

PUBLIC SECTOR - GOVT. - JUSTICE

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# Cape law society worried as Legal Aid fund costs rocket

PAUL OLMIER

ARG 11/11/97

(252)



Freddie Steenkamp: convicted of fraud.

The Western Cape Law Society has expressed concern that the Legal Aid Board may be bankrupt.

This could affect claims for legal aid by thousands of people facing court action, including former Western Cape African National Congress leader Allan Boesak.

Dr Boesak, who returned from the United States to stand trial, faces 32 charges of theft and fraud after more than R8-million in funds disappeared from the account of his Foundation for Peace and Justice.

His trial is due to start in February.

Dr Boesak's legal aid was reinstated in the Cape High Court recently after being withdrawn when it was

alleged Dr Boesak had found an overseas donor to pay for senior counsel. It was restored on condition that legal aid might be withdrawn at any stage during the trial.

The foundation's bookkeeper, Freddie Steenkamp, recently was convicted on five counts of fraud and one of theft involving about R3,7-million.

He is due to be sentenced next week.

Law society spokesman William Booth said they reserved the right to refuse any new work from the Legal Aid Board.

The society also could sue the board for outstanding payments, "but such a step will be taken only as an extreme measure".

Legal Aid's problems come amid huge increases in payments

In 1990/91 it paid nearly R19-million, rising to nearly R100-million in the last financial year.

In the first five months of this financial year, more than R102-million was paid out, putting the fund under huge stress.

Thousands of people awaiting trial in the Western Cape would be left without legal representation if the law society carried out its threats to stop accepting cases paid by legal aid or to sue the Legal Aid Board.

South Africa's constitution states that every person charged before court has a fundamental right to legal representation at state expense.

However, board chairman Nic Pretorius said it was "fully solvent" and that all outstanding accounts would be paid.

"Although the board has not been

able to pay accounts as expeditiously as it wished as a result of the increasing demand, there is no doubt that practitioners in the Western Cape and elsewhere will be paid for services rendered," said Mr Pretorius.

"The Legal Aid Board has no immediate need for additional funding and sufficient funds are available to meet the board's commitments."

"The board has been assured by the Department of State Expenditure that, if the need arises, funds for its contingent liabilities in respect of legal aid rendered in terms of the constitution, will be made available."

Mr Pretorius said, however, that additional funds would be required to cover liabilities incurred by issuing legal aid instructions during the present financial year.

A large percentage of accounts in

such matters would be submitted and paid only during the next financial year.

"The Legal Aid Board has appointed temporary staff to assist with the processing of payment and permanent staff are working overtime.

"Computerised systems have been designed and implemented and are used to expedite payments."

Mr Booth accused the board of being unprofessional and in desperate need of restructuring to make it run efficiently.

He said the board was continuously breaking its promises regarding payment to attorneys. Some had to wait up to two years for fees. "There always have been problems with the board paying their bills, but the situation now has deteriorated to such an extent that urgent action is needed."



Allan Boesak: trial starts in February

# TRC hearing on Ntsebeza scandal

(252)

THE TRUTH and Reconciliation Commission is to hold a special meeting tomorrow to discuss the position of TRC investigative unit head Dumisa Ntsebeza whose car was this week linked to the 1993 Heidelberg Tavern attack

"The holding of the meeting in no way questions the integrity or innocence of our colleague, Dumisa Ntsebeza," spokesman John Allen said in a statement

Guguletu gardener Bennett Sibaya this week identified Ntsebeza as the driver of a white Audi alleged to have been used as a getaway car by Azanian People's Lib-

eration Army (Apla) members after they attacked the tavern

Testifying at the amnesty hearing of three Apla members, Sibaya said he had memorised the Audi's registration number and given this information to the police and TRC investigators. The registration was later found to match that of Ntsebeza's own vehicle

The commissioner has denied involvement in the attack and the applicants insist they have only ever seen him on television

Allen confirmed on Friday that the allegations were under "intensive discussion" by, among others,

TRC chairman Archbishop Desmond Tutu and his deputy, Dr Alex Boraine

Tomorrow's special commission meeting would discuss the implications for the commission of the events which had unfolded at this week's amnesty hearing, he said

"It is important to emphasise that the commission respects absolutely the integrity of our processes, including the amnesty process, and that the amnesty committee must be allowed to go about its work in handling the application in exactly the same way as it would any other application" - Sapa

CP 2/11/97



CP 2/11/97

# TRC discovers mass graves of activists killed during 1980s

By JIMMY SEEPE

TRUTH and Reconciliation Commission investigators in the have made an important breakthroughs in the Northern Province, have discovered mass graves of activists killed by the security branch during the 1980s, City Press can reveal

Although investigators refused to confirm numbers, City Press has established that more than 30 graves have been discovered

In an exclusive exposé of one of apartheid's notorious security branch activities, TRC investigators told City Press they had discovered shallow graves of activists in various parts of the province

Details of the breakthroughs are expected to be released in the coming week by the TRC

TRC commissioner Wilson Magadla said an announcement would be made soon by his colleague Dumisa Ntsebeza after a full report had been submitted by investigators this weekend.

Magadla said

"I know that our investigators have made important breakthroughs in the Northern Province, especially at Messina and Louis Trichardt. I cannot divulge any information until the next of kin have been informed."

He said the TRC still needed clarity on the people buried there, and once that had been cleared, Ntsebeza would make an announcement

□ But there are fears that the announcement could be delayed by



MAY SPEAK SOON TRC investigation unit head Dumisa Ntsebeza

the current furore surrounding the Heidelberg Tavern massacre hearings, in which a witness has alleged that Ntsebeza's car was used as the get-away

Gugulethu gardener Bennett Sibaya this week identified Ntsebeza as the driver of a white Audi alleged to have been used as the get-away car

(252)  
The TRC is expected to hold a special meeting tomorrow to discuss the allegations

TRC field investigators in the Northern Province told City Press that they did not have a full account of the names of those buried in some of the graves or their next of kin

Investigators told City Press that they had discovered what appeared to have been "body dumps" of activists at an old graveyard in Sekoto, near Louis Trichardt

Residents of Sekoto village, who used to bury their dead there, were forcefully removed by the former National Party government, thus allowing the grave to be turned into a security branch secret burial place

Eight members of the notorious Northern Transvaal security branch who operated from Messina, Louis Trichardt, Thohoyandou, Pietersburg and other parts of the Northern Province have already applied for amnesty

Speculation is rife that members of the Venda and Lebowa government security establishments could have known about some of those graves

The shallow graves are said to have belonged to cadres of Umkhonto we Sizwe and possibly the Azanian People's Liberation Army, who were operating from Zimbabwe.

According to TRC insiders, the graves were discovered during routine investigations to find the burial locations of several activists whom policemen had identified

UNCOVERED

UNCOVERED



CARMEL RICKARD

# The judiciary goes on trial for its apartheid past

## Responses range from angry dismissal to regret

ST 2/11/97

(252)

**I**N A terse, hand-written note, Judge David Curlewis described the invitation to participate in this week's Truth and Reconciliation Commission hearings on the judiciary as "three pages of waffle" and refused to take part.

He was one of 30 judges who corresponded with the commission before the hearings on the role of the legal system and the illegal profession under apartheid.

While a few politely declined to participate, citing concern that it would compromise judicial independence, others made lengthy written submissions.

In his submission, Justice Lauryl Ackermann of the Constitutional Court outlined the prevailing culture of racism at the Pretoria Bar when he was a member. He was regarded as a "liberal" and his proposed resolution that it drop its colour bar and allow members of all races was defeated.

After "grappling with his conscience", Justice Ackermann resigned from the Bench in 1987, and was professor of human rights at Stellenbosch University before he returned to the judiciary in 1993.

In his submission he says "I failed as an advocate, in terms of lofty ethical, moral and religious ideals, by not speaking out sooner against the colour bar I did not do enough to resist the pervasive institutional culture."

Justice Ackermann says he also failed on the Bench by not speaking out more against unjust laws.

"I acknowledge and regret these failures I am deeply sad-

dened by the consequences of these failures on the lives of black people and I wish to apologise for my role in denying them their full and equal humanity."

Judge Frikke Eloff, Judge President of the Transvaal, wrote "If you wish to know more about the legal system, you do not need to do more than request one or more academics to present a memorandum. You do not need busy judges to prepare theses on such esoteric subjects as the relationship between law and justice."

"The content of your letter leaves me with the impression that what you plan to do (at the hearings) will be a meaningless exercise."

In contrast, Western Cape Judge President Gerald Friedman's submission deals with the "very anxious consideration given by many judges to the question of what they should do about interpreting and applying unjust laws."

"Some judges accepted appointment without qualms about

applying the apartheid laws. Others, he said, felt if they refused appointment or resigned, their places would be filled by supporters of government policy and those less sensitive to human rights issues."

Judge Friedman said that on many occasions judges had had no alternative but to give effect to apartheid laws—but they tended not to speak out.

This silence, he said, was probably because judges did not want to appear to be commenting on "what was regarded as controversial political issues", a position he now says was ill-advised.

Although judges should obviously avoid becoming involved in party politics, or creating the impression that they support any particular political party, there is no reason why a judge should not criticise a law which he or she regards as morally indefensible."

Judge Friedman said that when it came to applying security legislation, "by and large pri-

or to 1997 the judiciary's record was indefensible."

He added "The court's record as an upholder of the rights of the individual in the application of security legislation cannot, with obvious exceptions, be defended."

During the hearings, judges were castigated for not attending and for relying on their written submissions.

Outraged calls were made for them to be served with subpoenas to force them to attend the hearings.

But while the judiciary and other participants had been assured there would be no "witch hunt" and that the focus of the hearings would be a collaborative search for what had gone wrong in the past, that is not what happened in practice.

After the adversarial questioning of the first two days, judges may feel they made the correct decision to stay away.

Legal organisations and individuals appeared intent on scoring points off each other in trying to show how much they had done to oppose injustice—individual judges were named—and damned or praised.

Questioning by the commission's legal team raised the temperature of confrontation and the commissioners rarely intervened.

The absence of the magistrates, at whose hands many more people suffered than under the judiciary, was given relatively little attention. Not a single magistrate made a written submission, but insiders say that the antagonism of the magistrates' commission to the planned truth commission hearings was well known by magistrates and that had deterred them from making submissions.

When the truth commission makes its recommendations on the legal profession, it should put transformation of the magistrates' commission high on its list.

The intensity of the questioning fluctuated during the hearing

and, by the third day, it had shifted to a more consultative style.

Bureaucrats from the Department of Justice, who supervised the efficient implementation of much of the security legislation, were heard late on the last day.

Their submission revealed important details about information on detainees and related issues, information that is still held in the department's files.

Questions to the Department

of Justice panel focused almost exclusively on eliciting information.

While earlier participants had been grilled on their attitudes to unjust laws, the panel was not asked how they felt having to administer these laws.

They were also not asked about the depth or sincerity of the regret they expressed, as had been demanded from earlier participants.



**LAWFUL GATHERING** Four of the attorneys general who appeared at this week's truth commission hearings: Jan d'Oliviera, of Transvaal, Niel Rossouw, formerly of Eastern Cape, Les Roberts, of Eastern Cape, and Chris Nel, of Transkei

# TRC man rejects calls for lie detector test

ST 2/11/97 (252)

CRAIG DOONAN

DUMISA NTSEBEZA, the Truth and Reconciliation Commission's chief investigator, has rejected calls that he take a lie-detector test to prove he was not involved in the Heidelberg Tavern attack.

Ntsebeza said he had submitted himself to such a test by the National Intelligence Agency in his capacity as head of the TRC's investigative unit earlier this year. "I got top clearance and I have a certificate to that effect. If this allegation was anything to go on, they would have picked it up and I don't think I would have got this clearance," he said.

He was reacting to a suggestion from the Democratic Party that he undertake a "truth test" alongside Bennett Sibaya, the man who claims to have seen Ntsebeza ferrying two of the tavern attackers in Guguletu shortly after the killings.

Ntsebeza said the allegations were a "tired story".

Meanwhile, Captain John Lubbe, the TRC investigator who probed the attack and who said he believed Sibaya's evidence to be "truthful and consistent in every respect", this week also called for Ntsebeza to undergo a lie detector test, along with himself and Sibaya. "Although a lie detector test isn't the beginning or the end, it gives an indication," Lubbe said.

The truth commission is facing internal division up to its highest ranks over the claims against Ntsebeza. Staff in the Cape Town head office are divided between Ntsebeza's supporters and those who want the allegations against him investigated further.

Tensions among staff ran so high this week that a series of "firefighting" meetings were held. Some staff were accused of applauding when Ntsebeza was pointed out by Sibaya.

Desmond Tutu, chairman of the commission, said on Friday a meeting would be held tomorrow to discuss the implications of this week's controversy.



# Magistrates put foot down on 'taxi' ruling

ST 2/10/97  
PHYLCIA OPPELT

(252)

REGIONAL magistrates have vowed to defy a long-standing instruction by the Justice Department that they pay taxi to state prosecutors and interpreters who are involved in out-of-town court cases.

The Association of Regional Magistrates of SA, which has 200 members, says the requirement — aimed at cutting transport costs — compromises their judicial independence.

The stand follows a recent case in Mtubatuba, in Kwazulu Natal, in which a magistrate had to recuse himself as the accused knew he had travelled there with the prosecutor from Empangeni. The accused said the prosecutor had influenced the magistrate during the trip.

Les Wilkens, the chairman of the Association of Regional Magistrates, said regional magistrates did not get government-subsidised cars if they refused.

"Our judicial independence is constantly compromised when we are contractually obliged to transport state prosecutors. We've been forced into refusing to transport them."

Jimmy Howse, the chairman of the association's Kwazulu Natal division and a member of its national executive, said the practice had been condemned as far as back as 1983 by the Hoexter Commission.

In April this year, the magistrates' commission also criticised the practice.

Amy Kistnasamy, a senior prosecutor with the Durban regional court, said state prosecutors had been fighting for their own transport.

Regional magistrates have also decided not to take extensive journeys outside working hours, fill in worksheets that measure their productivity, or persistently postpone trials.

Paul Setsetse, spokesman for Justice Minister Dullah Omar, said the department viewed the grievances in a serious light. Both it and the magistrates' commission were examining the issues raised, he said.



# Amnesty finding upheld by High Court

CARMEL RICKARD

252 ST 2/11/97

THE first case challenging the outcome of an amnesty committee hearing has been fought — and lost — in the Pretoria High Court

Hendrik Gerber was turned down last year when he tried to persuade the committee to give him amnesty and release him from his 20-year jail sentence for murder

Earlier this month Gerber made legal history when he went to the High Court in a bid to overturn the decision

However, Judge Brian Southwood's decision, delivered on Monday, has dashed Gerber's hopes of amnesty

Gerber, a former Fidelity Guards employee, was found guilty of murdering Samuel Kganakga, whom he suspected of being a bank robber.

In turning down Gerber's bid, the committee said it had rejected his claim that the killing had been politically

motivated. It said there was no evidence to link Gerber to any political party and that he did not meet the legal requirements necessary for amnesty

Gerber claimed in the Pretoria High Court that his case was no different from that of two other former convicts, Christopher Makgale and Boy Diale, who had been granted amnesty by the committee. This, claimed Gerber, infringed his right to equality

Gilbert Marcus SC, who appeared for the amnesty committee, said that there was a significant difference between the two cases. In Gerber's case, Kganakga had been killed because he was suspected of being "a thief". In contrast, it was found that Makgale and Diale had had a political objective

Judge Southwood said the amnesty committee had good grounds for its findings. He also dismissed Gerber's claim that, because he was a police reservist, he should be regarded as a member of the security forces and thus be entitled to amnesty

## EIGHT TO ADMIT KILLINGS

# How the Pebco Three died

CT 3/11/97 (252)

**PORT ELIZABETH:** Eight former security policemen and Vlakplaas operatives are expected to confess publicly today for the first time how they abducted and murdered the Pebco Three.

**E**IGHTEEN months after their emotional plea to the Truth Commission to find their missing husbands' bodies, the widows of the so-called Pebco Three will hear this week how security police dumped their burnt remains in the Fish River in May 1985.

The men's killers go before the TRC's amnesty committee in Port Elizabeth today to confess publicly for the first time to abducting and murdering Sipho Hashe, Champion Galela and Qaqawuli Godolozu.

The three Port Elizabeth Black Civic Organisation activists disappeared on May 5, 1985 after being lured to Port Elizabeth airport, where they were snatched by a security police hit-squad.

The applicants are former Port Elizabeth security policemen

Colonel Gideon Nieuwoudt, Gerhardus Lotz, Colonel Herman du Plessis, Captain Sakkie van Zyl and Colonel Harold Snyman, Vlakplaas operative Gert Beeslaar and askaris Johannes Koole and Peter Mogoai.

They are expected to tell how the Pebco Three were taken to Post Chalmers police station outside Cradock after being abducted.

There, after interrogation, the three were given coffee spiked with sleeping tablets and shot. The bodies were then placed on a pyre and burnt for several hours.

The remains were placed in plastic bags and dumped in the Fish River, close to where police, three years earlier, had disposed of the remains of student activists Sipiwo Mtinkulu and Topsy Madaka.

Former Vlakplaas operative Joe

Mamasela was the first to tell the South African public how the three died, in a dramatic television confession broadcast last April.

The confession came just days after the widows of the Pebco Three appealed to the TRC to find their missing husbands' bodies.

Mamasela has not applied for amnesty for his part in the abduction and murder of the activists, but he may be subpoenaed to testify at the amnesty hearing.

His account of how the three died appears to differ from the version in the amnesty applications.

In the television interview he told how he had "stifled and strangled" the three men before they were beaten to death, rather than shot, by Nieuwoudt.

"He kicked, punched and stomped them and jumped on their heads. They died," he said.

This week's applications are not the first the amnesty committee has heard in connection with the

Pebco matter. Former security policeman Colonel Roelf Venter told the committee last year of his involvement in the abduction of the three activists, but denied responsibility for their deaths.

Venter said the three had been abducted ostensibly to interrogate them and to "neutralise" their involvement in the unrest.

Venter, who is one of five policemen who have jointly applied for amnesty for more than 60 murders, said he was never informed of any decision to "eliminate" the Pebco Three.

Testifying before the Truth Commission's amnesty committee in Johannesburg, he said the last time he had seen them alive was when he went to Post Chalmers, where they were being interrogated.

"We braaied meat and had drinks. The three detainees were there. Their faces were covered but they looked completely normal without apparent injury" — Sapa

# TRC meets today on Ntsebeza allegations

(252)

ET 3/11/97

## OWN CORRESPONDENT

**JOHANNESBURG** The Truth and Reconciliation Commission (TRC) will hold a meeting today to discuss the position of its investigative unit head Mr Dumisa Ntsebeza, whose car has been linked by a witness to the 1993 Heidelberg Tavern attack

The meeting will be held amid charges that Ntsebeza is being "framed" by people in his own unit.

Evidence by Guguletu gardener Mr Bennett Sibaya last week linked Ntsebeza to a white Audi alleged to have been used as a getaway car by Azanian People's Liberation Army (Apla) members after they attacked the tavern

Testifying at the amnesty hearing of three Apla members, Sibaya said he had memorised the Audi's registration and given this information to police and TRC investigators. The registration was later found to match that of Ntsebeza's vehicle

Ntsebeza has denied involvement in the attack, in which four people died, and the three Apla members jailed for the killings insist he played no part

Chairman of the TRC Archbishop

Desmond Tutu confirmed on Friday that the allegations about Ntsebeza were under "intensive discussion"

"It is important to emphasise that the commission respects absolutely the integrity of our processes, including the amnesty process, and that the amnesty committee must be allowed to go about its work in handling the application in exactly the same way as it would any other"

Family members of Heidelberg attack victims have questioned the credibility of the TRC in the wake of the controversy. One was quoted as saying he feared the TRC would grant amnesty to the three killers as a "reward"

However, TRC sources have pointed out that the granting or refusal of amnesty is the exclusive prerogative of the amnesty committee, of which Ntsebeza is not a member

A report in the Sunday Independent this weekend also questioned Sibaya's credibility. It alleged that the gardener, who reportedly earns only R450 a month, had a bank balance of more than R400 000, it said

The PAC on Friday labelled Sibaya an agent of the former government



### UNDER MICROSCOPE:

Dumisa Ntsebeza



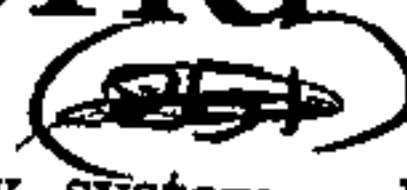
# Police to get world-class system

Lesley Stones

A R10m tender to devise a technology system to integrate the work of the police, courts and prison services has been awarded to a consortium led by IBM SA and US-based TRW

The contract is the first phase of the National Crime Prevention Strategy which could ultimately cost about R1bn and take at least three years to implement.

For the next six months IBM, system integration specialist TRW and local black partners Motswedi Technology, Everest Systems, Safika Technologies and CHM-Vuwani, will draw up a detailed architecture for the systems and business processes needed to create an integrated criminal justice system. Together the companies, operating as the Mulweli consortium, beat off rivals including Andersen Consulting and Deloitte & Touche.

(252)   
The strategy system will be able to track criminals from the moment of arrest and identification through to their release. "We will develop an architecture to integrate information systems across the police, justice, correctional services and welfare departments," said Roger Madison, IBM's GM for global government industry.

Once the systems were linked, information could be shared to improve response times and help people make well-informed decisions for issues such as bail hearings, probation or ensuring people's rights were not violated.

For the tender, the consortium presented a framework which IBM and TRW had implemented in several countries. But Madison said because SA had fewer existing IT systems to consolidate, the country could leapfrog straight into the most sophisticated developments. "In SA we have a unique

BD 3/11/97  
opportunity to implement an entire national system which will be world class," he said.

The Mulweli consortium will propose fast-track projects to achieve immediate improvements in the criminal justice system. One recommendation will be to implement an automated fingerprint identification system as the most foolproof way of identifying suspects.

Software proposed by the consortium would run on open computer systems rather than proprietary machines, so existing equipment would remain useful. "The departments have already made huge investments and our recommendation is to use open systems which will not require large amounts of equipment to be scrapped," Madison said.

Once the framework is complete, further tenders will be issued for supplying the chosen technology.

# Ntsebeza's post likely to top agenda

Drew Forrest

THE question of whether the commission's agenda of an emergency meeting in Cape Town today will commission is likely to be on the agenda of an emergency meeting in Cape Town today.

Also likely to be debated is the possibility of referring allegations of the 1998 killings to the 1998 Heidelberg Tax Agency's investigation into the post-hearing of three former Azanian Army members.

People's Liberation Army fighters that Ntsebeza drove the getaway car used by the Heidelberg Tavern gunmen Commission deputy chairman Alex Boraine said yesterday that perceived a cover-up of Ntsebeza's role in the commission's investigation into the 1998 killings.

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## agenda of emergency meeting today

to be taken of his ability to continue playing an important role in the commission. In addition, the long-term implications would have to be weighed as he had a potentially long career before him.

Asked whether he would not be weighed out of the long-term implications of removing a commissioner did not rule out this option, Boraine said "Nothing should be ignored." He conceded "with hindsight" that it might have been better to take the advice of former investigators.

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## emergency meeting today

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# Internship would alleviate financial strain on legal aid, says Chaskalson

Taryn Lamberti

THE Legal Aid Board, which is responsible for providing legal representation to all suspects who cannot afford to fund their own, had come under tremendous financial strain, Constitutional Court president Judge Arthur Chaskalson told members of the Transvaal Law Society on Friday.

Chaskalson suggested that the justice system introduce an internship for law graduates, similar to medical interns' practical training in state hospitals, to ease the Legal Aid Board's financial burden.

During the financial year 1990/91, the board had handled 21 306 criminal cases at a cost of R21,8m to the state. However, in the 1995/96 financial year, the board had handled 115 503 cases at a cost of R182,4m.

The board requested R326m for the current year and its projected budget for the next year was R415m, Chaskalson told the law society's general meeting on Friday. The finance department had indicated that funds were not available to meet this burden and ways had to be found of containing the expenditure on legal aid, he said.

Chaskalson, who recently returned from a trip to Canada and the UK, said the amount spent on legal aid in SA was far less than the amounts spent in other developed democracies. The legal aid budget in England and Wales for the current year was approximately \$1,4bn. Although their combined population was larger than SA's, the amount spent on legal aid per person was 20 times more than in SA.

In Toronto, Canada, there were also demands to curtail the expenditure on legal aid. At the end of the financial year 1993/94 the annual cost of legal aid for the province of Ontario alone, its population less than one quarter of SA's, had been \$321m.

Legal aid, particularly in criminal trials, is an integral part of a fair justice system and not a luxury, but it must compete with other basic needs for a share of the state budget," Chaskalson said.

As a solution, legal interns could be employed in offices of public defenders, law centres, university law clinics and other similar institutions. There were about 1 500 law graduates in SA a year. If 1 000 of them handled 100 trials a year, about 100 000 defences could be provided through the system. If 400 interns managed five straightforward appeals a week, about 100 000 appeals would be managed a year.

Young lawyers would not only gain the practical experience needed to supplement their theoretical training, but would also make a valuable contribution to the delivery of legal services to indigent persons," Chaskalson said.

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# Amnesty bid delayed as panellist pulls out

JOHN YELD  
ON THE TRUTH COMMISSION

ARG 3/11/97

(252)

**Port Elizabeth – The amnesty application by six former security policemen and two Askaris (turned MK guerrillas) for the murder of the Pebco three activists in May 1985, has been postponed until tomorrow.**

This is because one of the three members of the Truth Commission's amnesty panel, Cape Town advocate Denzil Potgieter, today decided to recuse himself after objections from legal representatives of the policemen involved.

Earlier, Mr Potgieter had been involved in the closed Section 29 Truth Commission inquiry in which controversial Vlakplaas Askari Joe Mamasela was questioned by investigators.

In a dramatic television interview last April, Mamasela told how he had seen the three Port Elizabeth Black Civic Organisation (Pebco) activists being brutally beaten to death by security policemen at the remote Post Chalmers police station outside Cradock, after being abducted from Port Elizabeth airport.

His version differs considerably from that of the amnesty applicant.

The legal representatives of the security policemen objected to Mr Potgieter's presence on the amnesty panel.

They told the media afterwards they did not dispute his integrity but that his presence could create the impression he had already made up his mind.

It was like a policeman investigating a murder and then also being involved as a judge in the subsequent trial, they suggested.





TUTU TOLD OF LIES

# TRC unit chief was framed, says witness

**EVEN THOUGH** the gardener now says police forced him to lie under oath, an independent probe may go ahead, reports **ROGER FRIEDMAN**.

**I**N THE Guguletu man who last week linked the head of the Truth and Reconciliation Commission's investigative unit, Mr Dumisa Ntsebeza, to the perpetrators of the Herberg Tavern attack, yesterday retracted his story and begged for forgiveness.

Mr Bennett Sibaya told TRC chief Archbishop Desmond Tutu he was ordered by members of the police to implicate Ntsebeza in being taken into custody shortly after the December 1993 attack and tortured.

When he was approached by commission investigators earlier this year he repeated the story in a statement to police in January 1994.

Of Sibaya's confession, Tutu said "It's really sad, very sad, but it shows there are people who stop at nothing to destroy the commission. We could gloat, but in fact I, as a priest, hurt for someone like him."

Tutu said Sibaya had begged to be allowed to see Ntsebeza to ask for his forgiveness personally. He was also apparently keen to tell the media.

Speaking under oath before the commission's committee on amnesty last week, Sibaya claimed to have seen Ntsebeza's car being used by the attackers. He also pointed Ntsebeza out as the driver of the car, after initially pointing out one of the members of the amnesty panel, and had some difficulty explaining his possession of property in the southern suburbs.

Tutu told a packed press conference yesterday after several hours of discussion with Sibaya. "He says he spent all of yesterday looking for me because he was living under a heavy burden of guilt. The fact of the matter is he says he was primed in January 1994 after being arrested, was given a photograph of Dumisa and told to compromise the registration number (of Ntsebeza's car). He is still sitting in my office."

Tutu's deputy, Dr Alex Boraine, described the Sibaya allegations as a "smoking pistol waiting to be discovered." Tutu and Boraine said Sibaya would be held



**TURNAROUND:** Archbishop Desmond Tutu in discussion yesterday with the TRC's investigative unit head Dumisa Ntsebeza. **PICTURE: BENNY GOOL**

accountable for his actions if he was found to have tried to mislead the commission. He could be charged with fraud.

Ntsebeza's lawyer, Ms Christene Qunta, said she had not yet discussed with her client whether to institute a claim for damages against Sibaya.

Hours earlier, a special commission meeting called in response to the allegations against Ntsebeza was interrupted by Tutu's personal assistant, who said Sibaya had called.

The meeting had already decided that President Nelson Mandela and Minister of Justice Mr Dullah Omar be asked to set up an independent inquiry into the allegations when they learnt the author of the allegations was in their midst to admit they were false.

Tutu stressed that Sibaya's recanting did not mean the independent inquiry was not necessary. The circumstances of his apparent perjury would form part of the brief of such an inquiry.

Tutu did not say whether Sibaya had revealed the names of his alleged police handlers. According to an investigation report handed in as evidence to the committee on amnesty last week, commission investigators had begun investigating Sibaya's claims after initially coming across an intelligence report signed by retired deputy police commissioner (Western Cape) General Nic Snyman.

Ntsebeza and Snyman are reportedly known to each other, having had dealings in the past in their respective roles as anti-apartheid lawyer and senior policeman. Snyman told an Afrikaans newspaper last week that the reason the allegations against Ntsebeza were not presented in court was that Ntsebeza lived in the then-Transkei and then-Transkei leader General Bantu Holomisa had refused investigators access.

Snyman was not at home last night. Another senior policeman named during last week's testimony, former murder and robbery unit head Superintendent Des Segal, died in a car crash earlier this year.

Tutu said the commission envisaged the appointment of an investigation team headed by "a high-profile figure with impeccable credentials and undoubted impartiality, such as a top advocate or even a judge of the Constitutional Court." He said both Mandela and Omar recognised the urgency of the matter and were to discuss it today.

"We believe that only such an investigation will clear the air, and its terms of reference need to include a full examination of whether the allegations against Mr Ntsebeza could possibly be part of a conspiracy to discredit the commission as it comes to the end of its work," Tutu said.

The press conference was attended by many curious members of the commission's staff, including investigator Captain John Lubbe who handled the Sibaya inquiry and concluded that the "eye-witness" seemed to be telling the truth.

Lubbe said he had been deeply hurt by insinuations he had been party to any attempt to harm Ntsebeza. Not once in his 20 years as an investigator had he ever prompted any witness to give false evidence, he said.

CT 4/11/97

(252)



# Law Society aims to smooth old racial rifts

of Deborah Fine

THE biggest challenge facing the Transvaal Law Society was the eradication of racial rifts which had divided attorneys in the past, society president Piet van Langenhoven said yesterday.

Langenhoven, a Vereeniging attorney, was re-elected president at the society's annual general meeting on Friday.

Langenhoven said the environment in which attorneys operated was "ripe for change" and that the society — membership of which was still drawn from all areas falling within the old Transvaal provincial boundaries — would have to address a number of "challenging" issues in the coming months.

The most important would be to continue restructuring so as to create a new and fully representative law society.

The aim was to incorporate members of the formerly whites-only Transvaal Law Society and members of the Black Lawyers Association and the National Association of Democratic Lawyers, the homes of attorneys from other racial groups under apartheid.

Other challenges included increasing pressure on the SA justice ministry from foreign attorneys seeking rights of audience in SA courts without first having to write qualifying examinations in SA and

calls to allow paralegals with no formal attorney's qualifications to handle minor court matters.

Langenhoven said the society would also have to address pressure from the Company Lawyers Association of SA to allow attorneys employed in the business sector as legal advisers to represent their employers in court action.

Traditionally, companies have had to employ attorneys outside of their organisations to appear in court on their behalf.

BD 4/11/97

(252)

Talks on this issue would be held

with the justice ministry later this week, he said.

Langenhoven said solutions would have to be found through careful negotiation. It was important to ensure that "the parties dealing with the public's legal affairs are properly qualified and maintain high standards of professionalism and independence."

Given the millions of rands handled by attorneys each year, it was also vital to maintain an environment with strict control mechanisms, he said.

# Legal wrangle delays the Pecco three truth hearings

PORT ELIZABETH — Lawyers for six former security policemen and two askaris seeking amnesty for the abduction and murder of the so-called Pecco three objected yesterday to the presence of truth commission member Denzil Potgieter on the panel hearing the applications.

An askari is a former Umkhonto we Sizwe soldier, turned police informant. The lawyers' objection forced the postponement of the amnesty hearing, which was due to start yesterday, while a replacement panel member was found.

The hearing is now due to get under way in Port Elizabeth's Centenary Hall this morning.

Amnesty panel chairman Judge Bernard Ngoepe said Potgieter refused himself from the hearing because of his earlier involvement in an in-camera hearing with self-confessed hit squad member Joe Mamasela.

Mamasela, who took part in the abduction of the Pecco three, alleges that the activists were beaten to death after being interrogated at a disused police station outside Cradock.

However, the policemen now seek-

ing amnesty for the murders claim in their applications that the three were shot after being given coffee spiked with sleeping tablets.

Port Elizabeth lawyer Francois van der Merwe, who represents several of the applicants, said Potgieter's presence on the panel could have been problematic.

While he did not object to Potgieter hearing the applications, he said it was important for the amnesty committee's activities to be seen as fair.

As Potgieter had been involved in the commission's investigation into the

Pecco matter, the impression may be created that he had already made up his mind about the applications before hearing the full story.

Sipho Hashe, Qaqawuli, Godolozu and Champion Galela, all members of the Port Elizabeth Black Civic Organisation, were abducted by security police from Port Elizabeth airport in May 1985 and taken to Port Chalmers police station, where they were interrogated and then shot.

Their bodies were burnt and the remains bagged and dumped into the Fish River. — Sapa

BS 4/11/97

(252)

# Truth body appeals for probe into Ntsebeza, despite 'confession'

Wyndham Hartley

CAPE TOWN — The truth commission has asked President Nelson Mandela to appoint an official inquiry into its investigative head, Dumisa Ntsebeza, despite a "dramatic admission" by his accuser yesterday that he had been primed to implicate Ntsebeza in the Heidelberg Tavern killings.

Commission chairman Desmond Tutu told a news briefing Mandela and Justice Minister Dullah Omar agreed on the need for a full-scale criminal investigation. Tutu said the probe had to look at the possibility that allegations against Ntsebeza were "part of a conspiracy to discredit the commission."

While an emergency special meeting of the full commission yesterday was finalising proceedings, he was told there was a phone call from Bennett Sibaya, who last week testified that Ntsebeza drove the getaway car used in the Heidelberg attack in 1993.

During a two-hour meeting with Sibaya in the presence of commission deputy chairman Alex Boraine and two investigators, Sibaya said he was under a burden of guilt because he was tortured and primed in 1994 to implicate Ntsebeza, Tutu said. Sibaya had claimed he had been forced to memorise pictures of Ntsebeza and the registration number of his car.

Sibaya wanted personally, and in public, to ask Ntsebeza for forgiveness and why they were now putting their plan into action, Tutu said. "For it to emerge at this stage is one of those interesting coincidences".

BD 4/11/97

(252)

Asked how the torture of Sibaya in 1994 could be part of a campaign to discredit the commission, which did not exist then, Tutu said this was one of the reasons the commission wanted the independent investigation.

The emergency meeting expressed its faith in Ntsebeza and reaffirmed its faith in the commission's processes. Ntsebeza would be asked to recuse himself from matters to do with the Azanian People's Liberation Army, of which the Heidelberg amnesty applicants said they were members.

Tutu said the reason an independent investigation had been called in wash, or that the commission was investigating itself. The commission was asked that a high profile person with impeccable credentials and "undoubted impartiality such as a Constitutional Court judge" be appointed.

The commission wanted the probe concluded this month, before the Heidelberg amnesty hearings resumed.

See Page 6



# TRC hears of minister's 'plan' for activists

JOHN YELD  
ON THE TRUTH COMMISSION

Port Elizabeth - Former law and order minister Louis le Grange told Eastern Cape security police chief Harold Shnyman to "make a plan" when he complained to him during a private meeting in Cradock that legal options to counter anti-apartheid activists were ineffective.

This was interpreted by the security police as authority to assassinate the activists

This was evidence today at the Truth Commission's amnesty hearing where six former security policemen and two former Askaris (turned ANC guerrillas working for the police) are seeking amnesty for abducting and murdering three Port Elizabeth Black Civic Organisation (Pebco) activists

The "Pebco Three" - Sipho Hashe, Chapion Galela and Gqagawulu Godolozu - were lured to Port Elizabeth airport on May 5 1985 on the pretext that a British diplomat wanted to meet them

They were abducted from the airport by a security police team and taken to the remote Post Chalmers police station outside Cradock

Those seeking amnesty are former Port Elizabeth security policemen Sergeant Gerhardus Lotz, Colonel Harold Shnyman, Captain Sakkie van Zyl, Colonel Gideon Nieuwoudt and Colonel Hermannus du Plessis, former Vlakplaas security policeman Gerhardus Beeslaar and Askaris Kumpani Peter Mogoai and Johannes Kooile

In their amnesty applications some of the security policemen admit drug-ging the three activists before shooting them and then burning their bodies on

a pyre and dumping the remains in the Fish River in plastic bags

They also admitted questioning the three but denied ill-treating them in any way

But in a dramatic television interview last year, former Vlakplaas Askari Joe Mamasela told a different version of the three Pebco men's deaths

Mamasela, who has not applied for amnesty for the deaths of the Pebco Three, has been subpoenaed to appear at the amnesty hearing on Monday

It is understood that his version of events is supported by at least one of the two Askaris who are applying for amnesty

Today, Colonel Du Plessis, who had been in charge of the "black affairs" section of the Eastern Cape security police with the rank of captain, said

Port Elizabeth had been "ungovernable" in 1985 because of the activities of Pebco-aligned organisations

"Pebco was in control. There was a war going on and they had won it," he said

He said intimidation and fear of "necklacing" meant no one was prepared to testify against activists in court and other methods such as house arrest were ineffective because the townships were "ungovernable" and police could not enforce restrictions.

He had, therefore suggested to Colonel Shnyman that the Pebco leaders should be killed

Although Colonel Shnyman had not ordered him directly to kill the three men, he had replied that he realised nothing else would work "and that I should proceed in the best interests of the country"

APR 4/11/97 (252)

# Kiss-and-make-up time for Ntsebeza and accuser

JOSEPH ARANES  
STAFF REPORTER

**Truth Commission investigation unit head Dumisa Ntsebeza and his accuser Bennet Sibaya hugged and made up at a media conference today.**

Last week at the amnesty hearing of three Azanian People's Liberation Army cadres, Mr Sibaya fingered Mr Ntsebeza as being the driver of a getaway car in the December 1993 Heidelberg Tavern massacre

Yesterday the Guguletu gardener retracted his allegations, saying he was taken into custody soon after the tavern attack and tortured by police who forced him to make a statement implicating Mr Ntsebeza

Today Mr Sibaya wanted to tell the world he had lied but was urged by TRC chairman Archbishop Desmond Tutu to first get legal counsel before making any public announcements

Archbishop Tutu said Mr Sibaya had made certain statements under oath at the

ARG 4/11/97 (252)  
amnesty hearing, which he had later denied, and could face perjury charges

Mr Sibaya first shook Mr Ntsebeza's hand before giving him a bear hug "I feel liberated now that I have asked for your forgiveness our enemies wanted to divide us but we are united again"

Mr Ntsebeza said it was tempting to tell his detractors he had told them so, but that this was not the moment given the purpose, aims and work of the Truth Commission.

"I was put on trial and the well-established convention of the presumption of innocence was swept away I had to prove my innocence I have no problems forgiving Mr Sibaya as he is just one of many victims of the apartheid regime's dirty tricks campaign"

Archbishop Tutu said during the past week the commission "went to hell and back", paying the price for being part of the process of healing the land

Picture page 5

# Police made me lie, says 'getaway car' witness

By ROBERT BRAND

Truth and Reconciliation Commission investigations head Dumisa Ntsebeza may have been the victim of a plot by former top police officers to frame him with the ultimate aim of discrediting the commission, The Star has learnt

Fingers are being pointed at two former police generals following a dramatic about-face yesterday by Bennet Sibaya, the Gugulethu gardener who implicated Ntsebeza in the 1993 Heidelberg Tavern attack

Sibaya told TRC chairman Archbishop Desmond Tutu he had lied when he implicated Ntsebeza and that the police had put him up to it.

Sibaya's turnabout came after the TRC had decided to ask the Government to launch a top-level independent investigation to probe the allegations against Ntsebeza

The investigation will go ahead, but a major focus will now be the possibility that false information was leaked by top policemen to discredit the TRC

Tutu said the episode showed "there are people who will stop at nothing to discredit the commission" We believe only such an investigation will



Victim of lies? ... TRC investigation head Dumisa Ntsebeza.

clear the air and its terms of reference need to include a full examination of whether the allegations against Mr Ntsebeza could possibly be part of a conspiracy to discredit the commission"

TRC sources said Ntsebeza believed policemen involved in the Heidelberg investigation were behind Sibaya's allegations Among those named by the sources are General Nic Snyman, former deputy regional commissioner of the Western Cape, and retired General Johan le Roux, former

head of the police's crime investigations unit. Neither could be reached for comment last night.

During 1994, when Sibaya first made his allegations, Ntsebeza acted as an attorney for former Transkei leader Bantu Holomisa, who was suing police for claims that his government had been providing logistical support for Apla guerrillas.

The lawsuit was dropped, and so was Sibaya's evidence, which was not used in the trial of the three Apla cadres convicted of

the Heidelberg killings

Information about Sibaya's claims were leaked to certain newspapers this year, and he was subpoenaed to testify at the amnesty hearing of the three Apla cadres last week, where he repeated his claims

He said he had seen Ntsebeza driving the getaway car and had memorised his registration number The three cadres denied Ntsebeza was involved.

Tutu told a media briefing in Cape Town yesterday that Sibaya had come into the TRC's offices and said he had "been primed in January 1994" to link Ntsebeza to the attack after being tortured Sibaya claimed he was given Ntsebeza's photograph and told to memorise his car registration number

Tutu announced that President Mandela and Justice Minister Dullah Omar had agreed to launch an inquiry to probe the allegations against Ntsebeza and the way the police and the TRC had handled the matter

The TRC unanimously backed Ntsebeza at an emergency meeting held yesterday to discuss his position, Tutu said "This must not be construed, however, as representing a judgment on the facts in the current matter," he added.

(252)

Star 4/11/97



# TRC investigator relives his 'torture'

ARLS 2/11/97 (252)

**ASHLEY SMITH**  
STAFF REPORTER

Truth Commission investigator John Lubbe told a press conference that he had suffered emotional torture at the hands of "certain" colleagues who accused him of being involved in a plot to discredit TRC investigations head Dumisa Ntsebeza.

Minutes after TRC chairman Desmond Tutu announced yesterday that Guguletu gardener Bennet Sibaya had retracted his statement implicating Mr Ntsebeza in the 1993 Heidelberg Tavern attack, Mr Lubbe could keep his silence no longer.

In an emotional outburst he said he had been "hurt deep down in my spirit" by accusations that he had "planted" Mr Sibaya to make the allegations against Mr Ntsebeza.

Addressing a packed press conference Mr Lubbe admitted he had been reluctant to investigate the tavern attack in the first place.

He said he had spoken to Mr Sibaya for two hours prior to last week's amnesty hearing during which the Guguletu man alleged that Mr Ntsebeza had driven a getaway car after the attack.

Archbishop Tutu had earlier told the press conference that Mr Sibaya had tearfully confessed to him that he had been tortured into linking Mr Ntsebeza to the attack in January 1994.

Mr Sibaya testified at the amnesty hearing of the three men responsible for the Heidelberg attack that he saw Mr Ntsebeza driving their getaway car and had memorised the registration

number. Archbishop Tutu said Mr Sibaya had told him yesterday that he had been given Mr Ntsebeza's photograph and was told to memorise his car registration number.

He said Mr Sibaya had begged him to call Mr Ntsebeza so that he could ask his forgiveness, and wanted to make a public apology.

However, Mr Lubbe said the commission never "came forward to ask" how he felt about the accusations that he had "prompted" Mr Sibaya into making his initial accusations.

"Not once in my 20 years as an investigator have I prompted people to point out other people

"My job might be at stake, but I must say this," he said.

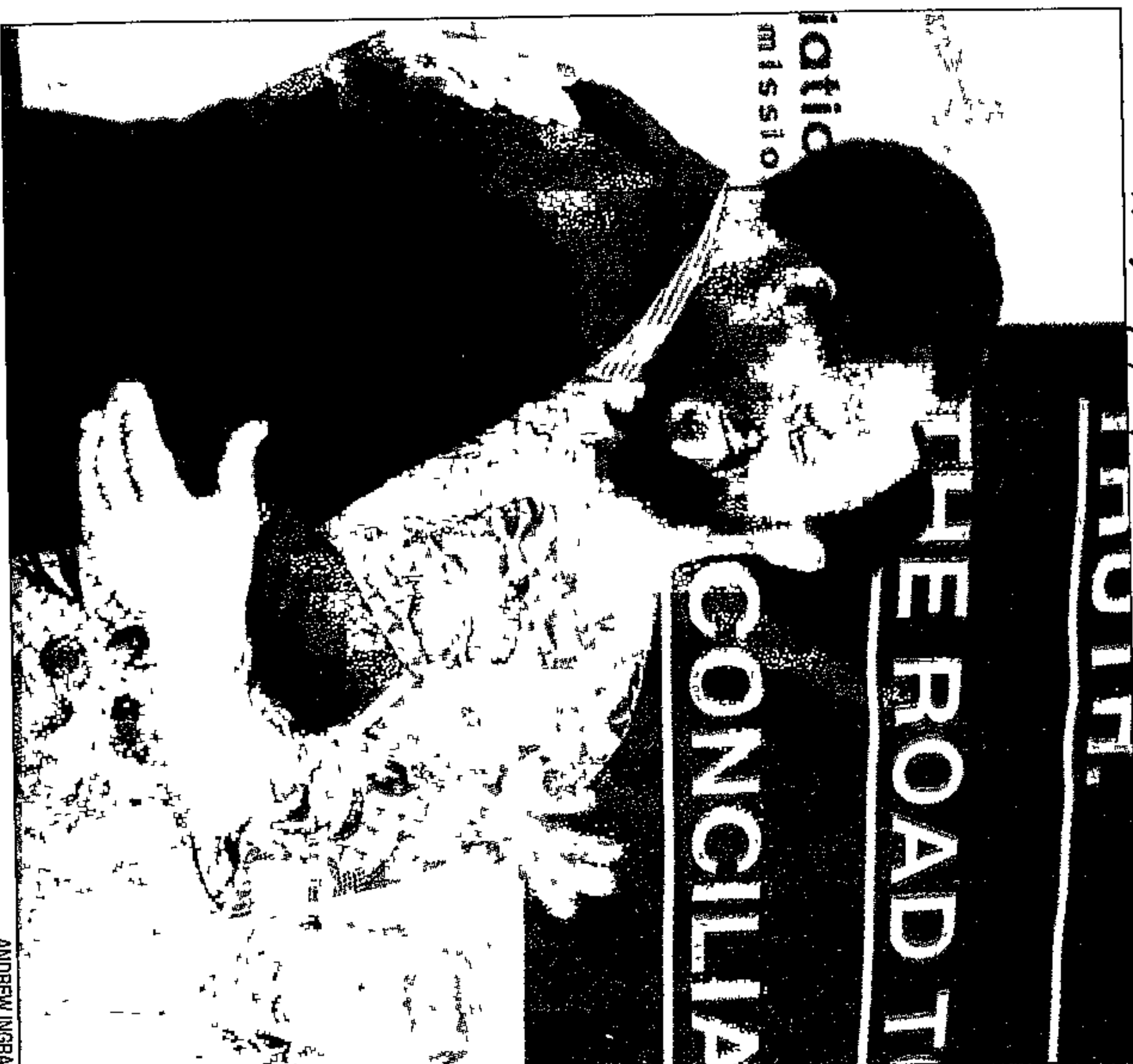
Turning to Mr Ntsebeza, Mr Lubbe assured him the accusations which had been spread by "certain people" that he wanted to discredit the investigations head were untrue.

Archbishop Tutu said "The shock and trauma which this has caused for Commissioners and staff has reminded us anew of how painful the process of searching for the truth and promoting reconciliation can be".

Archbishop Tutu announced that the commission had approached President Mandela and Justice Minister Dullah Omar to appoint a top-level independent inquiry to probe the allegations against Mr Ntsebeza.

The way the police and the TRC had handled the matter would also come under scrutiny during the inquiry, he said.

While the independent probe was under way, Mr Ntsebeza would be



**Reconciliation:** Guguletu gardener Bennet Sibaya, left, embraces TRC chief investigator Dumisa Ntsebeza as deputy commission chairman Alex Boraine looks on

asked to "recuse himself from any investigations involving members of the Azanian Liberation Army (Apla) members". Archbishop Tutu said the TRC urged the appointment of a high-profile figure with impeccable credentials, such as a top advocate or a Constitutional Court judge, to head the inquiry into the incident.

GARDENER DECLINES TO NAME ALLEGED TORTURERS

# Goldstone to head probe into Sibaya

CONSTITUTIONAL COURT JUDGE Richard Goldstone is to head the inquiry into the false accusations made against the head of the TRC investigative unit **ROGER FRIEDMAN** reports.

**G**UGULETU gardener Mr Bennett Sibaya who last week falsely implicated Mr Dumisa Ntsebeza in the Heidelberg Tavern attack, yesterday embraced Ntsebeza and blamed unnamed "enemies" for attempting to drive a wedge between them. Ntsebeza looked sceptical, but said "I haven't got a problem with forgiving Mr Sibaya, that's why I came to the commission in the first place. I understand that he's just one of many, many victims of manipulation."

Yesterday's embrace was a re-enactment of a meeting between the two men the previous night, which was described by commission head Archbishop Desmond Tutu as "poignant". On Monday Sibaya retracted his allegations against Ntsebeza saying he had been put up to it by the police after being tortured in January 1994. He wanted to tell all to the media yesterday but was persuaded to first speak to a lawyer. Mr Steve Kahane of the Legal Resources Centre evidently persuaded Sibaya not to say anything.

While Sibaya was happy to hug Ntsebeza before the gathered media and commission staff, he was unwilling to answer questions or name his alleged police handlers.

Tutu who described the past week as "horrible" and said Ntsebeza had been "to hell and back", paid a warm tribute to everyone attached to the commission, who had endured more than a year of extremely painful and difficult experiences. He called them "the wounded healers of our land". "As long as you are seen to be among those working against evil the devil will surely be very active among you," he said. "Don't allow her!"

Meanwhile, our correspondent in Johannesburg reports that allegations of a conspiracy to discredit the Truth and Reconciliation Commission are expected to be a major focus of Mr Justice Richard Goldstone's investigation into accusations that Ntsebeza was involved in the Heidelberg Tavern attack. Yesterday, Judge Goldstone was appointed by President Nelson Mandela to head a commission of inquiry to investigate Sibaya's claim that police had forced him to implicate Ntsebeza falsely in the tavern attack.



The unusual step of appointing a Constitutional Court judge to head the commission was a measure of the government's "grave concern" about the matter, Justice Minister Mr Dullah Omar said. "I appreciate that in general judges of the Constitutional Court should not be asked to serve on commissions. This is, however, seen to be an exceptional case in that the work of the TRC has both national and international ramifications and repercussions."

Tutu asked the government to appoint a top-level inquiry after Sibaya retracted his accusation, made under oath last week, that Ntsebeza had driven the getaway vehicle used by three Apla cadres responsible for the 1993 Heidelberg attack. Four people died when the Apla cadres sprayed bullets and threw grenades into the crowded pub. Sibaya told Tutu that police investigating the attack in 1994 had tortured him and forced him to memorise the registration number of Ntsebeza's car, as well as a photograph of Ntsebeza. At the time, Ntsebeza was acting as an attorney for then Transkei leader Mr Bantu Holomisa, who was suing the police for allegations that his government was providing support for Apla "terrorists".

CT 5/11/97

(304A)

(252)

CT 5/11/97





**TRUTH AND RECONCILIATION?:** Truth Commission chairman Archbishop Desmond Tutu addresses journalists after a meeting yesterday between Guguletu gardener Bennett Sibaya (left) and TRC investigations chief Dumisa Ntsebeza (right) PICTURE BENNY GOOL

## Ntsebeza 'revolted by DP paternalism'

**ROGER FRIEDMAN**

**FALSELY-ACCUSED** senior member of the Truth and Reconciliation Commission Mr Dumisa Ntsebeza attacked the Democratic Party yesterday for what he called "revolting paternalism"

The DP issued a statement last week calling for both Ntsebeza and his accuser in the Heidelberg Tavern matter, Guguletu gardener Mr Bennett Sibaya, to take lie-detector tests

After Sibaya's allegations last Wednesday Ms Dene Smuts of the DP said "What was needed from Mr Ntsebeza at the hearing especially from the point of view of the victims, was a clear, convincing statement to dispel allegations that he may have been involved in the Heidelberg Tavern massacre It is perhaps not too much to ask whether he would submit to a polygraph test alongside Mr Sibaya"

Ntsebeza said yesterday, the day after Sibaya retracted his false evidence to the commission's amnesty committee implicating him in the Heidelberg Tavern attack, that he was shocked at the DP's statement

"It demonstrated one of the worst forms of paternalism, in a revolting sort of way," he said

## Who's-who of lawyers singled out

(252) CT 5/11/97

**MURRAY WILLIAMS**

**DURBAN.** In its investigations into the activities of the former government's State Security Council (SSC), the Truth and Reconciliation Commission has uncovered a list of "politically sensitive" human rights lawyers targeted for varying degrees of censure by the apartheid state

The list appears in the minutes of a routine SSC meeting on September 8, 1986 — at which 53 individuals were singled out for special attention

The list made its appearance as the country's security forces began to exercise the powers afforded them by the numerous states of emergency declared during the 1980s

In addition to members of the legal profession were members of the opposition in Parliament (Dr Frederick van Zyl Slabbert and Mr Alex Borain), members of the clergy (Archbishop Desmond Tutu, Dr Alan Boesak, Dr Beyers Naude and Archbishop Denis Hurley) and leaders of trade unions and extra-parliamentary organisations such as the Black Sash

The list came at a time of great legal activism, when human rights lawyers were using all legal means available to them to protect their clients from emergency legislation and to prevent further erosions into the rule of law

This included, for example, challenging section 29 of the Internal Security Act under which the police were given the power to detain political activists

Through the courts, lawyers forced the police to give objective and justifiable reasons for detentions

In particular, interdicts were sought preventing the police from torture or assault of detainees

The challenges to emergency legislation and successes in restricting the abuse of power by the police prompted the state to target human rights lawyers and their various organisations — as reflected in the state security council documents

The SSC at the time comprised state president Mr P W Botha, law and order minister, Mr Louis le Grange, transport minister Mr Ben Schoeman, defence minister Mr Magnus Malan, the directors-general of national intelligence, justice and foreign affairs, and the heads of the former SADF and SAP

Ten additional cabinet ministers were present to discuss security-related matters

The list was divided into five categories denoting the level of action to be taken against the activists

While the exact nature of the action was unspecified, the categories ranged from "intensive investigation", to "detention" or "Stratcom" action by the former South African Police

Former minister of law and order Adnaan Vlok confirmed at the TRC's recent SSC hearings that while Stratcom operations typically involved measures such as smear campaigns, they could have led to more serious, illegal activities, including assassinations

The full list is

### DETENTION.

BARAYI, E — Cosatu  
MAYEKISO, JM — Cosatu

### RESTRICTION:

NAUDE, B (also cutting of funds) — clergy  
MANDELA, W (also cutting of funds) — wife of imprisoned ANC leader (former deputy minister)  
BOESAK, A (plus withdrawal of passport) — clergy  
KISTNER, W  
NASH, M (plus withdrawal of passport) — Christian activist  
PATAL, E S — Natal Indian Congress  
SEWPERSHAD, G — Natal Indian Congress  
AYOB, IM — lawyer  
JANA, DP — lawyer  
PATEL, NG

### RESTRICTION AND STRATCOM PLAN:

OMAR, AM (investigate for detention) — lawyer (cabinet minister)

### STRATCOM:

DLAMINI, C — union leader  
NAIDOO, J — union leader (cabinet minister)  
RAMAPHOSA, MC — union leader  
TUTU, D (also cutting of funds) — clergy (chairperson TRC)  
HURLEY, D - clergy  
SATCHWELL, KM - lawyer  
BAM, FC — lawyer (judge)  
VAN ZYL SLABBERT, F — Leader of the Opposition  
"BORAIN", A — Member of Parliament (deputy chairperson TRC)  
MOTLANA, HN — civics leader

CONTINUED/ONGOING

### INVESTIGATION:

MOLATSI, JT  
"MUFAMADI", S — union leader (cabinet minister)  
JOSEPH, H — Congress of Democrats  
MOROTOLO, T  
SHEZI, T  
PHALANG, L  
SEGONI, I  
DUGARD, CJR - lawyer  
BUDLENDER, GM - lawyer  
NICHOLSON, CR — lawyer (judge)  
MARCUS, GJ — lawyer  
MANOIM, NM — newspaper editor  
PILLAY, N ("Navy")  
KAHANOVITZ, SP — lawyer  
NUPEN, CD — lawyer (former head of CCMA)

EBRAHIM, J  
BRACHER, J  
BURTON, M (investigate in order to restrict) — Black Sash (commissioner TRC)

### INTENSIVE INVESTIGATION:

KUNY, DA ("ook Stratkom") — lawyer  
LYSTER, RM — lawyer (commissioner TRC)  
CHASKALSON, A — lawyer (head of the Constitutional Court)  
TUCKER, RJ — lawyer  
TIP, KS — lawyer  
ALBERTYN, CJ — lawyer  
CHEADLE, MH — (professor of law University of the Witwatersrand)  
HYSOM, NRL — lawyer (legal advisor to the President)  
KENTRIDGE, S — lawyer (judge Constitutional Court)  
VAWDA, Y  
BIZOS, G — lawyer  
BUGWANDEEN, R (also Statcom action)

## HIGH COURT ROLL

### THIRD DIVISION

**Court No 16**  
Rule nisi  
D P v I F Schroeder — Interim custody  
Leonard Cohen NO and another v A Grobler and another — sequestration  
Leonard Cohen NO and another v D Mentz — sequestration  
P D v G C Glover — sequestration  
Schwarzland Auto Haus (Edms) Bpk v G Steenkamp — sequestration  
Leonard Cohen NO and another v F J Smook — sequestration  
Active Civil (Pty) Ltd v Simola Golf & Country Estate (Pty) Ltd — liquidation  
R E Davies v Autochamp Holdings (Pty) Limited — liquidation  
P J Davies v Champion readers (Pty) Limited — liquidation  
F U Harrys v Metal Processing Technology BK — liquidation  
Warwick Myles Smith-Chandler v Your Own Business Magazine (Pty) Limited — liquidation  
Stanbridge Plant Hire (Edms) Beperk v Single Sample Sources BK h/a Mashakane Civil Projects — liquidation

### Default Judgment

Standard Bank of South Africa Ltd v R S le Roux — monies lent  
SA Mutual Life Assurance Society v Pierre Bester t/a Finlaw Brokers and two others — agreement  
South African Mutual Life Assurance Society v Marina McDaniel t/a Bond Sure Brokers — monies owing

### Summary Judgment

First National Mortgagees Nominees (Proprietary) Limited v U Dollie — mortgage bond  
D P Visser v H Foune — agreement  
**Applications**  
J L Bowman v B D Steele — sequestration  
E M Gaertner Trading CC v Tradelink International CC — liquidation  
D M C International (Proprietary) Limited — liquidation  
Macraill Timbers (Proprietary) Limited v Agrinwoods CC — liquidation  
Investec Bank Limited v Saldanha Mews CC — liquidation  
P van der Bank — rehabilitation  
B S Gambarana — rehabilitation  
M v M S Benjamin — substituted service

S Swartbooi — curator bonis  
Bernard Gutman NO v H Ebrahim — declaratory order  
D C F Heese — declaratory order  
S v G B Villet — variation of court order  
Malaysian International Shipping Corporation Berhad v The Cargo lately

laden on board the motor vessel Bunga Mas Tiga — sale of cargo  
P A and G Kopper — variation of court order

The Sheriff for the Magisterial District of the Cape and another v The Fund comprising the proceeds of the judicial sale of the MV Chile ("The Fund") — confirm referees report

### Divorces

G D v J T Africa, J M v F Alcock, A v B M Baron, T v J M Bindeman, M v D Blauw, A v I Carolus, A v M Corro, E M v W M Day, P v V R E Dietrich, G L v A M Ferreira, A v S S Fortuin, T B v D A Fortune, T M v G E Fox, S v P Gomas, M v I M Haddow, P v M Hanslo, D A v C Haynie, C M v T Lee Heilmann, E A v G C B Jassen, N v G V Koen, A A v B Laubscher, M v I R Lawson, J U v H Lottering, E N v S M Makasi, A v M Martin, J v A T Meyer, A v R Moses, C v M Rustin, R A v B N Samuels, E G v P Schalk, A W v M I Segers, E G v G S Shephard, V v K H van der Schyff, P v G A Wallace

M C D v W H Scholtz — Rule 43

### FOURTH DIVISION

**Civil trials**  
Man Truck & Bus (SA) (Pty) Ltd v Walters Robert NO and another — interdict  
John Pritchards and another v F Cloete and 11 others — declaratory order

J F Immelman v A W Immelman — divorce  
Fleet Transportation Systems Inc v C H Yates-Smith and three others — interdict

Y E Retief v J F Retief — declaratory order  
M S Jacoon Insurance Co of SA — damages

J Lategan v M P Myburgh and another — monies owing

J L v G J Smit — divorce  
R J v J D Romberg — divorce  
D Williams v M M V A F  
B G Roberts v Santam Beperk — damages

**Opposed motion roll**  
Alcan Aluminium Limited v Alcon Aluminium CC — interdict

**Criminal sessions**  
B Division The State v M Mpengesi  
D Division The State v T Luyt  
E Division The State v L Chavulla and four others  
H Division The State v E M Fortuin  
J Division The State v M B Mbewu

(The High Court Roll is published as received from the Registrar, without prejudice and in good faith)



# Police 'killed activists after minister gave go-ahead'

PORT ELIZABETH — Eastern Cape court police murdered the Pebeo three after receiving clearance from the late law and order minister Louis Le Grange to "make a plan" where police met and failed to curb unrest.

This was the evidence of former security policeman Col Herman du Plessis to the truth commissioner's amnesty committee in Port Elizabeth yesterday. Du Plessis admitted planning and directing the murders, saying he hoped the deaths of activists Sipho Hashe, Jagarulu Godolozzi and Champion Gabela would see the end of the Port Elizabeth Black Civic Organisation.

Under cross-examination he conceded he had made a gross miscalculation, because Pebeo survived until the 1994 elections, when it dissolved. Du Plessis described sprawling unrest, with the police failing to maintain law and order with the legal methods available to them.

In 1985, Pebeo succeeded in taking effective control of the city by establishing alternative local government structures in townships through street and area committees.

The organisation responded to the detention of its members by launching school, bus and consumer boycotts that forced the police to negotiate settlements or release the detainees.

"In spite of draconian legislation, police were not successful in curbing the situation," Du Plessis said. Port Elizabeth's security police chief at the time, Col Harold Snyman, who has also applied for amnesty for the murders, complained about the situation to Le Grange at a private meeting in Cradock.

Le Grange's response, Snyman later told Du Plessis, was to suggest that Eastern Cape police "make a plan" to bring the situation under control. "I interpreted make a plan to mean to kill them," Du Plessis said. He believed the only option to

go-ahead' (252) 511197

normalise the security situation was to neutralise Pebeo's leadership. He proposed this to Snyman, who agreed.

"I interpreted this as an instruction to go ahead and eliminate them," Hashe, Godolozzi and Gabela were lured to Port Elizabeth airport on May 9 1985, by a police informer posing as a British embassy official. They were abducted by a Vlakplaat team headed by Col Koelof Venter, who has also applied for amnesty, and taken to a disused police station near Cradock.

The three men were interrogated and shot. Du Plessis said he visited them before their executions and found them to be in good health.

His evidence was contradicted by fellow amnesty applicants, former Vlakplaat agent Johannes Koole and askar Peter Mogora, who took part in the abductions and were present during the subsequent interrogation.

Their lawyer, Albert Lamey, said his clients would testify that the activists were tortured before being killed. Hashe was beaten so severely that his head swelled.

Pule Molebele reports that acting ANC secretary-general Cheryl Carolus announced that the ANC felt it critical to support measures taken by the truth commission to investigate allegations against the head of the body's investigative unit, Dumusa Ntsebeza. A gardener, Bennet Sibuya, implicated Ntsebeza in the Heidelberg attack when he alleged that Ntsebeza drove the getaway car used in the 1993 lawn attack.

Carolus said the meeting expressed concern about the "inconsistencies" in the allegations levelled against Ntsebeza which might be part of the broader strategy to undermine the integrity and entire process of the commission. Carolus also revealed that the ANC would be meeting the commission on Friday to discuss concerns raised in their earlier submissions.

# Goldstone to probe commission perjury

(252) 511197

STEPHEN LAUER (252) 511197

JUDGE Richard Goldstone was named yesterday to head an investigation into the circumstances surrounding false allegations that truth commissioner Dumusa Ntsebeza was involved in a 1993 armed Azanian People's Liberation Army (Apla) attack.

The appointment came as the man who had implicated Ntsebeza during last week's amnesty applications by three Apla members publicly apologised for having wrongly accused him.

Gugulethu gardener Bennet Sibuya embraced the commissioner at a news conference and called him his brother. Commission chairman Archbishop Desmond Tutu said on Monday Sibuya had confessed to him that he had lied when he said he saw Ntsebeza driving the getaway car after the Apla attack on Cape Town's Heidelberg Tavern.

Tutu said Sibuya claimed that he had been tortured and primed to make the statement. A justice ministry announcement said President Nelson Mandela had noted "with grave concern" Sibuya's admission that he had given false testimony. Because the matter was viewed in an extremely serious light and the commissioner's work had national and international repercussions, the government had taken the unusual step of appointing a Constitutional Court judge to head the investigation.

Goldstone said he hoped to finalise the terms of reference of the investigation today. The matter was extremely urgent and he hoped to clear it up by the end of the month. He said it was not yet possible to say which direction the investigation would take, but there were possible parallels with his earlier commission of inquiry into third force activities in SA.

The police were "certain" to be an area of investigation. Drew Forrest reports that commission spokesman John Allen said yesterday the commission had not discussed whether to lay a charge against Sibuya, who faces a maximum two-year jail sentence in terms of the Promotion of National Unity and Reconciliation Act, for willfully furnishing the commission with false information. Allen said Sibuya had initially rejected commission suggestions that he take independent legal advice, saying he wanted only to apologise to Ntsebeza in front of the media. The commission had then brought in a lawyer from the Legal Resources Centre to brief Sibuya on his rights.

On the strength of this consultation, he declined to answer questions why he had perjured himself and who had primed him to do so. Comment: Page 15



Britain's Prince Charles, second right, chats with members of the public with the station commander of the local police station Director Garnier Danzack right, outside the Ntsebeza residence near Prince Town.

# Steenkamp to serve six years for theft and fraud

Linda Ensor

CAPE TOWN — Former Foundation for Peace and Justice bookkeeper, Freddie Steenkamp, 41, was sentenced in the Cape Town High Court yesterday to six years' imprisonment on five counts of fraud and one of theft of R906 000.

Steenkamp pleaded guilty to the charges, which included misrepresentation of the financial affairs of the foundation and the Children's Trust to their foreign donors. Judge La Rose-Innes rejected the defence proposal of a corrective supervision sentence as being unsuited to the nature of the crime.

While he accepted that Steenkamp had aided the behaviour of the foundation's director, Allan Boesak, in wanting to live in a luxurious house, drive an expensive car and wear expensive clothes, he said this was not in itself a mitigating factor as Steenkamp knew

funds and Steenkamp should have known this was morally wrong. The judge stressed that while he gave Steenkamp the benefit of the doubt regarding his testimony, Boesak was not before court and could not dispute the prejudicial allegations made against him.

Therefore the court made no findings about his actions and the evidence presented could not be used in any other court case, the judge said. Boesak's case on 32 charges of fraud and theft is due to begin in February.

The judge also rejected Steenkamp's claim that the 115 thefts over three years were personal loans. "In the end he took so much he could not pay it back," Rose-Innes said. In the 1993/94 year, Steenkamp, anticipating the demise of the foundation and the drying up of donor funds, took about R500 000 in a bid to secure his financial future. He acquired assets to start up an estate agency and car

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# Prisoners stage court boycotts

Farouk Chothia

(252)

20 6/11/97

DURBAN — Awaiting trial prisoners in parts of northern KwaZulu-Natal had been boycotting court appearances since Monday to demand speedier trials, correctional services department spokesman Philemon Ntuli said yesterday.

He said senior officials from the department, the KwaZulu-Natal attorney-general's office, and the SA Police Service (SAPS) would visit Empangeni Prison today to hear the prisoners' grievances.

SA Prisoners' Organisation for Human Rights (Sapohr) KwaZulu-Natal chairman Derrick Mdluli said that the prisoners believed their constitutional right to a speedy trial was being breached because they were in jail, awaiting trial, some of them for up to two years.

"This is a sentence without trial," Mdluli said.



# TRC may be target of dirty tricks - Tutu

(252)

ARLT 5/11/97

JOHN YELD

The Truth Commission is vulnerable to "dirty tricks" and there may be people who are trying to undermine and discredit it before its final report appears next July, says chairman Desmond Tutu.

He was speaking in a radio interview after the dramatic admission by Guguletu gardener Bennett Sibaya this week that he had falsely implicated the head of the commission's investigative unit, Dumisa Ntsebeza, in the Apla attack on the Heidelberg Tavern in Observatory in December 1993.

Yesterday, Mr Sibaya apologised to Mr Ntsebeza and shook hands with him.

Archbishop Tutu remarked: "We (the commission) have had a rough time, but, particularly for Dumisa, it must have been hell."

He said the fact that commission investigators had found Mr Sibaya's statement implicating Mr Ntsebeza in police files was proof of the integrity of the investigative process.

The commission would follow leads wherever these went and irrespective of



Rough times:  
Desmond Tutu

who was implicated "So there is nothing sinister in the fact that these guys found this piece of evidence."

Archbishop Tutu said the commission was vulnerable to "dirty tricks" "It's made up of human beings who also have weaknesses and there are people who will do anything to exploit this. There may be people who are trying to undermine the commission."

One of the tasks of the independent investigation which the commission had asked President Mandela to institute would be to see whether there was any deliberate attempt to discredit the commission before it produced its final report.

■ Archbishop Tutu laughed when asked for his reaction to being snubbed by the Cape Town City Council after the failed attempt to award him the Freedom of the City.

"Maybe they are a little bit jealous that I still have a house in Soweto," he quipped. He knew many people in Cape Town had "a soft spot in their hearts" for him and said Capetonians were embarrassed by the council's behaviour. But he added that the snub could be a way of keeping him humble.



# Colonel admits lying in court over 'Pebco 3'

## Words 'amaze' judge

ARC 5/11/97

Port Elizabeth - A senior security police colonel told the Truth Commission today he had lied in an affidavit to the Supreme Court during an attempt to force police to produce the missing "Pebco Three" activists.

Hermanus du Plessis was head of the black affairs section of the Eastern Cape security police in May 1985 when he and several colleagues abducted and murdered Sipho Hashe, Champion Galela and Qaqawuli Godolozu, who were leaders of the Port Elizabeth Black Civic Organisation (Pebco)

The family of Mr Godolozu brought three separate Supreme Court applications after several witnesses claimed to have seen the activists being abducted from the airport or being held in police custody in different places

Colonel Du Plessis, who is one of seven former security policemen and an Askari (a turned African National Congress guerrilla) seeking amnesty for the abduction and murder of the three, confirmed to the Truth Commission's amnesty committee that he had been involved in some of the court applications and that he had made an affidavit

In this affidavit he had stated that the security police had not considered Mr Godolozu "a big fish" - contrary to his evidence to the amnesty committee yesterday - and denying "most strongly" that he (Mr Godolozu) had been arrested or held by the security police



### ON THE TRUTH COMMISSION

"In short, that part is a lie," he said in response to a question by Belinda Hartle, who is appearing for the family.

Mr Justice Bernard Ngoepe, who is chairman of the amnesty panel hearing the security policemen's applications, asked why Colonel Du Plessis had used the words "most strongly" in his lie

"Was it really necessary to go to that extent in lying?"

"It's quite amazing, really," the judge said

Colonel Du Plessis said the choice of words had probably been that of his legal representatives, whom he had kept in the dark about the truth of the incident

Advocate Chris de Jager, also an amnesty panel member, suggested to Colonel Du Plessis that he had used his affidavit to the Supreme Court as a way of covering up his and his colleagues' involvement in the activists' murder. He replied "Correct"

The application is continuing

# Goldstone to dig up names behind Ntsebeza lie

Respected judge's inquiry will focus on question of who was behind apparent plot to smear TRC and investigator

(252) Star 5/11/97

By ROBERT BRAND

Allegations of a conspiracy to discredit the Truth and Reconciliation Commission are expected to be a major focus of Mr Justice Richard Goldstone's investigation into accusations that TRC member Dumisa Ntsebeza was involved in the Heidelberg Tavern attack.

Judge Goldstone, who headed a successful inquiry into third-force activities during the early 1990s, was appointed by President Mandela yesterday to head a commission of inquiry to investigate Guguletu gardener Bennet Sibaya's claim that police had forced him to make a false statement about Ntsebeza.

The unusual step of appointing a Constitutional Court judge to head the commission was a measure of the Government's "grave concern" about the matter, Justice Minister Dullah Omar said.

"The matter is viewed in an extremely serious light. Accordingly, the president has agreed to the request by the chairperson of the TRC, Archbishop Desmond Tutu, for a full-scale investigation into the matter," Omar said.

He said Judge Goldstone's terms of reference would be finalised soon and he would be given staff to assist in the investigation.

Tutu asked the Government to appoint a top-level inquiry after Sibaya retracted his accusation, made under oath last week, that Ntsebeza had driven the getaway vehicle used by three Apla cadres responsible for the 1993 Heidelberg attack.

Four people died when the cadres sprayed bullets and grenades into the crowded Cape Town pub. The three were

convicted of murder and are now applying for amnesty, saying the attack was politically motivated.

Sibaya told Tutu that police investigating the attack in 1994 had tortured him and forced him to memorise the registration number of Ntsebeza's car, as well as a photo of Ntsebeza.

At the time, Ntsebeza was acting as an attorney for then-Transkei leader Bantu Holomisa, who was suing the police for allegations that his government was providing support for Apla "terrorists".

Sibaya's evidence was not used in the trial of the three Apla cadres. But the informa-

tion was leaked to various newspapers earlier this year, and Sibaya was called to testify at the amnesty hearing of the three men.

TRC sources told The Star that Ntsebeza believed Sibaya's allegations had been dredged up by former top policemen in a bid to undermine the commission.

At a press conference on Monday, Tutu said. "There are people who will stop at nothing to discredit the commission."

Sibaya publicly embraced Ntsebeza at a Cape Town press conference yesterday, but declined to answer questions on who had prompted him to accuse the commissioner, or

why he had decided to come clean.

He was consulting a lawyer because he could face perjury charges.

Ntsebeza said: "I have no problems forgiving Mr Sibaya as he is just one of many victims of the apartheid regime's dirty-tricks campaign."

ANDREW INGRAM



Forgiveness  
TRC investigator  
Dumisa Ntsebeza (centre) embraces gardener Bennet Sibaya, with TRC chairman Dr Alex Boraine in the background at a press conference in Cape Town yesterday. Sibaya has publicly admitted falsely implicating Ntsebeza in the Heidelberg Tavern attack.



# Getting to the truth

## of the Ntsebeza affair

BENNIE BUNSEE

**A** FEW days ago the Truth and Reconciliation Commission appeared to be heading for its biggest crisis since its inception over the Dumisa Ntsebeza affair and to plunge the country itself into a bigger crisis

It can hardly be said that the crisis is over. For the TRC, and indeed the country as a whole, some big questions are posed as we get to grips with the urgent issues of reconciliation, nation-building and healing — three tasks for which the TRC was set up to pave the way

The news that Bennet Sibaya had falsified evidence against Dumisa Ntsebeza comes both as a relief and a shock. Relief that the TRC has narrowly averted a crisis that could have broken its back and subverted its work of unearthing evidence of some of the most heinous crimes committed during the apartheid era. The shock is the brazenness with which the incident had taken place, using an ignorant African gardener as a front for the clumsy operation

The perjury has taken place in two other incidents which have a bearing on the forces of subversion in our country. One has been the consistent argument of the "third force" in subverting the transition to a democratic order in our country. The other has been the Patricia de Lille incident of the naming of spies within the ANC. Sibaya's confession reveals that the country still has to contend with these forces, which appear to have infiltrated all our institutions, or rather it should be said that these forces, that were there all the time, have yet to be removed

Sibaya's confession calls for a full-scale investigation into all the issues and people relating to the Dumisa Ntsebeza frame up. Ntsebeza called it a frame up and so it turned out to be. We must know who tried to use Sibaya and what the roles were, if any, of John Lubbe and Glen Goosen in the matter. We must know the extent of the network that tried to frame Ntsebeza. Both Dullah Omar and Nelson Mandela have announced that an inquiry will be made. Desmond Tutu likewise needs to make a similar inquiry into those elements in the TRC that might have been involved

et 6/11/97

It is no secret that a bitter division exists between black and white staff at the TRC. For a long time it has been alleged that liberal elements have been trying to emasculate the work of the TRC. The TRC does not need this. It has already come in for fierce criticism from various quarters for being "apologetic" for Nuremberg-type crimes in the name of amnesty rather than pursuing common law justice. Its reputation and significance becomes rather daily

The country must know about the crimes of the apartheid era

Dumisa Ntsebeza, as the head of the Investigative Unit of the TRC, was spearheading this exposure. He was doing an excellent and thorough job

It is believed that the frame-up was to prevent him from bringing forward even more important cases

What is so intriguing about the frame-up, which was so obvious from a cursory examination of the case made

*For the TRC — and indeed the country as a whole — some big questions are posed as we get to grips with the urgent issues of reconciliation, nation-building and healing.*

against Ntsebeza, was that it fooled many, including Justice Hassan Mall. There were pompous editions in our leading dailies and weekend editions. It is believed that Desmond Tutu himself was about to ask Ntsebeza to recuse himself, i.e. to dismiss him

Look at the anomalies that arose during the cross-examination of Bennet Sibaya. The police had never made an investigation at the time into the matter of the presence of Dumisa's car, despite that fact that they had a statement to that effect from January 1995

The woman who Sibaya claimed was his girlfriend, and for whom he said he had gone looking on the night of the incident, denied the connection

The woman on the door of whose house he was supposed to have knocked denied that he had ever done so

The street which he claimed had facebrick houses did not have them. The two people who could collaborate his story died under mysterious circumstances

Sibaya claimed that he knew one of the Apla guerrillas, Madasa, by the name. But Madasa claimed he never used the name. He used a guerrilla name, which is normal for



**FRAMED:** Dumisa Ntsebeza, head of the Investigative Unit of the Truth and Reconciliation Commission, was spearheading the exposure of apartheid crimes

any guerrilla fighter

Nor was Ntsebeza's alleged assistance to the Heidelberg Tavern guerrillas ever brought up when he had to undergo a scrutiny to serve on the TRC

Ntsebeza himself pointed out that in 1992 allegations had been made against him by the De Klerk government that his house was used by Apla guerrillas. He refuted this. Neither was this used when he underwent his TRC scrutiny

The Heidelberg Tavern guerrillas denied that Ntsebeza was involved in any way whatsoever

The flimsiness of the case against Ntsebeza was so obvious that it is remarkable that it was ever brought up. It was equally remarkable that Sibaya himself was not investigated when it was proven that, as a gardener earning R480 a month, he allegedly attempted to buy a house worth R250 000. He owns a house in Kenilworth which he claims was bought for him by a German who has conveniently left the country. He has a bank account far in excess of what he earns. He is known to have been regularly dropped off at a tote by two white males

All this also gives an indication of how the subversive forces lodged in our intelligence, military and police services work. We want to know the identities of top brass who authorised the payments to Sibaya and what dynamics continue to be at play.



