiations involving business, labour, and the state, and points to the enormous social and legal changes which are still necessary before South Africa can regard itself as an upholder of internationally acceptable standards of human rights.

the development of nations, Nations have in faith in fun- of the human and have deter- of life in

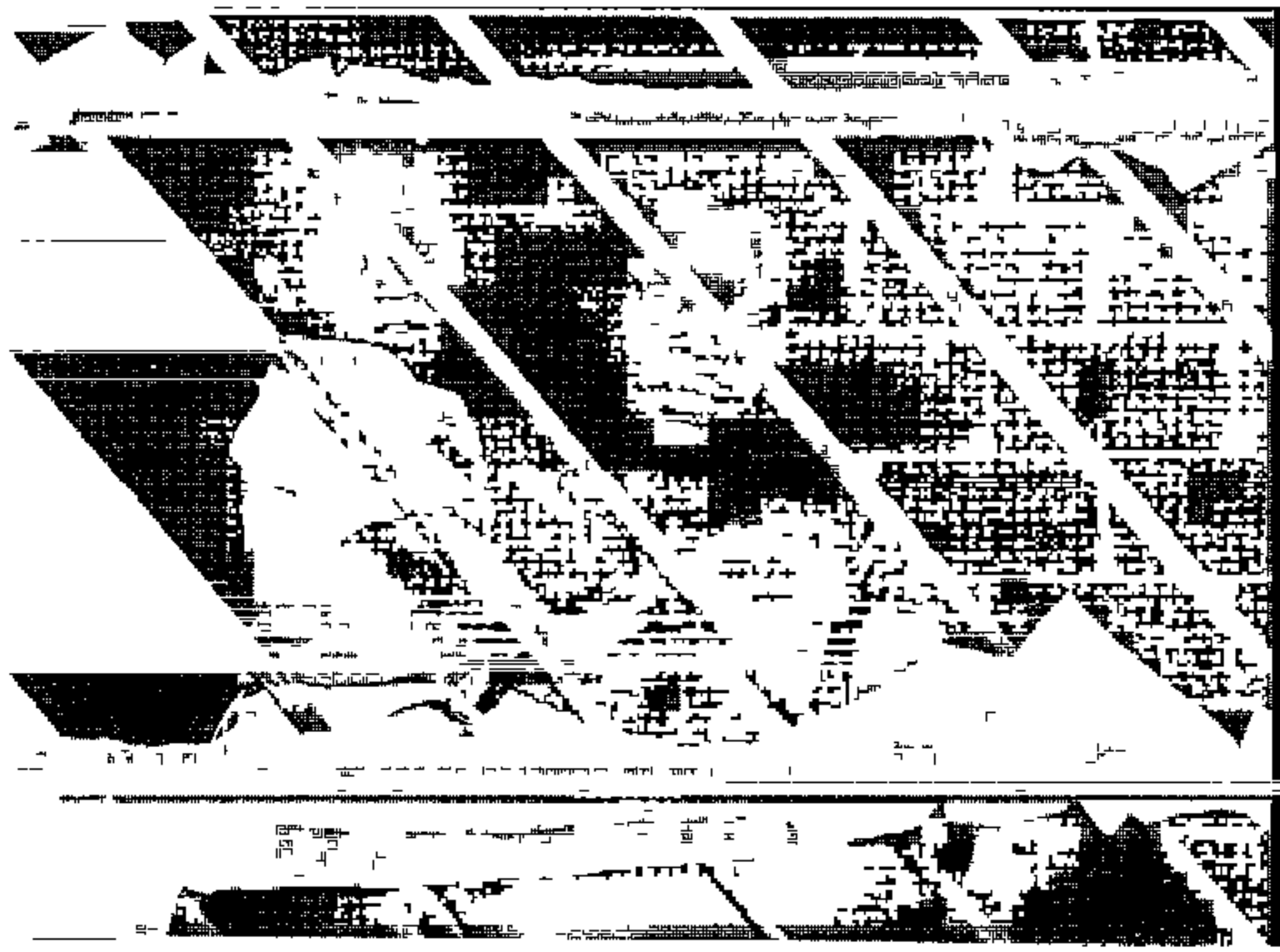
WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, **WHEREAS** a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge, now, therefore

The General Assembly

Proclaims this UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by

teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

DECLARATION OF HUMAN RIGHTS



Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to receive and impart information and ideas through any media and across frontiers

Article 20

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures

Article 22

Everyone as a member of society has the right to social security and is entitled to realisation, through national effort and international co-

operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests

Article 24

Everyone has the right to rest and leisure including reasonable limitation of working hours and periodic holidays with pay

Article 25

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical

care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection

Article 26

Everyone, has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein



Law Review Suppl in w/mail
11/12-17/12/48

Preamble

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to friendly relations between the peoples of the world, the Charter reaffirms the basic and inalienable human rights, in the dignity and worth of the individual person and in the equal rights of men and women, and is determined to promote social progress and better living conditions in the larger freedom,

Universal Declaration of Human Rights

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Declaration of the Rights of Man and of the Citizen

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.



Article 15

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

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Article 17

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right of freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Weekly Mail Reporter

MORE than two million accused appear in South Africa's magistrate's courts every year — about 80 percent of them are not represented by a lawyer. One result is that more than 100 000 unrepresented accused are sent to jail by the courts annually.

Many accused are illiterate and ignorant of complex criminal law and procedure. Section 73 of the Criminal Procedure Act no 81 of 1977 gives an accused the right to legal representation if he or she can afford it, but for the majority of accused this is quite beyond their pockets.

One such accused, a Mr Buthelezi, appeared in the Johannesburg Regional Court this year. He was charged with fraud. It was alleged that he had been persuaded by a dishonest insurance agent to submit a false claim to his insurers for the death of one of his children. Unable to afford an attorney, he conducted his own defence. He

Defending the poor who can't afford attorneys

denied the charges against him but, at the end of his trial he was convicted.

Although Buthelezi was a 47-year-old man with five children, a first offender and in steady employment, the magistrate sentenced him to four years' imprisonment. The prosecutor was shocked at the sentence and immediately approached a public defender advising him of Buthelezi's plight. Buthelezi, totally unaware he could appeal, was waiting to be taken to prison to serve his sentence.

The Office of the Public Defender opened a

file, drew and lodged a notice of appeal; applied for bail pending appeal, which was granted, and referred the matter to the Legal Aid Board (as the Office of the Public Defender does not as yet handle appeals) for the appointment of an attorney and counsel in private practice. The appeal was successful. Both the conviction and Buthelezi's case is just one example of how the Office of the Public Defender has made a difference.

The office is a two-year pilot project of the Legal Aid Board. It has 10 public defenders, all

admitted advocates or attorneys who assist poor accused appearing in the Johannesburg Magistrate's Court. Since January 1992, when the office opened its doors to the public, the public defenders have appeared in about 2 000 cases. In matters where accused have pleaded not guilty the success rate has been above 70 percent. Even in matters where accused have pleaded guilty or have been convicted, a lawyer can make a difference by knowing which mitigating factors to put before the court. The public defenders have also helped accused in applications for bail or for reduction of bail — about 90 percent of which were granted.

The 10 public defenders appear in 14 regional and 14 district courts in the Johannesburg Magistrate's Courts and there are about six cases on each court's roll each day. But despite its size the scheme has made a vast difference to the many accused it has assisted.

Can a Bill of Rights survive an emergency?

By JOHN GROGAN

SURPRISINGLY little attention has been given to the question of what becomes of a Bill of Rights if — as might well happen — the future democratically elected state is seriously threatened by forces trying to overthrow it. Bills of Rights are designed for societies in which both state and subjects respect and abide by the law. When either the power-holders or the opposition disregard the basic rules of democracy, their fragility is exposed. There can be little doubt that the first government of a post-apartheid South Africa will experience militant opposition as it seeks to consolidate power. Whether it will be able to maintain order by purely democratic means during the period of transition is far from certain.

Like it or not, the point may well arrive when a future government may have to ask for additional emergency powers to deal with crises. What form should they take? And can they be reconciled with a Bill of Rights?

Under the current law, the government can give itself emergency powers over all or part of the country. By definition, emergency rule entails the suspension of human rights like freedom of speech, the press, assembly and movement, and of due process. The extent to which the government can trample on these liberties under emergency rule became apparent during the emergency of the 1980s. It is not inconceivable that a future government might try to follow that example.

After this country's experience with emergency rule, constitution-makers should think hard about how to handle a national emergency with as little damage as possible to the values enshrined in the Bill of Rights.

There is no easy answer to this problem. But, if emergency powers are not to be abused again, there must be a mechanism to ensure that they are invoked only in cases of dire threat to the existence of the state itself, that they are used only for so long as the threat persists, and that the measures taken are commensurate with the threat they are designed to avert.

These are clearly difficult tests to apply. But, if anything can be learned from our earlier experience of emergency rule, it is that the political authorities (both legislature and executive) cannot be relied upon to apply them.

Emergency measures must, therefore, be brought under the effective control of the courts — ideally, a special constitutional court designed to handle such matters. And with a Bill of Rights in place, the standard against which all emergency measures must be tested will be: do the circumstances and objectives of the particular emergency measure justify the extent to which entrenched rights are violated?

Idealists may object that any provision conferring emergency powers on the executive is by definition subversive of the values enshrined in a Bill of Rights.

But realism, I believe, indicates that strict controls on such powers are preferable to the alternative so often experienced in Africa. This is for the government to suspend the constitution entirely — at best until it has handled the crisis in its own way, at worst in perpetuity.

●John Grogan is professor of law at Rhodes University.

Getting justice for workers

An advice bureau which assists workers in their battles with employers faces closure through lack of funds. By GAYE DAVIS

DUMISANI MBELE'S train to work was late. Hot and sweaty from rushing to get there, he took a key to the storeroom so that he could have a shower. An enraged foreman assaulted him for his presumption, but when Mbele complained, he was fired and the foreman stayed.

Jobless and angry, Mbele heard about an office in Athlone where there were people who knew the law and could help him. He duly arrived at the General Workers' Advice Service and, after a conciliation board hearing, Mbele won the justice he deserved.

The three full-time staffers at the advice office can tell hundreds of stories like Mbele's, of people lacking the knowledge or the language skills to fight cases of unfair dismissals and other labour-related problems.

For people like Mbele, there are few avenues for legal assistance in battles with employers. If the advice office were to close, there would be even fewer.

But a funding crisis could close the office in six months, according to staffers Jane Connolly and Simon Williams.

Cuts by donors mean the office has to find R22 000 to meet a budget shortfall for 1993, it is already battling to meet this year's shortfall and December salaries are under threat.

"If the office were to close, where would all these people go?" The Department of Manpower, industrial councils, the Legal Aid Board and unions all refer cases to us," says Williams. "As the recession worsens, the need for a place like this increases."

"We're servicing the needs of workers not represented by unions, although we do get referrals from unions."

"The office deals exclusively with labour-related issues, including health and welfare as far as the workplace is concerned. Our main brief is



Consultation ... The General Workers' Advice Service helps with labour-related problems

dealing with unfair dismissals and labour practices."

"We provide not only a watchdog function, ensuring basic labour law requirements are met, but also an educative one."

Says Connolly: "We do a lot of work the legal fraternity won't touch. Each month we get about 250 people walking in and take up between 100 and 150 cases. It's tiring, emotionally draining, time-consuming work but we're dealing with the poorest of the poor who would otherwise have nowhere to go."

Most of the workers who approach the advice office earn between R400 and R600 a month — below the minimum wage at its 1990 level of R709. Usually by the time they arrive at the advice office they have already been dismissed, which means they're without income until they

find another job — not an easy task in a depressed economy.

Volunteer workers — currently about 40 — are drawn largely from university students. Each year the office runs a training course for paralegals and trade union staff. "We're about the only organisation training people in advice office labour law skills," says Williams.

Closure would thus diminish access to justice for those who most need it — and would also mean the loss of a valuable training system.

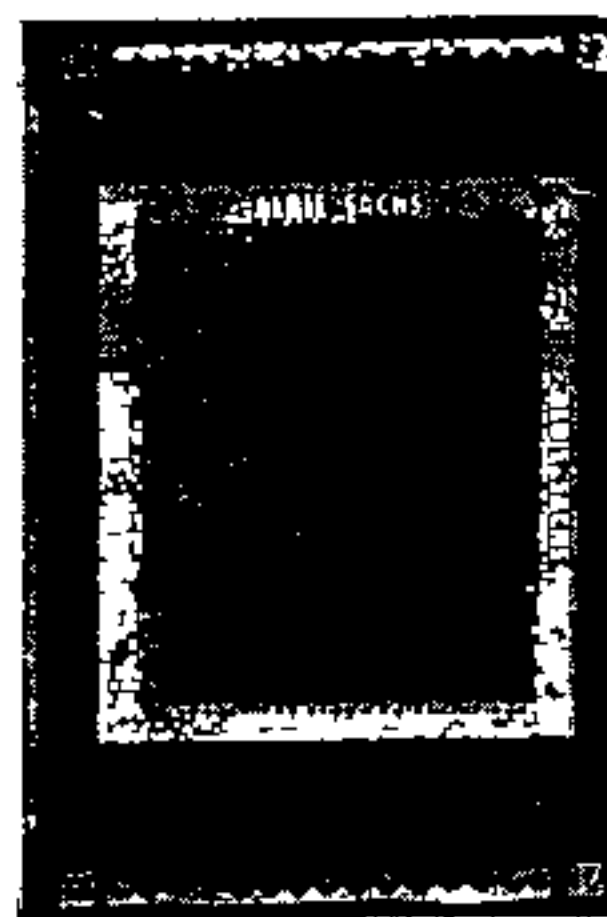
"By June next year we must have new funders," says Connolly. "If we don't, we will have to close."

"There are workers out there who need us. It's tiring, draining work with people who are desperate. We don't need to be panicking and worrying about the future of the service."

Where to jol!

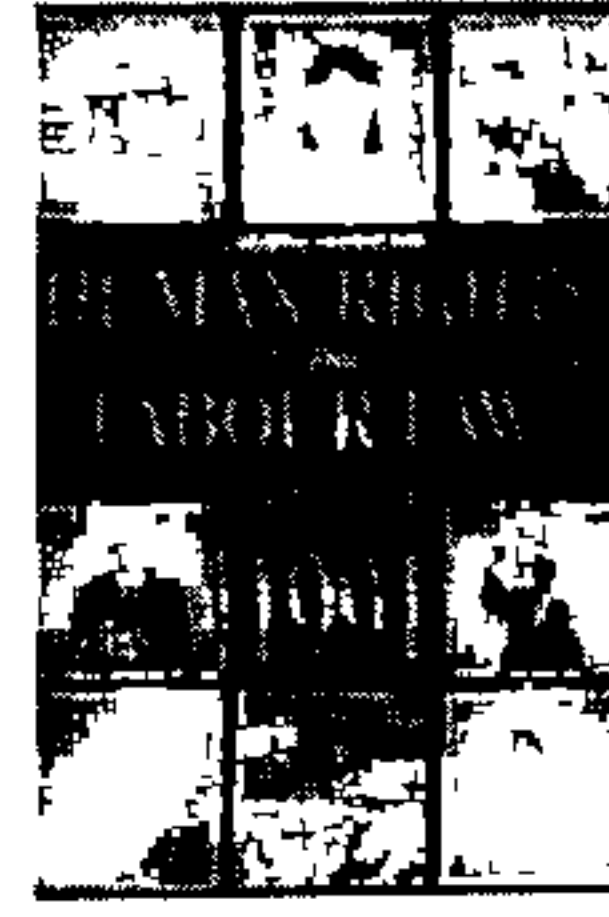
A special focus on holidays in Durban and Cape Town - in The Weekly Mail next week

OXFORD



ADVANCING HUMAN RIGHTS IN SOUTH AFRICA
Albie Sachs
R34,99

Albie Sachs, lawyer and writer, looks at federalism, and the question of regional government. He examines the controversial issue of socio-economic rights and deals extensively with the theory and practice of affirmative action. Albie Sachs is the author of several other books including *Protecting Human Rights in a New South Africa*, published by Oxford University Press in 1990.



THE SOUTH AFRICAN HUMAN RIGHTS AND LABOUR LAW YEARBOOK
Michael Robertson (ed.)
R89,99

This volume describes how laws and legal institutions are developing, notes the growing movement towards tripartite negotiations involving business, labour, and the state, and points to the enormous social and legal changes which are still necessary before South Africa can regard itself as an upholder of internationally acceptable standards of human rights.

These books are available through any good bookseller. If you have difficulty in obtaining them, please contact Oxford University Press, P O Box 1141, Cape Town, 8000. Telephone (021) 45-7266 or fax (021) 45-7265.

When victory starts with a billet-doux

Law Review Suppl
11/12-17/12/92

THE Grahamstown Legal Resources Centre (LRC) counts its success in terms of big victories in small towns. The four lawyers on the staff deal with a huge area, from Noupoot in the Karoo to Aliwal North and East London, including Ciskei and reaching even into Transkei.

Set up to service small towns and rural communities, the LRC's experience has been that a single case in an isolated community can have a huge impact on the local balance of power. A victory with legal help gives communities new confidence and a sense of their rights, and makes the local power structure more careful.

In one case, an unpopular police station commander in Alicedale was transferred after LRC intervention.

Gerald Bloem, the lawyer who handled the case, said: "The community was not happy with the station commander. They said among other things that police would sit and wait for people

Whether the Legal Resource Centre in Grahamstown deals with the Bisho massacre or marital violence and the rights of farm labourers, each case has a ripple effect throughout the community. By **BULELWA PAYI**

coming from traditional ceremonies and arrest them" on charges of drunkenness.

The LRC successfully defended an accused in one of these cases, and the community then approached the police to have the station commander transferred. The man was moved, and replaced with a "more friendly" officer.

The LRC started off supporting advice office workers and trying to give them clout.

Bloem says: "Their letters were just ignored and we wanted to give them teeth so we backed

them up in their claims."

According to the centre's acting director, Clive Plasket, the office has been involved in a great deal of litigation against the minister of law and order. "While we accept that abuses of power by the police will always be a problem, we believe that our strategy has had some impact on police practice," he adds.

In one instance in Cathcart, a man returning from a traditional ceremony where he had drunk homemade brew was stopped by police. He was thrown into the back of a van and suffered a head injury. He successfully sued for damages.

Although he was only awarded R600, the LRC considers the time and energy spent on the case worthwhile. "The matter generated an immense amount of interest in that small rural community. The public gallery was full at every court sitting."

As a result of the judgment, says the office, the number of police assaults in Cathcart has decreased.

Their work has brought the lawyers hostility from some whites in these small towns, who don't like the interference by meddling outsiders.

"They would ignore letters we sent to them and only when we issued summonses would they realise that we were serious."

In one case, an LRC lawyer was chased by angry farmers.

Cases are referred to the office by advice office workers throughout the eastern Cape and Border regions.

The advice offices themselves face huge difficulties. They are chronically short of funds, their phones are sometimes cut off for long periods because they are unable to pay the account. In December 1991, one advice office worker had not been paid for 10 months.

Very few offices are equipped with a fax machine and although advice office workers are eager to be of assistance, they lack basic training.

Advice offices in East London, Queenstown and Fort Beaufort are visited regularly, while telephonic advice is given to other advice offices.

The lawyers each tend to deal with particular advice offices. This arrangement has built confidence and trust between the particular attorney and the advice office, "made for continuity and provided the attorney with an understanding of local dynamics and needs", said Plasket.

Some advice office workers help in trial preparation, and every time attorneys appear in court there is at least one advice office worker to ensure that witnesses are present.

Letters and telephone calls requesting legal advice or assistance continue to pour in "from all over the eastern Cape."

"Those writing to us for assistance have a variety of problems and a range of literary style. One letter began 'Grammatically news must fall upon your hands like a lily flower which blows in the summer season. Be jubilant when you receive this billet-doux from me!'"

The LRC has also been approached by the Anglican bishop of Grahamstown, Bishop David Russell, who has been campaigning for rights for farmworkers. He has asked it to help in drafting alternative legislation to the Trespass Act and the Prevention of Illegal Squatting Act. These will either be tabled in negotiations with the government or be used in lobbying in the post-apartheid era.

One of the areas the LRC hopes to tackle is marital violence, often regarded by police as merely a domestic dispute.

According to a report by Plasket, the LRC has been told by the Family and Marriage Society of South Africa that police have refused to investigate a number of cases of violence against women by their partners.

The LRC has also been asked by Disabled People of South Africa to help formulate policy.

Particular needs have been identified as housing, education, transportation and employment.

The office is often involved in Ciskei cases. Plasket says the Ciskei's Bill of Rights provides "useful and interesting mechanisms for challenging government action and provides us with valuable experience in Bill of Rights litigation".

LRC's record in Ciskei is particularly good. All but one case taken to the homeland's supreme court were settled out of court.

Currently, damages claims arising out of the Bisho massacre of September 7 are being handled by the LRC. — Ana

Warner-Lambert supports the International Bill of Human Rights and in particular article 12 of the International Covenant on Economic, Social and Cultural Rights that forms part of the Bill

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
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 - (a) The provision for the reduction of the still birth rate and of infant mortality and for the healthy development of the child.
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**WARNER
LAMBERT**

Law for Lesotho's ladies

A NEW legal aid clinic for women, run by women lawyers, will be formally launched in Lesotho today, December 11.

One full time staffer, Puseletso Letete, oversees the clinic which began operating earlier this year. Women who want help must satisfy a means test, earning less than R400 a month.

The other women lawyers involved in the federation spend their Saturdays in the clinic helping clients, or running workshops and seminars in the community.

So far, the women coming to the office have been asking for help with family law matters — divorce, maintenance and separation — and labour law problems.

The clinic is funded by overseas donors and run by the Lesotho Federation of Women Lawyers, a national non-governmental organisation started in 1988.

● Contact Puseletso Letete at (09266) 323088.

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Law Review Suppl

11/12 - 17/12/92

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What's in a name? Five days in detention

By CARMEL RICKARD

If the police knew their Shakespeare better perhaps the Girja Singh case would never have happened.

Singh is an African National Congress member, sentenced in 1964 to 10 years in jail for sabotage. He left South Africa illegally in 1976 and was then trained in various ANC camps before ending up as ANC chief in Amsterdam.

In October 1990 the ANC in South Africa applied for a visa for him, under his *nomme de guerre* Kumar Sanjay, so that he could come into the country to attend an ANC consultative conference. Sanjay was not Singh's only alias. He was also known as "Bobby" or "Bob Singh".

Once in the country, he was given temporary immunity by the state president, but it was published in the name of Sanjay. The next day he applied for a passport. The security police picked up the application. And the next thing Singh knew, he was in detention. Despite his protestations and complaints by his lawyers, he stayed in detention until the supreme court ordered his release.

The police appealed to the Appellate Division, and the AD has now handed down its judgment, ruling that Singh was wrongfully arrested.

The argument of the police, as summed up by the AD, was that immunity had been granted to a natural person whose name was specified as Kumar Sanjay. "There was and is no natural person whose

name was Kumar Sanjay; the immunity did not apply to a natural person whose name was Girja Singh; and since the immunity purported to apply to a non-person it was accordingly a nullity."

Judges of the AD, knowing all about the Montagues and the Capulets and that a rose by any other name would smell as sweet, did not buy this argument, which they called fallacious. "As a matter of fact there was and is a natural person with the name Kumar Sanjay. True, that may not have been his real name, but it is still a name by which he was generally known.

"Nothing in the (Indemnity) Act provides that the schedule is to contain only the exact name of a person as a precondition to the grant of a valid immunity; ergo, that an assumed name vitiates an immunity which would otherwise be valid."

They said the immunity granted was clearly intended to apply to each individual listed, regardless of his or her correct name. "The immunity in short arose by any other name — true or false. Here the incorrect name identifies the correct person. And that, for the present purposes, is all that matters."