# Pebco 3 killer quizzed on Le Grange <sup>(292)</sup> *'Flying visit' to PE*

Port Elizabeth - The then law and order minister, Louis le Grange, paid what was described as "a flying visit" to Port Elizabeth and Uitenhage the day before the Pebco Three activists were abducted and later killed by security policemen, the Truth Commission heard today.

Earlier this week, the amnesty committee heard that Mr Le Grange had told Eastern Cape security police chief Colonel Harold Snyman at a previous meeting that his men should "make a plan" to deal with political activists in the region when Snyman complained that legal methods were unsuccessful in combating political unrest.

The fact of Mr Le Grange's fleeting visit emerged during the resumed cross-examination of Johan "Sakkie" van Zyl, one of seven former security policemen who are seeking amnesty along with an Askari (turned ANC guerrilla) for abducting and murdering Port Elizabeth Black Civics Organisation leaders Siphon Hashe, Champion Galele and Qaqawuli Godolozu.

The three were lured to Port Elizabeth airport on May 5, 1985, on the pretext that a British diplomat wanted to meet them.

They were then abducted from the airport by a security police team and taken to the remote Post Chalmers police station outside Cradock, where they were shot dead, their bodies burned on a pyre and the remains disposed of in the Fish River.

Bond Nyoka, appearing for the widows of the Pebco Three, told Mr Van Zyl that Mr Le Grange had paid a brief visit to the city the day before the activists had been abducted.

Mr Nyoka asked Mr Van Zyl whether he believed Mr Le Grange's visit had been "a coincidence".

He replied that he had been only a captain at the time and that Mr Le Grange would not have confided in him. "Not at my level. It just didn't work like that."



Earlier this week, Colonel Her-mannus du Plessis, who was head of the Eastern Cape security police's "black" section, told the amnesty committee that it had been his decision that the men should be killed, and that Colonel Snyman had approved this decision.

But Mr Van Zyl testified today he had had a "distinct impression" that the order to kill the activists must have come from higher up.

This was because of the particular personalities of his two senior officers.

"I honestly did not think either of them would take such an order on their own," he said.

Roelf du Plessis, appearing for amnesty applicant Gerhardus Beeslaar, told the amnesty committee that there was evidence from another amnesty application that Mr Le Grange had personally approved the "zero hand-grenade" plan, whereby young activists were supplied with booby-trapped hand-grenades which exploded in their hands.

This plan had been approved in June 1985, just one month after the Pebco Three had been murdered.

Mr Du Plessis said he would argue that the National Party government had given instructions to security police to act illegally against activists "throughout the country".

Earlier, Mr Van Zyl gave the hearing his version of how the Pebco Three were killed.

The former Eastern Cape security policeman and one-time special forces soldier held the rank of captain in the police before joining the SA Defence Force in 1986.

Mr Van Zyl, who has been working with a humanitarian mine-lifting team operating in Angola, Mozambique and Bosnia since his special forces unit was disbanded in 1991, yesterday confirmed to the amnesty committee that he had been nominally in charge of the team which abducted and murdered the Pebco Three.

He said that during the evening following the day on which they had been abducted, the three prisoners had been fed coffee laced with a sleeping-pill.

After the men had fallen asleep, they had been carried outside one by one and shot in the back of the head, he testified. He, Sergeant Gideon Nieuwoudt and Sergeant Gerhardus Lotz had each shot one of the men.

# Conflicting testimony at TRC

Star 6/11/97

(252)

## Amnesty applicants to claim they were not involved in deaths of Pebco Three

**SAPA**  
Port Elizabeth

A retired policeman and a former askari, who have admitted to abducting the Pebco Three in 1985, are disputing evidence their fellow amnesty applicants presented to the Truth and Reconciliation Commission this week.

The contradictions in the amnesty applications emerged yesterday when the TRC's amnesty committee continued to hear testimony relating to the abduction and murder of

activists Sipho Hashe, Chamiyon Galela and Gqagawuli Godolozi in May 1985.

Albert Lamey, the lawyer for Johannes Kooole and Peter Mogoal, told the amnesty committee that his clients' former colleagues, Colonel Herman du Plessis and Captain Sakkie van Zyl, were concealing certain facts to ensure their applications were not jeopardised.

Lamey said his clients' recollection of events, as contained in their amnesty applications, differed in two key areas from what the other amnesty applicants had said.

Van Zyl and Du Plessis have said a Vlakplaas team headed by Colonel Roelf Venter was used to abduct the Pebco Three from Port Elizabeth airport because the team was not known in the area.

They said askaris - former ANC cadres working for the police - under Venter's command seized the activists as they walked towards the airport's main entrance and bundled them into a minibus.

According to Lamey, his clients will testify that they took no part in the kidnapping and had waited in a minibus.

Van Zyl responded. "That is completely false." He noted that the only reason Kooole and Mogoal were at the scene was to carry out the abductions.

Van Zyl said the interrogation of the activists was secondary since the aim of the operation was to kill them.

Lamey said his clients would testify that at least two of the activists, Godolozi and Hashe, were severely beaten during the questioning and that by the time Du Plessis arrived at the police station the next day, the interrogation was still under way.

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*Access to justice is fundamental to a society which is founded on respect for the rule of law and the protection of human rights, says Justice Arthur Chaskalson*

# Let 'apprentice' lawyers supply legal aid

Star 6/11/97

(252)

JIGNASA DIAR

Our new constitutional order has been in place for a little more than three-and-a-half years. Memories tend to be short. When we talk about the present situation in South Africa we sometimes forget the reality of the past from which we have recently emerged.

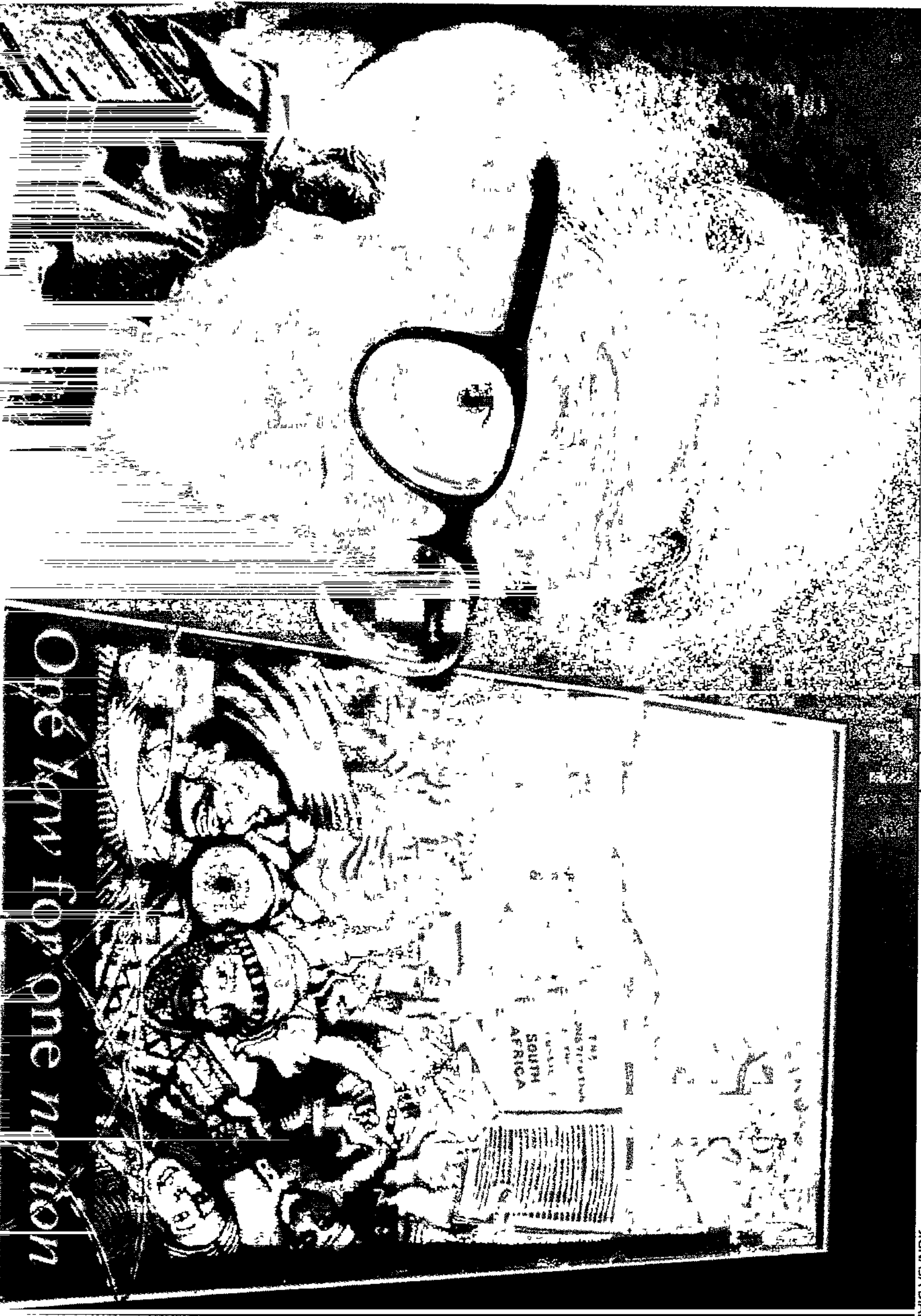
The difference between the present and the past has profound implications for all sectors of our society, but none more so than the legal profession and the courts.

The judiciary is required by the constitution to bring all aspects of our law in line with our new constitutional values and has been given extensive powers to do so. This allows the courts an unusual latitude to develop the law. It also entails a heavy responsibility. The way this responsibility is discharged has important implications for the process of transformation and for the type of society that we will have in the future.

One of the paradoxes of the new constitutional order is that courts, which were previously used to enforce apartheid and the repression associated with it, have now been given a central role in the transformation of our society and in giving substance to and sustaining the new democratic order. They have on the whole shown a commitment and a sensitivity to this task and I have no doubt that they will continue to do so.

Recently considerable publicity has been given to the role of the judiciary under apartheid. Some of the comments as reported by the media imply that judges who held office under apartheid were in general persons who had no regard for human rights or civil liberties. In my view this generalisation is neither fair nor accurate.

The majority of the present judiciary was appointed prior to the coming into force of the new constitutional order. A conscious decision was taken by the founders of the constitution to retain the benefit of their skills and experience and the constitution specifically made provi-



cles. It would also provide the interns with an income during the period of their practical training.

To those who might say that the use of legal interns to provide services to indigent persons will result in a lowering of standards and in prejudice to the clients represented by them, I would answer as follows: that is not my experience of the way in which young lawyers perform in law clinics. I have had the opportunity of watching them do this for almost 15 years while I was at the Legal Resources Centre.

My experience then was that young lawyers in such an environment are idealistic and energetic. They are anxious to gain experience and see the internship as an opportunity for doing so, and for assisting those who need their help. There were, of course, exceptions, but on the whole they performed extremely well.

This has also been the experience of persons working in clinical programmes in the United States to whom I have spoken.

More than 1 500 law students graduate every year with an LL.B. On the assumption that long and complicated cases would not be handled by them, each intern should be able to deal with approximately 100 trials in a year. If 1 000 interns were assigned to handle such cases, approximately 100 000 defences could be provided through the system.

Interns based in public defenders' offices established at the seats of the high court should be able to handle at least five straightforward appeals per week. Four hundred interns should be able to manage approximately 100 000 appeals each year.

I can see no way of meeting the problem of providing legal services to indigent persons, other than to expand the public defender system, incorporate legal interns into public defender offices, and make use of the interns both for providing defences at criminal trials and arguing appeals. Ideally the scheme should be part of a larger one involving clinics which provide civil legal services, advice offices,



They 10 (0. . . . .) U. on and in terms of it.

My own views with regard to the role of the judiciary under apartheid are contained in a memorandum submitted to the Truth and Reconciliation Commission by the Chief Justice, the Deputy Chief Justice, the Deputy President of the Constitutional Court, the former Chief Justice, Mr Justice Corbett, and myself

I have been out of the country visiting the United Kingdom and Canada and have only recently returned home I understand that the contents of this memorandum were given some publicity during my absence I do not wish to go over that ground again other than to say that in dealing with complex problems such as the assessment of the role of the judiciary under apartheid, rigorous analysis is called for rather than broad and emotional generalisations

An observation of Professor Mureinik, referred to in the memorandum, is relevant to this assessment

*"If we argue that moral judges should resign, we can no longer pray, when we go into court as defence counsel, or even as the accused, that we find a moral judge on the Bench"*

The judiciary included moral judges and their presence on the Bench helped to place limits on arbitrary action and to preserve in our law important principles of fairness and justice. It placed them in an awkward position, however, for in accepting appointment they undertook to uphold the law of the land

There needs to be, as we said in our memorandum to the TRC "an acknowledgement of the pivotal role played by the legal system in the gross abuse of human rights which were committed Not as an end in itself but as prerequisite to the discharge of our present and future responsibilities"

That acknowledgment is crucial for us to come to terms with the past and to build

a future based on the aspirations of our new constitution But those of us who did not have to confront the dilemma faced by moral judges who held office under apartheid should not lightly condemn those who did so for the failure in which all of us share - judges and non-judges - to prevent the abuses that occurred

I will deal with two matters affecting the legal system which have their roots in our past and are of particular relevance to the legal profession - access to justice and the representivity of the profession Both are issues which need to be confronted by the profession at an institutional level

Access to justice is fundamental to a society which is founded, as ours now is, on respect for the rule of law and the protection of human rights In the past there were significant constraints upon access to justice Prior to the coming into force of the interim constitution a criminal trial had a familiar pattern The accused was usually black The judicial officer was invariably white, so too was the prosecutor and the defence lawyer, if there was one The proceedings were conducted in a language which the accused often did not understand, or understood only imperfectly

Not infrequently the accused was either illiterate or ill-educated and an interpreter was required to act as intermediary between the accused and the court and its officers The accused, however, was usually not represented by a lawyer The result in such cases was that preparation for trial, cross-examination of witnesses and the presentation of the accused's case was almost always ineffectual Magistrates were required to explain to accused persons what their rights were, sometimes this was done with sympathy, sometimes in a cross and formal way

But the explanation was not of much value, however it was given, for more often than not the accused lacked the skill to cross-examine or to present his or her

case adequately This process occurred time after time Thousands of undefended people passed through the courts in this way each year, and thousands were convicted and sent to jail

Our constitution now provides that every person has the right to a fair trial which includes a right "to have a legal practitioner assigned to the accused person by the state and at the state's expense, if substantial injustice would otherwise result, and to be informed of this right promptly"

Our system of criminal law is now premised on the assumption that all are equal before the law, that all who are charged with criminal offences are entitled to a fair trial, and that where necessary to avoid injustice legal representation will be provided at the cost of the state. The importance of establishing the necessary infrastructure to enable the state to meet its constitutional obligations in this regard was stressed by the Constitutional Court.

The state entered into an arrangement with the Legal Aid Board in terms of which the board would act as its agent for the discharge of the state's responsibility to provide legal representation to accused persons under the constitution. This has placed a considerable financial burden on the Legal Aid Board, which is funded by the state

The statistics kept by the board show that the number of criminal cases handled by it rose from 21 306 in the financial year 1990/1991 to 115 503 in the financial year 1995/1996 During the same period the board's funding from the Government increased from R21,8-million to R182,4-million It has requested the state to provide it with R326-million for the current year, and its projected budget for next year R415-million.

We do not have the resources for social programmes that are available to the pub-

lic in the United Kingdom and Canada We must assume, however, that the need for legal aid in South Africa will increase as it has done in those countries and in other parts of the world, and we must prepare ourselves to deal with this

There are enormous demands on the state to find money to pay for housing, health care, education and other basic services Legal aid, particularly in criminal trials, is an integral part of a fair justice system and not a luxury, but it must compete with other basic needs for a share of the state budget. The question we have to confront at an institutional level is how this growing need can best be met.

All concerned with the provision of basic services have to confront the same dilemma and find creative ways of providing services at costs within the resources which can be made available for such purposes by the Government.

I will make some suggestions later about how the demand for legal aid might be met But I must comment briefly on the other institutional problem - the question of representivity in the profession

At the heart of our new constitutional order is a commitment to equality and human dignity. We must move swiftly to dismantle the barriers of exclusion which have denied dignity and equality to the great majority of our people. These patterns of privilege are reflected in the profile of the profession, in which white men are dominant We have to break down these patterns of privilege and the attitudes which gave rise to them. As far as the attorneys' profession is concerned, the Law Societies have an important role to play in promoting the changes that are necessary

It seems to have been accepted in principle that a four-year LLB should be introduced as a course available to those wishing to qualify as lawyers. The course will provide theoretical training and will have to be followed by a period of practical train-

ing before the law graduate goes into practice on his or her own account. The manner and place at which the practical training is offered is relevant to both the issues I have raised

Young doctors receive their practical training as interns working in state hospitals after they have qualified. If a similar procedure were to be followed in the training of young lawyers, they would become a resource which could be drawn upon for the provision of legal services to poor people. Legal interns could be employed in offices of public defenders, in law centres, university law clinics and other similar institutions. Young lawyers would not only gain the practical experience needed to supplement their theoretical training, but would also make a valuable contribution to the delivery of legal services to the indigent.

Medical interns are paid a salary for their services and the same should apply to legal interns. Working in public defender offices and clinics with qualified salaried lawyers to whom they can turn for advice, and by whom their work can be supervised, the interns could provide a substantial part of the legal aid services needed. The delivery of legal aid through salaried lawyers is also easier to administer than the judiciary system. It does not call for the regulation, correspondence, taxation and administrative supervision which takes up so much of the time and resources of the Legal Aid Board at present.

Each public defender office and legal aid clinic would be given a fixed budget within which it would have to function and the huge infrastructure which the Legal Aid Board requires to monitor cases, tax bills of costs, and deal with queries and the payment of accounts would not be necessary. The scheme would also provide a route into the profession for graduates wishing to practise who are unable to enter the profession because they are unable to find ar-

The infrastructure for the scheme will have to be developed, and this will take time. It will also be necessary to give consideration to whether there is any place for articles and pupillage and any need for professional examinations if such a scheme is adopted. In the United States, which probably has more lawyers than any other country in the world, law graduates are not required to undergo articles or pupillage, though they do have to pass a professional examination. If that is considered necessary it could be held at the end of the period of internship.

The use of public defenders and legal interns and the growth of legal clinics would divert funding from the private legal profession to salaried lawyers and interns. This could have an impact on practitioners who depend upon legal aid work for their livelihood. The purpose of legal aid is, however, to provide services to indigent persons, and not to support lawyers in private practice.

Opportunities for employment as salaried lawyers in public defender offices and legal clinics would become available and those who depend upon legal aid work for their livelihood would be able to seek employment in this field

We face huge problems in reconstructing our society and in establishing a just order in our country. It is within our capacity to surmount these problems, but in order to do so we must be willing to make the commitment that is necessary for that purpose. We must not allow self-interest to be the guiding factor in our decisions, we must rather look to what our country needs and is willing to contribute to what has to be done in order to meet such needs. This is particularly important at an institutional level at which ethical standards are set and societal needs are addressed.

■ This is a shortened version of Justice Chaskalson's address to the *Transvaal Law Society* last week.



# Faiths join forces to bring crime to its knees

## TRC-type talks

JOSEPH ARANES  
STAFF REPORTER

ARC 6/11/99

The Inter-Religious Commission on crime and violence in the Western Cape has adopted proposals to hold Truth Commission-style hearings in an attempt to get to the root cause of the problem.

The commission was established after Anglican Archbishop Njongonkulu Ndungane called on religious leaders to go beyond knee-jerk responses and search for a more sustainable, strategic intervention.

All the major faiths in the province endorsed the call and a task team was assembled to formulate ideas and proposals to enable the religious community to intervene in the conflict through programmes of inter-religious solidarity.

The commission consists of two tiers - the first comprising the high-profile religious leaders who will lend credibility and legitimacy to the work of the commission and will be its public face, and the other tier of commissioners who will concentrate on networking with other anti-crime organisations and initiatives.

Chairman of the task team Imam Rashied Omar said the time was right for everyone concerned to work together to find ways of ending violence and crime.

"People are living in fear and desolation and as a religious community we have a responsibility to restore hope and show we are serious about listening to their concerns and cries for help," he said.

"We are being charged with creating a new morality in society. His will not drop from heaven and not all of us will undergo the 'Damascus Road' experience. It is our responsibility to open the eyes of the community to what is happening around them and to break the gloom."

Imam Omar said part of this process would include holding TRC-type hearings and giving the victims of crime and violence an opportunity to speak openly about their experiences and the troubles they faced.

"This will be done in consultation with community organisations operating in different areas but without all the trappings and paraphernalia of the Truth Commission. Alleged perpetrators of crime, who want to change their ways, will also be allowed to put their case to the community at these forums."

Task team member Chris Ahrends said this new approach could have a positive effect on other crime prevention strategies as it could get people from different backgrounds and cultures together to collectively apply pressure for change.

"We are engaging in a process of reconstructing society and are renewing the dramatic role the inter-faith community played during the anti-apartheid struggle, but our focus has shifted to crime and violence," Mr Ahrends said.

NO BAIL FOR SERIOUS CRIMES

# Stiffer sentences legislated

(252) 7/11/97

**A BILL** passed by Parliament will make it almost impossible for people charged with serious crimes to be granted bail **DONWALD PRESSLY** of the Parliamentary Bureau reports.

**T**HE National Assembly has passed legislation which removes the death penalty as a sentence for serious crime, but which will impose strong new minimum sentence guidelines — including 15-year terms for first offenders — in its wake

Another justice bill, also passed by the Assembly last night, will make it almost impossible for people charged with serious crimes — murder, rape or robbery — to be granted bail if they are accused of

- Premeditated murder
- The murder of a law enforcement officer
- Murder, where the death of the victim was caused by the accused while committing another serious crime
- Murder, where a firearm was used, whether or not such firearm caused the death of the victim.
- Robbery, involving the use of a firearm, the inflicting of bodily harm, or the taking of a motor vehicle or an attempt to do so

In addition, the Criminal Procedure Second Amendment Bill —

which must still be passed by the National Council of Provinces in two weeks' time — will ensure that these crimes carry life sentences

ANC MP Mr Willie Hofmeyr said most of these crimes — excluding murder — were heard by regional courts, which until now could impose a maximum sentence of 10 years. The bill increases their sentencing jurisdiction

In terms of the Criminal Law Amendment Bill, piloted through the assembly by Justice Minister Mr Dullah Omar, a regional or high court should impose imprisonment of "not less than" 15 years for rape and robbery for first offenders

A second commission of either offence would then mean imprisonment for a period "not less than" 20 years, and in the case of a third offence, a minimum sentence of 25 years would apply

Similar penalties also face drug and arms smugglers or dealers, those in possession of illegal ammunition and those involved in economic crimes involving more than R500 000

**JUSTICE Minister Mr Dullah Omar has ruled out a formal referendum on the death penalty, either at national or provincial level.**

Speaking in the debate in the National Assembly on the Criminal Law Amendment Bill, Omar warned Western Cape Premier Hernus Kriel — who recently announced that a referendum in the province would be held on reintroducing the penalty — that there was a danger of throwing the Constitution into the shifting sands of "majoritarianism"

KwaZulu-Natal NP leader Mr Danie Schutte and Inkatha MP Mr Kieran O'Malley have also called for referendums on the death penalty

Wrapping up a debate on the bill, Omar said that no premier

The legislation still gives presiding officers the discretion not to impose the minimum sentences "in circumstances which justify the imposition of a lighter sentence" However, the reasons must form

## 'No death penalty referendum'

had the power to call a referendum. The death sentence was lifted in 1990 by then president Mr FW de Klerk.

Omar said the Constitution provided premiers with the power to call referendums in terms of the national legislation. As far as he was aware there was no legislation to this effect on the statute book as yet.

He said only the president could call referendums in terms of the Constitution.

Omar said it was "a very dangerous course" to hold referendums on anything "a shifting majority" wanted to change in the Constitution. One had to choose between a constitutional state or one which was ruled by "simple majoritarianism". — Parliamentary Bureau

part of the court record.

Provision is also made for those already sentenced to death, to go back to court for the imposition "of appropriate sentences" in lieu of the sentence of death



# Pebco Three 'were not shot'

(252)

BD 7/11/97

PORT ELIZABETH — Confessed hit-squad member Joe Mamasela has told the truth commission that the so-called Pebco Three were not shot as their killers claim in their amnesty applications, but beaten and strangled to death.

In a written statement handed to commission investigators last December, Mamasela admitted to taking part in the abduction of Port Elizabeth Black Civic Organisation (Pebco) activists Siphon Hashe, Champion Galela and Qaqawuli Godolozzi from Port Elizabeth airport in May 1985.

He said the three men were taken to a disused police station near Cradock by a security police team including Gerhardus Lotz, Col Gideon Nieuwoudt, Capt Sakkie van Zyl and Col Roelf Venter.

Also present at the police station, Mamasela said, were askari (a turned Umkhonto weSizwe guerrilla) Peter Mogoai, Vlakplaas hit squad operatives Johannes Koole and Johannes Beeslaar and security police Col Herman du Plessis.

All have now applied for amnesty for their part in the abduction and murders, claiming the activists were eliminated in a bid to cripple Pebco, which police held responsible for unrest in the region.

Du Plessis and Van Zyl this week told the amnesty committee that the sole reason for abducting the Pebco Three from the airport was to kill them.

Van Zyl, who commanded the operation, denied the three were assaulted before their deaths as Koole, Mogoai and Mamasela now claim.

"That is not true. I would not have been able to put them through unnecessary physical pain." Van Zyl said the activists' bodies were burnt for six hours on a pile of wood before their ashes were bagged and then thrown into the Fish River.

Mamasela, who has been subpoenaed to testify on Monday, has a different version of events. He claims the first of the activists to die was Hashe. During interrogation by Nieuwoudt, Hashe was kicked, punched and beaten with a pipe, Mamasela said.

Mamasela went up to Hashe a short while later and saw that he was dead.

When Godolozzi was brought into the police station, he had fallen to his knees and promised to give his co-operation, after seeing Hashe's lifeless body.

Mamasela said Godolozzi was returned to the garage without being assaulted. Then it was Galela's turn. During interrogation the activist was kicked, punched and beaten with the metal pipe until he lay dead. The next morning they fetched Godolozzi. After five to six hours of questioning he was also dead — kicked and beaten to death with the pipe. — Sapa

# How Pebco 3 were beaten to death - Askari

(252)  
*Mamasela's grim tale*  
ARLT 7/11/97

Port Elizabeth - Vlakplaas operative Joe Mamasela has provided the Truth Commission with a horrifying account of the last hours of the "Pebco Three" activists after they were abducted by security police from the airport here in May 1985.

Mamasela said assaults on the three men included their being hit, kicked, beaten on the head with an iron bar, choked with a stick across the throat, having their testicles squeezed and being jumped on, all while handcuffed and helpless.

Mamasela, an Askari (turned African National Congress guerrilla) and self-confessed murderer who until recently worked closely with the special investigations team of Gauteng Attorney-General Jan D'Oliviera, said all three Pebco activists - Siphon Hashe, Champion Galele and Qaqawuli Godolozu - had died as a result of the assaults, which had lasted five or six hours.

This version, given to the Truth Commission during a closed "Section 29" inquiry last year, contradicts much of the testimony heard by the commission's amnesty committee this week.

Seven former security policemen and another Askari are seeking amnesty for the abduction and murder of the three activists.

Only one of the policemen, who is black, and the Askari admit that the Pebco Three were assaulted while being held. The others all deny any assaults on the abducted activists and say they were shot dead execution-style.

Mamasela has been subpoenaed to appear at the amnesty hearing on Monday, but some details of his earlier testimony were put to two of the former security policemen seeking amnesty yesterday and on Wednesday.

Mamasela said that during the questioning of Hashe, his security police captors had become very angry and had started kicking and hitting him.

"He was handcuffed and could do nothing to protect himself. And he start-

YELD

## ON THE TRUTH COMMISSION

ed shouting. We pushed his mouth closed, Warrant Officer (Gerhardus) Beeslaar took a stick and pushed it against the old man's throat so that he suffocated.

"At the same time Lieutenant (Gideon) Niewoudt hit him over the head with an iron bar. I saw that there was blood coming out of his mouth and ears," Mamasela said. Hashe had then started talking, while the policemen braaied meat and drank liquor.

"About 10 that same night Warrant Officer (Johannes) Koole posed a question to the old man who considered it to be a stupid question.

"Warrant Officer Koole kicked him hard in the face. I remember that foam came out of his mouth and his eyes rolled. His jawbone turned at right angles.

"Warrant Officer (Koole) sat on his chest and choked him for a long time. Everyone now assaulted the old man by kicking him and jumping on him."

Godolozu had then been fetched, and when he saw Hashe, who appeared to be dead, he went on his knees and promised to co-operate, Mamasela said. Galele was then fetched, and interrogated and assaulted until he was also dead.

"There was more braaing of meat and socialising (gekuier) until late." Godolozu had been killed the next day after an assault lasting five to six hours, Mamasela said.

Yesterday, amnesty applicant Sakkie van Zyl - a former security police captain who has admitted shooting one of the Pebco Three - denied Mamasela's version as "totally false".



# Gardener names cop in Ntsebeza set-up

(252)

MT-CF 7-13/11/97

## Peta Thornycroft

**C**ape gardener Bennet Sibaya has named Superintendent Des Segal, who died in a car crash three months ago, as the man who "tortured" him to make his claims about what he saw just after the Heidelberg Tavern massacre. Sibaya made a sworn statement to the police five days after the December 1993 attack

that he had seen weapons being loaded into a white Audi in Guguletu on the night of the killings.

He said he had memorised the car's number plate. The police then confirmed the car belonged to Dumisa Ntsebeza, a respected lawyer who, two years later, would be in charge of investigations at the Truth and Reconciliation Commission.

Sibaya repeated his story to truth commis-

sion investigators earlier this year, and made another sworn statement almost identical to the one he first gave the police.

He repeated his story again when he gave evidence to the commission's amnesty committee last week. During the evidence before the committee he pointed out Ntsebeza as the man he saw sitting in the driver's seat of the Audi.

But on Monday this week, Sibaya said he

had been lying. He apologised to Ntsebeza and to the investigators who had taken his statement, and said he had been the victim of police torture, which he said forced him to memorise the number plate, and Ntsebeza's face from a photograph he had been shown.

Now Sibaya is understood to have named Segal, a former tough Cape murder and robbery squad detective, as the man who "tortured" him to make the allegation. He has also named another serving policeman as having played a role in torturing him. His written statement naming the policemen, made this week, is sitting with the commission.

But in his evidence before the commission last week, he said he only met Segal a week after he made his sworn statement to the police. And documents from the original investigation show Sibaya was taken to the state prosecutor after he had made his statement.

Four people died and six were wounded in the rifle and grenade attack on the Observatory tavern on December 30 1993. Three former members of the Pan Africanist Congress's military wing, the Azanian People's Liberation Army (Apla) were convicted of the murders, and are now seeking amnesty.

There is enormous relief in much of the commission that there is now confirmation of Ntsebeza's passionate and outraged denial that his car had been either lent or borrowed without his permission for any purpose connected with the attack.

It makes absolute sense to these people that Ntsebeza had been framed. He was a fearless lawyer, who had represented apartheid foe, General Bantu Holomisa and PAC and Apla members, when the old South Africa was busy accusing Holomisa and the Transkei of providing bases for terrorist attacks in South Africa.

But there are others in the commission who remain mystified, anxiously hoping Judge Richard Goldstone will "quieten their hearts", as one troubled member of the commission put it this week. Goldstone has been tasked by President Nelson Mandela to investigate the saga. Goldstone will have access to information that eluded the commission. For example, a reward of R250 000 was paid out to about four people who gave information that led the police to the Heidelberg killers.

When the killers lodged their applications for amnesty, Ntsebeza wrote to the police for information about the original investigation, including details of who received the reward. The police blanked out the names, claiming Ntsebeza had been implicated.

But the prosecution did not call Sibaya as a witness during the trial. And he has not been able to explain how, on his gardener's salary, he has about R40 000 in his bank account.

Nor has there been a rational explanation of how the police managed to "torture" him to make a statement when he was a free man.

So far there has been no information about where Sibaya spent the last 48 hours before his sudden change of heart.

Relatives of those who were killed or injured in the attack have expressed their disgust.

They make it clear they do not feel Sibaya has told the whole story and they question the integrity of the commission.



Changing tales: Sibaya



# 'If there was a war, then Peboco won it'

By JOHN YELD AND ROBERT BRAND

Just more than 18 months ago, the widows of the Peboco Three, Port Elizabeth activists who disappeared without trace in 1985, testified at the Truth and Reconciliation Commission's first hearing in East London.

Their request was simple: they wanted the commission to solve one of the most enduring mysteries of the apartheid conflict. They wanted to know what had happened to their husbands, Sipho Hashe, Champion Galela and Gagawuli Godolozzi, because they wanted to give them a decent burial.

"I pray God will help us so that all the information will come out," Monica Godolozzi said.

"I would like my husband's body to be brought home. I would like to know who his murderers are so I can reconcile," Nomali Galela pleaded.

"I just want the commission to have sympathy with me, to understand what I went through when these things happened," Elizabeth Hashe blurted out before breaking down in tears.

The terrible fate of the Peboco Three unfolded before the TRC's amnesty committee in Port Elizabeth this week while their widows listened silently. The murderers, seven former policemen and an askari wanted clemency from the same commission which had witnessed the widows' tears in April last year. An askari is a former African National Congress cadre who turned and worked for the police.

Hashe, Galela and Godolozzi were lured by security police to Port Elizabeth Airport on May 5 1985 on the pretext that a British diplomat wanted to meet them. They were then abducted from the airport by a security police team and taken to the remote Post Chalmers police station outside Cradock where they were interrogated before being killed.

In command of the operation was former Port Elizabeth security policeman Colonel Hermannus du Plessis. The other amnesty applicants are his former colleagues Sergeant Gerhardus Lotz, Colonel Harold Snyman, Captain Sakkie van Zyl, and Colonel Gideon Nieuwoudt, and former Vaalklaas security policemen Ger-

hardus Beeslaar, Johannes Kooole and askari Peter Mogoai.

In their amnesty applications, some of the former security policemen admit drug-gang the three activists before shooting them and then burning their bodies on a pyre and dumping the remains in the Fish River in plastic bags. They also admit questioning the three but deny ill-treating them in any way.

Du Plessis admitted planning and directing the Peboco murders, saying he hoped at the time that the deaths of the activists would see the end of the powerful Port Elizabeth Black Civics Organisation.

Under cross-examination he conceded he had made a gross miscalculation, because Peboco survived until the 1994 elections, when it dissolved.

Du Plessis described spiralling unrest, with the police failing to maintain law and order with the legal methods available to them.

"Port Elizabeth was ungovernable. If there was a war going on then they won it," the former policeman told the committee.

In 1986 Peboco succeeded in taking effective control of the city by establishing alternative local government structures in the townships through street and area committees.

The organisation responded to the detention of its members by launching school, bus and consumer boycotts that forced the police to negotiate settlements or release the detainees.

"In spite of draconian legislation, police were not successful in curbing the situation."

Snyman, Port Elizabeth's security police chief at the time complained about the situation to then Minister of Police Louis Le Grange at a private meeting in Cradock. Le Grange's response, Snyman later told du Plessis, was to suggest that Eastern Cape police "make a plan" to bring the situation under control.

"I interpreted make a plan to mean remove from society, to kill them," Du Plessis said.

He believed the only option to normalise the security situation was to neutralise Peboco's leadership. He proposed

this to Snyman, who agreed.

"Snyman did not give a direct instruction, but he did say he realised there were no other options and I had to proceed and do the best I could in the interests of the country."

"I interpreted this as an instruction to go ahead and eliminate them."

After being lured to the airport, Hashe, Godolozzi and Galela were abducted by a Vaalklaas team headed by Venter and taken to the disused police station near Cradock.

The three men were interrogated and then shot. Du Plessis said he visited them before their executions and found them to be in good health.

His evidence was contradicted by fellow amnesty applicants, former Vaalklaas agent Johannes Kooole and askari Peter Mogoai who, as members of Venter's team, took part in the abductions and were present during the subsequent interrogation.

Their lawyer Albert Lamey said his clients would testify that the activists were tortured before being killed. Hashe was beaten so severely that his head swelled.

Du Plessis was also subjected to close cross-examination by Bond Nyoka, for the widows of the Peboco Three, who suggested the security policemen were denying assaulting the abducted activists and had made up the story about their being shot dead while drugged "to seem humane".

Du Plessis said circumstances had changed completely since 1985, and he acknowledged that two colleagues of the dead men who had also served on the executive of Peboco were now Members of Parliament.

"It was a war. It's unfortunate that if (the murders) happened, but it did happen. It's entirely possible that our plans were grossly ineffective," he said.

Nyoka said the families, who were opposing amnesty, would only forgive the security policemen when they were satisfied that the full truth about the deaths of their loved ones was told - "Not what they heard today".

Du Plessis replied: "I'm very sorry about that."

(252) Saw 7/11/97

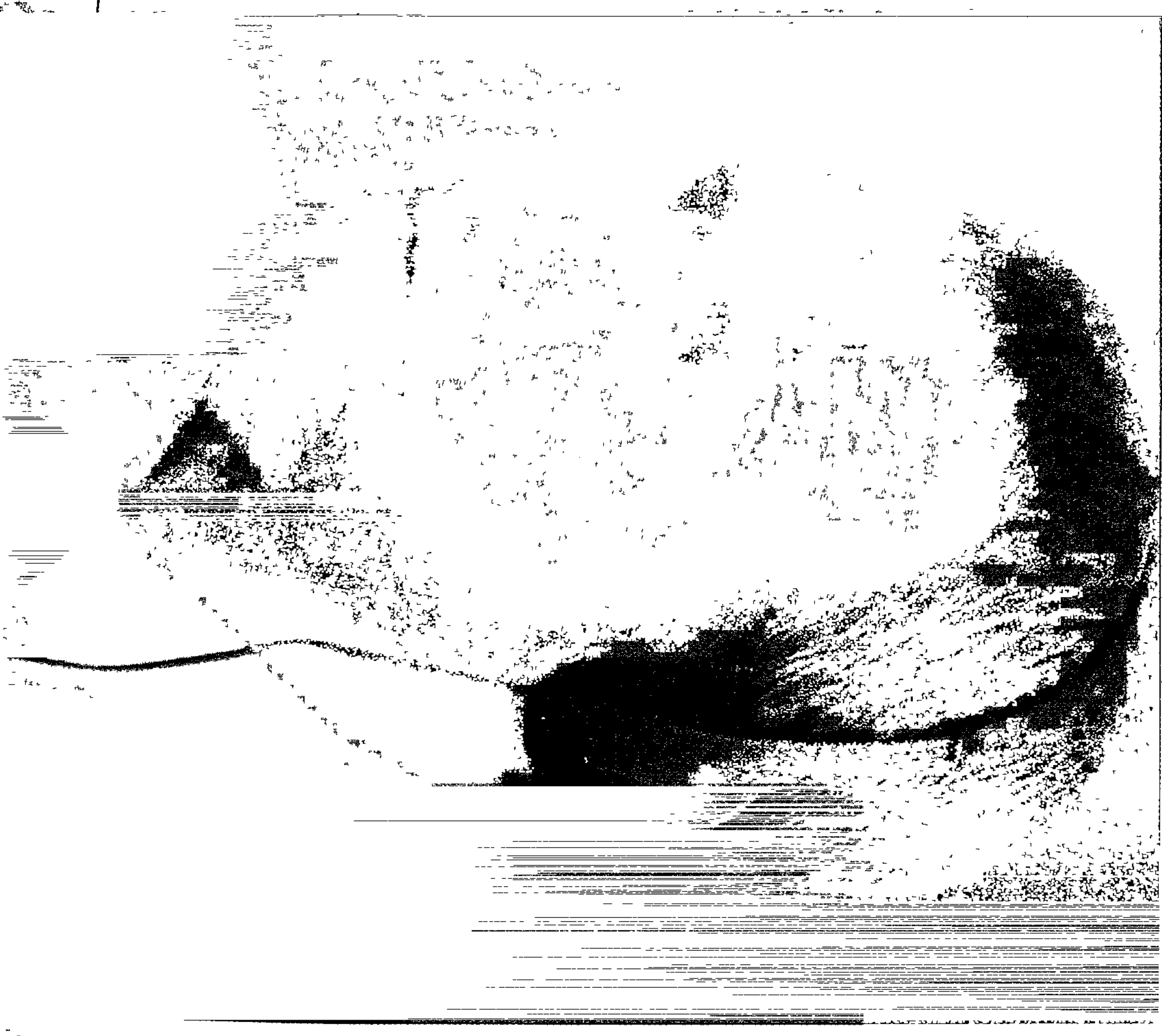
SAM MAELA / EP HERALD

## Even the strong desire forgiveness - ex-soldier

By John Yeld

with a slight smile, but...

what state of mind...





Very perpetrator of gross human rights abuses, no matter how strong given, former Eastern Cape security policeman and one-time SA Defence Force special forces soldier Johan Martin (Sakkie) van Zyl has told the Truth and Reconciliation Commission.

Van Zyl, who held the rank of captain in the police before joining the defence force in 1986, is one of seven former security policemen and an askari (turned ANC guerrilla) seeking amnesty for abducting and murdering three Port Elizabeth Black Civics Organisation (Pebco) activists in May 1985.

The three - Sipho Hashe, Champion Galala and Gagawuli Godolozzi - were lured by security policemen to Port Elizabeth airport on the pretext that a British diplomat wanted to meet them.

They were then abducted from the airport and taken to the remote Post Chalmers police station, outside Cradock, where they were interrogated before being killed.

Their bodies were sprinkled with deso-line and burnt on a pyre of wood for about six hours, before the remaining ashes were collected in plastic bags and thrown into the Fish River.

Van Zyl, who has been working with a humanitarian mine-lifting team operating in Angola, Mozambique and Bosnia after his special forces unit was disbanded in 1991, this week confirmed to the TRC's amnesty committee he had been nominally in charge of the team which abducted and murdered the Pebco Three.

He said during the evening after the day on which they had been abducted, the three prisoners had been fed coffee laced

sleeping pill may have been one he had taken from the first-aid kit of a captured Swapo guerrilla and then kept in his own kit, while serving in the police Koewet unit in Owamboland in Namibia.

After the men had fallen asleep, they had been carried outside one by one and shot in the back of the head, he testified. He, Sergeant Gideon Nieuwoudt and Sergeant Gerhardus Lotz had each shot one of the men.

Van Zyl said the same weapon, a 22-calibre unlicensed pistol which he had brought to South Africa after operational duty in then-Rhodesia in 1975, had been used on all three victims.

During 1986, the year after the murders, he had sawn the weapon into pieces and thrown the pieces into the sea near Port Elizabeth.

Van Zyl testified that he did not know which of the Pebco Three he had killed but, after speaking to Nieuwoudt earlier this week, he believed it had been Hashe.

Responding to questions by lawyer Bond Nyoka, representing the widows of the three activists, Van Zyl confirmed that he had met and spoken to Hashe a few times before the incident.

Nyoka challenged him to explain why he had then not recognised him while killing him. He replied, "I don't know, but it is unfortunately a fact."

Van Zyl was also challenged by lawyers representing some of the other amnesty applicants to explain markedly different versions of events surrounding the killing.

These included key details of how the three activists had been abducted; the airport and who had been involved; how long they had been held at Post Chalmers before being murdered, who had been present at

assaulted before being killed.

Van Zyl denied that the men had been assaulted, claiming this would have been counter-productive.

He also denied that the security police men had enjoyed a braai and drinks while the three prisoners were being held with their heads covered.

He said they had braised meat late on the morning after the men had been abducted, but that no alcohol had been consumed and that the meal had been shared with the three prisoners.

It had been "an extremely unpleasant task" to kill them and to burn their bodies, he testified.

"I was not looking forward to it. I was trying to get it over and done with as quickly as possible. I would in no way allow anyone to enjoy drinks under such circumstances."

Asked why he was applying for amnesty, Van Zyl said he had first considered the matter while working in Angola last year. He believed each perpetrator, "however strong or macho", had a need to be forgiven or macho.

"I felt that if I spoke about all the illegal deeds I had committed, I would get forgiveness, first from God. I think it is necessary to be forgiven and this is my greatest motivation."

Referring to his work in Bosnia, Van Zyl said: "From experience, if people are not willing to forgive and forget the past, the future is impossible."

He told Nyoka he was prepared to meet the families of the victims to ask forgiveness, "anywhere, anytime", but that his attorney had advised him not to do this at the amnesty hearing in front of a public audience.

(252)

STAN 7/11/97



## TRC DIARY

### Next week

Next week sees the start of a special hearing on the role of business and labour during apartheid. A number of business institutions, companies and trade unions have agreed to make submissions. The hearing starts on Monday and will be held over three days in Johannesburg.

### Coming up

An amnesty hearing for policemen involved in the 1987 Guguletu Seven shooting starts in Cape Town on November 17. On November 24, the commission starts

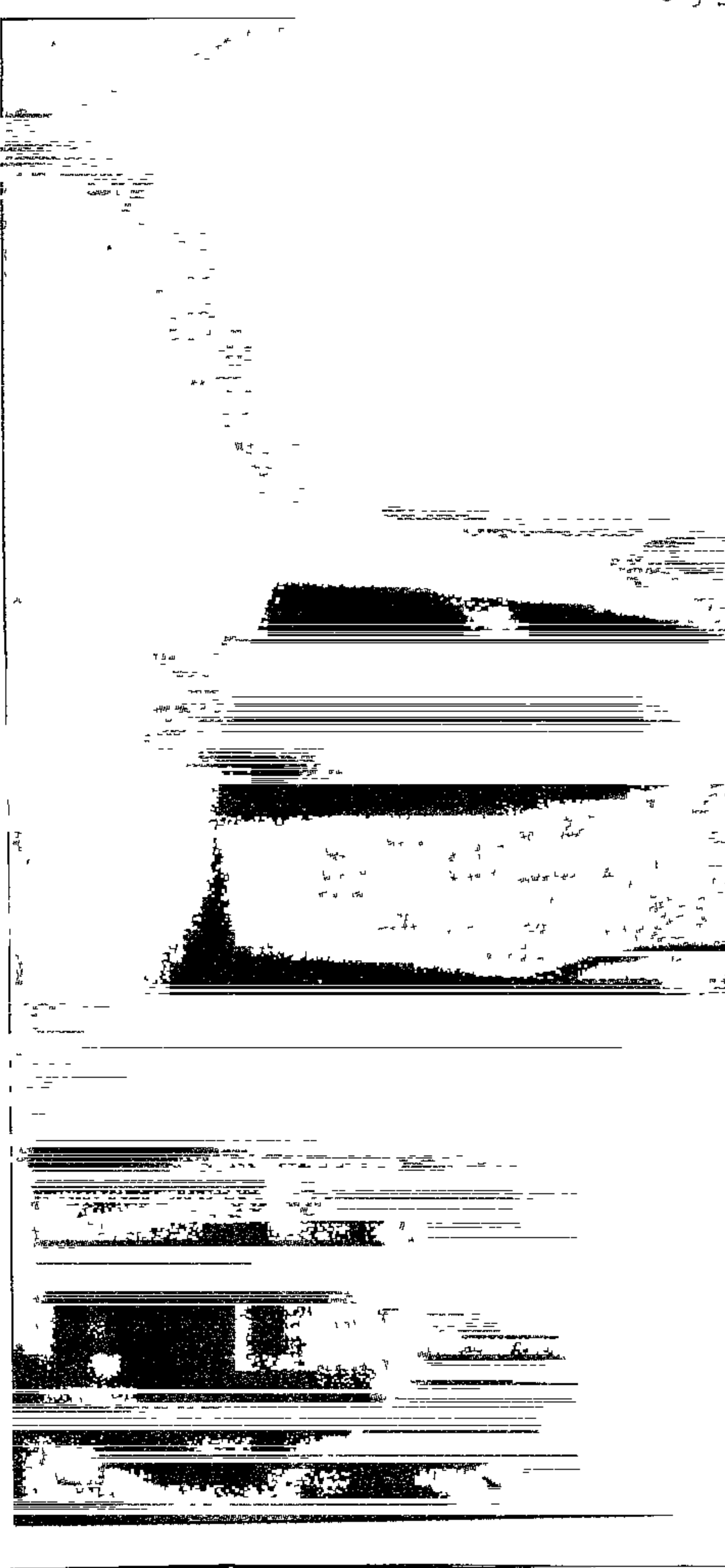
with a public hearing in Johannesburg on the activities of Winnie Madikizela-Mandela's "Mandela United Football Club". Madikizela-Mandela will testify, as will the relatives of alleged victims of the "football club".

In the same week, the amnesty hearing for Clive Derby-Lewis and Janusz Walus, the killers of SA Communist Party leader Chris Han, resumes in Pretoria.

The amnesty hearing for several policemen who have confessed to their involvement in the death of Steve Biko resumes in Port Elizabeth on December 8.

## Keeping you, our readers, informed

Every Friday The Star will produce a news feature to keep you up to date with the Truth and Reconciliation Commission. The feature, produced by our team of specialist TRC reporters, will provide all the background, the news and the insights you need to keep you in the picture as the dramatic story of our past unfolds.



Face of repentance ... former security policeman Captain Sakkie van Zyl pleaded for forgiveness at an amnesty hearing in Port Elizabeth this week for his involvement in the murder of the Pebco Three.

# MK award a fitting honour for legendary Barney Molokoane

By MONDRI MANKAWVA

When it comes to recollections by military figures of the liberation movements' armed struggle, there is no name more revered than that of Barney Molokoane, the commander of the Umkhonto weSizwe unit that carried out the attacks on several Sasol plants and the Voortrekkerhoogte military base in the 1980s.

The bodies of Molokoane and his comrades Victor Khayiyana and Vincent Sekete, who were killed with him during a skirmish with the police in 1985, are to be exhumed today from their makeshift graves near Piet Rehet by the Truth and Reconciliation Commission.

After tests are done to verify their identities, they will be reburied with full military honours. The ANC hierarchy plans to confer Medals of Honour - MK's highest award - on them posthumously at their respective funerals.

They will be fitting honours, particularly for Molokoane, who took on a Che Guevara-type aura for militant township youths in the 1980s.

While prominent former MK commanders such as Joe Slovo, Chris Hani and Joe Modise have enjoyed a greater public profile, Molokoane has always had legendary status among former members and supporters of liberation movements.

Molokoane headed the Solomon Mahlangu unit, which participated in the spectacular Sasol bombings in November 1980. Members of the unit gathered in Mozambique a few weeks before the attack to be briefed on the operation by then MK chief-of-staff Joe Slovo. The operation was significant as it was the first time lumped mines were to be used in South Africa's military conflict and because it would mark a resuscitation of the ANC's dormant armed struggle.

After an intricate, mishap-filled journey from Maputo, the unit reached Sasolburg. Dressed as maintenance workers, they planted the mines, vanished from the scene and made their retreat to base. When the mines detonated, they caused a huge inferno which resulted in damage that ran into millions of rands.

The impact of the attack was more psychological than military as it gave a morale boost to anti-apartheid activists after the crushing of the 1976/77 uprising.

The attack also gave birth to the legend of Barney Molokoane. After that operation Molokoane was in and out of the country carrying out attacks, the main ones being the 1981 rocket attack on the Voortrekkerhoogte military base and the abortive strike on the Secunda Sasol plant in 1985.

After Sasolburg and Voortrekkerhoogte, township youths would attribute every major attack on government installations and

personnel to "Barney". If a policeman was shot dead in Galeshewe township in Kimberley, youths in that township would swear "Barney" was involved, and if a bomb went off at Durban police station, Molokoane had to have had a hand in it. Songs, many of which are sung to this day, were composed in his honour.

But it all came to an end in 1985 after Molokoane's unit launched a rocket attack on the Secunda Sasol plant.

The operation did not go as planned. The rockets landed on the grounds of the plant and did not hit the installation itself. While retreating to the Swaziland border, Molokoane's unit was intercepted by a joint South African Police - South African Defence Force patrol.

The group was killed and buried in an unmarked pauper's grave at a local cemetery.

For 12 years neither their families nor the ANC knew where they had been buried, until six policemen involved in the skirmish sought amnesty earlier this year and pointed out their graves.

It is expected that Molokoane's funeral will be attended by hundreds of his former trenchmates who are scattered all over the public service and the security forces, as well as by many youths who were not born by the time he died but who today speak passionately about the legend of Barney Molokoane.



# Death penalty goes, stiff minimum sentences for serious crimes introduced

Cape Town - The National Assembly yesterday passed legislation which officially removes the death penalty as a sentence, but which imposes strong new minimum-sentence guidelines for serious crimes instead.

Another justice bill, also passed by the Assembly last night, will make it almost impossible for people charged with serious crimes - of murder, rape or robbery - to be granted bail if they are accused of:

- Premeditated murder;
- The murder of a law enforcement officer
- Murder where the death of the victim was caused by the accused while committing another serious crime.
- Murder where a firearm

was used.

- Robbery involving the use of a firearm, the infliction of bodily harm or the taking of a motor vehicle or an attempt to do so

The Criminal Procedure Second Amendment Bill - which must still be passed by the National Council of Provinces in two weeks' time - ensures that these crimes will

also carry life sentences

In terms of the Criminal Law Amendment Bill also piloted through the Assembly by Justice Minister Dullah Omar, a regional or a high court should impose imprisonment of not less than 15 years for rape and robbery for first offenders. A second offender faces imprisonment for a pe-

riod not less than 20 years. For a third offender, a minimum sentence of 25 years would apply.

Similar penalties also face drug and arms smugglers, or dealers, those in possession of illegal ammunition and those involved in economic crimes involving more than R500 000.

Parliamentary Bureau

(252) *Star* 7/11/97



# Pebco 3 beaten and strangled, TRC told

Star 7/11/97 (252)

## Mamasela contradicts claim in killers' amnesty bids

**SAPA**  
Port Elizabeth

**C**onfessed hit-squad member Joe Mamasela has told the Truth and Reconciliation Commission that the so-called Pebco Three were not shot as their killers claim in their amnesty applications, but beaten and strangled to death.

In a written statement handed to TRC investigators last December, Mamasela admitted to taking part in the abduction of Port Elizabeth Black Civic Organisation activists Siphon Hashe, Champion Galela and Qaqawuli Godolozu from Port Elizabeth airport in May 1985.

He said the three men were taken to a disused police station near Cradock by a security police team including Gerhardus Lotz, Colonel Gideon Nieu-

woudt, Captain Sakkie van Zyl and Colonel Roelf Venter.

Also present at the police station, according to Mamasela, were askari (turned Umkhonto weSizwe guerrilla) Peter Mogoai, Vlakplaas hit-squad operatives Johannes Koole and Johannes Beeslaar, and security police colonel Herman du Plessis.

The first of the activists to die had been Hashe. During interrogation by Nieuwoudt, Hashe was kicked, punched and beaten over the head with a metal pipe until blood came out of his mouth and ears, Mamasela said.

During the interrogation, the policemen had organised a braai and drunk alcohol.

When Godolozu was brought into the police station he had fallen to his knees and promised to give his full co-operation, after seeing Hashe's lifeless body

Mamasela said Godolozu was returned to the garage without having been assaulted, and it was then Galela's turn.

During interrogation lasting two to three hours, the activist was kicked, punched and beaten with the metal pipe. He died after being throttled.

The bodies of Hashe and Galela were dumped in a garage, Mamasela said. The following morning, they went to fetch Godolozu, who, after five to six hours of questioning, was also dead.

Mamasela said he had helped to clean up the blood in the house before putting the bodies in a minibus and returning with Koole and Mogoai to their base.

The hearing continues

► More TRC reports

# Gay coalition claims victory over Omar

*Dullah Omar has come off second-best in his battle with the gay and lesbian community, write Charl Bignaut and Swapna Prabhakaran*

M+G 7-13/11/97

**T**he gay and lesbian community is claiming victory in its battle with Justice Minister Dullah Omar. The National Coalition for Gay and Lesbian Equality says Omar has dropped his opposition to the removal of legislation on same sex relations between gay men. Omar said two months ago that he would oppose the coalition's high court application to remove several

"sodomy" clauses — including the notorious Sexual Offences Act — from the statute books. Omar's office says his opposition remains, but the coalition says the minister has merely still to make his decision official. The coalition says Omar backed down following talks between the African National Congress and the Human Rights Commission. Coalition official Mazibuko Jara

says the application is likely to be heard unopposed in the Johannesburg High Court on November 25.

The laws in question were heavily used in the 1960s and 1970s to ensure that the police had the right to invade the privacy of gay men's bedrooms. What they boiled down to was that any situation involving two or more men — be it a private dinner party or a public cinema — that led to the arousal of any of the party was illegal.

Lesbians, however, were never discriminated against in the clauses as the state seemed not to recognise their existence. Anal intercourse between men was illegal. Heterosexual anal intercourse seemed not to exist either.

The coalition wanted to use the court action to end legal discrimination against gay men, particularly in the workplace and in terms of prejudicial police action against individuals and gay businesses. Its court application was supported by the Minister of Safety and Security, Sydney Mufamadi, and the attorney general's office. Omar's office claimed his opposition was based on technical rather than ideological concerns and that the minister



**Mouth-to-mouth: A recent demonstration outside the Johannesburg High Court showed that two men CAN kiss. PHOTOGRAPH: RUTH MOTAU**

was anxious to ensure that children's rights were protected as well as gay rights. The coalition dismissed such arguments, saying it represents consenting adults.

The justice minister's stance ensured he was a central feature at the recent 1997 Gay and Lesbian Pride Parade in Johannesburg. Several

high-profile gay figures condemned Omar. On the parade itself, several banners lambasted Omar — the most ascerbic being a poster of Nelson Mandela in a wig with a speech bubble reading "Hey Dullah! Let them eat cock!" Spectators along the route yelled "Amandla" in response to the poster.



# Business prepares to bring PR to the TRC

M+C 7-13/11/97 (262)

David Beresford

**T**he adage that it is possible to lead a horse to water, but difficult to make it drink is proving well-founded where the business community is concerned as it approaches its "moment of truth" before the Truth and Reconciliation Commission.

Corporate South Africa faces three days of hearings before the commission next week, but indications are that it will be less an occasion for the disclosure of facts and more to do with public relations — for those who bother to participate in the event.

About 70 companies, business organisations, unions and individuals have made submissions to the commission. A number are refusing to release their offerings before the hearings get under way.

But a taste of attitudes towards the inquiry is provided by the Chamber of Mines, representing one of the most profitable and controversial sectors of the economy.

The chamber sums up a century of mining in South Africa with a six-and-a-half-page document that fails to deal with any of the contentious issues that dog the industry.

The submission opens with the claim that mining was "largely instrumental" in the development of South Africa's infrastructure, providing employment for people from "deep rural areas and from neighbouring countries" and "contributing to economic activity in these areas".

The point that those areas remained among the most poverty-stricken on the subcontinent is overlooked.

The wages issue is dealt with in three paragraphs and in terms of percentages ("since 1960 the wages of black employees have increased

in real terms by 492%"). It does not deal with other calculations that show, for instance, that a novice miner's pay in 1973 was less in real terms than was paid by mining bosses in the late 19th century.

The chamber suggests that racism on the mines was entirely the fault of the state, or the employees themselves — characterising it as "the product of statute, common law and customary arrangements". And the deaths of an estimated 84 000 workers on the mines is not mentioned in the submission, which only notes that mining "is dangerous".

Anglo American is the only one of the mining houses flung a separate submission, but declined to release it this week. Gold Fields of South Africa, which was particularly notorious during the apartheid era for the brutality of its private police force, is apparently not putting in an appearance.

The list of submissions is in many respects more striking for those who fail to appear on it.

Shell, for example — which allegedly played a crucial role in shoring up the apartheid state by ensuring oil got through to South Africa — has failed to account for itself.

Mercedes-Benz still has to make a submission. Casspirs and Buffaloes became as much a symbol of political repression in the townships during the 1980s as the AK-47 was of revolutionary struggle.

The vehicles were built from Unimog chassis and engines supplied by Benz Unimogs were also used by the South African Defence Force for transport and combat vehicles.

Afrikaner business shows itself more concerned to involve itself in the soul-searching exercise represented by the Truth and Reconciliation Commission.

The insurance giant Sanlam, for instance — while claiming to have led something of a rebellion against petty apartheid from the early 1970s — acknowledges that it benefited from apartheid, relative to disadvantaged groupings. "The past cannot be undone, but contemplating these events leaves us with a deep feeling of sadness and regret."

**The Afrikaanse Handelsinstituut, while arguing that apartheid was counter-productive for the white business establishment, concedes that it disadvantaged black business**

Similarly the Afrikaanse Handelsinstituut, while arguing that apartheid was counter-productive for the white business establishment, concedes that it disadvantaged black business.

"Separate development in the end meant social engineering with brutal human costs and enormous wastage of resources. As a business organisation we should have appreciated much earlier that moral and economic realities militate conclusively against even the loftiest interpretation of separate development."

Admitting that "fellow South Africans were gravely wronged", it offers its "sincere regret for these failings" and "apologies to those affected".

But perhaps the most telling insight into the relationship between big business and apartheid is provided by the man who fell victim to PW Botha's wagging finger — the former chief executive of Barclays Bank, Chris Ball, who was driven out of the country by the former state president's charge that he was sympathetic to the ANC.

In a closely reasoned submission, Ball argues that business leaders — whether through conditioning, or a lack of a conceptual framework — did not have the intellectual grasp to understand their manipulation by the apartheid regime. "Most businesses were bystanders, passive rather than innocent," he says of apartheid.

Ball stresses his anxiety not to personalise his submission, but says that Barclays's attitude to apartheid was directly related to the attitude of the chief executive officer of the day. "My predecessors were sensitised, but passive, my successor conservative."

Businesses were directly involved in the defence industry "and profited from it", he says.

"The involvement in the security apparatus was in the supply of equipment, not in participating in security activities, which were fairly well hidden from most business people."

"The regime did try to obtain information from banks about payment flows to underground organisations, made in many cases through Barclays."

"We resisted those enquiries, though there was probably leakage of information by members of the staff who supported the regime. Business, including the banks, was active in rebutting and frustrating sanctions."

"There was a genuinely felt belief that sanctions would not improve conditions in South Africa, or even produce change."

The truth commission hearings on the business sector get under way in Johannesburg on Tuesday, November 11, with oral testimony from companies including Barlow, Eskom and Armscor.

**A TRC for conservationists? PAGE 37**



# Time for a TRC for conservationists

Why should the conservation fraternity be let off the hook, asks Farieda Khan

In recent months we have witnessed the spheres of medicine and journalism being placed under the spotlight of the truth commission. If editors have to answer accusations of collusion and silence when confronted by the excesses of apartheid, and medical authorities have to explain why they allowed the blatantly discriminatory and humiliating practices endured by black medical students to continue unchallenged, why shouldn't the conservation fraternity be made to examine its conduct under apartheid? For, like the apartheid era history of many other sectors of society, the story of conservation during this period is an unedifying and sometimes sordid tale of collaboration with those in power.

The victory of the National Party in 1948 ushered in an era in which conservation was destined to become the handmaiden of the apartheid state. This was signalled by the deproclamation of the Dongola Wildlife Sanctuary, on the border with Botswana, by the new government in its very first year in power. The sanctuary which had been created by the government of Jan Smuts in 1947, was abolished by the NP which gained significant political capital out of backing the demands of white farmers to repeal the Act which had created the sanctuary.

Over the next few decades, conservation would be relentlessly subordinated to the demands of apartheid and cynically manipulated by the state while the farce of its apolitical nature was perpetuated. The state was aided in this task by the conservationists in its employ at both national and provincial level.

These officials promoted the myth of the environment being "above politics" while implementing apartheid measures which not only greatly contributed to the alienation of blacks from conservation but also ensured that few, if any, blacks were employed above the level of an unskilled worker or game guard.

Well known conservationist Douglas Hey, a former director of Cape Nature Conservation, wrote approvingly of the establishment of separate parks and game reserves in the "Bantu homelands" and of the establishment of the racially exclusive Manyeleti Game Reserve which, in 1975 "was visited by over 20 000 Bantu schoolchildren from all ethnic groups".

Hey's support for conservation apartheid was not surprising, given his perception of blacks as being environmentally destructive. His comment that "there can be no doubt that the native youth is one of the greatest destroyers of wildlife in the Cape province today" was typical of the biased attitudes of many conservationists during the apartheid era.

Colonel Jack Vincent, a former senior official of the Natal Parks Board, wrote in 1988 "It will take years, if not a generation or two, before millions of Africans regard wildlife as anything but the next meat meal." This is an unsurprising comment from someone who also believed that "many, if not most, of the Bantu people have mental processes which are still very primitive".

Support from conservation officials did not stop at political support. During the 1970s, certain officials obligingly looked the other way while politicians and military personnel involved in the mass slaughter of elephants in militarised zones in Angola and Namibia engaged in ivory smuggling. It took exposure of this smuggling racket by conservationists in the United States during 1988 and 1989 before action was taken by the authorities.

One of the most damning accusations to be made against the mainstream conservation movement is its collective silence in the face of the enormously destructive ecological impact apartheid had in black rural areas. While writers based in the United Kingdom and the US (such as Lloyd Timberlake and Alan Durning) exposed the appalling social and environmental costs of the homelands system, many mainstream conservationists in South Africa opted



Drop dead Until the end of apartheid, most game reserves would not have welcomed Nelson Mandela as a paying guest, let alone have allowed him to go on a hunt

instead for the victim blaming approach.

An equally damning yet less tangible accusation is the deafening silence which met the negative impact apartheid had on the environmental attitudes of black South Africans. Discriminatory land legislation such as the Group Areas Act of 1950, as well as a host of regulations severely restricting their freedom of movement, resulted in their alienation from the land.

Apartheid legislation made access by blacks to natural amenities, game reserves and national parks extremely difficult. For example, in 1964, when the Natal Parks Board established a hutted camp for African use only, the camp was vetoed by the minister of Bantu administration and development De Wet Nel, with the words, "Dut pas my nie (it does not suit me)".

Various state, provincial and local conservation authorities vied with each other in their enthusiastic implementation of discriminatory laws, as a consequence of which the primary aim of protecting the environment was subordinated to the aims of apartheid. The National Parks Board is a prime example.

According to the National Parks Act of 1926, national parks had been established for the benefit of the nation, this was narrowly interpreted to mean the white public, and it was not before the mid to late 1980s that blacks were allowed to use the accommodation facilities.

Provincial conservation authorities were equally guilty of treating black visitors in a dis-

criminatory manner. The Natal Parks Board, which admittedly offered accommodation to blacks much earlier than the National Parks Board, was equally hostile in its dealings with black visitors. In 1973 for example, the board not only refused accommodation to black students on a trip organised by the Wildlife Society, but also raised objections to the group using the hides in one of its reserves.

As a result of the apartheid laws, freedom of association (the very foundation of private interest groups) was extremely difficult to practise. While few environmental NGOs openly used race as a bar to membership, in practice most, if not all, had an exclusively white membership.

Few NGOs needed government encouragement to ensure racial exclusivity. Organisations such as the National Veld Trust went so far as to encourage the establishment of separate organisations for blacks — the African National Soil Conservation Association, as well as the Indian Soil Conservation Association, established in 1953.

The NP's mania for racial categorisation extended to ensuring that tribal divisions were adhered to, resulting in the disbandment of the African National Soil Conservation Association on Hendrik Verwoerd's instructions in 1959 because it had not been established along ethnic lines.

The government went further in 1964, when Senator Jan de Klerk sent notices to all scien-

tific bodies, including the South African Bird Watchers, the South African Ornithological Society and the Zoological Society of South Africa, asking them to alter their constitutions to exclude "non White members". Some refused, opting to give up their government subsidy, but others complied with the demands.

These and other government actions contributed greatly to the fact that the environmental movement remained small and fragmented with a largely white support base. However, this is only part of the reason, and it is NGOs themselves which must shoulder their part of the responsibility for stunting the growth of the environmental movement.

The reasons for this were that, firstly, the membership of many environmental NGOs was politically conservative, secondly many NGOs received subsidies from the government. A third factor which discouraged black membership was the practice of inviting government officials to serve as office bearers — for example, the first prime minister of the apartheid regime, DF Malan, served as the Wildlife Society's vice-president in 1954, while the state president was its patron in 1984.

By the early 1970s apartheid was so entrenched that its acceptance by most environmental NGOs, whether tacit or overt, was simply a matter of degree. The extent to which blacks were excluded from the environmental movement was clearly illustrated by the actions and philosophy of many of its organisations.

The Wilderness Leadership School which was started in 1957 did not invite blacks on its trails prior to 1970. The Mountain Club of South Africa, one of the oldest environmental organisations in the country, was a deeply conservative body which never made it easy for black climbers to join its ranks, thus alienating skilled climbers such as Ed February.

What was the response of the NGO sector to the abuses of the apartheid era? There were several individuals within the mainstream movement who challenged the complacency of the conservation fraternity by raising uncomfortable socio-political issues. Most however, remained silent, claiming that politics had no place in the environment.

Many tacitly or overtly supported the apartheid government, others, like the Wildlife Society, swung between silence in the face of apartheid abuses and a more overt support for the system. Hence the society's much heralded 1980 national conservation strategy was eloquently silent on the issue of whether its proposals had any chance of succeeding within a context of racial discrimination.

The Wildlife Society also collaborated with the South African Defence Force to produce a publication partly funded by the South African Nature Foundation (now the World Wide Fund for Nature — South Africa), entitled *The Soldier and Nature*. At a time when the SADF was effectively fighting an undeclared civil war against its black citizens, both organisations chose to be associated with a publication which adopted a decidedly partisan stance.

This is not the only instance of questionable behaviour by the South African Nature Foundation during the apartheid era. The 1996 report of the Kumbieben Commission of Inquiry exposed the foundation's involvement in the ill considered scheme initiated in the late 1980s known as Operation Lock.

It is true that no gross human rights violations, such as torture or murder, were committed in the name of conservation, but it is also true that cultural dislocation, widespread suffering and even deaths resulted from the many instances of dispossession and forced removals of black communities in order to protect wildlife and their habitat.

On the whole, mainstream conservation did too little, too late — and as a consequence, South Africa has inherited a blighted environment and a nation ill-equipped to deal with it. At the very least, it owes the public an explanation of its conduct under apartheid.

Farieda Khan is a member of the environmental advisory unit at the University of Cape Town.

M+G 7-13/11/97 (262)







LEON MULLER

# Sibaya takes offer of TRC 'safe house'

(252)

From page 1  
ARG 8/11/97

seen on two occasions recently in the company of two white men who - he told a source - were policemen who had previously beaten him and taken his car

He told the source the men had come to seek forgiveness at the time he was seen with them

When Mr Sibaya this week retracted his allegations against truth commissioner Dumisa Ntsebeza he said he had been put up to it by the police after having been tortured in January 1994

The meetings between Mr Sibaya and the white men took place "two to three weeks ago," said the source, whose name is being withheld for his safety

An independent inquiry into the affair, headed by Constitutional Court Judge Richard Goldstone, will probe the events around the false testimony given by Mr Sibaya. It will also be extended to investigate whether the allegations against Mr Ntsebeza were part of a dirty-tricks campaign against the TRC

Mr Sibaya, who last week publicly hugged Mr Ntsebeza and begged his forgiveness, will be called on by the Goldstone inquiry to name his police handlers

Mr Donen said he was "not at liberty" to discuss a newspaper report which alleged that Mr Sibaya would implicate former murder and robbery unit head Des Segal, who died in a car crash under mysterious circumstances

Mr Sibaya will appear before the TRC on December 4

"This will eliminate any prejudice to the (amnesty) applicants and place on record that Dumisa Ntsebeza had nothing to do with it," Mr Donen said

Mr Sibaya falsely testified at the amnesty hearing of the three men responsible for the Heidelberg attack that he saw Mr Ntsebeza driving their getaway car and that he had memorised the registration number

The TRC initially received an intelligence report detailing Mr Sibaya's allegations in May this year from General Nic Snyman, with whom Mr Ntsebeza had clashed over political trials in the past

...sow: gardener Bennett Sibaya said the police forced him by torture to frame TRC commissioner Dumisa Ntsebeza

# IFP to co-operate with truth commission

ARG 8/11/97 (252)

PAUL KIRK

Durban – KwaZulu Natal premier Ben Ngubane said yesterday the Inkatha Freedom Party had agreed to co-operate with the Truth and Reconciliation Commission and that party members would begin making statements to the commission with immediate effect.

The move was hailed by the TRC, with spokesman Mdu Lembede saying "This is the first time the IFP have agreed to co-operate. We are very happy."

Dr Ngubane would not be drawn on what led to the decision after the IFP had so far maintained

a critical distance from the body searching for the truth behind the tragedies of the apartheid era.

The timing of the decision drew a harsh response from African National Congress spokesman Dumisane Makhaye, who slammed the move as "mere opportunism".

Mr Makhaye said "The leadership of the IFP realised a period of reparations was about to commence and they would be left out of the reparations. Leaders of the IFP had made submissions to the TRC and they stood to benefit, while grassroots members of the IFP would have been left out. Grassroots pressure has led to this decision."

The IFP has a little over a month to make statements before the December 14 cut-off date. Those who do not make statements would not be liable for reparations, which could be as high as R23 000 a year per family for six years.

The Reverend Khoza Mgojo, commissioner of the TRC in KwaZulu Natal, said yesterday that although the TRC had cut staff drastically it would still be able to cope.

"We do not expect a flood of people into our offices and would not be able to handle them due to staff cuts. Instead we will make use of designated statement takers who will be appointed from within communities," he said.



# Angry magistrates start nationwide work-to-rule action

(252) (182)  
*'Spontaneous unrest' warning*

ARG 8/11/97

JACKIE CAMERON

**Johannesburg – Angry regional court magistrates effectively embarked on a nationwide work-to-rule this week in a protest for massive salary increases which would bring their packages closer to those of high court judges.**

As Minister of Justice Dullah Omar considers boosting salaries for judges, magistrates and attorneys-general, prosecutors have warned that nationwide "spontaneous unrest" in the courts can be expected – unless they are included when the Government opens its coffers

Judges have asked for increases of 15 percent, which would push up their annual salaries to more than R400 000 (about R30 000 a month)

Prosecutors and magistrates also warned that mass resignations from the courts could be expected by early next year if salaries were not drastically revamped soon to close the gap between their packages and those of lawyers in private practice

Annual salaries for district court magistrates start at about R65 000, a regional court magistrate currently earns about R170 000 and supreme court judges earn packages from about R350 000 and also get a luxury state car. Regional court presidents and chief magistrates also enjoy car perks

Magistrates are demanding between 29 percent and 63 percent salary increases – depending on seniority – and regional court magistrates ideally want at least 70 percent of a judge's salary. Rank-and-file prosecutors, with the same qualifications as magistrates, earn between about R45 000 and R120 000 a year, depend-

ing on experience. Senior state prosecutors earn more than R140 000

Lawyers in private practice can easily earn annual packages in excess of R500 000, say state lawyers

Prosecutors also believe their salaries should be on par with magistrates because they have the same qualifications and have said that their jobs are more demanding

If judges are granted an increase this year, regional court magistrates will not be satisfied with an increase of up to 63 percent "because this will mean the gap will widen even further between our salaries and theirs," said Les Wilkins, spokesman for the Association of Regional Magistrates of

*'We don't like being demanding but we feel that the buck now stops with us'*

South Africa

Paul Setsetse, spokesman for Mr Omar, said cabinet members were considering granting judges and magistrates increases of 7,5 % and that no further increases were in the pipeline this year for prosecutors

"The concerns of judges and magistrates are being looked into. There's no need for protest action at this stage," he said

This is the first time regional court magistrates have embarked on protest action. Last year they got increases of about 20 % while their regional court presidents netted an extra 43 %. Prosecutors got an extra

eight % this year

The latest action by regional court magistrates includes refusing to do any work outside normal office hours and refusing to leave home early to ensure they arrive at outlying courts by 9am, if they have to drive for more than one hour

They are also refusing to travel in the same cars as court interpreters and prosecutors because they feel it impacts adversely on their "independence" in deciding cases

Regional court magistrates, many of whom preside over 50 cases at any one time, will cease hearing trials "piecemeal". They will instead postpone hearings to finish one matter at a time. Overloaded courts are expected to slow down further as current trials are drawn out, and awaiting trial prisoners can expect to wait even longer before their cases are heard

Bail applications may not be concluded in one day and cases could be thrown out of court if all witnesses are not present when the magistrate is ready to hear the case

The protest action started on Monday and is expected to continue next week

Mr Wilkins said: "This is a protest action but we do not want to label it a work-to-rule. We are not a union. We won't call our colleagues scabs if they don't participate. Most of them are participating. There are about 190 regional court magistrates nationwide, most of whom are members

"We've thrown down the gauntlet. We don't like being demanding but we feel that the buck now stops with us, not just with salaries but also our independence. This is not just a salary issue. We feel we have been sidelined," he said



# Digging into history to punish or forgive criminals

New democracies need to investigate the crimes of displaced despots, if only to reduce the chances of history being repeated.

Prosecute and punish, or forgive and forget? These are the two poles of a debate that has riven every new democracy emerging from authoritarian rule.

In the middle is South Africa's ambitious approach of using a Truth and Reconciliation Commission to strike a balance between the apparently competing claims of justice, reconciliation and political stability.

Yet, as the commission nears the end of its business, it is plain that even its unique combination of amnesty in exchange for confession, backed by the threat of prosecution, has its shortcomings.

What general conclusions can be drawn from different countries' experiences?

Some argue that digging over the unsavoury details of the past can only inflame passions and raise hopes of recompense and justice that can never be satisfied.

Selective punishment or retroactive prosecutions for acts that may have been legal at the time are not justice.

Moreover, in many countries wrongs were committed by the opposition as well as the old regime. Better to draw a line under the past, say pragmatists, and move on to more urgent tasks, such as developing the economy.

Such arguments are predictably popular with officials of the former regimes. But they have also found favour with many people genuinely

concerned with reconciliation - such as Vaclav Havel, the Czech president.

However, just as compelling have been the claims of principle. Victims, their families and human-rights advocates have often demanded as full an accounting as possible. Whatever the difficulties of prosecution, the attempt must be made.

Letting the criminals of the old regime off scot-free not only offends natural justice, but also undermines the fragile credibility of new institutions.

How durable or law-abiding, ask human rights campaigners, will a democracy be, whose first act is to sweep such crimes under the carpet?

Neither side has won this debate. The grievances of victims have often

been too strong to let bygones be bygones.