They said since the name question did not invalidate the immunity, Singh was protected from arrest and detention, and they upheld the judgment of the Natal Supreme Court in ordering his release.

Singh has, in the meantime, brought a claim for R30 000 for five days he spent in wrongful detention.

Gearing up

hand revision suppl
LOCAL lawyers, schooled in the Westminster tradition, are foreigners to the jurisprudence of an entrenched constitution.

The Centre for Applied Legal Studies at Wits plans to ease them in. This year they will introduce a constitutional training school ~~248~~ 252

Separate courses will be offered for the judiciary and for lawyers who might be appointed to the bench. Magistrates and attorneys will also be helped to "retool" for a new constitutional order.

Preparatory courses for the police and other members of the security forces are also being planned. *in W/Mant*

● Contact Cals at (011)

716-5672.

11/2 = 17/12/92

Police planned killing, says dad

MK cadre was allegedly threatened by cops before they gunned him down: *Soweto 11/12/92 (252)*

By Mzimasi Ngudle

POLICE intended killing his son long before they finally shot him dead, Mr Isaac Padi, father of an MK cadre, Mr Itumeleng Padi, told an inquest court yesterday.

In an affidavit submitted to the court, Padi said police threatened to kill his son if he did not hand himself over.

Padi said police took him to Protea police station on February 7 and, during interrogation, Sergeant Johannes Schoeman told him anything could happen to his children and family if he

refused to divulge the whereabouts of his son. During the course of the interrogation I was told by Schoeman that if my son did not hand himself over, the police would shoot him when they found him. Padi was killed in his home in Phiri, Soweto on May 19 last year when police fired 33 shots after he allegedly resisted arrest. The inquest court adjourned yesterday and will resume on January 6 when the court will hold an inquiry into the absence of a police witness, Lieutenant Daniel Knoester, who failed to appear in court. A warrant for his arrest was issued on Tuesday.

Plan to uncage the jailed children by Christmas

By GAYE DAVIS Cape Town

LAWYERS across South Africa have been given the names of children awaiting trial behind bars — with the injunction to do their utmost to get them freed by Christmas

This is the thrust of a campaign launched recently by Lawyers for Human Rights (LHR), which forms part of a concerted effort to address the plight of children caught up in a juvenile justice system condemned as ineffective and counter-productive

Ann Skelton, director of the LHR's applied criminal justice project, said the Department of Correctional Services had agreed to provide the names of all children aged 17 and under awaiting trial in prisons — and came up with 350

She passed the names on to members of LHR, the National Association of Democratic Lawyers and the Black Lawyers' Association. "We've called on them to provide these children with legal representation on a *pro bono* basis. The idea is to get as many children awaiting trial out of jail and into the care of their parents or a place of safety before Christmas"

Durban Prison, with 350 children aged 17 and under awaiting trial, topped the list, Skelton said. Next came Johannesburg Prison (27), Pollsmoor in Cape Town (26), King William's Town (10) and Modderbee (7).

Durban's high figure could in part be attributed to the violence afflicting the region which had displaced thousands of families, Skelton said. However, Durban police had agreed to ensure that a child's guardians were brought to court as soon as possible

The LHR campaign is just one of the advances made since the October release of a report, *Justice for the Child: No Child Should be Caged*, which focused attention on the failings of South Africa's juvenile justice system.

Since the report appeared, players in the criminal justice system — including magistrates, lawyers, social workers, government ministers and city council officials — had finally begun to address the multiplicity of problems plaguing children who become part of the system.

In Cape Town, the National Institute for Crime and Rehabilitation of Offenders (Nicro) had held workshops with prosecutors to inform them of diversionary programmes and sentencing alternatives. Magistrates had met to discuss possibilities for reforming and improving juvenile courts and the attorney-general had asked that children who appeared in court not be returned to prison or police cells.

Permission has also been granted for independent court monitors to attend juvenile court hearings — normally strictly in camera — and discussions were under way regarding providing an office for monitors at court, Morris said

Cape Town City Council has appointed legal advisors to investigate the city's by-laws where they affect children, and the attorney-general's office has put the onus on arresting officers to explain why children's parents cannot be traced.

Another welcome move was the recent decision by the African National Congress to put children's rights on its constitutional agenda.

"Children's rights should no longer be an afterthought," said Michelle Morris, who heads the Children's Rights Research and Advocacy Project at University of the Western Cape's Community Law Centre

Despite these advances, children were still languishing in prison, Morris said — stressing the need for a long-term strategy to create a new system of juvenile justice, one that took into account children's rights as human beings

Goldstone told of disciplinary action

CAPE TOWN — The ANC had undertaken to investigate fully and discipline officers or structures if they were proven to be involved in the illegal importation, distribution and use of weapons, the Goldstone commission heard yesterday

Peter Harris, for the ANC, said the organisation and its military wing Umkhonto we Sizwe remained committed to their undertakings in the 1991 D F Malan Accord which prohibited armed attacks, infiltration of cadres and material, creation of underground structures, statements inciting violence, threats of armed action and military training outside SA

The ANC recommended that a special unit comprising investigators from the ANC, Inkatha and security forces be established by the national peace secretariat to investigate illegal arms imports and that

the unit's progress be monitored regularly by the Police Board (252) (44)

Louis Visser SC, for Inkatha and the KwaZulu government, asked that the commission's terms of reference be extended to investigate all illegally possessed firearms and all forms of politically-related violence, not only political violence which was also public (44) (44)

He said neighbouring countries should be obliged to curb the inflow of illegal weapons from their territories through international treaties and, failing their cooperation, appeals should be made to the UN and the OAU

Earlier, Pierre Rabie, for the SADF, also called for broader terms of reference to include an investigation into "pseudo-operations", in which attackers pretended to be security force members — Sapa

ANC officials stand accused

DURBAN — Seven men, including ANC officials from the upper south coast, appeared briefly in the Durban Regional Court yesterday in connection with the deaths of 24 people at Mpushini in the Umbumbulu area during October

South coast ANC organiser Sibusiso Darlington Magweyana, Folweni ANC chairman Elias Mkhize and three members of his committee were among the accused (33)

The case against the seven men was postponed until February 11 — Sapa

Warder admits helping prisoners escape

THE prison warder who helped "Blue Light" gang member Gavin Schultz and Godwin Webb, who had been convicted of fraud, escape from prison earlier this year, pleaded guilty yesterday to charges of defeating the ends of justice, forging official documents and assisting in their escape.

In a confession made before a magistrate earlier this year, read out in court

GAVIN DU VENAGE

yesterday, 24-year-old Anton Nel admitted he and a policeman accomplice, former Sgt Lucas Cornelius, helped the men escape

Schultz and Webb had promised him R100 000 for his help and, after initially refusing to take part in the scheme, Nel had agreed

Nel said his parents had been about to divorce, leaving his mother destitute,

and he would have used the money to support her

Schultz's girlfriend had telephoned him to say that a policeman whose name was "Shane" would collect the two men from prison. But Shane failed to get in touch with him and Nel decided to find his own policeman. He asked Cornelius, who was stationed at the Norwood police station, to join the scheme

Nel obtained documents

authorising the temporary transfer of a prisoner to police custody for questioning, and got Cornelius to sign them

Schultz and Webb were "transferred" on January 30. Two days later they admitted they could not pay the promised R100 000

Webb handed himself in and Schultz was arrested in Cape Town

The State withdrew charges against Schultz, who was to have stood trial with Nel, and the case was postponed until February next year, pending a psychiatric evaluation of Nel

Lindum Reefs Gold Mining Company Limited

Heavyweights enter ring of human rights defence

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Law Review Suppl in

Wilmal

11/12-17/12/92

In the past, big law firms shunned human rights work. But large legal companies are now establishing public interest departments.
By CARMEL RICKARD

FOR years public interest lawyers urged the big commercial firms to help with human rights work, saying the load was too heavy for so few people to carry. The response was, to put it mildly, unenthusiastic.

But times are changing. Several of the large legal companies have begun incorporating some kind of human rights component into their firms. At least three of the top Johannesburg groups are moving in this direction, as are a few in the rest of the country.

Senior partner in one of these companies, Michael Katz, speaks with the enthusiasm of a convert about the contribution his firm, Edward Nathan and Friedland, wants to make to the new South Africa through its new public interest law department. Katz's company is taking the department seriously: some top names have been brought aboard to help head the team including the former managing director of the Perm, Bob Tucker, and Democratic Party MP Tony Leon, both attorneys who joined the firm specially to help head the new section.

But what led to this conversion? Why all this effort now, instead of years ago, when the need was so great and the numbers who responded so small?

He responds with what one soon discovers is typical Katz intense precision. "It's a fair question. There are three answers. First, we were wrong in the past. I say it for myself. We ought to have been more involved. But we do not need to perpetuate the error.

"Second, we are now moving into the new South Africa and everyone is evaluating their response to the new situation, this is our response."

The third part of his answer comes from the inspiration of United States Supreme Court Justice William Brennan whose speeches Katz re-read just at the time he was wrestling with a new direction for the firm.

Brennan spoke of the leading role that commercial law companies could play in helping the civil rights movement. "He said that lawyers

are the brokers of social change. This is true. We have an influence over our clients. We know the process. In everything that is needed to facilitate and advance change, lawyers have a pivotal role to play, especially those with significant resources. I re-read this speech of Justice Brennan at a time when I was re-appraising our response to the changes in South Africa."

Katz's firm will fund salaries and overheads, and does not expect to make money out of the new department. So how will they find clients for the new section, since as Katz admits frankly "the



Michael Katz. We were wrong in the past. Photo. SARAH PRALL

kind of person coming here for help from the human rights department is not on our normal mailing list" Easy. He expects there will be no shortage of work. Word gets around.

Where's the satisfaction in public interest work for someone more used to mega-million mergers? Again the three-point answer. "It is a personal social commitment to be in a firm that makes this kind of contribution to society. Where's the sat-

isfaction to any donor? It's all the more satisfying if what you are donating is a unique service. Anyone can give money.

"To be facilitating the thrust of a new development in our society is also satisfying. It will also be useful to our commercial clients if we start developing a feel for the needs of society.

"For example, to a property developer client we will be able to say, if you do this it will have the following impact. If we do a take-over we can say, this is the impact it will have on employees. It will facilitate the advice we can give in the commercial sphere."

Katz says firmly that a human rights component is the way to go for the big companies.

He predicts that many more firms will soon start down this road and doubts that any of the groups which have traditionally handled such work will feel threatened by the new development. "There is so much work to do. Under a justiciable Bill of Rights we are going to see a huge shortage of this kind of service. There's room for everyone to get involved."

Several other major Johannesburg firms are involved in similar schemes including Deneys Reitz and Webber Wentzel which has made one of its senior partners available to the Legal Resources Centre on a major time basis.

Working at a frenetic pace

By CARMEL RICKARD

A CLIENT of Michael Katz? Follow his legal advice, but don't copy his lifestyle. The man starts work at 4.30am and gets to bed at 1am.

What kind of guy works more than 20 hours every day and sleeps only three and a half hours every night? He admits these are long work hours, maybe even crazy work hours.

But he says, with the slightest edge to his voice, that of course this doesn't mean he is eccentric or crazy himself.

In those hours he works, works, works, putting together hugely complicated deals. He also lectures twice a week at Wits University, where he is honorary professor in company law; serves as director of numerous companies; sits on more boards than you knew existed, including the state president's Economic Advisory Council and the tax advisory committee to the minister of finance (which he chairs), and is involved in a long list of

"communal work", like serving as president of the Jewish Board of Deputies for four years. Then he has his exercise: Saturday afternoon is tennis time played at a school whose members are intensely competitive and question every decision, every line call. Sunday afternoon is gym time. A well balanced life?

At home he keeps a huge library well stocked and reads voraciously — at least six non-law books a week.

Then there's his family, a wife and two daughters. Do they ever see him, does he spend time with them? A man of few words, Katz. "Very much so," he says.

His colleagues despair of him. "His range of activities and the list of bodies of which he is a member is absurdly long," says one. "It is beyond what any normal human being can contemplate."

"He has his feet very much on the ground; it's just that he works at a pace no one else can match."

Succession law lauded as 'modern thinking'

(252) LEIGH HASSALL

IF a husband dies within three months of divorcing his wife and has not changed his will to exclude her, no benefits will accrue to his ex-wife. This is one of the changes made to inheritance legislation brought about by a new Act, the Law of Succession Amendment Act, which became law from October 1 this year. *STAR 12/1492*

Syfreys, a major player in the wills business, has welcomed the new legislation.

"It is a shining light among the plethora

of legislation being enacted and contains much in the way of modern thinking," says Colin Wagner, manager of Syfreys' estate planning and wills division.

A significant change to the existing law is that initials may be used to sign, instead of one's full name. However, Wagner says it is wise to sign in full on every page because of the risk of fraud.

The new Act enables an invalid will to be validated by the courts, provided the court is satisfied that the will represents the testator's intentions.

An adopted child is now regarded as a natural child of the testator, even if the child was adopted after the signing of the will.

The law caters for many rarities, and one covered by the new Act is that any descendant can now renounce his inheritance in favour of the surviving spouse.

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Human rights versus history's wrongs

(252)

ANC constitutional expert Albie Sachs is concerned that the rights of most South Africans, abused in the past, could still be abused in a new SA **REHANA**

ROSSOUW reports

SOUTH 12/12 - 16/12/92

PROFESSOR Albie Sachs says the biggest problem in writing about human rights in South Africa today is not the shortage of time or the lack of themes, but getting the emotion right

The struggle for human rights was one born of anger — anger at injustice, inequality, cruelty and humiliation. Yet the writing of a constitution, and especially those parts dealing with the protection of human rights, should be undertaken with serenity, he asserts.

Sachs' second book examining the prospects for human rights, "Advancing Human Rights in South Africa", was launched to coincide with human rights day this Thursday.

In it he writes that "Human rights are for all. What we are seeking is a set of principles and procedures that will guarantee dignified and secure lives for everybody, not just for ourselves and our children, but also for those who are causing us hurt, and their descendants," he says.

"Apartheid did not just fail, it damaged each and every one of us, oppressor and oppressed alike."

"The invisible injuries are the more difficult ones to deal with. We need to repair our spirits, to restore our confidence, to allow our trust to heal."

The violence that surrounds and overwhelms us is robbing us not only of our people but of our minds."

Sachs says that convincing all South Africans about the possibility of a system of government which secured peace, respect and advancement for all would help end violence.

Central to any progress would be the swift installation of the institutions of political democracy. The prolonged death agonies of apartheid created uncertainty for everyone and encouraged grotesque forms of defending



HUMAN RIGHTS: Albie Sachs, whose new book was released this Thursday

power

"The vote is the best antidote to violence. To accept that the existence of violence is a justification for not holding elections is to give those who fear they will lose in electoral competition a stake in perpetuating violence."

But Sachs is also looking further than elections.

"However important the vote is, we must think beyond it. We are not asking for less than the vote. We are exploring means of having the vote plus."

"The plus is constitutional mechanisms to ensure that social inequalities are dealt with in an orderly, progressive and principled way."

Sachs says the intellectual battle being waged today is about the exercise of power. Nothing was said about the enjoyment of rights.

"How bitter it would be if after generations of struggle we succeeded in achieving what apartheid had never managed to do — legitimising inequality."

"Similarly, how tragic it would be if we ended up replacing apartheid tyranny with a new form of bureaucratic oppression."

"It is difficult in these times of suffering to lift up our eyes to what some may consider the speculative problems of the future."

"Yet we have to prepare ourselves for these

problems. Failure to do so may well result in a gradual betrayal of all we have fought for."

Sachs says a major concern is that not only the minority but also the majority not be abused in the future.

The minority had wealth, skills, confidence and international contacts to defend their interests in the future.

Whatever future party alignments may be, any government intent on solving the country's problems should draw on the know-how and experience of all South Africans.

"It is the majority, not the minority, that is most at risk in a new South Africa."

"The old kind of domination would continue in a disguised and legitimised form, or there would be new types of deracialised oppression," he says.

"The poor would remain poor and the oppressed oppressed. The only difference would be that the poor and powerless are no longer disenfranchised, they would only be poor and powerless. Instead of racial oppression, we would have non-racial oppression."

He said he was convinced South Africa was not ripe but overdue for democracy.

"Democracy proves itself. Nowhere in the world is democracy introduced in ideal circumstances — if they were ideal, the country would already be democratic."

'Killer cop rap just the beginning'

By FRED KHUMALO

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"MORE heads must roll"

This was the message from both the ANC and the DP after W/O Hendrik Steyn, of the Empangeni murder and robbery unit, was sentenced to 18 years' imprisonment for the murder of ANC members Michael Mthethwa and Simon Msweli.

DP unrest monitor Roy Ainslie applauded the Pietermaritzburg Supreme Court judge for his finding and his hard-hitting comments against Steyn's colleagues who tried to cover up for him.

The colleagues refused to take part in an identity parade from which the suspected killer was to be pointed out by witnesses.

The judge further hinted that at least two officers in the unit "may have" defeated the ends of justice and could be deemed ac-

cessories after the fact.

He formally asked that his harsh comments be forwarded to the Commissioner of Police, raising the likelihood that a thorough investigation could be carried out and that action could be taken against unit head Capt Joseph Erasmus and Det-Sgt Koehn Maritz.

During the sensational case, the court heard that members of the Empangeni murder and robbery squad visited a house which they believed was a hideout for murder suspects Msweli and Mthethwa.

Following a shootout, in which three policemen were killed, the two suspects were overpowered and arrested.

Immediately after the incident, police issued a statement saying the two suspects had died in the shooting, but the ANC disputed that version.

clip news 13/12/92

The ANC, in conjunction with family members of the two men, commissioned independent pathologist Dr Jonathan Gluckman to examine the bodies.

Gluckman's finding - that the two men were killed while in police custody - was confirmed during court proceedings by SADF conscripts and witnesses Andrew Watson and Gavin Law. Watson and Law were with the police in a bakkie which was taking Msweli and Mthethwa to hospital after the shootout.

Watson told the court four white policemen stopped the bakkie to look at the injured men. One of the policemen was Steyn.

Steyn then climbed on the bakkie and instructed the driver to turn into a plantation.

Once there, Watson and Law jumped off and Steyn told Msweli and Mthethwa to get out

of the car. Steyn then apparently "rolled" Msweli off the bakkie as his "intestines were coming out" and he was unable to move. It was then that Steyn fired the fatal shots.

At a police station in KwaMbonambi, the two witnesses claimed that they were told by a policeman to keep quiet and to write that Msweli and Mthethwa had died on the way to hospital.

ANC northern Natal secretary Senzo Mchunu said: "The case itself and the judgement in particular indicates why the majority of people in SA have completely lost faith in the regime's discredited and corrupt police force."

Ainslee said the conviction of Steyn did not come as a surprise. "We certainly think more heads will roll."



Magistrate acquits cop who shot cowering boy

By DAN DHLAMINI

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THERE was elation and bitterness in the Potchefstroom Regional Court this week when the magistrate acquitted a cop who fatally wounded a student who hid under a bed.

Bongi Nyokong's mother Elizabeth Mathapelo Boqo and relatives wept bitterly while Constable Ephraim Fente Rampete exchanged smiles of victory, shaking hands with colleagues and advocate EM Coetzee, who successfully defended him in the murder trial which emanated from an inquest two years ago.

13/12/92
In discharging Rampete Magistrate LP Virtue said independent pathologist Dr Jonathan Gluckman's admission this week that there were some mistakes in his statement weighed in favour of Rampete.

The magistrate said Dr Gluckman's inquest report on how Nyokong, a Tlokwe Secondary School Standard Nine pupil died on February 23 1990, had prompted the Attorney General's decision to prosecute Rampete in a criminal court.

The elderly Dr Gluckman who has been a pathologist for the past 40 years made newspaper headlines recently when he said police were responsible for most deaths in detention.

This week Dr Gluckman accused Law and Order Minister Hernus Kriel

of trying to discredit him over allegations that criminal police actions caused the deaths of detainees.

During cross examination Dr Gluckman conceded that he had made a mistake when he said the shot which hit Nyokong had been fired about 12 inches away from the deceased whereas it was much nearer as testified by both Dr Klupp and Rampete.

Earlier, State pathologist Patricia Klupp testified that Nyokong's injuries were in line with allegations that he was shot at a very close range while under the bed.

Her evidence correlated with that of Rampete who said Nyokong had grabbed the barrel of the gun and in the ensuing struggle a shot went off hitting him in an arm. Nyokong died of his injuries at Potchefstroom's Kalie de Haas hospital.

The magistrate said there were no eyewitnesses who saw exactly what happened inside the bedroom of school teacher Marcus Mosete on February 23 1990.

Magistrate Virtue said it was clear that Rampete's intention was not to kill Nyokong, but to arrest him because he could have shot him during an earlier chase.

He said police were targets at that time and their attackers were dangerous.

Judge says police are protected by falsified records

ST Times 13/12/92
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By BOETT ESHAK

A POLICE station's occurrence book is meant to be an accurate diary of events of the day. Instead, it has become a weapon for the self-protection of policemen, littered with false entries and deliberate omissions, says a judge

This emerged in a recent Rand Supreme Court trial involving a police assault at Brixton police station in 1990.

The beating was not recorded in the occurrence book.

And during the two-week trial three policemen gave "palpably false" evidence about assaults at the station, the judge found

Mr Justice John Myburgh last month awarded Mr Alfred Mbunjana R265 000 damages and costs against the Minister of Law and Order.

Torn

Mr Mbunjana, 29, of Soweto, was hospitalised for four months with a torn pancreas in 1990 after he was assaulted by police in the Brixton charge office

In his judgment, Mr Justice Myburgh said the fact that the occurrence book entries for that night did not contain any reference to Mr Mbunjana nor to an assault on him was not significant

"The occurrence book has become a weapon in the protection of policemen," he said

"If the assault is considered petty, no entry is

made. If the assault is serious, a false entry that 'necessary violence' was used — when the opposite is true — is made"

Mr Mbunjana told the court that on Saturday evening, July 14, 1990, he was stopped in Brixton by two men in plainclothes — one black and one white — who identified themselves as policemen and ordered him to accompany them to the Brixton police station

At the charge office the white policeman made false allegations that he had kicked their vehicle. When he denied the allegations, he was slapped by the two men.

Punched

He was taken to an adjoining room. The black policeman fired two tear-gas canisters into the room and locked the door. He lost consciousness

The judge found that it was "improbable" that tear-gas had been used in the assault, and rejected the claim that the door had been locked

Mr Mbunjana said he was revived and taken to the charge office where he was repeatedly punched all over his body until he collapsed again

Shortly before midnight he was told to take his things and leave. Barely able to walk, he managed to reach Langlaagte station where he collapsed and fell asleep

He was too sick to go to work on Monday morning and his mother called an ambulance to take him to Baragwanath Hospital.

Mr Mbunjana was diagnosed as having traumatic pancreatitis. He was discharged from the hospital on November 19, 1990

The judge found that Mr Mbunjana had been "slapped in the face and punched or kicked in the stomach" by a policeman.

Assault

Although police witnesses at the trial denied members of the public were assaulted by policemen or that excessive force was used, they said "necessary force" was often used

Constable J. Strydom, who was duty officer in the police station's charge office at the time the alleged assault took place, told the court that during his six-month stint as duty officer he had never seen an assault on suspects, even on the night of Mr Mbunjana's assault

This evidence was "palpably false," the judge said

Another witness, Sergeant Maree, whose spell as duty officer in 1990 followed that of Constable Strydom, said suspects were often slapped around and this was not entered in the occurrence book

If all those assaults had to be recorded they would quickly fill an occurrence book, he said.

Police 'lose' records of major arms haul

Sunday Times 13/12/92

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BY CHARLENE SMITH

POLICE cannot find records of a major arms smuggling "bust" presented by their lawyers to the Goldstone commission in Cape Town this week.