On the other hand, new democracies have not had the means to investigate every crime or to prosecute thousands of officials in the former regime. Uncovering the truth, and determining individual culpability, has proved difficult and divisive.

In Eastern Europe, for example, there was widespread co-operation with communist governments for over 40 years. The issue of who is guilty and who is innocent is rarely clear-cut.

The way in which power was transferred from dictators to democrats has also determined the limits of what new governments can do. In many countries reformers within the old regime themselves initiated the transition.

Spain in the 1970s was an early example of this as were Brazil and Hungary later. As a result of the

agreed nature of the handover in these countries, there have been few, if any, prosecutions.

In South Africa, Chile, Poland, Czechoslovakia, Uruguay and South Korea, the transition to democracy was negotiated, and part of the deal was some form of amnesty for those in the old regime.

This has not stopped countries such as South Africa and Chile from making efforts to uncover past crimes, or to offer some compensation to victims, but it has limited the scope for punishment.

Sometimes such deals have fallen apart, as in South Korea, where two ex-presidents are in jail. But more often new governments have stuck to them, though not always out of scr-

## of the

(252)

## old regime

*'New democracies give victims chance to speak. Wrongs have been exposed'*

ARG 8/11/9

ple In Chile, General Augusto Pinochet threatened to retake power "the day they touch any of my men"

It would be tempting to conclude that new democracies would be wise to avoid such a political and legal morass. But that would be a mistake.

The very fact that so many governments have delved into the past, despite all the obstacles, is testimony to their people's hunger

for a reckoning.

Yes, justice has been selective. Too many torturers and murderers have escaped punishment. So have too many of their political bosses. Yet the best should not be made the enemy of the good.

Even the allies, after their total

victory in World War 2, failed to bring many war criminals to justice. France is currently trying Maurice Papon, a senior Vichy official, for crimes against humanity committed more than 50 years ago.

In their efforts to deal with the past, new democracies have given victims a chance to speak. Wrongs have been exposed. A few culprits have been punished. These are considerable achievements.

And by investigating the sins of the former regime, the new governments have publicly invited their own people to judge them by a higher standard of behaviour. This is the most important achievement of all.

The trials and truth commissions of recent years have not really been about the past. Rather, they have been about building a future in which the rule of law prevails, especially over the rulers themselves - The Economist



# 'Law protected homeland police'

## *Allegations before TRC*

AR 8/11/97

(252)

JACKIE CAMERON

Former homeland cabinet ministers instructed prosecutors to refrain from prosecuting policemen who killed political activists. And South African magistrates and judges ensured that "non-whites" received the harshest penalties in court.

As attorneys, advocates and magistrates made these, and other, startling allegations to the Truth and Reconciliation Commission, they have also sounded a warning that the justice system needs to be radically revamped because there is still "no real justice on the ground"

Magistrates have been sharply criticised, in TRC hearings late last month, for not making a concerted effort to reveal their role in upholding some of the cruellest aspects of the apartheid regime

TRC sources said the blame for magistrates not coming forward should be placed squarely at the feet of the Magistrates Commission – a body set up in the dying days of apartheid – because they failed to communicate appropriately with magistrates

In a letter to the TRC, this commission said that "without clarity" on the exact allegations and "which section of the legal system is accused", a "decision on whether participation in an investigation will be of any benefit cannot be reached"

Despite this lack of co-operation in the enquiry, a number of present and former magistrates and prosecutors and the National Association of Democratic Lawyers (Nadel) have made startling, but not altogether unsurprising, allegations about how the magistrates courts

were used by the former government to enforce apartheid

Among the allegations, contained in submissions handed to the TRC, are

■ That Piet Ntuli, the minister of interior of KwaNdebele in 1986, "summoned all prosecutors to the then chief minister's office . and were instructed that members of a vigilante group (allegedly aligned to the chief minister) should not be tried or charged"

Those who were facing trials "should be released on bail and their charges

*'Prosecutors were told  
that members of  
vigilante groups  
should not be tried'*

withdrawn"

■ A prosecutor was arrested under emergency regulations after releasing former chief minister, of KwaNdebele, James Mahlangu on bail whom politicians wanted "in prison"

■ Cases involving cabinet ministers were dealt with exclusively by police members and seldom saw the light of day "Case dockets that involved comrades were handled in the normal practice."

■ The attorney-general in the area would decline to prosecute in cases of murder which involved security force members and political figures on the side of apartheid

Instead, he recommended inquests

■ Tribal police officers in the area were not to be charged for murder and

"corporal punishment" in KwaNdebele.

■ At least two Regional Court magistrates in Cape Town, who presided over political cases, were allegedly members of the Broederbond

■ Magistrates uncritically accepted police evidence "with corresponding scepticism" of evidence given by non-white people facing trial.

■ Magistrates seldom accepted that people in detention had been assaulted by police.

■ Political cases were held in centres "geographically distant" from where trials would normally take place, "creating great expense and inconvenience" and prejudicing the defence of these cases.

■ In political cases, "discretion was almost always exercised against the accused"

■ Prior to 1994, the chief magistrate in Durban would follow up complaints from detainees "together with the security police", rather than independently of police

TRC commissioner Yasmín Sooka said the reluctance of magistrates and judges to come clean on their role in the apartheid machinery was "a real issue" and that meetings would be held next week to consider further possible action by the TRC. More political cases were dealt with by magistrates than judges.

"Most people have their first encounter with law at the hands of a magistrate in court. Unless there is a radical overhaul of the present situation, justice will never be real for people on the ground"

Ms Sooka said that several magistrates had undertaken to enlist their colleagues in a major submission, and added that the TRC would consider additional hearings for magistrates



**SUPPORT...**  
 Behind the scenes and on a small, but very visible scale, the Khulumani Support Group under the chairmanship of Maggy Nkwe, tries to help bring peace of mind and happiness to victims of violence

# TRC upstaged in compensating victims of apartheid violence

CP 9/11/97 *[Handwritten signature]*

By DAN DHLAMINI

WHILE THE Truth and Reconciliation Commission (TRC) is still pondering how victims of apartheid-orchestrated violence could be compensated, the Klerksdorp branch of Khulumani Support Group for victims of violence upstaged the TRC by presenting a wheelchair to Jacob Motsau (41) of Kanana near Orkney.

A jubilant Motsau, who has been paralysed since 1986 after he was allegedly shot by police, told City Press that he was subsequently jailed for two years.

Pointing at his old wheelchair, Motsau said, "I got this one in 1986 after I was paralysed I spent 22 months in jail on it. It's old now and no longer functions but I can't afford a new one."

"I get a paltry disability grant. My son Johnny had to quit school at 17 because I couldn't afford to pay for his tuition. Before they shot me I was a supportive father. This means a lot, I am so grateful to Maggie Nkwe and Khulumani," said Motsau.

The presentation was made this week at the Jouberton library before a group of victims of the violence which ravaged the North West (NW) during the early eighties and nineties.

Sorrow was still etched on the faces of some, months after they

had testified before the Truth and Reconciliation Commission (TRC).

Phillip Lebethe (22) who lost an eye and sustained multiple injuries in a grenade attack in 1991 during the ANC/IFP "mini war" in Tlgame. Lebethe, unlike Motsau, was given a three years suspended sentence for having been the perpetrator.

Sello Mothusi (32) of Orkney told City Press that he still has birdshot pellets in his head after he was allegedly shot by police in 1986. He said doctors told him he would have to learn to live with the foreign objects in his body.

Pensioners Gardener and Dorothy Majova of Stilfontein told City Press that they would not rest until they get the bones of their son Watson Mfana Mzwandile Majova.

The last time we saw him was in 1975. He was only 17. When we enquired about his whereabouts, authorities at Healtown School which he attended in the Cape told us that he had skipped the country.

"We only came to know of his death on January 10, 1994 after an anonymous caller told us to check a plaque at the Kagiso Township Library in Krugersdorp," said Gardener, a former school principal.

He said he saw the plaque and on it was inscribed, "Anniversary Monument in honour of the following heroes" and he saw his son's name. Majova said the plaque was unveiled by Oliver Tambo on December 15, 1991.

He said his family had been harassed by police from 1975 to 1985, probably until Watson's death, but the police never bothered to inform the family, Majova said.

Majova said he later learned that his son was one of the men who died in combat against the former Bophuthatswana police and the SAP in Tlhabane, near Rustenburg in 1985.

After a hectic gun battle police are said to have used a bulldozer to crush house where Watson Majova was killed.

Majova said the Klerksdorp Home Affairs office is yet to deliver it.

Behind the scenes and on a small, but visible scale, the Khulumani Support Group under the chairmanship of Maggy Nkwe, tries to help bring happiness to victims of violence.

Nkwe, the workaholic wife of Anglican Bishop David Nkwe of the Klerksdorp Diocese, is a former pioneer of the Orlando Children's Home in Soweto.

She is also the caretaker of the surviving Mathibela Siamese twin Mpho.

She told City Press that Khulumani Support Group has started a project of making bricks in Tlgame and another baking bread in Goedgevonden.

Nkwe, like Premier of the NW Popo Molefe, has urged victims to come forward and make statements to see if they qualify for assistance.

(252)



# Man who lied to truth body gets protection

(252)  
CRAIG DOONAN

ST 9/11/97

THE man who says he falsely linked truth commissioner Dumisa Ntsebeza to the Apla attack on the Heidelberg Tavern in Cape Town in 1993 has been placed in the Department of Justice's witness protection programme.

Bennett Sibaya, who said this week he had been tortured after the massacre and had been forced to say he had seen Ntsebeza ferrying two of the attackers, initially declined protection but agreed to enter the programme on Friday.

His lawyer, Michael Donen, told the Sunday Times. "I advised him to take up protection if his story was correct that he was tortured and to implicate Ntsebeza or to subvert the TRC if there is that kind of covert force in place he is obviously at some risk

"People equipped to go to those lengths are also equipped to manipulate the present situation to their advantage, and to his disadvantage," Donen said.

Sibaya is alleged to have named his torturer as former Cape Town murder and robbery head Des Segal, who died in a mysterious car accident in the Karoo earlier this year, and "two or three" other policemen, a truth commission source said.

Ntsebeza said yesterday that he would await the outcome of an inquiry by Justice Richard Goldstone into Sibaya's initial evidence to the truth body and his subsequent about-turn, before deciding on whether to take legal action.

"We are going to look at the totality of the evidence. But the Goldstone inquiry must first take its course and we'll review then as to whether to take any legal action."

# IFP caucus backs call for death penalty

(252)

CT. 10/11/97

**DONWALD PRESSLY**  
PARLIAMENTARY BUREAU

PEOPLE have the democratic right to halt their suffering "at the hands of monsters" by calling for the reintroduction of capital punishment, the Inkatha Freedom Party said at the weekend.

The party believes that the stand against the death penalty by the ANC represented "nothing more than the private moral convictions of the new elite"

In a statement released on behalf of Inkatha's 47-member strong parliamentary caucus, chief whip Mr Koos van der Merwe said Justice Minister Mr Dullah

Omar's rejection of a referendum on the death penalty was based on "a specious argument".

In a debate on a measure which provides for alternative sentencing by courts where the death penalty previously applied, Omar warned against meddling with the Constitution by allowing it to be changed by "shifting" majorities.

He also said premiers such as Western

Cape Premier Hernus Kriel, could not call formal referendums as no national legislation had been passed to provide for this.

In terms of the Constitution a premier could call for a referendum only in terms of such legislation.

Both the NP and the IFP have called for national referendums on imposing the penalty for serious crimes such as murder, armed robbery and rape under certain conditions.

Kriel has announced that the Western Cape will hold one.

Van der Merwe said democracy meant that the people had the right to choose.

If the people want the death penalty because they think it will call a halt to their suffering at the hands of monsters "they have the right to it".

There were numerous countries with Bills of Rights that supported and used the death penalty for heinous crimes. "It is merely a question of what the Bill of Rights says on the issue and a Bill of Rights can be changed without abrogating the constitution."



**'NEW ELITE':** Dullah Omar



# Big business set to testify before TRC this week <sup>(252)</sup>

ARG 10/11/97

Johannesburg - Corporate South Africa will tomorrow be called to account at a special three-day hearing of the Truth and Reconciliation Commission.

The question is whether business, which raked in huge profits during the apartheid era, will be made to pay for a shameful past?

At this week's hearings the Congress of South African Trade Unions (Cosatu) will argue that the corporate sector must compensate workers for apartheid

Cosatu general secretary Sam Shilowa will argue companies can pay for the past by ending wage discrimination on the basis of race and investing more in training

With Anglo American, Rembrandt and 30 other companies poised to testify the stage seems set for some frank exchanges

Last week few of industry's leaders were willing to reveal the contents of their submissions to the TRC in advance of the hearings. But it is believed that few will offer new revelations about the past and even fewer will make an apology

It is reported that the Chamber of Mines, representing a number of controversial companies which made a killing in the apartheid era, will concentrate on the economic contribution of its members

The SA Chamber of Business will make a 40-page submission on behalf of its large membership. The only body so far to come up with a compensation suggestion is the Afrikaanse Handelsinstituut which is suggesting that an insurance fund set up by Afrikaner business at the height of political violence in the 1970s, and which now stands at R 9 billion be used to benefit those who suffered - The Independent, London

# There are more secret graves - TRC

252

Sowetan 10/11/97

Phosa says the murdered cadres buried at Piet Retief were "sold out like chocolates"

By Russel Molefe

**T**HE TRUTH and Reconciliation Commission says it has plans to exhume more bodies of liberation fighters killed and secretly buried by apartheid security forces.

TRC investigative head Dumisa Ntsebeza confirmed to *Sowetan* that the commission knew of more secret graves. He was speaking after the exhumation of the remains of Mkonto we Sizwe special unit operatives Barney Molokoane, Vincent Sekete and Victor Khayiyane in Thandakukhanya in Piet Retief on Friday.

Ntsebeza said "We know of the existence of the secret graves of MK and Apla (Azanian People's Liberation Army) soldiers buried in places such as Mpumalanga, Northern Province, QwaQwa and as far as Botswana. We have evidence of the exact locations of those graves."

"We are just awaiting verification from MK and Apla high commands on certain information concerning their missing cadres."

Molokoane and Sekete, both of Soweto, and Khayiyane of Bethal, were killed near the Swaziland border on November 11, 1985.

They were secretly buried under false names in Thandakukhanya township on December 3 that year.

Molokoane was buried as Benjamin Dhlamini, Sekete as Mandla Fakude and Khayiyane as Stanley Selepe.

The three were buried by an employee of a well-known funeral undertaker on the instructions of the police, according to TRC investigator Fanie Molapo.

Ntsebeza said DNA tests were not necessary to identify the exhumed remains because the cadres' families had testified to their identities.

Molokoane was a rising star and songs were sung about him within MK and in the townships. He reported directly to late African National Congress president Oliver Tambo.

Among his successful military operations was the sabotage of a Sasol plant that resulted in an uncontrollable fire that raged for four days in 1982.

Molokoane's elder brother, Pheko, claimed the three cadres were "sold out from within."

His view was echoed by Mpumalanga premier Mathews Phosa. "These three comrades who helped make South Africa what it is today were sold-out to apartheid forces like chocolates," he said.



## IFP calls for return of (252) the gallows

POLITICAL STAFF

SPCW 10/11/97  
Cape Town - People have the democratic right to halt their suffering "at the hands of monsters" by calling for the reintroduction of capital punishment, the Inkatha Freedom Party said at the weekend.

The party believes that the stand against the death penalty by the ANC represents "nothing more than the private moral convictions of the new elite".

In a statement released on behalf of the Inkatha's 47-member parliamentary caucus, chief whip Koos van der Merwe said Justice Minister Dullah Omar's rejection of a referendum on the death penalty was based on "a specious argument".

In a debate on a measure which provides for alternative sentencing by courts where the death penalty previously applied, Omar warned against meddling with the constitution by allowing it to be changed by "shifting" majorities.

Both the National Party and the IFP have called for national referendums on imposing the death penalty for serious crimes such as murder.

# 'Outside' reports for TRC

252

By Themba Molefe

10/11/97

THE Truth and Reconciliation Commission will today receive reports from three international research institutes on how apartheid's security arm relentlessly pursued opponents and assassinated them abroad.

TRC media officer Ms Christelle Terblanche confirmed that the reports, which will include cross-border raids by armed forces, will be received from Action for Southern Africa, the Kairos Institute and the Netherlands Institute for South Africa.

The thrust of the research focuses on raids, including the elimination of anti-apartheid activists by letter bombs, especially in the 1970s.

Former South African Students Organisation leader Onkgopotse Tiro was the first victim of a letter bomb in Gaborone, Botswana, in February 1974, and later the African National Congress's Dulcie September, in London and Ruth First in Mozambique.

Apart from attacks on individual activists in exile, the National Party's armed forces were notorious for staging cross-border raids into neighbouring countries, particularly Lesotho and Botswana.

Terblanche said although it was difficult to list those killed by security forces, a special team within the TRC's investigative unit will narrow down the research information it will receive to complete its own investigations.

● See page 10



NOTES  
-1997  
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11/11/97

# Attorneys resist legal proposal

BD 10/11/97 (252)

**Deborah Fine**

SEVERAL bodies representing SA attorneys have rejected proposals by the SA Corporate Lawyers' Association (Clasa) to allow salaried in-house legal advisers to represent their organisations in court

Former president of the Association of Law Societies (ALS), Michael Pinnock, said Clasa representatives had met members of the Independent Bar, the ALS, the Black Lawyers' Associa-

tion, Lawyers for Human Rights and the Pretoria Bar Council at the justice ministry's offices in Pretoria on Friday to discuss the proposals

In terms of existing legislation, attorneys employed by companies are not allowed to represent their employers in court and have to make use of an outside, independent lawyer. They are also not entitled to brief an advocate on behalf of their organisations

Clasa has proposed amendments to the legislation to grant company lawyers the right of audience in court, as well as the right to carry out conveyancing work for their firms.

Pinnock said, however, that the proposals had been "broadly rejected" because the principle of independence was paramount to the attorney's profession

He said the consensus had been to refer Clasa to the national Legal Forum established to investigate the restructuring of the profession

# TRC told SA planned Palme murder

ARG 10/11/97 (252)

**JOHN YELD**  
ON THE TRUTH COMMISSION

**Details of close co-operation between South Africa's apartheid-era security forces and their South American counterparts – including the most notorious torturers of Argentina's "Dirty War" – have been provided to the Truth Commission by contracted researchers.**

Other findings supplied by the foreign researchers include information about alleged South African involvement in the assassination of Swedish prime minister Olaf Palme, the assassination of Paris-

based ANC representative Dulcie September, the attempt to poison Dutch Anti-Apartheid Movement head Conny Braam in a Harare hotel in 1987 and details of South Africa's chemical and biological weapons programme

The findings are in three reports handed to the head of the TRC's research department, Charles Villa-Vicencio, in Cape Town today. The reports were compiled under contract by Kairos, a research institute based in Holland, the Netherlands Institute for Southern Africa, an amalgam of former Dutch anti-apartheid groups and Action for Southern Africa, the successor to the British Anti-Apartheid Movement.

At a media briefing today Peter Hermes of the Netherlands Institute said there was "strong evidence" that South Africa had been involved in "at least" the planning of the assassination of Mr Palme

In the case of Ms September, the evidence had not been hard enough to name the individual responsible for her death – "but certainly some people are named"

Professor Villa-Vicencio stressed that information in the reports still had to be corroborated before being incorporated into the TRC's final report. He declined to release the reports to the media but said an executive summary might be available at the end of the week



# Ntsebeza smear bid laughed off by former cop

**ASHLEY SMITH**  
STAFF REPORTER

Former police general Nick Snyman has laughed off accusations that he tortured Gugulethu gardener Bennet Sibaya, forcing him to identify the Truth Commission's Dumisa Ntse-

beza as the driver of the Heidelberg Tavern attackers' getaway car

But the general said that as long as four years ago the name of Mr Ntsebeza surfaced during investigations into the Tavern massacre

A 1994 police intelligence report allegedly signed by General Snyman,

then deputy provincial commissioner in the Western Cape, implicates Mr Ntsebeza by naming him as the owner of one of the getaway cars

General Snyman said the notion that he tortured Mr Sibaya soon after the attack in 1993 was "ridiculous". Last week Mr Sibaya told TRC

chairman Archbishop Desmond Tutu that he was ordered to implicate Mr Ntsebeza in the attack after being tortured by members of the police

General Snyman said he had no reason to frame Mr Ntsebeza "It's absurd, I'd never heard of him. His name was immaterial," he said

ARG 10/11/97

(252)

## Reparations: IFP

## to work with TRC

(252) ARG 10/11/97

ARGUS CORRESPONDENT

Durban - The Inkatha Freedom Party has been forced to co-operate in part with the Truth and Reconciliation Commission.

The reason is the deadline of December 14 for victims of violence to apply to the TRC for reparations. At the weekend, KwaZulu-Natal Premier Ben Ngubane met TRC commissioner Khoza Mgojo, who urged the IFP to help its supporters to apply for reparations because their suffering was comparable to that of ANC members.

Dr Ngubane said his party was still at odds with the TRC but did not want its members to lose out on reparations.



# Benzién's case on Kriel 'full of holes'

## Probe traces 195 graves of MK cadres

CT 10/11/97 (252)

**RONALD MORRIS**  
JUSTICE WRITER

SELF-CONFESSED torturer Captain Jeff Benzien has not demonstrated a political motive for the killing of uMkhonto weSizwe member Mr Ashley Kriel 10 years ago and his application for amnesty should fail, lawyer Mr Taswell Papier has told the Truth and Reconciliation Commission's amnesty committee

Papier is acting for Kriel's family, who have opposed Benzien's application

In his evidence to the committee, Benzien insisted that the shooting of Kriel on July 9, 1987 was an accident. He said it had occurred during a scuffle while he was trying to disarm Kriel

Papier said Benzien's application did not relate to an act that constituted an offence as envisaged in the Promotion of National Unity and Reconciliation Act. Nor had Benzien made out a proper case invoking the jurisdiction of the amnesty committee

The Act said that an application should be compiled in a prescribed form and executed before a commissioner of oaths, Papier said. However, Benzien's counsel had chosen to commission his client's application. This was irregular and in contravention of the Commissioner's Oath Act, Papier said

Benzién had also not made a statement or disclosure specifically for the TRC process. He had merely referred to a statement he had made to an inquest in 1987

This was irregular, Papier said. Benzien's application was fatally defective and should be dismissed.

Benzién had emphatically denied any unlawfulness and believed his conduct had been justified, Papier said. He had denied that he had acted negligently or with the intention to kill

Benzién's seeking amnesty was akin to saying "I have done something, it is not wrong, but I want amnesty", Papier said

This undermined the legislation

and made a mockery of the process. Benzien's application could be seen as an attempt to abuse the amnesty process, Papier said

"The applicant adopted a minimalist approach. It is not the function of the committee to adjudicate on conduct which merely causes pain to the family"

Papier said the committee should note that Kriel's death had not contributed in any way to Benzien's claimed trauma. It had not been mentioned in his psychologist, Ms Ria Kotze's report

"The jurisdiction of the committee is only triggered once the applicant places before it conduct that amounts to an offence as a result of his action or omission"

By Benzien's account, reconnaissance had been the sole purpose of his mission at no 8 Albermal Road, Hazendal. His decision to arrest Kriel had exceeded the scope of his instructions and mandate

He had told the committee that, as a policeman, he had acted with the purpose of combating the ANC-SA

Communist Party onslaught against the "Western democratic way of life"

However, it was apparent that when the firearm went off "accidentally", he was not acting in accordance with his stated political purpose, Papier said. One could not act "accidentally" with a political motive

By saying there had been no political motive for Kriel's death, Benzien was suggesting he believed his actions had been justified

The onus was on Benzien and not on the Kriel family to place before the commission those offences for which he wanted amnesty and to prove elements of the offences

Benzién had not given the committee a plausible explanation for his and his colleague's failure to restrain Kriel, Papier said

Benzién had submitted a defective application, failed to make out a proper case within the ambit of the Act, not told the true story and failed to disclose all relevant facts



JOHANNESBURG: A policeman attached to the Truth and Reconciliation Commission has traced 195 people secretly killed and buried by apartheid-era security forces

Most of those killed are thought to be anti-apartheid cadres travelling in or out of the country on missions, a Sunday newspaper reported.

The investigator, Captain Fanie Molapo, has already found more than 50 graves, and believes he knows the whereabouts of at least another 50 burial sites, some of them thought to contain more than one body

Most of the graves are in the east of the country, near the Swaziland border, or in the north, near Zimbabwe

Mr Dumisa Ntsebeza, head of the investigating unit of the Truth Commission, said the discovery of the graves points to a pattern established by police of ambushing cadres, killing instead of arresting them, and then secretly burying them

"The attitude was clearly one of 'take no prisoners'," Ntsebeza said

The bodies of three ANC cadres were exhumed this week from a grave in Piet Retief, near the Swazi border, the report said

The trio were on their way back from an aborted mission in 1985 to blow up the Sasol plant in Secunda, when they disappeared

One of the victims, Barney Malokoane, a revered ANC military commander, was identified through his shoes by his brother Pheko, who brought a photograph album to the exhumation

The report said his kneecap appeared broken and his toes were separated from his other bones

Ntsebeza said at a ceremony marking the exhumation that it was clearly a policy of the former apartheid security forces "that every person they killed had to be buried secretly so that the world should not know"

So far no one has applied for amnesty in connection with the slain operatives — Sapa-AFP

# IFP about-turn as money talks

CT 10/11/97

(252)

DURBAN: The IFP, despite long-held objections to the Truth and Reconciliation Commission, has decided to co-operate with it in cases where its members could benefit financially from the commission's reparations budget

The change of heart came on Friday when premier and IFP national chairman Dr Ben Ngubane urged IFP members to make submissions to the human rights violations committee

But senior members said yesterday the move was a result of pressure from rank-and-file members who had seen ANC communities and individuals applying for the up to R23 000 a year awarded to victims of political violence and did not want to miss out

Thousands of Inkatha members stand to qualify for victim reparations after Ngubane's announcement that the IFP would start co-operating with the commission's reparations committee — with immediate effect

With the TRC's December 14 cut-

off date for new applications looming — and despite a lengthy IFP submission to the public protector challenging the commission's impartiality — IFP members have been encouraged to come forward as victims of political violence.

The commission has said it will "do everything possible" to accommodate the party

Ngubane said yesterday that the Rev Khoza Mgojo, TRC commissioner for KwaZulu-Natal, had appealed to the provincial cabinet to help them reach rural people who want to lodge statements with the human rights violations committee

"The cabinet shared his fear that many people had not been reached, and we decided to tell people that the door is still open," he said

Ngubane said the impression might have been created that the IFP was against individuals and party members going to the TRC "The posi-

tion of the IFP towards the TRC remains unchanged, but party members should not be prejudiced in going to the reparations committee," he said

But Ngubane's announcement may give the commission a logistical nightmare if thousands of IFP victims flood into TRC offices to make statements before December 14

The commission's Mr Ilan Lax said yesterday that should this occur, the TRC would "simply have to find resources to deal with it"

"This is the people's commission. If the job is much bigger than anyone anticipated, so be it. If the information is there, we have the duty to process it," he said

Despite the IFP's refusal to co-operate until now, the commission has already received a large number of "IFP" submissions at its various hearings. Lax said many politically non-aligned victims had come forward. Own Correspondent



# Local security men 'taught by Argentina'

Linda Ensor

CAPE TOWN — The similarity between torture methods used in apartheid SA, Argentina and Chile was one of the manifestations of the close collaboration between their security forces, research presented yesterday to the Truth and Reconciliation Commission suggested

The submission was made in one of three research reports compiled under contract by Dutch research organisation Kairos, the Netherlands Institute for Southern Africa, and UK-based Action for Southern Africa, which was formed out of the Anti-Apartheid Movement. The reports were not released for publication as their contents

had to be corroborated

Head of the commission's research unit Prof Charles Villa-Vicencio said the research suggested some of the torture techniques and counter-insurgency methods used by Argentinian and Chilean security forces were communicated to their SA counterparts

One of the implications was that the South Africans learnt from the Argentinian use of extra-legal killings to eliminate political opponents. More than 20 000 people are believed to have died in security force hands during Argentina's "dirty war" in the 1980s

Kairos representative Hans Hartman said at a news conference there were close links between the SA and South American security forces Dur-

BD 11/11/97 (252)  
ing the late 1970s and early '80s, Argentina's embassy staff in SA included men trained in its notorious naval school for torturers

The three research reports, which included details of SA's chemical and biological weapons programme, also focused on the alleged role of SA security agents in the assassination of key anti-apartheid figures in Europe

The Netherlands Institute's Peter Hermes said there was "strong evidence" SA had been involved in the assassination of Swedish prime minister Olaf Palme and African National Congress representative Dulcie September in Paris

See Page 2

# Armcor wavers on decision not to attend truth hearings

Stephen Laufer

SENIOR Armcor executives are to meet this morning to review their decision not to appear before the truth commission's special hearings on business under apartheid.

The meeting follows a letter from the commission yesterday reminding the arms parastatal's management that the truth body had the legal authority to subpoena recalcitrant witnesses.

A senior Armcor spokesman said last night that the company, formed at the height of the arms embargo

against SA, would probably attend the hearings. Defence Minister Joe Modise had told Armcor he believed it should contribute to the commission process, and "the letter (from the commission) changed our mind", the spokesman said.

Truth commissioner Fazel Randera said Armcor had made a written submission, but had protested that the commission had not presented it with supplementary questions in writing.

All other business organisations approached had agreed to participate in the hearings.

Meanwhile, the Congress of SA Trade Unions (Cosatu) has given the commission a sharply worded response to submissions starting today ahead of the hearings starting today in Johannesburg. It said in its written submission, on which it is to be questioned on Thursday, that business co-operated with apartheid and took measures to crush trade unions.

Capitalism in SA had been built and sustained on the systematic racial oppression of the majority of the country's people, Cosatu said. The idea advanced in business submissions that the private sector's

chief aim had been its failure to speak out against a system which defied economic logic was "spurious".

Cosatu said historical records showed that the captains of industry, particularly those associated with the gold and diamond-mining industries, had pioneered many of the core features of what later became known as apartheid.

Profit driven economic growth had coincided with deepening racial oppression and business had continued to collaborate with the government, despite a growing economic crisis during the last two decades of

apartheid, the federation said. Sapa reports that Cosatu called on business to confess to the "terrible role" it played in violating human rights and suppressing trade union activity under apartheid.

The federation called on business to fully disclose its relationship with the apartheid regime and its support of apartheid laws such as job reservation and pass laws.

Business should give details of how it paid starvation wages, employed children on farms, used prison labour and refused to recognise black trade unions, Cosatu said.

However, the federation said it doubted whether business could be trusted to fully disclose its role in defunding apartheid.

A vast body of evidence pointed to a central role for business interests in the elaboration, modification of apartheid policies, Cosatu said.

Apartheid's labour laws, pass laws, forced removals and cheap labour system all benefited the business community.

While we acknowledge the fact that a few individual businessmen and companies did speak out against apartheid before it became fashionable to do so, hardly any of them decried the role of the vast profit created by decades of cheap labour policies, the federation said.

Few businesses declined state contracts and subsidies.

Cosatu said it would judge SA employers on the basis of whether they fully disclosed their wrong doings under apartheid, as well as on how they addressed issues such as trade union rights and closing the apartheid wage gap in the future.

See Page 14

(252)

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ANALYSIS

# Common decency requires the ability to admit wrongdoing

Business should admit its central role in the repressive labour system which existed under the protection of apartheid's legalised racism, and show some contrition for years of exploitation, says former Cosatu secretary-general and Posts, Telecommunications and Broadcasting Minister Jay Naidoo

TODAY'S truth commission hearings on business and apartheid should not be a "highlighting mixture of upmarket theatre and soap opera" as suggested by a business magazine. It would be an insult to millions of black South Africans who paid for the struggle against exploitation with their lives.

We need to respect the memory of those, like Neil Aggett, Phisoas Shiba and Andries Ra-ditsela, who died in detention or were murdered at the hands of government agents — and countless others who suffered the ignominy of apartheid.

Undoubtedly we have achieved a political miracle. We owe a debt to President Nelson Mandela and countless millions of patriots of all political shades who contributed to this success. However, we must not forget that the legalised racism of apartheid masked its real content and substance — the perpetuation of a superexploitative cheap labour system. The primary victims of this system were the black working class and the primary beneficiaries the white ruling elite. To deny this reality today would be a perversion of truth, reconciliation and justice.

The development of an industrial and mining economy required the forced conquest of the indigenous African people. The colonial period sowed many of the seeds of political oppression we saw entrenched in apartheid legislation later.

The enforcement of the migrant labour system destroyed the fabric of millions of black families in southern Africa. It was a gross violation of human rights that will take us many generations to recover from.

The Industrial and Conciliation Act of 1924 entrenched the racial exclusivity of white workers, acting in concert with the white bosses and a white ruling clique. Security legislation throughout the pre-democracy period was used to ensure the brutal suppression of the rights of black workers. Enforcement of the Communism Act and other apartheid laws in the 1950s forcibly removed many key trade union leaders from their positions, and were used to victimise workers who spoke out against the apartheid system.

In the 1960s, SA recorded one of the highest economic growth rates in the world. Much of this came after the



NAIDOO



Workers marched, demonstrated and rallied against exploitation and the continued absence of political rights for the majority

Sharpeville shootings and the banning of the African National Congress and Pan-Africanist Congress in 1960, on the back of brutal suppression of the black majority's human rights.

This period saw the National Party government implement a host of totalitarian measures, giving almost unlimited power over the security forces that resulted in the arrest, imprisonment and execution of trade union activists.

The golden age of apartheid brought no fruits to the enslaved black workers and led to the outbreak of the mass strikes of 1973. The response was predictable. Co-operation between the police and the bosses in crushing strikes, even violently, was commonplace.

Mass arrests and dismissals were the order of the day. There was no discernible action by the bosses to distance themselves from the naked brutality of the apartheid system.

However, the progressive trade union movement gathered momentum with unions being established in all major centres. The continued organisation of black workers placed relentless pressure on employers to recognise black trade unions. Managements responded by forming toothless liaison committees on workers.

The 1976 Soweto uprisings, the rejection of liaison committees and the struggle for the right to genuine trade unions forced the state and employers to rethink their strategies.

The overwhelming majority of employers sought to block democratic trade unions every step of the way. More than one attempt was made to promote sweetheart unions such as the United Workers' Union of SA. Victimisation of shop steward leaders was a daily occurrence.

Trade unions in the ban-tustans suffered the worst repression. Employers revelled in the protection offered them by authoritarian bantustan governments.

The 1986 state of emergency saw systematic detention and the arrest of key leadership. Thousands were detained. Many mining companies maintained heavily armed private security forces and had little hesitation in calling in the police and army to assist them.

The year 1987 saw the growth of a new spirit of defiance. There was a surge of militancy. Thousands of commercial workers went on strike.

Workers marched, demonstrated and rallied against exploitation and the continued absence of political rights for the majority. Twenty thousand rallying workers went on strike, demanding the recognition of their trade union and their permanent status as workers. The response of the state employer was predictable — mass arrests, dismissals and the refusal to speak to us.

Also in 1987, 350 000 mineworkers embarked on strike action, sparked by the highly exploitative conditions they faced. The strike was

organised by the National Union of Mineworkers and was a legal strike. But this did not prevent mine owners from dismissing thousands of workers.

This winter of discontent shook the very foundations of the apartheid state and their supporters. In retaliation, the government unleashed a massive onslaught against the progressive trade union movement. Thousands of unionists were detained, offices were raided, members intimidated and the running of unions disrupted.

Along with this brutal repression, employers continued to promote sweetheart, or yellow, unions to undermine genuine trade unionism. Unions were targeted by the national security management

system, created by the generals and police chiefs, which served to co-ordinate all the components of the "total strategy" ensuring the maintenance of apartheid rule. Input and representation to the secretive security structures extended beyond state security organs to include members of the business community, apartheid town councils and local industry.

The Stratcom wing of the security branch usually dealt with operations affecting trade unions. These operations made use of both violent and non-violent methods, ranging from disappearances and abductions to the theft of union subscriptions, to arson and bombings. Cosatu House was destroyed in a state-sanctioned bomb blast.

Changes made to the Labour Relations Act sought to increase control over the unions. Firstly, they restricted the union's already limited right to strike. Secondly, they attempted to reverse the many gains the union movement had made on issues related to job security, and thirdly, they aimed to curtail the union movement into submission by threatening punitive damages claims for strike action.

Some companies used such legislation to victimise trade unions, and on February 24 1988, government effectively banned 17 organisations.

The state also passed far-reaching restrictions against the Congress of SA Trade Unions (Cosatu), in effect nullifying its political activities. The campaign against the labour bill produced the first steps by employers to reach agreement with the unions on national legislation.

Talks between Cosatu, the National Congress of Trade Unions and the SA Consultative Committee on Labour Affairs on amendments to the labour bill served as a basis for further talks with government.

While there have been outstanding business individuals in the defended democratic ideal, in general the role of business during the period under review has been characterised by co-operation with the apartheid state and measures to undermine and crush unions.

The fact that trade unions survived is due entirely to the strong organisation and the commitment of millions of workers, despite the suffering and sacrifices endured. Too often we hear the view that "I did not know what atrocities were committed in my name to maintain my privileges". Common decency would require the humility of saying "I was wrong. It was because of my cowardice and self-interest that I did not speak out. I apologise and I commit myself to helping make our new SA a better place to live for all."

We have not demanded retrition. We have not demanded Nuremberg trials. We want the truth. The majority of South Africans require no more and no less.

Naidoo was general secretary of Cosatu from 1985 until 1993



(252)  
**Killer  
silent on  
who lured  
Pebco 3**

Star 11/11/97

Port Elizabeth - Former security policeman Colonel Gideon Nieuwoudt yesterday refused to name the police informer who lured the Pebco Three activists to their deaths in May 1985

However, Nieuwoudt did admit to helping kill activists Siphon Hashe, Qaqawuli Godolozzi and Champion Galela after they were abducted by security police outside Port Elizabeth airport

Testifying at his Truth and Reconciliation Commission amnesty hearing, Nieuwoudt said he had interrogated the three men before they were shot dead, but denied allegations by fellow amnesty applicants that he tortured them

Nieuwoudt said he had set a trap for the three activists after tapping Hashe's telephone.

He listened in when Hashe telephoned ANC activist Thozamile Botha in Lesotho asking for funds for his organisation, the Port Elizabeth Black Civic Organisation.

Nieuwoudt said that on the basis of this information, he instructed one of his informants to phone Hashe, using the guise of a British embassy official wanting to donate money to Pebco.

The informant instructed Hashe to meet him at Port Elizabeth airport on May 8 1985. The activist was also asked to bring Godolozzi, then president of Pebco, and Galela, then Pebco's assistant secretary.

The three activists were driven to a disused police station near Craddock, where he interrogated them individually.

"I got no useful information. I questioned each of them for about an hour," he said.

Nieuwoudt said that on May 9 1985, the day of their deaths, the three men were given laced coffee, which rendered them unconscious. Then, one by one, they were taken out of the garage where they had been held captive.

"Captain (Sakkie) van Zyl shot Mr Hashe with a .22-calibre gun. He handed the gun to me, after which I in turn shot Mr Godolozzi, and Mr (Gerhardus) Lotz shot Mr Galela."

Van Zyl and Lotz, also former Port Elizabeth security policemen, are co-applicants for amnesty.

The three bodies were placed on a pile of wood, doused with diesel and set alight, Nieuwoudt said. The next morning, he, Van Zyl and Lotz raked up the ashes and placed them in black bags.

"I emptied the bags into the (Fish) river and left for Port Elizabeth."

The hearing continues - Sapa



# Armcor may face TRC subpoenas

BY ROBERT BRAND  
Star 11/11/97  
(25)

Top executives of Armcor may face subpoenas unless the giant parastatal reconsiders its last-minute decision to withdraw from a special Truth and Reconciliation Commission hearing on the role of business during the apartheid era.

Armcor executive chairman Ron Haywood was already pencilled in to testify at 2pm today when the corporation sent the TRC a letter on Friday "regretting" its decision to withdraw from proceedings.

The decision has angered commission members and prompted TRC chairman Archbishop Desmond Tutu to write to Haywood advising him to reconsider. The Star mentioned the possibility of subpoenas.

Haywood was engaged in discussions with Defence Minister Joe Modise about the issue last night. Armcor spokesman Billy Nel said the corporation would make a final decision today.

Nel said the corporation felt it had provided enough information in its written submission. But The Star understands that members of the board, Haywood included, felt it was unnecessary for the board to account for past actions. Haywood feared he would appear to be covering up if he were unable to provide details about specific actions by Armcor during the apartheid era.

Armcor was set up in the wake of the UN arms embargo in the mid-1960s with the aim of acquiring the latest military technology for the SADF. It flouted the arms embargo, operating to a large extent in secret, as it went about acquiring equipment for the NP government's war machine.

Dr Russel Ally, a member of the TRC's human rights violations committee, said "Armcor played a pivotal role in the relationship between business and government from the 1960s onwards. There is no way you can understand the conflict from about 1965 on without understanding the role of Armcor."

The business hearing, which starts today and is scheduled to continue until Thursday, is intended to explore the relationship between business and the state during the apartheid era.

Several institutions and companies, including the SA Chamber of Business, the Afrikaanse Handelsinstituut, Anglo American and the Chamber of Mines, are scheduled to make oral submissions. Labour unions will also make representations.

# Reports submitted to TRC detail SA security force collaboration with 'Dirty War' torturers

Findings point to alleged involvement of the former government in deaths of Olof Palme and Dulcie September. John Yeld reports

Star 11/11/97

(252)

Details of close co-operation between South Africa's apartheid-era security forces and their South American counterparts - including the most notorious torturers of Argentina's "Dirty War" - have been provided to the Truth and Reconciliation Commission by contracted researchers.

Other information supplied by the foreign researchers include information about alleged South African involvement in the assassination of Swedish prime minister Olof Palme, the assassination of Paris-based ANC representative Dulcie September, the attempt to poison Dutch Anti-Apartheid Movement head Conny Braam in a Harare hotel in 1987 and details of South Africa's chemical and biological weapons programme.

The findings are in three reports handed to the head of the truth commission's research department, Charles Villa-Vicencio, in Cape Town today. The reports were compiled by:



■ Kaurros, a research institute based in Utrecht, Holland, which was established as a support group for the South African organisation Christian Institute (founded in 1979). Kaurros was commissioned to research its extensive archives for information on the torture of detainees and deaths in detention in South Africa with special emphasis on the 1960s and 1970s.

■ The Netherlands Institute for Southern Africa, an amalgam of three former

Dutch anti-apartheid groups, which was contracted to research activities by the apartheid government in western Europe (excluding Britain), including links between its chemical and biological weapons programme and European groups and governments.

■ Action for Southern Africa, the successor to the British-based Anti-Apartheid Movement, which researched its extensive archives held at Rhodes Library at Oxford University.

At a media briefing at which the research reports were handed to the commission, Peter Hermes of the Netherlands Institute said there was "strong evidence" that South Africa had been involved in "at least" the planning of the assassination of Palme.

It had been the pattern of South Africa's secret services to use "Mafia-types" and ultra-rightwing organisations in Europe for the actual operations and it had been "very hard" to trace any direct

involvement, he added.

In the case of September, the evidence had not been hard enough to name the individual responsible for her death - "but certainly some people are named", Hermes said.

Hans Hartman of Kaurros said their report included details of co-operation between South Africa's security forces and Chile, Argentina and Taiwan and of special torture methods which the South Africans had copied from French police working in Algeria in the 1960s. An example of such co-operation was the posting of Alfredo Astiz, the most notorious torturer of Argentina's "Dirty War", to the Argentinian embassy in Pretoria in 1979.

"Several seminars were held at which the Argentinians and the South African security branch exchanged methods of interrogation," Hartman said.

Lord Hughes of Action for Southern Africa said their report included details

of South African spy rings operating out of South Africa House in Trafalgar Square, London, from the 1960s to the 1980s. The report presented "a serious picture" of human rights violations against South Africans and foreign nationals in the United Kingdom and Europe.

Villa-Vicencio emphasised that the information in the reports still had to be corroborated by his department before being incorporated into the TRC's final report.

He said it was possible that, after studying the reports by the foreign researchers, his department would recommend to the commission that some of the people named be subpoenaed to answer questions. "This is an ongoing investigation," he said.

Villa-Vicencio declined to release the reports to the media, but said an executive summary could be available at the end of the week.



# Reparations must be paid out

THE TRUTH and Reconciliation Commission (TRC) has done some good things. It has discovered who killed Griffiths covered who killed Victoria, Dr Mxenge and his wife Victoria, Dr Fabian Ribeiro and his wife Florence, Steve Biko and others.

It has also discovered hidden graves and revealed many unpleasant things which would never otherwise have been known.

But despite some of its undeniable successes, the TRC's ultimate objective was to bring about reconciliation and national unity.

It cannot be said the TRC is anywhere near bringing about reconciliation and national unity, except from a very superficial and naive perspective.

The TRC is established on the wrong premise historically, politically morally and legally.

It puts African freedom fighters against colonialism and apartheid on the same pedestal as the perpetrators of colonialism and apartheid.

What is appropriate to African freedom fighters and their people in this country is a **Reparations Commission**.

Reconciliation and national unity cannot take place without justice and reparations. The TRC might have been the right thing for the perpetrators of the crime of apartheid but most certainly not for the victims of this crime.

What needs to be established for the victims of apartheid is a Reparations Commission to look into how the victims of the crime of apartheid can be compensated for the



From the arbitrary and illogical date of the period beginning in 1960! What about the land that was stolen and seized from Africans through armed colonial aggression since 1652? What about the genocide which was committed through the Native Land Act 1913?

**Land disbursement**

Africans were allocated only seven to 12 percent of their country, yet they constitute 80 percent of the country's population and are indigenous to this country.

What about the mineral wealth such as gold, diamonds, platinum, cobalt and uranium, which have been looted from their country without their consent?

It left them so poor that 70 percent of the African people live in poverty and filthy conditions.

The reality in South Africa is that there can be no genuine reconciliation without reparations. This principle is found not only in international law and the practice of states but in the Bible as well. (Exodus 22 1-17, Leviticus 6 1-5)

The Reparation Commission, not the TRC, would have been the strong foundation upon which this country could prosper.

The reconciliation of slaves and masters, of the "haves" and the "have-nots", without reparations is like asking a lamb to befriend a lion.

(Dr Pheko is the Deputy President of the Pan Africanist Congress. The article is an edited extract of an address to the Institute for Multiparty Democracy in Johannesburg recently.)

**When colonised, Maoris lost huge tracts of land**

murder of Jews in Europe between 1935 to 1945

After World War 1, an Allied Reparations Commission, supported by the US, fixed the sum of reparations to be paid by Germany at 132 billion marks for Germany's crime against humanity.

**Public apology**

On September 17 1987, the US House of Representatives passed a Bill granting reparations to Japanese survivors who were placed in concentration camps by the US government during World War 2.

A large sum of money was paid in addition to a formal public apology.

The Maori people of New Zealand, had through genocide by colonialists, had their population drastically reduced.

**Racial injustice**

But they fought for many years until they won reparations for colonial and racial injustice perpetrated against them.

This was accompanied by a public apology and made it possible for the Maori people and the British Crown to renew the relationship originally intended under the 1840 Treaty of Waitangi.

Reparation is an old established legal concept. It is the common law of mankind. It did not begin with the promise of 40 acres of land, some money and a mule by the government of the United States to the people of African descent when they were emancipated from slavery.

In the Chorzow Factory Case, the Permanent Court of International Justice (under the League of Nations) stated that it was "a principle of international law that the breach of an international engagement involves an obligation to make reparation in adequate form. Reparation is the indispensable complement of a failure to apply a convention".

A classic modern example of the applied principle of reparation is the payment of a billion dollars, after World War 2 by the Federal Republic of Germany to the state of Israel for the

When colonised, Maoris lost huge tracts of land and sacred places.

As a result of reparations to the Maori people, a report in February 1997 stated that Maori people now own property and assets worth \$10,6 billion (more than R40 billion).

How much property and assets do Africans own in South Africa as a result of the TRC, whose mention of "reparations" is an afterthought?

It is confined to 22 000 people who will receive R3 billion. This does not even amount to one billion US dollars.

At any rate, can any serious person agree that Africans must receive reparations to the extent of only R3 billion? And how is this calculated?

**There can be no genuine reconciliation without reparations**

From the arbitrary and illogical date of the period beginning in 1960! What about the land that was stolen and seized from Africans through armed colonial aggression since 1652? What about the genocide which was committed through the Native Land Act 1913?

**Land disbursement**

Africans were allocated only seven to 12 percent of their country, yet they constitute 80 percent of the country's population and are indigenous to this country.

What about the mineral wealth such as gold, diamonds, platinum, cobalt and uranium, which have been looted from their country without their consent?

It left them so poor that 70 percent of the African people live in poverty and filthy conditions.

The reality in South Africa is that there can be no genuine reconciliation without reparations. This principle is found not only in international law and the practice of states but in the Bible as well. (Exodus 22 1-17, Leviticus 6 1-5)

The Reparation Commission, not the TRC, would have been the strong foundation upon which this country could prosper.

The reconciliation of slaves and masters, of the "haves" and the "have-nots", without reparations is like asking a lamb to befriend a lion.

(Dr Pheko is the Deputy President of the Pan Africanist Congress. The article is an edited extract of an address to the Institute for Multiparty Democracy in Johannesburg recently.)



# Farmers 'rule by bloody beatings'

## Rights body starts probe into abuse of workers

ARLIS CORRESPONDENT

Durban - The Human Rights Commission has launched an investigation into the alleged abuse of farmworkers in northern KwaZulu Natal, which reportedly takes the form of beatings by racist farmers. The commission said it had been asked to probe the issue after a complaint by African National Congress MPP Senzo Mchunu, who also sits on

the parliamentary agriculture committee.

Mr Mchunu, previously the ANC's provincial secretary, reported that the abuse, concentrated around Vryheid, reduced workers to the "lowest level of humiliation and exposure".

He said complaints about the beatings were made at joint meetings between workers, farmers and members of the security forces. A fortnight ago they were repeat-

ed at another meeting, Mr Mchunu told the commission. He said cases of abuse by white farmers were often not properly investigated by police.

"People allege that even in obvious criminal cases of heavy and bloody beatings, police do not take any decisive action against farmers. To a large extent they actually connive with white farmers and there is even harsher treatment from the police," he said. Much of the reported abuse is

centred on the eviction of farmworkers and tenant farmers. Lawyers were said to be handling hundreds of such cases.

And, Mr Mchunu said, the impounding system was also linked to the conflict, as it deprived poor black workers of stock on which their livelihood often depended.

"All this has left no doubt in my mind that on farms we actually have the most vulnerable people," Mr Mchunu said.

ARLIS 11/11/97

The commission, which is investigating similar claims in Mpumalanga, the Free State and Northern Province, said its deputy chairman, Shirley Mabusela, would handle the KwaZulu Natal probe. This follows last week's warnings about changes to laws which affect farming.

These are regarded by some as an end to "virtual slavery", and by others as being "an erosion of farmers' land rights".

# Arm Scor chiefs hold secret talks on deadlock with TRC

ARGUS CORRESPONDENT AND REUTERS

Pretoria - Senior Armscor officials met early today behind closed doors in an attempt to resolve the impasse over whether the national arms procurement agency should go before the Truth and Reconciliation Commission.

A source indicated Defence Minister Joe Modise had attended the meeting for a while before leaving for another appointment, apparently with President Mandela. It was not clear whether Mr Modise's meeting with the president had anything to do with Armscor's initial withdrawal from this week's

TRC hearing on the role of business during the apartheid era.

Spokesman Billy Nell said senior members of the Armscor management team were closeted in a meeting where the TRC hearing was being discussed.

Armscor has already given the commission a written statement

ahead of the three days of hearings due to begin today.

But the commission said in a statement that Armscor had demanded all questions in advance, which it was not prepared to agree to.

"After making a written submission to the TRC's business hearing,

Armscor refused to participate in the actual hearings," the statement said.

Chairman Desmond Tutu cautioned that the TRC might subpoena Armscor witnesses.

The commission urged Armscor to retract its demand and to attend the hearings.

ARLIS 11/11/97

(252)



# How we trapped Pebo 3

## 'The government did not launch investigation'

*Southern*  
11/11/97

By Simon Zwane

**T**he security policeman who masterminded the murder of the three leaders of the Port Elizabeth Black Civic

Organisation who were killed by police, refused to name the person he used to lure them to their death.

In his evidence-in-chief before the Truth and Reconciliation

Commission's amnesty committee in Port Elizabeth, Captain Gideon

Niewoudt was not asked to give reasons for his unwillingness to reveal the informer but lawyers representing the families are expected to raise this during cross-examination.

Niewoudt said he had instructed his informer to liaise with Siphon Hashe and to tell him to bring Oqawuli Godolozzi and Champion Galela to a meeting at the local airport in May 1985.

The informer impersonated a member of the British Embassy and lured to their doom the three by promising that he wanted to give them money to fur-

ther the struggle

Niewoudt said the police knew that Pebo needed money because Hashe had earlier visited the African National Congress in Lesotho for this purpose.

The committee heard earlier that the former National Party government had tacitly approved the killing of the three.

**Government did not probe**

Former security police commander Colonel Harold Snyman, who gave the order for the abduction and murder of the three Pebo leaders, told the committee that the government did not make any inquiries and did not even launch an investigation after the three had disappeared.

He said he had an opportunity to sit in a meeting with former law and order minister Mr Louis le Grange after the incident and the minister did not ask any questions "I took that as tacit approval," he said.

He could not explain, however, why former state president Mr FW de

Klerk admitted the TRC that the killing of the three was unauthorised and *triale fides*

Snyman admitted that he had kept the murder a secret from his immediate seniors and did not even mention it to the Joint Services Management

Committee, which met regularly to discuss the unrest situation in the area. He reiterated his statement that he did not think of any other option except killing when Le Grange told him to "make a plan" about agitators in the Eastern Cape.

Advocate Bond Nyoka, representing the families, said Snyman could have placed informers within the Pebo leadership, fuelling the feud between the organisation and the Azanian People's Organisation, but he could not provide details of these measures had proved to be a failure.

Nyoka told him that there were, in fact, people in detention at the time but Snyman said he could not remember. Meanwhile, *Sapa* reports that details of close cooperation between South Africa's apartheid-era security forces and their South American counterparts, including the most notorious torturers of Argentina's "dirty war" have been made available to the TRC by contracted researcher

**Research findings**

Presenting the research findings to the TRC at a news conference yesterday, Mr Peter Hermes of the Netherlands Institute for Southern Africa, said findings of the research included information about South African involvement in the assassination of Swedish prime minister Olaf Palme and the assassination of Paris-based ANC representative Ms Dulcie September.

The research, conducted by foreign researchers, also dwelt on the attempted poisoning of Dutch Anti-Apartheid Movement head Conny Braam in a Harare hotel in 1987 and details of South Africa's chemical and biological

Kauros a research programme

based in Utrecht, Holland, which was originally established as a support group for the banned South African Christian Institute, was commissioned to research its extensive archives for information on the torture of detainees and deaths in detention in South Africa, with special reference to the period between 1960 and 1970.

It had been the pattern of South Africa's secret services to use "Mafiatypes" and ultra-rightwing organisations in Europe for the actual operations and it had been hard to trace any direct involvement, Hermes said.

In the case of September, the evidence had not been hard enough to name the individual responsible for her death, but some people were named, he said.

Mr Hans Hartman of Kauros said their report included details of cooperation between South Africa's security forces and Chile, Argentina and Taiwan. It also included special torture methods



## TRC HEARINGS

# The shady business of coming clean

ET (Par) 11/11/97  
(252)

MARY BRAID

Corporate South Africa will be called to account today at a special three-day hearing of the Truth and Reconciliation Commission (TRC). The question is whether business, which raked in huge profits during the apartheid era, will be made to pay for a shameful past.

In his book "Reconciliation Through Truth", Kader Asmal, the minister of forestry and water affairs, argues that the concept of "corporate war crimes" ought to be explored in South Africa.

Asmal holds business — like the professions and judiciary — culpable for the apartheid state and compares its complicity with the National Party to the recruitment of business and professional institutes to the Nazi cause in Germany.

Not only did South Africa's large corporations support an immoral regime — until a change of heart (or new perception of self-interest) in the 1980s — but they made massive profits from policies which kept black labour powerless and cheap.

Asmal argues that the mine industry killed many more workers — an estimated 84,000 — than police torturers ever did. And he points out that the country's two business leaders, Anton Rupert, founder of the Afrikaner Rembrandt group, and Harry Oppenheimer, former head of English business rival Anglo American, long opposed blacks getting the vote.

At this week's hearings the Congress of South African Trade Unions (Cosatu) will also go for the business sector's throat, arguing it must compensate workers for apartheid. Sam Shilowa, the Cosatu general secretary, will argue companies



can pay for the past by ending wage discrimination on the basis of race and investing more in training.

With Anglo American, Rembrandt and 30 other companies poised to testify, the stage seems set for some frank exchanges.

But Asmal and Shilowa will be disappointed if they expect a radical outcome from the hearings.

Last week few of industry's big boys were willing to reveal the contents of their submissions to the TRC in advance of the hearings. But it is believed that few will offer new revelations about the past and even fewer will make an apology.

It is reported that the Chamber of Mines, representing a number of controversial companies which made a killing in the "good" old days, will concentrate more on the economic

contribution of its members than on the social misery many would lay at their door. It will claim that racism was the fault of the state.

This week TRC commissioner Fazel Randera said the farmers' unions — representing some of the most right-wing whites in the country — and the white mine workers' union were alone in refusing to make a submission to the TRC, charged with exposing the atrocities from the past. The farmers' unions claimed they could not speak for a diverse membership of 60,000, while the white mine workers simply said the TRC was biased.

The SA Chamber of Business will make a 40 page submission on behalf of its large membership. But some of the servers are disappointed that companies like Shell, which

allegedly ensured oil reached the pariah apartheid state, and Mercedes-Benz, criticised for supplying engines to the SA Defence Force, are not making personal submissions.

Sanlam, the huge Afrikaner insurance company, is so far alone in acknowledging that it prospered at the cost of black workers. The only body yet to come up with a compensation suggestion is the Afrikaanse Handelsinstituut, a former pillar of the old regime, which is suggesting that an insurance fund set up by Afrikaner business at the height of political violence in the 1980s, and which now stands at R9 billion, be used to benefit those who suffered.

But this week's hearings will be shaped by one inescapable truth: the same companies which did business with the old regime are operating quite

nice with the new, and their presence in South Africa is as crucial to the ANC as it was to the old National Party.

This perhaps explains why President Nelson Mandela has chosen to forge a pragmatic path in his dealings with business. He has made friends of old enemies like Oppenheimer and Rupert, drawing on their economic expertise.

The country's top businessmen, it transpires, often receive a call from the president just before bedtime. There is a familiar clearing of the throat before Mandela tells tonight's lucky captain of industry which special project needs funding. Thus schools, clinics and community facilities have sprung up in townships all over South Africa as businessmen "buy forgiveness" from the self-styled "father confessor" to the private sector.

And so grubby corporations are miraculously born again with brand new, shiny, non-racist credentials. Some people are appalled. When Bill Ventler, head of the hi-tech company Altron, sponsored a library to commemorate the life of ANC hero Bram Fischer, Fischer's daughter Ruth Rice was dismayed. Ventler, always seen as a friend of the old regime, used the occasion to claim he had always been a champion of human rights. Many wondered exactly where he had been fighting.

Ventler later wrote a poem for the president on his birthday: "Your wisdom has woven a tapestry, much more lovely than any artist's hand, with vibrancy that only we can understand, we who are Africa's people, and feel the heartbeat of this land."

With this kind of schmoozing and behind-the-scenes stone-ment this week's hearings will probably amount to little — *The Independent, London*



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CALL TO RECONSIDER WITHDRAWAL

# TRC may subpoena Armcor executives

ET 11/11/97 (252)  
**JOHANNESBURG:** TRC chairman Archbishop Desmond Tutu has written to Armcor's chief executive requesting that the company reconsiders its decision to pull out of the hearings.

**T**OP executives of Armcor may face subpoenas unless the giant parastatal reconsiders its last-minute decision to withdraw from a special Truth and Reconciliation hearing on the role of business during the apartheid era.

Armcor executive chairman Mr Ron Haywood was already pencilled in to testify at 2pm today when the corporation sent the TRC a letter on Friday "regretting" its decision to withdraw from proceedings.

The decision has angered members of the commission and prompted Tutu to write a letter to Haywood advising him to reconsider.

It is understood that the letter mentioned the possibility of subpoenas. Haywood was engaged in discussions with Defence Minister Mr Joe Modise about the issue last night.

Armcor spokesman Mr Billy Nell said the corporation would make a final decision today.

According to sources, Modise was initially opposed to a public presentation by Armcor. But he

has changed his position and is now in favour of an oral submission at today's hearing.

His spokesperson, Colonel Phuso Tladi, would not comment yesterday "Armcor should be able to speak for itself."

Nell said the corporation had decided to turn down the opportunity of making an oral submission because the board felt it had provided the commission with enough information in its written submission.

But members of the board, Haywood included, felt it was unnecessary for the new management to account for the actions of the past.

Haywood feared he would appear to be covering up if he was unable to provide details about specific actions by Armcor during the apartheid era.

Armcor was set up in the wake of the UN arms embargo in the mid-1960s with the specific aim of acquiring, developing or manufacturing the latest military technology for the South African Defence Force.

"We are very disappointed and angry," said Dr Russel Ally, a member of the TRC's human rights violations committee who was part of the team which organised the business hearing.

"We believe a presentation by Armcor would be very important. Armcor played a pivotal role in the relationship between business and government from the 1960s. There is no way you can understand the conflict from about 1965 on without understanding the role of Armcor."

The business hearing, which starts today and is scheduled to continue until Thursday, is intended to explore the relationship between business and the apartheid state and to determine whether business profited from apartheid or became a force for change.

A number of business institutions and companies, including the SA Chamber of Business, the Afrikaanse Handelsinstituut, Anglo-American and the Chamber of Mines, are scheduled to make oral submissions. Labour unions will also make representations —

Own Correspondent



## Pebco 3 informer not named

**PORT ELIZABETH:** Former Port Elizabeth security policeman Colonel Gideon Nieuwoudt yesterday refused to name the informer who lured the Pebco Three activists to their deaths in May 1985.

However, Nieuwoudt did admit helping to kill activists Siphon Hashe, Qaqawuli Godolozu and Champion Galela after security police abducted them outside Port Elizabeth's airport.

Testifying at his TRC amnesty hearing here, Nieuwoudt also said he interrogated the three men before they were shot dead, but

denied allegations by fellow amnesty applicants that he tortured them for information.

Nieuwoudt's fellow applicants are former Port Elizabeth security policemen Gerhardus Lotz, Colonel Herman du Plessis, Captain Sakke van Zyl and Col Harold Snyman, Vlakplaas operatives Mr Gert Beeslaar and Mr Johannes Koole and askari Mr Peter Mogoai.

Nieuwoudt said he had instructed one of his informants to telephone Hashe, in the guise of a British embassy official wanting to donate money to Pebco — Sapa

## French accused in September bomb

**JOHANNESBURG:** The French secret service was involved in the fatal bombing of ANC Paris representative Dulcie September in Paris in the mid-1980s, a research group told the TRC yesterday.

The French link was alleged by Mr Peter Hermes, spokesman for the Netherlands Institute for Southern Africa.

He said his organisation had given the commission names of people allegedly involved in the bomb attack on September — Sapa



**Real power is economic**

# Big business fails to own up

*sovereign 12/11/97*  
Tutu unhappy with little information offered

## Business Reporter and Sapa

**W**HILE THE TRUTH and Reconciliation Commission had received 55 submissions from business on its role in human rights violations during apartheid, there were some glaring absences in the submissions, TRC chairman Archbishop Desmond Tutu said yesterday

Opening the special hearing on the business sector in Johannesburg, Tutu said no submissions were received from organisations representing white workers, the organised agricultural sector or oil companies such as BP and Shell which some argued were wittingly or unwittingly among the most obvious supporters of apartheid

Referring to admissions of violations he said "No one today admits to supporting

apartheid"

Businesses operated within the milieu created by government policies, in which they enriched themselves through cheap labour, the pass laws and job reservation for whites

Some businessmen protested against the unjust laws of apartheid but many acquiesced and cooperated with the government of the day

However, Tutu said the hearing had not been called to pillory or ridicule anyone

### Repairing wrongs

When businesses asked to be forgiven, it did not mean the end of the process as there was the question of restitution and repairing the wrongs done

People's skills needed to be developed so that the business sector could become representative of the population

While some businesses had contributed through the building

of schools and clinics, Tutu said he would "appreciate it if they announced a substantial contribution to the President's Fund to pay reparation to apartheid victims"

"It will be wonderful to have someone here saying 'we did this and we did that and we want to rub some oil on the wounds, here is R10 million for the President's Fund'"

While money could not replace loved ones, it would go a long way if people who could afford it said they wanted to be part of the future of the country, he said

The Congress of South African Trade Unions (Cosatu) said business was not only guilty of racial oppression but also of pioneering many of the core features of apartheid policies

Cosatu's Nowetu Mpati said "Business during apartheid cooperated with the government to crush trade unions"

# Bophuthatswana official paid to withhold 'damaging' information

Taryn Lamberti

BD 12/11/97

MAFIKENG — Former Bophuthatswana finance secretary Johan Vermaak received a "gratuity payment" of R150 000 from then President Lucas Mangope because Vermaak "had a lot of information which could have been damaging to the government", former homeland national security council secretary Jacob Esterhuizen told the High Court yesterday.

Esterhuizen was testifying in the case against Mangope, who is charged with 208 counts of fraud and theft involving about R18m. There had been animosity between Vermaak and former Bophuthatswana finance minister Martin van den Berg, and it was decided that Vermaak's contract would not be renewed in September 1993, Esterhuizen said. Vermaak had "refused to co-operate".

On September 8 1993, Mangope authorised Esterhuizen to pay Vermaak an amount of R150 000 as "a single gratuity for services rendered to the Bophuthatswana government", the court heard.

The payment was allegedly not authorised by the public service department as required by law.

"Vermaak had information that was potentially damaging to the government. It was a sensitive matter," Esterhuizen said. The payment had also been made because Vermaak had rendered a good service.

Vermaak, who was convicted of the theft of R800 000 last week, had his sentence reduced from eight years jail with three years suspended, to five years with three years suspended, on appeal.

In January 1994, Esterhuizen met with Van den Berg and former foreign affairs minister Rowan Cronje to discuss "covert expenditure", Esterhuizen said.

"I was aware that we were heading towards grave embarrassment for both the president and the country," he said. It was decided that "the situation was getting out of hand and should be stopped" and that Van den Berg would meet with Mangope to advise him to "stop the expenditure". Esterhuizen told the court.

"The total destruction of records" was needed, but there would be difficulty in explaining the missing records to the auditor-general, he said. Esterhuizen testified that a series of building projects, referred to as "Bopsec 10", had been funded by the national security council, but "none of the Bopsec projects had been referred to the council". The building operations were all allegedly authorised by Mangope.

Esterhuizen also testified that he had transferred R800 000 to a security council bank account in Jersey in the Channel Islands on the instructions of Mangope. He believed the money would be used to buy private property in Italy for Mangope.

The trial continues today.

# Evidence linking SA to Palme murder 'thin'

Wyndham Hartley

BD 12/11/97

CAPE TOWN — The theory of an SA connection in the 1986 assassination of Swedish premier Olaf Palme is not favoured in Swedish investigative circles.

Stockholm chief prosecutor Jan Danielsson said that the SA connection was only one of the many possibilities. "The other theories are more likely than the SA one".

He had spent about five weeks in Africa last year checking on a possible SA connection following testimony by former Vlakplaas commander Eugene de Kock.

On Monday the truth commission released reports from organisations which had been doing research on its behalf abroad. The Netherlands Institute apparently reported there was strong evidence of an SA connection in the murder.

Truth body sources said, however, that this evidence had not been corroborated.

See Page 15

# Body allowed into security industry talks

and long delays security industry's talks have been new employers' or Security Services Organisation (SSEO), in the talks spokesman John

Hammill said the organisation, which represented 22 000 of SA's 100 000 registered guarding personnel, had been given four seats on the 12-seat bargaining forum after obtaining a court order halting the negotiations.

The five founder members — Callguard Security Services, Fidelity Guards Holdings, Gray

Security Services, Magnum Security Services and Shield Security Group — recently resigned from the SA National Security Employers Organisation (Sansea) which had already started talks.

A Sansea spokesman said an agreement had settled a dispute over whether the SSEO could join the talks at such a late stage.



# Pebco three betrayed by comrade, says Nieuwoudt

(252)  
PORT ELIZABETH — The three Port Elizabeth Black Civic Organisation activists who were abducted and killed by security police in 1985 were betrayed and lured to their deaths by a fellow Pebco member, former security policeman Col Gideon Nieuwoudt revealed yesterday.

Testifying before the truth commission's amnesty committee, Nieuwoudt said the Pebco member, whom he declined to name, had been a paid police agent.

"He was a full-time informer," Nieuwoudt admitted under cross-examination by Mpumelelo Nyoka, the lawyer for the families of the slain activists.

The so-called Pebco Three — Siphon Hashe, Champion Galela and Qaqawuli Godolosi — were abducted by security police after being lured to Port Elizabeth airport by the agent.

After the abduction they had been taken to a disused police station, interrogated and executed after being given a sleeping draught to render them unconscious.

A former security policeman had unwittingly bought and wore a watch taken from one of the so-called Pebco Three after their abduction by a police hit squad, the commission also heard.

W/O Gert Beeslaar admitted buying the silver-coloured watch for R30 to R40 from fellow security policeman Joe Mamasela, who told him that he had "money problems".

At the time they were both stationed at Vlakplaas security police base outside Pretoria.

Beeslaar told how he had become involved in the plot by Eastern Cape security police to abduct and kill the activists.

Beeslaar is one of seven former security policemen and an askari (turned Umkhonto we Sizwe guerrilla) seeking amnesty for the clandestine operation.

Earlier, he testified he suffered from memory lapses and could not remember all the details of operations.

"As a result of this, I have stopped drinking for the past four years, but the damage is done," Beeslaar said. — Sapa

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See Page 15



# Wife's screams halt Pebco 3 tale of horror

(252)

## Askari gives evidence

ARL 12/11/97

JOHN YELD  
ON THE TRUTH COMMISSION

Port Elizabeth - Proceedings of the Truth Commission's amnesty committee were interrupted briefly today when one of the widows of the murdered "Pebco Three" activists broke down, shrieking loudly, while listening to an account of her husband's last hours.

The interruption came as Askari (turned ANC guerrilla) Kumpeni Peter Mogoai was describing to the committee how the three Port Elizabeth Black Civic Organisation (Pebco) executive members - Qaqawuli Godolozu, Siphon Hashe and Champion Galela - were viciously assaulted during interrogation at the remote Post Chalmers police station after being abducted from Port Elizabeth airport.

Mogoai and seven security policemen are applying for amnesty for the abduction and murder of the three men.

Mogoai first described how Hashe, handcuffed and blindfolded, was brutally assaulted after refusing to give the security policemen any information and telling them he preferred to die. "He was beaten with fists and kicked by all of us in that room. I also took part in the beating," he said.

After assaulting Hashe for about 15 minutes, one of the white security policemen was told to fetch Godolozu,

Mogoai said "Mr Godolozu was screaming loudly, saying he was not prepared to say anything. He was taken outside to something like a verandah, because these were old buildings. He was still blindfolded, he was handcuffed."

At this point Mr Godolozu's widow, Ngabakazi Monica, who had been sitting on the stage with members of the family, the other widows and their legal representatives, got up and walked off to an adjoining toilet.

Moments later, her terrible cries of anguish echoed through the hall, bringing proceedings to a halt as commission staff ran to assist her. Godolozu's mother, Nobulele Benadicta, who was sitting on the stage, also started sobbing and was comforted by the family's lawyers.

During the break some people in the audience of about 200 shouted abuse at former security policeman Gideon Nieuwoudt, who is one of the eight applying for amnesty.

Civic leaders appealed for calm. When the hearing resumed after about 15 minutes, the chairman of the amnesty panel, Mr Justice Bernard Ngoepe, appealed for the audience's cooperation. "We believe you have a right to be here and you all want these people to tell everything, even if it is unpleasant," he said. "But if we want them to tell everything we must give them the chance to do so."

Mogoai continued his testimony

# IFP says TRC policy the same

(202)  
Lowetun 12/11/97

By Mbulelo Baloyi

THE INKATHA Freedom Party (IFP) yesterday scoffed at suggestions that it had performed a somersault and was about to participate in the Truth and Reconciliation Commission (TRC) process.

The IFP said its policy towards the TRC remained unchanged from the time when it was explained to the commission on September 5 1995.

At a breakfast meeting hosted by a Durban-based ecumenical agency last weekend, IFP national chairman and KwaZulu-Natal Premier Dr Ben Ngubane reportedly said the IFP might encourage its members to participate in TRC reparation hearings before the December 14 cut-off date.

The KwaZulu-Natal-Free State region of the TRC made a special request to the TRC's national office to have the date extended from September to December 14 so that statements could be taken from IFP members.

"The TRC's actions have strengthened our conviction that the TRC is a fatally flawed institution that will neither reveal the truth nor bring reconcil-

iation and long-term peace," said IFP MPL Mr Arthur Konigkramer.

Konigkramer said the loading of the commission with known former United Democratic Front and African National Congress activists had, as the IFP predicted, resulted in efforts to re-write South African history to suit the ideology of the ANC.

He said this sought to justify the ANC's policies of violence.

"In KwaZulu-Natal, in particular, the TRC has sown the seeds of deep anger among thousands of the ruling party's opponents because of its propagandistic actions," said Konigkramer.

KwaZulu-Natal TRC commissioner the Reverend Khoza Mgojo told the breakfast meeting that the TRC Act said only people who had made written statements to the TRC would qualify for reparations.

"Our IFP people must be encouraged to come forward and write statements before the closing date (December 14 1997). This would make them participate in the reparation programme," said Mgojo.

He said adverse consequences could occur in KwaZulu-Natal if this did not happen.

## Azapo accuses TRC of being biased

By McKeed Kotlolo

THE Azaman People's Organisation (Azapo) has criticised the Truth and Reconciliation Commission for its failure to convince the attorney general to suspend the warrant of arrest against the Reverend George Wauchope.

Wauchope, who was facing criminal charges, skipped bail shortly before his trial in the Supreme Court on February 13, 1987.

The former Azapo leader, through his lawyer Mr Cyril Morolo, has applied to the TRC for amnesty. He has also asked the commission to have the attorney-general suspend the criminal charges against him so that Wauchope can attend his amnesty hearing in South Africa.

Azapo said the amnesty committee "has refused to do so".

A letter from the AG's office to Morolo said that "charges against Wauchope are extremely serious and he will be definitely arrested and again

brought before court if he returns to South Africa".

It further stated that the State would undoubtedly oppose any granting of bail to Wauchope.

Azapo's publicity director Ms Kedibone Molema said in a statement yesterday that the TRC was "clearly biased and not consistent" in the manner it handled cases.

She cited the case of Mr Katuza Cebekhulu in which the AG suspended the warrant of his arrest which will enable him to come and testify in his amnesty application hearing and against Mrs Winnie Madikizela-Mandela.

"The TRC has had no difficulty reporting that FW de Klerk and Mangosuthu Buthelezi have been 'implicated by some amnesty applicants', but when former police officers implicated in the Rebeiro murders wanted to release the names of ANC members whom they alleged gave them information during apartheid, they were prevented to do so," said Molema.



# Sample: tax the wealthy

(252)  
By Joe Mdhlela

AS a form of reparation for the economic injustices of the past apartheid era, wealth tax of approximately 0.5 percent should be imposed on big businesses annually, a university economics professor told the Truth and Reconciliation Commission (TRC).

Giving his testimony during the business sector hearing in Johannesburg yesterday, University of Stellenbosch academic, Professor Sampiè Terreblanche, suggested that a wealth tax should be imposed "on all persons with net assets of more than two million."

The period of payment should range between 10 to 20 years.

"A levy on wealth for redistributive purpose is preferable above any other form of taxation. Such a tax would be levied on wealth accumulated during the long period when the structure of white political supremacy and racial capitalism enriched a relatively small elite to the detriment of the oppressed majority," Terreblanche told the TRC.

In his submission, Terreblanche said the wealth tax would enable the African National Congress-led government to implement its affirmative action "with greater circumspection."

"This policy, together with the alleged nepotism in Government circles, runs the danger of creating equally great inequalities between black and black, without addressing the problems of the inequality of apartheid and the problems of white wealth and African poverty," said Terreblanche.

However, in its submission to the TRC, the South African Chamber of Business (Sacob) rejected the notion of wealth tax.

Through its past president, Mr Raymond Parsons, Sacob argued that there was never a single business response to the periods under review.

With hindsight, Parsons accepted that the destruction of apartheid required "stronger response from business."

*Sowetan*  
12/11/97

# Wealth tax call at TRC

(252)  
People with more than R2-m in assets are asked to pay up for apartheid

Star 12/11/97  
BY ROBERT BRAND

The concept of a wealth tax and lump-sum payments to repair the socio-economic damage caused by apartheid gained momentum at the TRC business hearing yesterday.

Stellenbosch economics Professor Sampie Terreblanche proposed that a special annual "reparations" tax, to pay for economic upliftment, be levied for up to 20 years on individuals with more than R2-million in net assets.

And TRC chairman Archbishop Desmond Tutu called on business to make "substantial" contributions to the President's Fund, from which compensation to individual victims of apartheid will be paid.

Terreblanche's proposal is likely to cause major controversy as his definition of net assets includes pensions, endowment policies, fixed and moveable assets, and the value of shares and other investments.

He would like to see anyone with R2-million paying an annual tax of 0,5% for between 10 and 20 years, an amount of about R10 000 a year. People with higher assets would pay proportionately more.

"I am in full agreement with Deputy President Thabo Mbeki that the stability of the new South Africa can be at stake if we fail to find satisfactory solutions to inequality and

poverty," he said.

Mbeki recently made an idea of a wealth tax on individuals to address socio-economic inequalities.

A "reconstruction" similar to that imposed on war-torn Germany could be a way towards redressing imbalances and make a symbolic contribution to reconciliation, Terreblanche said. The wealth tax, he said, should not only hit everyone who accumulated wealth during apartheid.

Speaking to The Star at the hearing, Terreblanche suggested that individuals declare their assets in the same way as taxpayers declare their incomes.

Earlier, Tutu said contributions by individual businesses to the building of schools and clinics was not enough to redress the economic injustices suffered by blacks under apartheid.

While money could not replace loved ones, it would go a long way if people who could afford it said they wanted to be part of the future of the country, he said.

Businesses and business organisations which testified at yesterday's hearing rejected the concept of a wealth tax and failed to respond to Tutu's appeal.

More reports

Page 3 and  
Business Report



# Goldstone to conduct Ntsebeza probe (252)

Star 12/11/97

Cape Town – President Nelson Mandela yesterday formally appointed Constitutional Court Judge Richard Goldstone as the chairman and sole member of a commission of inquiry to investigate allegations made against Truth and Reconciliation Commission investigations head Dumisa Ntsebeza

Ntsebeza was implicated in the December 1993 Heidelberg Tavern killings by Guguletu gardener Bennet Sibaya during an amnesty hearing last month for the three men convicted of the killings

Sibaya testified that he had seen Ntsebeza drive a getaway car after the attack, but later retracted his testimony, saying he had been “primed in January 1994” to implicate Ntsebeza in the attack

The commission’s terms of reference include.