Police counsel told the commission that undercover policemen had discovered weapons-smuggling networks at East Rand hostels. They gave as an example an incident where they recovered 40 AK-47s, a Makarov pistol, a 9mm pistol and a RGD5 hand-grenade. Mr WL Wepener, for the police, said several people, including an alleged chief distributor, were arrested.

Legal

However, police in Pretoria, Johannesburg and the East Rand and their legal counsel in Cape Town were unable to obtain further details of the case.

Both Major Reuben Bloomberg and Captain Peter Brandt of the police

public relations directorate in Pretoria said that despite numerous inquiries they could not trace documents about the case.

Brigadier Stef du Toit, the SAP legal officer who helped compile the submission presented to the Goldstone commission by Mr Wepener, was also unable to give further details of the case.

He referred the Sunday Times back to the public relations directorate which conducted further inquiries. The head of the Central Investigation Services in Germiston, Captain Steenkamp, also could not recall or find details of such a case which, he said, would have been memorable because of the "arrest" of an alleged "chief distributor".

Expressing concern about the prevalence of il-

legal weapons, Mr Justice Richard Goldstone said on Friday that his commission would establish a new committee to investigate ways of curbing the illegal importation, possession, distribution and use of firearms and explosive devices in South Africa.

Legal teams representing the ANC, Inkatha Freedom Party, Kwazulu government, SA Defence Force and the police agreed to the formation of the committee and its terms of reference.

Firearms

Mr Wepener recommended that arms smugglers receive heavier sentences.

He called for the ANC to make available its information regarding the illegal import and distribution of firearms and for better co-operation with neighbouring states.

Police figures showed that 711 people were killed and 809 injured in AK-47 attacks from July 1, 1991, to November 30 this year. Last year police confiscated a number of illegal weapons including 1 090 AK-47s, 2 150 pistols, 1 075 revolvers, 632 home-made rifles and 1 597 kilograms of explosives.

● Tomorrow the Goldstone commission moves to Durban for a further one-day preliminary hearing into violence in Natal.

New breed of lawyer for poor and outcasts

AP/26/11/12/92 (252)

EAST LONDON — The role of the National Democratic Lawyers' Association (Nadel) is to produce a "new kind of lawyer to ensure the poor, the marginalised and the outcasts are not forgotten"

Giving the keynote address at the celebration of International Human Rights Day in the Border region at the weekend, Professor Kadar Asmal, said such a lawyer would also be able to "make challenges towards a democratic order"

Professor Asmal, who lectures in Human Rights Law at the University of the Western Cape, said South Africa would

need a "critical, if not radical" organisation which must constantly challenge received opinion

"We must commit ourselves to an active defence of democracy and expect our judges, lawyers and social institutions to repudiate their silence of the past and defend our yet-to-be-acquired liberties"

Professor Asmal described the day, commemorated mainly by lawyers and members of community organisations, as one where recognition was given to those people who, through their sacrifices, had made it possible for the celebration to be held in the city

The year (some of) the truth came out

Star 14/12/92.

THE POWER of independent, unhampered scrutiny of State security forces made itself realised in South Africa this year. It effected a purging of past apartheid evils at the tenuous juncture between the old and new political dispensations.

A proliferation of dirty tricks was exposed by the Goldstone Commission hearings, the David Webster inquiry and other independent, judicial investigations.

These embarrassing remembrances may have damaged the credibility of certain political parties, particularly the NP, but political observers believe they went a long way towards cleaning the state and levelling the political playing field.

The ANC, Inkatha Freedom Party and other political contenders also received a wringing over revelations of weapons smuggling, secret military training projects, and gross political irresponsibility.

Some would say that evidence in various court cases, and revelations by the Goldstone Commission and newspapers, finally established the existence of a Government "third force".

At the very least, it emerged that rogue elements in the State's security establishment had been involved in the destabilisation of left-wing opposition parties, and possibly more serious crimes, as recently as last year.

The Civil Co-operation Bureau (CCB), as the Goldstone Commission and Webster inquiry discovered, was far from disbanded or wound down as President de Klerk had promised in 1990.

This was confirmed when, on the basis of information from a former Military Intelligence (MI) agent, the Goldstone Commission raided an MI base in Pretoria and found documents proving that former CCB agent Ferd Barnard had been employed by MI last year to head

It has been a shaky year for South Africa's security establishment, but a successful one for the new age pioneers of truth. HELEN GRANGE plots the events in 1992 which brought past and recent evils bubbling to the surface

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inquest, sending a message that he was wrapping up CCB front companies abroad.

It became clear during the past year that the CCB has extensive business interests and assets. The Saturday Star revealed that its front companies were getting loans approved by the Pretoria Bank, and the organisation owned a R2,5 million "spy" ship, the Margit Fye.

A few other security-related scandals occurred this year.

● In April, after accusations by the ANC that the SADF's 32 Battalion took part in a raid on Phola Park squatter camp, on the East Rand, the controversial unit was withdrawn.

● Project Echoes, an SADF plot to discredit the ANC abroad by showing up its links with the Irish Republican Army, was exposed. Responding to information that two SADF agents in London had hatched a plot to kill renegade policeman Dirk Coetzee, the SADF promptly denied it had authorised this.

● In November, Pretoria businessman Abel Rudman revealed to the Weekly Mail that he was head of a Government-sponsored project to spread international disinformation about the ANC.

The Goldstone Commission has been presented with a mass of allegations against the security forces, some of which have been proved fallacious.

Most notable was the Weekly Mail allegation that police were using secret bases from which to launch violence. To the embarrassment of the newspaper, and delight of the SAP, the commission labelled the report untrue.

The findings of other inquiries the Goldstone Commission held during the year did not please the ANC and IFP. Far from establishing the existence of a Government "third force" in the Tokoza violence, the committee found the bloodshed boiled down to simple political rivalry between the ANC

and IFP.

The ANC also faced criticism from the commission after an inquiry into the Bischo massacre in September, when ANC supporters were gunned down by Ciskei Defence Force (CDF) members. The decision by the ANC's Ronnie Kasrils to run out of the Bischo stadium was roundly condemned, but the CDF response was found inexcusable.

In its search for the causes of violence, the commission has spread its tentacles to a number of issues in the past year. Its current hearings on the Natal violence will continue next year. Evidence has already emerged that the ANC is receiving weapons through Transkei, and that intolerant IFP supporters have politicised the use of traditional weapons.

It is widely anticipated that next year the Goldstone Commission will make visible headway in its task of addressing violence and its causes.

Mr Justice Goldstone has been given Government sanction to inquire into the activities of all security forces and private armies, and he wants to start with a probe into the Azanian Peoples Liberation

Army.

With the assistance of his four teams of "unouchables" who make up the special investigative teams, the commission is likely to make vital discoveries, and the threads of inquiries held this year will begin to come together to form a more comprehensive picture.

Further revelations are likely next year when the Mather



On the spot . . . In a particularly busy year, the Goldstone Commission was on location in Vereeniging in May, probing the violence in the Vaal Triangle

Gonwe inquiry begins. It has already been alleged that the SADF's notorious "Hammer" unit, headed by current MI chief of staff Joffel van der Westhuizen, was implicated.

Several former CCB operatives will be sung the Government for better pension packages in February, threatening to unveil more embarrassing facts. □

Further truths about Barnard and the CCB - which effectively proved that the 1990 Harms Commission managed to scratch only the surface - emerged in the Webster inquiry.

Former CCB managing director Joe Verser told the inquiry that during the Harms Commission, four generals had ordered that CCB files should "disappear". They were Eddie Webb, Joep Joubert, Kat Liebenberg and Wilkop Badenhorst.

It was also revealed that former Defence Minister Magnus Malan had been informed by Verser that Barnard had confessed to murdering Webster, a Wit's social anthropologist and anti-apartheid activist. This information was withheld from the Harms Commission.

Miley was implicated at the inquiry as a suspect in Webster's murder.

The CCB tale of intrigue took another turn when Verser failed to arrive to testify at the

inquest, sending a message that he was wrapping up CCB front companies abroad.

It became clear during the past year that the CCB has extensive business interests and assets. The Saturday Star revealed that its front companies were getting loans approved by the Pretoria Bank, and the organisation owned a R2,5 million "spy" ship, the Margit Fye.

A few other security-related scandals occurred this year.

● In April, after accusations by the ANC that the SADF's 32 Battalion took part in a raid on Phola Park squatter camp, on the East Rand, the controversial unit was withdrawn.

● Project Echoes, an SADF plot to discredit the ANC abroad by showing up its links with the Irish Republican Army, was exposed. Responding to information that two SADF agents in London had hatched a plot to kill renegade policeman Dirk Coetzee, the SADF promptly denied it had authorised this.

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The Goldstone Commission has been presented with a mass of allegations against the security forces, some of which have been proved fallacious.

Most notable was the Weekly Mail allegation that police were using secret bases from which to launch violence. To the embarrassment of the newspaper, and delight of the SAP, the commission labelled the report untrue.

The findings of other inquiries the Goldstone Commission held during the year did not please the ANC and IFP. Far from establishing the existence of a Government "third force" in the Tokoza violence, the committee found the bloodshed boiled down to simple political rivalry between the ANC

and IFP.

The ANC also faced criticism from the commission after an inquiry into the Bischo massacre in September, when ANC supporters were gunned down by Ciskei Defence Force (CDF) members. The decision by the ANC's Ronnie Kasrils to run out of the Bischo stadium was roundly condemned, but the CDF response was found inexcusable.

In its search for the causes of violence, the commission has spread its tentacles to a number of issues in the past year. Its current hearings on the Natal violence will continue next year. Evidence has already emerged that the ANC is receiving weapons through Transkei, and that intolerant IFP supporters have politicised the use of traditional weapons.

The year (some of) the truth came out

Star 14/12/92.

THE POWER of independent, unhampered security of State security forces made itself real in South Africa this year. It effected a purging of past apartheid evils at the tenuous juncture between the old and new political dispensations.

A proliferation of dirty tricks was exposed by the Goldstone Commission hearings, the David Webster inquest and other independent, judicial investigations.

These embarrassing remembrances may have damaged the credibility of certain political parties, particularly the NP, but political observers believe they went a long way towards cleaning the slate and levelling the political playing field.

The ANC, Inkatha Freedom Party and other political concerns also received a wrist-slapping over revelations of weapons smuggling, secret military training projects, and gross political irresponsibility.

Some would say that evidence in various court cases, and revelations by the Goldstone Commission and newspapers, finally established the existence of a Government "third force".

At the very least, it emerged that rogue elements in the State's security establishment had been involved in the destabilisation of left-wing opposition parties, and possibly more serious crimes as recently as last year.

The Civil Co-operation Bureau (CCB), as the Goldstone Commission and Webster inquest discovered, was far from disbanded or wound down as President de Klerk had promised in 1990.

This was confirmed when, on the basis of information from a former Military Intelligence (MI) agent, the Goldstone Commission traced an MI base in Pretoria and found documents proving that former CCB agent Ferdi Barnard had been employed by MI last year to head

a cell for discrediting and "criminally compromising" Umkhonto we Sizwe, the ANC's military wing.

It later emerged that the Goldstone Commission's MI informant, Joao Quina, was a member of Barnard's cell, along with a policeman called Eugene Riley. Quina's allegations to Vrye Weekblad regarding the cell's activities last year are being tested for their truthfulness by a Goldstone committee, which resumes hearings next year.

Further truths about Barnard and the CCB — which effectively proved that the 1990 Harms Commission managed to scratch only the surface — emerged in the Webster inquest.

Former CCB managing director Joe Verser told the inquest that during the Harms Commission, four generals had ordered that CCB files should "disappear". They were Eddie Webb, Joep Jonbert, Kat Liebenberg and Wilkop Badenhorst.

It was also revealed that former Defence Minister Magnus Malan had been informed by Verser that Barnard had confessed to murdering Webster, a white social anthropologist and anti-apartheid activist. This information was withheld from the Harms Commission.

Riley was implicated at the inquest as a suspect in Webster's murder.

The CCB tale of intrigue took another turn when Verser failed to arrive to testify at the

inquest, sending a message that he was wrapping up CCB front companies abroad.

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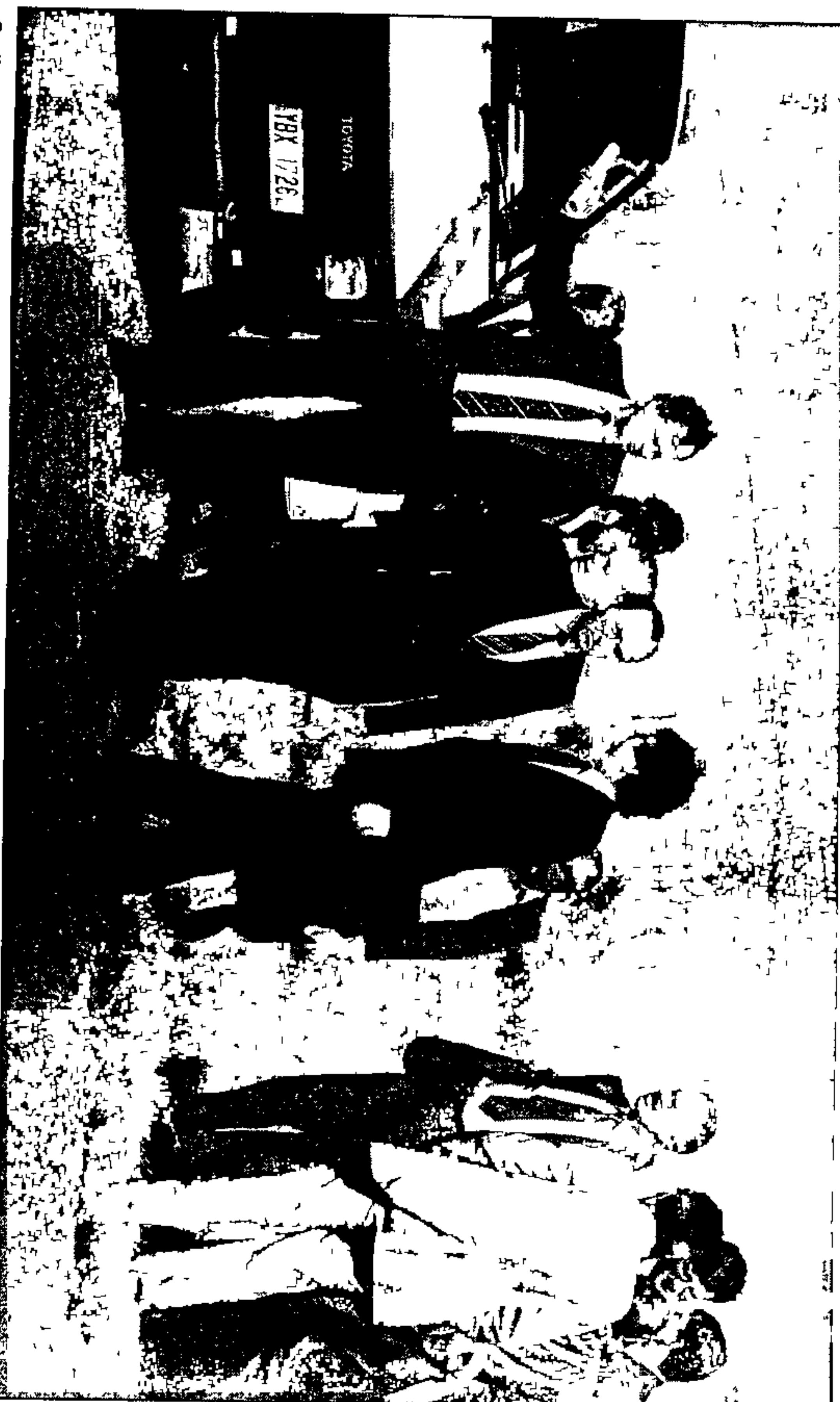
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On the spot . . . In a particularly busy year, the Goldstone Commission was on location in Vereeniging in May, probing the violence in the Vaal Triangle

and IFP.

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It is widely anticipated that next year, the Goldstone Commission will make visible headway in its task of addressing violence and its causes.

Mr Justice Goldstone has been given Government sanction to inquire into the activities of all security forces and private armies, and he wants to start with a probe into the Azanian Peoples Liberation

Army.

With the assistance of his four teams of "untouchables" who make up the special investigative teams, the commission is likely to make vital discoveries, and the threads of inquiries held this year will begin to come together to form a more comprehensive picture.

Further revelations are likely next year when the Matthew

Gonwe inquest begins. It has already been alleged that the SADF's notorious "Hammer" unit, headed by current MI chief of staff Joffel van der Westhuizen, was implicated.

Several former CCB operatives will be suing the Government in February, threatening to unveil more embarrassing facts. □

Little appeal in Law Commission plans

Law Review Suppl in
w/Mail 11/12-17/12/92. (252)

LEGAL experts are horrified by Law Commission suggestions which would restrict the right of appeal from regional and magistrate's courts

The commission's Working Paper on Appellate Procedures has been published for comment. Part of its task, set by the minister of justice, is to "explore the possibility of simplifying criminal procedure".

One of the possibilities examined by the commission is whether to scrap the present automatic right of appeal from the lower courts, and replace it with a system, like the one presently operating in the supreme court, under which a convicted person may appeal only if the court gives permission.

In its recommendations, the commission proposes that in regional court cases, trial court permission should be necessary before a convicted person may appeal. In district court trials, no one may appeal without a judge's certificate.

The recommendations go further and change the present bail provisions as well. If the proposals are accepted it will mean that a convicted person, sentenced to jail, will have to start serving that sentence immediately. He or she may only apply for bail once the judge's certificate has been granted.

Given the bureaucracy involved, the suggestion hides a trap for an innocent person wrongly convicted who might

In a bid to streamline court procedure, the Law Commission suggests curtailing the right to appeal. By **CARMEL RICKARD**

have to spend some time in jail, especially if the judge decides to order a transcript of the record before deciding whether to issue a certificate allowing an appeal.

Grahamstown Legal Resources Centre director Clive Plasket says if the recommendations are adopted the appeal procedure in the regional court will be similar to that presently operating in the supreme court. An application will have to be made to the trial court for leave to appeal.

The application will succeed only if the convicted person can convince the magistrate — who has already found the state has proved its case beyond a reasonable doubt — that there are, nonetheless, reasonable prospects the decision will be overturned. The would-be appellant will also have to convince the same magistrate that he or she has imposed a sentence so inappropriate as to induce a sense of shock.

Plasket comments "This test is problematic enough in supreme court matters in which the standard of judging is generally considered to be higher

than in the regional courts

"In every criminal justice system innocent persons are, from time to time, convicted for offences. That is why a right to appeal is important. For the same reason some international codes of human rights such as the African Charter of Human and People's Rights include a right to appeal against conviction and sentence. These documents make no mention of a restricted or conditional right to appeal.

"Because of the fallibility of judicial officers and the fact that no criminal justice system can guarantee that the innocent will not be convicted the widest possible right to appeal should be allowed."

Explaining its recommendations, the commission says the supreme court divisions are overburdened with "unfounded appeals". Plasket challenges this starting point, saying the commission gives no statistics to justify this claim. He argues that even if the claim is true, it will not necessarily follow that the right to appeal should be restricted.

"This would be like suggesting that because too many civil litigants bring unsuccessful applications for declaratory orders this remedy should be abolished or restricted in some way. The approach adopted by the commission has in effect suggested that in reducing the burden on judges, the rights of persons convicted of offences should be reduced."

Project explores private racism

Law Review Suppt
Weekly Mail Reporter with mail
EVEN once a Bill of Rights is in place, the recognition and protection of the dignity and equality of all South Africans will not automatically follow. Racist attitudes and practices are likely to continue between individuals even if outlawed at the official level.

11/12-17/12/92
The Centre for Human Rights at the University of Pretoria has begun a major project to investigate "de facto racial discrimination" — the private racism which has already begun to replace apartheid. The project involves an empirical investigation into the nature and extent of existing racial discrimination to identify the patterns of behaviour and

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methods likely to be used.

Housing, credit and consumer discrimination; discrimination in welfare and health care; employment practices; education, public facilities and private clubs are also being investigated. Researchers say some spheres of personal life are so intimate that an individual should be allowed to discriminate on whatever grounds they like, but many private activities have a profound impact on public life and an entire nation's values, culture and economy.

The centre is also researching how other societies are dealing with similar problems. For further information phone (012) 420-3034.

Judge gives long sentence to stop early release

*W/M 12-11-92
A policeman who executed two prisoners because he thought they would be released early from jail, received a hefty sentence because the judge was appalled at the early release of convicts.*

By **CARMEL RICKARD**

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THE continuing practice of releasing hardened criminals from jail before they serve a fraction of their sentence may have been a vital factor in police Warrant Officer Hendrik Steyn's cold-blooded execution of two injured men in police custody.

On Wednesday Steyn was sentenced to 18 years for the murder and attempted murder of two African National Congress prisoners in August this year.

The two ANC men, injured in a shootout with police during which three policemen were killed, were being taken to hospital in a bakke when Steyn arrived. He looked at the two injured men, Michael Mithethwa and Simon Mswele, and said he had been searching for Mswele for a long time.

He redirected the bakke driver to a plantation, ordered Mithethwa out, pulled Mswele from the back because he could not move himself, and shot them both at close range.

After the shooting, northern Natal ANC chairman Aaron Ndlovu confirmed both men had been members of a local self-defence unit (SDU). Although Ndlovu did not give other details, local community members knew them well as members of a gang involved in a number of serious incidents.

They allegedly shot down a police helicopter with an AK47, killing at least one policeman. They were also allegedly involved in a number of other murders and attacks on Inkatha in the area.

Two policemen present at the time Steyn shot the men gave evidence

that they saw the "execution". However, the court discovered that Steyn's commanding officer, Empanjeni captain Joseph Erasmus, and other members of his unit, had tried to ensure the case against Steyn was unsuccessful.

The judge in the Steyn murder case, Mr Justice Neville Page, strongly criticised Erasmus and other policemen for protecting members of the force who had committed crimes.

Commenting on the behaviour of Erasmus, he said it was deplorable that a commanding officer of a unit should show such misplaced loyalty towards a member who committed a crime, that he would act dishonestly and neglect his duty to see that justice is done.

Judge Page said he was determined Steyn should not be released early as has happened with so many

other convicts

The tendency of the prison authorities and other officials to release prisoners after they serve only a tiny fraction of their sentences was apparently a factor in Steyn's decision to execute the two ANC members.

The judge alluded to what Steyn might have felt knowing that the two injured men had been responsible for a reign of terror in the area Mswele in particular might well have deserved the death penalty.

However Steyn knew that because Mswele was a prominent political figure, his crimes could have been regarded as politically motivated, and he might well have been released without serving his sentence.

"When the confidence of the community in a judicial system has been broken down by the non-execution

of sentences properly passed by the courts, the temptation of the community to turn to self-help increases," Judge Page said. "This applies especially to officers of justice upon whom the resulting frustration perhaps has the greatest effect."

However Judge Page said this did not excuse Steyn's actions. "The courts must show that they will not tolerate such actions from the force and those who make themselves guilty will be heavily punished. If the good name of the police force is going to be restored so that the force can take its rightful place in fighting crime and administering justice this sort of behaviour must be so heavily punished that people who consider it in future will be effectively scared off."

The judge made special and repeated reference to the early release of prisoners after only a small period of their sentence had been served, saying that in many cases he and his colleagues on the bench discovered these releases were taking place with no apparent justification.

"I had to learn recently, for example, from the press that a policeman I sentenced to 18 years' imprisonment, for two extremely serious crimes was released after 17 months." The judge had not been consulted. Nor was he aware of any justification for the early release.

"To prevent a repeat of this I want to place on record that the aim of this court is that the sentence I am going to impose (on Steyn) must be served out in the usual way without early release."

Property rights dilemma

252 May 11/12/92

ONE of the most vexing questions about the shift to a more equitable society is the protection — and, indeed, the fate — of rights to private property. In a fresh assessment, lawyers attached to the University of Cape Town, the University of the Western Cape and the Legal Resources Centre discuss the problems of property in their Charter for Social Justice unveiled at a Human Rights Day debate last night. Political Correspondent MICHAEL MORRIS reports.