■ To consider and investigate the contents of the affidavit given by Sibaya to the police around January 4 1994.

■ To investigate the allegations made against Ntsebeza concerning the attack on the tavern and the manner in which they were dealt with by the police and the TRC

■ To consider and investigate the contents of the affidavit given by Sibaya to the TRC on November 3 1997, and the circumstances in which it came to be given by him.

■ To examine whether the allegations against Ntsebeza are true or are part of a conspiracy by any person or persons to discredit the TRC.

■ To investigate the role of any of the security forces, or related agencies or informers, and especially the role of the late Superintendent Des Segal with regard to the court proceedings relating to the tavern attack – Sapa

# Armcor chief 'positive' after appearance before TRC

By Robert Brand

Armcor chairman Ron Haywood appeared before the Truth and Reconciliation Commission yesterday and found it an enriching experience

Armcor, which had made a written submission before the start of the hearing, notified the commission last week that its executives would not make an oral presentation

But after receiving a letter from TRC chairman Arch-

bishop Desmond Tutu on Monday, in which the possibility of subpoenas was mentioned, the board changed its mind

Haywood, a former fighter pilot who became a top executive and president of the South African Chamber of Business before being appointed executive chairman of Armcor in 1995, said the corporation "didn't want to be confronted with questions we couldn't answer, which would make it appear as if we were covering

up or white-washing"

In his submission, Haywood said Armcor's mandate remained the procurement of arms for the SANDF. However, since democratisation in 1994 the corporation had taken important steps towards greater transparency and accountability

All Armcor's front companies, used to beat the UN arms embargo during apartheid, had been wound up and audited

Asked by Tutu about the sale of arms to countries like

Rwanda and Sudan, which had poor human rights records, Armcor's communications manager Abba Omar said the corporation had no control over decisions taken by the National Conventional Arms Control Committee, headed by cabinet minister Kader Asmal.

However, the controls over arms exports instituted by the Government, although "they could do with more transparency and accountability", were "the best in the world".

(252)

SPAR 12/11/97



# Prisoners escape despite new electrified fence

By MIKE MASIPA

The Gauteng department of correctional services will continue erecting electrified fences around prisons despite the measure having failed to keep two murder and robbery suspects behind lock and key at the Johannesburg Prison this week.

Murder and robbery accomplices, Nhlanhla Dube (25) and Obed Nhlapo (32), both walked out of the prison on Monday night after the gate of the newly-erected fence malfunctioned.

Correctional Services spokesman Rudi Potgieter said

they had discovered yesterday that the current through the gate had failed because the lock had broken, although the fence was still electrified.

He said there were no prison warders manning the gate at the time.

## Current failed as lock broke

But Potgieter maintained that the department still had full confidence in the new measures adopted to stem the

escape of prisoners.

Earlier this year authorities put the figure of escapes both from police and correctional service custody at 350 a month.

"They (prison warders) thought it was not necessary to have a warder manning the gate while the fence was switched on.

"We view this as negligence on the part of those concerned and an investigation into the circumstances in which the two prisoners escaped will be fully investigated," Potgieter said.

No prison official had been suspended yet.

Star 12/11/97

(253)

LEADER PAGE

CAPE TIMES  
WEDNESDAY, NOVEMBER 12, 1997

# Juvenile crime: fair justice or foul reward?

(207) (207) (207) CT 12/11/97

**PRISONS** are graduate schools for those in the "college of hard knocks" and petty crooks, especially juveniles, often emerge as hardened criminals.

**SHIRLEY ROBINSON** and **LINDA BIERSTEKER** look at ways to break this cycle.

**M**AX, 14 years old, was arrested on the charge of stealing a bicycle. The court referred him to Umata prison for juveniles. Gang members in the cell beat up Max, stole his clothes and sodomised him. Coerced, Max "joined" the cell gang. A petty thief and the harsh realities of jail life may make Max a criminal for life.

While violent crime by young offenders is a real concern for the criminal justice system, estimates suggest that nearly 76% of juvenile offenders are arrested for property-related offences and many of these are arrested for petty crimes. South Africa's criminal justice system, retributive in nature, offers little hope of rehabilitation for many of these young offenders. Retributive justice simply punishes the offender.

Strands of restorative justice are weaving their way into South Africa's criminal justice system. Restorative justice tries to facilitate the re-integration of offenders back into their communities by encouraging them to take responsibility for the wrong done to victims. But do restorative justice policy proposals necessarily serve the interests of justice and meet the needs of victims, juvenile offenders and the community?

The Children's Budget Project — a joint initiative of Iasa's budget information ser-

vice and the Youth Development Trust — tracks what government spends on children in key areas, including justice. The study raises the question of whether the government is directing its spending to meet its policy commitments to children. In the chapter *Justice for Children and Young People*, Cheryl Frank and Lillian Artz of the Institute of Criminology, University of Cape Town, note that policy transformation plans, including Justice Vision 2000 and the National Crime Prevention Strategy, identify juvenile justice as a priority. However, the justice department has not yet redirected resources towards addressing the needs of children.

For many years children awaiting trial — the majority for petty offences — were often kept in prisons and police cells with hardened criminals. Legislation has now been passed to ensure that children awaiting trial for less serious offences are kept in the community or in places of safety.

The justice department has also ensured that although children are mostly subject to the same legislative provisions as are adult offenders, there are certain differences in judicial procedures for juvenile offenders. Children's cases are held in camera, diversion from the criminal justice system into restorative programmes is possible for less serious offenders and, in certain cases, children are able to have criminal charges converted into welfare inquiries. But these procedures cannot alone form an effective juvenile justice system.

The justice budget does not reflect specifically targeted budget programmes for juvenile offenders. Added to this, the lack of detailed statistical information on the number of children arrested and convicted, hampers the development of a restorative juve-

nile justice system. Frank and Artz argue that the administration of justice for juvenile offenders is, by nature, an intersectoral process.

Police officers arrest suspected juvenile offenders, prosecutors and other justice personnel participate in trial procedures and social workers are called on to deliver a range of services whether the child is convicted into the criminal justice system or moves into the child care system. This means that the justice department must consider the implications for key role-players, particularly education, correctional services and welfare, in the development of a separate juvenile justice system.

In the vanguard of a juvenile justice system, prevention is partly the responsibility of the education sector. Crime prevention and an adherence to law and order should form part of the new school curriculum. And, at the opposing end, correctional services must develop and fund programmes to re-integrate children who have been incarcerated back into the community.

"Diversion" programmes form the core of a restorative system for juvenile offenders. This process "diverts" less-serious offenders from the criminal justice system into rehabilitation programmes run by the welfare department and by non-governmental welfare organisations, particularly the National Institute for Crime Prevention and Rehabil-

*Diversion of juvenile offenders out of the criminal justice system is the best option for both the state and the children concerned. Above all, it offers a choice for a future life outside of crime.*

tation (Nicro). These programmes involve community service, social and life skills and focusing on the offence and its consequences, among others.

Diversion of juvenile offenders out of the criminal justice system is the best option for both the state and the children concerned. Diversion at the pre-trial stage is less costly for the state in that it may lessen the load on the justice system. But, more importantly, diversion may also provide opportunities for young people's needs to be addressed through a range of programmes. That is, a choice for a future life outside of crime.

Last year, 4 200 juveniles successfully completed Nicro's diversion programme. However, access to diversion services is limited to those urban centres where Nicro services are available. Increased diversion of juvenile cases out of the criminal justice system into rehabilitative programmes shifts justice spending on prosecution into Department of Welfare and Nicro spending on diversion programmes. An increased number of diversions reduces the number of cases prosecuted through the formal justice system and increase the costs of diversion programmes for the welfare department and Nicro.

Early intervention prevention programmes and diversion are critical to developing an effective restorative juvenile justice system. But the welfare system, already

stretched to the limit and without promises of further funding, cannot hope to extend diversion services to all urban and rural centres not covered by Nicro in the short-term.

This means that the development of an effective intersectoral juvenile justice system seems to be caught in a Catch-22 situation. The Department of Justice cannot cope with the current demands on the criminal justice system, and greater use of diversion programmes for juvenile offenders is a certainly more cost-effective and humane move towards a restorative justice system.

The trade-off is increased demand for welfare service provision. But the welfare budget is heavily constrained. Almost 80% of the budget is spent on old-age pensions and disability grants, and only 9% is available for spending on welfare services. This means that there is little chance of extending the provision of welfare services, and diversion in particular, in the short-term. But, in the future, taking into account demographic changes and other factors, there is scope to spend more of the welfare budget on children and families and to improve access to welfare services, such as diversion, particularly in the rural areas. Until then, equitable access to diversion services and fair justice might remain a faraway dream for many juvenile offenders — an unenviable policy choice, but a tough call in the face of competing demands on government welfare spending.

□ Shirley Robinson, economist, Iasa budget information service and Linda Biersteker, deputy director and research co-ordinator, Early Learning Resource Unit are the co-editors of *The First Call. A South African Children's Budget*, published by Iasa.



# We didn't do enough, (252) big business tells TRC

ARG 12/11/97

**Johannesburg - Business did not do enough to oppose apartheid and bring about change, its leaders have admitted to the Truth and Reconciliation Commission.**

A past president of the SA Chamber of Business, Hans Middleman, said at a special TRC hearing in Johannesburg on business's role in apartheid. "Perhaps we did not do enough. Perhaps we acquiesced and did not expel those of our members who did not sign the charter of change. Maybe we should have done more."

Former Barlow Rand president Mike Rosholt said that in socio-economic terms, there was no doubt a great deal more should have been attempted and achieved, as this would have made all South Africans better off.

Mr Rosholt said business did not win or lose financially under apartheid

"Certainly it benefited in the short term from the closed and uncompetitive economy, an inevitable outcome of international sanctions, and to an extent from the absence of wage pressures early on by unorganised labour."

But in the longer term business had suffered from the lack of competition, which made it globally uncompetitive in many areas. Low productivity, a result of low skill levels caused by apartheid education and training systems, also dealt business a blow.

Business had in many instances acted indirectly against the injustices of apartheid, both through its collective institutions and through individual company efforts.

"I don't think we made an impression on the government. Did business do enough? In hindsight I think not," Mr Rosholt said - Sapa

# Business opposed apartheid — Sacob

**Pule Molebeledi  
and Renee Grawitzky**

ORGANISED business and several major corporations yesterday told the truth commission they had opposed apartheid, but could have done more to challenge it

The SA Chamber of Business (Sacob) rejected the notion that business was collectively culpable for supporting apartheid, arguing that it was not homogenous

Eskom, however, openly acknowledged that it had not taken active steps to facilitate the demise of apartheid and racial discrimination. It apologised to all black South Africans and Eskom's black employees for having "entertained" apartheid policies and thus perpetuating it.

Commission deputy chairman Alex Boraine said Eskom's candid presentation was a recognition of its past failure. "It is refreshing to have an unqualified explanation."

Sacob and Barlow Rand said although they had never supported the apartheid system, business was motivated by self-interest to survive and avoid the restrictive provisions of

apartheid legislation

Sacob director-general Raymond Parsons acknowledged that some of its members could have acted in violation of its stated objection to apartheid, and for that Sacob expressed deep regret. "The human and economic costs of apartheid were unacceptably high. It was an artificial and intolerable system which was destined to fail."

However, Sacob's ability to challenge government had been limited because of the regime's authoritarian nature. In hindsight, it acknowledged that more could have been done.

Sapa reports that commission chairman Desmond Tutu said although the commission had received 55 submissions from business, there were some "glaring absences". No submissions had been received from organisations representing white workers, the organised agricultural sector or oil companies such as BP and Shell, which some argued were among the most obvious supporters of apartheid.

"No one today admits to supporting apartheid," he said. However, businesses operated within the milieu created by government policies, in which they enriched themselves through

BD 12/11/97 (252)  
cheap labour, the pass laws and job reservation for whites

Tutu said he would appreciate it if business announced a substantial contribution to the President's Fund for reparation to victims. "It will be wonderful to have someone here saying 'we did this and we did that' and we want to rub some oil on the wounds, here is R10m for the President's Fund."

Stellenbosch University economics Professor Sampie Terreblanche called for an annual 0,5% wealth tax for 10 to 20 years to all persons with net assets of more than R2m to attain a satisfactory degree of "systematic justice" for the poorest 40% of the SA population.

This was rejected by organised business, except for the National African Federated Chamber and Commerce (Nafcoc) which did not take a formal stand on the issue.

Saying that government had persecuted its members for calling for disinvestment, Nafcoc accused big business and government of undermining black business. Nafcoc said it had not been allowed membership of white chambers such as Sacob and the

Continued on Page 2

## Business

Continued from Page 1

Afrikaanse Handelsinstituut.

Sacob's former president, Philip Krawitz, said business had not prospered under apartheid and that current high levels of taxation represented the price for the sins of the past.

Tim Cohen reports from London that the Anti-Apartheid Movement archives committee has accused French, British and German companies of supplying SA with the technology to develop its nuclear capability.

Committee representative and former head of the Anti-Apartheid Movement Lord Hughes will submit evidence to the truth commission that business was an integral part of apartheid and many European companies were complicit in the system.

The submission says western gov-

ernments had known since 1977 that SA was developing a nuclear bomb and in 1975 the German government-financed company Steag trained SA scientists and provided finance for a uranium enrichment plant at Valindaba.

The submission says British mining company Rio Tinto Zinc led a consortium which developed a huge mine at Rossing in Namibia to produce uranium and a UK parastatal, British Nuclear Fuels, became a major supplier of uranium for Britain's domestic nuclear programme. It says a French consortium led by French firm Alstom built two nuclear power stations at Koeberg, which was financed by French banks headed by Credit Lyonnais and Banque de l'Indochine et de Suez. "The French consortium won the contract against competition from a group led by the US's General Electric."

See Page 4  
Comment: Page 15



## TRUTH COMMISSION

# Professor calls for 0,5% wealth tax

Pule Molebeledi

STELLENBOSCH University economist Prof Sampie Terreblanche called yesterday for the imposition of an annual 0,5% wealth tax for 10 to 20 years on all people with net assets of more than R2m, to attain a satisfactory degree of "systematic justice" for the poorest 40% of South Africans.

In his submission to the truth commission hearing in Johannesburg on the role of business under apartheid, Terreblanche said the levy for redistributive purposes should be in addition to other forms of taxation.

"Such a tax would be levied on wealth accumulated during the long period when the structures of white political supremacy and racial capitalism

enriched a relatively small white elite to the detriment of the oppressed majority," he said.

Terreblanche said that in order to understand SA socioeconomic problems, it was necessary for whites to acknowledge the exploitative nature of "white political supremacy and racial capitalism". A first step towards identifying beneficiaries and victims, he said, was to focus on the very unequal distribution of income in SA.

He said the richest 20% of households, which consisted of whites and a minority of blacks like homeland leaders, received almost 70% of total income in 1993, while the poorest 40% of households — most of which were African — received less than 6%.

"Although white political suprema-

cy has been ended, a large part of the structures of racial capitalism are still very much in place, and with it, the concentration of huge economic power and privilege in very few white hands", he said. Terreblanche cautioned that transformation would remain incomplete as long as the wealth that was accumulated through racial structures remained unchanged.

Sapa reports that commission chairman Desmond Tutu said businesses operated within the milieu created by government policies, in which they enriched themselves through cheap labour, the pass laws and job reservation for whites. Some businessmen protested against apartheid, but many acquiesced and co-operated with the government of the day.

However, Tutu said the hearing had not been called to pillory or ridicule anyone. When businesses asked to be forgiven it did not mean the end of the process, as there was the question of restitution and repairing the wrongs.

While some businesses had contributed through the building of schools and clinics, Tutu said he would appreciate if they each announced a contribution to the President's Fund.

"It will be wonderful to have someone here saying 'we did this and we did that'... and we want to rub some oil on the wounds here is R10m for the President's Fund." While money could not replace loved ones, it would go a long way if people who could afford it said they wanted to be part of the future of the country, he said.



An Eskom delegation at the truth commission hearing yesterday are, from left, legal advocate Willie du Plessis, executive finance director Willem Kok, executive corporate affairs director Dolly Mokgathe and corporate industrial relations consultant Bob McIlwaine

Picture LORI WASELCHUK

# White business owes blacks 'partnership'

us to compete fairly," he said.

THE National African Federated Chamber of Commerce and Industry (Nafcoc) urged white SA businessmen yesterday to work with and help train emerging black businessmen

Presenting the organisation's submission to the truth commission hearing on the role of business during apartheid, Nafcoc president Joe Hlongwane said black businessmen had been stifled for a long time and only co-existence with more experienced counterparts would help. "We ought to look to the future. Big business owes us a friendship, a partnership, which will enable

Black business development, Hlongwane said, was severely hampered by apartheid legislation which barred emerging businessmen from setting up shop in certain areas and denied them title deeds. As if this was not enough, financial institutions had refused to make capital available to them for seemingly viable projects. Big business was competing unfairly with small business to acquire properties in the townships, long regarded as the domain of black entrepreneurs.

"The government should boost black business. It is only fair that the majority of businessmen should come from the majority of the people. It should empower them, not leave them as mere operators."

Nafcoc was still in the process of rebuilding after several attempts by the apartheid government to weaken it and intimidate its members and leadership.

"At a national level the government sought also to neutralise us by seeking to split our structures into ethnic groupings. When we resisted, the government refused to talk to us for the next seven years."

—Sappa.

## Pebco three betrayed by comrade, says Nieuwoudt

PORT ELIZABETH

The three Port Elizabeth Black Civic Organisation activists who were abducted and killed by security police in 1985 were betrayed and lured to their deaths by a fellow Pebco member, former security policeman Col Gideon Nieuwoudt revealed yesterday.

Testifying before the truth commission's amnesty committee, Nieuwoudt said the Pebco member whom he de-

## 'Apartheid hurt and benefited business'

Reneé Grawitzky

FORMER Barlow Rand chairman Mike Rosholt told the truth commission yesterday that business had derived short-term benefits from apartheid but that, in the longer term, it had suffered from lack of competition, which had made it globally uncompetitive in many ways.

Addressing commission hearings on the role of business under apartheid, Rosholt said that, with hindsight, business could have done more to break down apartheid, but asked the commission what more it could have done. He said business had acted in its

own interests, and that apartheid had come to an end "when business realised it was not working"

He opposed the notion that business could have challenged the government by breaking the law, and said a refusal to pay taxes was unrealistic under the circumstances.

Rosholt highlighted his company's role in opposing apartheid and in establishing bodies, such as the Urban Foundation, which had challenged the apartheid system.

Asked about Barlow Rand's involvement in the arms industry, he acknowledged that the company had supplied electronic equipment to the army and had broken

the US arms embargo.

However, this had been done against the background of the Cold War and the fight against Russian communism.

The secondment of Barlow Rand executive Johan Maree to Armscor had to be seen in this light, Rosholt said.

Asked about Barlow Rand's alleged union-bashing during the apartheid era, Rosholt said those at board level could not be in touch with what was happening on the ground in the many and divergent operations Barlow had, in the face of opposition from other companies, recognised unions at a very early stage.



# SA involvement in Palme assassination

(252) BD 12/11/97

THE March 1986 murder of Swedish Prime Minister Olaf Palme on a Stockholm street remains Sweden's most enduring mystery. In spite of intense investigations, the conviction and then acquittal of a prime suspect, the case remains unsolved and thousands of theories abound as to who killed Palme and why.

Late last year the possibility that a South African had been involved, indeed that the murder had been planned and conducted by SA agents, came to the fore when former Vlakplaas commander and convicted apartheid killer Eugene de Kock testified that he knew who the assassin was, and acknowledged there had been an SA connection.

Swedish chief prosecutor Jan Danielsson, speaking in his cluttered Stockholm office last week, said that the amount of evidence collected by investigators over the past 12 years now numbered more than 100 000 documents, and these would take an individual

almost a lifetime to read.

In addition, the Palme case, which Danielsson described as Sweden's John F. Kennedy case, had spawned thousands of theories and conspiracies "The SA link is simply one of them."

Danielsson said more than 5 000 "known persons" had been pointed out as the assassin while more than 100 people had confessed to the crime.

Indeed, one person, Christer Pettersson, was convicted of the assassination two years after the event, but was then found innocent on appeal to a higher court and released.

Danielsson said an SA connection had been part of earlier investigations and the statement by De Kock last year, during his mitigation of sentence evidence, had simply reawakened the theory.

For example, he said, De Kock

had mentioned the Palme connection to his lawyers two years earlier, but they had not attached great weight to his statement and were surprised at the subsequent reaction to the claim.

Danielsson interviewed both De Kock and his lawyers during a five-week probe into the possible SA connection late last year.

Danielsson said De Kock had claimed to have been told by former policeman, and now Inkatha Freedom Party MP Phillip Powell, the name of the South African involved in the Palme murder. But the Swedish official pointed out that in 1986 Powell was very young and unlikely to have been in a position to have access to that sort of information.

"At this stage I will not evaluate De Kock's evidence. We are still working on it. We are looking forward to more information

which could possibly come from the SA truth commission," Danielsson said. He spent about five hours interviewing De Kock.

Choosing his words with great care, Danielsson said he was convinced the solution to the Palme murder was already in the possession of investigators — with key clues buried somewhere in the 100 000 items already gathered.

In the pages of evidence collected thus far are about 18 000 tips and theories on the killer's identity and the motive for the crime — among them another SA link which suggests that SA's so-called "superspy", Craig Williamson, was in Stockholm shortly before the assassination.

Williamson, who Danielsson also interviewed in Angola last year, was reported to have stayed in a flat used by the Swedish police. Danielsson said there was no

How valid are new claims of an SA connection in the assassination of Olaf Palme? Political correspondent Wyndham Hartley put the question to Stockholm's chief prosecutor

hard evidence to place Williamson in Stockholm at the time.

Asked whether De Kock's reference in court to Palme's murder was possibly a warning to his former political bosses that he knew of SA involvement and would spill the beans unless he received some sort of support from them, Danielsson responds that he would be surprised if De Kock was sending such a sophisticated signal. He said De Kock had been depressed and "very low" at the time of his interview.

While refusing to reveal the details of what transpired in the interview, Danielsson gave the impression that he did not place much value in it.

He said that at this stage there were other theories about the Palme murder which looked more likely than the SA link. However, some of the evidence in amnesty

applications still to be processed by the truth commission could shed further light on the issue.

One such application in particular — that of former security policeman Rian Stander — could be of interest. Stander knew De Kock and worked for Williamson and it was he who had first implicated a former Rhodesian Selous Scout in the murder of Palme.

In recent days, the Netherlands Institute, which has been investigating in Europe on behalf of the truth commission, has said that strong evidence had once again emerged pointing to an SA connection in the Palme case.

Charles Villa-Vicencio, who heads the truth commission's research department, says the commission would carefully analyse this "evidence". But at this stage it could not be corroborated.

Danielsson is confident that the riddle will be solved, but observers might have to wait a while longer before the Swedish probe is concluded successfully.

'doubtful'

# Very few executives advocated 'substantive change' - Ball

By ROBERT BRAND

Business executives did not understand the social and political dynamics of apartheid, few made an effort to do so and even fewer were willing to advocate substantive change, according to former First National Bank chief executive Chris Ball.

Many businesses profited from apartheid through direct dealings with the government, and others did not realise their practices - such as workplace segregation - were human-rights violations, Ball said in a

written submission to the Truth and Reconciliation Commission's business hearings

Ball's submission stands in contrast to presentations from major business institutions who said they had been opposed to apartheid and had done what they could to effect change.

The business sector, Ball said, was "heavily conditioned through the manipulative techniques" of the regime. They became "compliant" or "co-opted" into the apartheid system.

"Most business executives were concentrating on business

... there was not an understanding of the techniques of power and manipulation by the apartheid regime," Ball said.

The lack of first-hand contact with the liberation movements contributed to the lack of understanding, Ball said.

"A proportion of business leaders became sensitised over time, but only a small portion of these were willing to advocate substantive change."

Most business people were bystanders rather than active participants in apartheid, Ball said. Some companies sup-

ported government policies, while others profited directly, particularly in the field of defence, electronics and transport.

"Most of the passive and compliant businesses preferred the stability of the given to an uncertain future."

"Business leaders were unwilling to develop a concerted course of action. There were attempts to get major businesses to agree to a course of action around a strategy for change, but they were not successful. Each business responded in terms of its own interests."

Star 13/11/97



# Govt co-opted white

(252)

Star 13/11/97

Black Management Forum dismisses company anti-apartheid claims, while Rembrandt boss describes policy as immoral,

foolish and wasteful

By Robert Brand

With few exceptions, white business institutions which have testified before the Truth and Reconciliation Commission's business hearing have argued that apartheid is inimical to economic growth and that they had actively opposed it. Rembrandt chief executive Johann Rupert told the hearing he had written to then-president PW Botha in 1986 asking him to scrap apartheid.

But whether business profited from apartheid, and what should be done to redress injustices of the past, remained the main focus on the second day of the hearing yesterday. Rupert branded apartheid as "immoral, foolish, wasteful of meagre resources and based on a denial of facts". Submitting a report on his company's activities during the apartheid era, Rupert said "We did not participate in the system because we knew it was immoral and that it squandered our resources, leaving our children in debt."

White businessmen were faced with limited options in their operations. "Either you agreed with the system or (you) emigrated. If you did not agree but still wanted to stay then it was imperative for you to opt out of it from within." Rupert said his company chose the last option, and in January 1986 he had written a personal plea to PW Botha asking him to reconsider the apartheid policy because it was making South Africans the "lepers of the world".

The Black Management Forum said claims that business did not profit from apartheid but contributed to its downfall should be rejected "with contempt".

BMF president Lot Ndlovu said the former government co-opted white business, resulting in an "overt and covert" alliance between business and the government. Business leaders who voiced opposition to apartheid "were quickly brought in line with their colleagues", and most businesses "oppressed and exploited blacks", the BMF said.

The Afrikaanse Handelsinstituut expanded on its proposal that part of the R9.8-billion SA Special Risk Insurance Agency (Sasria) fund be used to pay for reparations for victims of apartheid. Former AHI president Theo van Wyk said there was no doubt white business benefited from apartheid, but he denied that Afrikaner businesses benefited inordinately from state patronage.

He rejected a proposal by economics Professor Sampe Terreblanche that a wealth tax should be levied on individuals to pay for the upliftment of disadvantaged communities, but said an effort should be made to redress wrongs of the past. This could be done by using some of the assets of the Sasria fund to finance the TRC's proposed reparations policy, in terms of which individual victims of apartheid would be paid reparation grants of up to

R24 000 a year for six years. The Islamic Chamber of Commerce and Industry said business under apartheid had benefited from cheap labour, an absence of competition from black business, discrimination in job opportunities, and political power in white hands.

"The corporate sector must play a role in redressing past imbalances," IOCI president Ebrahim Kharsany said.

See Page 1

Dismissed

# Business

## 'colluded with government'

*Sowetan 13/11/97*

(262)

**By Joe Mdhlela**

BUSINESS colluded with the apartheid government to exploit and oppress black people, the Black Management Forum (BMF) said in its submission to the Truth and Reconciliation Commissions (TRC) hearing in Johannesburg yesterday

BMF president Lot Ndlovu said even today the racist corporate culture was prevalent and greatly served as an impediment to the Government's stated policy on affirmative action

"Government and business were allied overtly and covertly. The result of it all was human deprivation on a huge scale," Ndlovu told the TRC

He said that there was no doubt in the BMF's view that business supported the previous government's policies, "that located black residential areas at absurdly long distances from the place of work"

Ndlovu charged that the long distances that blacks had to travel to work contributed directly to poor productivity

"Their living conditions at home were characterised by a lack of running water, poor sanitary facilities, lack of

electricity and untarred roads"

He told the commission that business supported racist government policies well into the mid-1980s

"The general strategy adopted by business in dealing with black frustrations during the apartheid period was at best one of co-option and containment"

BMF was among the 13 business, and labour organisations that gave evidence at the TRC yesterday. Other organisations included Rembrandt, Afrikaanse Handelsinstituut, South African Reserve Bank and Islamic Chamber

Even when blacks were allowed to advance to the positions of supervisory management, Ndlovu said, this was done on a tightly-managed programme

He also said the process of screening implicitly favoured blacks who were agreeable and pliable or perceived to be willing to get tough with their fellow black subordinates in promoting the interests of the employer even if such interests were racist and exploitative

He told the TRC when BMF came on the scene in the mid-1980s its objective was to instil pride into black workers and rejected tokenism



## ANC rejects refusal to identify Pebco informer

THE refusal by Maj Gideon Niewoudt to divulge the name of the informer who helped security police lure three Pebco leaders to their deaths was unacceptable and must be rejected, the African National Congress (ANC) said yesterday.

Niewoudt this week told the truth commission's amnesty committee at a hearing in Port Elizabeth that the Port Elizabeth Black Civic Organisation (Pebco) member was a paid police agent.

He refused to identify the agent, saying if he did so he would place the man's life in danger (252)

"Niewoudt not only has an obligation to disclose to the truth commission the full details regarding circumstances leading to the deaths of the three leaders, but also has a moral responsibility towards the families of the victims in the interests of reconciliation," ANC spokesman Ronme Mamoepa said.

"Failure to fully disclose details of the gruesome murders of the Pebco three can only reinforce the perception that Niewoudt and his ilk continue to maintain the informer networks of the past for interests that are inimical to the promotion of national unity and reconciliation."

Mamoepa said the ANC urged the truth commission, within the confines of the Truth and Reconciliation Commission Act, to insist Niewoudt reveal the name of the informer. Sapa.

BD 13/11/97



# 'Pebo 3' mothers' tribute: courageous Askari

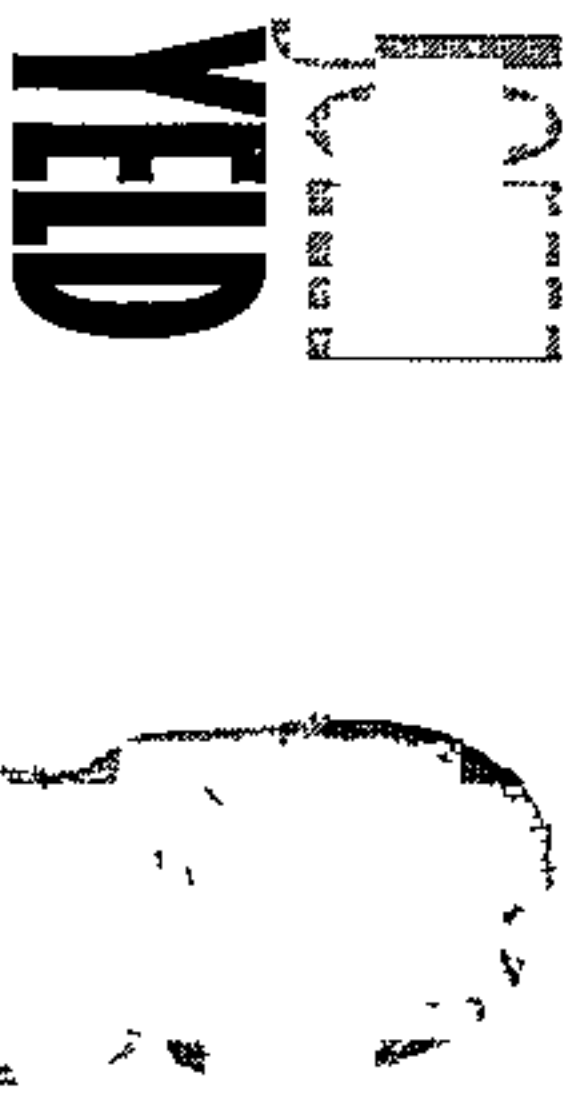
*'The security police were fearful and every time I saw them I was scared'*

(252)

ARG 13/11/97



Under fire: former Askari Kimpuni Peter Mogoal is cross-examined at the TRC hearings



ON THE TRUTH COMMISSION

Port Elizabeth - Former Askari (a turned ANC guerrilla) Kimpuni Peter Mogoal showed "tremendous courage" by testifying to the Truth Commission about his role in the murder of the Pebo Three activists, according to family members of one of the dead men.

This was told to Mogoal today by lawyer Belinda Hartle, who is appearing for the mother and daughter of Gagawuli Godolozzi.

Mr Godolozzi, Champrion Galela and Sipho Hashe were the three Port Elizabeth Black Civic Organisation (Pebo) leaders abducted by security police from Port Elizabeth airport on May 8 1985 and taken to the remote Post Chalmers police station near Cradock, where they were killed.

Mogoal and seven former security policemen are applying for amnesty for the incident. Yesterday Mogoal gave the Truth Commission's amnesty committee panel a version of events that strongly contradicted the earlier evidence of five of the security policemen.

In particular, he testified that Mr Hashe and Mr Godolozzi had been brutally assaulted while being interrogated at Post Chalmers - a version strongly denied by the white security policemen.

Mogoal said he did not recognise any of the four former Port Elizabeth security policemen applying for amnesty for the Pebo Three killings. "I cannot remember them at all. Even if I look at them now, in my mind it's difficult to say 'This one did this'."



Anguish: Ngqabakazi Monica Godolozzi is comforted by TRC logistics officer Melanie Burts after hearing gruesome evidence about her late husband, Gagawuli, one of the Pebo 3.

## Ntzebeza probe unveiled

JOSEPH ARAMIES  
SAPF REPORTER

Justice Minister Dullah Omar has released the terms of reference of the commission of inquiry into allegations against Truth Commission Investigative unit head Dumisa Ntzebeza.

President Mandela appointed Constitutional Court judge Richard Goldstone to head the inquiry, after Guguletu gardener Bennett Sibaya told the TRC that he lied under oath when naming Mr Ntzebeza as one of the drivers of a getaway vehicle in the 1993 Heidelberg Tavern attack. Mr Omar said Mr Justice Gold-

stone would have to investigate the contents of the affidavit given by Mr Sibaya to the police in January 1994 and the circumstances in which it came to be given by him.

The commission must also investigate allegations against Mr Ntzebeza concerning the tavern attack and the manner in which they were dealt with by the police and the TRC.

Five new members, including a judge, have been appointed to the amnesty committee, bringing the total to 12. The new members are Mr Justice Selwyn Mooloo, Mr Justice Wynand Malan, Charl Calliers, Leah Gabashe and Nkola John Motata, both advocates.

## Wealth tax absurd, says DP

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Stellenbosch University professor Sampie Terreblanche's call for a wealth tax has been described as "absurd" and potentially a further burden on South Africa's small band of already highly pressured taxpayers.

National Party spokesman Daryl Swanepoel said "No government ever taxed a country into prosperity". Professor Terreblanche this week told the Truth Commission that a satisfactory example of systematic justice would be to impose a wealth tax of 0,5% a year for 10 or 20 years on

everybody with net assets of more than R20-million, and to use it to uplift the poor.

Mr Swanepoel said the fact that there were no more than 2,1 million registered taxpayers had been ignored. And these South Africans were already heavily taxed.

Democratic Party executive director James Selfe labelled Professor Terreblanche's call "absurd". "Such a tax would amount in practice to little more than punishment of wealthy people for being wealthy, since there is no realistic way to distinguish those who benefited from, or supported apartheid, from those who did not."

It's a big problem and it hurts me." Mogoal denied being scared of the policemen or that he had been pressured to say he could not remember which of them had been involved in any problems with them. "I'm not afraid of them, I don't have any problems with them. It's just that my memory does not serve me well."

Responding to a question by amnesty committee panel chairman Judge Bernard Ngoepe, Mogoal said he had been scared of the security police while serving as an Askari at Valkeplaas from 1980 to 1986.

"I regarded them as fearful people, and every time I saw them I was scared of them," he said. Ms Hartle told him "My clients want to commend you for the tremendous courage you have shown."

Mogoal's fellow Askari, Joe Mamasele, who was also involved in the killing of the Pebo Three and who was subpoenaed to appear at the amnesty hearing after giving details of the killing in a television interview last year, put in a brief appearance this morning.

Wearing a "pomber jacket" over a white high-collared shirt, Mamasele spoke animatedly to advocate Robyn Brink, who is leading evidence for the commission, before the hearing. Mamasele's presence caused a stir among the audience in the New Century Hall in Ibayi township where the hearing is being held, but he was soon taken back to the "safe house" where he is being kept under the commission's witness protection programme. Sources said he would not return before the panel was ready to hear his testimony - possibly later today but probably only tomorrow.



# Final moments of Dulcie September



Dulcie September  
PIC: COURTESY ANC

By Rafiq Rohan  
Political Correspondent

**O**N March 29 1988 African National Congress chief representative in Paris Ms Dulcie September stood outside the ANC office at Rue des Petites-Ecuries around 9.45am, mail in hand, trying to open the door to the 4th floor office. Within seconds she lay dead with five bullets in her head from a .22 calibre pistol.

Nobody heard the gunshots because the weapon had probably been fitted with a silencer. Almost 10 years later no one knows who fired the shots on that fateful morning.

But intriguing clues abound in a 17-page report in the possession of the Truth and Reconciliation Commission. *Sowetan* has a copy of this report.

*Sowetan 13/11/93*

The report, the work of Dutch researchers, details a complicated and convoluted assassination plot that is linked to back-door arms deals between France and South Africa. The trail ends squarely at the door of the now disbanded Civil Cooperation Bureau (CCB).

Also, according to the report, there was a desperate need in many quarters for the elimination of September, and the plot to kill her stretched from South Africa, to the Comoro Islands, to France, where September was based.

Most importantly, it appears that September's assassination was ordered because she was in a position to thwart large-scale arms deals between South Africa and France.

The report has been compiled by the Netherlands Institute for Southern Africa, a group that is the amalgama-

tion of three bodies which worked separately against apartheid. At the time of her murder, practically all the major capitals in Europe had a functioning ANC office. September was noted for her commitment and efficiency and was sent to Paris to set up the office and to bring to an end France's secret military deals with Armscor.

Under a heading in the report titled "Crime Motives", the report says chillingly: "The answer is probably related to military links between France and the RSA. France was an important illicit supplier of essential parts and materials to Armscor. The fact that France almost alone of major Western European countries had no powerful anti-apartheid movement facilitated these clandestine links.

"There were signs that September was putting together an anti-apar-

*252*

te lobby. Thus a threat; thus a hit." A name at the centre of the "hit" is Mr Dirk K Stoffberg, an arms dealer and a South African agent at the head of the sinister "Z-Squad Incorporated", based in Europe.

Of Stoffberg the report says: "He arrived in France two days before the assassination of D. S. (September). Z-Squad Incorporated is alleged to have consisted of highly-trained hit men, with a virtually unlimited range of action and operational funds. Created by BOSS, perfected by NIS."

The report says that Stoffberg gave the orders to assassinate September. "He said he paid two former members of the French Foreign Legion to kill the ANC's chief representative in France. Stoffberg said he had no idea why she was to be assassinated and presumed it was because she held a prominent position in the ANC.

"He activated these two hitmen through the Adler Group. Intelligence about Dulcie September was received from the SA security police, who asked him to facilitate her assassination."

Another person named in the report as having a link to September's murder is SADF Sergeant-Major Joseph Klue, who was identified by Godfrey Motsepe, ANC representative in Brussels, as the man who attempted to assassinate him.

The report identifies Eben Barlow as being the head of the CCB in Europe who "directed" the assassination.

It says the decision for the assassination came from the top.

"It must have been cleared at very high levels . . . at least State Security Council or Ministry of Defence (then headed by General Magnus Malan) See also page 2.

# Askari tells how Pebco 3 were beaten

Civic leaders were not prepared to talk and told police they would rather die (252)

By Simon Zwane

**E**MOTIONS flared up in Port Elizabeth yesterday when an askari described in graphic detail how Port Elizabeth Black Civic Organisation leaders Qaqawuli Godolozzi, Siphon Hashe and Champion Galela were beaten and kicked before they were killed in 1985.

Godolozzi's wife Monica broke down and screamed as Peter Mogoai told the Truth and Reconciliation's Amnesty Committee how a defiant Godolozzi was brutally assaulted during an interrogation by the security police.

His mother, Benedicta, also wept and was comforted by her legal representative, Ms Belind Hartle, who also appeared shaken by the chilling testimony. The audience became angry and called for security policemen applying for amnesty for the abduction and murder of the three to leave the Great Centenary Hall in New Brighton.

Community leaders intervened and calmed the situation before the proceedings were allowed to continue.

Later the hall became hushed as Mogoai, an Umkhonto we Sizwe cadre turned police agent, in a breaking voice expressed remorse and regret for his "dirty past".

"As I regard myself a disgrace to my mother, my family, my relatives, my friends, the families of the Pebco 3, and the nation, it is with deepest remorse that I ask for forgiveness and hopefully wish to be reconciled with everybody once more, and to be part of a better and brighter future of South Africa," Mogoai said.

He also expressed a desire to meet the families in private to convey his apologies.

Mogoai earlier told the committee how the three leaders were defiant on the day

the security policemen who had abducted them that they were prepared to die rather than give any information.

He described Hashe as having been defiant. He refused to talk to his inquisitors.

While he was speaking he was kicked and beaten by the security policemen. The interrogation continued the following day and Hashe was again assaulted and severely kicked. "I had to stand back because a boot flew past me."

Eventually Hashe said he was prepared to talk and told the policemen of an AK-47 rifle he had hidden at a woman's house. Later the information about the AK-47 was found to be false.

The security policemen became angry and started assaulting Hashe again. "He was kicked so hard in the face that he hit the wall with his head. They thought he had fainted and he was dragged to a water tank where water was poured over his head."

"He regained consciousness but was very weak. Blood was oozing out of his mouth and nose. His head and face were swollen."

Godolozzi, who had been screaming, was also brought to the veranda and a wet bag was put over his head. He could not breathe and he was also beaten and kicked.

The bag was removed and he was asked if he was still prepared to die and he said "Yes", Mogoai said.

The bag was again put over his head and he was taken to a garage. Mogoai said that Warrant-Officer Gerhardus Beeslaar, a Vlakplaas operative, told him and other askaris, including Joe Mamasela, that the security policemen had not handled the situation very well.

Mogoai said Galelea - who had been kept in a cell - screamed throughout the assault on

**I regard myself as a disgrace to my family, friends and the nation**



# I tortured activist, TRC told

(252)

## Former security police askari tells of beating and kicking one of the Pebco Three

**SAPA**  
Port Elizabeth

**A** former security police askari yesterday admitted beating and kicking Port Elizabeth activist Siphiso Hashhe, one of the Pebco Three who were abducted and murdered by Eastern Cape police in 1985.

The evidence of former Umkhonto we Sizwe guerrilla Peter Mogoai to the TRC's amnesty committee contradicted earlier testimony of fellow applicants

Former Port Elizabeth security policemen Captain Sakkie van Zyl, Colonel Gideon Niwoudt and Gerhartus Lotz have admitted executing the Pebco Three - Hashhe, Gagawuli Godolozzi and Champion Galela - but have denied they were tortured. Mogoai said that over two days at least two of the activists, Hashhe and Godolozzi, were beaten after refusing to answer questions by their cap-

tors. The interrogation took place at Post Chalmers, a disused police station near Cradock.

Mogoai accompanied the policemen and their captives to Post Chalmers with two other agents from the Vlakkplaas police base, Joe Mamasela and Warrant Officer Johannes Koolie.

Mogoai said Hashhe was the first to be questioned. "He was asked whether he was going to tell the truth. He refused.

"After refusing he was beaten with fists and kicked by all of us in the room. I took part in the beating. The interrogation and assault did not take long - about 15 minutes."

It was then the turn of Godolozzi. "He said they had better kill him. At that time, when he was speaking, he was attacked by these unknown white men (the Eastern Cape security policemen)," Mogoai said. When Godolozzi continued to refuse to answer questions, he was returned to his cell.

The policemen resumed their interrogation of Hashhe the following morning.

"He refused to tell the truth," Mogoai testified. "He was kicked severely. Hashhe screamed loudly. he said he would speak. They should just leave him alone."

### “He refused to tell the truth”

Hashhe gave the policemen false information, prompting a further beating.

"I can't remember who kicked him. There were so many kicks, but there was one strong kick which caused him to hit his head against the wall. "I thought he had fainted

The policemen also thought he had fainted because he was dragged to a water tank and the water was opened."

Hashhe's head was swollen and blood was coming out of his nose and mouth, Mogoai said.

The policemen returned Hashhe to his cell and fetched Godolozzi. They placed a wet sack over his head and tied it around his neck, choking him, while he was beaten and kicked.

Mogoai said that when the Vlakkplaas team left Post Chalmers the following day, the activists were still alive.

Earlier, Mogoai denied being a participant in the operation to abduct the Pebco Three. Niwoudt and other applicants have testified that the three activists were abducted outside Port Elizabeth airport terminal by a team of askaris from Vlakkplaas. Mogoai said the activists were apprehended by four to five white policemen as they walked towards the terminal.

Star 13/11/94

# Anti-Apartheid Movement before TRC

By Joe Mhlehlela

APARTHEID South Africa had lured international companies to invest in the country's border areas by granting them tax concessions, the London-based Anti-Apartheid Movement told the Truth and Reconciliation Commission in Johannesburg yesterday.

AAM chairperson Lord Hughes said the bribes also ensured that the Industrial Development Corporation provided loans and "special rates" for apartheid, thereby keeping racist South Africa afloat.

To show the extent to which overseas companies benefited from apartheid, Hughes recalled an advertisement placed in British newspapers which read "Project yourself into the South African profit picture. The net capital inflow into South Africa in 1970 recorded R557 million". Hughes said this clearly showed the extent to which foreign investors believed in apartheid South Africa's growing economy.

However, Hughes told the TRC that South Africa became less profitable after 1984 when popular resistance against apartheid grew.

"It was when popular resistance against South Africa grew in 1984, and the rand fell against the dollar and inflation soared, that the country became less profitable. The cost of defending apartheid increased," said Hughes.

Hughes also heard Hughes reveal that parastatal corporations including Iscor, Eskom, Sasol and the IDC were a special feature of the apartheid economy established by the South African government to build the country's infrastructure.

He also charged that British Petroleum had formed joint ventures with Sentrachem, the chemical company in which the state had a financial interest through the IDC.

Hughes said part of apartheid's grand design was to set up factories in the so-called "border areas", encouraging black South Africans to move to the "bantustans".

He said overseas companies investing in the "homelands" provided cheap labour for the "white economy".

"Wages in the border areas were significantly lower than the poverty wages paid elsewhere. Many British and United States-owned subsidiaries found this irresistible," he said.

*(252) Sowetan 13/11/97*



# Sanlam admits cosyng up to Nat rulers was

ARGUS CORRESPONDENT

Johannesburg - Insurance giant Sanlam today admitted it had a "corrupt" relationship with the National Party government, which made business dealings in the apartheid state easier.

Presenting the Sanlam submission at the TRC's business hearing, managing director Desmond Smith expressed the company's "regret and sadness" at the effect of apartheid on

the majority of South Africans

"Sanlam had its origin in the Afrikaans-speaking section of the population and separate development policy was part and parcel of white community thinking at that time.

"This approach turned out to be totally wrong, and undoubtedly tended to influence, reassure and even dull management, in defence of submission to the initiatives by politicians to establish institutionalised apartheid," Mr Smith said

Referring to the violation of

human rights in Sanlam buildings, and in particular to the assault on Steve Biko, Mr Smith said Sanlam had no control over the use of its office buildings by tenants.

Biko was fatally assaulted at the security police headquarters in Port Elizabeth, known as the Sanlam Building

"As these violations on our properties are revealed in courts and through this commission, we share in

the perplexity and pain of the nation, and we regret the fact that our properties were misused by the security police of the former government

"We distance ourselves from any violations of human rights and we convey our most sincere condolences to the victims of such violations in our buildings"

Mr Smith said Sanlam was one of the first large corporations in the country to take "bold and pioneering initiatives" to redress historic

imbalances, including black economic empowerment ventures such as the establishment of Nail

In another submission, Development Bank of Southern Africa chief executive Ian Goldin said the DBSA was created in 1988 as an integral part of the homelands policy

"The DBSA in the main operated in conformity and support of a political framework that violated human rights, regardless of those at its helm who might have maintained the

reformist views

"The bank has since 1994 undergone a fundamental transformation. This has put it in a position to contribute to overcoming its own and the country's apartheid legacy"

Yesterday black empowerment advocate Don Mkhwanazi accused banks of complicity in the flight of capital from South Africa

Bob Tucker, chief executive officer of the Congress of South African Banks, conceded mistakes were made

during apartheid

"The banking industry deeply regrets acts of omission and commission on the part of its members. By any account, the economy is far worse off because of these policies"

Islamic Chamber of Commerce and Industry president Ebrahim Kharsany accused financial institutions of mobilising "billions" from the black community and investing the funds in businesses and residential properties owned by whites

good for business

AR 13/11/97

(252)

## TRUTH COMMISSION

# Govt 'should rid itself of odious debt'

Stephen Laufer

THE truth commission heard a series of proposals for the funding of reparations and rehabilitation of victims of gross human rights violations of apartheid yesterday, including a call for the cancellation of certain types of state debt.

The apartheid debt co-ordinating committee told the commission it believed the international legal concept of odious debt should be invoked to allow the current government to disown the debt incurred by its predecessor. This would make assets available for the development of SA.

The doctrine had two main aspects, committee spokesman Kumi Naidoo told the commission. They were the legitimacy of the borrower's purpose in seeking the loan, and whether the

lender was recklessly indifferent to the status of the contracting state.

The doctrine had first been applied by the US 100 years ago when repudiating debt accumulated by Cuba with Spain. The US had argued that much of the debt had been incurred for the purpose of crushing attempts by the Cuban people to free themselves from Spanish domination.

Lawyers at the First National Bank of Chicago had in 1982 warned lenders about making loans to SA using similar arguments. They had said that for years, bankers had not exercised the vigilance which would make state debts lawful, not least in the case of SA. Much of the debt incurred by the previous government had been incurred while inflicting war on neighbouring countries and violating human rights within SA.

The debt incurred abroad should be cancelled as it was odious, Naidoo said.

Current government debt totalled R300bn, of which most had been borrowed internally. Of this, 40% was owed to the Public Investment Commission, a body responsible for investing state pensions.

The state pension funds were so powerful because they had been changed from a pay-as-you-go basis to a fully funded basis in 1989, taking government contributions from R3bn annually in 1988 to R11bn in 1994 and R10bn in 1995. Government contributions pumping up the fund had been R66bn between 1990 and 1996.

The PIC had assets of R136bn which were growing as a result of interest paid by the government. They were able to meet all of their obligations out of the interest earned.

Naidoo said the scheme had been created to ensure that apartheid-era public servants continued to receive their pensions and that money was available for golden handshakes.

This debt too was odious, the committee argued.

Earlier yesterday, the Afrikanse Handelsinstituut (AHI) renewed its call for reparations and rehabilitation funds to be drawn from the Sasria fund, which has accumulated assets of more than R9bn.

AHI past president Theo van Wyk said Sasria was in a legal limbo having performed its function of not insurance provider during politically tumultuous times in SA's past.

One way to use the accumulated assets was as a "firebreak" to assist in reconciliation, rather than again having to pay out for not damage later.

AD 13/11/97 (252)



# Reserve Bank efficiency propped up apartheid, says governor

Stephen Laufer

A LEISS efficient Reserve Bank could have contributed to the earlier demise of apartheid, the governor Chris Stals told the truth commission yesterday.

Appearing before the special business hearings, Stals said the Bank joined other institutions in submitting its "humble apologies to the commission and to all the people of SA."

Asked by commissioner Hlangwe Mkhize precisely what acts or omissions he was apologising for, Stals said

"maybe we should not have administered exchange controls so effectively. Maybe we should not have rescheduled SA's foreign debt so well."

If the Bank had taken a different approach, "pressures on the economy would have been greater and would have effected changes earlier."

The relationship between the Bank and government had always been determined by personalities — particularly those of the governor, finance minister and president.

Political decisions had made Bank

decisions more difficult on occasion, but the institution had wanted to keep out of politics.

Asked about the financial lifeboats made available to Trust Bank, Stals said a number of other banks had also received them without discrimination. With 90 000 depositors and R26bn in assets, the decision not to allow the Trust Bank to become insolvent "speaks for itself."

Despite its independence under law the Bank had collaborated closely with the previous government in a number

of key areas, Stals said.

These included the administration of exchange controls, work within the debt standstill committee following the 1985 foreign exchange crisis, and the application of restrictive overall monetary policies because of balance of payments constraints.

Stals said he and his predecessor, Gerhard de Kock, had on numerous occasions urged the government to move towards political and constitutional reform. The macroeconomic consequences of the political system had

made apartheid untenable.

Speaking after Stals, Council of SA Banks (Cosab) CEO Bob Tucker said the banking industry deeply regretted anything which contributed to the damage done by apartheid. In a detailed submission Tucker listed involvement by the banks with the previous government.

Senior bank officials had participated in government bodies such as the Economic Advisory Council, he said.

Continued on Page 2

## Business

(252)

Continued from Page 1

BD 13/11/97

They had dealt in central and homeland government stocks.

As efforts to get around embargoes and sanctions against SA had become a regular feature of business life, banks had participated in bodies involved in sanctions busting.

Stimulated by special tax and other incentives, the private sector and parastatals had developed import substitution industries, including armaments and synthetic oil.

The upward looking nature of the economy had put SA back by 10 to 15 years in the race for globalisation.

The banks acknowledged the need for specific action to address the damage suffered by the worst affected members of SA society, and that the institutions would have to be key players in this process.

Separately, Rembrandt CEO Johann Rupert said his company had never been allied with the National Party and had never participated in the apartheid system.

Afrikaners had faced the choice of leaving SA, siding with the system, or engaging in internal opposition. Rembrandt had chosen the latter, with the Rupert family seeing itself as members of "the patriotic opposition".

See Page 5  
Comment: Page 13

BD 13/11/97

# 'Privileged must acknowledge role'

BD 13/11/97

(252)

**Pule Molebeledi**

THE historically privileged business community, which still owned the vast bulk of SA wealth, needed to acknowledge that discrimination and oppression had played a pivotal role in determining current patterns of ownership and control, the African National Congress (ANC) said yesterday.

In a document submitted to the truth commission on the role played by business during the apartheid era, the ANC alleged that particular sections of business — such as Sanlam, Rembrandt and Volkskas — had been favoured by the apartheid regime.

The heads of such companies had had a close strategic partnership with the top decision makers of the apartheid era.

"Whilst apartheid legislation established a framework of discrimination and oppression, the practises of many businesses were themselves often racist and discriminatory .. often engaging in practises that went beyond what was required of them by apartheid law," the submission said.

The ANC said the SA business community had operated as a monolith and should acknowledge its extensive collaboration with a system involved in gross human rights violations.

The commission should establish who had taken the decision to build nuclear weapons and what they were intended to be used for.

"We further request the commission to investigate the culpability of many SA companies and scientists who participated in this

heinous programme"

The ANC argued that many businesses were also too willing to take advantage of potential opportunities created by apartheid repression to advance at the expense of black workers or competitors.

"The migrant labour system and the compounds were not legislated into existence by governments hostile to business, but brought into being by the mining houses themselves," the party said. There had been no apartheid laws specifically preventing business from paying black workers more than the prevailing minimum wages.

It alleged that the business community had been represented in the Joint Management Centres feeding the State Security Council with information on unions.



# Chris sets his Ball rolling on business of apartheid

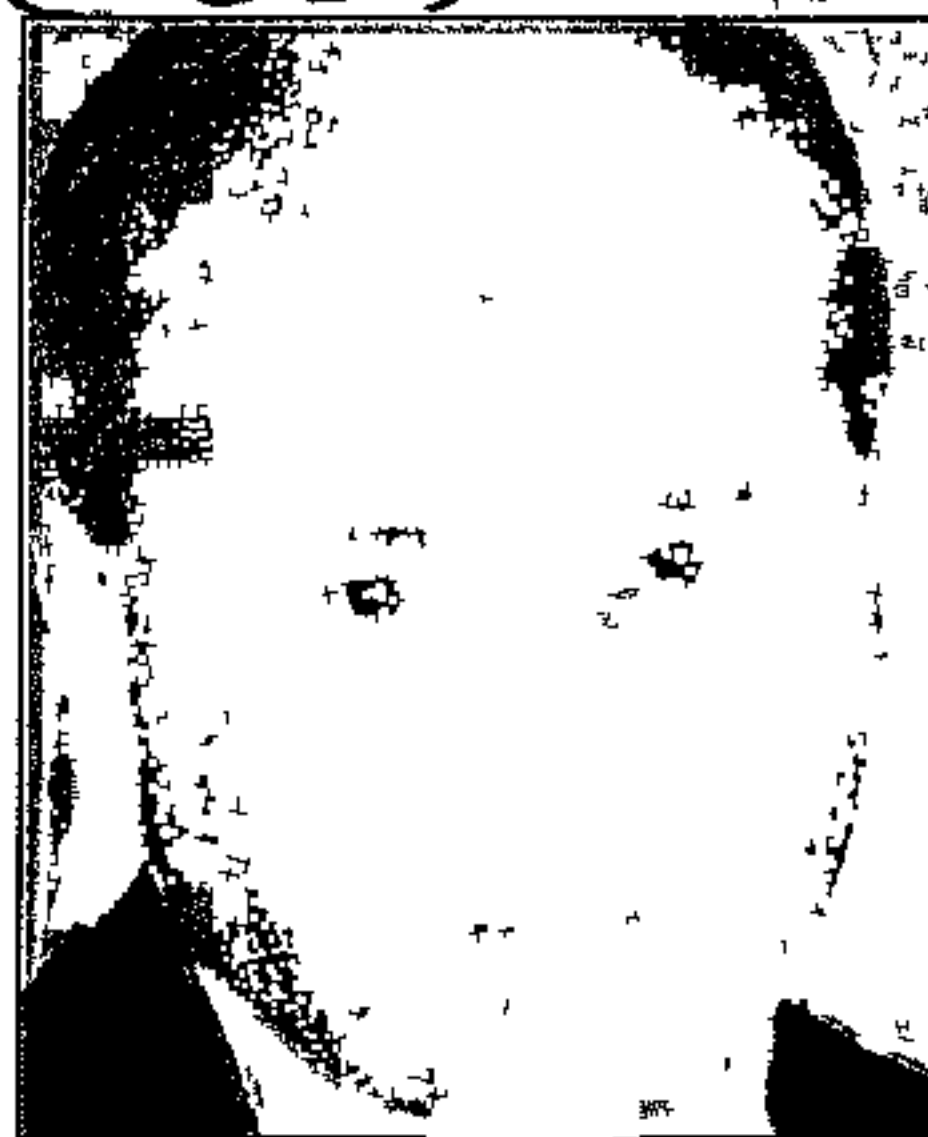
OWN CORRESPONDENT

JOHANNESBURG: Business executives did not understand the social and political dynamics of apartheid, few made an effort to do so and even fewer were willing to advocate substantive change, according to former First National Bank chief executive Mr Chris Ball

Many businesses profited from apartheid through direct dealings with the government, and others did not realise their practices — such as workplace segregation — were human rights violations, Ball said in a written submission for the TRC's business hearings

Ball's submission stands in contrast to presentations from major business institutions who told the TRC's business hearing said they were opposed to apartheid and did what they could to effect change.

The business sector, Ball said, was "heavily conditioned through the manipulative techniques" of the regime. They became "compli-



IN CONTRAST: Chris Ball

ant" or were "co-opted" into the apartheid system

"Most business executives were concentrating on the business of their business. There was not an understanding of the techniques of power and manipulation by the apartheid regime," Ball said

The lack of first-hand contact with the liberation movements

contributed to the lack of understanding of the issues facing business under apartheid, Ball said

"A proportion of business leaders became sensitised to the issues over time, but only a small portion of these were willing to advocate substantive change"

Most business were bystanders rather than active participants in the processes of apartheid, Ball said. Some companies supported government policies, others profited directly — in defence, electronics and transport

"Most of the passive and compliant businesses preferred the stability of the given environment to an uncertain future, assuring they were benefiting

"Business leaders were unwilling to develop a concerted course of action. There were attempts to get major businesses to agree to a course of action around a strategy for change, but they were not successful. Each responded in terms of its own inclinations and interests"

APARTHEID SQUANDERED RESOURCES — RUPERT

# White firms 'exploited blacks'

**JOHANNESBURG:** White business had established an overt and covert alliance with the apartheid state, the Black Management Forum told the TRC yesterday.

**W**ITH few exceptions, white business institutions who have testified before the Truth and Reconciliation Commission's business hearings have argued that apartheid was inimical to economic growth and that they had actively opposed it.

But whether business profited from apartheid and what should be done to redress injustices of the past remained the main focus on the second day of the hearing yesterday.

The Black Management Forum (BMF) said claims that business did not profit from apartheid but contributed to its downfall should be rejected "with contempt".

Presenting the BMF's submission, the organisation's president, Mr Lot Ndlovu said the government co-opted white business,

resulting in an "overt and covert" alliance between business and the government.

Business leaders who voiced opposition to apartheid "were quickly brought in line with their colleagues" while most businesses "oppressed and exploited blacks", the BMF said.

The BMF submission detailed specific instances of racial discrimination in the business environment as well as the exclusion of black business from the marketplace.

The Islamic Chamber of Commerce and Industry (ICCI) said business under apartheid had benefited from cheap labour, an absence of competition from black business, discrimination in job opportunities and political power in white hands.



**OPPOSED GOVT:** Johann Rupert

"We believe that the corporate sector was an active party in the exploitation of the black population. The corporate sector must play a pro-active role in redressing past imbalances," ICCI president Mr Ebrahim Kharsany said.

Earlier, Rembrandt chief executive Mr Johann Rupert branded

ET 13/11/97 (252)

apartheid as "immoral, foolish, wasteful of meagre resources and based on a denial of facts".

Submitting a report on his company's activities during apartheid, Rupert said "We did not participate in the system because we knew it was immoral and that it squandered the country's resources leaving our children in debt."

White businessmen in South Africa during apartheid were faced with three limited options in their operations.

"Either you agreed with the system or (you) emigrated if you did not. If you did not agree but still wanted to stay, then it was imperative for you to oppose it from within."

Rupert said his company chose the last option.

"For 40 years we chose to operate in an unjust system. It is true that we did not do enough but we

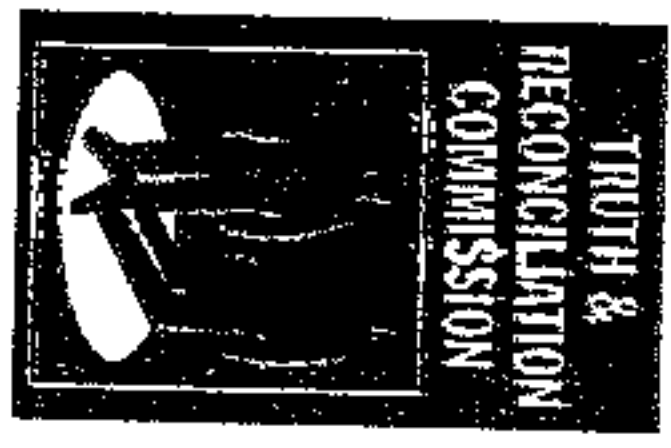
have treated our employees loyally and fairly."

The Afrikaanse Handelsinstituut (AHI) expanded on its proposal that part of the R9-billion SASRIA fund be used to pay for reparations for victims of apartheid, and apologised for its role in the maintenance of the system.

The company said there was no doubt that white business benefited from apartheid relative to black business, but denied that Afrikaner businesses benefited inordinately from state patronage.

The company rejected a proposal by economics Professor Sampe Terreblanche that a wealth tax should be levied on individuals to pay for the upliftment of disadvantaged communities, but said an effort should be made to redress the wrongs of the past.

● See Business Report





# Two of Pebco 3 (252) were tortured, says ex-askari

CT 13/11/97

PORT ELIZABETH: A former security police askari yesterday contradicted the evidence of fellow amnesty applicants by insisting that at least two of the Pebco Three activists were tortured by police before they were murdered.

Former uMkhonto weSizwe guerrilla Peter Mogoai, 49, took the stand in front of a hostile audience at his amnesty hearing here to admit beating and kicking one of the Pebco Three, Siphon Hashe, during interrogation.

Mogoai wept as he made an emotional plea for forgiveness from the widows of Hashe, Champion Galela and Qaqawuli Godolozu.

The one-time askari — MK member turned policeman — took part in the clandestine security police operation to abduct the three Port Elizabeth Black Civic Organisation activists outside Port Elizabeth airport in May, 1985.

The Pebco Three, who had been lured to the airport by a fellow Pebco member working for the police, were taken to Post Chalmers, a disused police station outside Cradock, where they were interrogated and then shot dead.

Their bodies were burnt on a pile of wood and the remains dumped into the nearby Fish River.

"I have taken this opportunity to speak the truth and to express my regrets about my wasted years and my shame," Mogoai said.

"I regard myself as a disgrace to my mother, my family, my relatives, my friends, the families of the Pebco Three and the nation.

"It is with deep remorse that I ask for forgiveness and (my) wish to be reconciled with everybody once more, and to be part of a better and brighter future for South Africa."

Mogoai's insistence that at least two of the Pebco Three activists were severely assaulted before they were killed was challenged by lawyers for six other applicants.

The three security policemen responsible for killing the Pebco Three — Captain Sakkie van Zyl, Colonel Gideon Nieuwoudt and Gerhardus Lotz — have testified that the activists were interrogated but not tortured before their deaths.

Lawyer Mr Roelof du Plessis asked Mogoai why his amnesty application and that of former Vlakplaas operative Johannes Koole were so similar. Koole has also spoken of assaults in his version of the events before the Pebco Three murders.

Du Plessis said Koole's application was substantially different from an earlier written statement he gave to Transvaal attorney-general Dr Jan d'Oliveira.

Mogoai testified that over a period of two days at least two of the activists, Hashe and Godolozu, were severely beaten after stubbornly refusing to answer questions put to them by their captors.

Hashe was questioned first. He was blindfolded and chained to metal rings on the floor of the interrogation room at Post Chalmers.

"He was asked whether he was going to tell the truth. He refused. After refusing he was beaten with fists and kicked by all of us in the room.

"I took part in the beating. The interrogation and assault did not take long, about 15 minutes."

Godolozu was then brought from his cell screaming that he would not answer any questions.

"He said they had better kill him. At that time, when he was speaking, he was attacked by these unknown white men (the Eastern Cape security policemen). They assaulted and kicked him," he said.

When Godolozu continued to refuse to answer questions, he was returned to his cell.

The next morning the policemen resumed their interrogation of Hashe, and eventually kicked him unconscious. They returned Hashe to his cell and fetched Godolozu, who was again assaulted.

Mogoai said that when the Vlakplaas team left Post Chalmers the following day, the activists were still alive.

"I never saw them again and I don't know what became of them." He said he took part in assaulting Hashe because he was already involved and could not turn back — Sapa.



# 'I believe our group has no need to apologise'

BD1411197

Submission by the founder of the Rembrandt Group, Anton Rupert

I HAVE always believed that everyone, particularly those in business, were fully conversant with our belief that coexistence through partnership was the alternative to apartheid ever since I first proposed it at the Economic Congress in Bloemfontein in 1950. That we should form a partnership with nonwhites to improve their circumstances by sharing and thus ensure the progress of all South Africans, was the central theme of my address.

But it is evident our position is not broadly understood in 1997.

Let me first dispel the common illusion that our group was built on the exploitation of fellow South Africans. The fact is that even after splitting the group into two companies, Richemont and Rembrandt, the latter today receives nearly half of its income from overseas. We took a mere £730 000—or R1,46m—overseas and brought back to our country billions in profits.

It so happened that when my proposed partnership company with nonwhites in 1950, referred to above, was not achieved, we went overseas with the same concept and formed partnership companies throughout the world.

In 1959, our board took a unanimous decision to form a partnership company with nonwhites in SA. We knew we had the recipe for coexistence through partnership.

It was suggested that I inform the prime minister of our intentions. My discussions with Prime Minister Hendrik Verwoerd came as a shock. His reply was that the nonwhites surely did not have the money to take up the 50% shareholding. I replied that we would sell shares in small quantities to individuals such as teachers and public servants in the nonwhite community. This seemed to satisfy him.

The next question was what about the board of the proposed company? I replied that in the

other countries where we had started, we appointed local shareholders to the board and therefore a large number of the board would be nonwhite shareholders. His next remark was that nonwhites did not have the know-how or skills to run the factory. I replied that our white technicians were perfectly willing to train them.

Dr Verwoerd then asked whether it meant that white technicians would be working under a board with nonwhite directors. I explained that this was exactly the case in our overseas partnership companies. To my dismay he said that in such a case he would shut us down. Later he attacked me in Parliament, saying he would not allow "a certain Rupert" to exploit the blacks. I had no alternative now but to defend our position, and for at least the next seven years addressed meetings and business conventions and gave lectures to university students explaining our policy.

In 1960, after the tragedy of Sharpeville, a march of about 30 000 blacks, led by a young man of 19 years, took place in Cape Town. I then knew that this was the start of a potentially long-term revolution.

I put my pride in my pocket and asked for another interview with Dr Verwoerd.

I knew that the fact that black workers had no right to own property would lead to permanent instability. I explained to Dr Verwoerd I believed it was essential to afford blacks the opportunity to own their own homes, however humble these might be. His reply was that they were temporary residents who should eventually return to their own territories.

My next suggestion was that they be given 99-year leasehold. He flatly turned this down. I then suggested a 30-year leasehold to stabilise society until such time as his dreams of partition were realised. This also he refused.

I had come to the conclusion there was nothing left for us to do but to follow a policy of "loyal resistance"—we would defend our

(262)



RUPERT

country overseas but would oppose ill-judged policies at home.

As a result of this, we constantly tried to improve local conditions by a series of progressive actions.

In 1961, I pleaded from various platforms that apartheid was a policy based on fear and that it should be replaced by the concept of coexistence. I was quoted as saying "It is a fallacy to think the prosperity of white and black in Africa is divisible, that the former can hope for continued prosperity if the latter are left to struggle at the barest subsistence level."

In 1963 Rembrandt introduced a minimum wage of R2 a day, which elicited stiff opposition from other employers, especially from the agricultural sector.

In 1964 Rembrandt established a multiracial Sports Foundation of Southern Africa to provide expert coaching among all population groups. In 25 years,

the foundation offered more than 4 000 training courses.

In an attempt to improve communications between the various population groups, the Tegondisc Language Course was issued in 1964. Among the languages offered to Afrikaners and English speakers were Xhosa, Zulu and North and South Sotho.

The Rembrandt van Rijn Art Foundation was established to promote art appreciation among all population groups. A collection of 600 rock paintings of the San people was commissioned.

In 1966, I accepted an invitation from Lesotho to act as honorary industrial adviser. This decision elicited considerable criticism in Parliament.

Rembrandt established the Medical Shuttle Service to Lesotho in 1968. In the 25 years it was sponsored by Rembrandt, more than 5 000 operations were

carried out in Maseru. In the same year we established the Southern African Nature Foundation (now the WWF SA), to preserve southern Africa's unique natural heritage.

In 1973, Rembrandt and the Union Bank of Switzerland established the Economic Development Bank for Equatorial and Southern Africa (Edesa). This was inspired by our conviction that "if your needy neighbour does not eat, you will not sleep". Although we had envisaged that Edesa would play a role in the development of SA's black regions also, political events prevented this. It was only in 1991 that Edesa, which for the previous 20 years had enjoyed great esteem for its development work in 20 African countries, could open an office in Johannesburg.

After the Soweto riots in 1976, we took the initiative in helping to establish two funds for assisting innocent victims of riots.

Following on the news that blacks would be allowed to lease their homes for an indefinite period in urban areas, we announced that Rembrandt would finance the housing of its employees.

Towards the end of that year, Mr Harry Oppenheimer of Anglo American and myself pioneered the establishment of the Urban Foundation. During the 19 years of its existence, the foundation played a significant role with regard to housing, formal and non-formal education, capacity building in black communities and the termination of influx control.

In 1979, my family and I established the Small Business Development Corporation (SBDC) in March 1979. At the Carlton conference in November that year, I convinced government that an enlarged SBDC should be established as a partnership between the private sector and the public sector to cope with the unemployment crisis. I offered that Rembrandt would take up the first R5m of the private sector's shareholding of R50m.

Currently the investment of Rembrandt and its associates in

the SBDC amounts to R48m. Since 1981, more than 60 000 entrepreneurs, the majority of whom are black, have been assisted with loans amounting to R2,8bn. In addition, approximately R300m has been invested in deprived communities to create business premises. As a result, approximately 460 000 jobs have been created.

In 1987, all employees of Rembrandt within three years' service or more became shareholders of the company. Each employee, from the lowest grade to executive, received the same number of shares. In 1993, a sponsorship of the group enabled the establishment of the Western Cape Cricket Academy, which placed special emphasis on players from deprived communities.

In 1994, shares to the value of R1m were taken up in the New-Farmers Development Company, founded to develop viable farming enterprises, especially for developing communities.

In 1997, I founded the Peace Parks Foundation to establish transnational nature conservation areas in southern Africa.

This could significantly enhance ecotourism and has the potential to create two-million jobs by 2000.

Our policy towards employees has always been one of non-discrimination, including equal pay for equal work, fringe benefits which are available to everyone and appropriate training for all employees. We have never forced anyone to converse in any language but their own.

I take responsibility for all those who share my belief that coexistence through partnership is the best solution for our problems. I believe that this cause has been worthwhile and in all humility believe that we have no need to apologise for what has been achieved.

We have never done business with any government, have not received favours from any government, nor has any prime minister or president asked my advice in the period under review.



# Business, insurance giants express remorse

252  
ET 14/11/97

**JOHANNESBURG:** Business giant Anglo-American and the South African Chamber of Mines have expressed remorse for not doing enough to oppose apartheid and say they are working to redress the wrongs of the past.

But their submissions at the Truth and Reconciliation Commission's (TRC) business hearing did not convince Cosatu, which said white businesses were "lying" about their role under apartheid.

Anglo-American chairman Mr Julian Ogilvie-Thompson said Anglo had opposed apartheid from the very beginning. The company viewed apartheid as a deep affront to human dignity

which caused untold suffering to millions of people

Anglo deputy chairman Mr Nicky Oppenheimer offered apologies. "With hindsight it is quite clear that Anglo did not do as much as we could and should have done (to oppose apartheid), and for that we must express our apologies and remorse."

Presenting Anglo's main submission, Gold and Uranium Division head Mr Bobby Godsell said apartheid amounted to "a massive affirmative action programme" which benefited whites at the expense of blacks.

But business, he said, did not benefit in the long run

"Clearly, it is true that white South Africans fared much better than their black compatriots through the apartheid decades. But to jump from that to say business did better under apartheid than it would have done otherwise is a big jump in logic."

Mr Adrian du Plessis, industrial relations adviser and chief negotiator of the Chamber of Mines, said the claim had not done enough to break down racial discrimination in the workplace.

"The chamber should have done more. We should have

pushed harder and faster to break the systems and structures of racial classification and discrimination

The chamber "deeply regrets that the opportunity lost has uniquely disadvantaged black employees, and has not well served the industry generally," he said

The chamber in 1991 committed itself, together with the National Union of Mineworkers, to non-racism

owner of the building in which Steve Biko was fatally assaulted, has expressed regret that its properties were "misused" by the

security police

In its submission to the TRC yesterday, Sanlam managing director Mr Desmond Smith said the company had no control over the use of its properties by tenants

Biko was fatally assaulted at the security police headquarters in the Sanlam building in Port Elizabeth in 1977

"We distance ourselves from any violations of human rights and we convey our most sincere condolences to the victims of such violations in our buildings," Smith said

Smith expressed the company's "regret and sadness" at the effect of apartheid on the majority of South Africans



# Anglo distances itself from apartheid

JAMES LAMONT & ROBERT BRAND

Johannesburg — Anglo American, the mining and industrial conglomerate, yesterday distanced itself from any relationship with the apartheid regime and said it had often considered cutting loose from the Chamber of Mines, in a submission to the Truth and Reconciliation Commission (TRC)

Julian Ogilvie Thompson, the Anglo chairman, said the National Party had hated Anglo as the face of liberal capitalism for publicly voicing opposition to the government "We thought the whole policy was morally wrong and economically disastrous

"We did think on many occasions whether to cut loose and leave the chamber but we thought we would achieve more by dragging the others along with us," he said The motivation behind involving Afrikaner interests in the sale of General Mining and Union Corporation was to change prevailing political views

and influence the government

Earlier, Jay Naidoo, the former Cosatu secretary-general and now a cabinet minister, said South Africa's white community and its business sector had collaborated in apartheid for its economic benefit "There was an overwhelming collaboration between the business community and apartheid The core of apartheid was the perpetuation of the cheap wage system, and the whites should beg us for forgiveness

"I was quite astounded that someone came to defend Barlow Rand (who) supported arms manufacturers and the busting of sanctions," Naidoo said

However, Anglo apologised that it had not posed stronger



Julian Ogilvie Thompson

PHOTO JOHN WOODROOF

opposition Nicky Oppenheimer, the chairman of De Beers, said "With hindsight, it is quite clear that we at Anglo American did not do as much as we could have, and for that we must express our apologies"

Cosatu, in its submission, said a living wage, high employment and a narrowing of the earnings differentials between managers and workers should form part of a reparations policy

Sam Shilowa, the secretary-general of Cosatu, said "If it is an abuse to pay starvation wages, then reparation becomes a living wage If it is an abuse to force millions into unemployment, then reparation becomes employment"



# Anglo acknowledges 'serious' errors

Anglo American's submission to the truth commission

**T**HE words of the leaders of this organisation have always opposed apartheid. Today we must be judged not only by our words, but also by our deeds. The gap between word and deed.

Clearly a retrospective examination of Anglo's corporate citizenship reveals missed opportunities and serious errors.

In the 1950s, Anglo fought for the right to house 10% of black workers with their families in the new Free State gold mines. This level of 10% was set after a survey suggested that, at this level, all married workers of SA nationality who wished to live on the mines could be accommodated. The minister of native affairs, Hendrik Verwoerd, wanted no married housing. Indeed, he instructed Anglo to destroy the housing already constructed.

The compromise that was reached was to retain houses already built, but build no more. This produced a 3% quota for the industry, maintained until the scrapping of influx control in 1986, but which Anglo's gold mines themselves never met.

If we had been able to house 10% of black workers, and indeed had done so, we would have been able to develop a model in non-racial urbanisation for South Africans.

While apartheid laws did bar blacks from many key jobs in mining, and elsewhere in the economy, in many areas social convention rather than law prevented the development of black urban centres. This applies equally to gender. Until recently, women were barred from all underground occupations. Yet it was social convention which prevented the employment of women in important surface occupations such as finance, company administration, human resource management and information technology.

The management of these organisations could certainly have done much more to break down the social prejudices that confined recruitment and promotion to only

The activities of SA business under an apartheid government have been under the spotlight at truth commission hearings this week. These are edited versions of submissions by two of SA's largest corporations — Anglo American and Rembrandt.

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one small part of SA's population. Efforts were made from the mid-1970s to desegregate workplaces. They should have commenced much earlier, proceeded much more quickly, and been achieved much more consistently. Thus segregation not only gave the lie to the values expressed by Anglo's leaders, it was also a direct affront to the human dignity of every worker thus excluded from facilities and opportunities.

Were no serious attempts undertaken to make the Anglo work place different from other areas of apartheid society?

When, in the early 1970s, gold was liberated from its fixed (\$35 an ounce) price, black wages were increased threefold over three years (and this when inflation was very low). The ratio of unskilled and semi-skilled wages to skilled wages was reduced from 7:1 to 5:1 (Today this ratio is 3:1).

In 1974, Harry Oppenheimer made a public call on employers to recognise black unions, and on government to appoint a multi-racial commission of inquiry to review comprehensively SA's labour laws. Anglo companies in mining, and other sectors of the economy, were amongst the first to grant independent black unions access, recruiting and collective bargaining rights, and remain the most significantly unmissed group of mining companies.

In 1977, Oppenheimer played a leading role in the creation of the Urban Foundation. This body, over the next decade and a half, pioneered site and service housing schemes, helped introduce leasehold, and then freehold, property rights for urban, black South Africans. Finally, the foundation led a successful campaign for the abolition of influx control.

In 1979, Anglo introduced bridging education programmes for black university students in



OPPENHEIMER

mining, engineering and commerce, first at Witwatersrand, then at the Cape Town and Natal universities. Since 1980, more than 1 000 black matriculants have participated in this scheme.

Clem Santler's scenario work, commissioned for company planning purposes, advocated a 'high road' for SA, which could only be accessed through comprehensive political negotiation. When this work was made public, large audiences were reached.

This fund helped found pioneering technical and vocational institutions which created access to high-level skills training for black students for the first time, such as the technikon in Umlazi,

addressing community needs.

In 1989, Anglo established the Small Business Initiative (later renamed Small and Medium Enterprises Initiative) to give practical effect to the positive relationship sought between large and small businesses. About R850m worth of business has resulted in the hands of 500 emerging businesses employing 7 000 people. Was apartheid a benefit to local business?

Some have argued that the experience of black South Africans confirms that business and apartheid were two sides of a white-dominated SA coin. Clearly, it is true that white South Africans fared much better than their black counterparts through the apartheid decade. Every piece of legislation amounted to a massive affirmative action programme. This programme was most potent in the areas of education and the industrial colour bar.

As a result, many whites achieved high office, high influence and high reward which would (and should) have gone to others had merit been the yardstick for the full SA population. The bias towards Afrikaner nationalists was quite clear, also in business. Yet from these emphatic truths it is a false jump to conclude that the politics of apartheid was good for business.

One clear way of illustrating the much more complex relationship between economic and political structure during this period is to imagine what SA's economic progress would have been if Verwoerd had made in 1960 the speech F.W. de Klerk made in 1990.

The SA economy could have drawn on the entire nation's talent in that crucial decade of the 1960s. Exchange control would never have been implemented. SA would have remained a member of the Commonwealth

and community of nations. It would not have run a siege economy with wasted investment in strategic industries, which often enjoyed domestic monopolies and were protected from international competition by high tariff barriers, and would not now in the last decade of the century be making the painful adjustments to international competition.

Had SA grown at Brazilian growth rates throughout the period under review, it would have had the same per capita gross national product as Korea in 1990, and nearly R3 000bn of additional wealth would have been created.

**The future:**  
To be successful in the future, especially in global markets, business will need radically to increase its investment in human assets. There can be no place for illiteracy, ill-numeracy or unskilled workers in the formal economy. Management talent will have to be drawn from the full SA pool, across race and gender groups. Decision-making styles and structures will have to be cast to include all employees.

Anglo enters the new millennium with confidence. Our country has a democratic constitution which protects both human rights and the rule of law. We are once more part of the community of nations. Our government is committed to an economic policy in tune with the times. We are sure that in the 21st century we will succeed in giving substance to those 1954 words of our founder: "to earn profits, but to earn them in such a way as to make a real and permanent contribution to the wellbeing of the people and to the development of southern Africa."

**Conclusion:**  
The apartheid decades are 35 years, at least, of hundreds of thousands of wasted lives, and human dignity, talent, wisdom and energy of tens of millions of South Africans denied.

The social, political, but also economic, costs imposed by apartheid politics are quite literally incalculable. Yet if all South Africans, including business and labour, can learn the lessons, and affirm "never again", perhaps some value may yet be redeemed.



# Cosatu leader Shilowa accuses business of flying through their teeth

Stephen Laifer

THE truth commission's business hearings got to the heart of the relationship between the private sector and apartheid yesterday as business and labour gave their views on the mining industry where he heads the Chamber of Mines president Bobby Godsell, who also spoke on behalf of Anglo American, said the chamber had tried honestly to look at its apartheid legacy. It expressed regret and remorse for past wrongs.

Congress of SA Trade Unions (Cosatu) general secretary Sam Shilowa said big business had been cynically the chamber's teeth in their submission. He did not believe that the private sector had been made up of revolutionaries and freedom fighters, but that they had benefited from and been complicit with apartheid.

Godsell said while it was easy to apologise in a single commission session, chamber members were keen to go beyond that and wrestle with the legacy together with our workforces.

The migrant labour system had caused huge destruction to millions. The challenge now was to undo the damage by building a new mining industry based on the deracialisation of ownership and management and on creating fewer restrictions between the egalitarian restrictions of jobs, skilled and unskilled workers had benefited Godsell said the mines had been a creator of wealth which had placed many of apartheid's better placed as a competitor for international capital, skills, and markets.

Speaking before the Anglo American chairman, Julian Ogilvie Thomson, Shilowa challenged the company to always be a fierce opponent of apartheid. "Why did Anglo American dismiss rights in 1987 if they believed in workers' rights?" he asked. "There had been no law forbidding recognition of black unions, but business had chosen not to recognise them until after the Weinman Commission. When Cosatu had been effectively restricted in 1988, union leaders had met businessmen regarded as progressive. But they had declined to defend publicly the right to organise freely. Shilowa's predecessor, Telecommunications Minister Jay Naidoo, said there had been many outstanding individuals in business like Godsell, but the private sector was overwhelmed by not speaking the truth when they deny that business benefited from apartheid." Cheap labour had been at the core of the system, a direct benefit of government policies.

See pages 6 and 15



# Sanlam 'avoided violent strategy'

(252) BD 14/11/99  
SANLAM did not actively associate itself with the struggle against apartheid, partly because of the violent nature of the struggle, Sanlam MD Desmond Smith said yesterday

He was speaking at a truth commission hearing in Johannesburg on the role of the business sector under apartheid

Smith said it was impossible for his organisation to reconcile itself with a strategy that relied on violence to effect change

"For a business organisation to flourish, a calm and peaceful environment is necessary. Such an environment is not possible in a society characterised by violence"

Sanlam's second departure with the struggle against apartheid was over ideology

Smith said the rhetoric of nationalisation and socialism es-

poused by those in the forefront of the struggle was irreconcilable with its belief in a free market.

Sanlam's top priority, as a business venture, was to shareholders and policyholders. The management at the time was bent on protecting those interests, hence its collaboration with the National Party (NP) government, he said

The fact that Sanlam had its origins within the Afrikaner community — whose major political philosophy centred on separate development — made interaction with the NP government at top level logical, he said

"This approach turned out to be totally wrong and undoubtedly tended to influence, reassure and even lull earlier management into a sense of submission to the initiatives (of) politicians to establish institutionalised apartheid"

He denied collaboration was in return for a preferred status in business. "Almost all the other companies had a similar relationship with government. We managed to be where we are now because of the range of the products we offered and our aggressive marketing strategy," Smith said. "We are also in very good books with the ANC-led government."

Asked by commissioner Fazel Randera whether it was the policy of the company to enjoy both worlds, Smith said "As a businessman I am delighted to have the best of business. Regardless of the government in place, we will do our best to remain on good terms with it." It was unrealistic for people to expect the business sector to act as the watchdog of government as far as human rights were concerned — Sapa

# Cosatu accuses business of lying over apartheid

ARG-14/11/97 (252)

## *Shilowa, Naidoo slam 'collaboration'*

**Johannesburg – Big business, especially mining houses, has been accused of lying by the Congress of South African Trade Unions for denying complicity in apartheid and saying it did not discriminate against blacks.**

Speaking in Johannesburg yesterday at a special three-day Truth and Reconciliation Commission hearing into the role of business in apartheid, Cosatu secretary-general Sam Shilowa said mining house leaders "lied through their teeth" if they said they opposed apartheid and helped end it.

Broadcasting, Post and Telecommunications Minister Jay Naidoo, Cosatu's first secretary-general, said the essence of apartheid was the perpetuation of the cheap labour system.

"No one can stand on this platform and speak the truth, claiming they didn't benefit from apartheid," he said.

There was overwhelming evidence that business had collaborated with the former government in suppressing and brutalising black people, Mr Naidoo said.

He said there never was any law which prohibited business from negotiating with black labour. The country's largest union, the National Union of Mineworkers, was only recognised in 1983, he said.

Mr Naidoo said business leaders who appeared at the hearings, who Mr Shilowa dubbed "new-found revolutionaries and freedom-fighters", should beg forgiveness.

Mr Shilowa criticised business leaders, especially Afrikaners, who said they had no choice but to go along with the former government's apartheid policies.

"Afrikaners can't say they had no choice (Anti-apartheid activist) Braam Fischer, who was an Afrikaner and a member of the Communist Party, made choices," he said.

Mr Shilowa called for reparation in the form of a living wage for the country's workers, after decades of "apartheid wages".

Women had also suffered because they were never properly compensated.

Mr Shilowa referred to Cosatu's written submission, which was released on Monday, in which it slammed business for benefiting

from labour laws and pass laws and for not revealing its true role in apartheid.

Apartheid was institutionalised racism which perpetuated a super-exploitative, cheap labour system. Its victims were primarily the black majority and its primary beneficiaries were the white elite, he said.

The record showed that far from being innocent of racial oppression, many captains of industry, particularly those in the diamond and gold-mining industry, helped to pioneer many core features of apartheid.

■ The Chamber of Mines apologised for its role during apartheid and said it could have done more to break down racial discrimination in the mining industry.

The chamber's industrial relations advisor, Adrian du Plessis, apologised in a submission with chamber president Bobby Godsell and deputy president Nick Segal.

■ The Land and Agricultural Bank yesterday unreservedly apologised to the TRC for its role in discriminating against blacks, especially rural farmworkers, during the apartheid era. – Sapa



Zapiro is taking a break. This cartoon has appeared in *Sowetan* before. He will be back on Tuesday.

# Business denies faults

**W**HAT ROLE did the private sector play during apartheid? This has been the key question asked at the Truth and Reconciliation Commission (TRC) hearings in Johannesburg over the last three days

Listening to the white business delegations (those that bothered to make an appearance) has been a depressing experience

None admitted to having benefited from racial oppression. A few said that, perhaps, they could have spoken out a little more loudly. They all claimed to have played a leading role in the anti-apartheid struggle

But how on earth could they hope to sustain these dubious claims? They all played the same three raggedy cards

Card number one was the claim that "apartheid has resulted in an impoverished economy, low skills and many other market weaknesses - therefore, we could not possibly have supported it"

All this argument proves is that, in their short-sighted and greedy pursuit of racial profits, the private sector has impoverished South Africa to the longer-term detriment of us all

Whatever their regrets now, the real-life capitalists who controlled (and still control) our economy did not espouse meaningful change when it mattered

Gavin Relly, then chairman of Anglo American Corporation, said in the 1980s that he was definitely "not in favour of one-man, one-vote in South Africa" because that "would simply be a formula for unadulterated chaos"

In 1987 the same Relly spoke in support of the State of Emergency. Trust Bank agreed with the sentiment

In its 1988 annual report it wrote "The 60 percent increase in South Africa's security expenditure over the past two years was clearly essential in the circumstances"

"In fact, the damper put on socio-political instability by the security forces has definitely played a role in the recently improved performance of the economy"

Back in 1988 they did not seem to think that the apartheid state was in contradiction with an "improved performance of the economy" - as they now want us to believe

Card number two played by the private sector delegations this week is the argument that "business is not monolithic". Of course, when it comes to present transformation, like the Basic Conditions of Employment Act, we are told that "business will not accept these measures". Business is suddenly of one mind

Business failed to own up to its role during apartheid at a special TRC hearing this week. But evidence clearly shows business's complicity in keeping the system intact, writes **Jeremy Cronin**

But when it comes to responsibility for past oppressions, business fragments into a thousand sectors, each one pointing the finger elsewhere

The facts are different. If business is not absolutely monolithic in this country, we certainly have one of the most conglomerated economies in the world

Five major corporations control, through an incestuous network of overlapping companies and directors, over 70 percent of the Johannesburg Stock Exchange. The big corporations cannot duck collective responsibility for the past

Card number three was a Joker. The TRC was given a long list of social programmes the private sector had financed in the 1970s and 1980s

Why, some TRC commissioners asked, did these programmes only begin after 1976?

Were they not an attempt to dampen popular resistance, rather than produce real change?

The business delegations did not answer very clearly. But, back in the 1980s, our liberal "reformers" gave more honest answers. In 1988 for instance, Fred du Plessis, then chairman of Sanlam, talked of the need to create a black middle stratum as buffer against political change

He envisaged "a situation where people 10 years from now feel things are going so much better for them that they do not feel anxious about political power"

If white-dominated business was really so committed to "patriotic social upliftment", then what are we to make of the huge wave of disinvestment in the latter years of apartheid?

Don Mkhwanazi of the Black Management Forum drew the TRC's attention to the scale and cynicism of this capital flight. Between 1970 and 1988 some R9,6 billion was smuggled out of the country each year

According to International Monetary Fund

(IMF) statistics, capital flight escalated still further between 1990 and 1994, reaching a total of over R120 billion for the period

Much of this flight was through currency smuggling and the under-invoicing of exports and the over-invoicing of imports

The paltry sums invested in highly publicised private sector social upliftment projects pales into insignificance in the face of this systematic stripping of South Africa's savings

These, then, were the three spurious cards that the private sector attempted to play this week. More significant than what they said, however, is what they failed to say

None of the business delegations told us who got to own the 106 303 hectares of land from which black farmers were forcibly removed between 1960 and 1983

When thousands of small businesses were shut down by Group Areas Act removals, did white business-people honourably ignore this "gap in the market"?

Again, there was silence

Mike Rosholt, former Barlow Rand boss, made a substantial submission but failed to mention once the apartheid arms industry and the major role his company played in it. He had to be reminded by the TRC panel

"Did you break United Nations arms sanctions?" he was asked. "Yes," he admitted, "but we were defending Western values against communism" (I thought the UN headquarters were in New York, not Moscow)

"Don't you think that assisting the apartheid army contributed to oppression?" "No," he replied, "we only supplied electronic equipment to the security forces"

Clearly, the leading lights from within the white private sector have not even begun to comprehend their huge complicity in the apartheid system. Either that, or they imagine the rest of us are really stupid

(The writer is deputy general secretary of the South African Communist Party)



**More significant than what they said, however, is what they failed to say**

**Relly said he was not in favour of one man, one vote in South Africa**

(257) Sowetan 14/11/97

# Apartheid govt

## 'used DBSA'

(252)

By Joe Mdhlela

THE PW Botha-led government and his total onslaught strategy of the 1980s used the Development Bank of Southern Africa (DBSA) to pursue apartheid policies, an executive of the bank Dr Ian Goldin said yesterday.

In his submission to the Truth and Reconciliation Commission (TRC) in Johannesburg, Goldin also revealed that the plan to establish the DBSA was to be implemented by the State Security Council (SCC) in response to the Total National Strategy devised by Botha, then head of government.

"The stated intention was to unite white and non-white citizens in a combined military strategy and socio-economic reform strategy against the liberation movements, which were depicted as a common enemy," Goldin told the TRC's business sector hearing.

He said by the implementation of "a carrot and stick strategy"

against homelands, the National Party government would use government institutions including the DBSA to pursue its so-called reform strategies.

While using what the National Party government perceived to be "enlightened" reform strategies, it continued to counteract internal resistance to apartheid by suppressing political forces such as the United Democratic Front (UDF).

The latter's leadership was detained.

### Part of the system

"At the end of 1982 a new strategy for regional development was announced in which the DBSA was to play a meaningful role," he said.

He also said the bank offered advice to homelands as well as to South African government politicians in various ways, including formulating their policies.

"In that context the bank was an integral part of the system of the gross violation of human rights."



# Apartheid: Anglo says sorry for doing too little

(252)

Company says business did not benefit in the long term and would have fared better if political reform had started earlier

By ROBERT BRAND

Business giant Anglo American and the South African Chamber of Mines have expressed remorse for not doing enough to oppose apartheid and say they are working to redress the wrongs of the past.

But their submissions at the Truth and Reconciliation Commission's business hearing did not convince Cosatu, which said white businesses were lying about their role under apartheid.

Anglo American chairman Julian Ogilvie-Thompson said Anglo had opposed apartheid "from the very beginning." The company viewed apartheid as "a deep affront to human dignity" which caused untold suffering.

Anglo deputy chairman Nicky Oppenheimer offered apologies. "With hindsight it is quite clear that Anglo did not do as much as we could and should have done, and for that we must express our apologies and remorse."

Presenting Anglo's main submission, Gold and Uranium Division head Bobby Godsell said

apartheid amounted to "a massive affirmative action programme" which benefited whites. But business, he said, did not benefit in the long run.

"Clearly, it is true that white South Africans fared much better than their black compatriots through the apartheid decades. But to jump from that to say business did better under apartheid than it would have done otherwise is a big jump in logic."

Had H F Verwoerd introduced in 1960 the changes that F W de Klerk introduced in 1990, Godsell said, SA would have experienced "Brazilian growth rates" which would have resulted in an economy twice the size it is now.

Adrian du Plessis, industrial relations adviser and chief negotiator of the Chamber of Mines, said the chamber had not done enough to break down racial discrimination in the workplace.

"The chamber regrets that the opportunity lost has uniquely disadvantaged black employees, and has not well served the industry generally," Du Plessis said.

He said that to assess the role

of mining in the history of SA, the TRC needed to look further into the past than the starting point of its mandate period, 1960.

"The story begins in the 19th century. Mining was SA's first modern industry and was crucially shaped by the colonial and racial hierarchy of the day.

"Black employees' rights and expectations were denied. Families were adversely affected. Community development was distorted.

"This legacy is still evident today. It has left a deep trail of human loss, hardship and suffering, which has to be addressed," he said.

The chamber in 1991 committed itself, together with the National Union of Mineworkers, to nonracialism and undertook to eliminate discrimination.

The real earnings of unskilled and semi-skilled black workers increased five-fold since 1960 and the ratio between white skilled and black unskilled or semi-skilled wages had decreased from 17 to one to 4,5 to one, Du Plessis said.

► More reports

# Business lying about role, says Cosatu

BY ROBERT BRAND

White businessmen who said they did not benefit from apartheid were "liars", Cosatu said in a submission at the Truth and Reconciliation Commission hearing yesterday.

Cosatu general secretary Sam Shilowa said mining executives who told the commission they had opposed apartheid and campaigned for the downfall of the system were "lying through their teeth".

His sentiment was echoed by Communications Minister Jay Naidoo, Cosatu's first general secretary, who said business seemed unwilling to express remorse for exploiting black workers.

"We hoped there would be some sort of apology for what was meted out.. I don't see that I am astounded that someone could come on to this platform representing Barlow Rand, saying they consistently opposed apartheid but in the same breath admit they took part in the military complex and sanctions-busting," Naidoo said.

Apartheid was institutionalised racism which perpetuated a super-exploitative cheap-labour system. Its victims were primarily the country's black majority and its primary beneficiaries were the ruling white elite, Cosatu said.

The record showed that far from being innocent of racial

oppression, many captains of industry, particularly those in the diamond and gold mining industry, helped to pioneer many of the core features of apartheid.

A vast body of evidence pointed to the central role of business interests in the elaboration, adoption, implementation and modification of apartheid policies, Cosatu said.

Shilowa called on the TRC to include discriminatory business practices in its definition of human rights violations.

If this were accepted, he said, a living wage for workers and strategies which resulted in high employment should be seen as part of a reparations programme.

# Sanlam says it's not to blame for Biko's murder in its building

BY ROBERT BRAND

Insurance giant Sanlam, owner of the building in which Steve Biko was fatally assaulted, has expressed regret that its properties were "misused" by the security police.

In a submission to the Truth and Reconciliation Commission's business hearing yesterday, Sanlam managing director Desmond Smith said the company had no control over the use of its properties by tenants.

Biko was fatally assaulted at

the security police headquarters in the Sanlam building in Port Elizabeth in 1977.

"As these violations on our properties are revealed in courts and through this commission, we share in the perplexity and pain of the nation, and we regret the fact that our properties were misused by the security police of the former government.

"Sanlam had its origin in the Afrikaans-speaking section of the population, and separate development policy was part and parcel of white community thinking at that

time. This approach turned out to be totally wrong," Smith said.

In another submission, Development Bank of Southern Africa chief executive Ian Goldin said the DBSA was created in 1983 as an integral part of the apartheid government's homelands policy.

The Land Bank, in a submission presented by managing director Helena Dolny, admitted a "distinct racial bias" in its business practices under apartheid and apologised to people who were disadvantaged as a result.



TRUTH COMMISSION

France denies involvement in Dulcie's death

PRETORIA — France yesterday denied any involvement in the 1988 assassination of the African National Congress (ANC) chief representative in Paris, Dulcie September.

Foreign ministry spokesman Anne Gezeau-Secret had rejected any such allegations made in a report in the possession of the truth commission, the French embassy said.

France categorically denies that any French intelligence services agents could have been involved, in one way or the other, in the assassination in 1988 of Mrs Dulcie September. "Such allegations are totally unfounded."

She said French police and intelligence services had in fact assisted in the search for September's killers.

The report — compiled by Dutch researchers — claims September's assassination was part of a plot linked to backdoor arms deals between SA and France.

September had allegedly been sent to Paris by the ANC to bring an end to France's secret military deals with Armscor, it said — Sapa

Transformation reflected in submissions of state banks

Stephen Lauder

THE different speed of transformation in two major state-owned banks was dramatically illustrated yesterday when the institutions gave diametrically opposing submissions to the truth commission's business hearings.

While management of the Land Bank was unable to agree on a unified submission and ended up making two, the Development Bank of Southern Africa (DBSA) presented itself as a revolutioned participant in the new SA.

Land Bank MD Helena Dolny told the commission that 15 long-serving top managers had rejected a final draft of the institution's submission. The work of an economic historian based on minutes of the bank's board, it had "generated profound dissatisfaction among long-standing staff."

The managers nevertheless admitted to the bank having had a racial bias. Dolny said that in order to fairly reflect the distance which still had to be covered before the bank could be regarded as having transformed, it had decided to allow the group to put a different view to that held by newer members of management.

The challenge was to achieve a unified submission by March next year, which could become part of the truth

commission's final report.

Apologising to rural people disadvantaged by their lending practices, the Land Bank old guard said the institution acknowledged a distinct racial bias in its previous business practices, when it had focused almost exclusively on whites. They had received help not because they were good farmers, but because of race.

The role of the bank in displacing black South Africans was acknowledged, as was its position within a complex institutional web which led to growing support for the National Party.

Lending practices had undermined food security, financed mechanisation, and contributed to forced urbanisation. Recapitalisation of white farmers had forced land prices up and out of reach of black farmers.

Disadvantaged

In the bank's other submission, Dolny said the board had declared a moratorium on sales of insolvent farms, previously auctioned to the highest bidder. A study was underway to see whether the land could be made available to disadvantaged communities.

Affirmative action policies had seen the number of black and women employees in senior management rise from none to nine.

(252) BD 14/11/97

Responding to assertions throughout the hearings that the business of business is business, DBSA CEO Ian Goldin told the commission he believed it was difficult to be a good businessman if one was not aware of the society one operated in.

The DBSA had since 1995 been entirely self-sustaining financially after years in which state subsidies had ranged between R160m and R502m. The bank had received a total of R3,792bn by the end of 1994.

By providing development loans to homelands and advice to the SA and their governments, the DBSA "was an integral part and parcel of the apartheid gross violation of human rights."

Support from the DBSA and other state institutions had allowed for the establishment of industries and relocation of people to where they never should have been. This had depended on the enforcement of pass laws and apartheid policies, including the active repression of organised labour.

The institution had not finally broken with its past by 1994, when it was alleged that a board member and senior staffers had criticised the reconstruction and development programme.

Training and affirmative action policies had allowed the bank to change its staff profile along with its role.

Tongaat-Hulett hostels 'nothing to be proud of'

BD 14/11/97

THE Tongaat-Hulett group yesterday joined a growing number of major SA companies telling the truth commission of their regrets at not having done more to hasten the end of apartheid.

Appearing before the commission's business hearings, MD Cedric Savage apologised for what he termed "instances in the past 30 years where management was guilty of condoning discrimination and discomfort through the application of apartheid's job reservation, the imposition of separate amenities and the like."

But commission deputy chairman Alex Boraine said he was astounded when the company said it had not

(252)

made any effort to contact the family of a political detainee murdered and buried secretly by the security police on a Tongaat-Hulett property.

Group executive director JB Magwaza said the company had hesitated about contacting the family because it had not wanted any action taken to be construed as an admission of liability. Savage said the company had noted Boraine's distress and would take action. The company had not been involved in the death in any way.

Questioned on the practice of the company's sugar farming arm of recruiting labour in Pondoland, Magwaza said locals were reluctant to work for Tongaat-Hulett. He was not ashamed to admit that conditions in

the company's migrant labour hostels were "nothing to be proud of". Efforts were being made to improve the accommodation for migrant labour. The company was also busy building houses for families wanting to settle.

Savage said that the company's support for the Buthezi commission and the KwaZulu Natal Inkhata, which both looked at SA's constitutional future, had not been a sign of alignment with the Inkatha Freedom Party (IFP).

The conflict between the IFP and the United Democratic Front had inflicted unique circumstances on businesses in the province.

The company's security staff had of necessity liaised closely with the police and the special branch.

Asked about the company's acquisition of land, Savage said Tongaat-Hulett owned 45 000ha.

A search of company records for wrongly expropriated land showed that less than 100ha of this had been gained "unfairly".

Conversely, Savage said, "if one steps back and looks at the macro issue, then almost any acquisition of land over the last 40 years can be defined as exploitative."

Tongaat-Hulett had played a key role in many business-backed organisations working for change in SA. The company was proud to employ more than 340 black graduates and diplomaes, and most supervisory posts were filled by black staff, he said.



The third day of the truth commission hearing into business was held in Johannesburg yesterday. Attending the hearing was Posts, Telecommunications and Broadcasting Minister Jay Naidoo, top left, Congress of SA Trade Unions supporters, top right, Anglo American and De Beers deputy chairman Nicky Oppenheimer, bottom right, and commission deputy chairman Alex Boraine. Pictures: TREVOR SAMSON



# Scramble for R9-bn insurance trove

One suggestion is that the money could go towards paying off some of country's international debts

By Ryan Cresswell

AND ADAM COOKE

Star 14/11/97 (2522)

Ministerial eyes are fixed on the R9-billion South African Special Risk Insurance Agency (Sasria) fund, which has been lying unused for years.

In addition to the proposal made at the TRC this week that some of the money be used to pay reparations for apartheid victims, various government ministries are clamouring for a share of the money.

The fund, which is a Section 21 (not for gain) company, was set up at the height of the apartheid era.

The Government considered dipping into the fund a year ago but this plan met with protests from various opposition parties, which said Sasria's Section 21 status had put it out of the state's reach.

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# Activists 'poisoned for opposing apartheid'

By Rafiq Rohan  
Political Correspondent

ONE of the first reported cases of poisoning attempts against anti-apartheid activists is that of Mr Donald Woods in 1978

In that incident, an acid-impregnated T-shirt was sent through the post to Woods' daughter, Mary Woods, blamed the security police for the attack.

Several such incidents are listed in a detailed report titled *The involvement of the South African apartheid regime and its secret services in external operations like hit squads, chemical and biological warfare*

The report, not yet public, is before the Truth and Reconciliation Commission (TRC) and has been put together by the Netherlands Institute for Southern Africa

Another investigation shows that an African National Congress-aligned teacher, Joe Pillay, was inducted from Swaziland in 1981

and taken to Klapperkop Fort near Pretoria. There an army doctor injected Pillay with a "truth serum" which left him "in a state of semi-consciousness where he could not gain control over his thoughts".

The report lists the revelations of former Vlakplains commander Dirk Coetzee who said that when Eastern Cape student activist Gomsiswe Kondile was abducted by police, he was taken to Komatiport where he "was given a drink containing knockout drops before being shot in the head"

## Poisoned liquor

The report relates how Leslie Lesia testified that he was recruited by the South African Military Intelligence in October 1986 and provided with poison and poisoned liquor to eliminate ANC officials

He (Lesia) also received detonators and explosive television sets, and was instructed by his handlers "to spill poison, by means of a ring, into the drinks of ANC officials"

*Source from 14/11/97 (252)*

Lesia was imprisoned in Zimbabwe from May 1987 until 1990 for the murder of Tsitsi Chitiza, wife of an ANC member who died after a television set, allegedly given to her by Lesia, exploded

Ironically, Lesia was released in 1990, taken to a South African military hospital where he died, allegedly as a result of poisoning

Two of the well-known poisoning cases were that of general secretary of the South African Council of Churches Dr Frank Chikane and Dutch anti-apartheid activist and Vala operative Ms Connie Braam

In Chikane's case nerve gas was injected into his clothing and bag-gage. He fell sick after his body absorbed the poison

In the case of Braam, she survived two international assassination attempts. One of them was at an hotel in Lusaka in 1987 where a bottle of Vitamin C tablets suddenly appeared in her hotel room

She did not take any of the tablets which later turned to liquid



Dr Frank Chikane ... former general secretary of the South African Council of Churches.

# SA's chemical war plan exposed

(252)

Sowetan 14/11/97

**By Rafiq Rohan**  
Political Correspondent

SOUTH Africa's chemical weapons programme was linked to the apartheid regime's internal and external operations in which military and covert operations served the same objectives - "the elimination of the black opposition and its political allies"

The controversial programme was founded and directed by Brigadier Wouter Basson, who is currently in prison for manufacturing ecstasy tablets

In a Dutch-researched document before the Truth and Reconciliation Commission, Basson is listed as being the head of the Medical Battalion Group of the South African Medical Services (SAMS)

It was also called 7Med or Sevmed

The report states "Even though the Health and Human Rights Project alleged that health personnel of SAMS had been involved in the torture and 'turning' of captured Swapo guerillas, the 'fame' of SAMS' 7Med was for allegedly being involved in the manufacture and handling of drugs and poisons for operational use against anti-apartheid activists"

The report points to Basson as being active in the chemical and biological weapons field "at least until 1995"

It lists two other persons, Dr Brian Davey and Mr Jan Lourens, as being involved in the units

Also involved in the "Basson Group" are

● Dr Philip Mjburg, director of Medchem Consolidated Investments, Delta G Scientific, Protechnik and Lifestyle Management,

● Dr Wynand Swanepoel, dentist and director of Roodepoort Research Laboratories,

● Dr Deon Erasmus, Special Forces operator, SAMS,

● Johannes Koortzen, psychologist with Special Forces,

● Jan Lourens, SAMS, Special Forces, director of Protechnik

The companies are described as front companies for the South African Defence Force (SADF)

Referring to Davey, the report says "As an officer of 7Med he must have taken part in operations in the field, in addition to doing research His frequent visits to war zones in Angola and Mozambique point in the same direction"

Davey currently works in The Hague at the Organisation for the Prohibition of Chemical Weapons The research group wants the TRC to invite him to make a presentation



# Police brushed off claims

(252)

By Ido Lekota  
Political Reporter

A FORMER police chief said yesterday that allegations about Truth and Reconciliation Commission's Mr Dumisa Ntsebeza's involvement in the 1993 Heidelberg Tavern massacre were never followed up because the police "did not think it was important to do so"

Retired Major-General Nic Snyman - who was the Western Cape regional deputy police commissioner when Ntsebeza was allegedly implicated - told *Sowetan* that the information that Gugulethu gardener Mr Bennet Sibaya gave to the police was "insignificant"

According to Sibaya, he went to the police in January 1994 with a registration number which turned out to be that of Ntsebeza's car

However, Snyman said such information was not important because the name Ntsebeza did not mean much to the police. He went on to say that the police did try to follow up the information but the then Transkei government was not cooperative

According to Snyman, the police lost interest in the allegations when two of the perpetrators were eventually arrested

"After the arrests we did not feel that Ntsebeza was a significant person in the case", said Snyman

Sibaya has since told the TRC that he was primed by Snyman's men to frame Ntsebeza

However, Snyman denies the claim, saying there "was no way Ntsebeza could be framed without my knowledge"

According to the general, Ntsebeza could not have been a target of such a dirty tricks campaign because he was not known to the police

Snyman claimed he came to know Ntsebeza later in 1994 when the latter was representing General Bantu Holomisa in a lawsuit

"It was not clear this was the same man that allegations were made against," said Snyman

*Sowetan*  
14/11/97

# Askari in tears at TRC hearing in PE

*Sowetan 14/11/97*

*(252)*

Former Vlakplaas operative Joe Mamasela fails to testify in amnesty application

By Simon Zwane  
Political Reporter

**N**EW BRIGHTON Township in Port Elizabeth was all anticipation yesterday as former askari and self-confessed murderer Joe Mamasela arrived for the testimony in the amnesty hearing of six former security policemen and an askari

Excited members of the public, eager to set their eyes on one of South Africa's most notorious political killers, filled the Great Centenary Hall very early in the morning

However, it was not to be their day Mamasela left soon after he arrived as it became clear that testimony by another askari, Mr Johannes Koole, would not be finished in time for him to take the witness stand

He is now expected to testify today

## Once feared men

The hall had been half empty for a week and a half as once feared former security policemen, Harold Snyman, Hermanus du Plessis, Martin van Zyl, Johannes Lotz, "Motherwell bomber" Gideon Niewoudt and Gerhardus Beeslaar testified about how they had abducted and murdered

three Port Elizabeth Civic Organisation leaders in 1985

Public interest in the proceedings increased dramatically yesterday after the moving testimony by Mr Peter Mogoai, an askari who described in chilling detail how Qaqawuli Godolozu, Siphon Hashe and Champion Galela were brutally assaulted before they were killed

Like Mogoai, Koole was also overcome by emotion during his testimony yesterday. He battled to contain tears which welled up in his eyes and rolled down his cheeks

## Apologised

He apologised to the families of the dead men and said the secrecy surrounding the killing should be removed

"I want the people of Port Elizabeth to know that they lost heroes. It was the first time I heard someone say he would rather die than give out information," he said referring to the defiant attitude of the three activists during interrogation

Koole's evidence corroborated Mogoai's earlier testimony and contradicted statements made by security police

Koole also said they had enjoyed a braai and had drunk brandy after assaulting the activists



# Deadly plot to poison blacks

(252)  
Sowetan 14/11/97

By Rafiq Rohan  
Political Correspondent

SHOCKING information before the Truth and Reconciliation Commission (TRC) suggests that a possible plot existed to make use of chemical weapons on South Africans in the event of "turbulence" breaking out during the democratic elections in 1994.

Apartheid South Africa had a sophisticated system in place to use outlawed chemical weapons in its perceived "total onslaught" war.

The *Sowetan* has come across documents that are still under wraps before the TRC. The research by the Netherlands Institute for Southern Africa and funded by the Dutch government, points to a top-level conspiracy that possibly led to then president Mr PW Botha.

The astonishing information also reveals that Mozambique's Frelimo soldiers may have been used as guinea pigs to test the effects of chemical weapons.

The document identifies the Institute of Virology in Johannesburg and the Veterinary Station at Onderstepoort, near Pretoria, as places where the South African Defence Force had facilities to produce biological weapons.

Some of the information in the documents comes from Mr Dieter Gerhardt, a senior officer in the SADF who was sentenced for high treason in 1983.

## Brutal policies

"In Gerhardt's opinion PW Botha, minister of defence, later prime minister and president, implemented very brutal policies. 'They had this concept of total war' and 'he went for the situation as hard as he could'."

The report refers to "The Mozambican 1992-Incident".

During this incident, on January 16 1992, Mozambican government forces were attacking one of the largest Renamo strongholds close to the South African border.

As government troops approached, a light aircraft was seen flying above the area. At some point "an explosion occurred overhead" and a dense cloud of black smoke was released. Soldiers suffered from vomiting, blindness and severe chest pains.

"We think that there remains a fair possibility that the incident was an example of the testing of chemical weapons in a combat situation against foreign soldiers."

The report adds "Because destabilisation of the frontline states was still undertaken, a test with a nerve gas, BZ or a related compound, would serve a double purpose.

"Firstly, it would help Renamo to keep military control over the area. Secondly, a limited attack could serve as a test for future deployment of this gas during the run up to the elections, if the internal situation got out of hand."

See page 3

# More tears of remorse over Pebco 3

ARG 14/11/97

(252)

JOHN YELD  
ON THE TRUTH COMMISSION

**Port Elizabeth** – A second former security forces member has made a tearful plea for forgiveness during the Truth Commission's amnesty hearing on the murder of the "Pebco Three" activists in 1985.

On Wednesday a former Vlakplaas-based Askari, Kimpani Peter Mogoai, took off his glasses and wiped tears from his eyes as he appealed for forgiveness from the families of activists Siphon Hashe, Qaqawuli Godolozi and Champion Galela, who were killed after being abducted from Port Elizabeth airport.

Yesterday it was the turn of his Vlakplaas boss, security policeman Johannes Koole, who rubbed at tears behind his glasses after confessing to the families of the activists that he was "very ashamed" of his role in their abduction and killing.

Mogoai, Koole and six white former security policemen are applying for amnesty in connection with the incident. An emotional Koole, who was at Vlakplaas from 1984 to 1990 as group leader of the Askaris, told the amnesty hearing he wanted to ask the families of the activists and the Port Elizabeth community for forgiveness.

Switching to English from Tswana, in which he gave evidence, he said he had not known while helping to abduct them from



LEON MULLER

**Truthful:** former Askari Johannes Koole

the airport that the three men were going to be killed. "I ask for forgiveness for having been involved in such a shameful deed."

Saying he believed his testimony might help others to tell the truth, he said "I do believe this secret should come out and be known to the people at large."

Referring to his evidence that two of the



**Killer smile:** self-confessed killer Joe Mamasela

three activists – Qaqawuli Godolozi and Siphon Hashe – had told their security police captors that they would not talk and preferred to die, Koole said this had been the first occasion he had witnessed such bravery.

"I want the people of Port Elizabeth to know they have lost heroes."

## Assocom ex-chief did not make reported remarks to TRC

A South African Press Association (Sapa) news report on Tuesday's business community submissions to the Truth and Reconciliation Commission incorrectly attributed the following remarks to Hans Middelmann, a former Association of Chambers of Commerce president.

"Perhaps we did not do enough. Perhaps we acquiesced and did not expel those of our members who did not sign the charter of change. Maybe we should have done more."

These remarks were in fact made by another business leader.

Mr Middelmann yesterday told Sapa the essence of his submission was that Assocom (a forerunner to Sacob) had nothing to apologise for in regard to its activities during the apartheid years.

"On the contrary, we did everything in our power to oppose apartheid" – Sapa



# 1913 Land Act laid base for exploitation even before apartheid

Star 14/11/97

(252)

“I feel rather glad that the labour question here is connected with the native question,” Cecil John Rhodes said during a debate on the Glen Grey Act, the precursor of the infamous Land Act, in the Cape Colony Parliament more than 100 years ago

“If the whites maintain their position as the supreme race, the day will come when we shall be thankful that we have the natives in their proper position”

The Glen Grey Act sought to drive squatter-peasants and share-croppers off the land, to turn them into wage labourers for the burgeoning mining industry on the Witwatersrand, in 1913, the Land Act would extend this process throughout the Union of South Africa

“The Land Act,” said Professor Sampie Terreblanche in a submission that set the tone for the Truth and Reconciliation Commission’s business hearing this week, “was more successful than any other measure in proletarianising a very large percentage of the African population and in creating the very exploitative and unjust system of labour repression”

The “proper position” of the “native” was to be a cheap source of labour for the mining industry and agriculture; a situation which continued well into the last quarter of this century

The TRC’s business hearing attempted to provide answers to two questions: did business profit from apartheid, and what should be done to redress the economic wrongs of the past. The weakness of the hearing was that the period under review by the TRC starts in 1960, a watershed year in politics in South Africa, but not necessarily in business

To understand the true role of business in the establishment and consolidation of the apartheid system, Terreblanche argued, one had to go back to the last century, long before the institutionalisation of apartheid by the National Party government

The starting point of 1960 provided an easy way out to business institutions which testified before the commission. By then, the NP had become an easy scapegoat for all that went wrong. But the patterns of economic exploitation which endure, in some instances to this day, were already well established by then

The submissions tended to focus on business’s response to the political system of apartheid, without tackling the economic issues which underpinned it

With few exceptions, white business institutions which testified at the hearings argued that they had opposed apartheid because it was inimical to their best interests.

“Assocom (the Associated Chambers of Commerce, predecessor of the SA Chamber of Business – Sacob) held the view that apartheid was a violation of human rights and was economically unsustainable. They believed it would eventually collapse under the weight of the demands made on it by rapid economic growth,” said Sacob director-general Raymond Parsons.

This view was echoed by other corporate submissions. Mike Rosholt, former Barlow Rand chairman, said the long-term difficulties of apartheid far outweighed the short-term gains it brought business; the response of many businesses was to “act against the injustices of apartheid .. through efforts such as public statements and calls on government”

Business sponsored many initiatives, especially during the 1980s when it had become clear that apartheid had driven the country to the brink of disaster, which undoubtedly helped bring about change. The business-sponsored Urban Foundation, which protested vigorously and with some success against influx control, is one example

But as could be expected, black business institutions in their submissions proposed an entirely different view

“Business had no choice but to oppress and exploit blacks,” said Lot Ndlovu of the Black Management Forum. “The claims and protests by business or business leaders that they resisted apartheid must be rejected. Apartheid became an effective tool of capitalism”

Terreblanche pointed out that high economic growth did not cause the downfall of apartheid, in fact, the NP government was brought to its knees by a combination of political ferment and economic stagnation.

The period of high economic growth in the 1950s and 1960s, Terreblanche said, coincided with a strengthening of the apartheid government and the structures of exploitation. Instead of a trickle-down effect strengthening the economic position of blacks, high growth in this period had a “trickle-up” result. In 1947, the per capita income of whites was 10 times higher than that of blacks; by 1975, this had increased to a multiple of 15. Throughout this period, the NP government grew stronger, to a point where it had not only majority support from Afrikaners but also from English-speaking white South Africans

In a thoughtful written submission, former First National Bank chief executive Chris Ball said business leaders during apartheid simply did not understand the social and political dynamics of the country

“In particular, there was not an understanding of the techniques of power and their management and manipulation in the apartheid regime”

As a result, Ball said, business allowed itself to become co-opted or at least compliant with the apartheid regime, while expressing opposition to its policies. Far from isolating the regime, business contributed to the veneer of respectability which it maintained, especially in the style of Thatcherite Britain and Reaganite





America, until its very last days

The Afrikaanse Handelsinstituut (AHI) came closest to displaying an understanding of the present-day political and social dynamics in its submission, which apologised for the hurt caused by apartheid and made constructive suggestions to redress past wrongs.

Far from being "servile", as the AHI submission was described in an editorial in a leading business daily, the organisation provided an analysis that came closer to the truth than many. Although apartheid in the long run was bad for business, the AHI

said, business did not recognise this until fairly late. White business undoubtedly benefited from the system at the expense of black business in the short-term, and during the 1960s many businesses supported separate development from an ideological point of view and were prepared to pay an economic price for it.

The AHI's proposal that part of the R9,8-billion SASRIA fund should be used to finance the TRC's proposed reparations policy was the only practical suggestion made in this regard by any business institution

This proposal, however, was overshadowed by the controversy of Terreblanche's suggestion that a wealth tax should be levied to bankroll the upliftment of the poorest sections of society.

Terreblanche's idea is not as far-fetched as has been suggested: a similar tax was levied in post-war Germany to pay for reconstruction. But nobody likes taxes and, in the controversy surrounding the wealth tax concept the central point was lost - that social justice has not yet been done and that it should be achieved if we want to ensure long-term stability and peace.



# TRC DIARY



## Next week

An amnesty hearing for two policemen who have confessed to their involvement in the 1986 killing of the so-called Gugulethu Seven starts in Cape Town on Monday. Former sergeant at Vlakplaas, Wilhelm Riaan Bellingan, and Constable Thapelo Johannes Mbele, are applying for amnesty. The hearing will be held at the Cape Town offices of the TRC at 106 Adderley Street, central Cape Town. Also on Monday, a hearing

into the role of religious communities starts in East London. Religious leaders are expected to confess to past sins of omission, in failing to speak out loudly enough against a system which perpetrated gross human rights abuses against members of their congregations. But the special three-day hearing in East London — where the TRC first began listening to stories of apartheid atrocities 19 months ago — will also spotlight the role the religious sector played in opposing apartheid, and examine ways of

moving forward to national reconciliation

## Coming up ...

On Monday, November 24, the commission starts with a hearing in Johannesburg on the activities of Winnie Madikzela-Mandela's bodyguards, known as the Mandela United Football Club. On the same day in Pretoria, the amnesty hearing of Clive Derby-Lewis and Janusz Walus for the murder of SACP leader Chris Hani resumes.

# Business, media and courts all supported apartheid

Star 14/11/97

Perusing through the Truth and Reconciliation Commission testimonies of elements of South Africa's former establishment, one is left astounded that a system like apartheid could have survived so long when so many forces were ranged against it.

For everyone, including the National Party, the business community, the security establishment, the mainstream media and elements of the legal profession have been at pains to argue that they played no role in upholding the apartheid system and some even go as far as saying they actively opposed it.

In almost all instances the testimonies of these groupings has flown in the face of concrete evidence presented by victims of apartheid and independent observers that they played a critical role in the perpetuation of the apartheid system.

This past week the country's business leaders, the people at the helm of the sector that benefited, most directly, in economic terms, from the apartheid system, came to give their penny's worth at the TRC.

Among the 55 companies which made submissions to the TRC were giant corporations and business organisations against whom definite charges of collusion with the former National Party governments could be laid. In its submission the South African

Chamber of Business (Sacob) described apartheid as an "artificial and intolerable political, economic and social system which was destined to fail" and claimed that it had "embarked on a policy of constructive engagement to eradicate it (apartheid)".

Like other sectors who preceded it at the TRC, Sacob blamed the authoritarian nature of the previous regime for its own inability to effectively challenge apartheid and acknowledged that, "with hindsight", it could have done more to fight it.

Sacob and other business protestations of innocence mirror similar pronouncements by other people who ran the country during the past half-decade. The NP earlier this year led the way with its submission that it abandoned the notion of apartheid long before 1990 and that it was the primary player in dismantling apartheid.

The SAP and the SADF, who provided the shield for the apartheid state through brutal repression, came before



VIEW

By Mondli

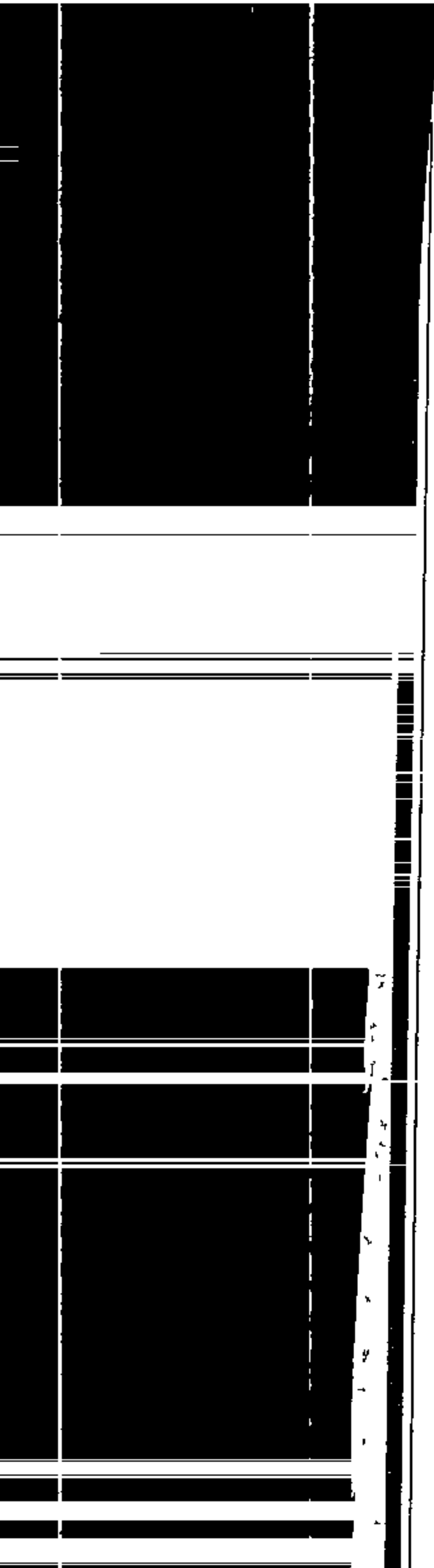
Makhanya

the commission and said they had been performing a task no different from security forces in any normal society. Although they have not made formal submissions, the judges who effected apartheid laws and jailed its opponents contend they did nothing wrong. And the media, whose duty it should have been to be in the frontline in the battle against injustice, also went to the TRC and proclaimed a heroic role in this endeavour. If the testimonies of these sectors was to be taken at face value, then the entire establishment seems to have been fighting apartheid. The entire country was united in its battle against some amorphous system which was not being implemented by anyone, and which was not benefiting anyone. The truth, however, is that each sector of the former establishment played its own different role in the implementation of apartheid. Despite business's

claim that "the human and economic costs of apartheid were unacceptably high", this sector actively enforced petty apartheid laws by segregating facilities and unquestioningly complying with grand apartheid legislation such as pass laws. They practised racist employment policies and their wage policies resulted in the racially defined wealth gap in the country. They also oiled the apartheid machine, supplying the security forces with equipment, supported the public relations effort of successive apartheid governments through bodies such as the South Africa Foundation. The failure by the former establishment to acknowledge their role in the oppression of their countrymen is undetermining the process of unearthing the truth about our past and effecting reconciliation. Apartheid was a sophisticated system of governing which needed an organised infrastructure to succeed and survive. Various sectors of society provided that infrastructure and they need to acknowledge that. By coming out in the open about their role in the apartheid era, they would enhance South Africa's attempts to explain its descent into evil during the apartheid days so that we can all know how to avoid ever treading that path again.

## Keeping you, our readers, in the picture

Ever, Friday The Star will publish a newsfeature to keep you up to date with the Truth and Reconciliation Commission. This feature, produced by

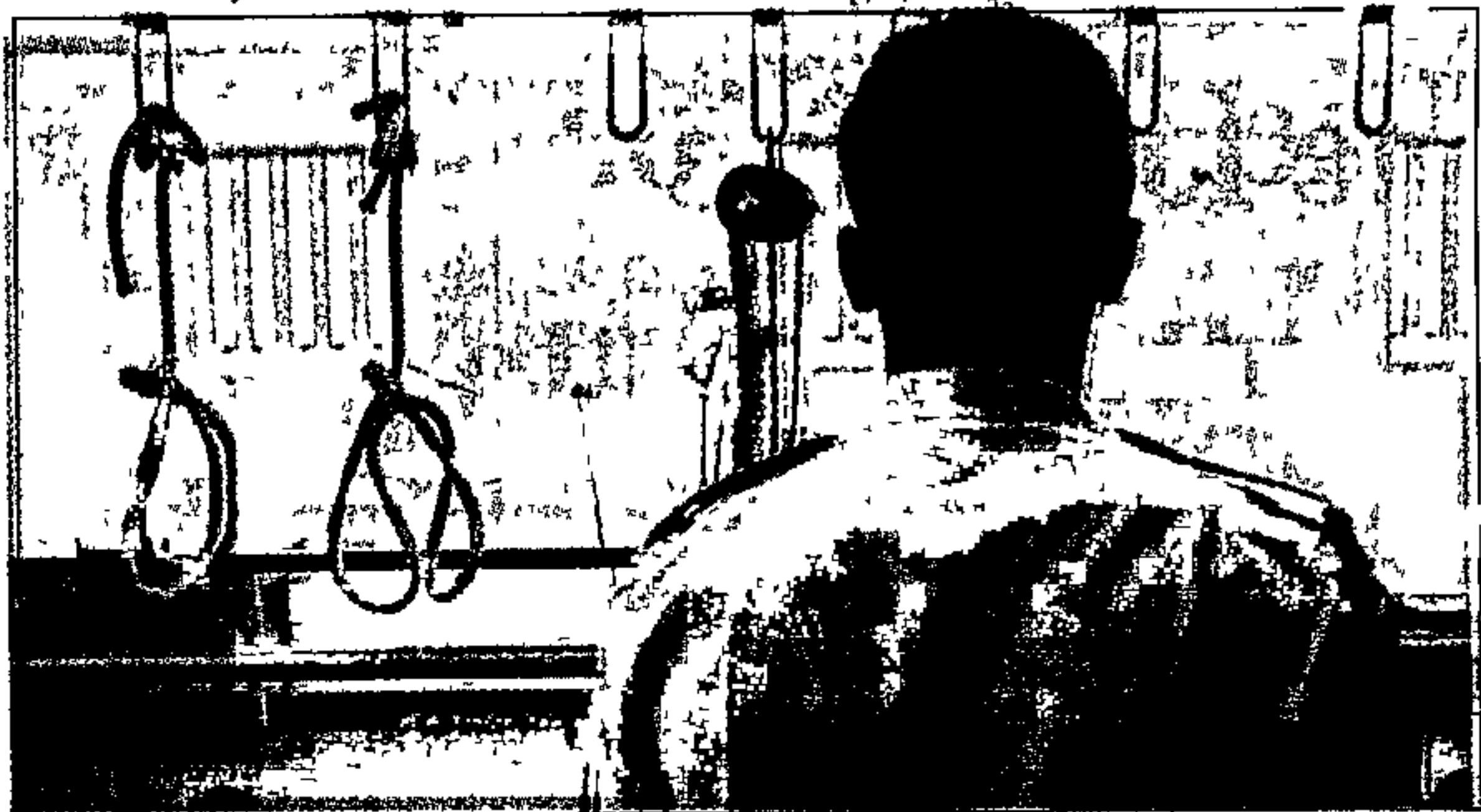




# Death-penalty poser for the ANC

MG 14-20/11/97 (252)

Opposition parties are preparing to use the death penalty to whip the ANC Will the ANC be able to withstand the pressure, asks **Marion Edmunds**



Assembly line: The gallows at Pretoria Central Prison was dismantled in 1996. PHOTO: HENNER FRANKENFELD

**A** political fight over the death penalty is brewing between the African National Congress and opposition parties — one in which ANC leadership finds itself at odds with majority opinion. As the state fails to fight crime, and the reality of the 1999 elections dawns, so opposition parties are amplifying the cry from the street for the state to implement the death penalty, at most, and, at least, to allow the people to decide.

First the United Democratic Movement called for a referendum on capital punishment, then National Party strongman, Western Cape Premier Hennis Kriel, asked for a provincial ballot, and now the Inkatha Freedom Party has called for a referendum, after heated caucus discussions, to provide guidance for the state.

"People feel that crime has bloomed since the scrapping of the death penalty in 1990. As this has to do with a basic right, we feel that it is better for the public to decide," says the IFP's chief whip Koos van der Merwe.

"The ANC is frightened of losing the referendum. It hides behind its constitutionality arguments. Can the ANC afford to say to the majority of the people you are wrong and we are right?"

"I don't know if, scientifically speaking, the death penalty will actually work, but the electorate is calling for it, so let us have the referendum — before the elections — so the ANC can get a good hiding," he says. Sliding with majority opinion on

this issue is strategically clever, but at the same time morally indefensible, because, like Van der Merwe, most opposition party leaders are personally doubtful that imposing the death penalty will actually reduce crime levels. The NP and the IFP say they are driven by the raw gut feelings of their caucus and angry constituents in this, and have not done party political research on the matter.

The Pan African Congress and Democratic Party leadership is still strongly opposed to the penalty, but both are anticipating controversy about it within their ranks before 1999.

The Freedom Front's General Constand Viljoen says "I think the call is a message to the government from all political parties and the government will ignore it, and it will affect the elections. We are asking for it because the call has political value."

Justice Minister Dulah Omar says there was a similar surge of support for the death penalty in the United Kingdom, but British political parties came to an agreement not to make it a divisive political issue.

It would suit the ANC to strike such a bargain here, because its Achilles heel is its inability, as a government, to fight crime, and the death penalty calls throw that into sharp relief.

The ANC's arguments for resisting the death penalty are both logical and idealistic.

Omar says a referendum would be tantamount to undermining the Constitution. "Our Constitution has placed certain values beyond the

reach of a temporary majority, whether it be a Parliamentary majority or one gained from a referendum," he says. "If we were to revert to the majority principle, that would require scrapping the constitutional framework, which prohibits strict majoritarianism on a range of issues. If there is a referendum, it must be on whether or not we retain the Constitution, with its protection for its minorities, or move away to simple majority rule."

Omar also rests his case on international research proving that the death penalty is not a deterrent to crime.

The world has not yet reached consensus on the matter. A hundred countries have abolished the death penalty and 94 still use it. The trend, however, is towards abolition. Most Western European countries have abolished it, many of the newly independent Eastern European states have retained it but carry out fewer and fewer executions. Middle Eastern and North African states have largely kept it. The most aggressive defenders of the state's right to use capital punishment are the United States, China, Singapore and Sudan.

Sadly, many South Africans have gone past logical thought on the death penalty, moving into the realms of despair and revenge, because they believe the state has failed them.

The gruesome nature of many assaults serves to intensify the despair and fear. This week, for example, the media told how burglars had poured boiling water over a young Pretoria couple, Ootren and Maligay Naidoo, and burnt them with hot irons, after kicking, beating and choking them, to make them open their safe. The

burglars tortured with a free hand, stopping just short of murder, but what punishment is fitting for such cruelty? Maligay Naidoo is in hospital in a critical condition.

The rise of Pagad — People Against Gangsterism and Drugs — is the most tangible sign of this despair and fear. Almost in self defence, a community of people took arms and reclaimed the death penalty as the ultimate punishment for sinners against society.

Omar suggests that Pagad has reformed its stance on revenge murders. Cassiem Parker, Pagad's Western Cape legal co-ordinator, says Pagad continues to support the death penalty.

"Whichever way you look at it it's a travesty of justice that the death penalty was passed through the Constitutional Court the way it was," Parker says.

"In every Western Cape suburb there is at least one family that has had to endure the pain of somebody being killed, and then in front of her door every day the murderer taunts a grieving mother, saying 'So, I killed your son. So what?' It's only when people know there is a possibility of capital punishment, that they will take heed of other people's rights."

Omar admits that explaining the Constitution to relatives of murdered victims is difficult.

"When you talk to victims those answers will be brushed aside because it does not satisfy the deep anger," he says.

Political analyst Vincent Maphal, executive director at the Human Sci-

ences Research Council, says the ANC is in a tight spot.

"I think the ANC has painted itself into a corner by defining this as a human rights issue, which it is not. I think it was a mistake that this matter was dealt with by the Constitutional Court rather than by the government, as the government has not given itself space to interrogate this question. What it will find is that the issue of the death penalty will provide a continued irritation. But there will be great resistance to bowing to this pressure."

"As long as there is debate without the ANC, the ANC will continue to resist the temptation. I think it will

become an issue once it is raised within Winnie Madikizela Mandela's camp, but nobody has taken it up yet."

The vehemence with which Madikizela Mandela's call for a referendum was denied, suggests the ANC wants to keep a

lid on death penalty discussions. But opposition parties claim the majority of ANC parliamentarians support the death penalty. They will have to wait until next month's ANC conference to see whether this support has consolidated into a powerful lobby.

If ANC MPs and branches listen to reason, the Constitution will remain supreme, if they listen to their supporters, the ANC will be forced to bring back the gallows, and the new constitution will be undermined — by the crudeness of public opinion and the government's sensational failure to jack up the criminal justice system and provide a solution to the scourge of crime.

**'The ANC has painted itself into a corner by defining this as a human rights issue'**



# EX-TRC director takes Ntsebeza to task

M+C 14-20 11/97

(252)

**Peta Thornycroft**

**G**len Goosen, former director of investigations at the truth commission, has formally complained about a programme broadcast on SABC last week which contained an interview with his former boss, Dumisa Ntsebeza.

In the programme, *TRC in Review*, Ntsebeza accused Goosen of being part of an incompetent investigation and suggested race played a part in the conflict between the two of them.

The interview with Ntsebeza, conducted by award-winning SABC journalist Anjhe Samuel, was broad-

cast following the upheavals at the truth commission after allegations and counter-allegations by a Cape Town gardener about commissioner Ntsebeza.

The gardener, Bennett Sibaya, told the police four years ago and the commission this year that he had seen a car which belonged to Ntsebeza being loaded with weapons after the December 1993 massacre at the popular Heidelberg Tavern in the Cape in which four people were shot dead.

Two weeks ago Sibaya told the commission he had been tortured by the police into making the original statement.

A Cape Town policeman, John Lubbe, who investigated the statement for the commission earlier this year, made a recommendation that the matter should be probed further by an independent body.

The commission has said it now regrets it did not act on Lubbe's recommendation.

Ntsebeza, a courageous human rights lawyer whose face has become increasingly familiar to followers of the events at the truth commission, has been outraged by Sibaya's allegations, and also called Lubbe's investigation incompetent. Goosen resigned last month after growing tension between him and

Ntsebeza against the background of the Sibaya allegations.

Several key people at the commission admit they are profoundly troubled by the Sibaya matter and the ensuing tensions in the investigations units around the country.

In addition to sending an official complaint to the Broadcasting Complaints Commission, Goosen has written a comprehensive letter to the chair of the truth commission, Desmond Tutu, and to Constitutional Court Judge Richard Goldstone, who will head an investigation into Sibaya's allegations and how they were handled by the commission.



**Dumisa Ntsebeza: Suggested race played a part in the conflict**



# Defending spoils of apartheid

M+G 14-20/11/97 (292)

## COMMENT:

Ronald Suresh Roberts

**M**ere days after big business found itself on the sidelines as Parliament finalised employment-standards legislation, the performance of leading apartheid-era business players before the Truth and Reconciliation Commission raised fresh questions about business's ability to make relevant contributions to the new South Africa

If business is to be believed, its performance ranged from neutral professionalism to heroic anti-apartheid resistance

This view was strongly challenged. Noting that Switzerland, ostensibly neutral in World War II, lent its banking system to the Nazi regime, the commission's independent expert witness, Terry Crawford Browne, suggested that "money is not neutral. It can be used for good or evil."

But business was unmoved. The worst offender was the South African Chamber of Business (Sacob). The organisation insisted that "the business sector has oiled our transition to democracy."

In support of this view, Sacob cited a 1994 article from the *Financial Mail*, then under the editorship of Nigel Bruce, who has said that he can see no difference between the truth commission and a programme called *Circus on TV*.

Far from enriching the commission's deliberations, Sacob got basic facts wrong under the heading "Important Dates", the hearing was informed that Nelson Mandela was imprisoned in 1966 (not, as we had previously thought, 1962).

In its oral presentation, Sacob treated the hearing to a blizzard of formal resolutions from its archives, purportedly proving the organisation's anti-apartheid vigour. In fact, however, these resolutions reveal the organisation's lukewarm attitude, very late in the day, to majority rule.

As late as 1993, under a heading entitled "The Constitution", Sacob called on "participants in the multi-party negotiating process to ensure that the deadlock-breaking mechanism does not ultimately depend on a simple majoritarian process."

This mirrored the National Party's position, expressed by Gerrit Viljoen the previous year, that a mere "arithmetical majority" should



Telling it like it was: Johan Rupert, on behalf of the Rembrandt group, told the commission, 'It is true we did not do enough to oppose apartheid, but we treated our employees fairly.' PHOTO: DANNY HOFFMAN

not be given power. To the bitter end, Sacob supported power-sharing, not ordinary democracy.

Also in 1993, Sacob urged "the introduction of a juristic or corporate vote available to business as the major contributor to local coffers and the sector most directly affected by revenue collection and expenditure decisions."

Throughout, Sacob faithfully reflected the views of leading business personalities. "I used to think, rather simplistically, when I was much younger," Anglo American chair Gavin Relly told *New York Times* journalist Joseph Lelyveld in 1985, "that, really, why do we go on with this bloody thing? Why don't we have one man, one vote and be done with it? I now no longer think like that at all."

Business has entirely failed to take collective responsibility for such views. In a postmodern twist — more natural to the Johannesburg Biennale than the boardroom — the hearing was uniformly told that business was not "homogeneous", not "monolithic", that there is "no single business story" (Sacob).

Such truisms do not mean that business can evade collective moral

responsibility. The Council of South African Banks came close to acknowledging this: "Just as the cardio-vascular system supplies blood and sustenance to the healthy and unhealthy parts of the body, so does the banking industry."

**'Corporations are not institutions established for moral purposes ... Life is not a morality play'**

But the weight of business opinion is best captured by big business think-tank *savant* Ann Bernstein, who asserted bluntly that "corporations are not institutions established for moral purposes. Life is not a morality play." If in fact morality is not business's business, it should be enough to say "So what if we colluded in crimes against humanity?"

Business will, in Bernstein's words, "find ways and means to make money under almost any political regime." But Bernstein and business alike ultimately shy away from their own logic. They want both to exempt business from moral

claims and also to deny that apartheid business was immoral.

Thus Bernstein told the truth commission that "the marketplace is a stalking horse for democracy." Even at its most thoughtful, as in this submission, business wants both to have its cake and eat it.

In fact, business exulted in apartheid. The South Africa Foundation, supported by Harry Oppenheimer, Anton Rupert and others, took a paid advertisement in the *Sunday Times* in 1967, urging that South Africa stop apologising for apartheid and instead "substitute a tone of confident self-assertion" which publicised "the opportunities" that apartheid created for international investors.

The South African Foundation was actively committed to pro-apartheid culture. "My latest idea is to have all my pro-white papers published together," wrote pro-apartheid novelist Sarah Gertrude Millin in the Sixties. "The South Africa Foundation is anxious to do it, but I want it done by an ordinary publisher of repute. We have obviously to live with Africans, but we need not be eaten up by them."

Despite its continuing influence in macro-economic and other policy debates, the South Africa Foundation did not testify at the hearings.

Apartheid bosses apparently think that keeping shop under apartheid was an innocent pursuit, like running the grocery store that Margaret Thatcher's daddy owned. In fact, apartheid profits could not be any more benign than was apartheid itself.

The most astonishing remark made during the hearings came from the former head of Barlow Rand, Mike Rosholt. Asked whether his company, the leading supplier of hi-tech military technology to the regime, had colluded in human rights abuse, he replied "I don't believe that you can repress people with avionics equipment."

As Professor Sampie Terblanche lucidly testified, politics, business and culture were "symbiotically linked." Apartheid was an ugly case study in public-private partnership.

Ronald Suresh Roberts is co-author of *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*.



# Confusion over death penalty may warn as election looms

ART 15/11/97

(252)

Now that Minister of Justice Dullah Omar has finally set his face against calls for a referendum on the issue, it is time for some plain speaking on the question as to whether this nation ought to reintroduce capital punishment.

The first thing to be said is that calls, from both ends of the political spectrum, for a referendum on the matter amount to no more than cheap political grandstanding.

Both Winnie Madizikela-Mandela and the Western Cape Premier, Hernus Krriel, know very well that not only the majority of voters have been so traumatised by rampant crime that they would almost certainly vote in favour of sending the most murderous of their tormentors to the gallows. But they know that such a poll would, in and of itself, have no power to reverse the status quo.

The only way the death penalty could be returned to the statutes is by an amendment to the Constitution's Bill of Rights, which, in its turn, would require a supporting vote of at least two-thirds of the members of the National Assembly and the backing of no fewer than six of the nine provinces.

This constraint follows a 1995 ruling by the Constitutional Court on the case of the State versus Makwanyane and Another, which had been referred to the Constitutional judges by the Appellate Division. The Constitutional Court held that the death penalty was "irremediable" and was a "cruel, inhuman and degrading" form of punishment which conflicted with Section 2(11) of the Constitution, which states that everyone has the right to life.

Of course this ruling does not and, very probably, will not be the last word on the topic

## ANTHONY HOLIDAY



The learned judges of the Constitutional Court may be wise, but they are not infallible. Indeed, there are said to be certain sharp minds at the Cape Bar who claim to have found flaws in the Court's legal reasoning.

For my part, I am unclear about how far the scope of the right to life, enshrined in the Bill of Rights, extends. Doubtless there are humanist fanatics who would wish to cover everyone on the face of the earth. But, as far as talking sense goes, they are really no better off than those law-and-order fanatics, who would like to see pickpockets executed in public.

The legislature can, for instance, surely not have intended the right to be extended to foreign combatants in time of war. Were that the case, there would be no point in our maintaining a defence force.

But then is it not anomalous that we would permit our soldiers to kill foreign soldiers during hostilities, but would refuse to put to death foreign criminals, such as agents of international drug syndicates, whose activities may be fatally subversive of law and order and, thus, of our democratic state?

Another area of this debate where confusion abounds is the dispute about deterrence. Those who favour capital punishment often

speak as if its deterrent effect was just obvious. They are wrong. At a time when South Africa's hangmen were at their busiest and we looked like becoming a world leader in our zest for this activity, we also had one of the highest murder rates on the planet.

On the other hand, abolitionists, who claim in absolutist tones that executing criminals never deters anyone, anywhere from any kind of felony, are equally misguided.

It makes no sense to suppose that nobody would refrain from performing a forbidden action if they knew that they would be put to death for doing it.

The unpalatable truth is that people reared in shanty towns or in the hells of rural poverty, where the cruelties of socio-economic hopelessness are the warp and woof of existence, set a lower value on human life - including their own lives - than do those reared in more fortunate circumstances.

I would be willing to bet that there would be less white-collar crime in places like Houghton and Constantha if we started hanging white-collar criminals. But who would advocate such a measure? Interestingly, it is usually precisely those humanists, whose roots in affluent suburbs have guaranteed them access to a decent education, in the humanities, who are loudest in proclaiming that the death penalty belongs to the "age of barbarism".

Do they, one wonders, consider ancient Athens, which regularly executed people, to have been a "barbaric" place? What do they

say about Egypt, Babylon and ancient Rome?

What such people really mean (if they mean anything) is that executions strike them as being horrifyingly unaesthetic and that they find the very idea of being close to them - an experience most of this breed of abolitionists have not been privy to - utterly repellent.

As someone who spent a couple of years next to the gallows in Pretoria, I can assure them they are right. The nightly hymn-singing of wretches, waiting to be marched to their deaths, are not things I am anxious to revisit.

Yet, that does not constitute a reason for abolishing the death penalty or for preserving it.

The only sound reason for choosing either option is that it can be shown to serve the ends of justice.

**'There would be less white collar crime if we started hanging white collar criminals'**

As to the African National Congress's traditional opposition to the penalty, that has had more to do with the fact that the vast majority of South Africans executed were

black than with some philosophical position about human rights. During the decades of revolutionary warfare, the organisation did not scruple to send traitors to the firing squad.

We shall have to wait and see whether the pressures of the 1999 election campaign will drive the ANC to promise voters a return of the executioners in exchange for the two-thirds majority in Parliament it needs to recall them

Dr Holiday teaches philosophy in the University of the Western Cape's School of Government



## Electrified fences around prisons could be a 9 000-volt knockout (203)

ARL 15/11/97

**Bisho – Transkei escapers will find the new electric fence around the Umtata medium security prison a knockout, says provincial Correctional Services spokesman Madoda Dywati.**

He said the 9 000-volt shock they would receive when they touched the five-metre high fence would knock them unconscious.

He was commenting on the escapes from the prison by three dangerous convicts who this week sawed through the bars over a toilet window and escaped over the incomplete fence.

Mr Dywati conceded that the incomplete fence had played a part, but said the escapes would not have been possible if the fence had been completed.

He said prisoners who escaped would be punished when found and would have to serve at least 80% of their sentences before being considered for parole.

The Department of Correctional Services said earlier it would spend R58,2-million next year on electric fences round prisons.

This year 19 prisons got new fences at a cost of R30,4-million.

The fences give a warning jolt and then a shock of up to 9 000 volts capable of knocking out a person for a few hours.

■ Meanwhile, the Department of Correctional Services said on Wednesday it would crack down on escapes from jails, following the escape of 48 prisoners since last Friday in eight separate breaks from jails, police cells and courts countrywide.

The new measures would also be applied to awaiting-trial prisoners who escaped from police cells or custody and were recaptured.

If any prisoner or awaiting-trial prisoner escaped more than once, they would have to serve their entire sentence and would not be considered for parole.

Prison officials would also be suspended if it was suspected they had been involved in aiding convicts to escape.

The National Party on Monday said it was concerned about the escape of two robbery and murder awaiting-trial suspects from Johannesburg prison on Monday, and called for a commission of inquiry.

A total of 22 awaiting-trial pris-

oners escaped from police holding cells in Mpumalanga in three separate incidents on Monday.

An awaiting-trial prisoner escaped from the Standerton Magistrate's Court last Friday by telling police he wanted to make a confidential call to his attorney. He was left alone in an office with a telephone, sneaked to the court's back door and escaped.

A man awaiting trial on nine charges, including murder, escaped from Pollsmoor prison in Tokai on Sunday.

Four men escaped from the Elsie's River police cells by sawing through the grated bars in the roof of their cell on Sunday.

In Johannesburg 18 illegal immigrants escaped from the Alexandra police cells on Sunday afternoon.

The department announced on Monday that although prisoners had been informed of the new measures and penalties, the department had urged prisoners' family members and friends to stress the serious consequences of attempting to escape, particularly from jails that had the new electrified fences – ECN, Sapa



# 'Pebco 3 were not betrayed'

## Joe Mamasela testifies before the TRC

FORMER Vlakplaas Askari and self-confessed assassin, Joe Mamasela, who was scheduled to appear before the Truth and Reconciliation Commission, told City Press this week that suggestions that 3 Port Elizabeth Black Civic Organisation activists had been betrayed by their colleagues were not true.

Mamasela alleged the man who had made the call was a white security policeman who purported to be a British donor.

He identified the policeman as a Mr Charlton who is currently serving in the police force.

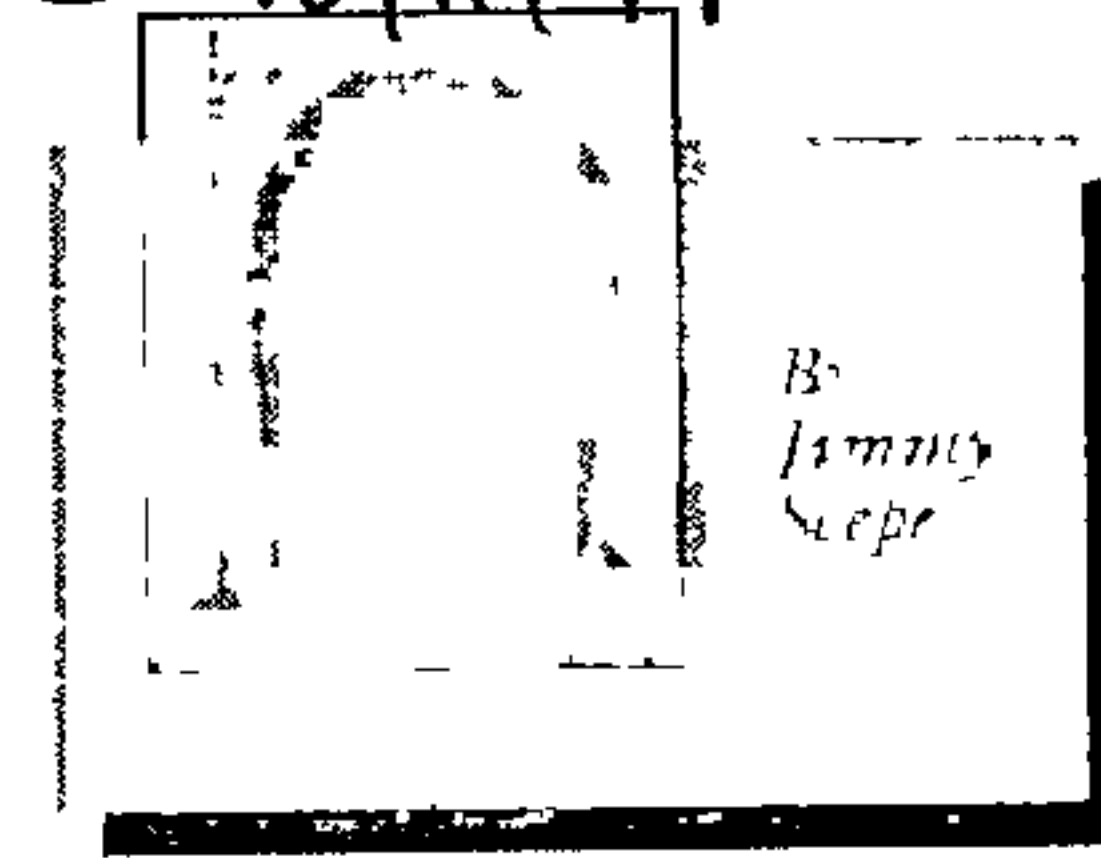
Mamasela, speaking for the first time since the hearing started, said the man who had called the Pebco 3, speaking with a British accent, was not a member of the civic organisation but a fulltime serving member who worked in the security force.

Mamasela's allegations follow disclosures by Nieuwoudt that the 3 activists, abducted and murdered by security police in 1985, were betrayed and lured to their deaths by a fellow Pebco member.

Mamasela said the TRC should investigate Charlton's whereabouts to find his connection to the calls made to the activists before they died.

He said he was prepared to testify under oath about Charlton and his connection with the Pebco murders.

"Nieuwoudt is trying to sow division between former members of the civic organisation," he said. "It is not true that the person was a member of Pebco, as I was there when some of the calls were made," he alleged.



Testifying before the TRC's amnesty committee in Port Elizabeth, Nieuwoudt said the Pebco member, whom he declined to name, had been a paid police agent.

Nieuwoudt said his agent, speaking with an English accent, purported to be a British embassy official seeking to donate money to Pebco. "He was a full-time informer," Nieuwoudt admitted under cross-examination by Mpumelelo Nyoka, the lawyer for the families of the slain activists.

However, he refused to identify the agent, saying this would place the man's life in danger.

The so-called Pebco 3 - Sipho Hashe, Champion Galela and Qaqawuli Godolozzi - were abducted by security police after being lured to the Port Elizabeth airport by the agent. Mamasela alleged that Nieuwoudt could be protecting the identity of the policeman - a Mr Charlton - who purported to be a British donor.

"People should not start suspecting each other unnecessarily as this is a clear attempt to sow divisions within the provincial government and ANC in the region," he

said.

Mamasela said Nieuwoudt could be employing the same tactic used within the security services by branding certain activists to be police spies when they were not.

Meanwhile, City Press has learned that the TRC decision to postpone Mamasela's hearing was sparked by new disclosures made by former askaris before the commission.

The askaris are alleged to have provided the commission with new information about several killings which were never disclosed.

Meanwhile, former Vlakplaas operative Johannes Koole said he was ashamed that he had taken part in the clandestine security police operation to abduct and murder the so-called Pebco 3 in May 1985.

He said he was also present when Hashe and his two colleagues, Champion Galela and Qaqawuli Godolozzi, were kidnapped by security police after being lured to Port Elizabeth airport in May 1985.

However, he maintained that he had no knowledge of their subsequent murders, to which fellow amnesty applicants have already confessed.

His evidence closely corroborated that of former askari (a turncoat Umkhonto we Sizwe guerilla) Peter Mogoai who testified that Hashe and Godolozzi had been severely beaten during interrogation.

The two men's insistence that the assaults took place contradicts the earlier testimony of other amnesty applicants such as former Port Elizabeth security policemen Nieuwoudt, Captain Sakkie van Zyl and Gerhardus Lotz.