“WHAT a Bill of Rights cannot afford to do here is to protect private property with such zeal that it trenches privilege.”

The sentiment is not that of an extremist, nor indeed of a cabal of left-wing attorneys

It is, in fact, the measured assessment of none other than Mr Justice John Didoott of the Natal Bench of the Supreme Court

He has warned that should a Bill of Rights obstruct a future government in alleviating poverty and sharing wealth more equitably, or should it make the task of urgent social and economic reform impossible or difficult, we shall have on our hands a crisis of the first order, endangering the Bill of Rights itself as a whole and the survival of constitutional government itself”

This note of caution, which is quoted in the Charter for Social Justice unveiled last night, is significant because it underpins the Charter's approach to property

Indeed, the authors — Hugh Corder, Steve Kahano-vitz, John Murphy, Christina Murray, Kate O'Regan, Jeremy Sarkin, Henk Smith and Nico Steytler — state quite bluntly that they don't think there should be a property clause in a South African Bill of Rights in the first place

“There are two main reasons for this position first, enshrining property rights in the Constitution will finally render legitimate the unjust distribution of land which is the result of the process of dispossession commenced by colonisation and continued under apartheid. This would be a tragic irony

“Secondly, it is well recognised that property rights do not necessarily belong in a Bill of Rights. One of the reasons for this is that the right to private property is ex-

tremely controversial because conceptions of it differ so widely.”

One conception would be that everybody had a right to some private property even if this required undermining existing property rights through redistribution. Another conception is that existing property owners should have all their rights properly protected

In Canada and New Zealand, for instance, recently adopted Bills of Rights deliberately do not entrench property rights because of the difficulties

Yet, noting that both the South African Law Commission and the ANC have included property protection in their Bill of Rights models, the authors of the Charter believe it is very unlikely South Africa will not ultimately have some form of property clause

For this reason, the Charter offers “a possible property clause” which seeks to balance the difficult issues involved

The authors say that “we do not think that a property clause is necessarily incompatible with social reform”

But they add “However, we do recognise that a new government in South Africa will be required to implement an effective and speedy programme of land reform if it is to retain legitimacy. In addition, the credibility of the Bill of Rights itself would be undermined if it were seen to impede such reform”

This highlights the need to protect programmes of land reform and the solution the Charter offers is “to insulate land reform programmes from the provisions of the Bill of Rights for a limited period of time”

“Although this will have the disadvantage of excluding the operation of the Bill of Rights in a very controversial area, it is nevertheless the approach we recommend

“We feel that the need for land reform is well established, particularly in the light of the injustices of the past, and that such a clause would be relatively clear and straightforward in application

What it amounts to is that the property provision should be qualified by a clause — sub-clause (3) — which exempts from judicial scrutiny land reform legislation enacted within seven years of the start of the Bill of Rights

The period of seven years would allow at least two parliaments the opportunity to introduce legislation. In addition, there would be a limit of 10 years on the period in which this legislation could be enacted

The point that Mr Justice Didoott makes is a cogent one: the pressure on a future South African government to tackle the problem of poverty “is likely to prove irresistible”

And the immutable political fact, he warns, is that “no government which ignores it has much chance of retaining popular support”

THE 'POSSIBLE' CLAUSE

THE “possible property clause” contained in A Charter for Social Justice:

- 1 Everyone has the right to the enjoyment of his or her property.
- 2 No one shall be deprived of his or her rights and interests in property unless such action is taken in the public interest, in which case it shall be with due process of law and subject to the payment of appropriate compensation, which shall be determined by establishing an equitable balance between the public interest and the interest of those affected.
- 3 No law enacted within seven years of the commencement of this Constitution
- 4 No one shall be removed from his or her home except in terms of an order of court.
- 5 No court shall make an order authorising the removal of a person from his or her home unless it has taken into account the existence of appropriate alternative accommodation.

Goldstone's search: the causes of violence

DURBAN.— After six days of submissions from organisations and interested parties from across the political spectrum, the Goldstone Commission has the task of cutting through the layers of rhetoric and organisational propaganda in search of the causes of violence in Natal

After hearing nearly 20 submissions, Mr Justice Richard Goldstone will examine issues which surfaced most

frequently to aid him in his investigations

The chief issues will be the use of illegal firearms, the issue of G-3 automatic rifles to headmen for their protection, and how best to re-integrate the KwaZulu Police (KZP) into the SAP

Illegal firearms as the main cause of violence was cited by many witnesses

G-3s were issued to headmen by the Department of

the Chief Minister of KwaZulu in terms of the Arms and Ammunitions Act, it was submitted

Various organisations, including the ANC and the Institute for a Democratic Alternative for South Africa, told the commission chiefs were randomly issued with the rifles and that the weapons were misused

A legal representative for the KZP, Colonel T Reed,

conceded the allegations were true but said the rifles were being withdrawn

Submissions to amalgamate the KZP and SAP were also made. Various organisations saw the role of the KZP as being partisan and favouring the Inkatha Freedom Party

The carrying of "traditional" weapons was another sore point brought before the commission — Sapa

DAY, Tuesday, December 15 1992

True picture still clouded as Natal hearing closes

B/DAY 15/12/92

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Chief among these will be the use of illegal firearms, the issue of G-3 automatic rifles to headmen for their protection, and how to reintegrate the KwaZulu Police into the SAP

Illegal firearms as a main catalyst of violence was cited by many witnesses in the first week of the sitting

G-3s were issued to headmen by the chief minister of KwaZulu's department in terms of Section 45 of the Arms and Ammunitions Act, and the weapons were misused, it was submitted by various organisations

The commission subsequently heard from a legal representative of

the KwaZulu police, Col T Reed, that these allegations were true

The rifles were now being withdrawn, he told the commission

On the issue of SAP-KwaZulu police amalgamation, various organisations saw the attitude of the KwaZulu police as partisan and favouring Inkatha

RAY HARTLEY reports that a leading unrest monitor told the commission yesterday efforts by KwaZulu to implement its constitutional proposals, which would grant the Natal region autonomy, would lead to greater violence.

"Given the level of violence in the province at present, and the politicisation of ethnicity which has taken place, any attempt to implement such proposals is likely to lead us down the road to a Yugoslavian type situation," said independent Natal unrest monitor Mary de Haas

She said urgent action to end the violence must include

- Amalgamation of the KwaZulu police and the SAP,
- Giving police officers "with proven track records" more authority,
- A tightening up of bail conditions

for those arrested for violence, and
 Greater control over weapons

She praised the Durban stabilisation unit of the police for giving black residents "the type of protection they have not received from the KwaZulu police"

On the issue of the carrying of dangerous weapons, an Estcourt farmer who is also co-convenor of the local dispute resolution committee, Graham McIntosh, said Zulus should be allowed to carry sticks

These, he said, should not to be construed as dangerous

Inkatha's Philip Powell, in his submission yesterday, said according to statistics in his possession, only 10,03% of killings had involved the use of so-called dangerous weapons

The commission is expected to investigate all claims it has heard and provide a detailed report next year, possibly in January

The Human Rights Commission said yesterday 132 people were killed in political violence in Natal during November This brought the total number of people killed in Natal this year to 1 279 — Sapa

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There was little controversy... and Mrs Joosab, who ran a...



A Bill of Rights in SA must have the authority of people, says Kader Asmal

Freedom from 'passion of men'

Stm 16/12/92.

FOR THE first time since 1948, we in South Africa can look forward to a debate about the kind of human rights we should have

When the Universal Declaration of Human Rights was adopted in 1948 by the United Nations, with the abstention of the apartheid state, it soon became a standard of achievement by which our country could be judged.

For 44 years we have invoked this standard when the light of freedom was extinguished. Now, our country has begun a transition towards democracy where human rights and the basic values inscribed in the Universal Declaration will play a vital part. We shall not be inventing these rights — although there are those who are trying — but applying to our national and domestic situation rules which have near-universal approval.

A people without a vision of itself and for the society in which it exists is a movement without a moral foundation. Such a vision has been provided by the various drafts for a Bill of Rights in our country by the African National

Congress in November 1990. They are reflected in some of the agreed principles of democracy adopted by the parties at Codesa since last year.

These documents give concrete expression to the firm commitment of democrats to a moral and legal order which is the antithesis of discrimination and racial exploitation. Our adherence to an alternative perspective of government based on democratic, non-racial and non-sexist values has generated an alternative ideological vision for the future South Africa. More importantly, it has provided a basis for the negotiations for a democratic South Africa inaugurated in December 1991 at Codesa whose work we hope will be completed soon so we can finally exorcise the ghost of apartheid by establishing a free society in South Africa.

The law will provide equal protection for all. It will be an order where the government will be bound by a higher body of rules — an empire of laws — and will not govern us by discretion. We reject an empire of man, we shall have the rule of law, as opposed to

what Aristotle called the "passion of men".

Democracy and human rights cannot, therefore, be separated. We cannot have the one without the other. It will not be an easy road to travel. The end of apartheid does not guarantee the beginning of democracy. But until apartheid is no more, there can be no democracy.

Why do we need a Bill of Rights? What may be axiomatic has to be spelt out for our country.

Firstly, the provision of a Bill of Rights provides an important statement about the nature of power relations in our country. Unlimited executive and legislative power — which has pervaded our society under racism and apartheid — cannot co-exist comfortably with a commitment to individual political and civil rights.

It is therefore an historic irony that the oppressed and rightless have made a categorical statement of our future intentions: that a future government of a free South Africa must operate for the first time in our history under a constitution which will not only limit its powers in relation to indi-

vidual rights but which will be enforced by a constitutional court which enjoys the confidence of the people.

A democratic political order cannot simply be based only on the accepted principle of one-person-one-vote. It must be in addition to this, and must recognise the constitutional rights of dissent and increase our trust in society by ensuring that the majority is constrained by constitutional means. Conversely we must reject any suggestion to insert eccentric and racially motivated proposals, which would impede a future government from embarking on the enormous tasks of reconstruction of our country. There is a need to understand that a Bill of Rights cannot be an instrument for the maintenance of the *status quo*.

Secondly, apart from political rights, the challenge to the new human rights order in South Africa is respect for the cultural distinctiveness of our people, and for cultural and political pluralism that add to the richness of the experience of being human. Language, culture, and religion are important indicators of identity

(252) To recognise ~~the~~ not to create division in our society but to produce a legal order which is responsive to the needs of people.

The key, therefore, to the protection of any minority is to put core civil and political rights, as well as some cultural and economic rights, beyond the reach of temporary majorities, and to guarantee them as fundamental individual rights.

Also, we must address the issues of poverty, want, deprivation and inequality in accordance with international standards which recognise the indivisibility of human rights. A simple vote, without food, shelter, and health care is to use first generation rights as a smokescreen to obscure the deep underlying forces which dehumanise people. It is to create an appearance of equality and justice, while by implication socio-economic inequality is entrenched.

We do not want freedom without bread, nor do we want bread without freedom. We must provide for all the fundamental rights and freedom associated with a democratic society.

We want the values behind a Bill of Rights to become part of the culture of our people. It is therefore important to recognise that the authority of these values is not ultimately vested in the constitution as such or in the power of the State, but rather in the people, who at a certain time in history committed themselves to a process under the rule of law and according to a certain set of principles.

Finally, we must ensure that a democratic South Africa not only provides for the constitutional protection of the right to associate but is actively committed to encouraging the organs of civil society towards a lively, assertive presence. □

● Kader Asmal is Professor of Human Rights Law at the UWC and a member of the National Executive Committee and the Constitutional Committee of the ANC. This is an edited version of a talk at the Human Rights Day conference of the National Association of Democratic Lawyers to commemorate International Human Rights Day.

People's court probe

POLICE are investigating allegations that the ANC is operating a "people's court" in Bekkersdal after one person was admitted to hospital after being lashed 79 times with a sjambok all over his body (252) ~~252~~

According to a statement issued by West Rand police Internal Stability Unit, the police went to Mandela squatter camp in Bekkersdal last week after receiving information about a "people's court" operating in the area Sowetan

When police arrived at the scene they found four men who claimed they had been abducted and forced to stand trial in a "people's court" 17/12/92

Three of the men were "sentenced" and punishment was administered with a sjambok. One of the men received medical attention at Leratong hospital for injuries. The fourth man was ordered to pay a "fine" of R600, police said.

Police took possession of documents which indicated that there was a "peo-

ple's court" in the area

UN monitor backs Goldstone

JUDGE Richard Goldstone needed the freedom to investigate the armed wings of liberation movements inside SA and in neighbouring countries if he was to achieve his stated goal of investigating the role of security forces and armed formations in political violence in SA

UN observer mission leader, Angela King said yesterday "What is giving us some concern, though, is whether he (Goldstone) can actually get co-operation from all the parties involved"

"We certainly encourage all the countries involved to welcome him and have full access. We would hope the parties that have armed wings would also encourage those armed wings to co-operate fully"

King's remarks came as Transkei leader Maj-Gen Bantu Holomisa reiterated his

B/DAM 17/12/92
RAY HARTLEY

view that the UN was free to observe events in Transkei, but said Goldstone remained unwelcome because he had been appointed by government

King said recent ANC disclosures about abuses in its camps in neighbouring countries were an example to other SA leaders of the kind of disclosure that was needed to heal the wounds of the past

"It was not a pretty picture and I think the disclosure must have taken quite a bit of soul-searching"

The Goldstone commission was well respected and Goldstone himself was "held in very high regard" in the international community, she said

□ To Page 2

Goldstone

B/DAM 17/12/92 (252) ~~252~~
"We in the international community are prepared to give any assistance that is required (to Goldstone). We were assured that he's happy with what the president told him about his mandate," she said

On the peace accord, King said it was a good document, but much work was needed to get it to achieve its aims. The national peace committee needed to make sure that all parts of the SA community felt the document belonged to them

Efforts were needed "to make the leadership more representative of the parties and the national or ethnic entities in the country. They need to bring in women's

groups, they need to bring in community groups. There needs to be a greater awareness of what people on the ground think about certain issues, because one good thing about it is that it is a structure that's built at all levels

"But at this point it gives the impression that it is functioning from the top level down and I think it needs to percolate, because there is a general perception that the grassroots were not involved in its creation," she said

Leaders in peace structures realised the need for this new direction and were working on improving it, she said

● Picture Page 3

□ From Page 1

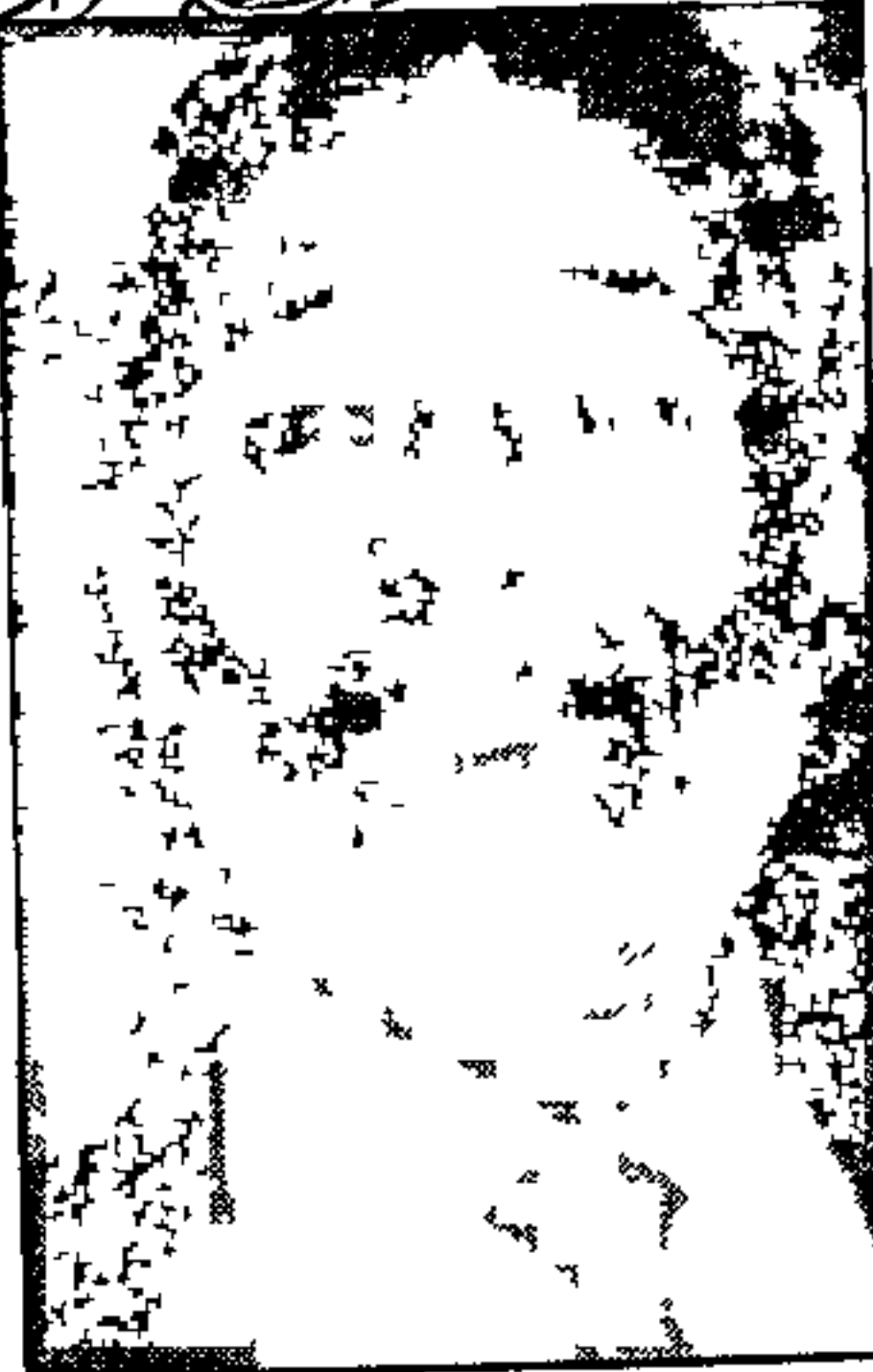
Criminal justice in SA criticised

By Peter Fabricius (252)
Political Correspondent

The Commonwealth Observer Mission to South Africa (Comsa) has criticised the country's criminal justice system, expressing surprise at low sentences and low amounts of bail granted for crimes of violence.

Comsa chairman Mr Justice Austin Amisshah, former Justice of Appeal in Ghana and current president of Botswana Court of Appeal, was giving the mission's impressions of its two months of observing political violence at a press conference in Johannesburg yesterday.

He would not express an opinion on causes of political violence, but the levels seemed to have dropped lately and this had partly been ascribed to the presence of international observers.



Mr Justice Amisshah. . little community confidence in the judicial system

Mr Justice Amisshah said that an efficient and effective criminal justice system which commanded the confidence of the

people was a powerful instrument for the control of crime

Comsa had often heard that the criminal justice system in South Africa had broken down or had lost the confidence of the majority of people, especially blacks

"Comsa has noted with surprise the release on bail, sometimes on small sureties or bonds, of persons charged with the gravest of crimes."

This allowed them to repeat their offences, interfere with witnesses or escape

"In cases of violence, the message sent out is that the courts are not interested in the protection of human life or limb"

He said Comsa had also noticed that sentences "tended to convey the impression that violent crime, even that ending in the loss of human life, is treated with less severity than the simplest offences against property, such as stealing of goods"

Magistrate system under fire

Political Correspondent 18/12/9

The Commonwealth Observer Mission in South Africa (Comsa) has criticised the SAP's new system of appointing magistrates to check that people in police custody are not ill-treated — and has suggested that the National Peace Secretariat should do the job instead

Comsa member Chief Superintendent Peter Stevens, head of Scotland Yard's department of community policing, said at a press conference in Johannesburg yesterday that this would improve the credibility of inspections of detainees.

He said the lack of public trust in the police and the widespread belief that arrested peo-

ple were ill-treated, or even tortured, meant that few members of the public were prepared to help prosecute offenders

The fear of ill-treatment or of reprisal against witnesses led to great difficulty in convicting offenders. This meant suspects were more likely to be tortured to extract confessions

Stevens said the police had recently introduced a system of magistrates visiting police stations to ensure detainees were not ill-treated

But the reports of the magistrates were confidential and so the community was unaware of visits or of their findings. An opportunity to improve public confidence in the police had been lost

Stevens said that in many countries, including Britain, there were systems allowing public visits to police stations. These visitors were given unimpeded and unannounced access to all police stations and detainees

He suggested that selected members of local dispute resolution committees under the National Peace Secretariat should be given immediate access to police stations and the right to report publicly on what they found

This would do much to allay fears of ill-treatment of detainees and to curb it if it occurred. Stevens said his plan was straightforward and not "resource-intensive"

Three-member Goldstone committee to probe Apla

By Esther Waugh
Political Reporter

STAR 18/12/92
investigation of its armed wing, Umkhonto weSizwe as far as its activities might relate to public violence and intimidation

(252) (18/12/92)
The Goldstone Commission has established a committee to conduct a preliminary investigation into the Azanian People's Liberation Army (Apla)

Mr Justice Goldstone announced yesterday that the three-man committee to be chaired by Gert Steyn, a member of the Goldstone Commission, will hear evidence on the location of Apla camps, arms, ammunition, personnel and on its operational activities.

The Pan Africanist Congress has said it would not allow the Goldstone Commission to investigate its military wing

Mr Justice Goldstone said the Government had agreed to the involvement of the Commission in the investigation, being conducted by Lieutenant-General Pierre Steyn into covert operations of the SADF.

The ANC had agreed to an in-

The other members of the committee investigating Apla are Port Elizabeth advocate Fikile Bam and Nico Coetzer, a Bothaville attorney and the immediate past president of the Law Societies of South Africa

The United Nations has appointed Professor Kwane Frimpong of the University of Ghana to observe the proceedings of the committee.

The committee's first public sitting will take place in Port Elizabeth on January 4 at a venue to be announced.

Written information and submissions under the terms of reference of the committee should be submitted as soon as possible, and in any event not later than December 31, to The Secretary, Goldstone Commission, Private Bag X858, Pretoria 0001

Goldstone begins probe into Apla

CAPE TOWN — The Goldstone commission yesterday launched a probe into the PAC's military wing Apla.

Judge Richard Goldstone announced the preliminary investigation — to be conducted with a UN observer present — as pressure mounted at home and abroad on the PAC to distance itself from Apla activities.

As the PAC was licking its wounds in the wake of the shock resignation of its senior deputy president, Dikgang Moseneke, the EC issued a *démarche* — the strongest form of diplomatic censure — to PAC president Clarence Makwetu for the organisation's failure to condemn Apla activities.

Goldstone said a committee had been set up — in agreement with the Justice Minister — to hear evidence and receive submissions on the location of Apla camps, arms,

~~Political Staff~~ (252)

ammunition and personnel and on their operational activities.

The committee's proceedings would be observed by UN-appointed Prof. Kwame Frimpong of Ghana University.

Goldstone added that his commission was seeking the co-operation of all other institutionalised forces so that similar investigations could be conducted.

The ANC had agreed to an investigation of Umkhonto we Sizwe by the commission in so far as its operations or affairs might relate to public violence and intimidation, including the location and control of weapons and explosives in its possession, his statement said.

The PAC has stated repeatedly that it

□ To Page 2

Apla

will refuse to co-operate with any such probe, which comes at the urging of the UN's Security Council.

BILLY PADDOCK reports that an Apla spokesman, meanwhile, has denied that the military wing had declared war on whites.

Apla commander Victor Sabelo Phama said from Dar es Salaam that Congo Jibril, who claimed to be an Apla member and who made the declaration in a telephone call to Sapa on December 6, was an *agent provocateur*.

Yesterday the PAC's Johannesburg office rerouted a fax from Phama to Sapa.

The fax said "We wish to state that our investigations have revealed that there is no such person as Congo Jibril in Apla ranks or any other bona fide structures of the PAC. Therefore Apla is not responsible for the utterances of a Congo Jibril and dissociates itself with such utterances."

Jibril was a planted *agent provocateur* assigned the task of discrediting the struggle of the oppressed and dispossessed majority, it said, adding "Apla strongly condemns such dirty tricks by the regime."

Earlier this week PAC senior deputy president and former Apla commander-in-chief Johnson Mlambo said the highest rank in Apla was held by Phama.

Also on the issue of Apla yesterday, three EC ambassadors to SA warned the PAC president that the organisation's failure to condemn the acts of violence claimed by Apla undermined its democratic credentials.

British ambassador Sir Anthony Reeve said he and the ambassadors from Portugal and Denmark had told Makwetu yesterday that the EC supported the view that negotiations alone could achieve peaceful transition.

"The ambassadors said they were encouraged by the declared willingness of the PAC to take part in the negotiation process and hoped the PAC would categorically condemn the use of violence so that it could continue to play a full part in multilateral negotiations to determine SA's future."

There has been speculation that more high-ranking PAC officials could quit in the wake of Moseneke's resignation.

~~Political Staff~~ (252) □ From Page 1

Political analyst Gary van Staden predicted that other PAC leaders unable to reconcile themselves with overtly racist attacks on white civilians might resign.

Makwetu, who said it was a pity Moseneke's resignation had been made public before the national executive council could discuss it, nonetheless wished his erstwhile deputy well.

Only one other senior PAC member — who wanted to remain anonymous — would comment on the resignation. The source discounted any link between Moseneke's resignation and the alleged Apla attacks and said his stated reasons — the pressure of his professional workload — were genuine.

DP senior negotiator Colin Eglin said Moseneke's resignation would be a serious blow to the organisation and would shift the equilibrium of the leadership, possibly making it more radical.

Although he had been expecting the move, he did not believe the timing of the resignation was entirely coincidental. "He has a strong commitment to the rule of law, constitutionality, a bill of rights and he brought a great deal of a culture of democracy to the leadership of the PAC."

□ PAC education secretary Mogale Mphahlele denied yesterday he had threatened military action against an interim government. He had been reported by Sapa as saying in Lebowa that the PAC would ensure an interim government did not succeed next year. The organisation "does not rule out the use of arms against plans by the ANC, its allies and the government to agree on the installation of such a government", he was quoted as saying.

Yesterday Mphahlele said he had made no threat of military action. "I wish to state clearly that the statement 'PAC will fight the interim government' attributed to me is a deliberate misquotation with the intention of discrediting the PAC."

He said he had told the rally the "PAC is opposed to the concept of interim government. We want a transitional authority supervised by the international community to prepare for elections for the constituent assembly. An interim government will be opposed with the vehemence shown in campaigns against Codesa."

Police beat suspect's mother

By HEIDI KRIZ

W/M and 18/12-22/12/92

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THE Brixton Robbery and Murder Squad regularly tortures and abuses family members of criminal suspects in the course of investigations, according to a leading Johannesburg defence attorney

The allegations square with those in numerous statements and affidavits collected by the South African Prisons Organisation for Human Rights. Much of this evidence was contained in article about torture at Brixton published in last week's *Weekly Mail*

The lawyer, who has asked not to be named for professional reasons, this week introduced *The Weekly Mail* to the mother of one of his clients, who gave a horrifying account of the physical abuse of her son, herself and other family members by Brixton squad members

According to Muriel Masemela, the family's ordeal began on a day in mid-November at about 1am, when about a dozen policemen showed up outside her home in Rockville, Soweto, and pounded on the windows and doors

She alleged that when her 17-year-old niece, Sandra Thema, opened the front door, she was struck in the face by a policeman who demanded to know the whereabouts of Masemela's son, Kenny

"He hit me so hard that I flew across the room into the refrigerator," Thema said

Kenny Masemela was taken away handcuffed, while the rest of the family was forced to wait for about an hour until the police returned, said Masemela, adding that "If people wanted to go to the toilet, the police would only let them go with a gun pointed at

them, even the three-year-old girl

When the police came back, Kenny Masemela accompanied them with his face "black and blue" from an apparent beating, according to his mother

The family, still wearing pyjamas, was then herded into a minibus and taken to the Brixton station

There, Muriel Masemela said, she and her son were separated from the others, taken to a room and beaten

"A big white cop *klapped* me in the face so hard that I fell to the ground, and then another one kicked me," she said

Kenny Masemela, she continued, begged the police to stop beating his mother, saying he would co-operate fully, but the beatings continued for several hours, no matter what the two said or did

After holding her in custody for about seven hours, one of the policemen brought her a statement and said

that she had to sign it and then, she said, she was allowed to go home

Kenny Masemela is on trial for armed robbery and murder and was subsequently tortured in detention, according to his mother. "He told me that they stuck wires to him, his private parts and electrocuted him. He said he can still hear the sound of his skin burning, of the 'fire on me'." He said they tortured him for a whole weekend, for three days

She said that on his appearance in court, Kenny had begged the magistrate for a transfer to Diepkloof Prison, as he feared he would be killed if he stayed in Brixton

Responding to allegations that suspects are routinely tortured at Brixton, the SAP launched a top-level investigation, saying it had never condoned or tolerated misconduct by its members, particularly unlawful killings and torture

Muriel Masemela and Sandra Thema (left) after their alleged ordeal in the hands of the Brixton Murder and Robbery Squad Photo SARAH PRALL



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Judge to probe Apla, SADF and MK

KAIZER NYATSUMBA
and SAPA

THE Goldstone Commission yesterday announced that it would begin probing the activities of Apla, the armed wing of the PAC, early next year and would also investigate certain activities of both the SADF and the armed wing of the ANC.

Mr Justice Richard Goldstone said the Apla hearings would begin on January 4 in Port Elizabeth. He said the covert activities of the SADF would also come under scrutiny next year, as would the alleged involvement of the ANC's Umkhonto we Sizwe in unrest.

Threats

The PAC, however, has reiterated that it will not co-operate with the commission. And the organisation's PWV leadership claimed yesterday that the "drastic decline" in political violence in the PWV over the past two weeks was because of the recent Apla attacks on whites in the eastern Cape.

In a statement read by PWV regional chairman and national executive council member Ntsundeni Madzunya, the PAC said Apla's threats to retaliate for every black who died in violence had not only led to the decline in violence, but had also proved the Government had the capacity "to instruct mercenaries to stop the killings."

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Saturday Star December 19 1992

Judge's probe

FROM PAGE 1.

An SAP statement described Madzunya's claims as "ludicrous to say the least — and what makes it even more ridiculous is the attempt to link the recent attacks in the eastern Cape to the alleged decline in violence in the PWV region"

The SAP said any decline in "train and other violence can be attributed to increased police action on the one hand, and peace initiatives by the Peace Committee and other concerned organisations and individuals on the other" Almost 200 people, the police statement said, had been arrested and charged for offences committed on Transnet premises

Madzunya said the absence of large-scale violence in the PWV following Apla's attacks in King William's Town and Queenstown proved that "agents of the regime" were primarily responsible for violence in the PWV area

The Apla leadership, through PAC first deputy president and former Apla commander-in-chief Johnson Mlambo, this week formally claimed responsibility for the two eastern Cape attacks

The PAC has received much domestic and international criticism for its failure to censure — or distance itself from — Apla.

PAC second deputy president Dikgang Moseneke this week resigned

from the organisation's leadership. Although he cited family and professional pressure, observers and PAC-watchers believe the Pretoria advocate's resignation was triggered by his opposition to Apla's attacks

Reports from Cape Town yesterday said PAC information chief Barney Desai may well follow Moseneke and quit the PAC. Though the PAC was tight-lipped about his health, the articulate, former London barrister is said to be ill

Desai is on holiday and could not be reached for comment

Reports from Washington indicate that international pressure on the PAC is continuing. US Assistant Secretary of State for Africa Herman Cohen told reporters in the US capital that the US government had protested to the PAC about Apla's threats even before last month's attacks. But PAC leaders had said they had no control over Apla, Cohen said.

He was briefing reporters on events in Somalia when he was asked to comment on the Apla attacks. He described them as "blatant acts of terrorism"

"I note that over the past year Apla has threatened to take violent measures so that the negotiations could be undermined. When we first heard of these threats we protested to the PAC leadership, and throughout that period the PAC leadership said they were opposed to such measures, but told us they were not in control of the armed wing. And they are continuing to say that"

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'No KwaZulu link with Renamo'

GOLDSTONE Commission investigators found no link between Renamo and the KwaZulu Police, as claimed earlier this year by the ANC, Judge Richard Goldstone announced on Friday.

C/News 20/12/92
Commission investigations showed that the claims were based on the presence of 10 armed Portuguese-speaking men at a bar in Nseleni in August this year

The presence of the men was the sole origin of the belief concerning a relationship between the KwaZulu Police and Renamo, said a statement by Judge Goldstone.

In September reports said northern Natal ANC leaders had claimed Renamo soldiers were in KwaZulu and that their presence was linked to alleged hitsquad training

But an extensive probe in Natal by the commis-

sion's investigators found "there is no justification for the allegations of a Renamo connection with the KwaZulu Police or of the presence of Renamo soldiers in KwaZulu" (252) ~~(104)~~

KwaZulu's police-commissioner had told the Goldstone Commission KZP investigations showed no substance to the allegations. - Sapa

Mlangeni killers are still free

By MARTIN
NTSOELENGOE

(252)
THE ANC has vowed not to rest until Bheki Mlangeni's killers are brought to book, says spokesman Saki Macozoma.

He says the ANC will ask the Minister of Law and Order to re-open the inquest and all the relevant papers be handed to an independent team of detectives.

Macozoma told City Press that his organisation had no quarrel with Judge O'Donovan's han-

dling of the case, but were angry about the police cover-up and their sluggishness.

Mlangeni died from head injuries in March last year when an explosive in the headphones of a Walkman cassette player detonated when he pushed the play button.

Mlangeni was chairman of the ANC Jabulani branch and was working for a firm of lawyers while studying at Wits.

Former police captain Dirk Coetzee, who fled to

London after making allegations about hit-squad activities, claimed that Mlangeni was killed by his former Vlakpaas colleagues.

Despite the allegation of a Vlaplaas-based hit-squad, the investigating team took its time.

Investigating officer Captain Andre Kritzinger admitted to going to Vlakplaas three months after the allegations and agreed that fresh evidence could have been found had he gone earlier.

Dikgang to be chosen judge?

MOVE over Dikgang Moseneke, former PAC deputy president, Enter Dikgang Moseneke, South Africa's youngest black judge (252)

Speculation is rife that Moseneke may be appointed to the Bench next year, making him the youngest black judge in the country (253)

This, it is believed, is the reason why he resigned as the PAC deputy president and also from its national executive committee. (254)

However, controversy surrounds his possible appointment. Members of the Black Lawyers' Association of which he is a founding member claim that he has already taken silk in legal parlance. However, a spokesman for the Pretoria Bar, a Mr Scholz, denies this.

For Moseneke to become a Senior Counsel, the Pretoria Bar has to make the recommendation to the Minister of Justice.

Two members of the BLA, who asked to remain anonymous, claimed that the appointment of Moseneke as SC was announced at their annual meeting held on October 17 and 18. The national chairman of the BLA, PM Mojapelo confirmed the announcement but said they had not been officially informed.

Another possibility is that even if Moseneke is not yet an SC, his appointment as one is imminent — thus paving the way for him to eventually become a judge.

Moseneke announced his resignation from the PAC this week — fuelling speculation that he was disenchanted with the organisation's recent political line. (255)

His resignation came in the wake of attacks on white civilians allegedly by the PAC's military wing, Apla. (256)

According to sources, Moseneke realised that his continued leadership of the PAC would minimise his chances of being appointed to the Bench.

Heavy sentence for SA courts and cops

Commonwealth

probe finds deep black pessimism

CPRE 20/12/92

By THEMBA KHUMALO

(252)



THE 12-man Commonwealth observer team in SA has handed down a serious indictment of our system of criminal justice

During its two-month mission to monitor violence here, it heard repeatedly that "the system" had broken down and that the majority of black South Africans had no confidence in the society

Addressing a press conference in Johannesburg recently, mission chairman and a judge in Ghana, Austin Amisshah, said the absence of black confidence in the system had meant few crimes were reported, fewer were detected and only a handful were prosecuted

He said "The courts are seen by the public as elitist and ill-equipped to quickly dispose of the volume of criminal cases which come before them. We have noted with surprise the release on bail, sometimes on small sureties or bonds, of persons charged with the gravest of crimes

"We have also noticed the level of sentence sometimes given after conviction which tends to convey the impression that violent crime, even that ending in the loss of human life, is treated with less severity than the simplest offences, such as the stealing of goods"

Disinterested

In cases of violence the message sent out was that the courts were not interested in the protection of human life or limb, Amisshah said

The police were also criticised by the team for taking sides. Amisshah said people had told of how they would not report offences to the police because they were seen to be impartial or were too incompetent or indifferent to do anything.

"The police would rather put the person reporting through the inconvenience of a long, needless police routine, or would at best investigate the complaint inefficiently, giving little chance of success in a prosecution," Amisshah said.

He said, however, that his team had a continuous relationship with senior police officers in most parts of the country and they (team members) were invited to give lectures in Commonwealth countries

The team consists of former police commissioners from Canada, New Zealand, Malaysia, a chief superintendent of Scotland Yard, a former Senator from Bahamas, a lawyer and MP from Zimbabwe, a lawyer and former Indian MP and the director of the Institute of Criminology in Canberra, Australia.

NEARLY 2 000 years ago, the Roman author, Pliny, wrote: "Always something new out of Africa." If he were around today, he might be encouraged to add "And that goes for Namibia as well"

Namibia, indeed, appears to have scored a world first. A judge of the High Court has, in effect, voluntarily sat in judgment on himself, and in a 10-page opinion, he found he was a fit and proper person to hear the case before him

This procedure seemed so unusual that I consulted one of South Africa's most senior advocates for his opinion on the judgment "I have never seen or heard of anything like this before," he said

The story, to be found in the most recently published SA Law Reports, begins in the Namibia High Court in September 1991

At a so-called "treason trial" — the State v Kleynhans — Mr Justice O'Linn sentenced three accused to terms of imprisonment

A month later, in October 1991, Judge O'Linn was presiding over another criminal trial — State v Heita — which also had political undertones

In the interval between the two trials, a storm of public protest and abuse had been directed at the Namibian judiciary in general, and at Judge O'Linn in particular

The attacks on Judge O'Linn certainly made no discernible impact on either State or defence counsel

As Judge O'Linn was to disclose in his judgment "Miss van Niekerk, counsel for the State, and Mr Kuny, for the accused, have both implored me not to recuse myself, and have expressed the confidence that I will decide the case on the facts and arguments before me"

That, according to precedent, should have settled the matter. The judge thought otherwise. He decided, without being requested to do so by either side, to consider whether he should recuse himself from the trial

His motivation went beyond personal considerations

"The events since the

The judge judges the judge

STimes 20/12/92

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JOEL MERVIS reports on how a judge in Namibia solved his problem in the finest Gilbert and Sullivan tradition

Kleynhans case," he said, "have enveloped myself, the other judges of the High Court, the Attorney-General and the Prosecutor-General in a controversy, the high-water mark of which was a call by people — purporting to act on behalf of the governing party of Namibia — for my dismissal or resignation — even for my arrest."

"The events referred to are so notorious that I can, should and do take judicial cognisance of them, in so far as their substance is concerned and the perception in the public mind created by them

"The events following the (Kleynhans) sentence developed into a well-orchestrated campaign, amounting to an assault on and threat, not only to my independence, dignity and effectiveness — but also to those of my fellow judges in the High Court and the judiciary in general, including the Attorney-General and the Prosecutor-General"

The judge pointed out that in September 1990, he had acquitted "a black man charged with a brutal murder and the robbery of a defenceless white lady pensioner".

"Applying the logic of my

accusers," he said, "this would mean I am anti-white."

The recent events had placed him in a dilemma

If he acquitted the accused or gave them a "light" sentence, some might think he had been intimidated. If he were to convict and impose "stiff" sentences, the onslaught on himself and the judiciary might be repeated, and be fatal to maintaining the rule of law

The crux of the matter was that no judge could function properly unless article 78 of the Constitution was enshrined in the hearts and minds of the Namibian people and enforced by all concerned

He then dealt with the relevant provisions of the constitution concerning the sanctity and protection of the law, the courts and the judiciary — an essay taking up the greater part of his judgment

In a rousing peroration, faintly reminiscent of Winston Churchill at his best, Judge O'Linn asked

"Can a judge effectively perform his onerous task if people are allowed to continue undeterred to scandalise the judges — to misrepresent,

to agitate, to incite, to demand, to dictate and even to threaten from public platforms, from the bush and from the streets, through the media and through the structures of their party, trade unions and churches?"

"The answer clearly is in the negative"

Judge O'Linn's sharp condemnation of wild, reckless abuse of courts and judges will, of itself, invite the approval of all right-thinking people

Yet, commendable though his fight for the rule of law may be, there is another side to the coin

The judge might have asked himself whether, on his own initiative, he should take over the litigant's prerogative of recusal and use it as an instrument, not merely for providing proof of his own integrity, but also for an all-out political attack on political partisans

The judge would seem to have acted purposefully in entering the political arena. On this occasion, at least, he preferred the path of pragmatic aggression on the hustings to that of restrained, astringent, judicial aloofness

Judge O'Linn was clearly angered by what he regarded as reckless attacks not only on himself, but also on the constitution, the judiciary and the rule of law.

He obviously saw it as a public duty to speak out. Was he justified in doing so?

It is for legal experts to decide the circumstances, if any, that entitle a judge to launch a political attack from the Bench, and whether the recusal device should be used for that purpose

In the event, Judge O'Linn solved his problem in the finest tradition of Gilbert and Sullivan. He made an application to himself to consider whether or not to recuse himself, according to the evidence and to his own arguments which he placed before himself

As Pliny himself might have said: Ex Namibia semper aliquid novi

□ Joel Mervis is a former editor of the Sunday Times

Ken Owen is on leave. His column will resume in January

Sowetan 21/12/92
Judge hails
investigation (252)

THE GOLDSTONE Commission has welcomed the statement by President FW de Klerk on Lieutenant-General Pierre Steyn's investigation into SADF intelligence functions

- Mr Justice Richard Goldstone told *Sapa* "The commission welcomes the firm steps just announced by the State President"

- He added "Further comment at this time is not appropriate"

Dept rejects Commonwealth report

Sowetan 21/12/92 (252)

THE DEPARTMENT of Justice has denied allegations contained in what it described as a generalised, ill-informed and superficial evaluation of the country's criminal justice system by the Commonwealth Observer Group to SA

The department said in a statement it denied Comsa's allegations that the criminal justice system in South Africa

■ SA proud of its legal system says Justice Department:

had broken down and lost the confidence of the majority of the people and that the courts were not interested in the protection of human life

"South Africa is justifiably proud of its legal system, which ranks amongst the foremost in the world," said the department.

An invitation was issued to Comsa to meet department officials and present any substantial matters or proposals which could help to improve the administration of justice

"The South African legal system is continuously involved in a process of dynamic change," it said - *Sapa*

Steyn investigation to continue

SADF elite stunned by FW's purge

BIDAY 21/12/92

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THE military establishment was in a state of shock yesterday after President F W de Klerk announced that senior Defence Force officers suspected of illegal activities were to be suspended or compulsorily retired

Top defence sources said they were "dismayed" at the speed of the investigation conducted by SADF chief of staff Lt-Gen Pierre Steyn into rebel military operations

However, there has also been widespread acclaim for De Klerk's move to suspend or retire immediately 23 officers, including two generals and four brigadiers

Army chief of staff Maj-Gen Hennie Roux, intelligence deputy chief of staff Maj-Gen Chris Thirion, and army communications operations director Brig Ferdi van Wyk were named in weekend reports as being among the senior officers purged

Brig Tolletjie Botha, head of the directorate of covert collection which the Goldstone commission exposed as being involved in "dirty tricks" against the ANC, was also among those axed

De Klerk broke off his Christmas holiday to make the dramatic announcement, after receiving a report from Steyn. He said he was "shocked and disappointed, but resolute", and intimated officers could face trial for crimes, including murder

He said there were indications some individuals were trying to sabotage the negotiations process, but added there was as yet no evidence anyone had been aiming to overthrow government violently

A military source said yesterday "No one expected the outcome to be so swift. Many of the senior people suspended or retired are away on leave. They don't even

Business Day Reporters

know what has happened," a source said. The Steyn inquiry was set up on November 18

Senior SADF officers, who declined to be identified, expressed dismay at the moves, which they said were "unprecedented in the history of the army"

"Who is next? However well-intentioned these officers were in combating what they saw as 'enemy' tactics, they are now perceived as having acted outside the scope of their brief," said one

"If this is the case how many more heads will roll?"

De Klerk said the Steyn probe would continue and would co-operate with the Goldstone commission where necessary, while suspected crimes would be referred to the police and attorneys-general. The names of purged officers would be made public shortly

Defence Ministry spokesman Cmdt Riaan Louw said yesterday he had nothing to add to the President's disclosures

SADF chief Gen Kat Liebenberg and army chief Lt-Gen Georg Meiring are on leave and could not be reached for comment

SADF spokesman Maj Chad de Klerk said he doubted whether the two men would grant any interviews. He added that the SADF had no comment to make

WILSON ZWANE reports ANC spokesman Carl Niehaus as saying yesterday that the organisation would now make a "solid effort" to amass evidence on SADF members' illegal activities, including the killing of anti-apartheid activists.

To Page 2

FW's purge

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From Page 1

This evidence would be made available to the Goldstone commission at the right time, Niehaus said

In its initial response, the ANC commended De Klerk for acknowledging a situation that the ANC had been warning about for some time. However, spokesman Mac Maharaj said the President had not gone far enough, and said there should be full disclosure of criminal and destabilising activities

PETER DELMAR reports CP Justice spokesman Willie Snyman said yesterday he believed there was unhappiness within SADF ranks over the announcement

Those affected would not take the law into their own hands as they were disciplined soldiers. However, others might be tempted to do so if attacks on rural communities continued and government appeared unable to address the situation

Snyman earlier expressed the CP's solidarity with officers who he said were being persecuted for their private beliefs. His

party would do everything possible to prevent a "witch-hunt" in the SADF

He said the welcome which the UN mission in SA and the Goldstone commission gave the announcement proved that De Klerk was not acting in SA's interests as these organisations were "out to destroy the existing order"

Judge Richard Goldstone welcomed De Klerk's announcement, but said the time was "not appropriate" to comment further

The UN observer mission welcomed the speed with which the Steyn inquiry had gone about its work

DP defence spokesman Bob Rogers said the possibility still existed that many more low-ranking SADF members had been involved in covert military operations

Rogers said the fact that Steyn had made significant findings in such a short time "says a lot for him"

DP leader Zach de Beer said the moves confirmed his party's worst suspicions

Comment: Page 4

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Justice slams Comsa allegations

THE Justice Department has demed allegations that SA's criminal justice system had broken down and lost the confidence of the majority of the people

The allegations, made by the Commonwealth Observer Group to SA (Comsa), also said that SA courts were not interested in the protection of human life

The Department described the findings as a generalised, ill-informed and superficial evaluation of the country's criminal justice system

"SA is justifiably proud of its legal system, which ranks amongst the foremost in the world," it said

"The SA legal system is continuously involved in a process of dynamic change and the Minister of Justice and Department of Justice have not and will not hesitate to take the lead in this regard"

An invitation was issued to Comsa to meet officials and present any proposals which could help improve the administration of justice — Sapa

Department spokesman Bosman Olivier admitted that the planting was a "mistake" and that a new policy of environmental assessment had been drawn up.