# Reparation should start with the truth

By JAY NAIDOO  
Minister of Post, Telecommunications  
and Broadcasting

(252)

CP 16/11/97

"AFTER many African countries became free, they got dictatorships like Idi Amin's. We have to find a solution that won't end with us giving one man, one vote" - Sir Anton Rupert, chairman of Rembrandt

"We dare not leave it to the political processes. We can't place a representative of the disadvantaged community in a position in which they feel obliged to challenge the interests of advantaged South Africans to seek redress" - Jan Steyn in *Managing Change in South Africa*, with a foreword by HF Oppenheimer, 1990

Gavin Relly in his 1987 Anglo American Chairman's Annual Statement said "The imposition of the State of Emergency last year, and its recent renewal, were regrettable but were necessary" (Widely publicized in advertisements in many newspapers internationally)

This week's TRC hearings on "Business and apartheid" do not demonstrate any change in the attitudes of many white business organisations. We have been fed a diet that white business never benefited from apartheid. We are expected to believe that white business was oppressed. They

claim it was a terrible, unjust and immoral system, and that it was counterproductive to economic growth.

What hogwash. The core feature of apartheid and colonialism has been the brutal racial conquest of the black majority to ensure a steady stream of cheap black labour.

White business thus week had a historic opportunity to atone for their collaboration in the past humiliation and brutal treatment of millions of black people. They chose not to use it.

The evil heart of apartheid was a cheap labour system. The primary beneficiaries were the white ruling elite.

The TRC heard a litany of lies this week.

The truth is that the Nationalist government was elected with bigger majorities every term. The economy grew the fastest in the 1960s after the Sharpeville Massacre, the banning of the ANC and PAC on the back of the brutal suppression of the black majority.

But in the whole period of apartheid there was a sickening silence from big business.

They chose not to recognize black trade unions, although it was technically not illegal to have them. They did not train black workers, often preferring the unskilled status, although it was not illegal

to do so. They did not develop black enterprise, even though it was technically not illegal to do so.

Today we are expected to believe that everyone has equal opportunity. Our economy is overwhelmingly dominated, owned and controlled by white companies. I believe there should be reparation. Many workers want the respect of being treated as human beings.

Cosatu wants to see a conscious strategy of employers in skills training to deal with the legacy of Bantu Education and position. It will be interesting to see the reaction of these very business organisations to the proposal for a training levy to promote equity and equal opportunity.

We want a real commitment to labour relations that ensures the basic rights of workers are respected. Participatory management catered for in the new LRA, will go a long way in diffusing the tensions of the past.

We want to see a closing of the apartheid wage gap, more systematic career pathing and job satisfaction.

Most importantly, we want an unqualified apology for the misery, hardship and brutality imposed on the black majority by a system that had as its primary beneficiaries big business and a white ruling elite. - Jay Naidoo was General Secretary of Cosatu from 1985 - 1993.

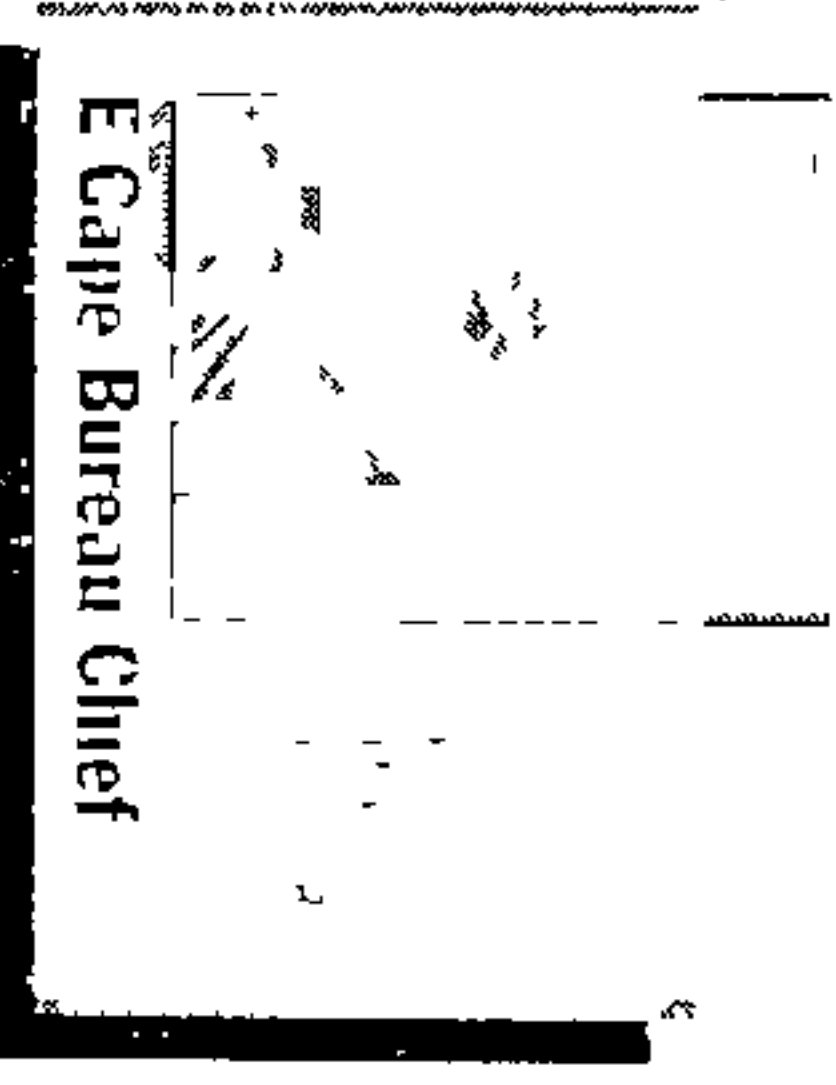


# SO WHO'S KIDNAPS?

(252)

SP 16/11/97

## Wild discrepancies at the Pebco 3 hearings



E Cape Bureau Chief

THE KILLERS of Port Elizabeth activists, Gagawuli Godolozi, Sipho Hashe and Champion Galela spent the last two weeks trying to persuade the amnesty committee of the TRC that they had made full disclosures

But what the large media contingent at the city's Centenary Hall kept discussing were the wide discrepancies in the various submissions

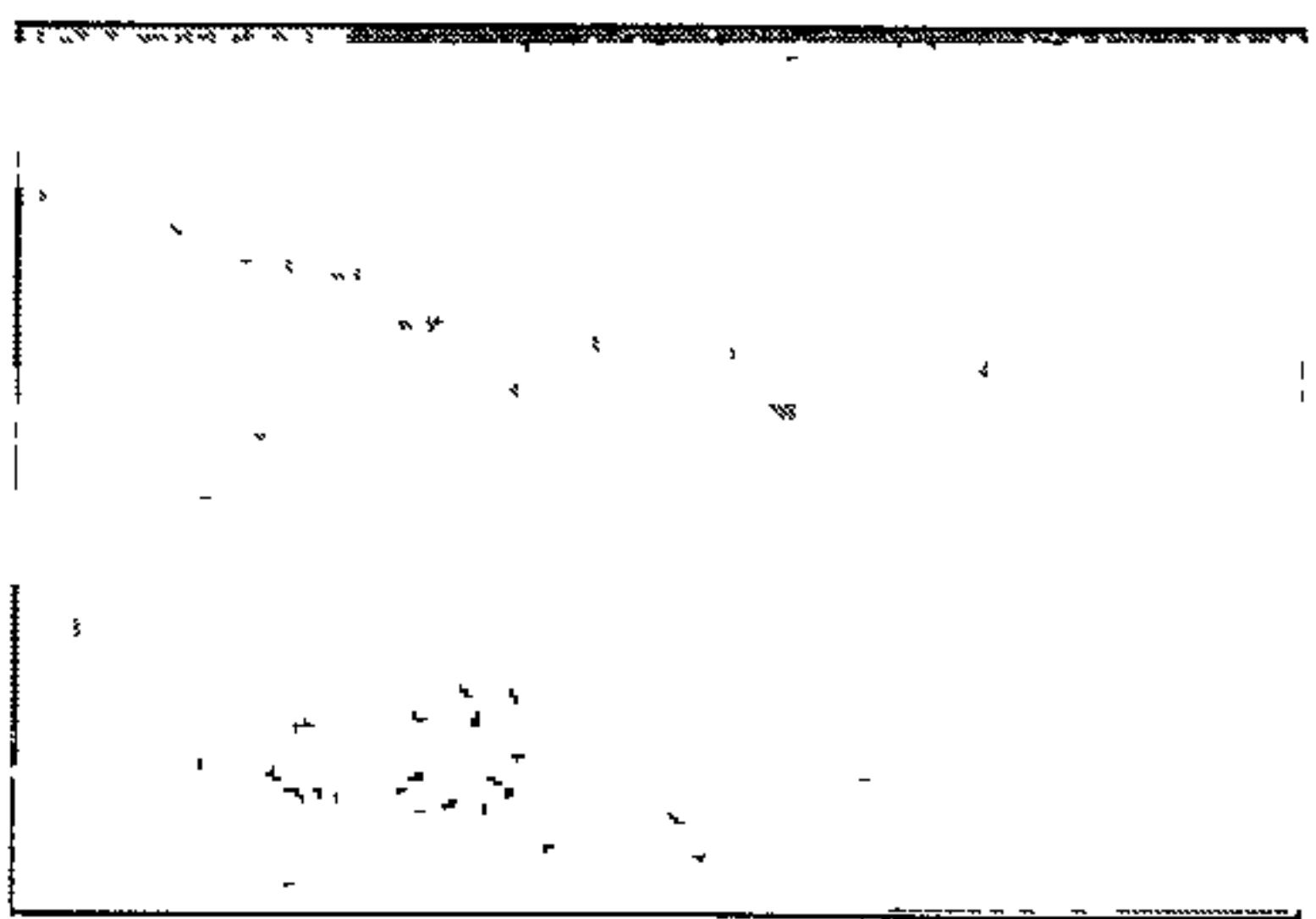
Warrant Officer Johannes Kooole and askari Peter Mogoal, both of the Viakplaas death squad, did not exactly say the same thing

The two still contradicted their white masters, Gerhard Lotz, Harold Snyman, Johan van Zyl, Gerhardus Beeslaar, Hermannus du Plessis and Gideon Niewoudt

There was no time for self-confessed murderer Joe Mamasela's much-awaited testimony

But when the hearings resume in March next year, Mamasela is expected to give evidence implicating the white policemen even further

Mamasela is not applying for amnesty for his role in the killings, but has been called to testify in the applications of the others



ONE STORY... Gideon Niewoudt has applied for amnesty for his part in the murder of the Pebco 3

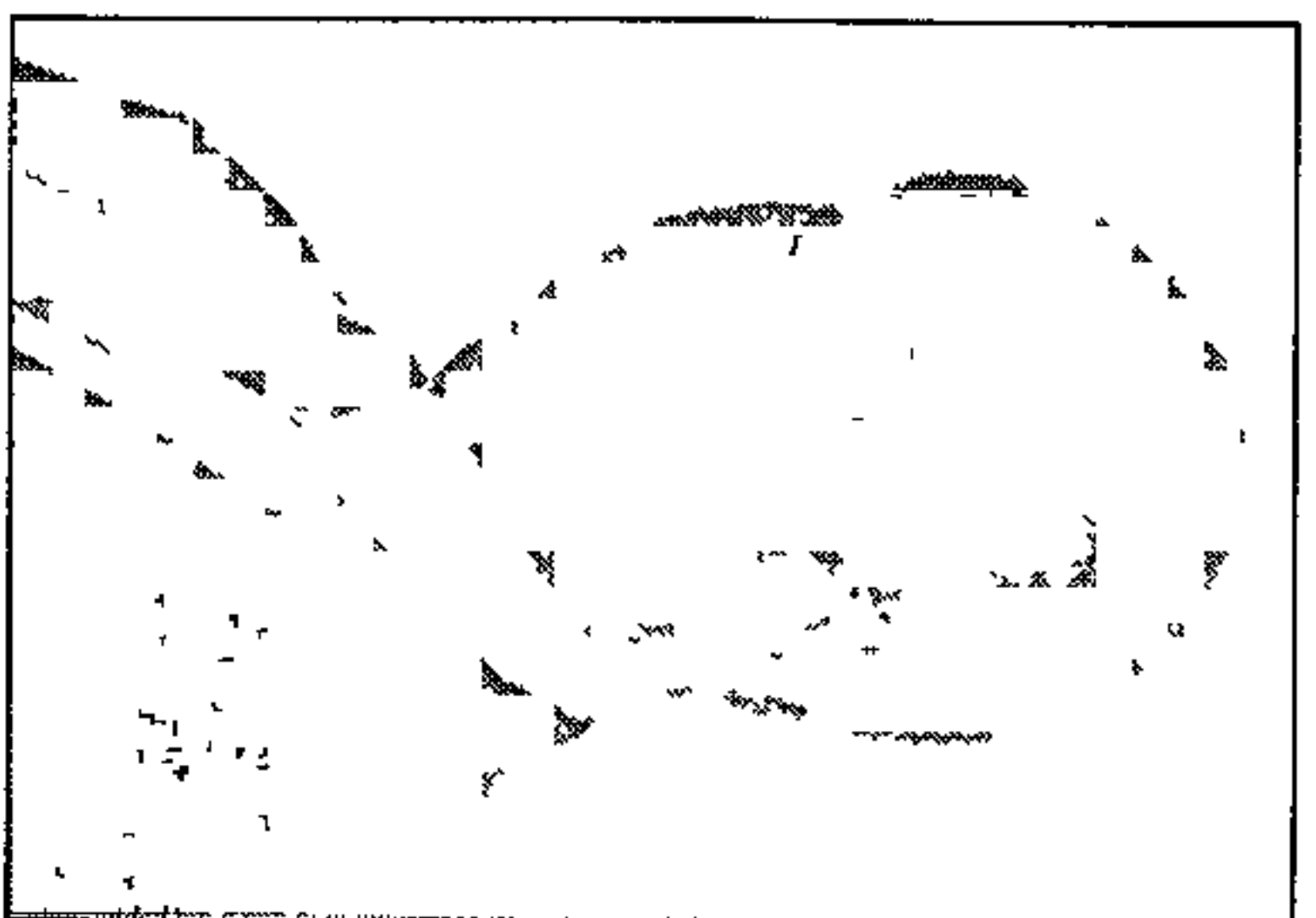
as the Pebco 3, were abducted from the Port Elizabeth airport in 1985 and taken to Port Chalmers, a farm in Cradock, and killed

In his Section 26 testimony, the finer points of which Mamasela was expected to recount this week, he details the brutal beatings the three were subjected to before they were killed

Mamasela said Hashe was beaten with an iron pipe by Niewoudt until his head was swollen and blood came out of his mouth and ears

Niewoudt and his co-applicants are all claiming that the activists were shot to death without first being assaulted

Kooole in his testimony repeats the allegation that the three were assaulted by the white policemen, although he says Niewoudt did not



ANOTHER STORY... Former Viakplaas operative, Joe Mamasela, told a very different tale

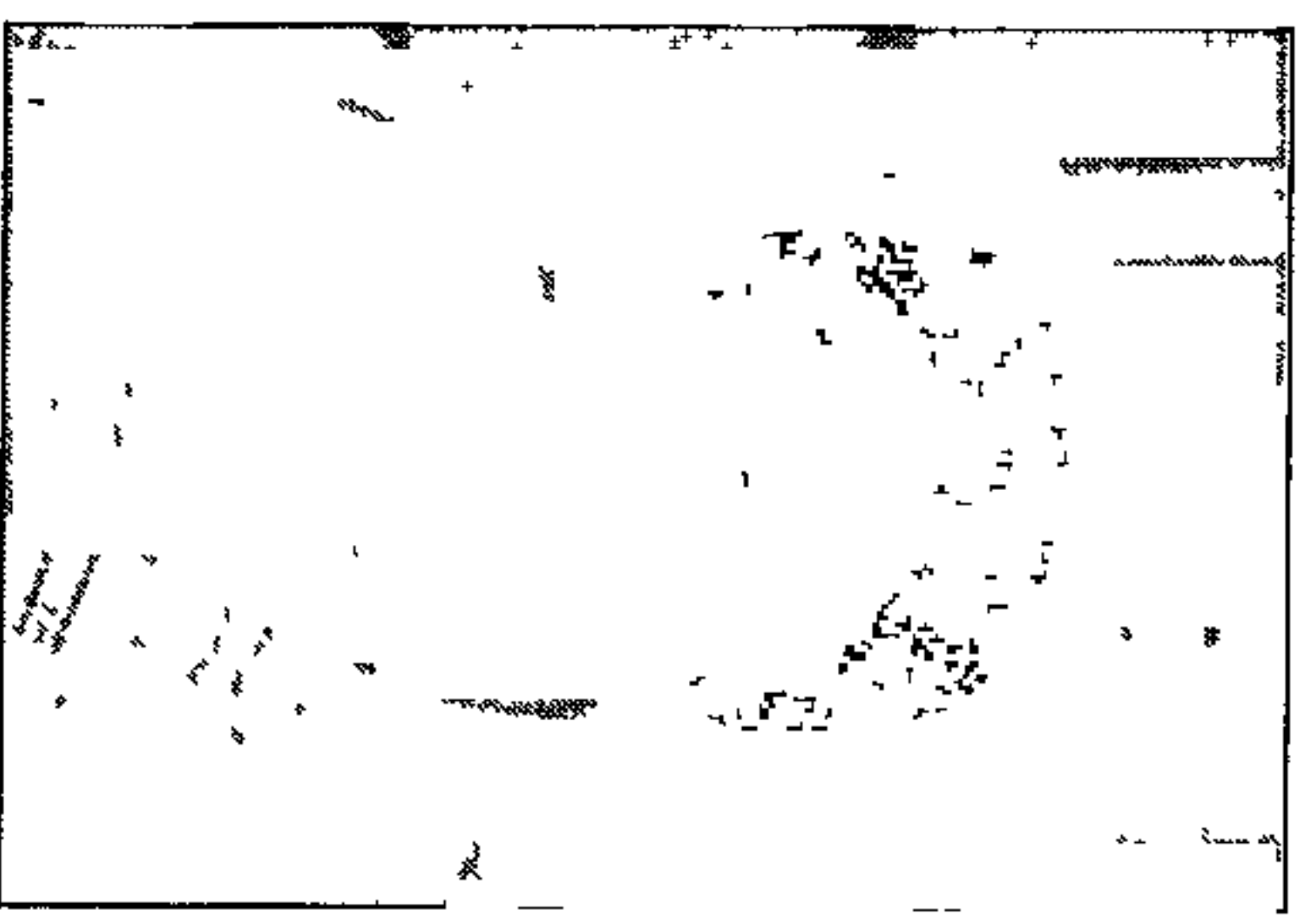
use an iron pipe but kicked and beat Hashe

Niewoudt, an amnesty applicant in a record five cases, stared blankly with his hand supporting his chin as Kooole contradicted his evidence

But what was more intriguing about Mamasela's statement was that Kooole was not simply a "reluctant participant" in the operation. In his testimony Kooole said he arrived in Port Elizabeth with various askaris and MK policemen to track down MK combatants in the townships

Asked if he could honestly claim to have been brought from Viakplaas just to patrol the streets, Kooole said he had not asked any questions

Cross examined by Mpuemelelo



VICTIM... Will we ever know how Sipho Hashe spent his last hours in the hands of Viakplaas operatives?

Nyoka for the widows of the Pebco 3, he said he had not known that the operation was clandestine. Even though he had not mentioned it to anyone, he denied that they were given orders not to talk about the operation

But in a TV interview Mamasela had formerly revealed that Viakplaas operatives were taught to lie and promised financial gains for protecting each other

Kooole denies various aspects of Mamasela's allegations. He claims that they were not ordered to clean up the activists' blood after they were killed, and also that he only knew of their deaths years later, and that it "never occurred to him" to find the families of the three when he thought they had been hidden somewhere

# TRC call sparks family's outrage

(252)

CP 16/11/94

THE TRUTH and Reconciliation Commission has plunged itself into controversy by appealing to victims of the 1986 Magoo's Bar bombing to contact it ahead of amnesty hearings on the incident.

The TRC said difficulties had arisen because not all the victims had testified in the trial in which ANC operative Robert McBride (pictured) was convicted. Hospital records from 1986 had already been destroyed, and the TRC had been unable to trace the police docket McBride's wife Paula described the media call for victims to come forward as "unprecedented".

"It seems extraordinary that in a case that has received such attention and is such a major case, the TRC is unable to get the original police docket."

"My feeling is that if they can't get the information through the SA police, a vague media call to victims is entirely inappropriate," she said.

Three people died in the blast, and the commission said in a statement on Saturday it had a list of 69 people injured.

The TRC said it had traced the relatives of

the dead, and 30 of those injured. But since the victims were not all from Durban, it had been impossible to trace them all.

"We need to inform them before an amnesty hearing is held in relation to the incident," the TRC said.

Paula McBride said that given the seriousness of the event the investigative unit should have subpoenaed the SAP to provide the docket.

"They just say they can't get it from them. Nobody is saying it has gone missing."

She added that there had been a litany of demands from police as to the location of the dockets.

She thinks the police may have destroyed them and was curious why this should have been done.

"It is unprecedented that the TRC has sent out a media call for victims to come forward. I have never heard of such a call before and I can't understand why they have done it."

It appears that the McBride family has been stung by the request since Robert McBride has been seen to be co-operating with the TRC in an investigative unit in the matter.

Paula McBride said

"Why didn't they contact Robert's lawyer and if they had contacted the trial lawyer and his legal representative now, Brian Curran, and said 'could you assist us on finding victims', they would have been entirely co-operative."

"It is not as if Robert has not been co-operative. He attended the investigative hearings and gave his full co-operation."

McBride has been the subject of controversy ever since the Magoo's bombing incident. He has been demonised in the white press, which almost always describes him as Magoo's Bomber McBride.

But many black people however regard him as one of the country's greatest heroes.

He is commonly known as the "hero of Edendale" because of the incident when his father and he rescued injured MK leader Gordon Webster from Pietermaritzburg's Edendale hospital.

McBride feels that he is one of few people who remains "unforgotten" in the peace process, despite the fact that he has shown remorse for the Magoo's incident - Sapa



# Dead Man Walking nun lauds SA's death penalty ban <sup>(252)</sup>

CARMEL RICKARD

THE Constitutional Court's ban on the death sentence has been praised in a letter to Pope John Paul II by the American nun whose experiences with death row prisoners was portrayed in the film *Dead Man Walking*

The pope is one of millions who have seen the Hollywood film based on Sister Helen Prejean's book about working with convicts on Louisiana's death row. In her letter, Prejean congratulates him on changes to the official Catholic catechism.

The definitive new text, which outlines the Catholic position on moral and religious questions, effectively removes orthodox Catholic support for capital punishment, a senior Vatican official says.

In her letter, she tells the pope that

ST 16/11/97  
one of the first acts of South Africa's Constitutional Court "was unconditionally to forbid state executions"

"The leaders of South Africa understand all too well that, when governments are given the right to execute their citizens, invariably the deepest prejudices of the society exert full sway in the punishment of those considered the 'dangerous criminal element' "

Prejean says that Catholics seeking to justify capital punishment will now be hard-pressed to find official church teaching to back them up.

The letter comes as debate over a proposed provincial referendum in the Western Cape on the subject of reinstating capital punishment heats up.

Southern African Catholic Bishops' Conference spokesman Father Emil Blaser said the bishops had adopted a strong abolitionist position, and had opposed the death penalty for many years.



# IN THE BOARDROOM

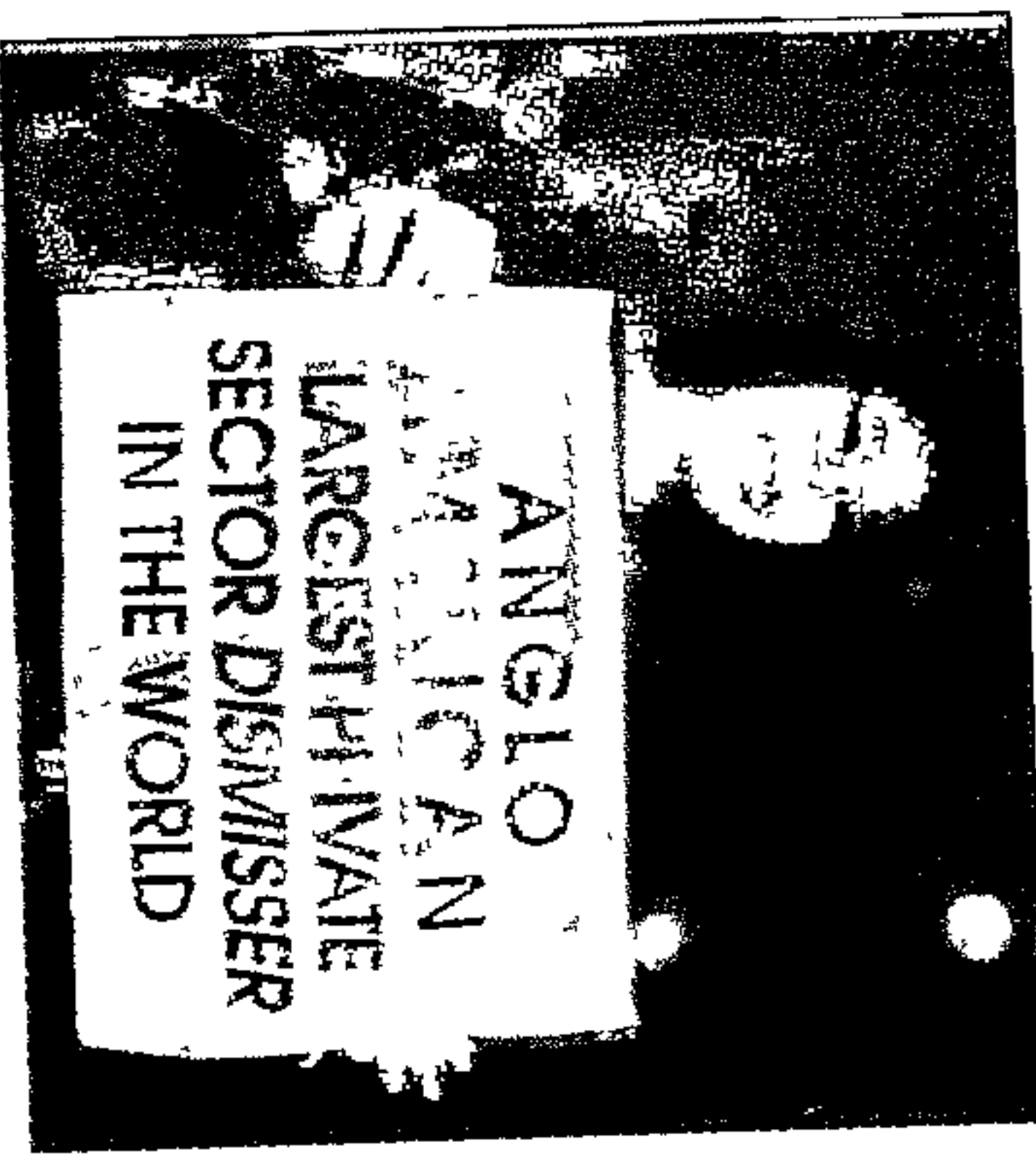
BIG BUSINESS ON TRIAL

*The stock defence of 'we did what we could in our own little way, but maybe we could have done more' wore very thin*

Pictures BRETT ELGOF



INDIGNANT ... Cosatu general secretary Sam Shilowa



CHALLENGE ... Chamber of Mines' Bobby Godsell

# Capitalism covers as labour heckles for admission of guilt

CHARAN RYAN

Looks at the truth hearings on business's role in apartheid

**T**HE Truth Commission hearings into the role of business during apartheid this week provided an opportunity for an anti-apartheid labour and anti-apartheid groups to air old grievances and settle a score or two.

Business's stock defence of "we did what we could in our own little way, but concede we could have done more" to defeat apartheid wore a little thin as the hearings progressed. Ironically, many of the businessmen presenting submissions to the commission — such as Bob Tucker, Anne Bernstein and Bobby Godsell — did more than most of their contemporaries to alleviate the ragged edges of apartheid. There were apologues aplenty, but few businessmen displayed the prophetic tone their accusers were seeking.

Paging back through the annual reports of listed companies in the 1980s, few chief executives make mention of the need for political reform — other than in a perfunctory way — until a visit to the ANC in Lusaka became the politically correct thing to do. No wonder Truth Commission Chairman Archbishop Desmond Tutu declared this week that "no-one today admits to supporting apartheid".

The rote apologies for the damage business may have inflicted on black South Africans elicited gasps of disbelief and the occasional heckle from Cosatu delegates seated in the audience. Cosatu was determined that business should not be allowed to get off the hook with a Nuremberg defence.

Cosatu general secretary Sam Shilowa stepped up the heat by accusing business and the Chamber of Mines of "lying through its teeth" in its submissions, and dismissed claims that Anglo American had been a fierce opponent of apartheid.

Chamber of Mines president Bobby Godsell said the migrant labour system on the mines had caused huge destruction but the challenge now was to build a new mining industry founded on deracialised ownership and management and a restructuring of job classifications.

Anne Bernstein of the Centre

for Development and Enterprise, formerly of the Urban Foundation, argued that corporations exist to make money and are not moral institutions. "Like it or not, this is the best way humankind has found to make money and create economic growth." But the pursuit of business had unintentional consequences, she added. It unleashed democratising forces in the country. By pushing for the abolition of milk control, the Urban Foundation knew "other things would have to follow".

The SA Chamber of Commerce said business could not

be held collectively responsible for apartheid, but emphasised its view that it was an intolerable social and political system which was destined to fail.

Many businessmen said they had decided to pursue "constructive engagement" with the apartheid government rather than direct confrontation. Barlow's chairman Mike Rosholt said many companies had individually called for the removal of discriminatory legislation and the introduction of power sharing, but said this made little impression on government.

The Afrikaanse Handelsinst-

itally endorsing development — which was part and parcel of the majority of the white community's thinking at the time — underwent a change of heart in the early 1980s and amended its constitution to admit members of other races and language groups. The notion that apartheid benefited business in general is a fallacy, it said.

There was some uncomfortable shuffling from white businessmen when Kumi Naidoo of the Apartheid Debt Co-ordinating Committee outlined the case for invoking the concept of "col-

ous debt" which was first applied 100 years ago when the US repudiated debt incurred by Cuba from Spain on the grounds that much of the money had been used to squash attempts by Cubans to free themselves from Spanish domination.

Of the current government debt of R300-billion, about 40% is owned to the Public Investment Commission (PIC), which invests public servants' pension money. The National Party cynically switched from pay-as-you-go funding to fully funding public sector pension funds in 1989, swelling PIC assets by R66-

A study into irregular capital flows shows apparent marketing malpractice by major mining companies which may still be continuing. Some appear to be paying several times the normal commissions to foreign sales agents for marketing exports.

Another trend is the use of sales agents in tax-haven countries. Specific violations of human rights by business identified by the Black Management Forum and township policies of the National Party government — at absurdly long distances from places of work — the willing use

of the police and army to quell disturbances from black workers, support for different wage scales for blacks and whites, denial of leave to practice African customs and the use of culture-biased psychometric testing, a practice which continues throughout the hearings, there was a sense that the liberal white business establishment was on trial — those who proffered opposition to apartheid by treating domestic workers with sympathy, but committed to work from suburban homes and quietly endorsed separate toilets for blacks and whites



# Gugs 7: New evidence for TRC

(252)

AYESHA ISMAIL

ST(CM) 16/11/97

TWO former Vlakplaas agents are expected to reveal for the first time — before the Truth and Reconciliation Commission tomorrow — how the Guguletu seven were killed.

The ANC men died in a shoot-out with police in March 1986 and, despite a widely held view that Vlakplaas was involved in the shooting, two inquests have cleared the police of any blame.

Now two former Vlakplaas operatives — Thapelo Mbelo and Wilhelm Bellingan — are believed to have applied for amnesty for their part in the deaths of the seven.

Mbelo, 35, a police sergeant, is expected to disclose details of how the seven were ambushed and gunned down.

The Cape Metro has learned Mbelo has information on how the riot squad, murder and robbery squad and the security branch planned the ambush.

Bellingan is in the care of the TRC witness protection programme.

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# McBride's wife clashes with TRC

ST 16/11/97

MICHAEL SCHMIDT

A HEATED row erupted yesterday between the truth commission and the wife of former Umkhonto weSizwe commander Robert McBride over a missing police docket on the 1986 Magoo's Bar bombing.

The docket contains information that could help the commission's amnesty committee trace the remaining 39 of the blast's 69 victims ahead of a planned amnesty hearing.

Christelle Terreblanche, a spokesman for the commission, said "There is nothing sinister in the disappearance of the docket, it has merely been destroyed by the police as is common practice after so many years."

She said the commission had done what it could to find the docket.

But McBride's wife, Paula, responded "That is absolute nonsense."

"There are police records going back to the 50s. Do they mean to tell me that a police docket on a case which has attracted such undue public attention has been destroyed in the normal course of things?"

"The investigating officer said he had sent the docket to Pretoria. It is there," she said.

She questioned why truth commission investigators did not use the tools at their disposal, such as subpoenas and search warrants, to get the missing docket.

"They only spoke to three policemen. Robert was not asked if he could assist and neither was his legal representative."

"The trial lawyer was not contacted to see what records he might have."

McBride said she questioned the commission's motives in calling for victims to come forward, the first time it has done so for a single event.

"It will be nice to see whether they also call for victims to come forward if there are applications for the (SADF) raids into Swaziland and Botswana," she said.

Three women — Julie van der Linde, Marchelle Gerrard and Angelique Pattenden — were killed on June 14 1986 by a car bomb set by McBride and several others.

So far, the commission

has only been able to trace the relatives of the deceased and 30 of the survivors.

Hospital records have already been destroyed, as more than five years have elapsed since the patients were treated.

McBride spent four years on death row for his part in the bombing, but the sentence was commuted to life.

He was released in September 1992, along with right-wing killer Barend Strydom, in a deal between the ANC and the National Party.

McBride now heads the South East Asia desk in the Department of Foreign Affairs, a posting which has drawn fire from families of victims of the blast, several of whom gave evidence before the commission last year.

McBride will testify at the hearing and former members of his MK cell involved in the bombing, such as Greta Apelgren, are also expected to appear.

While the commission does not disclose the names of amnesty applicants before the day of their hearings, it is likely that a former MK special operations commander, code-named Rashid, who McBride said gave the order for the bombing, will also be there.

Rashid is now a high-ranking officer in the policy department of the defence force.

(252)



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# Ill-prepared TRC fails to <sup>(a/b/a)</sup> press business for atonement

CT 17/11/97 (BR)

**G**ood actors leave their audiences wanting more. An unfinished air hangs over business' appearance in front of the Truth and Reconciliation Commission (TRC) last week, but few can claim they witnessed a masterful performance in spite of a full house.

Business fell short of providing the right, contrite answers in its historical self-examination. Though some, notably those with a dynastic touch, did better than others.

Equally, the TRC's commissioners displayed the difficulties of a transition from political amnesty applications to testing the conduct of big business over the past half-century.

They asked mawkish and unspecific questions, failing to take the opportunity to press leaders of corporations who would have experienced rougher rides at their ill-attended shareholders' meetings.

The TRC's research capabilities for the time being are evidently expended on the imminent hearing with Winnie Madikizela-Mandela. Shaking the foundations of a business sector, which is striving to forge a new relationship with the ANC government, takes second place.

The brief inquiry into the economy and collusion with the former National Party government did give vent to frustrations. Sam Shilowa, the secretary-general of Cosatu, accused big business, and especially the Chamber of Mines, of "lying through its teeth". Jay Naidoo, Shilowa's predecessor at Cosatu and now a cabinet minister, said whites should beg for forgiveness for imposing a cheap labour system, and expressed his surprise that someone could attempt to

defend Barlow Rand, an arms manufacturer and sanctions buster.

But unconditional apologies and admissions of culpability were not the order of the day.

The commission rattled through submissions from the likes of the Land Bank, the Black Management Forum and Tongaat-Hulett, but the three-day examination of business was over almost as soon as it was started. The shortcomings of the inquiry were reflected by Alex Boraine, the TRC's deputy chairman, who wanted to ask Anglo American, South Africa's largest corporation, a hundred questions, but only found time for two.

Instead, Boraine observed that over the three days attitudes had softened and that the apology by Nicky Oppenheimer, the chairman of De Beers, that Anglo should and could have done more to oppose apartheid was a humility that others had not so readily conceded.

Historians are best placed to judge the role business played during the apartheid era and whether or not they colluded with the government, but the lack of a more penetrating examination as much as remorse may not lay the ghosts to rest as it might have done.

Although business was persuaded to put forward some of its renowned names, the Ruperts and Oppenheimers, rather than wheel out the public relations team, the country's business leaders drew up short of admitting blame for



JAMES LAMONT

poor working conditions, low wages and racial discrimination. That is what the TRC was looking for, but business dodged outright atonement for fear it might come at a compensatory price like the proposed wealth tax on individuals worth more than R2 million.

Business edged away from any associations it might have had with the former apartheid regime and any suggestion that it profited from the policies of racial discrimination. The umbrella defence was that apartheid policies were bad for economic growth. But few chairmen's statements had castigated government policy in their annual reports for hampering growth.

The hearings were embellished with comparisons between the wages of a Rembrandt sweeper and a public sector teacher, the mindless efficiency of the Reserve Bank, allusions to the working conditions of Charles Dickens's Britain, oblique references to St Luke's gospel and the hostile relationship between John Vorster, the former president, and Harry Oppenheimer.

But the ambivalence of business prevailed. Business was not wholly good, but it was not wholly bad either. Friends of apartheid or those who will take responsibility for it have proved elusive. Business is no exception.

As a better, up-to-date understanding of this country unfolds that ambivalence will have to fade away. Just as the TRC encouraged submissions with the assurance of being forward-looking, much of business' better side — commitments to eradicate illiteracy, social investment, the broadening of ownership, training and equal opportunity — lies before it.

COURT ACTION LOOMS

# Tutu 'sad' as PW thumbs nose at TRC

CT 17/11/97

(252)

**P W BOTHA** has reportedly said he refuses to appear before the TRC, but Archbishop Tutu says the commission's patience, and that of the people, is wearing thin.

**T**RUTH and Reconciliation Commission chairman Archbishop Desmond Tutu has expressed disappointment at statements attributed to former state president Mr P W Botha in a Sunday newspaper

Tutu, reacting to an interview with Rapport in which Botha said he would prefer to be taken to court and charged because he was not prepared to appear before the TRC, said yesterday if this was the case the law would take its course

"I am very sad at the way in which Mr Botha has appeared almost to have thrown down a gauntlet to the TRC in a newspaper interview published today," Tutu said in a statement.

"Since I travelled to George to have discussions with Mr Botha a year ago, the commission has gone out of its way to be accommodating to him in view of his age, his health and his position as a former state president"

Tutu said the commission had waited since the beginning of the year for answers to questions it had submitted to Botha in accordance with an agreement made with him last year

"We now understand we will have those answers shortly, but we have constantly extended the deadline for the answers," he said

He said the TRC had made spe-

cial representations to the government to enable Botha to have the necessary legal assistance

The TRC had also proposed a special hearing to accommodate Botha after his representatives indicated that he was not well enough to travel to Johannesburg last month to attend the hearing on the role of the former State Security Council

"In the same way as I was prepared last year to travel to see Mr Botha, we are prepared to hold the second round of our State Security Council hearing in George, close to his retirement home," Tutu said

"In showing this consideration for Mr Botha, we have angered many South Africans who have accused us of being spineless for not unceremoniously calling him to account"

The commission would proceed with organising the second round of the SSC hearing

The Promotion of National Unity and Reconciliation Act required transparency of the commission and such a hearing had to be held in public — in the absence of compelling reasons laid down in the act which would require it to be closed, Tutu said

"A hearing cannot therefore be

replaced by private talks between Mr Botha and myself" he added.

"A subpoena was issued for Mr Botha to appear at the first SSC hearing and it would be odd in the extreme for us to withdraw it for the second. Other former cabinet members have appeared under subpoena, as have people as prominent as Ms Winnie Madikizela-Mandela. We very much hope Mr Botha will agree to attend, but if he

does not, the process will take its course."

Although Tutu did not elaborate, it is understood that the next step would be for the commission to decide whether to lay a charge against Botha

The act says that if anyone subpoenaed does

not appear, without sufficient cause, he or she faces a fine, up to two years' jail, or both

● In East London TRC member Ms Bongani Finca said yesterday that until all South Africans acknowledged the sins of apartheid, national reconciliation would remain an impossible dream

Finca was speaking at an inter-denominational church service on the eve of what Tutu has called a "critical" hearing into the role of the church under apartheid

● Two former Vlakplaas agents are appearing before the TRC in Cape Town today to apply for amnesty for their role in the deaths of the Guguletu Seven (See Page 10) — Sapa





# PW must appear or face the law — Tutu

Stephané Bothma

FORMER president PW Botha would face the full process of the Truth and Reconciliation Act should he ignore a subpoena to appear before a special truth commission hearing on the National Party government's state security council next month, commission chairman Archbishop Desmond Tutu said yesterday.

It appeared almost as if Botha had thrown down a gauntlet to the commission, Tutu said in reaction to an interview published in Rapport newspaper in which Botha said he was not prepared to participate in "a circus".

"Take me to court if you want to charge me, but I will not appear before the truth commission. I do not make appearances in circuses. The time has come to say enough is enough," Botha said.

Tutu said he was saddened by Botha's attitude.

"Since I travelled to George to have discussions with Botha a year ago, the commission has gone out of its way to be accommodating to him in view of his age, his health and his position as a former state president."

In the interview with Rapport, Botha said the commission was "tearing Afrikaners apart".

"I will not be threatened. They must not arrive in George with their circus," Botha said. He was prepared to meet Tutu again in private — this time at the George museum where they could have tea. "I am not asking for amnesty. I did not authorise murders and I do not apologise for the struggle against the Marxist revolutionary onslaught," he said.

Tutu said the commission has waited since the beginning of the year for answers to questions submitted to Botha. "In the same way as I was prepared last year to travel to see Botha, we are prepared to hold the second round of our state security council hearing in George, close to his retirement home."

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# Business 'unable to respond to Tutu's calls for funding'

Louise Cook

(252)  
BD 17/11/97  
BUSINESSES already ran extensive social upliftment programmes and would therefore not be able to respond immediately to truth commission chairman Archbishop Desmond Tutu's call for reparation donations to the President's Fund

Tutu called on businesses last week to make "substantial" contributions to the fund established under legislation to pay reparations to victims of apartheid

However, not one business has yet responded to his appeal

Absa group executive director Bert Giesel said any business of corporate size today ran "extensive" community development programmes and would continue to do so in future

Rembrandt communications director Hans Kioetze backed this view, saying the archbishop's appeal would be considered "on merit" together with other requests. He said Rembrandt had always contributed "generously" to social upliftment programmes.

SA Chamber of Business (Sacob) economic policy director Ben van Rensburg said companies' budgets for social upliftment were not likely to suffer if additional money was put towards the President's Fund. However, this decision was up to individual firms. Tutu's appeal would be dealt with "in a priority fashion, like any other request".

"The main concern is suggestions by Prof Sampie Terreblanche to introduce a wealth tax. That is really of grave concern."

Terreblanche — a Stellenbosch economics professor — said those who had accumulated wealth during apartheid should pay a wealth tax to uplift the disadvantaged.

However, the idea has subsequently been severely criticised in several economic quarters on the ground that it would be impractical.

Robyn Chalmers reports that on the issue of a wealth tax, Sacob director-general Raymond Parsons said at the weekend government should first make greater efforts to collect the estimated R20bn in taxes still due to it.



# While giving up!

(252)

ARG 17/11/97

A former Vlakplaas policeman will tell the Truth Commission's amnesty committee this week that he was ordered to shoot one of the "Gugulethu Seven" guerrillas who had his hands in the air, trying to give himself up, during a police ambush.

This emerged at the start of the amnesty hearing today for former Vlakplaas operatives Wilhelm Raan Bellingan and Thapelo Johannes Mbelo, who are applying for amnesty for their role in the March 1986 deaths of the Gugulethu Seven.

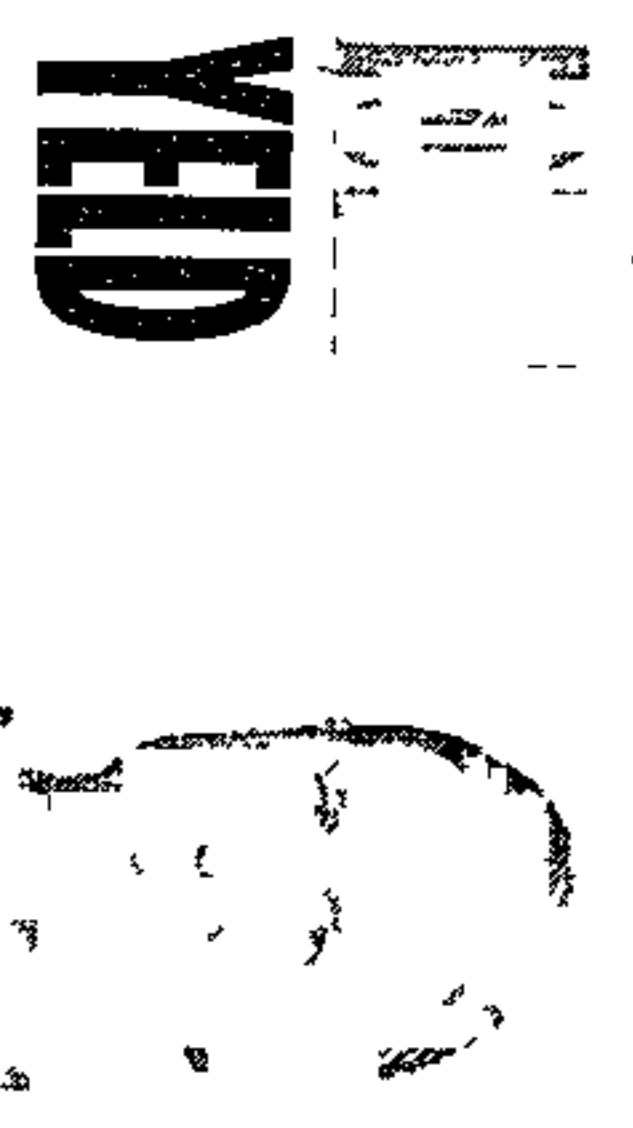
Witnesses to the shooting have always claimed that one of the guerrillas was shot while he had his hands in the air, and another was shot dead "execution-style" while lying on the ground. This was strongly denied by police at the official inquest into the men's deaths and by policemen subpoenaed to appear at the Truth Commission's "special event" hearing about the incident.

Bellingan, who was a sergeant at Vlakplaas at the time, told an amnesty committee panel he had been sent to Cape Town to take command of two Askaris (ANC guerrillas working for the police) who had been infiltrating a "terrorist group" in Gugulethu, KTC and Crossroads.

After information from one of these Askaris and from another informer that this group had been planning to ambush a bus transporting police personnel, a task team had been set up to ambush them. Bellingan said the main aim of the operation had been to arrest the "terrorists".

He had expected a fight and that it would not be "a Sunday school picnic". He could not remember exactly what he had told his men but it was to the effect that if the "terrorists" raised their weapons, they should be shot dead. "If they shoot we will fight to the bitter end," he had said.

When he arrived at the scene, the "terrorists" were already present in a stolen minibus and a shoot-out had ensued. "A person was standing at the door of the stolen vehicle. When I got close to him he lifted his hand and it looked as though he had a stick grenade of Chinese origin in his



ON THE TRUTH COMMISSION

hand. I immediately shot this person and he fell. There was a tremendous shoot-out on the go. Shots were being fired from all sides."

Bellingan said he had subsequently been informed that Mbelo - a police constable who had travelled down with him from Vlakplaas - alleged that he had been ordered to shoot one of the guerrillas who had his hands in the air.

"I am not in a position to admit or deny this allegation, but I am not the person who gave him this order, nor am I the person who subsequently shot this person while he was on the ground," he said.

Bellingan also denied allegations that he had plucked one of the guerrillas from the minibus and shot him dead on the ground, or alternatively that he had shot the guerrilla while he was in the minibus. "That is not so. I shot the person next to the minibus," he said.

He had subsequently learned that this person had not had a hand-grenade in his possession, as he had believed, and had also not been armed. "However, there was a 0.45 calibre revolver inside the minibus which could possibly have belonged to him," he said.

It had been pointed out to him that it could be argued he had acted over-hastily. "I would like to point out that this shooting occurred while a shoot-out was on the go, that I was wounded and that there was very little time for me to take rational decisions."

Bellingan told the amnesty panel he had been wounded when two bullets struck the rifle he was carrying. Shrapnel had struck him in the left eye, and he had subsequently lost "5 to 7%" vision in this eye. The hearing is continuing.



Testimony: former security constable Thapelo Johannes Mbelo is applying for amnesty for his role in the Gugulethu Seven killings.

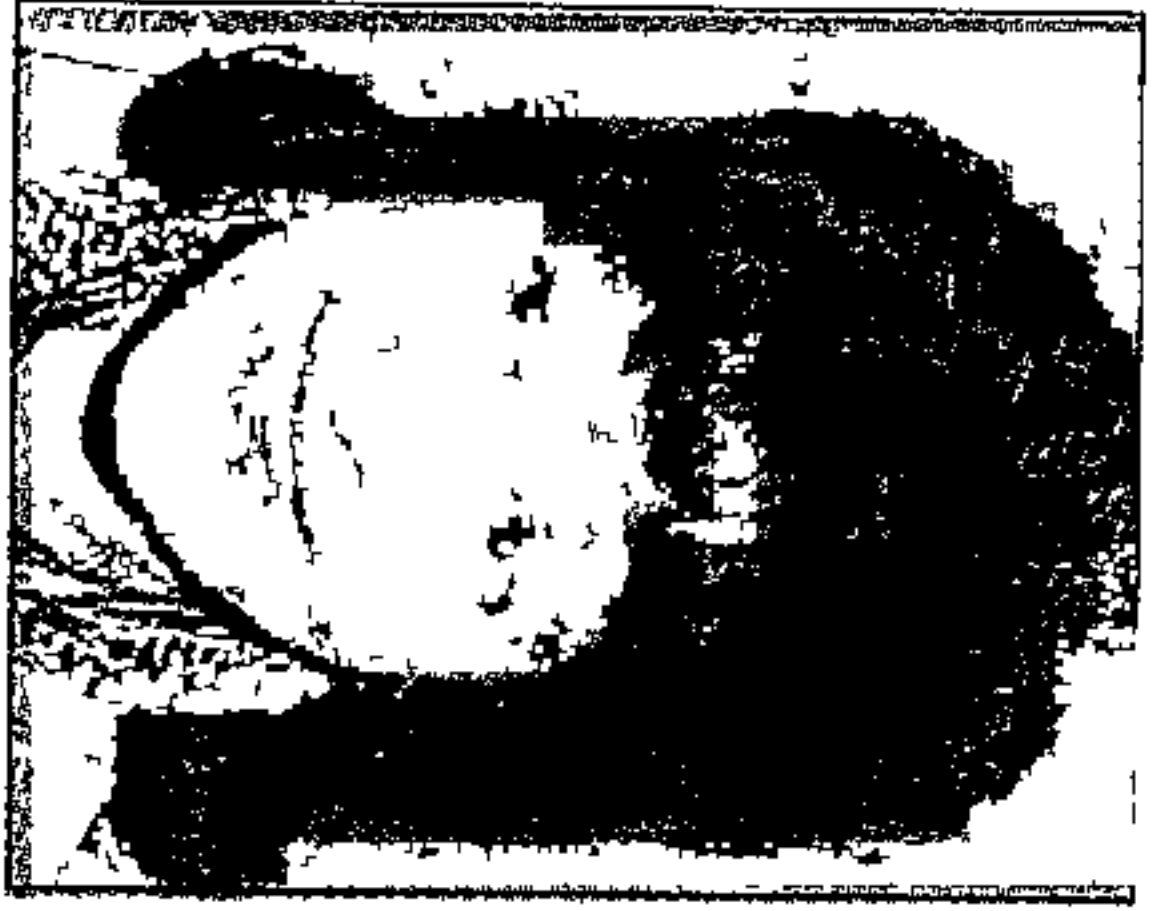
# Angry Winnie lashes ANC over crime Race for deputy post

ARGUS CORRESPONDENT

Johannesburg - Winnie Madikizela-Mandela has accused the African National Congress of being soft on crime, going back on its election promises and ignoring the people who elected it to power.

In interviews with The Star, the Cape Argus's sister newspaper in Johannesburg, and with the American current affairs programme 60 Minutes, Mrs Madikizela-Mandela hit out at the organisation a month before the party meets in Matieleng to elect a new leadership.

Mrs Madikizela-Mandela is standing for deputy president, in defiance of the national leadership. She made it clear she was confident the 3 000-odd delegates would back her. "I know if people want me to be deputy president, I will be deputy president. It is as simple as that," she said.



Sounding off: Winnie Mandela

In a barrage of accusations directed at the leadership, she charged that the ANC's leaders, in particular Safety and Security Minister Sydney Mufamadi, were soft on crime and that criminals "feel they can do as they please".

"The ANC was at fault for not putting the issue of the death penalty to a referendum."

that her upcoming TRC appearance was "another chapter of my life and struggles". She said she had no idea why the ANC was maligning her. "Every day I ask myself why?" Asked if she would bounce back, she said: "I am not bouncing back from anywhere. I am where I was in the 1960s and 1980s. I am where I was yesterday. I will be here tomorrow."

# SACC says it played key role in struggle, but did not do enough

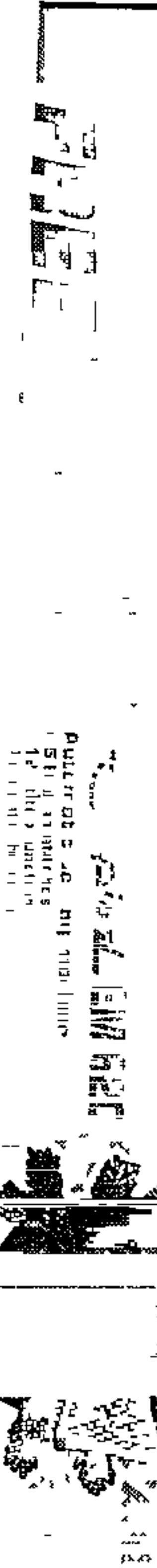
ARG 17/11/97 (252)

East London - South African churches made little concerted effort to stand together against the former National Party government, the SA Council of Churches said in a submission to the Truth and Reconciliation Commission today. SACC general secretary Brigalia

Bam said the council had played a key role in the struggle against apartheid, but "the SACC was reactive rather than proactive in its operation. This allowed the government to set the agenda." The SACC had focused on development projects in under-privileged areas, provided legal assistance to communities,

helped people flee the country and gave shelter to those fearing for their lives. But "the SACC did not do enough to seek out the victims of apartheid." No church in South Africa could claim to have a perfect record of opposing apartheid and all would have to confess to certain shortcomings, TRC chairman Archbishop Desmond Tutu said today. Members of different faiths, including Hindus, Jews, Christians and Muslims, had marched shoulder to shoulder against apartheid. "We were marching against a system buttressed by others claiming to be Christians." - Sapa

# CHRISTMAS SPECIALS!



CHRISTMAS SPECIALS! (Additional text and graphics related to the Christmas specials advertisement.)



# Court battle looms as P W vows to ignore Truth Commission summons

JOHN YELD

The Truth Commission is likely to lay charges against former state president P W Botha if he ignores a subpoena to a second special State Security Council hearing in George early next month.

Yesterday, Mr Botha told an Afrikaans newspaper he would not appear, reportedly claiming "I don't perform in circuses".

The hearing is being specially

arranged in George to accommodate Mr Botha, who lives nearby at the wilderness, because he produced a medical certificate to back his claim that he was physically unable to attend the commission's first SSC hearing in Johannesburg last month.

He had a hip replacement operation shortly before that hearing.

Reacting to Mr Botha's reported remarks, commission chairman Desmond Tutu said he was "very sad" at the way in which Mr Botha

had appeared "almost to have thrown down a gauntlet".

Archbishop Tutu did not state outright that the commission would charge Mr Botha if he failed to appear but he left little doubt as to what would happen.

"We very much hope Mr Botha will agree to attend, but if he does not the process will take its course," he said.

Archbishop Tutu came under strong pressure last year from some

members of his commission to take a tough line with Mr Botha, before convincing them that a personal approach would be more successful.

He then travelled to George to meet Mr Botha for what appeared to have been a successful meeting, at which Mr Botha promised full co-operation.

But Mr Botha appears to have had a change of heart and was reported in yesterday's interview of accusing the Truth Commission of "tearing

Afrikaans apart".

"I don't allow myself to be threatened. They mustn't come here to George with a circus," he was reported as saying.

The truth commissioners are unlikely to be willing to compromise a second time.

Archbishop Tutu said that since his visit to Mr Botha, the commission had gone out of its way to be accommodating to him in view of his age, his health and his position as a former state president.

"We have waited since the beginning of this year for answers to questions which we submitted to him in accordance with an agreement made with him last year.

"In showing this consideration for Mr Botha, we have angered many South Africans, who have accused us of being spineless for not unceremoniously calling him to account."

The commission would now proceed in the normal way with organising the second SSC hearing and this could not be replaced by private talks between Mr Botha and himself, Archbishop Tutu said.

"A subpoena was issued for Mr Botha to appear at the first SSC hearing and it would be odd in the extreme for us to withdraw it for the second hearing. Other former Cabinet members have appeared under subpoena, as have people as prominent as Mrs Winnie Madikizela-Mandela," the Archbishop said.

252

AUG 17 11 19 97

# Religious leaders

## to submit to TRC

*Sowetan 17/11/97 (252)*

**C**HURCH and other religious leaders will converge on East London from today to speak publicly about the role they played in supporting or opposing the former apartheid regime.

Leaders of Christian, Jewish, Muslim and Hindu communities will address a special hearing of the Truth and Reconciliation Commission from today until Wednesday. They are expected to speak about their "important role" in the political struggle during the apartheid era.

TRC officials are also hoping to hear how believers were affected by apartheid rule. And, "probably" most importantly, the panel said it would hear what "contribution the church community was going to make in the process of reconciliation."

So far about 40 denominations and religious communities have submitted written statements describing how apartheid affected them.

Chief among those represented will be the Afrikaner-dominated churches which had racially-segregated congregations and openly supported the

Dutch Reformed Church says it regrets injustices of apartheid era

apartheid government's militant stance against "communist" insurgents in the 1970s and 1980s.

The Dutch Reformed Church - whose members included apartheid government leaders - has said it regrets injustices of the era, but does not admit playing any part in abuses committed by the white-minority regime.

### Defence of apartheid

The NGK was represented in the apartheid-era Afrikaner secret society called the "Broederbond" which helped devise government policies and formulated a philosophical defence of apartheid.

According to a report in the *Sunday Independent*, the NGK's formal submission to the commission is likely to include an admission of its role and an apology to victims as well as to church members.

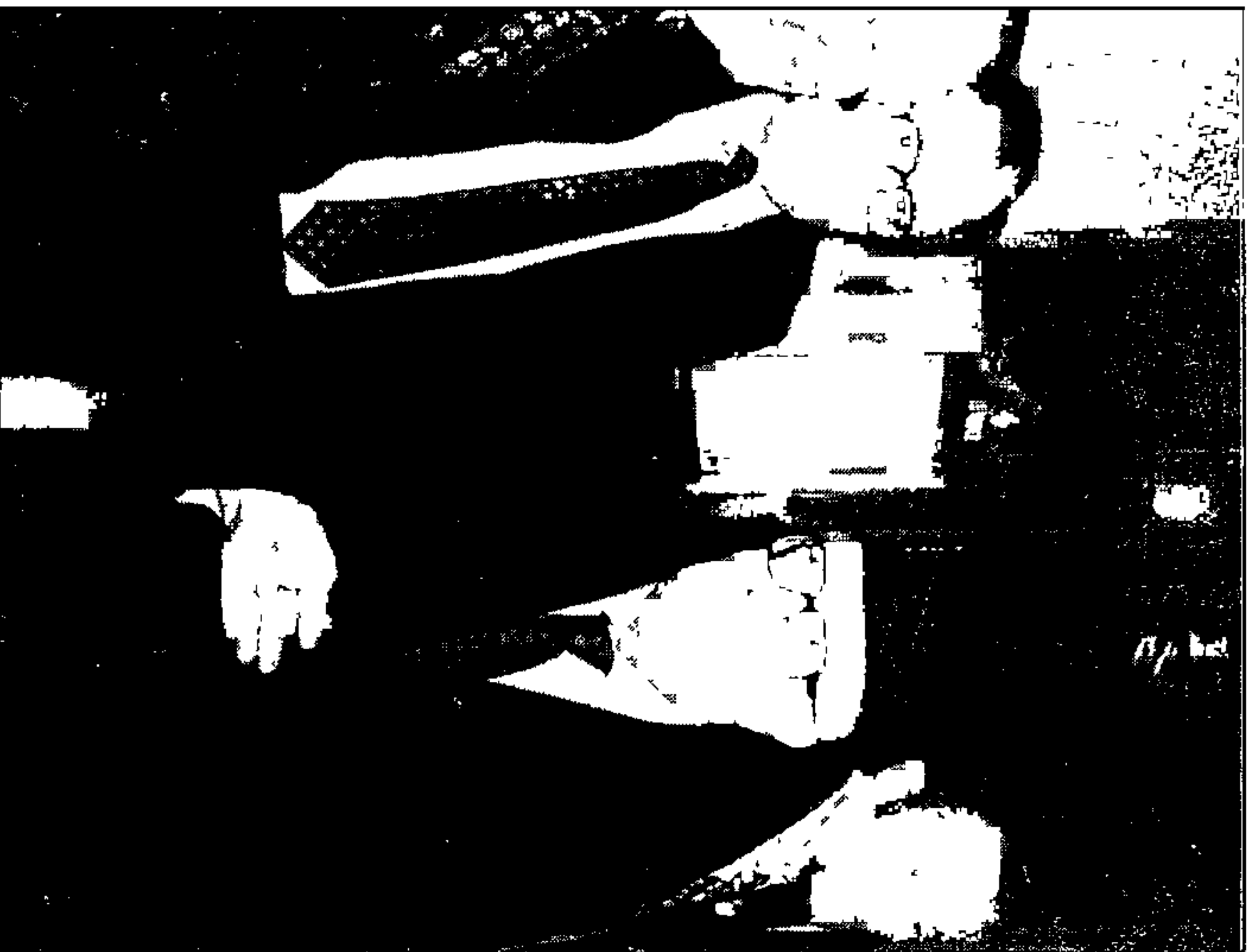
In its submission, the church will

apologise for raising its voice "often too softly" in protest and in compassion, and for sometimes allowing itself "to be taken in tow by political leaders", the newspaper reports.

Many churches played an equally political opposing role against apartheid - ranging from vocal protests against state-imposed racial policies, to covert participation in the African National Congress which fought an armed struggle against the regime.

Reverend Frank Chikane, a former anti-apartheid activist and an adviser to Deputy President Thabo Mbeki, will represent his church - the Apostolic Faith Mission.

Also appearing will be the leaders of two of Africa's largest Christian churches - the mainly-black International Pentecostal Church and the Zion Christian Church - which publicly maintained an apolitical stance during apartheid. - *Sapa-AFP*.



Iraqi deputy prime minister Tariq Aziz, centre, leaves his hotel in Paris on Saturday evening during a stopover in France on what French officials called a technical stopover.

PIC AP



# Gay sex is unopposed

*Sowetan 17/11/97 (252)*

THE Justice Ministry confirmed yesterday that it would not oppose an application to decriminalise same-sex relations between gay men because the parties behind the application had withdrawn certain points the ministry was concerned about

The application by the National Coalition for Gay and Lesbian Equality and the Human Rights Commission will go before the Johannesburg High Court next week

"The points which we were concerned about have since been withdrawn and on that note we no longer intend to oppose the application,"

ministry spokesman Paul Setsetse said

A report in a Sunday newspaper said the application was for an order declaring void the common law offences of sodomy, unnatural sexual acts between men and Section 20(a) of the Sexual Offences Act

Justice Minister Dullah Omar initially indicated that he would oppose the application but when his reasons were made public, they were found to be technical, the report said

It said the coalition and the commission agreed to remove technical obstacles to ensure that the application was not opposed - *Sapa*



# Just providing money is not enough to ensure accused use right to Legal Aid

## Police must ensure arrested person understands rights to legal help, rather than just mouthing them

Star 19/11/97 (252)

By FRANK MOVA

**M**oney, it seems, is not enough to ensure that the right to legal representation, as enshrined in the country's constitution, is upheld.

Under the new constitution, every person who is arrested, or has been convicted, has a right to legal representation. If they cannot afford it, the state is obliged to pay.

The Government, through the Legal Aid Board, has committed R156.5-million to this purpose.

Yet many accused still choose to conduct their own defence. And most of those who do, get convicted.

As Lawyers for Human Rights' national director Dr Vinodh Jachand succinctly put it: "Commonsense dictates, if the state representative is trained and the accused is not, it more likely means that the accused will be convicted."

Ignorance, suspicion, court backlogs, disillusionment and paying lip-service to the right to legal representation keep most accused from using free legal services. Others simply use the reverse right to a representative - the right not to use a lawyer.

Although no statistics are available, it is generally accepted that it is mostly young black males who appear in criminal courts as the ac-

cusced. It is also this group who will be convicted after conducting their own, usually appalling, defence.

Jachand believes magistrates and judges should use their discretion and urge people to use lawyers, unless they insist on conducting their own defence.

"The absence of legal representation may suggest that a substantial act of injustice is likely to occur, and that must guide the decision of the court," he says.

### Conducting your own defence is disastrous

Simply put, looking at the complexity of the charge and the likelihood of the accused being convicted and receiving a stiff sentence, magistrates and judges have the power to order an accused to use a lawyer, unless the accused is absolutely adamant he does not want to.

"Our Bill of Rights is a novel concept for many of our people. To expect them to be fully cognisant of what it means to them would 'be naive,'" says Jachand.

A social worker attached to the National Institute for Crime Prevention and the Rehabilitation of Offenders

(Nicro), Ivan Evans, is concerned with the length of time people who have been arrested, and who do not have legal representation, spend in prison before their cases are eventually settled, whether by conviction or acquittal.

"Many awaiting-trial prisoners spend unacceptably long periods in prison for various reasons; poor policing and witnesses not showing up in court. Many offenders or suspects who may not have developed serious criminal tendencies or who are innocent, stand a strong chance of developing such tendencies when they are forced into contact with career criminals," said Evans.

Evans' other concern is that unrepresented young offenders are sometimes tried in court rooms meant for adults, although he concedes sometimes they are involved with older offenders, prompting a single trial.

Another problem experienced by Nicro is that less serious offences, that could be punished with community-based sentencing options provided by the organisation, are not. Again ignorance on the part of the accused is to blame.

"The effects of most of these leave us with communities which become sceptical about the justice system and induces communities to take the law into its own hands or

leads to mistrust of the judicial and the police system by the offenders and the community at large," Evans says.

The solution, argues Jachand, is for all the workers in the justice system to be assessed for their commitment to a human rights culture.

"It takes more than the mouthing of the words on arrest ("You have a right to an attorney and if you cannot afford one, one will be appointed for you") for the right to be effective," says Jachand.

### Accused do not always understand their rights

hand, adding that the arrested person has to understand the right before it can take effect.

It is "the mouthing" of the right that many court interpreters are guilty of. It is common to find interpreters, in their rush to get the court proceedings started, over simplifying this right to petrified young accused.

Given that many are young and probably in (or should be in) school, more often than not they have no idea of the Legal Aid Board's work.

Many public defenders spoken to blamed the community's lack of trust in them for seeing unrepresented people

get convicted or being sentenced to harsher sentences.

One public defender, accused a court interpreter of spreading disinformation about them (public defenders), claiming they were incompetent. The lawyer alleges, the interpreter urged her client to a particular lawyer for whom the interpreter was canvassing clients.

Other public defenders say there is a misconception that they will not do their best for their clients because they are paid by the Government.

Another public defender said there was a view that if you were innocent you did not need a lawyer.

Legal Aid Board assistant director advocate Carol Bryuns says it is universal that young offenders distrust authority and South Africa is no exception.

According to Bryuns, a specific public defender is usually assigned to juvenile courts where a relationship of trust between the client and the lawyer is nurtured. This relationship usually sees accused people recommending that others use the services of public defenders.

If the noble concepts of justice for all, as enshrined in the constitution, are to be for real, Jachand says, those who work in the justice department need to be human rights-friendly. And they must be seen to be so.



Possible dream ... Betty Ntsoedibe pondering a prosperous future in the legal field.



## PW scorns Tutu's demand to face TRC

Star 17/11/97

(252)

Former state president P W Botha has told the Truth and Reconciliation Commission he will ignore a subpoena to testify about his role under apartheid, and Archbishop Desmond Tutu warned yesterday his defiance could land him in jail.

A spokesman for the commission said Botha's lawyer had told Tutu, the TRC's chairman, that Botha would not recognise the subpoena.

Botha underlined his defi-

ance of the TRC in an interview published in the Afrikaans-language Rapport.

"Take me to court if you want to charge me, I don't appear in circuses," the 80-year-old Botha told the newspaper.

"I did not authorise murders I will not ask forgiveness for fighting the Marxist revolutionary onslaught."

Tutu said in a statement he was disappointed by Botha's defiance, but warned that the

former president would face prosecution if he failed to testify.

"Many South Africans have accused us of being spineless for not unceremoniously calling him to account," he said.

He insisted the subpoena would remain in force.

"We very much hope Mr Botha will agree to attend, but if he does not, the (legal) process will take its course," Tutu said. - Reuters

## Church leaders to testify at special hearing

(252) Star 17/11/97

Religious leaders from various faiths will converge on East London from today to speak about the role they played in supporting, and opposing the former apartheid government.

Leaders of a broad range of Christian, Jewish, Muslim and Hindu communities will address a special hearing of the TRC from today to Wednesday.

They are expected to speak about their role in the political struggle against white rule, the

TRC said at the weekend.

Commission officials also hope to hear how believers were affected by apartheid and, probably most importantly, the panel said it would hear "what contribution the church community is going to make in the process of reconciliation".

So far, about 40 denominations and religious communities have submitted statements on how apartheid affected them. Chief among those repre-

sented will be the Dutch Reformed Church, which supported the apartheid government. Its submission will probably include an admission of its role and an apology to victims as well as church members.

Also appearing will be leaders of the mainly black International Pentecost Church and the Zion Christian Church, which publicly maintained an apolitical stance during the apartheid era - Sapa



# Over 163 000 people helped this year

By FIKILE MOYA

The Legal Aid Board is a government-created institution established under the Legal Aid Act in 1969 to help provide legal help to people too poor to afford services of a lawyer

This year the Board had a budget of almost R156,5-million which, as the year went on, proved to be inadequate.

The board then sent a memorandum to Justice Minister Dullah Omar asking for more money.

Omar's spokesman, Paul Setsetse, said the cabinet's treasury board was still to discuss the request. Setsetse could not say how much the board was short of.

The state, through the board, also pays for land claims cases, the TRC, and appeals to higher courts.

More than 163 000 peo-

ple were represented by the Legal Aid Board in the past year - almost double the approximately 85 000 people who sought the board's help in the 1994/5 year.

The work of the board is divided into three categories:

■ The Judicare system, in which lawyers are instructed by the board to represent accused people in trials and in civil matters.

■ The public defender system, which is currently only available in Johannesburg. This system was started as a pilot project at the Johannesburg Regional Court in 1992.

At first, the system only took lawyers already admitted by the law association but the law was amended in 1979 to allow the public defender to take in candidate attorneys.

Public defenders appear only in criminal courts.

■ The Legal Aid clinic system is the other component of the board's work.

It is conducted as a joint project with universities throughout the country.

Each clinic has a principal and candidate attorneys who provide legal assistance in both criminal and civil matters.

As with public defenders, the board pays the salaries and expenses of attorneys working in law clinics. The lawyers are obliged to do a certain number of legal aid cases per month without charging a fee.

The Legal Aid Bureau, which is sometimes confused with the board, does not use lawyers but provides the services of paralegals.

Star 12/11/97 (272)

# Plan gives aspirant lawyers new hope

By Fikile Moya

Ever since her days as a starry-eyed 13-year-old, Betty Ntloedibe has wanted to be a lawyer.

And, predictably, she felt a sense of accomplishment when she completed her BProc at the University of Durban-Westville in 1995.

But for Ntloedibe the stars in her eyes soon turned to tears of frustration after she could not find employment to serve articles – as it is required before lawyers can start their own practices.

For almost two years, she remained unemployed, sometimes because she would not accept the terms laid down by potential employers, some of whom offered her R400 a month as a candidate-attorney.

Last month, Ntloedibe's luck changed. She got a job as a candidate-attorney at the public defender's office in Johannesburg.

"I had almost given up hope," she says adding that she ended up doing a florist's course and was seriously thinking about doing a computer course to start a career as a secretary, she says.

Ntloedibe considers herself luckier than many of her colleagues, some of whom have been roaming the streets for years.

But there is new hope for Ntloedibe and thousands of other law graduates who struggle to find work after completing their studies.

Justice Minister Dullah Omar has suggested that newly qualified law students do an

internship serving articles in state bodies like the office of the public defender or as prosecutors.

Omar has set up a task team to investigate the viability of the plan.

According to Justice Department spokesman Paul Setsetse the task team will present its views on a variety of issues affecting legal aid in the country to the Legal Forum for Legal Aid Board "by the end of the year".

Setsetse stressed that the proposals to get young lawyers to do community service were different to those proposed by Health Minister Nkosazana Zuma where newly graduated doctors are compelled by law to serve an extra year working for the state.

One of the chief pro-

ponents and supporters of the idea is the president of the Constitutional Court, Mr Justice Arthur Chaskalson.

"Young doctors receive their practical training as interns working in state hospitals after they have qualified. If a similar procedure were to be followed in the training of young lawyers, they would become a resource which could be drawn upon for the provision of legal services to poor people," he said.

The Black Lawyers' Association (BLA) supports the plan, but added: "If the proposed internship means replacing the serving of articles or pupillage (practical training for candidate advocates) then we support the plan," says BLA president Jake Molo.

SPAN 17/11/97



# Church apologises for failing Tutu

CT 18/11/97 (252)

EAST LONDON English-speaking mainstream churches went before the Truth and Reconciliation Commission yesterday to apologise to black congregants for failing to do more to challenge the former government's discriminatory policies

Among the churches was the Anglican church, which apologised specifically to TRC chairperson Archbishop Desmond Tutu, its former spiritual leader

The church, officially known as the Church of the Province of Southern Africa, apologised for its failure to support him against harsh criticism of his call for economic sanctions in the 1980s

Bishop Michael Nuttall said Tutu's call for economic sanctions had been an act of moral courage "It could be said we took too long we allowed others to precede us and take the flak"

Also at the hearing were representatives of the Catholic, Presbyterian, Congregational, Methodist and Reformed Presbyterian churches as well as the SA Council of Churches and the evangelical Church of England

Their submissions were heard by a panel chaired by Tutu, who said "We are here to say to God — and the world — that we have fallen short of Your glory There is no church I know of that will not have something to confess"

In a submission lauded by the TRC panel, Nuttall said the Church of the Province of South Africa had been complacent towards apartheid policies

"The church acknowledges there were occasions when, through the silence of its

leadership or its parishes deep wrong was done to those who bore the brunt of the onslaught of apartheid"

This moral lethargy had been bolstered in part by the church's having developed its own pattern of racial discrimination

"It was all too easy to pass resolutions or make lofty pronouncements condemning apartheid It was all too easy to point a morally superior finger at Afrikaner nationalist prejudice and pride"

White Anglicans owed the Afrikaner community an apology for their attitude of moral superiority, Nuttall said However, the church's chief apology had to be to its black congregants

Bishop Frank Retief said the Church of England had allowed itself to be led by the National Party government into accepting a cruel and oppressive system The government had used the Bible to give the impression it was Christian

"Many members of the Church of England honestly believed the government's propaganda about the communist threat We allowed ourselves to be misled into accepting a social, economic and political system that was cruel and oppressive"

The church's insistence on remaining

neutral in the apartheid conflict had been a major error

Bishop Kevin Dowling told of the Catholic Church's teachings condemning apartheid, its financial support for the alternative newspaper, New Nation, and its role in trying to establish a culture of human rights

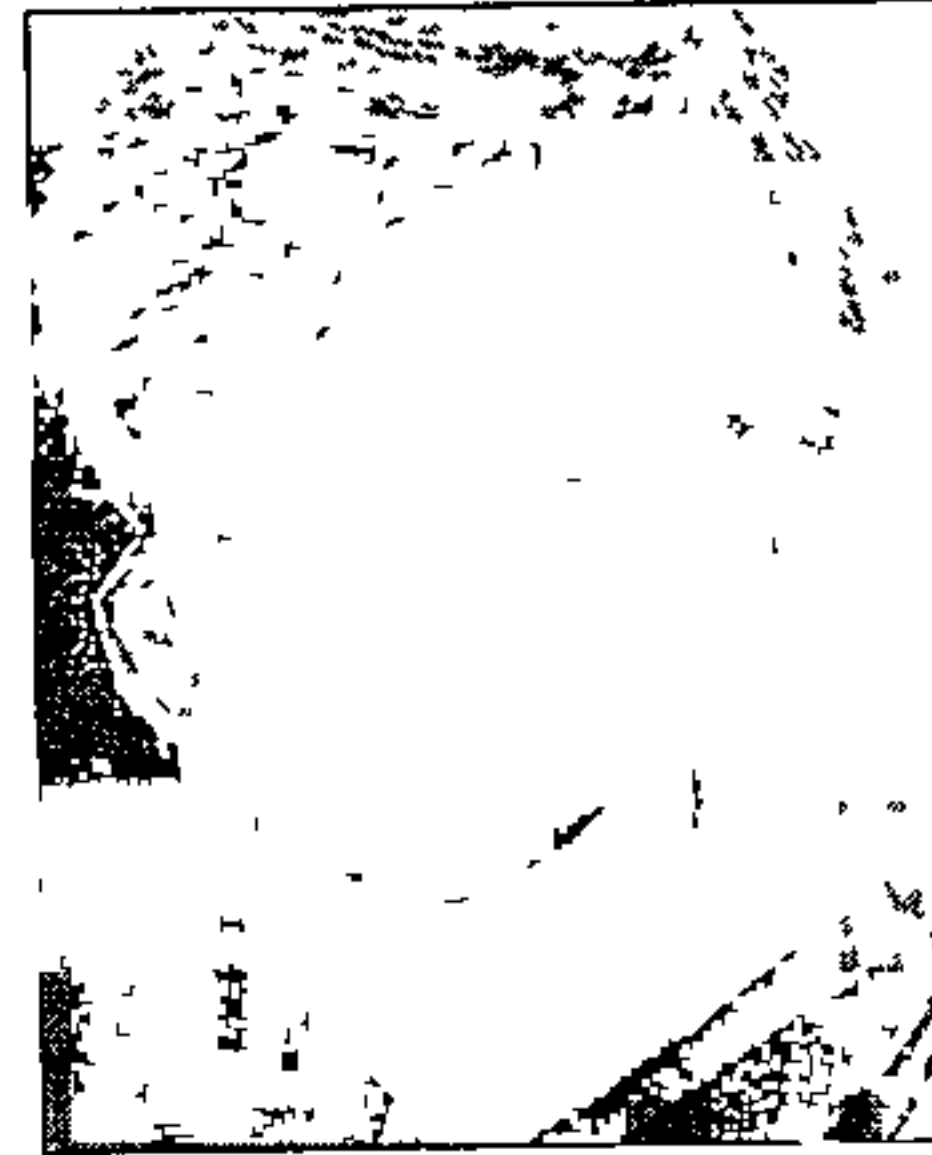
"The complicity of the Catholic Church is found in acts of omission rather than commission," Dowling said "Silence in the face of systematic oppression at all levels of society is perhaps the church's greatest sin"

The church's submission was also critical of the "expedient" political settlement that gave rise to the TRC "From the incep-

tion of the TRC, we were dissatisfied that victims/survivors were asked to sacrifice individual justice for the truth"

The Institute for Contextual Theology said the truth and reconciliation process was limited as it was the product of a political settlement It proposed a separate TRC to probe the churches' role under apartheid

The SA Council of Churches said it had played a key role in the struggle, but had failed to be sufficiently proactive against the government's policies — Sapa



'COMPLACENT': Michael Nuttall



'I LIKED MY WORK'

# Guguletu 7 shot at us

## — Vlakplaas officer

AT 18/11/97 (252)

**THE SCENE OF THE SHOOTING** of the Guguletu Seven will be visited today by the committee hearing the amnesty applications of those involved **ROGER FRIEDMAN** reports.

**T**HE bearded Mr Wilhelm Raan Bellingan, attached to the notorious Vlakplaas security police unit for more than 10 years, felt comfortable in his ammunition-loaded chest-webbing, as he told the judges and lawyers serving on the amnesty committee he had liked his work, and had had "no moral scruples" about belonging to the unit.

Earlier, he had described shooting one of the Guguletu Seven in the head with a pistol — "there was blood spurting out on the tar road" He had mistakenly believed the man to be carrying a stick-grenade.

Bellingan is applying for amnesty for his role in the killing of Christopher Piet, Zibonke John Konie, Mandla Simon Mxinwa, Zola Alfred Swelani, Zamsile Zenith Mjubo, Godfrey Jabulani Moya and Themba Mhifi, in Guguletu in March 1986.

Also applying for amnesty for his part in massacre is former turned ANC cadre and Vlakplaas

operative Mr Thapelo Mbelo

The proceedings continue today with an *in loco* inspection by the committee, wherafter Bellingan's cross-examination by Mr Brent Williams, who is opposing the amnesty applications on behalf of the families of the dead, will continue.

Bellingan testified that Vlakplaas commander Eugene de Kock had sent him to Cape Town to rectify a botched operation involving the infiltration by askaris (turned freedom fighters) of a "terrorist group" in Guguletu, KTC and Crossroads.

De Kock, a long-term prisoner, was present at yesterday's hearing as one of 12 "implicated" parties.

Others on the "implicated" list include former Law and Order Minister Mr Adriaan Vlok and local policemen Director Leonard Knipe, Senior Superintendent

John Sterrenberg and Senior Superintendent Johan Kleyn.

Bellingan said the police had learnt that members of the group had planned to attack a police bus in Guguletu.

They had been unable to arrest the guerrillas because they did not live at fixed addresses, so the police had waited for them in Guguletu to arrest them.

A large force was assembled when the guerrillas arrived they fired on the police, who responded, killing seven, he said.

The guerrillas were armed with pistols, automatic weapons and grenades, Bellingan said. Two policemen were lightly injured.

Although the police meant to arrest, not kill, the guerrillas, Bellingan said he did not expect the operation to resemble a Sunday school picnic and had tucked into his chest-webbing four loaded R1 magazines and a grenade.

Among the list of offences Bellingan admits to in his written amnesty application are the bombing of Community House in



**NEW EVIDENCE:** Former Vlakplaas operative Thapelo Johannes Mbelo, with his lawyer Peter Williams and former commander Eugene de Kock (behind), says he was ordered to execute one of the Guguletu Seven, as the injured man attempted to give himself up.

Salt River and break-ins at houses at Stellenbosch and Rooi Els.

He also owns up to playing a role in the bombings of Cosatu House and Khanya House, cross-border raids into Swaziland and Botswana and sending a bomb to former Vlakplaas commander Mr

Dirk Coetzee

Mbelo will testify that he was ordered to shoot one of the seven, even as the wounded man attempted to surrender. This version of events is similar to that told by witnesses, but which was always denied by the police.



# Council amends death row prisoner legislation

CAPE TOWN — The National Council of Provinces' justice committee yesterday amended legislation dealing with prisoners sitting on death row to allow courts to make substitute prison sentences effective from the date on which they were sentenced to death.

Committee chairman Mohseen Moosa (African National Congress) said this was being effected at the request of Chief Justice Ismail Mohamed.

After argument from Democratic Party delegate James Sefo, the committee agreed its report to Justice Minister Dullah Omar would say that courts should feel compelled, when resentencing death row prisoners to jail terms, to take into account the period they had already served.

The Criminal Law Amendment Bill, introduced after the Constitutional Court's ruling that capital punishment was unconstitutional, provides for setting aside all death sentences and substituting them with other punishments.

In a second amendment to the bill, which was passed earlier this month by the National Assembly, the committee inserted a provision that a court should, if necessary, also hear oral evidence on written submissions in the resentencing procedure.

Its report will also say that in resentencing, courts should take into account all legislation dealing with parole.

The amended bill is to be considered by a council plenary tomorrow, and the National Assembly will be required to ratify the legislation when it reconvenes next week. — Sapa.

(252) BD 18/11/97

# Biology exam goes ahead

THE Gauteng matric biology examination was written yesterday despite reports that the paper had been leaked, the province's education department said.

Sixteen people were arrested on Sunday by the department's investigation team after they were allegedly found selling copies of the biology paper at Lenasia, south of Johannesburg.

Gauteng education MEC Mary Metcalfe earlier said the arrests were a breakthrough in the investigation into exam paper leaks, which have dogged examinations in the province. — Sapa.

# ANC decides on referendum

Kevin O'Grady

AN EXTENDED African National Congress (ANC) national working committee would decide before the end of the year how to involve the public in the debate on where Parliament should be situated, ANC spokesman Ronnie Mamoepa said yesterday.

Addressing a news briefing on a weekend national executive committee meeting, Mamoepa said an earlier executive committee decision that the ANC should have made up its mind about the future seat of Parliament by the end of the year no longer stood.

It was now hoped that by then the extended working committee would have set out deadlines for involving the public and making a final decision.

To suggest that a public referendum might be held on whether Parliament should remain in Cape Town or be moved to Pretoria, Midrand or Bloemfontein would be to pre-empt the outcome of the working committee's deliberations, he said. The issue was not discussed at length at the meeting and would not be on the agenda at next month's conference.

SA NATIONAL Civic Organisation (Sanco) branches in greater Johannesburg announced the disbandment yesterday of its interim regional executive and its replacement by a four-man ad hoc committee.

Sanco Soweto branch chairman Maynard Menu told reporters the interim executive — made up by Nkele Ntingane, Simpiso Thusi, Nick Moghatusi, Philemon Mashitela and Nomso Mabaso — had been disbanded for failing to set up a "proper" regional structure.

The vote of no confidence followed a meeting of greater Johannesburg branches on Sunday.

Menu said three years was a long time for the structures to have been in place and gave the new committee — made up of himself, Emmanuel Tselehi, Godfrey Kgapola and Mzwanele Mayekiso — until March next year to set up the structures.

"The new committee was mandated to formally inform the members of

BD 18/11/97

# Sanco disbands interim executive

the defunct interim committee about the dissolution." Menu said.

He alleged the interim committee undermined branch and provincial committees by ignoring resolutions and decisions arrived at democratically.

He said the interim committee had misguided the national executive on the issue that led to the expulsion of Alexandra branch chairman Mzwanele Mayekiso and the pending court case against him.

Challenging Mayekiso's expulsion, Menu said the branches had not been fully briefed on the reasons by the national executive.

"The Sanco branches in Johannesburg believe that organisational matters cannot be resolved in the courts, but can only be resolved internally, politically in terms of the

organisation's policies and regulations.. Sanco cannot be seen to be taking itself to court."

Sanco national general secretary Mbongeni Ngubeni dismissed the allegations and the disbandment of the interim regional executive.

"Mayekiso was expelled from the organisation for violating national executive council decisions and his expulsion still stands.

"We are still going to court on Tuesday and we are not going to withdraw," he said.

He declined to give the reasons for the expulsion, saying the case was sub judice.

The establishment of an ad hoc committee contravened Sanco's constitution, he said.

Interim executive member Simpiso Thusi called the disbandment "a joke". — Sapa.

# Zimbabwe

Continued from Page 1

guerrillas' payments were the root of Friday's crisis but said a programme to find money for them — estimated at Z\$4bn maximum — had been put to an International Monetary Fund team.

The team would leave today with "no reason to refuse" resumption of US\$62,5m budget support, he said.

Reserve bank governor Leonard Tsumba said Zimbabwe retained 2,5 months import cover of foreign currency reserves.

Murerwa accused banks of using foreign currency accounts, introduced under post-1991 economic liberalisation laws, to speculate rather than fund development as intended.

They would now be barred from holding more than US\$5m in foreign

currency balances.

Reuter reports economists said SA was not at risk of infection from the currency crisis in Zimbabwe.

"To imagine a direct impact on the SA market because of what is happening in Zimbabwe is unrealistic," said Neil Anderson, forex trading head at UAL Merchant Bank in Johannesburg.

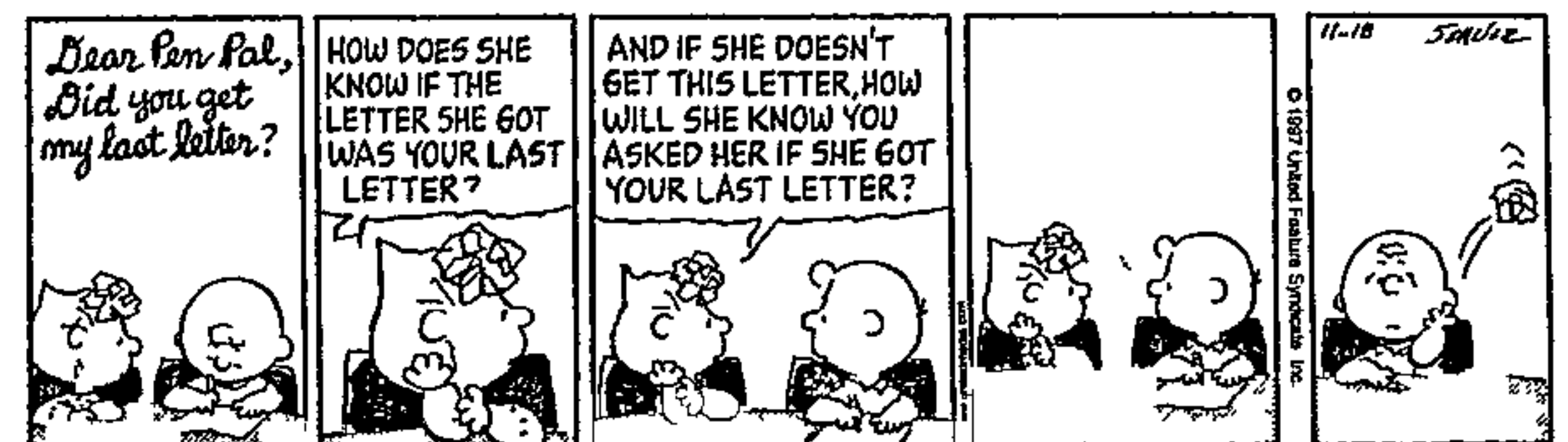
"If the rand gets hit then the other currencies in the region catch a cold, but it doesn't work the other way around," said sub-Saharan analyst James Whittington at ING Barings.

The rand also took comfort on Monday from Reserve Bank governor Chris Stals' assurance that the rand had little to fear from falling gold prices or economic slowdown in east Asia.

Stals said the days of gold calling the shots for the SA economy were long gone and dismissed reports that the rand would suffer from east Asian economic slowdown.

# PEANUTS

By Charles Schulz





## TRUTH: A COMMISSION

# Church 'accepted oppressive system'

(252)

BD 18/11/97

**EAST LONDON** — The Anglican church allowed itself to be misled by the National Party (NP) government into accepting a "cruel and oppressive" system, the church said yesterday.

In a submission to the truth commission in East London, the church said the former government misused the Bible to support an evil ideology.

Testifying on the first day of a special hearing on the role of churches in apartheid, Bishop Frank Retief said the NP used the Bible to support its policies and to give the impression it was a Christian government.

"Many members of the Church of England in SA generally and honestly believed the government's propaganda about the communist threat," Retief told a panel chaired by commission head Archbishop Desmond Tutu. "We allowed ourselves to be misled into accepting a social, economic and

political system that was cruel and oppressive." The church's insistence on remaining neutral in the apartheid conflict was a "major error".

"We declared ourselves to be apolitical and in this way failed to adequately understand the suffering of our many black members who were victims of apartheid."

The church had to accept collective responsibility for its role in the injustices of the past, Retief said.

SA Council of Churches (SACC) general secretary, Brigalia Bam said that reconciliation would follow economic sharing.

"There can never be reconciliation without justice; there can never be reconciliation while there are poor people without houses, and there can never be reconciliation when there are those who have who are not prepared to share with those who do not have."

Bam said the SACC's greatest weakness was that it had reacted to events, rather than being proactive.

"If only we had been able to persuade more churches to join, maybe we would have shortened the struggle in this country," she said.

Bam said the lack of a unified standpoint was still a weakness of the SACC. Institute for Contextual Theology general secretary Rev Wesley Mabuza said the institute felt that everyone with assets worth more than R1m should be taxed to raise the R3bn which was needed for reparation to apartheid victims.

Mabuza said the truth commission had given twisted political meanings to the terms reconciliation and justice.

He said the terms had to be used in a religious context.

"The process hasn't mentioned re-tribution or penance," Mabuza said.

□ The Anglican Church yesterday apologised to Tutu for failing to support him in the face of harsh criticism over his call in the 1980s for economic sanctions against SA.

In a submission praised by the truth body's panel, Bishop Michael Nuttall admitted the church had been complacent in challenging apartheid, despite its official condemnation of the policy.

Nuttall described Tutu's call for economic sanctions as a singlehanded act of moral courage.

The church's highest synod came out in support of the call only in 1989.

"It could be said that we took too long. We allowed others to precede us and take the flak.

"May I on behalf of the church offer to you (Tutu) a profound apology, ask for your forgiveness, and thank you for your extraordinary graciousness and magnanimity," he said — EGN Sapa.



# Guguletu seven 'were not supposed to be shot'

BD 78/11/97 (252)

CAPE TOWN — Former Vlakplaas operative Wilhelm Bellingan told the truth commission's amnesty committee yesterday that the incident in which the Guguletu seven died, had gone wrong. The victims were not supposed to have been shot, but arrested.

However, he had been satisfied that the arrests would not be easy and a shootout was possible.

Bellingan is seeking amnesty for his part in the deaths in March 1986.

This follows revelations made to the commission nearly a year ago that Vlakplaas — a security police hit squad base — was involved in the activists' deaths.

Bellingan and another applicant, Thapelo Mbelo, were previously questioned about the incident by the commission's Western Cape investigative unit in closed section 29 hearings.

The Guguletu Seven died in an alleged shootout with police on March 3 1986. Two consecutive inquests cleared the police.

Bellingan said he had received information at the end of February 1986 that a terrorist group of between 17 and 24 people was planning to ambush a police minibus transporting staff to the Guguletu police station. The staff members, mainly women, were not armed and would be an easy target.

A plan was made to protect the vehicle in case the planned attack went ahead.

Bellingan said attempts were made to locate and arrest those involved, but this did not succeed because they kept moving around.

On the morning of the planned attack, about 20 police officers drove to the area. They were well armed — not because the intention was to shoot people, but because the operation was a high-risk one.

If a shootout did en-

sue, it would be better for the security forces to have the upper hand, he said.

He was a passenger in a police vehicle which stopped a short distance from the intersection where the attack was supposed to occur. He heard an explosion and several shots being fired, two of which hit the vehicle he was in.

A shootout ensued and he was wounded in the eye. Running towards the intersection, he saw a man holding what he believed to be a stick grenade.

He shot the man. It was later found that he did not have a grenade or firearm. A 45 revolver found in the vehicle the man had emerged from, could have belonged to him, Bellingan said. Allegations that he had pulled the man from the vehicle and shot him on the ground were not true.

The operation had not gone according to plan. It had been intended to arrest the perpetrators when they moved towards the police staff minibus.

Bellingan said that as far as he could remember there had never been an order that they were to be killed. However, he accepted full responsibility for what happened because he was in command.

Questioned by a lawyer representing some of the victim's families, Bellingan could not explain why the man he had shot had been hit in the back of the head — Sapa

# Tutu apologises for Christian 'arrogance'

(252) ARG 18/11/97  
East London. Truth Commission chairman Desmond Tutu apologised today to South Africans of other faiths for the "arrogance" of Christians who behaved as though theirs was the only religion.

Archbishop Tutu, former head of the Anglican Church in southern Africa, tendered the apology at the beginning of the second day of the TRC's special three-day hearing in East London on the role of the church under apartheid.

"I would want to, and I am sure all my fellow Christians would want to, apologise to members of the other faiths for our arrogance as Christians," he said.

Christians did not have a monopoly on God.

Just as the various faiths had worked together to oppose apartheid, now they needed to join forces for the healing and reconciliation of South Africa, Archbishop Tutu said. - Sapa

million rand to invest in any Nedbank

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r the winner keeps the interest as well

capital growth. A Personal Financial

will be made available to help the

s plan their Nedbank investment port-

or optimum returns.

stments will be accepted from Wednesday,



# Viakplaas pistol 'used in robbery'

## Weapon linked to Cape heist, Guguletu 7 hearing told



JOHN YELD  
ON THE TRUTH COMMISSION

A Tokarev pistol issued to Viakplaas security police taking part in an operation against the "Guguletu Seven" guerrillas went missing after the incident and was later used in an armed robbery in the Peninsula.

The Truth Commission's amnesty committee is today giving an application by Peter Williams, representing Mbelo, In Riegan Bellangan and Thapelo Johannes Mbelo.

"They are seeking amnesty for their roles in the controversial killing of the seven - Zandile Zantu Mfobo, Zola Alfred Swelani, Mandla Simon Mxinwa, Godfrey Jabulani Mya, Themba Mlali, Zabonke John Komle and Christopher Pret - in Guguletu on March 3, 1986.

Bellangan, who was a sergeant at the time and who was based at Viakplaas from its inception in August 1981 to its disbandment in March 1989, testified that he had been ordered by the then Viakplaas commander, Eugene de Kock, to go to Cape Town.

his undercover men, to back up their claim to being "trained terrorists".

During cross examination by Peter Williams, representing Mbelo, Bellangan confirmed that the Tokarev pistol issued to his team had gone missing after the incident.

He said that a few months later the pistol had been used in an armed robbery in the Peninsula.

Bellangan was closely questioned by Brent Williams, appearing for the families of the seven, about discrepancies in the two amnesty application forms he had submitted in connection with the incident.

In the first, he had applied for amnesty for "conspiracy to murder" but in a subsequent application, he applied "for any crime or delict (offence) which emerges from the circumstances surrounding the deaths of the Guguletu Seven".

Bellangan responded that his first description had been "a mistake on a piece of paper" and that it was "a technical legal point".

He had subsequently been told by the Truth Commission there were



Amnesty bid, former Viakplaas operative Riegan Bellangan



In charge: Eugene de Kock sent Viakplaas men to Cape Town

allegations that the person he had shot had not been armed, and that "wrong had been done". This was why he had submitted a new application after consultation with his lawyers "I didn't know where I stood," he said.

Bellangan, who confirmed being "proud" of his work as a Viakplaas policeman and that he had believed in what he had done, said he could not explain how the person he had shot -

whom he believed had been about to throw a grenade at him - had a bullet wound in the back of his head above his ear.

He denied the allegation by another witness that he had shot one of the seven while the guerrilla was lying on the ground.

(252)

ART 18/11/97

# 'Muslims silent on apartheid abuses'

East London - Cape Town Muslim theologian Faried Essack launched a scathing attack on Muslim leaders today, accusing them of betraying and marginalising the anti-apartheid struggle.

"The religious leadership, despite whatever nice words are used their contribution was essentially one of betrayal," Dr Essack told a special Truth and Reconciliation Commission hearing in East London into the role of the various faith communities under apartheid.

"There was a denial of space for all those who opposed apartheid and who were part of the anti apartheid struggle," he said.

Between 1961 and 1964 the the Muslim Judicial Council issued just five statements condemning acts of apartheid and held only one public meeting.

The leadership also remained silent when, in 1979, Imam Abdullah Haroon died in detention. More than 25 000 people attended his funeral.

"Not a single voice in the Muslim community was raised about the nature of his death and the injuries on his body. This silence held for seven years at mosque level and Muslim publication level. Now it has come out that he was murdered."

Dr Essack, a former national coordinator of the Call of Islam, said progressive Muslims had succeeded in publicly marginalising the Muslim leadership. "However, internally in

religious circles we remained the marginalised."

On future reconciliation, Dr Essack said words like peace and reconciliation were empty unless they were accompanied by socio economic transformation.

"Despite the limitedness of your own mandate there is a significant question of economic justice as a means to true reconciliation. There needs to be a recommendation (in the TRC's final report) on economic redistribution of the resources of our land."

Ashwin Trivakumar of the Hindu Maha Sabha, the national body of Hindus in South Africa, focused on the effect of the former government's discriminatory policies on the Indian community.

Indians had neither supported nor condoned the actions of the apartheid government, he said.

"When the tricameral system was established they did not offer any support to those who took up positions in that parliament.

"The voting pattern during the elections was sufficient indication of the lack of support given by the community to that system."

Mr Trivakumar admitted, however, that "so-called" leaders of the Hindu community had failed to protest against apartheid. "The community failed to remove the leaders. The perception was created that Hindus were part of the system." - Sapa

(252)

ART 18/11/97

# Mainstream churches before TRC

Anglican Church apologises to Tutu for failure to support him in the 80s

**E**GLISH-SPEAKING mainstream churches came before the Truth and Reconciliation Commission yesterday to apologise to black members for failing to do more to challenge the former government's discriminatory policies.

Among churches making submissions at the special three-day hearing in East London was the Anglican Church, which also apologised to TRC chairman Archbishop Desmond Tutu for its failure to support him in the face of harsh criticism over his call for economic sanctions against South Africa in the 1980s.

Joining the Anglican Church were representatives of the Catholic, Presbyterian, Congregational, Methodist and Reformed Presbyterian churches as well as the SA Council of Churches and the evangelical Church of England.

Their submissions were heard by a panel chaired by Tutu, who began by telling the churches that none of them could claim a perfect record in opposing apartheid.

"We are here to say to God, and the world, that we have fallen short of your glory. There is no church I know of that will not have something to confess, to shortcomings," he said.

In his submission, Bishop Michael Nuttall admitted that the Anglican Church - also known as the Church of the Province of SA (CPSA) - had been complacent in challenging apartheid policies.

"The CPSA acknowledges that there were occasions when, through the silence of its leadership or its parishes, or their actions in acquiesc-

ing with apartheid laws where they believed it to be in the interests of the church, deep wrong was done to those who bore the brunt of the onslaught of apartheid," he said.

This moral lethargy had been bolstered in part by the fact that the church had, over the years, developed its own pattern of racial inequality and discrimination.

"It was all too easy to pass resolutions or make lofty pronouncements condemning apartheid. It was all too easy to point a morally superior finger at Afrikaner nationalist prejudice and pride." White parishes had, like white business, benefited from apartheid, Nuttall said.

The evangelical Church of England said it had allowed itself to be misled by the former National Party government into accepting a cruel and oppressive system.

Bishop Frank Retief said the government had used the Bible to support its policies and to give the impression it was a Christian government.

"Many members of the Church of England in South Africa generally and honestly believed the government's propaganda about the communist threat," Retief said.

The Catholic Church's record as a staunch opponent and vocal critic of apartheid was sketched by Bishop Kevin Dowling. He said, however, "The complicity of the Catholic Church in the past is found in acts of omission rather than commission."

The SACC admitted churches had made little concerted effort to stand together against the former regime - Sapa



WVS

# Catholics, Anglicans beg for forgiveness

(252) Star 18/11/97

English-speaking churches acknowledge they did not do enough to oppose apartheid

AFP East London

The Anglican and Catholic churches confessed and begged forgiveness yesterday for contributing to the oppression of countless blacks during apartheid rule. The two denominations were among a number of English-speaking Christian groups to offer broad apologies at a special hearing of the Truth and Reconciliation Commission. Anglicans and Catholics both voiced varying degrees of opposition to apartheid during its final years. Bishop Michael Nuttall, representing the Anglican Church of the Province of South Africa, made a personal plea to his former boss - the truth commis-

sion's chairman Archbishop Desmond Tutu - for forgiveness. The Roman Catholic Church, meanwhile, said it was not innocent of supporting "the sin of apartheid". While Catholics labelled in 1957 the system of racial separation under apartheid as "intrinsically evil", the church maintained its own racially segregated seminaries until the 1970s. Bishop Kevin Dowling admitted that the Catholic Church's ranks included "supporters and perpetrators of apartheid atrocities", although the church itself preached "reconciliation between victims and perpetrators". The Anglican Church failed to support Tutu in his 1980s bid to win international sanctions

against SA, and perpetuated racism and inequalities among its own priests, Nuttall said. "I ask forgiveness for our moral lethargy and acquiescence .. our own pattern of racial favouritism." Tutu commented that, until recently, white church employees earned more than other races. Frank Retief, leader of the break-away evangelical Anglican movement, the Church of England in SA, admitted it was "unsophisticated" in its non-political stance during apartheid. Congregationalists, Methodists and Presbyterians also admitted not doing enough to end apartheid. The Dutch Reformed Church is expected to make an apology tomorrow

## Guguletu 7 'not intended to be shot'

Cape Town - Former Vlakplaas operative Wilhelm Bellingan told the TRC's amnesty committee yesterday that the incident in which the Guguletu Seven died had gone wrong, and the victims were not supposed to have been shot, but arrested. However, he had known that the arrests would not be easy and a shootout was possible. Bellingan is seeking amnesty for his part in the deaths of the seven in 1986. This follows revelations made to the TRC nearly a year ago that Vlakplaas was involved in the activists' deaths. Bellingan and another applicant, Thapelo Mbelo, were previously questioned about the incident by the TRC's Western Cape investigative unit in closed Section 29 hearings. The Guguletu Seven died in a shootout with police in Guguletu on March 3 1986. Two consecutive inquests cleared the police.

Bellingan said he had received information at the end of February 1986 that a terrorist group of between 17 and 24 people was planning to ambush a police minibus transporting staff to Guguletu police station. On that fatal day, a shootout ensued and he was wounded in the left eye. Running in the direction of the intersection, he saw a man holding what he believed to be a stick grenade. He shot the man. It was later found that the man did not have a grenade or firearm. Questioned by a lawyer, Bellingan said he could not explain why the man he had shot had been hit in the back of the head. - Sapa

## Human rights abuses deadline weeks away

By Daisy Jones

The Truth and Reconciliation Commission has urged people who have not yet spoken out about human rights abuses during the apartheid era to make victims' statements in the next three weeks. The TRC, which has already collected 12 000 statements from victims and survivors of human rights violations, said

yesterday that December 14 was the deadline for people whose families had suffered killings, torture and abduction between March 1960 and May 10 1994, to make statements. People who did not comply by that date would not qualify for reparations. According to a proposal being considered by the TRC, victims will qualify for annual payments of up to R24 000 for a

period of five years. Human rights violations committee secretary Ruben Richards said most of the statements had named state functionaries as the perpetrators. "The liberation movements had also committed violations, but these are outnumbered by those of arms of the state." People still wishing to make statements can contact the TRC on (012) 24-5162

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**NEWS NATIONAL**


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# 'Guguletu 7' shooting relived

*Sowetan 19/11/97 (252)*

**By Ido Lekota**  
Political Reporter

MEMBERS of the Truth and Reconciliation Commission's amnesty committee yesterday relived the shooting by police of the "Guguletu 7" when they made an inspection of the area in Guguletu where the 1986 incident took place.

However, the inspection was hampered by the fact that the bush where some of the youths were killed has now been replaced by the sprawling informal settlement of Crossroads.

The inspection preceded a further cross examination of former Vlakplaas Captain Welingham Bellington who is applying for amnesty in connection with the incident.

According to Bellington, two of the seven youths were chased into a nearby bush and were killed when they tried to fire at their pursuers.

A police video shown during the hearing showed one of the deceased with a Tokarev pistol in his right hand. However,

an earlier frame in the same video showed two officers mentioning that a policeman by the name of Trompie Theron had the Tokarev before the shooting.

Asked to explain the discrepancies, Bellington said he did not make the video. According to Bellington a video unit which was part of the operation recorded the "Guguletu 7".

However the video shown during the hearing only had scenes after the seven youths were killed. When asked why the video unit did not record all the events of the operation, Bellington said he could not comment.

"I was not in charge of the video unit," Bellington said. He was then asked whether the video could have been a patchwork of various scenes. "I do not know," he said.

The Vlakplaas captain went on to say he accepted full political responsibility for the killing of the "Guguletu 7".

Bellington, who described himself as now being apolitical, accused the former government and generals of betraying the security forces.



## RELIGIOUS LEADERS SLATED

# Muslims 'betrayed struggle'

ET 19/11/97 (202)

**EAST LONDON:** A special hearing into the role of different-faith communities during the apartheid era heard that Muslim leaders betrayed the struggle against the system

**M**USLIM theologian Dr Fariel Esack launched a scathing attack on Muslim leaders yesterday, accusing them of betraying and marginalising the anti-apartheid struggle

"The religious leadership, despite whatever nice words are used. Their contribution was essentially one of betrayal," Esack told a special Truth and Reconciliation Commission hearing into the role of different-faith communities under apartheid

"There was a denial of space for all those who opposed apartheid and who were part of the anti-apartheid struggle," he said

Between 1961 and 1964, the Muslim Judicial Council issued just five statements condemning acts of apartheid and held only one

public meeting

Also, the leadership remained silent when, in 1979, Imam Abdullah Haroon, died in detention. "Not a single voice in the Muslim community was raised about the nature of his death and the injuries on his body. This silence held for seven years at mosque level and Muslim publication level. Now it's come out that he was murdered."

Esack, a former national coordinator of the Call of Islam, said progressive Muslims had succeeded in publicly marginalising the Muslim leadership. "However, in religious circles we remained the marginalised."

On future reconciliation, Esack said words like peace and reconciliation were empty unless they were accompanied by socio-economic



**SCATHING:** Fariel Esack

transformation

"Despite the limitedness of your own mandate, there is a significant question of economic justice as a means to true reconciliation. There needs to be a recommendation on economic redistribution of the resources of our land."

Mr Ashwin Trikamjee of the Hindu Maha Sabha, the national body of Hindus in South Africa, focused on the effect of the former government's discriminatory policies on the Indian community

Indians had neither supported nor condoned the actions of the apartheid government, he said. "When the tricameral system was established they did not offer any support to those who took up positions in that parliament."

"Voting during the elections was an indication of the lack of support given by the community to that system."

Trikamjee admitted, however, that "so-called" leaders of the Hindu community had failed to protest against apartheid. "The community failed to remove the leaders. The perception was created that Hindus were part of the system." — Sapa



# Second subpoena on the way to Groot Krokodil

CT 19/11/97

(252)

THE Truth and Reconciliation Commission is to issue a second subpoena to former state president, Mr P W Botha, summoning him to appear at the next round of hearings on the State Security Council (SSC) in Cape Town on December 5

It is understood that the document has already been drawn up, and is likely to be delivered to Botha's lawyer in Pretoria today

Commission sources said a decision over a venue for the hearings was holding up the process

TRC spokesperson Ms Christelle Terreblanche said former defence minister Mr Magnus Malan and former head of the National Intelligence Service Dr Neil Barnard would appear at the hearings, at the same venue, on December 4

Botha was subpoenaed to attend the first



ANOTHER CALL-UP: P W Botha

SSC hearing in Johannesburg earlier this month, along with members of his former cabinet

His testimony was postponed on the grounds of ill-health but TRC chairperson, Archbishop Desmond Tutu, said the next round could take place at George, near Botha's home, to accommodate him

However, Botha said at the weekend that he refused to appear in person before the commission which was "a circus"

Tutu said on Monday that the hearing would continue, and that if Botha was not willing to attend, the commission's founding act — which provides for up to two years' jail for disobeying a subpoena — would come into play

Terreblanche said the TRC was "underscoring the fact that he is still under subpoena" by issuing a second — Sapa





'ARROGANCE': Desmond Tutu

# Tutu says sorry to other faiths

ET 19/11/97

EAST LONDON: Truth and Reconciliation Commission chairperson Archbishop Desmond Tutu apologised yesterday to South Africa's other faith communities for the arrogance of Christians who behaved as though theirs was the only religion.

Tutu, a Nobel Peace Prize-winner and former head of the Anglican Church in Southern Africa, tendered the apology at the start of the second day of the TRC's special three-day hearing here into the role of the church under apartheid.

Representatives of the Hindu, Jewish and Muslim communities, were to testify at yesterday's hearing.

"I would want to, and I am sure all my fellow Christians would want to, apologise to members of the other faiths for our arrogance as Christians," Tutu said.

"For so long we behaved as if we were the only religious faith in this country when in fact from the year dot we have been a multifaith society." In the past, non-Christian faiths had been given virtually no time on radio or television.

"We claim arrogantly, a claim that is difficult to justify, that this is a Christian country. I've never known what we meant by that, unless we are merely claiming that the majority of the country are Christians." — Sapa

# Chief Rabbi promises to back wealth tax proposal

CT 19/11/97  
(252)

EAST LONDON: A number of Jewish businessmen supported the idea of a wealth tax to correct past economic imbalances, South Africa's Chief Rabbi Cyril Harris told the Truth and Reconciliation Commission yesterday

Harris was testifying on the second day of the TRC's special three-day hearing here on the role of the church under apartheid.

He said he would throw his weight behind proposals for a wealth tax to bridge the "chasm" between South Africa's haves and have-nots

"I really feel that the religious community has to endorse practical programmes for redistribution"

He had discussed the idea with a number of Jewish businessmen, who had expressed support for such a tax, he said. However, they were also concerned it could deter investment

Harris also tendered a collective

apology on behalf of South Africa's Jews for their failure to protest more loudly against apartheid

"The Jewish community benefited from apartheid and an apology must be given. We ask for forgiveness"

Fear had been a major reason for the silence of the broader Jewish community in the face of apartheid, which Harris described as a "monstrous and abhorrent" system

"Apartheid was a very repressive system. The Jewish community is very small, only 130 000 members at its height," he said

As part of the worldwide post-Holocaust generation, Jews in South Africa had developed a "hyper-sensitivity" towards survival

"They wanted to survive at all costs. There was a fear of anti-semitism. Before World War II, the government banned Jews from South Africa"

Harris said many Jews had

played a key role in the struggle against apartheid and had been outspoken in their condemnation of the system

Quoting Water Affairs Minister Mr Kader Asmal, he said the Jewish community had produced proportionately more heroes in the struggle than any other white group

Most Jews had voted for the United Party and subsequently for the Progressive Federal Party and the Democratic Party

"Whatever might have been the reason for the voting patterns that emerged clearly in election after election, the truth is that Jews overwhelmingly and continuously voted against the governing National Party, more so than any other white group in South Africa"

The Jewish community was actively involved in reconstruction and development with the establishment two years ago of Tikkun, a community project to uplift the disadvantaged, Harris said — Sapa





ORDERS 'TO TAKE OUT' GUGULETU GROUP

# Police mission 'was to kill'

IT WOULD HAVE been easy to arrest the Guguletu group as askaris knew where to find the men said to be intent on an ambush, says former Vlakplaas operative Thapelo Mbelo.

WORDS used at a police planning meeting before the incident in which the Guguletu Seven died made it clear that the mission was to kill the freedom fighters, former Vlakplaas operative Mr Thapelo Mbelo told the Truth and Reconciliation Commission's amnesty committee yesterday.

Mbelo and his former Vlakplaas colleague, Mr Wilhelm Bellingan, are applying for amnesty for their part in the deaths of the Guguletu Seven in a shootout on March 3, 1986 in Guguletu.

In his evidence-in-chief, Mbelo said he and his colleagues were told at the meeting that a group was planning to attack a police minibus ferrying staff to the police station. "As far as I recall, we were not instructed to arrest members of the

group," Mbelo told the hearing. Although the word "kill" was not used, the policemen were told to "take them out" and "sweep" them.

To Mbelo's knowledge, this meant "we should kill them."

In his affidavit, Mbelo said if the police had wanted to arrest members of the group, it would have been easy for them to do so because the askaris who had infiltrated them could have told the police where to find them.

He described to the committee how the police officers at the meeting had been instructed to take up certain positions at the scene of the planned attack on the minibus. The attack did not take place

ET 19/11/97

As the police were dispersing, Mbelo noticed some of the suspects on the pavement. As he thought they were intent on attacking policemen, he radioed this information to his colleagues. The shooting began soon afterwards.

Mbelo saw one of the suspects, Mr Christopher Piet, running and firing a gun.

Piet was shot and fell to the ground, but Mbelo could not see who had shot him.

Mbelo stopped the vehicle he was driving. An attacker came up to him with his hands in the air and told him in Xhosa that he would show the police where the others were.

However, after the man had been disarmed, a riot squad sergeant ordered Mbelo to shoot him. He complied, shooting him in the head. The officer shouted at

(252) him "y skiet kak" and shot the man in the stomach.

Mbelo said he had seen his then-commander, Bellingan, pull another suspect from a vehicle and shoot him twice.

After the incident, Mbelo drafted a statement, but Bellingan declared it unacceptable and rewrote it.

This later statement had been a fabrication, Mbelo said. He asked the families of the deceased to forgive him and offered to meet them one by one to apologise.

He had known before the operation that it would be impossible to arrest the group as they would shoot, he said — Sapa.

● In a report in the Cape Times yesterday it was incorrectly stated that Vlakplaas operative Mr Wilhelm Bellingan wore ammunition-loaded chest-webbing to his amnesty committee hearing. He testified that he preferred wearing it in the heat of battle



HOW IT HAPPENED: Amnesty applicant Wilhelm Bellingan and Mr Justice David Wilson of the Truth and Reconciliation Commission amnesty committee inspect the scene of the shooting of the Guguletu Seven, yesterday.

PICTURE: BENNY GOOL



## TRUTH COMMISSION

# Jewish support for wealth tax, says chief rabbi

EAST LONDON — A number of Jewish businessmen supported the idea of a wealth tax to correct past economic imbalances, SA's chief rabbi Cyril Harris told the truth commission yesterday.

Harris was testifying on the second day of the commission's special three-day hearing in East London into the role of religious communities under apartheid. He said he would throw his weight behind proposals for a wealth tax to bridge the "chasm" between South Africa's haves and have nots.

Harris said a number of businessmen had expressed support for such a tax, though they

were concerned that it might be a disincentive to investment.

Harris also tendered a collective apology on behalf of SA's Jews for their failure to protest more loudly against apartheid.

"The Jewish community benefited from apartheid and an apology must be given.... We ask for forgiveness." He said fear had been a major reason for Jews' silence.

Quoting Water Affairs Minister Kader Asmal, he said the Jews had produced proportionately more heroes in the struggle than any other white group and that most Jews had voted for the United Party, the Progressive Federal Party and the Democratic Party.

Members of the Jewish community had also been members of such organisations as the Five Freedom Forums,

Jews for Social Justice and the Black Sash.

In his submission to the commission, Muslim theologian Farid Essack launched a scathing attack on Muslim leaders yesterday, accusing them of betraying and marginalising the anti-apartheid struggle.

"The religious leadership, despite whatever nice words are used ... their contribution was essentially one of betrayal," Essack said.

"There was a denial of space for all those who opposed apartheid and who were part of the anti-apartheid struggle," he said.

Between 1961 and 1964 the Muslim Judicial Council issued just five statements condemning acts of apartheid and held only one public meeting.

On reconciliation, Essack said words like peace and reconciliation were empty unless

they were accompanied by socioeconomic transformation.

In his submission, Ashwin Trikarajee of the Hindu Maha Sabha said there was a "significant question of economic justice" as a means to true reconciliation. "There needs to be a recommendation on economic redistribution of the resources of our land."

He said Indians had neither supported nor condoned the apartheid government. "When the tricameral system was established they did not offer any support to those who took up positions in that parliament."

But he admitted that so-called Hindu leaders had failed to protest against apartheid and that the community failed to remove the leaders, creating the impression that Hindus were part of the system. — Sapa.



ANALYSIS

# Critical reflection on apartheid and what sustained it is needed

Business hearings before the truth commission will have achieved some success if they encourage a participative model of industrial democracy, a different long-term view of profitability, writes Stephen Lauffer

SD 19/11/97

IN THE world of central bankers, captains of commerce and industry, and their well-favored advisors, Prof. Sampie Terreblanche cuts an incongruous figure.

A shuffling white-haired academic economist apparently so excited by the ideas speeding through his head that he is unable to control all of his limbs at the same time, it seems somewhat odd that he should have managed to set the teeth of the business world on edge last week.

But rather big business he apparently did with his suggestion to the truth commission of a special apartheid reparations tax on assets over R2m.

Why did so many find the proposals so unsettling? After all, for big business, the amounts he was talking about are little more than peanuts, often overshadowed by existing social responsibility budgets.

Perhaps it was less the cost implications that unified business and much of the white community in their rejection of the proposals. Perhaps the worrying aspect is the consensus on business and its past role that the adoption of such a proposal could signal.

In the short term, the proposal is also an irritant because of how it has given government and the commission a chance to turn up the heat regarding significant contributions for reparations.

Justice Minister Dullah Omar sent a clear warning yesterday that he planned to do just that. He said the decision on whether legislation creating a reparations tax was needed would be taken after government had seen how generous the voluntary response was.

Terreblanche's suggestion has elicited more public comment in a week than most academics contend with in a lifetime. Almost all of it, it seemed, was negative. Much of it was technical, disputing the ability

of a wealth levy when set against the increasing mobility of capital.

Some responses were simply intemperate, saying more about the commentator than the proposals. Finance Week editor Nigel Bryce called Terreblanche a flat earth society member.

But the shrill tone underlying even some more measured responses indicated that Terreblanche had touched a nerve which ran deeper than just the financial implications of the proposal.

Shil, his suggestion gave to the commission hearings on business and apartheid a focus they otherwise might not have had.

That is because it is more focused than the shotgun-style accusations — sometimes inaccurate and ill-placed — about business and apartheid which have come from some quarters. Rather than looking back and apportioning guilt, it invites business to look forward and participate in rebuilding SA.

Nevertheless, Terreblanche's proposal raises the highly uncomfortable issues of guilt, complicity and responsibility. By raising the spectre of a collective responsibility for reparations, it implies a collective responsibility for the past wrongs.

Repeals of such notions are easy, as the submission by the SA Chamber of Business (Saco) showed. Business, the organisation said, was not homogeneous. Business is not a moral institution but a money-making machine, argued the Centre for Development and Enterprise's Ann Bernstein.

These interventions show how easy it is to fall back into a defensive position when assessing what made apartheid, what kept it going, and what brought it down.



The SA Chamber of Business's Raymond Parsons, left, and Hans Middelmann display a cartoon about their resolutions against apartheid.

What is not so simple is to strike a note which signals genuine critical reflection on the past and a willingness to grapple with the future in a manner which gives all South Africans a sense of participation in the new country and its public and private sector institutions.

To respond defensively is to underestimate the private sector's ability to effect change. It is to ignore its ability to create a different climate, a different context for the daily interaction of employer and employee, black and white. It is also to turn away from the financial and intellectual capacity to do so to lead a moral renaissance.

Whoever was responsible for its creation or continued existence in the past, whoever benefited from its existence, what is needed is the increasingly subtle and differentiated understanding of its nature as the starting point for a different way of living and doing business in the future.

Anglo American's Bobby Godsell and the Afrikaanse Handelsinstituut made a start in the right direction. Anglo's Julian Ogilvie Thompson and Rembrandt's Johann Rupert did not. Despite their formal apologies, the two grandees were perhaps just a little disingenuous when it came to discussing their and their companies' interaction with the world of politics.

never got on, Rupert said. He and his father had adopted a policy of loyal resistance. Loyal to whom? Those in the Broederbond and the KVV who may have helped finance the beginnings of their empire?

Anglo American and the NP had not even corresponded for years. Ogilvie Thompson said the only letter from John Vorster to Harry Oppenheimer had been a request to be allowed to disinter Ossewa Brandwag members buried at the Koffiefontein mine.

What about contacts between Anglo's chairman and other politicians? Margaret Thatcher, for example, that vehement opponent of sanctions who said she would never talk to the terrorist Nelson Mandela?

Speaking on behalf of the Chamber of Mines, and later for Anglo American, Godsell was perhaps the most lucid. His ideas on mine safety speak to a participative model of industrial democracy which can be valid beyond the big industries and beyond the narrow focus of unions and employers.

# Killing of Guguletu seven 'was discussed at meeting'

(252)

BD 19/11/97

CAPE TOWN — Words used at a police planning meeting before the incident in which the Guguletu seven died made it clear that the mission was to kill the activists, former Vlakplaas operative Thapelo Mbelo told the truth commission's amnesty committee yesterday.

Mbelo and his former Vlakplaas colleague Wilhelm Bellingan are applying for amnesty for their part in the deaths of seven people who died in a shootout with police in Guguletu, Cape Town, in 1986.

Mbelo said they were informed at the meeting that a group was planning to attack a minibus taking personnel to the police station.

"As far as I recall, we were not instructed to arrest members of the group." Although the word "kill" was not used, they were told to "take them out" and "sweep" them. He believed this meant that "we should kill them"

Mbelo said that if police had wanted to arrest the group it would have been easy because the Askaris who had infiltrated it could have shown the police where to find them.

Bellingan testified earlier that it had been intended to arrest the suspects when they moved towards the minibus. He said it had not been possible to arrest them earlier because they kept moving

from place to place

Mbelo said police had been near the minibus, waiting for the attack. However, it did not occur. As they were withdrawing, he noticed some of the suspects on

the pavement. Thinking they were going to attack, he radioed this information to his colleagues. The shooting began soon afterwards.

Mbelo said he shot a man who had surren-

dered when a riot squad sergeant ordered him to do so.

A statement he drafted after the incident had been declared unacceptable by Bellingan, who had redrafted it — Sapa.



## ZCC head opts to stay mum (252)

ART 19/11/97

East London - The spiritual leader of the Zionist Christian Church appeared before the Truth and Reconciliation Commission sitting here today - but did not utter a word

Bishop Barnabus Lekganyane declined to speak either to the TRC panel hearing his church's submission or his followers who packed the venue, in spite of gentle prodding by TRC chairman Desmond Tutu

ZCC council member Thomas Mohope presented the submission, giving a historical overview of its growth since 1910 "We have not as a church said 'go and fight the white government' For that omission, if that was an omission we plead guilty," said Mr Mohope - Sapa



LEON MULLER

**Orientation:** Truth Commissioner Sisi Khampepe, left, and amnesty applicant Wilhelm Riaan Bellingan, right, during an inspection visit yesterday to the area in Guguletu where the seven guerrillas were killed in March 1986

# I shot surrendering man, black policeman admits

(252) ARG 19/11/97

**JOHN YELD**  
ON THE TRUTH COMMISSION

**A black security policeman based at Vlakplaas has told the Truth Commission how a white riot policeman ordered him to shoot one of the Guguletu Seven guerrillas who had his hands in the air.**

He also described how the same white policeman had then put a bullet into the man's stomach after shouting "You shoot shit!"

Evidence by Thapelo Johannes Mbelo to the commission's amnesty committee yesterday contradicts the version of the controversial March 1986 killing given by some of the Cape's top policemen during the commission's "special event" hearing earlier this year.

They all claimed that the operation against the seven - Zandisile Zenith Mjobo, Zola Alfred Swelani, Mandla Simon Mxinwa, Godfrey

Jabulani Miya, Themba Mlifi, Zabonke John Konile and Christopher Piet - had been aimed at arresting the guerrillas, and that police only fired in self-defence after a hand-grenade was thrown at them.

But Mr Mbelo, who was part of a Vlakplaas team sent to the Cape to infiltrate such guerrilla groups as the "Seven" in Cape Town's black townships, testified that the police had made it clear at a planning meeting before the March 3 operation that there were no plans to arrest the guerrillas.

He and his then Vlakplaas boss, Wilhelm Riaan Bellingan, are applying for amnesty for their roles in the deaths of the Guguletu Seven.

"We were told that this group were 'trouble-makers' and were killing the witdoeke (vigilantes) and that if those guys were taken out, Guguletu would be quiet,"

Mbelo stated in his application.

"As far as I recall, we were not instructed to arrest members of the group. The words that I recall were used were 'take them out' and we should 'sweep' them. According to my knowledge, these words meant that we should kill them."

He said if the police had wanted to arrest the group, they could have done so easily, because two Askaris (turned guerrillas working at the Vlakplaas base) had infiltrated the group and could have shown police where to find them.

Mr Mbelo testified that the police minibus he had been driving during the incident had stopped after been hit by bullets.

"An attacker came to us, holding his hands in the air and shouting in Xhosa that he would show us where the other people were. A white sergeant commanded me to shoot the person I obeyed."



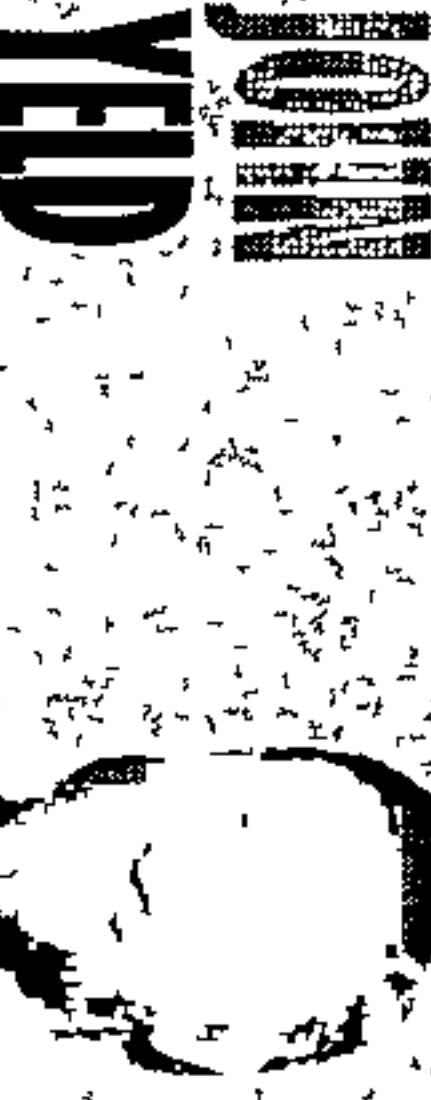
# Ntsebeza 'not named in Tavern Files'

## Goldstone finds no mention of TRC man or his

Confidential police files relating to their investigation of the attack on the Heidelberg Tavern in December 1993 contain no reference to Gugulethu gardener Bennett Sibaya or to Truth Commissioner Dumisa Ntsebeza.

Nor do the newly found notes of the investigating officer, the late Superintendent Des Segal contain any reference to Mr Sibaya or Mr Ntsebeza.

This was revealed today by Constitutional Court judge Mr Justice



**ON THE TRUTH COMMISSION**

Richard Goldstone at the first public session of the commission of inquiry into allegations that Mr Ntsebeza's car was used as a second getaway vehicle by Azanian People's Liberation

Army (Apla) soldiers responsible for the attack on the pub that left four dead and five people seriously wounded or maimed.

Judge Goldstone is the sole member of the commission. He was appointed in the wake of the controversy which erupted over Mr Ntsebeza's alleged involvement in the attack and the way these allegations were handled by the Truth Commission.

The allegation about Mr Ntsebeza's car was made in a statement by

APR 19/11/97

Case

accuser

Mr Sibaya to police a few days after the attack on the Heidelberg Tavern. When Mr Sibaya was called to testify at the TRC's amnesty hearing for three Apla men convicted of the attack earlier this month, he repeated his allegation and pointed out Mr Ntsebeza as the person he had seen driving the second car.

But in a dramatic public confession soon afterwards, he said he had been lying about Mr Ntsebeza's involvement. The investigating officer, Superintendent Segal, died in a car crash in controversial circumstances earlier this year, with weapons being recovered from the boot of his car.

Today, Judge Goldstone said the missing notes of Superintendent Segal had been found by his brother last week and handed to police. He had gone through these notes carefully and they contained "no references whatsoever" to Mr Sibaya or Mr Ntsebeza. He had also been shown confidential police source files relating to the investigation into the Hei-

delberg attack, and they also contained no such references.

André Bezuidenhout, leading evidence for the commission, said the only police reference to the two men was in a confidential note from Western Cape police to police headquarters on January 7, 1994, referring to Mr Sibaya's statement.

Michael Doren, for Mr Sibaya, said his client maintained Mr Ntsebeza was innocent and that his (Mr Sibaya's) earlier allegations were untrue.



# SAHRC defends everyone's rights

*Kouvetan 19/11/97*

*(262)*

Watchdog has made much headway since it was set up

**By Simon Zwane**  
Political Reporter

**W**HEN the African National Congress took over political power in 1994, President Nelson Mandela pronounced that "never and never again shall it be that in this beautiful land there shall be oppression of one by another"

With these words he declared that human rights and the dignity of the citizens of South Africa would never again be trampled upon with impunity

To give effect to this noble promise, the South African Human Rights Commission (SAHRC) was established on October 2 1995 with the respected church minister and academic Dr Barney Pitso as its chairman

Logistical problems, such as finding offices and employing support staff, delayed the full establishment of the commission until July 1996

Complaints received before that date were dealt with on an ad hoc basis

## Discharge its duties

Since then, the commission has ruffled some feathers and through proactive action it has shown that it is prepared to discharge its duties without fear or favour

Its sting has been felt in small, rural *verkrampte dorps* up to the highest echelons of Government

A Groblersdal school in Mpumalanga, for instance, is currently under investigation because it has separate black and white governing bodies

And Health Minister Dr Nkosazana

Zuma was summoned to appear before the SAHRC recently after two women complained that the law preventing single women from having in vitro fertilisation was discriminatory

Zuma sidestepped a grilling by quickly amending the Tissues Act, thus opening the way for single women to be impregnated by donated sperm

General George Moring of the South African National Defence Force (SANDF) has also appeared before the commission to answer questions on why the army was refusing to allow female members to register their spouses on their medical aid, while male members were free to do so

But the commission handles many more complaints and disputes than those that make headlines

According to its media relations director Mr John Mojapelo, the SAHRC receives about 80 to 100 complaints and inquires every week at its Cape Town and Johannesburg offices

"In addition, the commission takes its own initiative, especially on matters that have appeared in the media. These are followed up and, if desirable, a formal investigation is launched," says Mojapelo

An investigation at Springs High School last month is one such case where the commission became involved after media reports of discrimination there

Some black pupils were expelled for drunken behaviour at a school party, but their white counterparts who were allegedly guilty of the same offence were spared

The SAHRC's mandate is, however,

er, not confined to unfair treatment or human rights violations by Government institutions exclusively

It does get involved in private matters. One such case was when a person was struck by a truck and was paid compensation by the truck owners' insurance company

His lawyer did not inform the person how much was paid out and only deposited R1 500 into the person's bank account. The commission wrote to the Director of Road Accidents Fund for more information about the matter. The case is still pending

## Not complaints driven

The commission is not simply complaints-driven either. It also educates the people about their rights and devises mechanisms to address structural and systematic human rights issues

The commission's work is, however, hindered by several factors which impact on its efficiency and accessibility. Complaints which should be handled by, for instance, the Public Protector or the Commission for Conciliation, Mediation and Arbitration (CCMA) are often directed to the commission

Much time is spent attending to these complaints before they are redirected to the correct institution. The commission rejected 122 such cases in the first four months of this year. The bulk involved unfair dismissals

Situated in Houghton, the offices of the commission are not easily accessible to ordinary people, especially to those who rely on public transport

The absence of provincial offices also disadvantages those who live out-



**John Mojapelo ... the Human Right Commission receives about 80 to 100 complaints and inquiries every week.**

PIC CLEMENT LENKANYANE

side Johannesburg and Cape Town

The SAHRC has tried to deal with this by allocating commissioners to the provinces, who visit the areas regularly

In its 1995-96 annual report, the commission declared its intention to establish provincial offices. But financial constraints make this impossible at this stage, says Mojapelo

The R6,8 million budget approved by the Government has created so much difficulty that some staff have been lured away to greener pastures

A mid-year report points to the departure of three senior executive staff members as an indication that its resources need drastic improvement

"Our concern is that the commission should now stabilise and consolidate

"A sturdy environment is necessary to achieve this. We have worked hard to access alternative funding sources, which are now gradually coming to the assistance of the commission.

In spite of its desperate financial situation, the independence of the commission will not be compromised

The diverse political backgrounds of its commissioners - stretching from those with right-wing leanings to the former liberation movements - are sure guarantees that no government will be able to subvert its autonomy



# Business in the dock

ONE OF South Africa's richest and oldest corporate entities, Anglo American, stood before the Truth and Reconciliation Commission (TRC) last week and proclaimed "The words of the leaders of this organisation have always opposed apartheid. Today we must be judged not only by our words but also by our deeds."

A 'bold invitation, no doubt. Bold because trade unionists during last week's hearings cited numerous words and deeds to illustrate "collusion between business and apartheid."

Among these were the words of a leading Anglo figure, Gavin Relly, who was quoted as having said he could not support a system of "one man, one vote." That, he said, was a recipe for "unadulterated chaos."

A hundred years ago, another mine boss, S Jennings, reportedly told a government commission "We have a most excellent law, namely the pass law, which should enable us to obtain complete control over the kaffirs."

Jennings may not have been an Anglo American executive but the corporation, along with the entire mining industry, will find it difficult proving it did not, in its deeds, imply support for the laws Jennings applauded in 1897.

The perpetuation of the migrant labour system, most evident in single-sex hostels managed by the mining industry, is regularly cited as evidence of its support of the pass laws.

It is therefore hardly surprising that former Congress of South African Trade Unions general secretary Jay Naidoo, now Minister of Posts, Telecommunications and Broadcasting, last week expressed such indignation at the business sector's refusal to acknowledge its role in apartheid.

## Migrant labour

"Migrant labour, enforced through a system of pass laws and land dispossession, was the worst form of human rights abuse in the history of this continent," an angry Naidoo told *Sowetan*.

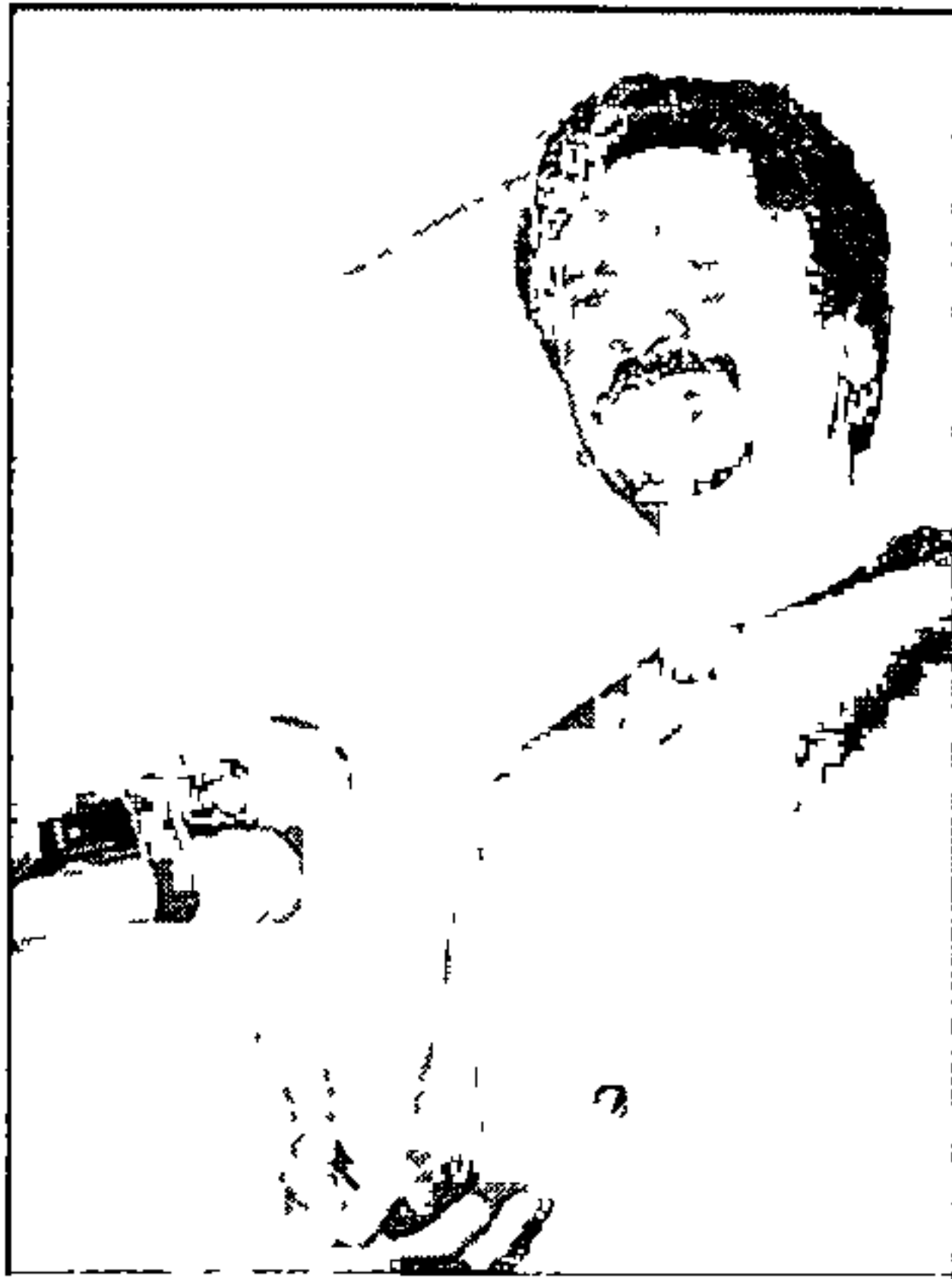
It was designed to meet the needs of business, to ensure a supply of easily accessible and exploitable wage labour. This is a system the mining industry was built on.

"There is therefore inextricable evidence of collusion between big business and the apartheid state."

His anger is understandable. It was during his tenure as general secretary that Cosatu's offices were bombed, its shop stewards detained and murdered and when hundreds of thousands of workers challenged employers and government in an unprecedented wave of national strikes.

"The least that the captains of industry could have done was to give an unqualified apology for their collusion in the brutalisation of people

(252) *Sowetan 19/11/97*  
Business will have to find ways of redeeming itself or it will have to face the music for its collusion with apartheid. **Amrit Manga** explains why...



Minister Jay Naidoo says business still has an opportunity to redeem itself.

in this country - they failed to do that," he adds.

That, he says, would have made a sizable contribution to building a durable and constructive social partnership. But Naidoo demands more than just an apology. Business, he says, should also have acknowledged the contribution made by thousands of ordinary workers in bringing an end to apartheid.

"It was the efforts of ordinary workers, such as Zwelinzima Vavi, who doesn't know his age because he was never registered at birth, Sam Shilowa, a security guard, and the late Elijah Barayi, a miner, who built an organisation that today ranks as the biggest on the continent.

"And Cosatu itself is one of the greatest stabilising forces in the history of this country. For this alone, business should be grateful to the Vavis, Shilowas and Barayis, who built Cosatu in spite of all their hardships.

"Business should also be grateful to Cosatu for having bred leaders from among the most marginalised sections of society."

It is against the backdrop of these expectations that the business sector's contribution has been rejected as "a failure." But all is not lost, says Naidoo. Business still has an opportunity to redeem itself.

If business is committed to being judged by its deeds, it can start by closing the apartheid

wage gap, investing in skills development, ending racism on the shop floor and improving health and safety standards.

"Business can also make a contribution to establishing worker museums so the memories of our heroes and heroines can be preserved."

Naidoo argues "These are not unreasonable demands. They are important if we are to acknowledge the lessons of the past and ensure we become a competitive economy. These are elements of the broader demand for reparation that are fundamental to redressing the legacy of our past.

"They should not resist demands for basic conditions of employment, nor should they oppose demands for a skills training levy. Business must match its theoretical commitment to reconciliation with practical positions on the reconstruction and development of our country."

That is not all, says Naidoo, pointing out that the billions in potential revenue lost through tax evasion and white collar crime seriously constrains government's ability to deliver social services.

Business, he says, has a responsibility to fight this crime, which is as damaging as the hijacking of cars.

Political responsibility to put an end to the "whining and whingeing of the privileged and elite", who complain consistently about the lowering of standards and inefficiency of a black government.

## Consistently criticises

"At a time when we would expect all to be committed to building a better South Africa, we have an elite that consistently criticises our plans to extend primary healthcare and improve access to affordable medicines.

"The elite consistently demands that the rights and privileges it has accumulated in the past be protected. The notion that whites have more rights than blacks, and black workers in particular, must be challenged."

Business must come around to accepting that we are a country with limited resources and that we have to deliver services, not only to whites as in the past, but to the whole population.

"How we judge the corporate community from now on will depend on its willingness to accept these realities."

# 'Probe Broederbond link'

## Muslim theologian slams Islamic leadership for anti-apartheid betrayal

**A** MAINLY-BLACK lobby group within the Dutch Reformed Church family yesterday called on the Truth and Reconciliation Commission to probe the links between the DRC and the Broederbond

Apartheid was still rife within the church, representatives of the Belydende Kring (a confessional grouping) told a special TRC hearing in East London yesterday. The group was formed in 1974 by ministers of the formerly separate black and coloured branches of the DRC.

"The DRC has not changed much. It has not made the kind of confession

that will facilitate church unity, forgiveness and reconciliation," group representative Dr Zach Mokgoebo said

### 'Strange marriage'

"The strange marriage between the Broederbond and the DRC needs to be opened up"

During the apartheid years, critical thinking within the church had been frowned upon, Mokgoebo said "To be a Christian was to be obedient, submit-

sive and quiet"

Some ministers had refused to toe the line and were barred from taking part in religious programmes on the SABC "They were not allowed to preach on radio," he said

Prominent Muslim theologian Dr Fared Esack launched an attack on Muslim leaders, accusing them of betraying and marginalising the anti-apartheid struggle

"The religious leadership, despite whatever nice words are used their

contribution was essentially one of betrayal," he said "There was a denial of space for all those who opposed apartheid and who were part of the anti-apartheid struggle"

### 'Wealth tax'

South Africa's chief rabbi, Cyril Harris, told the TRC panel, chaired by TRC chairman Archbishop Desmond Tutu, he would throw his weight behind proposals for a wealth tax to bridge the chasm between South Africa's haves and have-nots

Harris tendered a collective apology on behalf of South Africa's Jews for their failure to protest more loudly

against apartheid "The Jewish community benefited from apartheid and an apology must be given. We ask for forgiveness"

Mr Ashwin Trkangee of the Hindu Maha Sabha, the national body of Hindus in South Africa, said Indians had neither supported nor condoned the actions of the apartheid government

However, he admitted that "so-called" leaders of the Hindu community had failed to protest against apartheid "The community failed to remove the leaders. The perception was created that Hindus were part of the system" - *Sapa*

*252 Sowe Jan 19/11/97*



# TRC to focus on Mandela United

## Murderers will take the stand to implicate president's ex-wife in reign of terror

Star 19/4/97

### STAFF REPORTER

**P**oliticians, senior government officials and corporate captains will be rate witnesses scheduled to testify at the Truth and Reconciliation hearing on the activities of the "Mandela United Football Club" next week.

In what has been billed as one of the most high-profile hearings since the TRC began its work, Winnie Madikizela-Mandela will come face to face with some of her old friends and foes at the hearings, which form part of the TRC's investigations into the notorious "club" she ran in the late 1980s.

Among the people who will testify at the hearing are Gauteng Premier Tokyo Sexwale, Deputy Education Minister Fathema Bhambhani, former Smanagalislo Mkhatswa, Johnnic chairman Cyril Ramaphosa and New Africa Invest-

ments Limited's Dr Nthato Motlana.

Safety and Security Minister Sydney Mufamadi and SAPS Commissioner George Fivaz will testify along with Senior Superintendent Fred Dempsey, the investigating officer in a number of cases in which members of the MUJFC were implicated.

Former MUJFC coach Jerry Richardson, serving a sentence for the murder of child activist Stormie Seipei, will take the stand, as will Cyril Mbatia and Thulani Dlamini, the murderers of Soweto doctor Dr Abu Baker Asvat. All three have applied for amnesty and fingered Madikizela-Mandela in their applications.

The five-day hearings will start on Monday at an as yet undisclosed venue in Johannesburg. The TRC has arranged tight security. Ramaphosa and Motlana

were members of the Mandela Crisis Committee, which conducted the then Mass Democratic Movement's investigation into the activities into the MUJFC's activities.

Other members of the crisis committee who will testify next week are Fiscal and Financial Commission chairman Murphy Morobe, director-general in the office of the deputy president Dr Frank Chikane, former president of the SA Council of Churches Bishop Manas Buthelezi, and Safety and Security Secretary Azhaph Cachaha.

Methodist Church Bishop Paul Verryn, from whose Soweto manse Seipei and other children were kidnapped by the MUJFC after sodomy accusations were laid against him, will also appear before the TRC.

The hearing will also hear the testimonies of people closely connected to the foot-

ball club and associates of Madikizela-Mandela.

They are Xoliswa Palati, who was convicted together with Madikizela-Mandela in the Seipei kidnap trial, Thabiso Mono and Pelo Mekgwe, witnesses in the trial who were also kidnapped from a Methodist manse; and Madikizela-Mandela's driver John Morgan, who was convicted in connection with the kidnap of Katiza Cebekhulu, an MUJFC member who disappeared before he could give evidence in the trial and has been a fugitive since.

Others who will testify are Albertina Sisulu, who managed the office of Asvat, the Rev Peter Storey, to whom Verryn reported at the time; former SA Council of Churches general secretary Dr Beyers Naudé, and the SAPS investigating officer, Senior Superintendent H T Woodley.

There will also be football club member Lerratodi Ikaneng and Sibusiso Chli, an MUJFC member convicted of the murder of Maxwell Madondo.

Chli's mother Dudu and his cousin Barbara will testify, as will Charles Zwane, who was convicted and is serving a sentence for several crimes, including the bombing of Dudu Chli's house. MUJFC member J J Siffolle Gift Mabelane will also testify.

Justice Minister Dullah Omar yesterday came out in defence of Madikizela-Mandela. "You cannot compare the allegations of human rights violations against Winnie Madikizela-Mandela with the crimes of apartheid in either their nature, scale or quantity," Omar said.

"The ANC accepts the violation of human rights in a just struggle, but does not justify the gross violation of human

### Fivaz wants to hear what Winnie knows about heist

Police Commissioner George Fivaz has ordered police probing the R17-million Bronkhorst-spruit heist to take a statement from Winnie Madikizela-Mandela.

In a statement released in Pretoria, Fivaz said he had noted with interest Madikizela-Mandela's remarks in a Johannesburg newspaper (The Star carried an exclusive interview with Madikizela-Mandela on Monday) that Safety and Security Minister Sydney Mufamadi had failed to act on information she claimed to have on the heist.

"I have consulted with Minister Mufamadi, who has confirmed that in a speech to an ANC meeting, Mrs Madikizela-Mandela claimed to have information regarding this robbery," he said.

Fivaz said he had instructed investigating officer Superintendent Etienne Viljoen to visit Madikizela-Mandela as soon as possible to obtain either a statement or the relevant information from her - Sapa



# Rabbi supports wealth tax

252 Star 19/11/97

Some businessmen want to address imbalances, TRC told

**SAPA**  
East London

**A** number of Jewish businessmen supported the idea of a wealth tax to correct past economic imbalances, South Africa's Chief Rabbi Cyril Harris told the Truth and Reconciliation Commission yesterday.

Harris was testifying on the second day of the TRC's special three-day hearing in East London into religious organisations' role under apartheid.

He said he would throw his weight behind proposals for a wealth tax to bridge the "chasm" between South Africa's haves and have-nots.

He had discussed the idea with a number of Jewish businessmen, who had expressed support for such a tax. However, they were concerned that

it could discourage investment.

Harris also tendered a collective apology on behalf of South Africa's Jews for their failure to protest more loudly against apartheid.

"The Jewish community benefited from apartheid and an apology must be given. We ask for forgiveness." Fear had been a major reason for the silence of the broader Jewish community, he said.

"Apartheid was a very repressive system. The Jewish community is very small in numbers, only 130 000 at its height," he said.

As part of the worldwide post-Holocaust generation, Jews in South Africa had a "hypersensitivity" towards survival. "They want to survive at all costs," he said.

Harris said many Jews played a key role in the struggle

against apartheid and had been outspoken in their condemnation of the system.

Quoting Water Affairs Minister Kader Asmal, he said the Jewish community had produced proportionately "more heroes" in the struggle than any other white group.

"Jews overwhelmingly and continuously voted against the governing National Party, more so than any other white group in South Africa."

Jews had also been members of organisations such as the Five Freedoms Forum, Jews for Social Justice and the Black Sash.

"Both in business and commerce and on the domestic scene, most Jewish people tried to be good employers, and indeed the widespread view of black workers indicates it was preferable to work for Jewish people," Harris said.

## Commission told of words of death

**Cape Town** - Words used at a police planning meeting before the incident in which the Guguletu Seven died made it clear that the mission was to go out and kill the freedom fighters, former Vlakplaas operative Thapelo Mbelo told the TRC's amnesty committee yesterday.

Mbelo and his former Vlakplaas colleague Wilhelm Bellingan are applying for amnesty for their part in the deaths of the Guguletu Seven, who died in a shootout with police on March 3 1986.

In his evidence-in-chief,

Mbelo said they had been informed at the meeting that a group (of cadres) were planning to attack a police minibus.

"As far as I recall, we were not instructed to arrest members of the group."

Although the word "kill" was not used, they were told to "take them out" and "sweep" them.

Mbelo described to the committee how police officers at the meeting were instructed to take up certain positions at the scene of the planned attack.

After the attack did not occur, and they were withdrawing

and dispersing, he saw some of the suspects on the pavement.

Since he thought they intended to attack policemen, he radioed this information to his colleagues. The shooting began soon afterwards.

Mbelo said a statement he had written after the incident had been declared unacceptable by Bellingan, who had re-drafted it.

Mbelo, who asked the families of the deceased to forgive him, said he had known before the operation that it would be impossible to arrest the group and that police would shoot. - Sapa

## Amnesty applicant, acquitted for murder of Mxenge, dies

**Durban** - Former KwaZulu Natal security policeman and amnesty applicant, Andy Taylor, has died of cancer.

Taylor's former attorney, Christo Nel, confirmed yesterday that Taylor had died in Hillcrest, Durban, on Friday. He was cremated on Monday.

Taylor was one of five accused in the trial of murdered Durban human rights lawyer Griffiths Mxenge in Umlazi, south of Durban, in 1981.

Taylor and co-accused Johan van der Hoven were acquitted in the Durban High Court in May last year on the murder

charge and one of robbery related to the killing.

Self-confessed police hit-squad commander Dirk Coetzee and two former security policemen, David Tshikalanga and Almond Nofomela, were found guilty on both charges. - Sapa



# Church apologises for supporting apartheid

(252)

## Grand entrance by silent bishop

EAST LONDON Most white charismatic and Pentecostal church followers had to confess that they had sometimes urged on the "ruthless security force machine" to crush those fighting for their freedom, International Federation of Christian Churches (IFCC) president the Rev Ray McCauley said yesterday

"When we should have been comforting and praying for those in desperate need we sometimes joined the cheering crowds and urged on the gladiators," he said

McCauley, who is also head of the Rhema Church, was testifying here on the third day of the TRC's special hearing into the role of the church under apartheid

He said the IFCC was formed in 1984 and consisted of about 400 member churches countrywide

"Paralysed by a false respect for government authority, most of our white charismatic and Pentecostal church followers were simply spectators to the horrible acts of abuse of humanity in this country," he told a panel chaired by TRC head Archbishop Desmond Tutu

"We must confess that many of us allowed ourselves to be swayed and manipulated by a government propaganda machine that portrayed freedom fighters as enemies of the church



**FORGIVENESS:** Desmond Tutu

and of Christianity in particular"

He admitted black members of his church were ostracised and rebuked for speaking out against apartheid

"We, the white members, seek the forgiveness of our black counterparts"

The tragedy of the "sometimes callous" attitude of hundreds of thousands of Christians would forever stain the history of Christianity

McCauley also said the churches needed to play a more active role in redressing economic imbalances

"The issue of land is key to giving people a sense of dignity and belonging, and my sincere prayer is that those church organisations that hold unused property will generously show true Christian charity" — Sapa

EAST LONDON The secretive leader of one of Africa's largest churches emerged silently here yesterday for a hearing of the Truth and Reconciliation Commission in a spectacle resembling a head of state's visit

Bishop Barnabas Lekganyane, who heads the 10 to 15 million-member Zion Christian Church (ZCC), appeared at the hearing with several hundred dark-suited followers

He refused to speak aloud, but other church officials used the occasion to urge the government to reinstate capital punishment

The church, which never made political statements under National Party rule, called for "the necessary evil of the death penalty" for "criminals who kill for the fun of it"

In the church's half-hour submission, officials were unrepentant for the ZCC's neutral stance under apartheid, but conceded that their black followers suffered indignities

"The church never led people into a mode of resistance. We taught them to love themselves above all and defy unjust laws of apartheid," said church official Mr Thomas Mohope.

When Lekganyane rose to leave the packed hall, several hundred followers got up and made room for him

Archbishop Desmond Tutu walked him out to his car and thanked him for coming, but Lekganyane merely smiled — Sapa-AFP

## Gardener 'not primed' to frame Ntsebeza

POLICEMEN testifying before a judicial inquiry yesterday poured cold water on claims by Guguletu gardener Mr Bennett Sibaya that he had been tortured and "primed" to link Truth and Reconciliation Commission investigations head Mr Dumisa Ntsebeza to an attack on the Heidelberg Tavern in Observatory, Cape Town

Director Leonard Knipe said he

was unaware of his colleague Senior Superintendent Des Segal having shown Sibaya a photograph of Ntsebeza and telling him to link Ntsebeza to the attack, and it was unlikely Segal would have withheld such information from him

Segal died in a car crash on May 9 this year

Knipe was testifying at a public

hearing headed by Judge Richard Goldstone to investigate the allegations against Ntsebeza

Sibaya, a witness at an amnesty hearing last month, testified that he had seen Ntsebeza drive a getaway car after the attack, but later retracted his testimony, saying he had been "primed" to implicate Ntsebeza. — Sapa

BELLINGAN DENIES MURDER

# Guguletu Seven lured, brutally massacred

ET 20/11/97 (252) (493) (35) (493)

**A FORMER VLAKPLAAS** and security branch policeman applying for amnesty denies TRC charges that he conspired to kill MK operatives, although he now admits to new evidence.

**F**ORMER Vlakplaas police base operative Mr Wilhelm Bellingan yesterday denied that the incident in which the Guguletu Seven were shot dead by police in 1986 was planned and instigated by him.

Bellingan is seeking amnesty from the Truth and Reconciliation Commission for his part in the death of the seven anti-apartheid guerrillas during a shootout with police in Guguletu on March 3, 1986.

The men were allegedly planning to ambush a police minibus in the township, police said.