Planting would continue in the area, but in such a way as not to obscure the view. Trees would be planted only behind hillocks along the road and along the natural contour lines of the pass, instead of in uniform rows

The cost of uprooting the trees, estimated at R20 000, came off the department's trading budget and not from government, he said

Parties are 'less dogmatic now'

PRETORIA — Greater flexibility and pragmatism in the constitutional debate have been noted by the Human Sciences Research Council.

An HSRC report released at the weekend said there had been a shift away from dogmatic ideological approaches by all parties

Compiled by the HSRC's centre for constitutional analysis, the report recommends that regions should have different powers depending on regional needs, infra-structure and economic ability in a federal-type constitution

Head of the centre Bertus de Villiers said the new style of problem-solving had been most noticeable in the approach of the parties to regional government

GERALD REILLY

The word federation was still viewed with suspicion and hostility, but it was becoming increasingly clear that a new constitution would be federal in nature, providing constitutional guarantees for regional autonomy

It would leave room for central institutions to lay down guidelines and for initiatives on socio-economic upliftment.

De Villiers proposed a system of "asymmetrical autonomy" in which powers of the various regions could differ.

Varying levels of autonomy were internationally recognised as one of the best ways of defusing con-

flict, taking diversity into account and ensuring effective government, he said

Varying regional autonomy did not mean the country would deteriorate into uncertainty and that regions would go their own way. Each would still have to act within the framework of the constitution

De Villiers said the constitution should contain a list of potential minimal regional powers

The constitutions of 12 countries, including the US, Canada, Nigeria and India, were analysed to determine what level of government was responsible for various powers. The comparisons could be the basis for further discussions and negotiations in SA, he said



involved in covert military operations

PAC's claims on violence in PWV area 'ludicrous'

POLICE have described as "ludicrous" PAC claims that the activities of its armed wing Apla are behind a decrease in violence in the PWV area

The SAP has suggested that Apla might have been responsible for train attacks on the Reef

Any decline in train and other violence could be attributed to increased police action and national peace committee initiatives, police said

PAC West Rand regional chairman Ntsundeni Madzunya said on Friday that his organisation had noted a sharp decline in political violence since Apla attacked whites at King William's Town and Queenstown. This was in contrast to "international scarecrow" suggestions that the attacks would increase violence

The general decrease in political violence, train attacks and attacks in which more than six people died indicated that Apla's threat of retaliation for every black killed had "borne fruit", Madzunya said

The decline in the wake of the Apla attacks in the eastern Cape and subsequent threats proved that a "mercenary" element under the state's control was primarily responsible for

STEPHEN COPLAN

violence in the PWV area

"It is common cause in international relations that the threat of military action by those who have a demonstrable capacity to retaliate always serves as a preventative measure in the conduct of aggression by opposing forces," Madzunya said

The response of ordinary citizens, who were joining the PAC in large numbers, showed there was a perception "on the ground" that Apla was responsible for stemming violence

The PAC had declared 1993 constituent assembly year but believed "the bullet cannot be abandoned until the ballot has been secured"

The PAC and Apla would refuse to co-operate with the Goldstone commission's probe of Apla's activities

In response to growing international criticism of the PAC, Madzunya said the organisation's policy had always been "to accommodate the wishes of the oppressed" and to shape its own destiny

The PAC still owed allegiance to the OAU, which had recently criticised the organisation for not distancing itself from Apla's attacks

Trees go to retain view

BIDAY 2/11/92
GAVIN DU VENAGE

THE Forestry Department has been forced to remove hundreds of pine trees it had planted along the scenic Long Tom pass and to halt afforestation that would have affected tourism and ecology in the Lowveld

Seedlings planted over an area of 35ha, with a commercial potential of R500 000, were removed after local residents and the Wildlife Society lodged objections.

More than 2 000 residents of the Lydenburg/Sabi district petitioned the department to remove the trees, which they said would obscure the panoramic view for which the pass was famous

Wildlife Society conservation ecologist Andrew Duthie said the department had undertaken to remove up to 20% of the young trees planted along the pass that links the Highveld to the Lowveld

The trees would have obscured "the entree to the Lowveld", as well as threaten natural vegetation in the area, Duthie said.

Seasonal flowers that bloomed spectacularly would have disappeared as they could not compete with the trees.

Department spokesman Bosman Olivier admitted that the planting was a "mistake" and that a new policy of environmental assessment had been drawn up.

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'Use lawyers' fund for legal training'

PRETORIA — Money in the attorneys' fidelity fund could be increasingly used for the training of "disadvantaged" lawyers, if a suggestion in the legal journal De Rebus is implemented

An editorial in the latest edition of De Rebus mooted changes to the rules of the fund to increase its focus on training

However, it rejected Justice Minister Kobie Coetsee's plea that the fidelity fund be used for legal aid

The fund, which has as its main purpose the protection of the public against theft by attorneys, has already granted more than R1,5m in bursaries to more than 400 black candidates in the legal profession

De Rebus urged an even greater investment in the legal education of the disadvantaged, including, perhaps, the teaching of language skills necessary for any successful lawyer.

There were those outside the profession who eyed the fund's resources hungrily with a view to their own pet schemes, De Rebus said

B/DM 21/12/92

TIM COHEN

The Justice Minister's outright plea at the fund anniversary banquet earlier this year was a case in point, the editorial said

"What is more, there are others who would go even further than merely suggesting to the fund what it should do with its money and who would wish to take over that decision-making function themselves" (248) (252)

Few attorneys would disagree with the need for a properly funded legal aid system in SA. However, it was not the responsibility of the profession to fund such a system "That is a function which belongs to the state and the taxpayer, and which cannot be shunned by them"

Although the fund was substantial, any contribution it could make to the legal aid system without endangering its primary purpose would be nothing more than a drop in the ocean "Government and the public alike must accept that there is no cheap fix for the lack of a full legal aid programme"

● See Page 4

SAP probes claim of police manipulation of taxi trade

By Helen Grange

Goldstone Commission evidence that some policemen are running taxis in Alexandra, and that taxi permits are being fraudulently issued or obtained, is being urgently investigated by the SAP.

In a statement yesterday, Commissioner of Police General Johann van der Merwe said he had taken note of findings in the Goldstone committee's report on public violence and intimidation in the taxi industry, and had instructed that recommendations about police relations with taxi operators be implemented.

In its report, the committee advised the police to maintain good public relations, ensure that lines of communication were kept open, and that complainants received feedback on the progress of investigations.

The committee heard evidence that taxi permits were being fraudulently obtained through consultants.

A number of allegations of negligence or corruption

against the SAP in general, and individual policeman, emerged during the inquiry, but were proved groundless.

Van der Merwe said it was "heartening" that these allegations were found to be untrue, but conceded that there appeared to be a breakdown in communication with complainants. He had taken steps to remedy this.

● The National Transport Policy Forum (NTPF) has warned taxi owners not to buy white-wall tyres imported from eastern Europe.

Such tyres did not conform to the required standards for tyres on commercial taxis, and could not withstand the climatic conditions in South Africa, said the NTPF.

Some of the tyres were marked M&S, which stood for "mud and snow".

Taxi owners were also warned not to buy tyres sold at the side of township roads, as many of these had been regrooved. Such tyres were a "timebomb".

STAR 22/12/92

KENNISGEWING 1151 VAN 1992
SUID-AFRIKAANSE RESERWEBANK

Staat van bates en laste op die 30ste dag van November 1992

| Laste | 1992-11-30 R | 1992-10-31 R | Verandering R |
|------------------------------------------------------|------------------------|-----------------------|----------------------|
| Aandelekapitaal | 2 000 000 | 2 000 000 | — |
| Reserwefonds... .. | 93 325 065 | 93 325 065 | — |
| Note in omloop. | 12 207 815 597 | 11 275 118 767 | 932 696 830 |
| Deposito's | | | |
| Regering..... | 7 598 360 802 | 9 756 896 027 | (2 158 535 225) |
| Provinsiale administrasies | 114 055 883 | 113 804 861 | 251 022 |
| Depositonemende instellings | 2 568 972 437 | 2 310 826 149 | 258 146 288 |
| Ander.. | 77 856 787 | 77 577 308 | 279 479 |
| Ander laste | 5 221 644 602 | 5 147 032 124 | 74 612 478 |
| | R27 884 031 173 | 28 776 580 301 | (892 549 128) |
| Bates | | | |
| Goud | 6 389 004 647 | 6 086 877 915 | 302 126 732 |
| Buitelandse bates | 4 177 566 857 | 5 010 643 571 | (833 076 714) |
| Totaal aan goud en buitelandse bates | 10 566 571 504 | 11 097 521 486 | (530 949 982) |
| Binnelandse bates | | | |
| Verdiskonterde wissels | 3 771 120 000 | 4 589 765 000 | (818 645 000) |
| Lenings en voorskotte | | | |
| Regering | — | — | — |
| Ander | 1 498 652 713 | 1 471 149 600 | 27 503 113 |
| Sekuriteite | | | |
| Regering | 453 580 219 | 457 802 682 | (4 222 463) |
| Ander | 1 122 985 045 | 1 122 985 045 | — |
| Ander bates | 10 471 121 692 | 10 037 356 488 | 433 765 204 |
| | R27 884 031 173 | 28 776 580 301 | (892 549 128) |
| Rand per fyn ons.. . . . | R911,09 | R902,51 | R8,58 |
| Goudbesit in fyn onse | 7 012 485 | 6 744 388 | 268 097 |

C. J. SWANEPOEL,
Hoofbestuurder

Pretona, 7 Desember 1992.

(24 December)/(Desember 1992)

252
NOTICE 1152 OF 1992
DEPARTMENT OF JUSTICE

ANNOUNCEMENT OF NAMES OF PERSONS WHO FURNISHED THE INFORMATION REFERRED TO IN PARAGRAPH (b) OF GOVERNMENT NOTICE No. 3013 OF 18 DECEMBER 1990

The Director-General Justice hereby makes known for general information in the Schedule, the names of persons who furnished in full the information referred to in paragraph (b) of Government Notice No 3013 of 18 December 1990, in so far as such information relates to the granting of indemnity in accordance with the said Government Notice, in respect of the departure from the Union or Republic without a valid passport or a permit or without authority at a place other than a port, as referred to in paragraph (a) thereof, by such persons.

KENNISGEWING 1152 VAN 1992
DEPARTEMENT VAN JUSTISIE

BEKENDMAKING VAN NAME VAN PERSONE WAT DIE INLIGTING BEDOEL IN PARAGRAAF (b) VAN GOEWERMENSKENNISGEWING No. 3013 VAN 18 DESEMBER 1990 VERSTREK HET

Die Direkteur-generaal Justisie maak hierby vir algemene inligting in die Bylae bekend, die name van persone wat die inligting bedoel in paragraaf (b) van Goewermentskennisgewing No. 3013 van 18 Desember 1990 volledig verstrek het, vir sover sodanige inligting betrekking het op die verlening van vrywaring ooreenkomstig genoemde Goewermentskennisgewing, ten opsigte van die verlatting van die Unie of Republiek sonder 'n geldige paspoort of 'n permit of sonder magtiging by 'n ander plek as 'n toegangspoort, soos bedoel in paragraaf (a) daarvan, deur sodanige persone

252 SCHEDULE • BYLAE

| Surname Van | Full christian names Volle voorname | Date of birth Geboortedatum |
|----------------------|----------------------------------------|--------------------------------|
| Biyela | Thulani | 1971-04-21 |
| Duma | Dume | 1973-12-16 |
| Goiba | Todd Zelman | 1943-12-12 |
| Gumede | Vukani | 1969-11-05 |
| Hodwele | Mziwandile | 1964-08-20 |
| Jordan | Millton | 1969-07-07 |
| Khambule | Sandile | 1975-01-02 |
| Khumalo | Mkhize Jeremiah | 1937-04-11 |
| Lefoka | Malanyane | 1958-11-02 |
| Linda | Sizwe Wiseman | 1968-09-21 |
| Mabote | Ornah | 1957-06-16 |
| Malepe | Jethro John | 1955-10-05 |
| Mangelo | Xolani | 1972-02-28 |
| Mathabathe | Thabo Samuel | 1956-08-29 |
| Mayekiso | Noel Vuyani | 1960-12-21 |
| Mazibuko | S'busiso | 1972-04-19 |
| Mbambo | Chester | 1967-03-12 |
| Mbobo | Peter Albert | 1963-09-11 |
| Meyiwa | Charity S'Themble | 1974-04-24 |
| Milimi | Swenky Andrew | 1971-03-16 |
| Mkhwanazi | Zolile | 1972-09-30 |
| Mondli | Mkhize | 1974-05-15 |
| Mshengu | M. Absalom | 1969-12-12 |
| Ngcobo | Christian | 1973-02-20 |
| Ngcongco | Gadaffi | 1972-06-16 |
| Nsibande | Paulos | 1956-02-07 |
| Nzuza | Dumsani | 1975-07-16 |
| Phiri | Kobus | 1970-04-03 |
| Radebe | Marvellous | 1968-05-16 |
| Shoba | Gugulethu Goodwill | 1968-02-12 |
| Songqushwa | Julius Bonyinkosi | 1972-04-01 |
| Vakele | Erasmus | 1966-05-28 |

(24 December 1992)/(24 Desember 1992)

165 NOTICE 1153 OF 1992

DEPARTMENT OF MANPOWER

NATIONAL MANPOWER COMMISSION:

REPORT ON THE INFLUENCE OF RELEVANT
LABOUR LEGISLATION ON THE SMALL BUSI-
NESS SECTOR

The above-mentioned report of the National Manpower Commission (NMC) was published under Notice 348 of 1992 in *Government Gazette* No 13925 of 16 April 1992 for general information and comment. Altogether 32 institutions submitted comment.

By direction of Mr L. Wessels, Minister of Manpower, a summary of the recommendations contained in the above-mentioned report and the official response to the recommendations, are published in the Schedule hereunder for general information.

KENNISGEWING 1153 VAN 1992

DEPARTEMENT VAN MANNEKRAG

NASIONALE MANNEKRAGKOMMISSIE:

VERSLAG OOR DIE INVLOED VAN RELEVANTE
ARBEIDSWETGEWING OP DIE KLEINSAKE-
SEKTOR

Die bogemelde verslag van die Nasionale Mannekragkommissie (NMK) was op 16 April 1992 onder Kennisgewing 348 van 1992 in *Staatskoerant* No 13925 vir algemene inligting en kommentaar gepubliseer. Altesaam 32 instansies het kommentaar gelewer.

In opdrag van mnr. L. Wessels, Minister van Mannekrag, word 'n opsomming van die aanbevelings in bogemelde verslag en die amptelike reaksie op die aanbevelings, in die Bylae hieronder vir algemene inligting gepubliseer.

When the pace got too much

OPPONENTS of the government cruelly referred to it as the "Wimp Factor"

While the indefatigable, chain-smoking President de Klerk rolled through crises and triumphs, his lesser colleagues fell by the way. The year saw the exit of Minister of State Affairs and key negotiator Gerrit Viljoen, finance minister Barend du Plessis and secretary-general of the National Party Stoffel van der Merwe

Dr Viljoen cited ill-health, Mr du Plessis exhaustion and Dr van der Merwe said it was personal.

In May, shortly after the release of the Pickard report, which detailed wide-scale corruption

S Times 27/12/92
THE WIMPS

and mismanagement by the Department of Development Aid, Dr Viljoen was appointed minister of State Affairs while Dr van der Merwe was given the post of the first secretary-general of the National Party

Dr Viljoen held the Development Aid portfolio for four years from 1984 and was succeeded by Dr van der Merwe when he was appointed Minister of Constitutional Development

Dr van der Merwe announced his resignation from political life a day before the release of the Parsons and De Meyer reports

which detailed further abuses in the Gazankulu and Lebowa homelands

While Dr van der Merwe had not been at the helm during the period when the abuses took place, he had become tired and disillusioned with his new job of trying to sell the NP to potential black voters

Mr du Plessis resigned after eight years as finance minister, having come within eight votes of succeeding President PW Botha in 1989.

He had come under enormous criticism for his handling of VAT, his role at Codesa and his unimaginative handling of the economy.

A search for justice

S Times 27/12/92
THE JUDGE

JUDGE RICHARD GOLDSTONE has just emerged from an Appeal Court hearing, a visitor waits, he disrobes while talking on the phone. Before the hearing, the American ambassador met with him

He grabs a quick sandwich at the snack bar at the Bloemfontein theatre, where he ponders on the ramifications of his commission's raid on the offices of Military Intelligence's Directorate of Covert Collection in Pretoria.

The head of the commission into "Public Violence and Intimidation" is a man almost unique in senior SA legal circles in his lack of pomposity and sincere desire to hear the opinions of others

The Goldstone commission began as an adjunct of a Peace Accord that has become a battered dove on crutches

However, while local dispute resolution committees literally battle to get off the ground in conflict zones, the Goldstone commission has shown an unerring impartiality and a willingness to tiptoe where others have previously feared to tread

Ground-breaking commissions into violence in a number of townships, allegations of state covert activity and taxi warfare have pinned the root of conflict on apartheid, poor policing, and political rivalry between Inkatha and the ANC that generates the intolerance necessary to fuel conflict



JUDGE GOLDSTONE

The international credibility the commission enjoys is less important though, than the slow return to respect for the law

Legislation, which if accepted in the form the commission drafted on public protest, should come into effect early next year and will be a model of democratic government. However, a proclamation on dangerous weapons drafted by the commission two months ago for the State President is gathering dust in Pretoria

The commission has two more years of its brief to fulfil. If SA is a more violent place, it will be less because we lack an understanding of what is fuelling violence, than that we lack the will to curb it

Greatest show in town

S Times 27/12/92
DUELLING DUO

CYRIL RAMAPHOSA, the ANC's secretary-general, had scarcely announced that the ANC was pulling out of negotiations because of the Boipatong massacre when his telephone rang

It was Roelf Meyer, Constitution Minister, and he was angry "What the hell do you think you are doing?" Mr Ramaphosa chuckled "Well, the good news is we're still talking"

For the next three months the only show in town was the "R and R show", as it became known.

While negotiations were theoretically suspended, it was this sanctioned channel of communication that finally sealed the return to talks with the Record of Understanding on September 26

The success had much to do with the rapport between the two men, who at face value could not be more different.

Both cut their molars on student politics while studying law, but Mr Ramaphosa later became the first general secretary of the National Union of Mineworkers, and Mr Meyer the MP for Johannesburg West.

Many politicians hold their breaths in the hope that the R and R show will continue

Former

'enemy'

S/ Times 27/12/1992

to probe

Apla

By DAWN BARKHUIZEN

A FORMER Robben Island prisoner and erstwhile "enemy of the state" is a member of the three-man committee appointed this week by Mr Justice Richard Goldstone to conduct preliminary investigations into Apla activities.

Transkei-born advocate Fikile Bam, 54, was jailed for 11 years in 1963 for sabotage, and was banned from South Africa after his release in 1974.

After numerous spells in detention and under house arrest, Mr Bam was allowed to leave Transkei and enter South Africa in 1985, when he established the PE Legal Resources Centre at the height of the state of emergency.

Allegations

His appointment to the committee has been welcomed in both legal and political circles, where he has a reputation for being an independent thinker who is tolerant of different political persuasions

The committee will be chaired by Goldstone commission member Gert Steyn, who worked for more than 12 years in the Eastern Cape

The third member is Free State attorney Nico Coetzer, who has no ties with the Eastern Cape.

Their appointment follows mounting allegations that Apla bases exist along the Transkei border.

The committee will sit on January 4 in Port Elizabeth.

Educate the masses on need for tolerance, says Goldstone

Judge urges peace drive

Political Staff

STAR
28/12/92
252

Peace-loving South Africans need to embark on a mass education drive for tolerance, Mr Justice Goldstone said today in the Goldstone Commission's third report.

The judge said political organisations had failed to do this successfully, and the thrust could now well come from non-political bodies

"It would be difficult for the political leaders to ignore such an initiative. Public funding therefor should be sought and, so too, the support of the international community"

The judge was highly critical of the IFP and the ANC.

"It remains clear that a primary trigger of violence and intimidation remains the rivalry between, and the fight for territory and the control thereof by, the Inkatha Freedom Party (IFP) and the African National Congress (ANC)"

He said the situation in Natal/KwaZulu had "if anything, deteriorated".

Contributory factors to violence continued to be socio-economic issues, suspicion and negative perceptions of the security forces, and the availability of sophisticated weapons

The commission believed the violence in Natal/KwaZulu could only be curbed if there was agreement by the parties concerned on

- Free political activity in all areas.
- The role of tribal chiefs.
- The police investigation of political deaths and injuries.
- The withdrawal of G3 rifles given to tribal authorities in KwaZulu.
- The cessation of political attacks in breach of the National Peace Accord.
- The cessation of attacks on all existing authorities.
- Affiliation to a political party and public rights or privileges

Unable

According to the report, complaints were made by the ANC and the IFP that there were "no-go" areas in which one party or the other was unable to carry on political activity.

"If elections or referenda are to be held in South Africa, or, as suggested by the IFP, in Natal/KwaZulu, it is obviously a precondition that the parties contesting such an election or participating in such a referendum must be free to carry on political activity," said the report

Such activity must include the holding of meetings and peaceful demonstrations. A public commitment by the KwaZulu government, the KwaZulu police (KZP), the

IFP and the ANC to allow such free political activity was therefore essential.

The report said there should be an undertaking by all parties to give due recognition to the role of tribal chiefs (amakhosi) and to pay due respect to them. Their role should be defined.

Complaints were also received about the inability of or failure by the SAP and the KZP to arrest and successfully charge the perpetrators of serious political crimes. On the other hand, the SAP and the KZP complained about the lack of community co-operation when they sought to investigate such crimes

"The commission believes that international police observers could be of substantial assistance to both the SAP and the KZP. Their presence and involvement, for example, in selected police stations, would go a long way towards lessening the fears of many that they would not receive fair and serious attention to complaints

"Without the full co-operation of the communities in which they operate, the police cannot be expected to perform adequately or successfully," said the report

"In this area, too, an ade-

● To Page 3

● From Page 1

quate, well-known and trusted witness protection programme would encourage witnesses to report information to the police"

Concern was also expressed at the frequency and ease with which bail was granted to persons arrested on charges relating to serious cases of public violence and intimidation. "This phenomenon heightens fears of further violence and

Judge urges peace drive

STAR
28/12/92

acts as a form of intimidation that prevents witnesses from furnishing information to the police"

The commission suggested that consideration be given to withholding permission to address public meetings to those parties which clearly breached the National Peace Accord.

And, while the present negotiations for a future constitution proceeded, it called on all political parties to desist from making inflammatory political attacks on the present authorities

"For the same reason, there should be a suspension of any further transfers of land or police stations to the KwaZulu government"

The judge said the commission was impressed by a plea from Priscilla McKay, of Pietermaritzburg, for the education of the youth on political tolerance.

"National organisations, such as Child Welfare might consider embarking upon a mass education drive for tolerance and actively engage the political leaders of South Africa, at all levels, in such a programme," he said

Since the commission's second interim report on April 29, at least 10 committee reports have been submitted

The committee will also hear evidence in preliminary inquiries to be held at Port Shepstone, Empangeni and the Nqutu area.

The judge who has striven for peace is not finished yet

STAR 29/12/92

(ASZ)

THINK of the personalities who have influenced politics most in South Africa this year and you'll undoubtedly settle on President de Klerk and ANC leader Nelson Mandela.

But high on the list must be a man who has never been a politician and has never stood for an election. Mr Justice Goldstone has become a household name with the best of the political, his position synonymous with judicial integrity in the face of political adversity.

Catapulted

This quality had been the hallmark of his legal career, but his credibility as a judge of notable moral conscience catapulted him to the status of national figurehead at the end of 1991, when he became head of a team probing the key obstacle to national reconciliation — violence.

As chairman of the Goldstone Commission of Inquiry into Public Violence and Intimidation, the judge has since arguably become the most important judge in South Africa's history.

During this year, he frequently transcended the political battlefield to expose ugly truths wherever they lay, encouraging South Africans on all sides of the political spectrum to recognise the fruits — and responsibilities — of fair play.

Before the well publicised October 1990 inquiry into the Sebokeng shootings of 11 protesters in March the same year, few outside the legal fraternity knew much about him.

He had been quietly performing his tasks as a judge in the Appellate Division of the Supreme Court, a job he still does.

Some will remember his precedent-setting judgments as a judge of the Transvaal Supreme Court in the 1980s. One of his most celebrated was the 1981 Gladys Governder ruling, which effectively put an end to Group Areas prosecutions. Others will remember him

In a year of violence and moral turpitude in South Africa, one man has emerged as a pioneer of integrity — Mr Justice Richard Goldstone. More than that, however, the prominent judge has become one of the country's major political figures. HELEN GRANGE reviews the events that made him one of the men of the year.

for his first commission of inquiry in early 1990, the one-man probe into the death in custody of Clayton Sibhlo, reportedly a boyfriend of Zinzi Mandela, who was found to have hanged himself in his cell.

But *everybody* will remember him for his astonishing role this year. Mr Justice Goldstone boldly plunged his new commission's tentacles into a variety of controversies and political hotbeds, coming up with revealing revelations, the latest of which is still rippling through the Government's security establishment.

The commission inquired into several incidences of violence, including the Bisho and Bopalong massacres, the bloodshed

in Tokoza and Alexandra, violence between hostel dwellers and ANC residents in Mool River, train violence and taxi feuds in the Cape and on the Reef.

Allegations were tested, including the Weekly Mail claim that police were using safe houses to launch attacks on the Reef, and their allegation that 200 KwaZulu men were trained by the SADF in the Caprivi.

Controversies were probed, including the role of hostels in violence and ways to prevent mass action from turning violent.

Interim reports were made by Mr Justice Goldstone on the findings of some of the inquiries, and each time, he came

up against a barrage of criticism from one or other dissatisfied political camp.

Many of the Goldstone Commission's findings pointed to ANC/Inkatha Freedom Party rivalry, and in the case of taxi wars intolerance between competing taxi associations. A number of allegations were found to be fallacious.

But the latest, most daring Goldstone Commission investigation has heavily indicted the SA Defence Force's Military Intelligence unit, fuelling suggestions that a state sponsored "third force" may be more than fiction.

This was the result of the commission's raid on an MI base in Pretoria last month, and

its subsequent discovery from documents seized that former CCB agent Ferdi Barnard was being employed to discredit the ANC's Umkhonto we Sizwe (Spear of the Nation).

Although it has been impossible for Mr Justice Goldstone to be an integral part of the Commission's every inquiry and investigation, his hand-picked teams are closely guarded by him, and his guidance is crucial. He has demonstrated a courageous but cautious style, which was most apparent when he launched the five special investigative units in September.

Numerous discussions and interviews preceded his decision on who was to be co-opted, and once the teams were operational, he gave them strict orders to keep a low media profile in order not to jeopardise their highly sensitive work.

The Goldstone Commission's expansion this year to its current size is perhaps reflective of its increasing importance in bringing to book the detractors

and corruptors of peace and stability.

To this end, Mr Justice Goldstone has seen out the year with a stinging announcement — that he will probe the activities of the Azanian People's Liberation Army (Apla) as well as certain activities of both the SADF and Umkhonto we Sizwe.

He also announced this month that his Cape Town team will be inquiring into the illegal importation and distribution of automatic weapons.

Unearthing

Both these issues are burning ones in the minds of reform-minded South Africans, and there could be no better man for the job of unearthing the truth than Mr Justice Goldstone.

From being a Supreme Court judge with a bent for human rights, Mr Justice Goldstone has forged for himself a reputation this year as South Africa's moral guardian. □

Officer criticised by Goldstone to quit

STAR 29/12/92

By Bronwyn Wilkinson

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A police officer criticised by a committee of the Goldstone Commission for his investigation into violence in Natal's Mooi River-Bruntville region would leave the force at the end of this month, SAP Commissioner, General Johann van der Merwe, announced yesterday.

Van der Merwe's statement did not elaborate on the circumstances of Warrant Officer Johan Benade's departure, but he said a new investigating officer had been appointed in the case.

Major-General P L du Toit, from SAP headquarters in Pretoria had also been appointed in terms of the National Peace Accord to co-ordinate the investigation.

The Goldstone committee reported yesterday that it had been unimpressed by Benade's investigations into the fighting which broke out in the area in December last year.

Charges against 172 people arrested in connection with the violence were withdrawn for lack of evidence subsequent to Benade's investigation.

The committee found that no forensic tests were done, confiscated weapons were never linked to the accused, blood smears were not linked to the weapons, and the clothes of the accused were never examined microscopically.

The police returned the weapons to the accused.

Van der Merwe said Benade's investigation had been addressed by the SAP a few months ago and the new investigating officer, Warrant Officer R Robson, had been appointed in September.

The committee's report was being studied and "the matters which have not yet been addressed will receive attention as soon as possible", Van der Merwe said.

He gave the assurance that everything possible was being done to wrap up the case.

Peace plan gets cool reception

STAR
29/12/92

By Bronwyn Wilkinson

The Goldstone Commission's recommendation that non-political bodies should take over where political leaders have failed in a mass education drive for tolerance received a lukewarm reception from the National Peace Committee and the ANC yesterday.

Mr Justice Goldstone said public funding and international support should be sought for a public, non-political campaign to educate the masses on tolerance.

National Peace Committee chairman John Hall said "Ad hoc-ing is something we have had too much of in this country. To achieve the (tolerance education) objective, one would need structure."

But Hall said he held the judge in the highest regard and, while he had not yet seen the entire report, he would support the recommendations reported in the media.

ANC spokesman Carl Niehaus said his organisation would react to the report once it had been discussed at a meeting of the national working committee next month, but the ANC already did its utmost to promote peace among its members.

"But we believe all South Africans should play a role in bringing about peace," he said.

Niehaus rejected the judge's criticism that rivalry between the ANC and IFP was the primary trigger of violence between the two organisations.

"It is wrong to simply share the guilt between the ANC and IFP. In many cases, the IFP has used violence to promote its own political expansionist aims," he said.

PAC spokesman Waters "Bishop" Toboti said although the role of the ANC and IFP in violence was secondary to that of the security forces, "the ANC remains the common denominator in all township violence."

The IFP could not be reached for comment on the report at the time of going to press.

In his third report, Mr Justice Goldstone said political organisations had failed to educate the masses on the need for tolerance and the thrust could now well come from non-political bodies.

Contributory factors to violence continued to be socio-economic issues, suspicion and negative perceptions of the security forces, and the availability of sophisticated weapons.

An adequate, trusted witness protection programme would encourage witnesses to report information to the police.

Concern was also expressed at the frequency and ease with which bail was granted to people arrested on charges relating to serious cases of public violence and intimidation.

The commission suggested that consideration be given to withholding permission to address public meetings from those parties that breached the National Peace Accord.

Since the commission's second interim report in April, at least 10 committee reports have been sent to the President.

Gag bellicose leaders, says Goldstone

BIDM 29/12/92 (252)

THE Goldstone commission has recommended that political leaders who attack opposition parties in ways that breach the peace accord should be banned from addressing public meetings for a set period.

In its third interim report, released yesterday, the commission said all confrontational and inflammatory political attacks on the authorities should stop while constitutional negotiations were in progress.

The ANC, which would not respond in detail until the recommendations had been studied by its national working committee, agreed with the principle that leaders not publicly attack one another. ANC spokesman Carl Niehaus added that he was not sure Judge Richard Goldstone's idea, though, was the right way to keep leaders in line.

Inkatha spokesmen were not available for comment.

The commission, seemingly frustrated at the lack of progress in reducing tensions in Natal since the second interim report in April, suggested harsh measures.

It said there had to be a legally enforceable penalty for breach of the peace accord by political leaders. "Leaders of both the ANC and the IFP continue to attack each other and each other's parties in terms that clearly constitute breaches of the national peace accord. The absence of an appropriate sanction for such breaches has often been raised."

Therefore consideration should be given

BILLY PADDOCK

to getting agreement that permission to address public meetings be withheld for a time from those making such attacks.

The report also noted "While the present negotiations proceed with regard to the nature of a future constitution for SA, all political parties should desist from making inflammatory and confrontational political attacks on authorities that are at present constituted."

An agreement to do so would help defuse tensions and reduce the potential for violence in many areas of Natal/KwaZulu.

Goldstone was critical of Inkatha and the ANC, calling their rivalry "the primary trigger" of violence and intimidation.

Citing the second interim report, he said "Both organisations have been overhasty

See Pages 2 and 4

in accusing the other of being the cause of such conduct. Each has been tardy, especially at the level of top leadership, in taking adequate and effective steps to stop the violence by imposing discipline and accountability among its membership.

He said there had been no improvement in this field. "Indeed, in Natal/KwaZulu the position has, if anything, deteriorated."

Contributory factors to the violence remained socio-economic issues, suspicion and negative attitudes towards the security forces, and the availability of sophisticated

To Page 2

Goldstone

ated weapons to tribal authorities

The judge held that violence could be curbed if political parties agreed on such issues as

- Free political activity in all areas,
- Clarification and definition of the role of tribal chiefs,
- Improved performance in police investigations and conviction of those responsible for political deaths and injuries,
- The withdrawal of G-3 rifles from tribal authorities, and
- Freedom of affiliation to political parties and public rights or privileges.

The report stated that free political activity was essential to convey policies and win support. It was essential that a public commitment to this was forthcoming from KwaZulu's police and government, Inkatha and the ANC. Due respect and recognition should also be accorded tribal chiefs but their role had to be clearly defined.

The judge recommended that international police observers be stationed at se-

(252) ~~252~~ From Page 1

lected police stations to lessen community fears regarding a fair hearing.

"Without the full co-operation of the community, the police cannot be expected to perform adequately or successfully," Goldstone said. An adequate witness protection programme should also be set up.

He expressed concern at the ease and frequency with which bail was granted in cases of public violence and intimidation.

The commission was impressed by evidence from a Pinetown Child Welfare worker and her plea for educating youth in political tolerance. The judge said this might well be the time for "the mass of peace-loving and peace-yearning" South Africans to come together and to demand "leadership for peace." Political organisations had failed to do this successfully and the thrust could now well come from non-political bodies.

Political leaders would find this difficult to ignore. Public funding should be made available to support such an initiative, and support should be sought internationally.

'Inept' cop gets the sack

252

Warrant Officer's investigation was not impressive, says committee:

A POLICEMAN criticised by a Goldstone committee investigating violence in Natal's Mooi River/Bruntville area would leave the police force this month, Police Commissioner General Johan van der Merwe said yesterday

The announcement came shortly after the release of the committee's report which stated that investigations conducted by Warrant Officer Benade into the fighting which broke out in December last year 1991 were not satisfactory

Van der Merwe did not elaborate on the circumstances of Benade's departure

Charges against 172 people linked to the violence were withdrawn for lack of evidence subsequent to his investigation. Their weapons were also returned to them by the police

No forensic tests were done, confiscated weapons were never linked to the accused, blood smears were not linked to the weapons nor were the clothes of the accused examined microscopically, the committee found

Van der Merwe said the investigation into the violence "was addressed by the SAP as a matter of urgency a few months ago"

A new investigating officer, Warrant Officer R Robson, was appointed in September. He had already established his bona fides with the community and had met the different parties, Van der Merwe said

"Major General PL du Toit, who is based at SAP headquarters in Pretoria and who has been appointed in terms of the National Peace Accord, will co-ordinate the investigation," he said - Sapa

Sowetan 29/12/92

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ANALYSIS *Non-governmental bodies should be the moving force for peace and tolerance*

Judge Goldstone's plea for peace in South Africa

Sowetan 29/12/92

By Sowetan Correspondent.

EDUCATION DRIVE: Plan to teach youth of need for political tolerance and peaceful leadership:



Justice Goldstone - plea for tolerance.

PEACE LOVING South Africans need to embark on a mass education drive for tolerance, Justice Richard Goldstone said yesterday in the Commission of Inquiry's third report

Judge Goldstone said political organisations had failed to do so successfully and the thrust could well now come from non-political bodies "It would be difficult for the political leaders to ignore such an initiative. Public funding therefore should be sought and so too, the support of the international community."

The judge said the commission was impressed by a plea from Priscilla McKay on behalf of the Pinetown Child Welfare for the education of the youth on political tolerance during the recent preliminary hearing on violence in Natal/KwaZulu.

"This may well be the time for the mass of peace-loving and peace-yearning South Africans to come together and to demand 'leadership for peace'."

"It remains clear that a primary trigger of violence and intimidation remains the rivalry between, and the fight for territory and the control thereof by, the Inkatha Freedom Party (IFP) and the African National Congress (ANC)."

Contributory factors in the violence continued to be socio-economic, suspicion and negative perceptions of the security forces and the availability of sophisticated weapons and explosive devices.

In view of the submission made in Durban, the commission believed the violence in Natal/KwaZulu could only be curbed if there was agreement by the parties concerned on the following issues:

- Free political activity in all areas,
- The role of tribal chiefs (amakhosi),
- The investigation by the police of political deaths and injuries,
- The withdrawal of G3 rifles given to tribal authorities in KwaZulu,
- The cessation of political attacks in breach of the National Peace Accord,
- The cessation of attacks on all existing authorities, and
- Affiliation to a political party and public rights or privileges.

Complaints were made by the ANC and the IFP that there were "no-go" areas in which the one party or the other was unable to carry on political activity.

"If elections or referenda are to be held in South Africa, or as suggested by the IFP in Natal/KwaZulu, it is obviously a precondition that the parties contesting such an election or participating in such a referendum must be free to carry on political activity," said the report.

Such activity must include the holding of meetings and peaceful demonstrations. A public commitment by the KwaZulu government, the KwaZulu Police, the IFP and the ANC to allow such free political activity was therefore essential.

The report said there should be an undertaking by all parties to give due recognition to the role of tribal chiefs (amakhosi) and to pay due respect to them.

Complaints were also received about the inability of or failure by the SAP and the KZP to arrest and successfully charge the perpetrators of serious political crimes. On the other hand the SAP and the KZP complained about the lack of community co-operation when they seek to investigate such crimes.

"The commission believes that international police observers could be of substantial assistance to both the SAP and the KZP. Their presence, and involvement, for example, in selected police stations, would go a long way towards lessening the fears of many that they would not receive fair and serious attention and adequate response to complaints.

"Without the full co-operation of the communities in which they operate the police cannot be expected to perform adequately or successfully."



No place to hide - a squatter flees violence in Natal.

said the report. "In this area, too, an adequate, well-known and trusted witness protection programme would encourage witnesses to report information to the police."

Concern was also expressed at the frequency and ease with which bail was granted to persons arrested on charges relating to serious cases of public violence and intimidation.

"This phenomenon heightens fears of further violence and acts as a form of intimidation that prevents witnesses from furnishing information to the police. This, in turn, reflects badly upon the ability of the police to successfully bring to justice the perpetrators of violence."

"More attention should be given by the appropriate authorities to the effect of the release of

such persons in already traumatised and fear-ridden communities."

The commission called for the withdrawal of G3 rifles given to tribal authorities in KwaZulu. It also suggested that consideration be given to withholding permission to address public meetings to those parties which clearly breached the National Peace Accord.

It called on all political parties to desist from making inflammatory and confrontational political attacks on authorities.

"For the same reason there should be a suspension of any further transfers of land or police stations to the KwaZulu government."

The committee will hear evidence and submissions in preliminary inquiries to be held at Port Shepstone, Empangeni, Nqutu

Goldstone report slates police handling of probe

B/D M 29/12/92

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BILLY PADDOCK

THE SAP was being disingenuous in trying to argue that its actions had no bearing on violence in Natal and that it should not be scrutinised, the final Goldstone commission report into violence in the Mooi River, Natal, area stated

An outside mediator would be appointed to facilitate the peace process in Natal's violence-wracked Mooi River/Bruntville region, it said

The commission said the ANC and Inkatha had agreed to meet proposed mediator Nico Coetzer, who was recommended by the Association of Law Societies

The report, released yesterday, was compiled by a committee established by the commission

The committee strongly criticised the efficiency of police investigations into violence which plagued the township in December 1991

It said it had not been impressed by police investigations conducted by W/O Johan Benade

Charges against 172 people linked to the violence were withdrawn and their weapons returned

No forensic tests had been done and confiscated weapons were not linked to the accused

Benade had also not taken notice of the work of the earlier committee established by the Goldstone com-

mission to investigate the incident, and did not consider affidavits from witnesses made to that committee

Police Commissioner Gen Johan van der Merwe said yesterday Benade would leave the SAP at the end of December. Another officer had been working on the case since September

Van der Merwe said the new investigating officer, W/O R Robson, was an experienced and competent investigator and had already met the parties involved and had established his bona fides with the community

He said the report was still being studied and those matters that had not yet been addressed would be attended to as soon as possible.

He said Maj-Gen P L du Toit had been appointed in terms of the peace accord to co-ordinate the investigation into violence in the region

The report said despite ANC allegations of police bias, no clear evidence of this was presented to the committee

"A finding that the police did not actively instigate violence is not the end of the matter, for both their proactive intervention and their investigations can have a real impact on actions and attitudes in the community and therefore on the levels of violence"

Police needed to respond to calls

from the community for protection and keep the community informed of the progress of its investigations to encourage an impression of a professional and effective police force

Local police needed clarification on the policy regarding the carrying of dangerous weapons and better procedures for the collection of evidence in riot situations, the report said

However, the committee did recognise problems the police had in combating violence

It also recommended that the failed local dispute resolution committee be revived and international observers be invited to participate

The committee recognised that both the Inkatha-supporting hostel inmates and ANC-orientated township residents had legitimate concerns

The carrying of dangerous weapons remained a problem among ANC and Inkatha supporters, with police experiencing difficulties in enforcing the recommendations of the previous committee in this regard

The report said the Mooi River/Bruntville community was disillusioned that the earlier Goldstone committee's intervention had not resolved the violence

The reason for this was that many of the committee's recommendations had not been implemented and attempts to launch a local dispute resolution committee had failed

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Goldstone to head Transkei Apla probe

By Bronwyn Wilkinson

Mr Justice Goldstone has agreed to head a judicial inquiry into the alleged activities of the Azanian People's Liberation Army (Apla) in Transkei, the homeland's military ruler, Major-General Bantu Holomisa, said last night.

Holomisa said the inquiry would not form part of the present Goldstone Commission. It would also investigate "the destabilisation of Transkei by South Africa".

Mr Justice Goldstone would appoint the commissioners to the inquiry, with strict instructions from the Transkei government that they not include Transkei civil servants.

"That is the difference between this commission and the present Goldstone Commission, which is not independent because it contains South African civil servants," said Holomisa.

A Goldstone Commission spokesman said the judge had not mentioned his taking part in the Transkei commission before leaving for Israel at the weekend.

According to Holomisa, he and Mr Justice Goldstone are due to meet after the judge returns on Friday. They would set a date for the beginning of the inquiry and decide terms of reference.

● The Goldstone Commission has established a committee to conduct a preliminary investigation into Apla, Mr Justice Goldstone has confirmed.

He said the committee would investigate the location of Apla camps, arms, ammunition and personnel, and its operational activities.

The first public sitting will be in Port Elizabeth on January 4.

Caroline Moorehead on human rights

Measuring up to moral standards

STAR 30/12/92

252

THE end of the year is assessment time for human rights. In Europe, Scandinavia and the US, civil servants and non-governmental organisations are busy scrutinising and measuring how countries all over the world have performed during the last 12 months.

Is Sri Lanka still "disappearing" its trouble-making citizens? Indonesia persecuting the east Timorese? Guatemala murdering its unwanted street children?

In the weeks to come, the end-of-the-year verdicts will see the light of day in the annual reports of Amnesty International, the Inter-American Commission on Human Rights, the US State Department's reports and the Human Rights Watch Report.

Measurement of human rights performance remains a live issue, particularly with governments which dislike what they see as too bald a condemnation of their misdemeanours.

Most human rights organisations, in fact, prefer to present their evaluations country by country, with careful analyses of numbers of political prisoners and the state of play over multiparty elections, without comparing one with another.

However, one assessor — the late Charles Humana — acted entirely on his own and was seldom willing to document his sources. He died a few months ago, shortly after publication of his updated World Human Rights Guide.

Humana's reports are competitive and statistical. Iraq, in 1992, scored 17 percent on an overall human rights rating, New Zealand 98 percent and Brazil 69 percent.

Crude as this index sometimes appears, there is something irresistible about comparing Humana's 1992 edition with his first, in 1983, when Iraq scored 27 percent, New Zealand 96 percent and Brazil 70 percent.

Irresistible perhaps, but not everyone will agree with Humana's optimistic words in his new index that a study of his figures leads to the conclusion

that human rights performance as a whole has been getting better — that in the last five years alone the average world rating has risen from 55 percent to 62 percent.

Precise measuring in political science acquired respectability among academics and think-tanks in the early 1970s, but spread to the human rights world only in the last three years.

When the UN Development Programme decided in 1990 to try to produce some easily assessable criteria with which to calculate the record of countries when it came to torture or unfair trials, the idea of having a reliable index seemed attractive in a world increasingly interested in relating economic aid to a country's human rights performance.

One of the first plans was to base criteria on Humana's index. But this quickly foundered when governments which scored very badly protested that these stark assessments were in breach of customary UN vagueness in such matters.

A much-watered-down version, giving general regional trends, was all that appeared in the 1992 Human Development Report.

Attempts to pin down governments which blatantly transgress the very international laws and covenants they have cheerfully signed and ratified are, however, increasingly popular.

But Humana's guide is proof of how far they still have to go to become reliable as true transgressors remain hostile to all forms of investigation.

Bangladesh scores a fairly respectable 59 percent in the World Human Rights Guide and is praised for showing improvement. Yet in April this year, the 10th in a long series of massacres of tribal people in the Chittagong Hill Tracts in southwest Bangladesh resulted in the deaths of about 1 200 more people.

The Chittagong Hill Tracts have been officially sealed off under military rule for the last 15 years — The Independent News Service □

14 JAN 1992



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Government Gazette Staatskoerant

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Vol. 330

PRETORIA, 30

DECEMBER 1992
DESEMBER

No. 14510

PROCLAMATION

*by the
State President
of the Republic of South Africa*

No. R. 141, 1992

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GENERAL LAW AMENDMENT ACT, 1992

COMMENCEMENT

Under section 35 of the General Law Amendment Act, 1992 (Act No 139 of 1992), I hereby fix **1 January 1993** as the date on which section 8 of the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Twenty-fourth day of December, One thousand Nine hundred and Ninety-two

F. W. DE KLERK,
State President

By Order of the State President-in-Cabinet

E. H. VENTER,
Minister of the Cabinet

83628—A

PROKLAMASIE

*van die
Staatspresident
van die Republiek van Suid-Afrika*

No. R. 141, 1992

ALGEMENE REGSWYSIGINGSWET, 1992

INWERKINGTREDING

Kragtens artikel 35 van die Algemene Regswysigingswet, 1992 (Wet No 139 van 1992), bepaal ek hierby **1 Januarie 1993** as die datum waarop artikel 8 van genoemde Wet in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Durban, op hede die Vier-en-twintigste dag van Desember Eenduisend Nege-honderd Twee-en-negentig

F. W. DE KLERK,
Staatspresident

Op las van die Staatspresident-in-Kabinet

E. H. VENTER,
Minister van die Kabinet

14510—1

IFP objects to findings

■ Goldstone Commission report relating to Mooi River:

Sowetan 30/1/92 (252)
THE Inkatha Freedom Party has objected to some of the findings of the Goldstone Commission of Inquiry relating to the Mooi River/Bruntville area

In a statement from Maritzburg, the leadership of the IFP in the Natal Midlands said they had never agreed to be disarmed simply if the African National Congress agreed to abide by the Na-

tional Peace Accord. Inkatha spokesman Mr Velaphi Ndlovu said the regional IFP leadership had also never agreed to the fencing of the Bruntville hostel.

Ndlovu said this had been an arrangement between the ANC and the National Party which was contained in their September "Record of Understanding" - *Sapa.*

new cases of tuberculosis. ... portunities next year will be the informal and 7-million had little or no sanitation

'Biased Goldstone report contains lapses', Inkatha

8/12/92 30/12/92
DURBAN — Inkatha said yesterday the Goldstone commission's third interim report was partial and included several serious lapses

Although recognising the practical merit in some of the report's recommendations, Inkatha said the commission had not reported "as objectively as it should"

There was merit in the suggestions that adequate notice be given to existing authorities of public meetings, breaches of the peace accord be penalised, the release of suspects on bail be reviewed, the role of tribal chiefs be defined and recognised and parties refrain from inflammatory attacks on present authorities, Inkatha said

However, the commission did not refer to the "fullscale assault" on Inkatha's rural constituency as a major cause of violence, and also ignored Inkatha requests to investigate the "eight massacres of Inkatha members and supporters that have occurred since August"

In Maritzburg, Inkatha's Natal Midlands leadership said Inkatha objected to some of the commission's findings relating to the Moornriver-Bruntville area

They said they had never agreed to be disarmed simply if the ANC agreed to abide by the national peace accord. Inkatha spokesman Velaphi Ndlovu said the regional leadership had also never agreed

to the fencing of the Bruntville Hostel GAVIN DU VENAGE reports that national peace committee chairman John Hall said yesterday a joint public meeting between ANC leader Nelson Mandela and Inkatha head Mangosuthu Buthelezi was needed to bring about peace

Reacting to the commission's report, Hall said that at the end of the day, all roads led to political leaders. He said that leaders' involvement in driving the peace accord home to grassroots peace committees would eliminate violence and intimidation as political weapons

Goldstone's recommendations, which called for a drive to promote political tolerance, were also contained in the provisions of the national peace accord, Hall said. It was, however, the responsibility of leaders to discipline their members who did not obey the accord

□ The Azaman People's Organisation yesterday called on foreign benefactors of organisations implicated in political violence to discontinue funds until a culture of tolerance existed among their members.

Reacting to the commission's report which said rivalry between the ANC and Inkatha was the main cause of violence in the Moornriver area of Natal, Azapo said the donors should "put their money where their mouths are" — Sapa

ANC, PAC slated on business ties

8/12/92 30/12/92
ADRIAN HADLAND reports that the ANC and PAC have declined to utilise or encourage black business in SA, Centre for African Studies economist Eugene Nyati claims

Writing in the Portfolio of Black Business in SA 1993, Nyati said the relationship between the ANC, PAC, trade unions and black businessmen remained disjointed and fractured

"Despite their declared commitment to black empowerment, black liberation movements still prefer to do business with white institutions even when they could get comparable service from black business," he said

The ANC had "never made any serious effort" to have many of its requirements catered for by black-owned businesses, Nyati said

The management of pension and other black trade union funds had been handled mainly by white firms

"The millions of rands (from the funds) would appear to be logical resources to help actualise the much talked about empowerment of the oppressed," Nyati said *30/12/92*

"If black political and business leaders cannot co-operate with each other before liberation, it is arguable whether things will be any different after a majority government takes power," he added

UN officials probe rampage by returned exiles in Durban

UN OFFICIALS returned to Geneva this week after investigating an incident at the National Co-ordinating Committee for Returned Exiles offices in Durban earlier this month when staff were held hostage for seven hours by angry returned exiles

UN High Commissioner for Refugees (UNHCR) spokesman Jonas Fohi said the two officials left Johannesburg on Sunday, and would be delivering their findings to the UNHCR head office in Geneva

Fohi said the "little crisis" occurred when 25 exiles took staff hostage when they were told there was no money to pay their grants. The situation was defused after the ANC intervened

Reports said the refugees went on the rampage, assaulting staff and destroying pictures. Jewellery was also reportedly taken from a number of staff members

Sapa reports Durban police spokesman Captain Bala Naidoo saying police were called to the offices, but were not investigating because no

charges had been laid

In response to questions on why the exiles had not received their grants, the committee's chairman Moss Chikane said "We have just run out of cash" He said the committee had received a budget of R53m from the UNHCR for the year, but the budget had not covered the needs of the organisation

"Many people are still coming in on their own steam and hoping to get grants when they arrive, but there was a shortfall," he said Chikane said his organisation hoped the discussions with the UN officials would result in increased funding

Chikane added that the organisation was being scaled down as it believed government would assume greater responsibility for accommodating exiles in the new year. It was also cutting back on staff to leave more funds available for assisting returnees, he said

Inkatha national chairman Frank Mdlalose, left, and ANC international relations head Thabo Mbeki at yesterday's peace talks in Durban.

SADP ...

First black regional magistrates for SA

JOHANNESBURG. — The Department of Justice yesterday announced the appointment of the country's first black regional magistrates with the promotion of two magistrates in Natal.

They are Mrs Krishnavennie Chetty and Mrs Jenarthenee Pillay, both magistrates at the Verulam Magistrate's Court. Their promotion comes into effect from December 1.

● Justice Minister Mr Kobie Coetsee yesterday announced seven promotions, effective from November 1.

Those promoted are Mr G Smit, who becomes chief director of the South African Law Commission; Mr N Grobler, chief director of the peace secretariat; Mr H du P de Vries, director of the peace secretariat; Mr L Basset, director of security legislation; Mr J Breyl, chief director of legal services; Mr J Grobler, director of liaison and legal information services, and Mr C Pretorius, director of personnel management. — Sapa

(252) (31) CT 31/12/92

No. R. 3462

31 December 1992

AGRICULTURAL PRODUCT STANDARDS ACT,
1990 (ACT No 119 OF 1990)

REGULATIONS REGARDING CONTROL OF THE
EXPORT OF VEGETABLES AMENDMENT

The Minister of Agriculture has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No 119 of 1990), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the Regulations Regarding Control of the Export of Vegetables, published by Government Notice No R 2031 of 23 August 1991

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—

(a) the substitution for the definition of "consignment" of the following definition

" 'consignment' means a quantity of vegetables of the same kind, belonging to the same owner and which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle or if such a quantity is subdivided into different classes, cultivars, counts or size groups, each quantity of each of the different classes, cultivars, counts or size groups,"

(b) the substitution for the definition of "grade 1 vegetables" and "grade 2 vegetables" of the following definition

" 'Class 1 vegetables' and 'Class 2 vegetables' means vegetables which comply with the standards and requirements regarding vegetables, stipulated in terms of section 4 (3) (a) (ii) of the Act;"

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for paragraphs (a) and (b) of subregulation (3) of the following paragraphs

"(a) Class 1 vegetables to countries and territories in Destination A and Destination B, and

(b) Class 2 vegetables to countries and territories in Destination B "

DEPARTMENT OF JUSTICE

No. R. 3440

252

31 December 1992

THE SHERIFFS ACT, 1986
(ACT No 90 OF 1986)

AMENDMENT OF REGULATIONS

The Minister of Justice has, under section 62 of the Sheriffs Act, 1986 (Act No 90 of 1986), after consultation with the Board for Sheriffs, made the regulations in the Schedule

No. R. 3462

31 Desember 1992

WET OP LANDBOUPRODUKSTANDAARDE, 1990
(WET No 119 VAN 1990)

REGULASIES BETREFFENDE BEHEER OOR DIE
UITVOER VAN GROENTE WYSIGING

Die Minister van Landbou het, kragtens artikel 15 van die Wet op Landbouprodukstandaarde, 1990 (Wet No 119 van 1990), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die Regulasies Betreffende Beheer oor die Uitvoer van Groente, gepubliseer by Goewermentskennisgewing No R 2031 van 23 Augustus 1991

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur—

(a) die woordomskrywing van "besending" deur die volgende woordomskrywing te vervang

" 'besending' 'n hoeveelheid groente van dieselfde soort, wat aan dieselfde eienaar behoort en wat op 'n bepaalde tydstip gelewer word onder dekking van dieselfde vragbrief, aflewingsbrief of ontvangsbewys, of gelewer word deur dieselfde voertuig, of indien so 'n hoeveelheid ingedeel is in verskillende klasse, cultivars, tellings of grootte-groepe, elke hoeveelheid van elk van die verskillende klasse, cultivars, tellings of grootte-groepe,"

(b) die woordomskrywing van "graad 1 groente" en "graad 2 groente" deur die volgende woordomskrywing te vervang

" 'Klas 1 groente' en 'Klas 2 groente' groente wat aan die standaard en vereistes betreffende groente, ingevolge artikel 4 (3) (a) (ii) van die Wet vasgestel, voldoen,"

Wysiging van regulasie 2 van die Regulasies

3. Regulasie 2 van die Regulasies word hierby gewysig deur paragrawe (a) en (b) van subregulasie (3) met die volgende paragrawe te vervang

"(a) Klas 1 groente na lande en gebiede in Bestemming A en Bestemming B, en

(b) Klas 2 groente na lande en gebiede in Bestemming B "

DEPARTEMENT VAN JUSTISIE

No. R. 3440

31 Desember 1992

DIE WET OP BALJU'S, 1986
(WET No 90 VAN 1986)

WYSIGING VAN REGULASIES

Die Minister van Justisie het kragtens artikel 62 van die Wet op Balju's, 1986 (Wet No. 90 van 1986), na oorlegpleging met die Raad vir Balju's, die regulasies in die Bylae uitgevaardig

250

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, "the Regulations" means the regulations published by Government Notice No. R 411 of 12 March 1990, as amended by Government Notice No. R 2207 of 14 September 1990

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definition after the definition of "Board"

" 'Director-General of Justice' includes, for the purposes of regulation 2 (2), (3) and (5), any person authorised by the Director-General of Justice to exercise the powers referred to in the said regulation,".

3. The following regulation is hereby substituted for regulation 2 of the Regulations.

"2 (1) Whenever the office of sheriff becomes vacant, the magistrate concerned shall, within seven days from the date on which the vacancy occurred, inform the Director-General of Justice and the Board in writing of the vacancy and of the closing date for applications to fill the vacancy.

(2) Unless otherwise ordered by the Director-General of Justice, the magistrate shall, subject to the provisions of subregulation (5), after a period of 14 days but within 21 days after notice of the occurrence of a vacancy referred to in subregulation (1), or within seven days after receipt of a notice of the description of an area referred to in section 3 (2) of the Act, or on receipt of a notice by the Director-General of Justice in which the magistrate is requested to advertise the post of sheriff, affix notices to the notice boards at his office, the periodical courts and the branch courts in his district stating—

(a) the area for which the vacancy exists or may come into existence,

(b) the requirements applicable to applications for appointment as sheriff, and

(c) the closing date for such applications

(3) The Director-General of Justice may order the magistrate to advertise the vacancy in the *Gazette*

(4) The closing date for applications for appointment as sheriff shall not be less than 30 days from the date on which the magistrate affixed the notices referred to in subregulation (2) to the notice boards

(5) The Director-General of Justice may order that the magistrate be exempted from complying with the provisions of subregulations (1) to (4)

(6) Any person intending to apply for appointment as sheriff shall complete a form as set out in Form 1 of the Annexure to these regulations in duplicate and lodge the forms with the magistrate concerned

(7) Each form lodged in terms of subregulation (6) shall be accompanied by—

(a) a *curriculum vitae* of the applicant,

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R 411 van 12 Maart 1990, soos gewysig by Goewermentskennisgewing No. R 2207 van 14 September 1990.

2. Regulasie 1 van die Regulasies word hierby gewysig deur die invoeging van die volgende omskrywing na die omskrywing van "die Wet":

" 'Direkteur-generaal van Justisie', by die toepassing van regulasie 2 (2), (3) en (5), ook iemand deur die Direkteur-generaal van Justisie gemagtig om die bevoegdhede vermeld in genoemde regulasie, uit te oefen,"

3. Regulasie 2 van die Regulasies word hierby deur die volgende regulasie vervang

"2 (1) Wanneer die amp van balju vakant word, moet die betrokke landdros die Direkteur-generaal van Justisie en die Raad binne sewe dae vanaf die datum waarop die vakature ontstaan het, skriftelik van die vakature en van die sluitingsdatum vir aansoeke om die vakature te vul, in kennis stel.

(2) Tensy die Direkteur-generaal van Justisie anders gelas, moet die landdros, behoudens die bepalings van subregulasie (5), na verloop van 14 dae maar binne 21 dae na kennisgewing van die ontstaan van 'n vakature in subregulasie (1) bedoel, of binne sewe dae na ontvangs van 'n kennisgewing van die omskrywing van 'n gebied in artikel 3 (2) van die Wet bedoel, of by ontvangs van 'n kennisgewing deur die Direkteur-generaal van Justisie waarin die landdros versoek word om die pos van balju te adverteer, kennisgewings aan die kennisgewingsborde by sy kantoor, die periodieke howe en die takhowe in sy distrik aanbring waarin vermeld word—

(a) die gebied waarvoor die vakature bestaan of kan ontstaan;

(b) die voorskrifte wat van toepassing is op aansoeke om aanstelling as balju, en

(c) die sluitingsdatum vir sodanige aansoeke

(3) Die Direkteur-generaal van Justisie kan gelas dat die landdros die vakature in die *Staatskoerant* adverteer

(4) Die sluitingsdatum vir aansoeke om aanstelling as balju moet minstens 30 dae wees vanaf die datum waarop die landdros die kennisgewings in subregulasie (2) bedoel, op die kennisgewingsborde aangebring het

(5) Die Direkteur-generaal van Justisie kan gelas dat die landdros van die nakoming van die bepalings van subregulasies (1) tot (4) vrygestel word.

(6) Iemand wat van voorneme is om aansoek te doen om aanstelling as balju, moet 'n vorm soos in Vorm 1 van die Aanhangsel by hierdie regulasies uiteengesit, in tweevoud invul en die vorms by die betrokke landdros indien

(7) Elke vorm ingedien ingevolge subregulasie (6) gaan vergesels van—

(a) 'n *curriculum vitae* van die aansoeker,

252 (b) a statement of the assets and liabilities of the applicant on a form as set out in Form 2 of the Annexure to these regulations, supported by documentary evidence, and

(c) a report on a form as set out in Form 3 of the Annexure to these regulations by the applicant's most recent employer, or, if the applicant is unable to obtain such a report, certified copies of two recent testimonials, together with an explanation by the applicant as to why he is unable to obtain such a report.

(8) Within seven days after the closing date for the applications in question the magistrate shall—

(a) forward those applications, together with a report compiled by him in respect of each application, to the Director-General of Justice, and

(b) forward copies of those applications to the Board

(9) The Board shall within 30 days after receipt of the applications referred to in subregulation (8) (b) submit the names of the applicants to whom the Board would be prepared to grant fidelity fund certificates in order of preference to the Director-General of Justice for submission to the Minister

(10) After receipt of the documents referred to in subregulation (9), the Minister may appoint a sheriff for the area concerned

(11) The registrar of the division of the Supreme Court of South Africa which has jurisdiction in the territory of a self-governing territory referred to in section 26 of the National States Constitution Act, 1971 (Act No 21 of 1971), shall perform all acts which in terms of this regulation would have had to be performed by a magistrate in such a territory, and any reference to the 'magistrate concerned' or the 'magistrate' in this regulation shall, in such cases, be construed as a reference to such a registrar. Provided that such a registrar may authorise a person to perform on his behalf any act which may so be performed by the registrar. Provided further that the registrar shall affix the notices referred to in subregulation (2) at such place or places as he may deem fit, to which the public has access, and that the reference to the date on which the notices were affixed, as referred to in subregulation (4), shall be construed as a reference to the date on which the registrar so affixed such notices "

4. Regulation 3 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation (6)

"(7) Every application for the renewal of a fidelity fund certificate shall be made on or before 31 October of the year preceding the year for which the certificate is required "

5. Regulation 6 of the Regulations is hereby amended by the substitution in subregulation (1) for the word "August" of the word "July"

6. Regulation 8 of the Regulations is hereby amended by the substitution in subregulation (1) for the expression "90" of the expression "150"

7. The following forms are hereby substituted for Forms 1, 2 and 7 of the Annexure to the Regulations

(b) 'n staat van die bates en laste van die aansoeker op 'n vorm soos in Vorm 2 van die Aanhangsel by hierdie regulasies uiteengesit, gerugsteun deur dokumentêre bewyse, en

(c) 'n verslag op 'n vorm soos in Vorm 3 van die Aanhangsel by hierdie regulasies uiteengesit, deur die aansoeker se jongste werkgever of, indien die aansoeker nie in staat is om so 'n verslag te verkry nie, gewaarmerkte afskrifte van twee onlangse getuigskrifte, tesame met 'n uiteensetting deur die aansoeker waarom hy nie in staat is om so 'n verslag te verkry nie.

(8) Binne sewe dae na die sluitingsdatum vir die betrokke aansoeke moet die landdros—

(a) daardie aansoeke tesame met 'n verslag wat deur hom ten opsigte van elke aansoek opgestel is, aan die Direkteur-generaal van Justisie stuur, en

(b) afskrifte van daardie aansoeke aan die Raad stuur

(9) Die Raad lê binne 30 dae na ontvangs van die aansoeke in subregulasie (8) (b) bedoel, die name van die aansoekers aan wie die Raad bereid sal wees om getrouheidsfondssertifikate uit te reik, in voorkeurvordering aan die Direkteur-generaal van Justisie vir voorlegging aan die Minister voor.

(10) Na ontvangs van die stukke in subregulasie (9) bedoel, kan die Minister 'n balju vir die betrokke gebied aanstel

(11) Die griffier van die afdeling van die Hooggeregshof van Suid-Afrika wat jurisdiksie het in die gebied van 'n selfregerende gebied bedoel in artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), verrig alle handeling wat ingevolge hierdie regulasie deur 'n landdros in so 'n gebied verrig sou moes word, en 'n verwysing na 'betrokke landdros' of 'landdros' in hierdie regulasie word, in sodanige gevalle, uitgelê as 'n verwysing na so 'n griffier. Met dien verstande dat so 'n griffier 'n persoon kan magtig om enige handeling wat aldus deur die griffier verrig kan word, namens hom te verrig. Met dien verstande voorts dat die griffier die kennisgewings in subregulasie (2) bedoel, moet aanbring op sodanige plek of plekke as wat hy goeddink en waartoe die publiek toegang het, en dat die verwysing in subregulasie (4) na die datum waarop die kennisgewings aangebring is, uitgelê word as 'n verwysing na die datum waarop die griffier die kennisgewings aldus aangebring het "

4. Regulasie 3 van die Regulasies word hierby gewysig deur die invoeging van die volgende subregulasie na subregulasie (6):

"(7) Elke aansoek om die hernuwing van 'n getrouheidsfondssertifikaat moet gedoen word voor of op 31 Oktober van die jaar wat die jaar ten opsigte waarvan die sertifikaat verlang word, voorafgaan "

5. Regulasie 6 van die Regulasies word hierby gewysig deur in subregulasie (1) die woord "Augustus" deur die woord "Julie" te vervang

6. Regulasie 8 van die Regulasies word hierby gewysig deur in subregulasie (1) die uitdrukking "90" deur die uitdrukking "150" te vervang.

7. Vorms 1, 2 en 7 van die Aanhangsel by die Regulasies word hierby deur die volgende vorms vervang

1577 7 29 1972 03 1 00 18 00 57 0 1 2

Black magistrates

Sowetan
31/12/92

THE Department of Justice yesterday announced it had appointed two women as regional magistrates in the Natal Regional Division

(252)

This is the first time that blacks have been promoted to the position of regional magistrate

The promotion of Mrs Krishnavennie Chetty and Mrs Jenarthene Pillay, both magistrates at the Verulam Magistrate's Office, takes effect from tomorrow - *Sowetan Reporters and Sapa*

8/10/77 2/1/2/1/2
**First hearing
in Apla probe
on Monday**

~~8/10/77~~ **BILLY PADDOCK** (252)

JUDGE Richard Goldstone would head a two-pronged investigation in the new year into Apla and the Transkei connection, which could resolve the dissent between government and the homeland, Transkei military ruler Maj-Gen Bantu Holomisa said yesterday.

Goldstone had agreed to head Transkei's commission of inquiry into accusations of Apla bases in the territory, he said. In a separate statement released yesterday, the Goldstone commission reiterated that a committee conducting a preliminary investigation into Apla would hold its first hearing in Port Elizabeth on Monday.

Holomisa said "The two inquiries, while totally different and separate, will be mutually informative and assist the judge in getting to the truth of exactly what the position is. This will clear up all the bad atmosphere over the Apla attacks."

Holomisa said he had spoken to Goldstone before Christmas and the judge had agreed to head the inquiry. There would be a meeting, probably on Saturday, after Goldstone returned from Israel.

However, a Goldstone commission spokesman could not confirm the judge was going to head the inquiry. He added, though, that if it was not part of the commission's activities, he would not necessarily have been informed. A Justice Department official also could not confirm or deny Holomisa's announcement.

Holomisa said Goldstone had been approached in his capacity as a judge, not as chairman of the Goldstone commission. He would head up the inquiry in terms of Transkei's constitution with members of Transkei's Bar Council. No SA or Transkei government officials would be involved.

The inquiry would also investigate allegations that Transkei Defence Force officers were assisting Apla in training and with weapons, and Holomisa's allegations of SA destabilising his territory.

People's courts 'still widespread'

PEOPLE'S courts and traditional forms of justice continue to operate widely in SA, says Idasa in its recent issue of Democracy in Action

Ronel Scheffer said "popular justice mechanisms in SA" included traditional courts, alternative dispute resolution centres and "the plethora of structures known as people's or community courts"

There was considerable pressure for some of these to become a permanent feature of SA's judicial system, Scheffer said

"This revolves not so much around the ideal of bringing justice and dispute resolution closer to the people but rather how this could, and should, be realised practically"

ADRIAN HADLAND

Nico's Lucas Malekane said people's courts were functioning daily in Cape Town's Khayelitsha township with the knowledge of the police and strong community support

Malekane said matters before the courts ranged from petty theft and family disputes to murder cases

Traditional leaders' organisation Con-tralesa president Patekile Holomisa reported widespread use of traditional courts in SA

Scheffer said Idasa would be holding a national conference on people's courts and traditional forms of justice next year

SA saturated with foreign observers ~~17~~ Idasa

THE profusion of international observers in SA had reached the point where observers attending a march or rally nearly outnumbered the participants, Idasa said in its Democracy in Action publication

By the end of November this year, the UN had 50 full-time observers in SA, the Commonwealth Secretariat had 22 and the EC had 15, the Idasa report said

UN Secretary-General Boutros Boutros-Ghali said this week the UN would be sending a further 10 observers to SA, bringing its total to 60

Boutros-Ghali said he had decided to send additional observers because "continued uncertainty over SA's future can only lead to further vio-

ADRIAN HADLAND

lence, instability and economic decline" ~~Blom~~ 3/12/92

The Idasa report said the OAU had also sent a task force, while the SA Council of Churches and the SA Catholic Bishops' Conference were hosting up to five international church observers in SA

"The obvious question is whether their presence will have any affect at all on the violence. From some recent experiences it seems that their role will be limited," the report said

"While it is clear that there is a role to play in observing rallies and voting polls, local non-government

organisations which are dealing with the violence believe that the monitors will have to do more than send reports back home"

Foreign Minister Pik Botha reacted strongly this week to a report on SA submitted by two UN envoys to the UN Security Council

The envoys, Virendra Dayal and Tom Vraalsen, were critical of government on a number of counts including the existence of covert operations, lack of security at hostels and deficiencies in the police's ability to investigate serious crimes

Botha said Boutros-Ghali was "not yet fully aware of all the relative aspects which make these problems difficult to resolve overnight"

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People's courts 'still widespread' ~~252~~

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