Cross-examining Bellingan at his amnesty application hearing in the city, TRC lawyer Ms Ramula Patel put it to him that he planned and instigated the shooting. This appeared to be the case if one looked at how the operation was carried out, Patel said.

She said the men were lured to the area and brutally massacred.

Bellingan denied this, and said there was no conspiracy to murder.

Patel then put it to him that he had misled the TRC's amnesty committee, the families of the deceased and the nation at large, and had not made a full disclosure.

Bellingan said this was not true. He maintained that the intention had been to arrest the group.

Patel said Mr Jimmy Mbane, one of the two askaris (MK members turned by the police) who infiltrated the group of freedom fighters, had told her he took Bellingan to the scene of the attack on the Friday before.

Mbane had pointed out exactly where he would drop the group members and further details of the planned attack.

Bellingan admitted being shown the scene, but denied that Mbane told him he would drop off the group members or where.

Commission chairman Judge Richard Wilson asked why he had not mentioned this before, because during his evidence-in-chief he had said Mbane did not report back to him before the shooting and therefore he had to plan to prevent the attack on the police minibus.

Bellingan said Patel, having mentioned this now, had refreshed his memory of events.

Mbane's instructions had been to keep the group together and control the weapons in their possession so they could be arrested.

Bellingan confirmed that specific instructions were given to ensure that

fingerprints could be lifted from the ammunition and weapons. This was normal practice to make sure that the group could be linked to the arms when arrested.

He denied giving the askaris hand-grenades. He also denied Mbane's claim that he had dragged a man from a vehicle and shot him in the head.

Bellingan said he shot the man in the head while standing, because he thought he was about to hurl a hand-grenade at him.

Bellingan's co-applicant, Mr Thapelo Mbelo, told the committee he had also seen him (Bellingan) pull a man from a vehicle and shoot him, but conceded that Bellingan's version of

events could have occurred.

Mbelo testified how, during the shooting, one of the men had approached him with arms raised, exposing a pistol in his belt, and offering to point out others in the group.

He radioed this information to Bellingan, but although it was apparent that the man was surrendering, a riot squad sergeant he was unable to identify ordered him to shoot him.

He shot the man in the head, and the sergeant then also shot him in the stomach while he was lying on the ground.

The hearing continues today. — Sapa





# MJC appears to deny betraying the struggle

ET 20/11/97 (252)

**EAST LONDON** The Muslim Judicial Council made an unscheduled appearance before the Truth and Reconciliation Commission here yesterday, a day after Muslim theologian Dr Faried Esack accused Muslim leaders of betraying the anti-apartheid struggle before liberation.

MJC representative Imam Gasan Solomon told a TRC panel the council had been a staunch opponent of apartheid.

Solomon, an African National Congress MP, was speaking on the final day of the TRC's three-day hearing into the role of

faith communities under apartheid.

He said the MJC had declared apartheid a heresy in 1961, the first religious organisation to do so. In the 1960s the council had convened a conference to protest against the Group Areas Act, condemning it as an attack on Muslims' religious freedom. Under the act Muslims were forcibly moved from their local mosques.

During the 1984 elections for the tri-cameral parliament, the council urged Muslims not to vote. Solomon admitted that the death in

detention of Imam Hassan Haron had led to a polarisation between conservatives and other members of the MJC.

"The MJC could and should have done more. We regret and sincerely apologise for this shortcoming."

He denied suggestions that Muslim businessmen had benefited from apartheid.

"There might be some who made use of opportunities given them during apartheid in terms of cheap labour. But we cannot place all Muslim businessmen in the same

category as other privileged groups."

On Tuesday Esack had launched a scathing attack on the MJC. "The religious leadership, despite whatever nice words are used, their contribution was essentially one of betrayal."

"There was a denial of space for all those who opposed apartheid and who were part of the anti-apartheid struggle."

Between 1961 and 1964 the MJC had issued just five statements condemning acts of apartheid and held only one public meeting, he said — Sapa

(252)  
BO 20/11/97  
**Zion bishop at hearing**

LONDON — The spiritual leader of one of Africa's largest religions emerged defiantly at a hearing of the truth commission yesterday in a manner resembling a state leader's visit. Bishop Barnabas Lekganyane, who heads the Zion Christian Church, appeared with several hundred dark-skinned followers at the hearing. Lekganyane, who has obtained mythical status among his supporters, refused to speak. Other church officials used the occasion to urge the government to reinstate capital punishment. In the church's half-hour submission, officials were unrepentant for the church's "neutral political stance during apartheid, but conceded that its black followers suffered under white rule. "The church never led people into a mode of non-violence. We taught them to love themselves above all, and defend unjust law of apartheid," church official Thomas Mokoape told Sapa.

**Bellingan denies planning murder of Guguletu Seven**

CAPE TOWN — Former Vlakplaas police base operative Wilhelm Bellingan denied yesterday that the incident in which the so-called Guguletu Seven were shot dead by police in 1986 was planned and instigated by him.

Bellingan is seeking amnesty for his part in the death of the seven activists. Truth commission lawyer Ramula Patel suggested Bellingan planned and instigated the shooting.

This appeared to be the case if one looked at how the operation was carried out, Patel said. She said the men were lured to the area and brutally massacred. Bellingan denied the claim and said there was no conspiracy to murder.

Patel then put it to him that he had misled the truth commission's amnesty committee and the families of the deceased, and had not made a full disclosure. Bellingan said this was not true, and maintained the intention had been to arrest the group.

Patel said Jimmy Mbane, one of the two askaris turned MK members, who infiltrated the group of freedom fighters, had told her he took Bellingan to the scene of the attack the Friday before. Mbane had pointed out where he would drop the group and further details of the planned attack. Bellingan denied Mbane told him he would drop off the group.

Mbane's instructions had been to keep the group together and control the weapons in their possession so they could be arrested. — Sapa.



## TRUTH COMMISSION

# Policemen dispute Sibaya's torture claims at inquiry

BD 20/11/97 (252)

CAPE TOWN — Policemen testifying before a judicial inquiry yesterday poured cold water on claims by Gugulethu gardener Bennett Sibaya that he had been tortured and "primed" to link truth commission investigations head Dumisa Ntsebeza to an attack on a Cape Town tavern.

Director Leonard Knipe, head of the Western Cape violent crimes unit, said he was unaware of his colleague Des Segal having shown Sibaya a photograph of Ntsebeza and telling him to link Ntsebeza to the attack. Segal died in a car crash on May 9.

At a public hearing headed by Judge Richard Goldstone to investigate the allegations made against Ntsebeza, Knipe said it was unlikely Segal would have withheld such information from him.

Sibaya testified — during an amnesty hearing last month for the three men convicted of the December 1993 Heidelberg Tavern killings — that he had seen Ntsebeza drive a getaway car after the attack.

This claim was also made in a statement given to the police on January 5 1994, but Sibaya later retracted his testimony, saying he had been "primed" to implicate Ntsebeza in the attack.

Johannes Etsebeth, the policeman who took the statement from Sibaya in 1994, testified yesterday that there was no evidence of Sibaya having been tortured. Etsebeth said Segal had brought Sibaya to him to take the statement, and the relationship between the two men had appeared amicable.

Knipe said there was no evidence substantiating Sibaya's statement that arms had been transferred to Ntsebeza's white Audi. There was also no other reason for Ntsebeza to be linked to the attack.

Segal's brother, Warrick, testified that he was unaware of the details of the investigation into the tavern attack. "My brother was apolitical; the only thing he was interested in was (combating) crime," he said.

Sibaya was asked by commission lawyer Andre Bezuidenhout if he recognised any people in a series of 24 photographs. Sibaya pointed out Segal and a Mr Fulani, who he said belonged to the murder and robbery squad. Goldstone said the reason for these questions would become clear when Sibaya testified tomorrow. — Sapa

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# PW gets order to face TRC

## Subpoena served

JOHN YELD  
ON THE TRUTH COMMISSION

Wilderness - P W Botha has been given his order to face the Truth Commission - but only after sending security men to accept a subpoena served on him at his Wilderness home today.

Two Truth Commission officials arrived in Wilderness soon after noon today with the five-page subpoena and over 700 pages of related documentation. They were met at the gate by two of the former state president's security guards.

One of the Truth Commission officials, Captain Mike Barnado, who had the subpoena in his hand, told the security guards they were there to serve it.

One of the guards said Mr Botha had asked him to accept the subpoena.

Captain Barnado said he would like to serve it personally if possible.

The two Truth Commission officials then went on to the property, where they held a brief discussion with the security guards

before handing the subpoena to them

Captain Barnado and his colleague Cheslan America then left the property

Captain Barnado told journalists "We have served the subpoena on one of Mr Botha's security guards who will hand it to him for his inspection"

The subpoena orders Mr Botha to appear on December 5 at a second round of the TRC's special event hearing into the activities of the former State Security Council, of which he was chairman

Shortly before the TRC officials arrived, Mr Botha was in a cheerful mood

He was visited by United Democratic Movement leader Roelf Meyer, who is campaigning in the area. Mr Meyer said it was a private courtesy visit that had been arranged two months previously

Mr Botha commented "He's come to drink tea, he's an old friend of mine. I gave him a bit of reading material"

"I get lots of visitors, it's not news when

ARGUS, THURSDAY, NOVEMBER 20, 1997

## Subpoena served on PW at home

(252)

From page 1

ARC 20/11/97  
(Mr Meyer) arrives." Mr Botha said he had referred to the TRC subpoena during his conversation with Mr Meyer but that they had not discussed this in detail. He declined to comment further.

Yesterday the commission had planned to serve the subpoena on Mr Botha through his lawyer, Ernst Penzhorn, in Pretoria but they were told this could not be done.

Commission deputy chairman Alex Boraine said this was in stark contrast to previous arrangements. The initial subpoena was served on Mr Botha through Mr Penzhorn's office.

Mr Botha was subpoenaed to attend the commission's first State Security Council hearing in Johannesburg earlier this month, but his testimony was postponed on the grounds of ill-health.

Commission chairman Desmond Tutu said the next round would be in George, near Mr Botha's home.

Mr Boraine said if Mr Botha was unwilling to attend, the commission's founding act - which provided for a fine or up to two years in jail for disobeying a subpoena - would come into play.

TRC reports, page 4  
'Wit Wolwe' killer tells all, page 6

To page 2

# Plan to upgrade court personnel in rural towns

## Police prosecutors to go

NORMAN JOSEPH  
STAFF REPORTER

*ARC 20/11/97 (252)*

**Police officers who act as prosecutors in Southern Cape and West Coast towns could be replaced by qualified applicants or students doing in-service training in the justice department following objections from the Western Cape Anti-Crime Forum.**

The Forum said while it had nothing against the police officers' willingness to help, most turned out to also be the investigating officers in the cases.

The forum established that police acted as prosecutors in Uniondale, Herold and Steytlerville in the Southern Cape, and in rural towns around Saldanha Bay on the West Coast.

Forum spokesman Irvin Kinnes said the police could be biased and so strip the suspect of a fair court trial.

"We do not support the issue because it is in conflict with the interests of justice," he said.

Forum chairman Chris Ferndale, who recently visited several towns in the Southern Cape as a result of community complaints, said it was not a police problem but "a justice problem".

However, he praised the efforts of police captain Tania Mostert, serving as a prosecutor in Uniondale, and her husband captain Garfield Mostert, the town's station commander.

Southern Cape area police commissioner Kosie Japhta said in a statement it was a Justice Department issue and that no fingers could be pointed at the police.

Mr Ferndale said the justice department must have job applicants and students needing on-the-job training who could do these jobs.

The forum's executive committee is considering approaching Attorney-General Frank Kahn's office regarding the matter.

A spokeswoman in Mr Kahn's office referred Cape Argus to Ergenee Everts, senior state prosecutor in the Southern Cape.

Ms Everts is based in Willowmore and said she visited courts once a week in Steytlerville, Uniondale, Herold and other rural towns to check on trial dates, remands and the contents of cases.

She did all the trial hearings herself in all the towns falling under the district of Willowmore.

Ms Everts said she was aware the communities did not favour police prosecutors. Neither did some of her colleagues.

Prosecutors told Cape Argus they were not permitted to speak to the press.

Approached for comment, Mitchell's Plain senior state prosecutor Connie Erasmus said that in terms of Section 5 of the Criminal Procedure Act of 1977 a magistrate was allowed to appoint anyone as a prosecutor.

Advocate Erasmus recently wrote a document entitled *The Professional Career Prosecutor*. He and other senior prosecutors are campaigning to have Section 5 scrapped.

In the document he said a prosecutor should be a specialist criminal lawyer.



# Provinces grant TRC further lease of life amid Nat protests

ARC 20/11/97 (252)

The National Council of Provinces has approved legislation providing for the Truth and Reconciliation Commission's life to be extended to April 30 next year and that of its amnesty committee to June 30.

It also extends the life of the committee on gross violations of human rights and of the reparations committee to June 30 next year.

The Promotion of National Unity and Reconciliation Second Amendment Bill, already approved by the National Assembly, was opposed in the NCOP yesterday by the National Party and Freedom Front

Four last-minute NP amendments, aimed at shortening the extension periods, were rejected by the NCOP.

NP justice spokesman Ray

Radue quoted Justice Minister Dullah Omar from Hansard as having stated in the House in August that the Government did not believe the TRC's life should be extended, but that, if there was a need to extend anything at all, it would only be the life of the amnesty committee

"But they seem now to have done a double somersault they are extending the life of the TRC, the committee on gross violations of human rights and the reparations committee"

Mr Radue asked whether this was an attempt to "keep the TRC pot boiling" for as long as possible, up to the 1999 general election

General Tienie Groenewald of the Freedom Front said his party's criticism of the TRC was not motivated by petty politics, but by a "genuine fear" that the commission was creating not reconcilia-

tion but hatred

Mohseen Moosa (African National Congress) said he found it "odd" that the NP and FF, who had been "singularly responsible for the oppression of our people", could not tolerate "a few more months of healing the wounds of peace-loving South Africans, who were victims of a vicious and violent state"

Replying to the debate, Mr Omar said the ANC did not need to use the TRC process for election purposes.

The bill had arisen from a request from the TRC itself, as an independent body

There was no ulterior motive in extending the life of the body and that of its committees

"We would like to put the work of the TRC behind us and end this chapter in South Africa's history," Mr Omar said - Sapa



# Great wrongs done, New light on Tavern 'getaway car'

ARG 20/11/97 (arr)

ARG 20/11/97 (aba)

Johannesburg - For months it wriggled and twisted, but yesterday the Nederduitse Gereformeerde Kerk stood before the Truth and Reconciliation Commission and confessed its sins.

The church told the TRC it felt guilty for "spiritual and structural injustices".

Offering an apology to "the people", church leader Dr. Frank Swanepoel said "Our hearts ache and we confess that great wrongs have been done".

Despite hugs for the Rev Swanepoel from TRC chairman Archbishop Desmond Tutu, the apology was grudgingly made - and with schisms threatening the NGK church, was very carefully worded.

Only three weeks ago the church was sticking by an earlier pledge not to testify. The decision was reversed at an emotional religious gathering in Pretoria.

Mr Swanepoel was walking a tightrope yesterday, struggling to keep the church's hardliners and liberals on board. He probably disappointed the hardliners, but his submission, which focused on reconciliation rather than how church teachings underpinned apartheid, also failed to please NGK reformers.

"We think the church has missed a glorious opportunity," said Afrikaans lecturer Bernie van der Walt. "Our church caused suffering through the discriminatory system and would like to make every possible move to

repair the damage

The NGK remains racially divided. The Afrikaner core has yet to unite with the separate chapters into which it once herded black and coloured members.

On Tuesday, a progressive group within the church urged the TRC to probe the links between the Broederbond and the NGK.

Apartheid, they said, was still rife within the church. "The NGK has not changed much. It has not made the kind of confession that will facilitate church unity, forgiveness and reconciliation," said group spokesman Dr Zach Mokoabe.

The NGK contribution came at the end of three days of TRC "faith" hearings, in East London. All week, clerics from other denominations lined up to confess and expose.

Faried Esack, a prominent Muslim theologian, attacked Muslim leaders for betraying and marginalising the anti-apartheid struggle. He also castigated Muslims for mistreating their black domestic workers.

Yesterday this prompted an unexpected appearance before the hearing by the Muslim Judicial Council to defend its record during the struggle. Imam Gasan Solomon said the council had been a staunch opponent of apartheid.

Chief Rabbi Cyril Harris admitted: "The Jewish community benefited from apartheid and an apology must be given. We ask for forgiveness." - The Independent, London



ON THE TRUTH COMMISSION

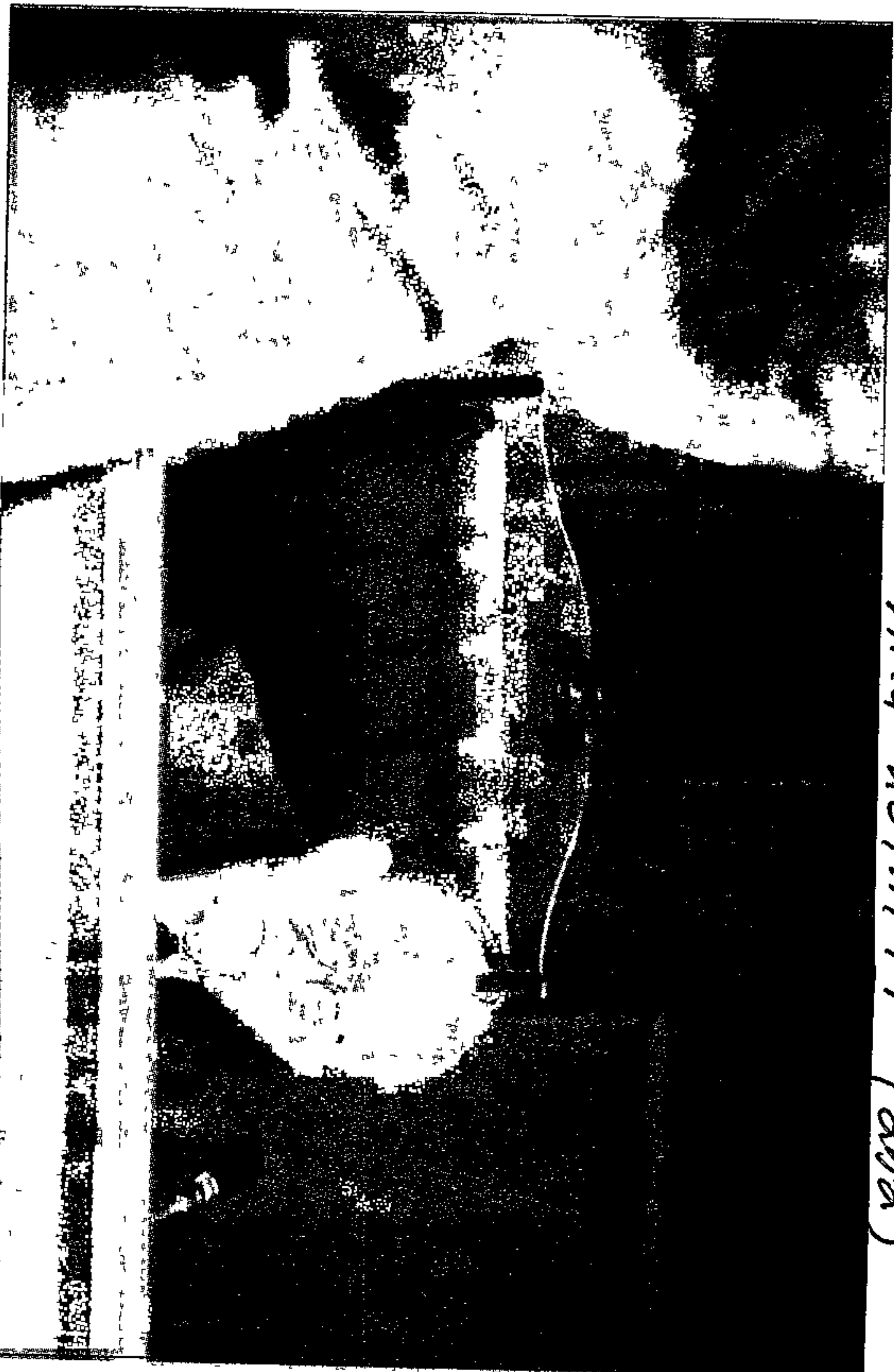
Police investigating the 1993 Heidelberg Tavern massacre were told by an informer the weapons used were never transferred from one getaway car to another, as alleged by Guguletu gardener Bennett Sibaya.

Instead, the informer told police the weapons had been transferred directly from the attackers' first getaway car to a house.

This emerged during proceedings on the first day of public hearings by the commission inquiring into events surrounding allegations by Mr Sibaya that Truth Commissioner Dumisa Ntsebeza's car - a white Audi - was used as a second getaway vehicle after the attack on the Observatory pub in which four people died.

Mr Sibaya made a statement to police in 1994 implicating Mr Ntsebeza. However, he was not called as a witness to testify in the criminal trial in which three Azanian People's Liberation Army (APLA) soldiers were convicted and jailed.

Two advocates of the Western Cape attorney-general's office, who were involved at various stages of the



One-man commission: Judge Goldstone listens to a witness at his probe into claims against Truth Commissioner Dumisa Ntsebeza

police investigation and prosecution - Willem Viljoen and Christiaan Cilliers - yesterday testified to the commission headed by a Constitutional Court judge, Mr Justice Richard Goldstone.

Mr Viljoen, who interviewed Mr Sibaya about his statement to police, said he had considered it "highly unlikely" that a lawyer like Mr Ntsebeza would have been involved in the attack.

He instructed the investigating officer, the late Des Segal of the Peninsula murder and robbery unit, to contact Mr Ntsebeza and question him about the alleged use of his car, as he could have been a key witness.

Colonel Segal later told him that a secretary in Mr Ntsebeza's legal firm in Umtata had informed him that Mr Ntsebeza would not co-operate with the police investigation.

Also, police had initially been prevented from entering the "independent" Transkei for the investigation. He agreed that after May 1994, police would have been able to go to Transkei, but said they had not done so. He was eventually satisfied that further police investigations about the white Audi would not have advanced the state's case against the Apla cadres.

Mr Cilliers, who prosecuted in the case, said Mr Sibaya had been named as a potential witness, but he had eventually decided not to call him because he had said he would not be able to identify any of the three accused.

Earlier, the detective who took Mr Sibaya's statement, Johannes Eisebeth, denied there had been anything unusual about him (Mr Sibaya) at the time.

He denied Mr Sibaya's version, as put to him by Michael Doney (for Mr Sibaya). This was to the effect that Mr Sibaya had been covered in blood from an earlier assault by Col Segal, and that he was given photographs of Mr Ntsebeza's car and told to memorise the registration number.

The commission will hold another public session tomorrow when several TRC staff are due to testify.



# ZCC calls for death penalty (252)

BISHOP Barnabas Lekganyane turned up quietly in East London yesterday at a hearing of the Truth and Reconciliation Commission on the role of the church under apartheid

Lekganyane, who heads the 10 to 15 million member Zion Christian Church (ZCC), appeared with several hundred dark-suited followers

Lekganyane, who has obtained mythical status among his supporters, refused to speak aloud but other church officials used the excitement-charged occasion to urge President Nelson Mandela's Government to reinstate capital punishment.

## Apartheid era crimes

The truth commission is probing apartheid era crimes and has been hearing confessions from a variety of religions who contributed to, or failed to stop, abuses

The wealthy ZCC combines African traditional beliefs with Christianity and forbids its adherents to smoke, drink or follow "unjust laws"

The church, which never made political statements during minority white rule broke the pattern by calling for "the necessary evil of the death penalty" to be used against "criminals who kill for the fun of it"

## Soviet-style uniforms

"He who lives by the sword, dies by the sword," said Thomas Mohope, one of two church officials to speak

Lekganyane is treated as a near-deity by ZCC followers, who are recognisable around southern Africa for their Soviet-style uniforms - police caps and suits with silver stars worn on their chests

In the church's half-hour submission, officials were unrepentant for the ZCC's neutral stance during apartheid but conceded their black followers suffered indignities under white rule

"The church never led people into a mode of resistance," Mohope said

"We taught them to love themselves above all - and defy unjust laws of apartheid," - Sapa-AFP

# White churches 'just watched'

(252) Lewiston 20/11/97

MOST white church followers in South Africa had to confess that they sometimes urged on the "ruthless security force machine" to crush those fighting for their freedom, International Federation of Christian Churches president Ray McCauley said yesterday.

"When we should have been comforting and praying for those in desperate need, we sometimes joined the cheering crowds and urged on the gladiators," he said.

McCauley, who is also head of the Rhema Church, was testifying in East London on the third day of the Truth and Reconciliation Commission's special hearing on the role of the church under apartheid.

He said the IFCC was formed in 1984 and consisted of about 400 member churches.

"Paralysed by a false respect for government authority, most of our white charismatic and Pentecostal church followers were simply specta-

tors to the horrible acts of abuse of humanity in this country," he told a panel chaired by TRC head Archbishop Desmond Tutu.

"We must confess that many of us allowed ourselves to be swayed and manipulated by a government propaganda machine that tried to portray freedom fighters as the enemies of the church and of Christianity in particular."

He admitted that black members of his church were ostracised and rebuked when they spoke out against apartheid.

"We, the white members of the leadership of our charismatic and Pentecostal churches, seek the forgiveness of our black counterparts in the church."

"We seek the forgiveness of colleagues within the larger religious community for the times when we lacked the courage and conviction to walk alongside you in your demands for justice and righteousness." - Sapa



# Cops deny 'priming' Sibaya to tell lies

*(Sibaya)*  
POLICEMEN poured cold water on claims by Gugulethu gardener Bennett Sibaya that he had been tortured and "primed" to link Truth and Reconciliation Commission investigations head Mr Dumisa Ntsebeza to an attack on a Cape Town tavern

Director Leonard Knipe, head of the Western Cape violent crimes unit, told a judicial inquiry yesterday he was unaware of his colleague Des Segal having shown Sibaya a photograph of Ntsebeza and telling him to link Ntsebeza to the attack

Segal died in a car crash on May 9 this year

At a public hearing headed by Judge Richard Goldstone to investigate the allegations made against Ntsebeza, Knipe said it was unlikely Segal would have withheld such information from him

"He was a colleague and a dear friend."

Sibaya testified - during an amnesty hearing last month for the

*sowetan 20/11/97*  
three men convicted of the December 1993 Heidelberg Tavern killings - that he saw Ntsebeza drive a getaway car after the attack

This claim was also made in a statement given to the police on January 5 1994. But Sibaya later retracted his testimony, saying he had been "primed" to implicate Ntsebeza in the attack

## No evidence

Johannes Elsebeth, the policeman who took the statement from Sibaya in 1994, testified yesterday that there was no evidence of Sibaya having been tortured

Elsebeth said Segal had brought Sibaya to him to take down the statement. The relationship between the two men had appeared amicable

At no stage had Sibaya complained of having been mistreated

Knipe said there was no evidence substantiating Sibaya's statement that arms had been transferred to Ntsebeza's white Audi

There was also no other reason for Ntsebeza to be linked to the attack.

Segal's brother, Warrick, testified that he was unaware of the details of the investigation into the tavern attack

"My brother was apologetic; the only thing he was interested in was (combating) crime," he said

Sibaya was the first witness called to testify yesterday. He was asked by TRC lawyer Mr André Bezuidenhout if he recognised any people in a series of 24 photographs

Sibaya pointed out Segal and a Fulani, whom he said belonged to the murder and robbery squad Goldstone said the reason for these questions being asked would become clear when Sibaya testified tomorrow

Mike Donen, Sibaya's lawyer, said Sibaya's position was that Ntsebeza was innocent and the allegations made against him were untrue - Sapa,

# Lawyers to seek amnesty

(252) Sowetan 20/11/97  
By Joe Mdhlela

BLACK lawyers who were struck off the roll of attorneys during the apartheid era should apply for amnesty to the Truth and Reconciliation Commission

This is the view of the president-general of the National Association of Law Societies of South Africa, Mr Thokwane. "Post" Moloto

In an interview with *Sowetan* yesterday, Moloto also said his association would advise its members who were struck off the roll for political activism to demand compensation for lost earnings

He said lawyers such as Mr Don Nkademeng, who was struck off the roll in 1987, suffered mainly because of his political convictions, and not for any misdeed

We are determined to have all lawyers who were struck off the roll make their submissions to the Truth and Reconciliation Commission

"We are convinced it can be established that most of them were punished because of biases harboured by the conservative law societies," Moloto said

He said the fact that recent submissions to the TRC by some judges and magistrates indicated their judgments were sometimes inconsistent with human rights values was proof enough that "many of our colleagues have a strong case to make for reinstatement"

Meanwhile, Nkademeng told *Sowetan* yesterday that he would still have to study the TRC provisions on reparations to establish if there was a case to be made for the awarding of compensation



# Farmers march for <sup>(252)</sup> return of death penalty

Queenstown - Hundreds of Burgersdorp, Eastern Cape, farmers, their wives and local residents called for the reinstatement of the death penalty in an emotional anti-crime protest outside the town's Magistrates' Court yesterday

Carrying placards calling for the return of the death penalty and opposing bail for suspects, about 350 people marched to the court in protest against the brutal murder of farmer's wife Ansie Venter on

the family farm near Burgersdorp on Friday

Venter (36) was shot in the stomach and head in front of her four children - Johan (14), Gerhard (3), Lindie (12) and Charlotte (11 months)

The children were abducted by two of the attackers but were later found unharmed

One suspect, aged 18, was arrested on a nearby farm on Monday, while two others, aged 23 and 24, were arrested in Aliwal North. - Sapa

~~SAPA~~ 20/11/97

# DRC admits it misled people on apartheid

(2/72)

Many members are committing themselves to a future of reconciliation, church tells Truth Commission

SAPA  
East London

The Dutch Reformed Church presented a submission to the Truth and Reconciliation Commission yesterday that focused largely on reconciliation, but said little about how its teachings lent credibility to apartheid.

The long-awaited four-page submission was presented by DRC moderator Freek Swanepoel on the third and last day of the TRC's special hearing into the role of churches under apartheid.

"In the past we were part of the problem, now we want to be part of the solution," Swanepoel told a panel, chaired by TRC head Archbishop Desmond Tutu, in East London.

"To be relevant in the South Africa of today the DRC also

needs to give a high priority to reformation and transformation," he said

Another priority was the unification of the racially divided church, he said.

In 1994 the DRC's coloured and black branches united to form the Uniting Reformed Church in Southern Africa. They are still separated from the DRC.

Swanepoel said he could not claim to speak on behalf of the whole DRC, but could do so for those committed to reconciliation. "When I speak about reconciliation I am speaking on behalf of the greater portion of the church," he said.

The DRC was willing to work with other churches and faiths to further national reconciliation as well as the transformation of society

In one of his few references

to the past, Swanepoel said the church had waged an internal struggle before its 1982 pronouncement that racism was a sin.

In 1986 it acknowledged that it had stumbled in using biblical teachings to justify the enforced separation of South Africa's peoples

The church apologised for its failure to protest more loudly against the injustices of apartheid, he said.

Swanepoel was questioned by commissioner Bongani Finca on the frequency with which security force amnesty applicants mentioned the teachings of the church as partial justification for the offences they committed.

He replied "We have indeed taught our people wrongly with regard to apartheid as a biblical instruction"

## Claim that torture was used to frame Ntsebeza rejected

Cape Town—A policeman testifying before a judicial inquiry yesterday poured cold water on claims by Guguletu gardener Bennet Sibaya that he had been tortured and "primed" to link Truth and Reconciliation Commission investigations head Dumisa Ntsebeza to an attack on a Cape Town tavern.

Director Leonard Knipe, head of the Western Cape violent crimes unit, said he was unaware of his colleague Des Segal having shown Sibaya a photograph of Ntsebeza and telling him to link Ntsebeza to the attack.

Segal died in a car crash on May 9.

At a public hearing headed by Mr Justice Richard Goldstone to investigate the allegations made against Ntsebeza, Knipe said it was unlikely Segal would have withheld such information from him

Sibaya testified that he saw Ntsebeza drive a getaway car after the attack — Sapa



# Defiant PW refuses second subpoena

TRC investigator to serve the order directly on the former state president at his home

*Star 20/11/97 (252)*

**SAPA**  
Cape Town

Former state president P W Botha, who said at the weekend he refused to appear before the Truth and Reconciliation Commission in person, yesterday drove his point home by refusing to have a second subpoena served on him through his attorney's office in Pretoria.

The TRC would now attempt to serve the subpoena directly on Botha at his Wilderness home, deputy TRC chairman Dr Alex Boraine said in a statement.

Botha's lawyer, Ernst Penzhorn, yesterday informed the TRC that he would be going to Zambia and that the subpoena could not be served through him. Nor would it be acceptable for the subpoena to be delivered to his office.

This was in stark contrast to previous arrangements, where Botha's initial subpoena had been served on Penzhorn's office, Boraine said.

"We can only assume that there has been a very considerable change of heart and that Mr Botha's lawyers and Mr Botha himself are not prepared to co-operate in any way with the commission."

However, the process of serving the subpoena would continue. It would now be delivered to the commission's head office in Cape Town and a TRC investigator would travel to Botha's home in the Wilderness and attempt to serve it directly on Botha today, Boraine said.

"It is a matter of considerable regret that the process laid down in the act, and which the TRC is bound to follow, has been made so difficult as a result of the lack of co-operation from Mr Botha and his lawyers."

Earlier this month, Botha was subpoenaed to attend the TRC's first state security council hearing in Johannesburg, along with fellow members of his cabinet.

His testimony was postponed on the grounds of ill health, and commission chairman Archbishop Desmond Tutu then said the next round could take place at George, near Botha's home, to accommodate him.

## I didn't instigate killing of Guguletu 7, says amnesty seeker

Cape Town - Former Vlakplaas police base operative Wilhelm Bellingan yesterday denied that the incident in which the so-called Guguletu Seven were shot dead by police in 1986 was planned and instigated by him.

Bellingan is seeking amnesty from the Truth and Reconciliation Commission for his part in the death of the seven anti-apartheid guerrillas during a shootout with police in Guguletu on March 3 1986.

The men were allegedly planning to ambush a police minibus in the township Cross-examining Bellingan at his amnesty application hearing in Cape Town, TRC lawyer Ramula Patel put it to him that he planned and instigated the shooting. This appeared to be the case if one looked at how the operation was carried out, Patel said.

She said the men were lured to the area and brutally massacred. Bellingan denied the claim and said there was no conspiracy to murder.

Patel then put it to him that he had misled the TRC's amnesty committee, the families of the deceased and the nation at large, and had not made a full disclosure. Bellingan said this was not true. He maintained that the intention had been to arrest the group.

Patel said Jimmy Mbane, one of the two askaris - turned Umkhonto weSizwe members - who infiltrated the group of freedom fighters, had told her he took Bellingan to the scene of the attack the Friday before.

Mbane had pointed out exactly where he would drop the group members and further details of the planned attack.

Bellingan denied giving Mbane had told him he would drop off the group members. Mbane's instructions had been to keep the group together.

Bellingan denied giving the askaris handgrenades. He also denied Mbane's claim that he saw Bellingan drag a man from a vehicle and shoot him in the head. Bellingan said he shot the man in the head while standing.

# Alex women set to fight rape, abuse

M+G 21-27/11/97  
(252)

*Police and women in Alexandra are working together to combat rape in the township, writes Lizeka Mda*

**P**ut yourself in Josina Matangala's shoes and you'll want to scream. One Saturday night two months ago, a man she had seen around Alexandra township burst into her shack where she was sleeping with her two-year-old daughter and proceeded to rape her the entire night while the little girl cried helplessly.

Neighbours heard her calls for help but the man shouted from the door threatening to shoot anyone who dared to come near.

In the morning she asked neighbours Portia Mongake and Mathapelo Moloi to accompany her to the police station. The policeman who attended to them could not understand Matangala who only speaks a Mozambican Shangaan dialect, but would not deal with Mongake and Moloi either. He referred her to the clinic eight blocks away.

When the three women arrived at the clinic, it was before 7am. The nurses told them to wait outside as the 24-hour clinic was still being cleaned. When they were allowed in, the nurses told Matangala to wait as she had to be seen by a doctor. A doctor arrived but said she would only see children and Matangala should wait for another doctor.

The second doctor arrived at about 11am,

"Since when are you the magistrate?" he demanded of his lover, who went down on her knees to beg for forgiveness. He spared her, that time.

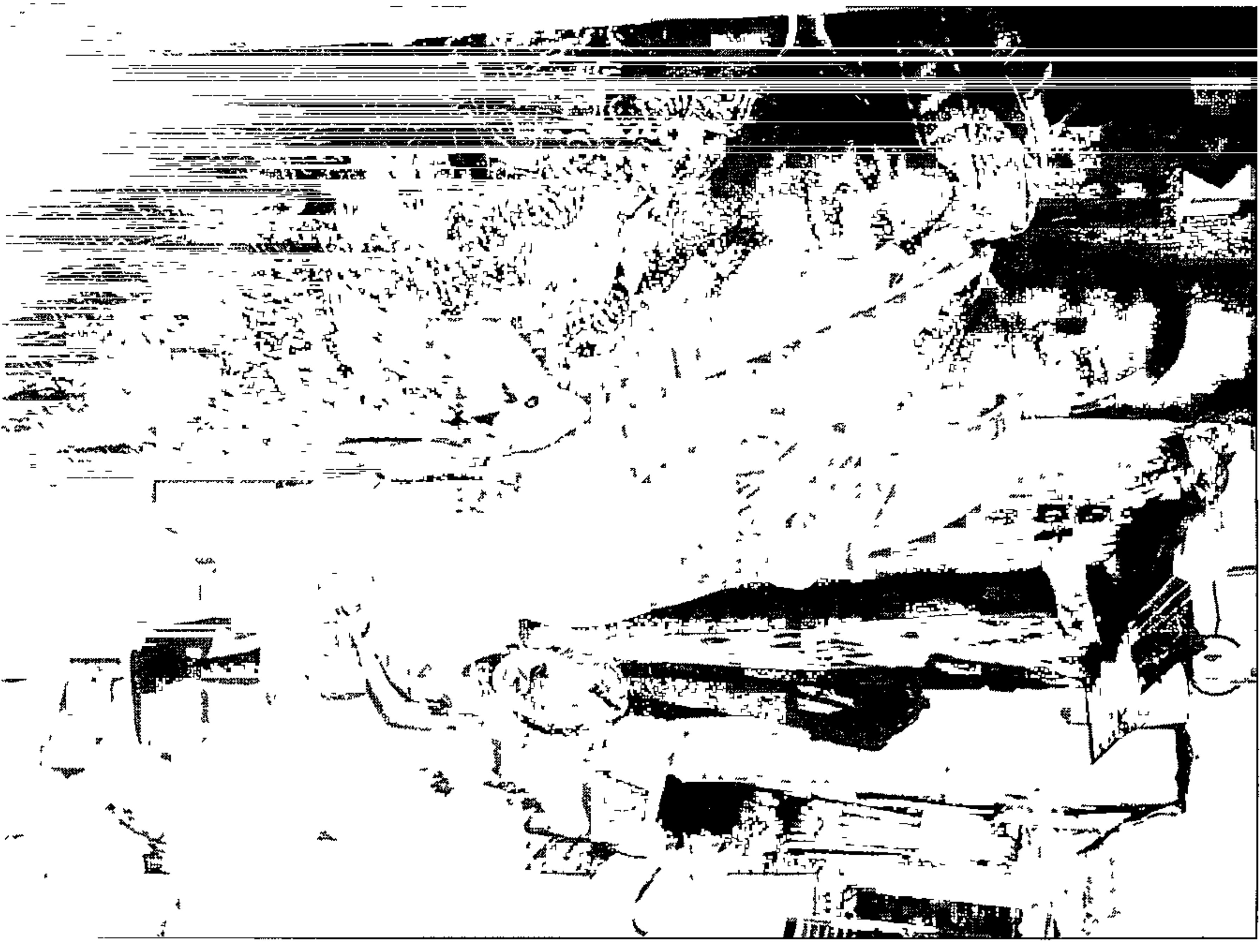
Matangala did not phone the police. She did not know who to ask for or what to say. Anyway, she did not have the money to make the phone call. She regretted having "made a fuss" about the rape in the first place, because all the help she got for her troubles was a packet of painkillers the doctor gave her. She has not heard from the police since.

These hardships are the reality for the women of Alexandra township in Johannesburg, and they are sick of it.

Last Saturday 200 of them attended a workshop organised by Agsanang Domestic Abuse Prevention and Training (Adapt), the Alexandra Community Law Clinic and the Alexandra Women's Forum to bring women and the police together to find solutions to the serious problem of rape and other forms of violence against women in the township.

Also present were representatives from the Safety and Security Secretariat, the Gauteng Department of Safety and Security, and several non-governmental organisations.

The tone was set by Superintendent Leset-





police station with the medical report. After her statement was taken, she was told to wait outside for a red Golf whose driver would arrest the rapist.

By 2pm the car had not arrived and Mongake and Moloi were restless. They had left their homes at the crack of dawn and were both worried that their men would not take kindly to their long absence. Moloi went home an hour later. Mongake inquired about the delay and was given a phone number for the Johannesburg police's domestic violence, child abuse and sexual offences unit, in whose hands the matter now rested.

When the two women arrived home, it was to find Moloi a bloodied mess. Her husband had beaten her up for her long absence. Mongake's boyfriend was agitated that the needs of a rape victim had taken precedence over his lunch.

Save a critical review of police attitudes and conduct as a huge obstacle for victims of violence in Alexandra trying to get justice.

He noted that rape cases are referred elsewhere, to the domestic violence, child abuse and sexual offences unit in Braamfontein for investigation and prosecution, which minimises the role of the local police station. The unit serves 20 police stations in Johannesburg and is not as responsive as they would like.

Also, the majority of the investigating officers do not know Alexandra, he says. They do not understand that with the yard system, one address can have as many as 12 families.

"Cases are withdrawn because the investigating officer cannot find the complainant."

Mothiba committed the police station to get training in gender sensitivity for everyone who works in the charge office. This week he is send-

**Good neighbours: Mathapelo Moloi and Portia Mongake set their own tribulations aside when called to assist a rape victim. PHOTOGRAPH: RUTH MOTAU**

ing out a circular to all the police in the station that rape is to be treated as a serious problem, and its victims with extreme sensitivity.

Rape victims will no longer be sent to the clinic to get medical examinations, but will be driven there by a police officer who will also take them home. Many women who report rape just return home after being told to go somewhere else. At least one woman was raped again while making this journey between the police station and the clinic.

A long-term solution to this segmented service is to make the clinic a one-stop centre for victims. A police officer would be at the clinic 24 hours a day to take a statement from the

woman, and she would also get counselling.

The women resolved to form a forum to get themselves educated in legal procedure and their rights as far as the system of justice is concerned. A committee will review rapes reported at the police station on a weekly basis and verify the accuracy of police reports with the victims themselves to make sure that the victims get the service they deserve.

As a kind of police reservist force, the women will get training in conflict resolution and provide a support group for rape victims, going as far as accompanying them to court. The message from the women of Alexandra is clear: They are tired of living in fear.

# Men's march catches the imagination

## Ferial Haffajee

**A**t least eight women will have been raped by the time you read to the end of this page.

Three years into the new democracy and a woman is still raped every 36 seconds in South Africa, perhaps even more frequently if the growing numbers of reported rapes indicate an increase in the incidence. About six in 10 women will be battered by their partners at some time in their lives.

It's a situation which many believe needs the services of a Bud White. He's the hero of the movie *LA Confidential*, who believes in fists first as he knuckles down on Hollywood toughs who beat their women, reducing them to grovelling lumps.

This weekend, though, it's the soft option on display in Pretoria when "Real men march against women and child abuse", as the posters say. The men's march builds on a similar community protest in Gauteng earlier this year and the black American "million man march" of two years ago. It's been a long time since struggle-weary activists have evolved a mass campaign with cachet, but this

one has caught the popular imagination.

Everybody's pitched in all tiers of government, most non-governmental organisations and every commission around from the Commission for Gender Equality to the Human Rights Commission have given financial and human-resource help.

The SABC has provided free airtime and the agency Young & Rubicam has provided a free TV ad, all of which has added to the hype.

"Our constitutional breakthroughs and Bafana Bafana's sports victories are quite bankrupt if we're also the champions of rape," says Kumi Naidoo, the executive director of the South African NGO Coalition, which organised the march. "We have to get men to acknowledge they have a problem and to work together to address it."

The problem could paradoxically be getting better and worse, says Sally Shackleton of People Opposing Women Abuse (Powa). Between January and June this year, 24 805 women reported that they had been raped through the real figure is probably closer to 496 100 rapes because only one in 20 reports the crime. That's a 30% jump on the rapes reported in 1994. Growing confidence in the police could mean

that more women are reporting rape, but Powa also believes the incidence of rape and battery is growing.

"Very few men can get up and say 'I've never been abusive,'" says Naidoo.

That's why he believes the march will not be like preaching to the converted, although many women joke that Pretoria's the place to be on Saturday for finding sensitive new-age men. "It's not a march of PC [politically correct] men," counters Naidoo.

But in a macho society, men are not easily drawn together to acknowledge a problem. Last week, Naidoo was heartened when a hip youngster saw his car (with the coalition's logo on it) at a stop street. "You're the *ouens* organising that men's march," he shouted. Naidoo beamed, happy that the message was reaching the rank and file. But instead the young man added: "You all are a lot of moffies."

Sex workers and Aids counsellors report distressing attitudes to rape and battery among young men. Roger from Thoko Thaba High School in Thokoza says: "In the African way a woman must be beaten to make her stronger," while his friend Vusi adds: "Sometimes a little beating helps. If you don't beat

her you don't love her." Amos feels that "if your father beat your mother, you'll beat your girlfriend when she does something wrong."

At the organisation Adapt in Alexandra, Gauteng, young men are learning something different. A group of them meet every Thursday to talk about their problems. The motto allegation is one they have heard too, but for Botsepo Lesetedi it's been worth the ragging. He admits "using my small hand" many times on his girlfriend. He doesn't any longer.

"I've become aware of my aggressive and abusive tendencies," he says, adding "99.9% of perpetrators are men and we need to be part of the solution."

In Durban and in Cape Town, women's organisations are also finally drafting men into their work. And at 22 service centres around the country, National Institute for Crime Prevention and Rehabilitation of Offenders members now teach men's groups the simple problem-solving and communication skills which could begin to topple South Africa from the ladder it now sits atop as Interpol's world number one rape capital.

*Additional reporting by Maria McCloy*



# Patel in welfare break-up

Mail & Guardian reporters

The Department of Welfare and Population Development's Director General Leila Patel is set to resign her post after clashes with welfare minister Geraldine Fraser-Moleketi came to a head in the past fortnight

The two have not met regularly or worked closely together for a year, as a minister and director general should. And this week Patel was said to be negotiating a final package. She is considering options in the private sector.

Neither the welfare ministry nor its department would comment on the pending resignation of the director general, but one of the chief reasons she is leaving is because Fraser-Moleketi attempted to take too strong a hand in the running of the department. This turf

war appears to be the result of increased pressure from Cabinet on ministers to deliver

Patel has survived two National Party ministers — Abie Williams and Patrick McKenzie — and is seen as the driving force behind efforts to drag welfare into the 20th century. She wrote the welfare department's white paper, which shifts social security away from a maze of apartheid state handouts to a more coherent policy that attempts to transfer skills and provide more security for those in need.

But implementation of these policies is only just starting and many believe that Patel's departure could stymie the new plans. Leaving Fraser-Moleketi with a political hot potato. The welfare department plays a crucial role in catching the fallout from the belt tightening which the government's Growth, Employment and Redistribution strategy demands.

MTG 21-27/11/97

Problems arose last year around the Lund proposals — the controversial plan to increase the number of welfare grant recipients, but radically trim state pay-outs to them. Patel and Fraser-Moleketi agreed on the principles, but differed on the implementation of the system.

The draft law, largely Patel's brainchild, is set to be promulgated by Parliament early in the new year, with implementation later in 1998. It aims to provide social grants to three million poor children up to the age of five.

Putting the new system in place was largely Patel's baby. The proposals that were first unveiled earlier this year met with condemnation because they will slash existing grants.

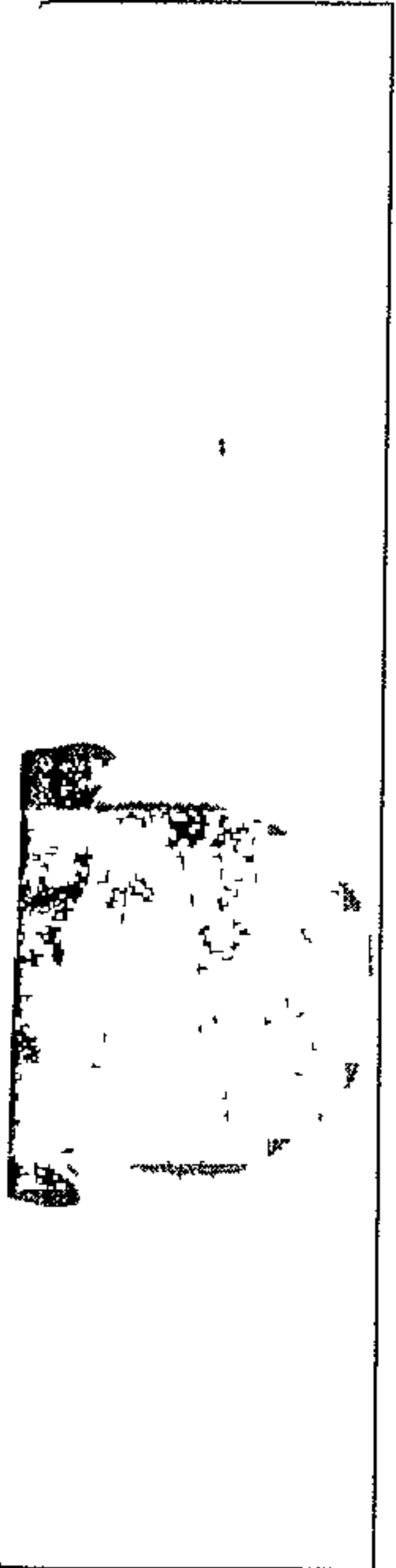
Patel cut her activist teeth in the Western Cape and has carved a name as one of this country's most highly qualified welfare brains. Prior to her appointment as director general,



Going private: Leila Patel

she was instrumental in designing post-apartheid welfare policy and has also acted as a consultant to the World Bank and the United Nations agency, Unicef.

## Child of the wild still



## North West fires MEC for Elimination



*As the Winnie Madikizela-Mandela scandal grows, so does the list of those who will*

# MORE CORPSES

(202) MHC 21-27 11/97

**M**ore corpses have floated to the surface of the Winnie Madikizela-Mandela scandal as the Truth and Reconciliation Commission prepares to expose the full extent of the murder and mayhem surrounding the Mandela United Football Club next week.

Fresh information linking Madikizela-Mandela to the assassination in 1988 of 18-year-old Soweto student activist Sicele Dloomo — whose mysterious death was blamed on the apartheid security forces — will emerge at the hearings.

New evidence is also expected to emerge about the involvement of Zanzi Mandela-Hlongwane's boyfriend and father of one of her children, Sizwe Sithole, in a string of murders. Sithole died under mysterious circumstances while in police custody. In the words of one former member of the Mandela United Football Club: "Sizwe had told the police how he was used as a killing machine by Winnie."

The five days of hearings promise to produce the most sensational piece of political theatre seen in

South Africa since Nelson Mandela's release from prison and his inauguration as president.

It now appears that, in an attempt to halt Madikizela-Mandela's bid for power as deputy president, the ANC is doing everything it can to expose the truth of the scandal surrounding her.

Key figures in the liberation movement, who have previously kept silent about what they knew, have volunteered to testify against her. These include Walter Sisulu's wife, Albertina, and members of the "crisis committee" set up at Mandela's request in 1988 in an attempt to protect Madikizela-Mandela.

The truth commission itself — recognising that the Madikizela-Mandela inquiry will be seen by the world as the toughest test of its independence and integrity — is showing a determination to get to the bottom of the scandal. They have identified about 20 incidents of murder, abduction, torture, assault and betrayal which they plan to investigate during the hearings.

In the process they have disclosed

fresh allegations of Madikizela-Mandela's involvement in murders. She is now being linked with the killing of a young member of the Detainees' Parents Support Committee whose death had previously been blamed on the apartheid security forces.

Dloomo was shot dead on January 23 1988, shortly after his release from detention. His death was given worldwide publicity because he had starred in a powerful documentary, *Children of Apartheid*, made by the American television network, CBS.

He had been questioned by police during his detention about his involvement in the film. During his funeral, police fired tear-gas to break up angry crowds gathered at his family home, the church and the cemetery.

Several former members of the Mandela United Football Club are expected to open a can of worms, implicating Madikizela-Mandela in a string of unsolved murders with at least two of them naming her as being responsible for Dloomo's murder.

A former member of the ANC armed wing, Umkhonto weSizwe, and previously Madikizela-Mandela's



**Winnie Madikizela-Mandela: It appears that the ANC is doing all it can to halt her lust for power. PHOTOGRAPH: HENNER FRANKENFELD**

*testify against her. Wally Mbhele, Peta Thornycroft and David Beresford report*

# in Winnie's cupboard

ude, Xoliswa Falati, is among the witnesses who are expected to shed light on Dloomo's cold-blooded killing.

Dloomo's mother, Sylvia, recently made a moving plea to the truth commission's human-rights violations committee to help her uncover the killers of her son.

She had insisted that policemen were responsible for Sicele Dloomo's death as they had on numerous occasions detained and harassed him. "I know it will be painful to find out who killed Sicele, but it will also help heal at the same time. Every morning, after praying for my safety, I ask the Lord to keep me alive until I know the truth," said Dloomo's mother in a recent interview.

Further, in what could prove a severe setback for Madikizela-Mandela at next week's hearing, one of five witnesses she has been counting on to help her prove her innocence has turned on her.

The witness, Pelo Mekgwe, is believed to be among a host of witnesses lined up by the truth commission to testify against Madikizela-Mandela. He is expected to tell about the day

when he and two other members of the football club, Thabiso Mono and Kenneth Kgase, were abducted from the Methodist manse in Soweto.

Mekgwe disappeared four days before the start of the Winnie Mandela trial in 1991, but recently emerged alongside Madikizela-Mandela at a press conference as one of her witnesses.

It is also doubtful if Madikizela-Mandela will produce her remaining four witnesses as they are believed never to have belonged to the football team. They are reportedly student activists from Kwazulu-Natal on the East Rand.

The *Mail & Guardian* has reliably established that the man who personally carried out Dloomo's assassination has applied for amnesty from the truth commission and has named Madikizela-Mandela as the person who ordered him to assassinate the youth.

It is believed that a statement made to the police by Sithole shortly before his mysterious death in detention — hanging himself with shoelaces which had earlier been

taken from him — will also shed light on Dloomo's death.

Sithole's statement has never been made public and was also not used at the subsequent inquest into his death.

Another witness who is likely to damage Madikizela-Mandela when she takes the witness stand is Phumzile Dlamini. She is expected to recall how she was brutally assaulted by Madikizela-Mandela and other members of the football team in 1988 while she was pregnant.

Dlamini was accused of being impregnated by a man who had arrived with Madikizela-Mandela following her banishment from Brandfort. The man is alleged to have been involved in "an intimate affair with Madikizela-Mandela."

Dlamini, whose brother Thobani was allegedly murdered by Sithole after being accused of selling out to the police, has been placed under the truth commission's witness protection programme as commissioners believe she is vulnerable to attack.

The dice appears to be heavily weighted against Madikizela-Mandela. Some of the witnesses lined up by the

truth commission include her personal driver, John Morgan, and jailed football club coach Jerry Richardson.

Other witnesses include Falati, Ikaneng Lerothodi, who survived two assassination attempts at the hands of Richardson, Thabiso Mono, who also disappeared from the Methodist manse, as well as jailed football club member Charles Zwane, who is also seeking amnesty.

More than 30 witnesses have been called to testify during five days of the hearing. Madikizela-Mandela will appear on the last day of the hearing.

Nichodemus Sono, whose son Lolo was allegedly abducted in Madikizela-Mandela's presence, will give evidence on the first day of the hearing. He will respond to Madikizela-Mandela's claim that he never approached her about the whereabouts of his son. Sono maintains that he last saw his son inside Madikizela-Mandela's minibus after he was abducted by members of the football team.

Madikizela-Mandela is believed to have admitted to the truth commission's in-camera hearing that she knew Lolo Sono, but she denied his



**Sylvia Dloomo: Seeking the killers of her son, Sicele**

father's claim that he was in her minibus the last time he saw his son. Instead, she has told the truth commission that she only met Lolo Sono's father once. That, according to Madikizela-Mandela, was when he was delivering arms and ammunition to her house.



Rarely has a scandal encompassed as many allegations of wrongdoing as the one surrounding Winnie Madikizela-Mandela — ranging from murder to fraudulent use of charity funds. But, inevitably, it will be the killings which will be the focus of attention at the Truth and Reconciliation Commission hearings.

The number of murders with which she has been associated has fluctuated wildly, but it appears that she will be questioned next week about the following killings:

**Stompie Seipei:** The report of his disappearance and the circumstances surrounding it by *The Weekly Mail* in 1989 triggered what is now known as the "Winnie scandal". Her former henchman, Jerry Richardson, was convicted of murdering Seipei — taking him out into the veld and butchering him with garden shears. But it is alleged he was already dying, after having been beaten up at Madikizela-Mandela's house, and that she ordered and took part in the assault.

**Dr Abu Baker Asvat:** The "people's doctor" and a friend of Madikizela-Mandela's, he was shot dead in his surgery as the scandal over Seipei began to break. It is alleged he was killed on Madikizela-Mandela's orders. He had examined Seipei at her house and found the boy to be dying — and was, therefore, in a position to have her convicted for what was then a capital offence.

**Finkie Msomi:** A 13-year-old girl shot dead in a revenge attack on a Soweto house, following the murder of a member of the Mandela United Football Club. Madikizela-Mandela is alleged to have ordered the attack.

**Kuki Zwane:** A young woman from the Transkei found murdered near Orlando railway station on December 18, 1988. Her death was a mystery until Richardson recently claimed, during a television interview, that he had killed her as she was a suspected police informer on Madikizela-Mandela's instructions.

**Sicelo Dlamini:** A worker with the Detainees' Parents Support Committee who was shot dead on January 23, 1988, shortly after his release from detention. It was assumed he had been murdered by the security forces, but there are now allegations that he was killed on Madikizela-Mandela's instructions, again as a suspected informer.

**Morgan Bambisa:** His murder, in 1967, is believed to have been linked to Madikizela-Mandela in an amnesty application.

**Susan Maripe:** She was shot in her Soweto home in connection with her death in a statement to the truth commission on human-rights violations.

**Kola Makhaula and another unnamed person:** Makhaula was killed in a shebeen brawl in 1987. A former member of Umkhonto weSizwe (MK) has told the commission that Makhaula's AK-47 was kept at Madikizela-Mandela's house. Nothing more is known about the cases.

**Maxwell Madondo,** a member of the Mandela United Football Club, died while trying to kidnap another youth who was accused of being a "sell-out" — allegedly on Madikizela-Mandela's instructions.

Two MK guerrillas, **Maluleke** and **Mbenenge** and a white police officer, Sergeant Pretorius. All three were killed during a shoot-out at Richardson's house on November 9, 1988. Madikizela-Mandela is alleged to have delivered the two guerrillas to Richardson, who was a police spy. Pretorius is believed to have been Richardson's police "handler".

**Lolo Sono and Siboniso Tshabalala:** Presumed murdered. They disappeared in November 1988 after allegedly being questioned and assaulted at Madikizela-Mandela's house on suspicion of having "sold out". Maluleke and Mbenenge, to the police.

Other incidents which Madikizela-Mandela is expected to be questioned about include:

The kidnapping and torture of two brothers, **Peter and Phillip Makhandia** in 1988, allegedly on Madikizela-Mandela's instructions and in her presence. The brothers were accused of being "sell-outs".

Peter Makhandia was hanged from a rafter, but survived when the rope broke. He was suffocated with a plastic bag over his head. Finally he had the words "Viva ANC" carved into his back. Phillip Makhandia had a "W" for Mandela and "Viva ANC" carved into his chest and a thigh and battery acid was smeared into the cuts.

The attempted murder of **Ikaneng Lerothodi** in 1989. The youth, allegedly accused by Madikizela-Mandela of having betrayed a comrade to the police, had his throat cut with garden shears by Richardson, but miraculously survived. Various witnesses have claimed Madikizela-Mandela ordered the attack.

The disappearance of Katiza Cebekhulu, a materialised in a Lusaka prison and will be testifying next week.

The circumstances leading to the death of **Sizwe Sithole** in police detention in 1991. Sithole, the father of a child by Madikizela-Mandela's daughter, Zanzi Mandela-Hlongwane, allegedly hanged himself in police custody with his shoelaces. He had been detained in connection with the possession of firearms and grenades. Cebekhulu has alleged that Winnie supplied the weapons to Sithole and then instructed him (Cebekhulu) to trip off the police.

An assault on a woman, **Phumzile Dlamini**, who fell pregnant in 1988, allegedly by a boyfriend of Madikizela-Mandela's.

## The accusers

During his divorce action in March last year, President Nelson Mandela — irritated by the constant reference to his wife as a victim of apartheid — conceded that Madikizela-Mandela had suffered "gross persecution" and "brutal treatment" at the hands of the police. But, he reminded the court, "there were many women in this country who suffered far more than she did". He cited Albertina Sisulu as an example.

Sisulu is, in the eyes of many, the woman who really deserved the title "The Mother of the Nation" which was for so long enjoyed by Madikizela-Mandela. Her standing in the country, as well as her involvement in the Madikizela-Mandela scandal, makes her potentially the most devastating witness at next week's hearings.

Sisulu has never publicly told what she knows about Madikizela-Mandela. It is believed that state prosecutors backed off subpoenaing her in the Seipei case as they knew she would flatly refuse to co-operate with the hated "system". But the announcement that she is among the witnesses "invited to testify" implies she has agreed to speak out at last.

Sisulu's evidence could be crucial as she worked for Asvat as a nurse and receptionist. She should be able to resolve the dispute over the date on which Madikizela-Mandela visited Asvat's surgery, a detail crucial to Madikizela-Mandela's alibi in the Seipei case.

which Asvat shared with her about Madikizela-Mandela and Seipei. And she may be able to throw fresh light on the circumstances in which Asvat was murdered — whether it was a robbery as claimed by the police, or a contract killing as claimed by one of the murderers. At one stage a "hit list" was allegedly found at Madikizela-Mandela's house which included the names of two of Sisulu's nephews.

Like Sisulu, the Winnie Mandela Crisis Committee has previously been unco-operative with the authorities, but its members have now agreed to tell all. They include Dr Frank Chikane, Dr Bishop Manas Buthelezi, Dr Nthato Motlana and Azhar Cachalala.

Other reputable witnesses who could have an impact on the hearing include the likes of Nichodemus Sono, who is expected to tell the story of how he pleaded with Madikizela-Mandela for his son, Lolo, when she brought the boy to his house in the back of a mini-bus. Madikizela-Mandela, who said the boy was a "sell-out", allegedly refused to let Sono speak to Lolo. The boy appeared to have been badly beaten up. Sono never saw his son again.

And then there is the string of former accomplices who have turned on Madikizela-Mandela. Some will be brought from prison cells to testify, like Richardson who is expected to accuse her of ordering other murders in addition to that of Seipei. Richardson is serving life for the murder of Seipei.

Madikizela-Mandela's co-accused in the Seipei trial, Xoliswa Falahe and John Morgan, are expected to repudiate their original testimony supporting her alibi. Even Pelo Mekgwane, one of the youths kidnapped from the Methodist manse along with Seipei — whom Madikizela-Mandela paraded at a recent press conference among a group of witnesses she claimed would clear her name — is expected to turn on her.

Forty-three potential witnesses have been subpoenaed, invited to testify or asked to be on standby. It is a formidable line-up she faces. But it is not for nothing that she is known as South Africa's "great survivor".

## The defence

The crux of Madikizela-Mandela's defence against the allegations is that she was the victim of a smear campaign by the apartheid security forces. In support of that contention



Sicelo Dlamini





**The 'people's doctor': Dr Abu Baker Asvat, allegedly killed on Madikizela-Mandela's orders, at work among the community**

she is likely to rely heavily on testimony from former security policeman Paul Erasmus. Erasmus, who was named as an operative by the *Mail & Guardian* in 1995, worked for the Witwatersrand branch of Stratcom, a unit specialising in dirty tricks and intelligence gathering.

In his confessions to the *M&G*, Erasmus said that Madikizela-Mandela was a target of Stratcom. Madikizela-Mandela latched on to this and has since seemingly become friendly with him. During Mandela's divorce action last year, Madikizela-Mandela tried to introduce Erasmus as a witness to prove that her marriage had been deliberately undermined by the police.

The move was rejected by the court after the president threatened to "reveal facts which might damage her image and bring a great deal of pain to my children and grandchildren".

Erasmus has never tried to claim — in public, at least — that Stratcom concocted the more serious allegations against Madikizela-Mandela. Instead, they appear to have tried to exploit the scandal to feed the media and other opinion-makers, throwing in the occasional embellishment to help it on its way.

As Erasmus told the *M&G*, Stratcom's tactic was to base its black propaganda operations on 70% fact and 30% fiction. "You create a perception. Even when some of it can be disproved, since some of it is true, people think

all of it is true." Some of the embellishments Erasmus has cited have been allegations that Madikizela-Mandela was an alcoholic and took drugs.

## The cover-up

Political scandals since the time of Watergate tend to boil down to the question as to whether there was a cover-up, and the "Winnie scandal" is no exception. Hanging over next week's hearings is the question as to whether police obstructed the course of justice.

The *M&G* put a series of questions to National Commissioner George Prvaz's office this week about the conduct of the police in relation to Madikizela-Mandela. However, they refused to answer them "owing to the fact that Madikizela-Mandela is due to appear before the Truth and Reconciliation Commission".

There are, without doubt, some curious aspects about police handling of Madikizela-Mandela — some so curious that the theory has been floated that she was herself in the pay of the security forces and was being protected as such.

One striking facet of police conduct was their failure to question her in instances where there was *prime facie* evidence of her involvement in crimes. In November 1988, for example, two guerrillas were killed in a shoot-out with police at Richardson's home. At the subsequent inquest, Richardson — who it is now known was a police agent — testified that Madikizela-Mandela brought them to his house. However, the police did not try to take a statement from her.

A similar example arose from an attack by members of the Mandela United Football Club on the home of Dudu Chibi during which 13-year-old Finkie Msoni was killed. At the subsequent trial the judge accepted a defence statement implicating Madikizela-Mandela in the planning of the attack. Again she was apparently never questioned.

Other questions which the *M&G* wanted to put to Prvaz include

- Why has no action been taken as a result of public admissions by Falah and Morgan that they deliberately perjured themselves in supporting Madikizela-Mandela's alibi during the Seipei trial?

- Why was the original statement implicating Madikizela-Mandela by Nicholas Dlamini, one of the two men convicted of murdering Asvat, never presented in court?

- Why was Richardson paid R10 000 by the police while serving a sentence of life imprisonment for the murder of Seipei?

Police say the money was for information Richardson provided which led to the killing of the two ANC guerrillas during the shoot-out at his house. But justification for such a payment to an informant who — presumably unknown to the police — was busy killing people on the side must be debatable.

- Did Senior Superintendent (then captain) Fred Dempsey, the investigating officer in the Seipei case, hand key witness Cebekhulu over to Madikizela-Mandela when he captured him in January 1991? The claim is made by Cebekhulu in the Fred Bridgland book, *Katiza's Journey*.

The three police officers who headed the Madikizela-Mandela investigations — Dempsey, Henk Heslinga and HT Woodley — have all since been promoted. They have repeatedly said that they did everything they could and that no pressure was put on them to hold back prosecutions against her.

Police justify the failure to disclose the Dlamini statement on the grounds that it was unreliable, because it was obtained under undue pressure and that it would have weakened the case against his co-accused, Cyril Mbatha.

They justify the payment of the R10 000 payout to Richardson in prison on the grounds that they were honour-bound to reward him as a registered informer. Failure to pay him earlier was due to the death of his handler, who was killed in the November 1988 shoot-out.

Police say there was a sensitivity in the force to Madikizela-Mandela. In about 1988 orders were issued to the security branch not to raid her home, or question her, without clearance from regional headquarters because of the likely reaction of the local and foreign media.

"If I could have got her prosecuted for the Asvat murder I would have been the most famous policeman in South Africa," said one officer who remains convinced the murder of the doctor was motivated purely by robbery. "It's absurd to think we would have protected her."

The former Witwatersrand attorney general, Klaus von Lieres und Wilkau, said "I never cut deals. The decision I took was based on the facts. We decided not to charge her with murder, because there was no reasonable prospect of succeeding with a prosecution".





TRC scans business Anglo's Godsell, Ogilvie Thompson & Oppenheimer But no Lipton

#### BUSINESS & THE TRUTH COMMISSION

## Expert witness disappears in fog of prevarication

(252)  
FM 21/11/97

Suspicion that a 'collective' may have thwarted the testimony of business scholar Merle Lipton are denied

As the Truth & Reconciliation Commission (TRC) ingests the voluminous evidence presented at its hearing on the role of business during the apartheid era, a controversy is simmering over the exclusion of Merle Lipton — one of the foremost authorities on the relationship between capitalism and apartheid — from the list of expert witnesses

Lipton, a senior researcher at the University of Sussex in Britain, is the author of *Capitalism and Apartheid*, a definitive book on the subject. Published in 1986, during the high tide of Marxist ideological influence at SA universities, it challenges the thesis that capitalism thrived under successive apartheid governments and presents the opposing view that apartheid restrictions were inimical to many, if not all, businesses and businessmen

In a letter to TRC commissioner Fazel Randera — a copy of which is in the possession of the *FM* — Lipton refers to an original invitation from Randera to her to make a verbal presentation to the hearings and his subsequent amendments to the invitation after he had consulted with the TRC "collective"

According to Lipton the amendments include

- Withdrawal of the invitation to make a verbal presentation,
- Confinement of her contribution to that of questioning business representatives about their written submissions, and
- Presentation to the TRC before her arrival in SA of a two-page summary of what she would have said in the verbal presentation, a requirement which she interpreted as a desire by the commissioners to know in advance what line she would take

On the question of travel costs from Britain where she lives, Lipton says Randera told her the TRC was unable to help her and then suggested that she approach Anglo American for help

Lipton expresses surprise in her letter at Randera's suggestion that she "ask Anglo for the money" To have done so would have compromised her independence and portrayed her as a witness for Anglo American rather than an independent expert (who has had disagreements in the past with the corporation)

SA-born Lipton records that she initially undertook to try to raise money for her

travel costs from the British Council or British Academy but decided against doing so because Randera was unable to confirm the invitation to attend before October 27 at the earliest, leaving her too little time to obtain financial assistance

She quotes Randera as saying "If, in view of these difficulties, you feel unable to attend, do not worry. We shall then just tell people that we invited you"

Lipton says that would have been misleading "The truth is that I have been confronted by an ever-shifting obstacle course that prevents me from attending, as I wished to do"

Randera denies that there was any attempt to raise obstacles to Lipton's attendance, only a problem of accommodating her at a late stage on a crowded programme, the main purpose of which was to hear directly from representatives of labour and business

To substantiate his bona fides, he has given the *FM* a copy of his reply to Lipton's letter. In it he apologises for a "misunderstanding in our communications," expresses respect for Lipton's scholarship in general and her book on capitalism and apartheid in particular, and states that the TRC would still be grateful for "any documentation" which she considers would help it to understand the past and make recommendations for the future

Similar sentiments are understood to have been expressed in a letter to Lipton from TRC vice-chairman Alex Boraine, in which he acknowledges that it would have been invidious for her to have sought assistance from Anglo American

Lipton is not alone in suspecting that she may have been victim of an undeclared agenda by the TRC "collective"

A well-placed observer believes that her exclusion was orchestrated so as to elevate a paper by repentant Broederbond member Sampie Terblanche — the Stellenbosch professor who mooted a wealth tax on business notables who "profited from apartheid" — to the status of a definitive contribution

Against that, however, it should be noted that a closely argued submission was made by Wits professor Charles Simkins, who shares many of Lipton's views — notably the contention that SA business cannot be regarded as a homogeneous entity

Taking a broad view of the business community, Simkins differentiates between reformers, who sought to meet the challenge of change by innovation, standpatters who strenuously resisted change, and expedient adapters who waited to see which way the wind was blowing before committing themselves

Patrick Laurence



TRUTH COMMISSION REPARATIONS

*fmail/11/97 (252)*  
**'Riot fund' may foot bill for apartheid sins**

Government has begun to investigate a suggestion that it use part of the 18-year-old Sasria fund for human rights reparations

**B**usiness may not need to concern itself overly with a reparations levy from the Truth & Reconciliation Commission (TRC) — the money may already be sitting in the R9,4bn SA Special Risk Insurance Association (Sasria) fund, on which government has a claim

But it's not a simple matter

Business is alarmed by talk of a reparations levy and has so far not responded to Archbishop Desmond Tutu's plea last week for it to give substance to its collective apology for apartheid. Tutu asked for financial contributions to the President's Fund for reparations and rehabilitation — and indicated that the final cost could exceed R3bn over six years.

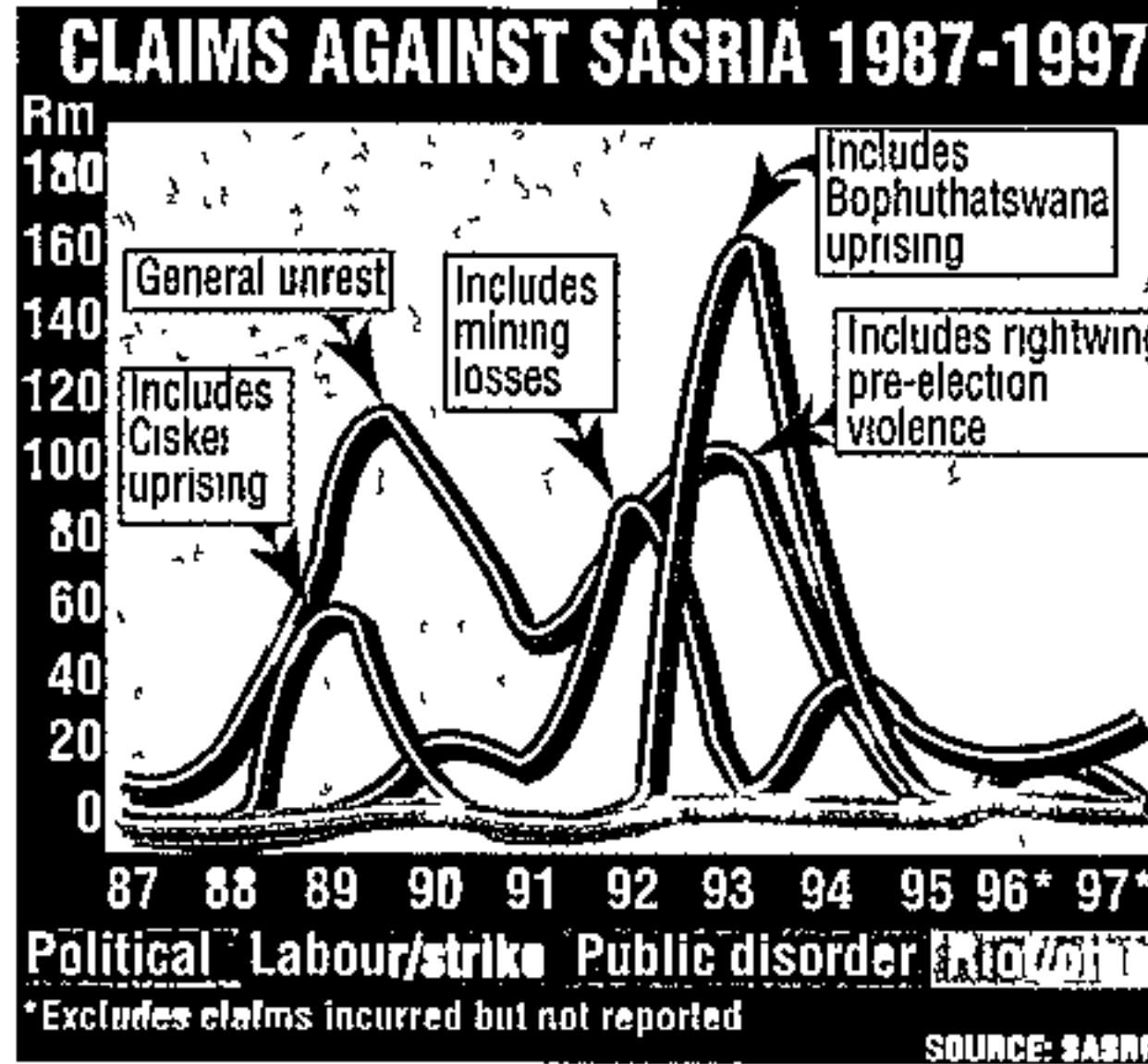
Business's bedrock argument appears to be that while the private sector may, or may not, have benefited from apartheid, it was not guilty of the "gross violations of human rights" that have been the most shocking revelations of the TRC hearings.

Tutu, in fact, appears to have been calling for a goodwill contribution to national healing rather than fullscale underwriting of the total reparations bill. The TRC-linked President's Fund — which had the immediate goal of handling urgent requests for financial assistance from victims who have appeared before the commission — currently stands at about R5m, and Finance Minister Trevor Manuel has given permission for it to rise to R12m.

Once government has digested the TRC's final recommendations on reparations and rehabilitation, the fund will be augmented by donations and subventions from the Treasury itself — meaning it will in effect become part of the national Budget, competing for scarce resources with every other



*Tutu not a demand, but an appeal to business consciences*



department. The TRC's final report is due in June 1998, though the Amnesty Committee's hearings are beginning to look too crowded for that deadline.

So far, payments of up to R2 000 per person have been made from the President's Fund on an "urgent interim" basis — largely to give victims quick access to services such as counselling, or to help cover travel costs. Long-term reparations — at a cost of about R500m a year, once the TRC has completed its task and reported next June — are the responsibility of the State, which, as a TRC discussion document puts it, "has accepted that it is morally obliged to carry the debts of its predecessors and is thus responsible for reparation."

The problem is the cost. The solution,

though, may lie in a suggestion by the Afrikaanse Handelsinstituut (AHI), which government has begun to investigate.

In its submission to the TRC last week, the AHI recommended that the Sasria fund be converted into a vehicle for reparations and rehabilitation. Sasria's board has in fact been discussing its future with the Department of Finance for at least a year.

The legal status of the fund, which now stands at R9,4bn (R9,8bn before last month's market fall), looks like this:

Sasria is a legal persona and owns its own assets — that is, its fund and all proprietary rights to the fund invested in Sasria. The association was set up by the SA short-term insurance industry in the reaction to the 1976 student uprisings, when offshore reinsurers declined to cover the "political risk" to assets — mainly property — inherent in continuing civic turmoil. It was incorporated in 1979 as a Section 21 (not for gain) company under the Companies Act, with the State as the reinsurer of final resort.

Sasria MD Mike Strydom says the "not insurance" fund is not unique: many countries have similar schemes. Nor have claims on the fund ceased with the transition to democracy. Indeed, in 1994 claims of R450m were met by Sasria, mainly for pre-election violence. About R100m a year is still being paid out by the fund, a fact that makes it difficult to know how much of the current balance is a real surplus. Given its mission, the fund must have sufficient reserves to cater for future claims.

Strydom says that though Sasria owns its own assets, the question of who owns Sasria itself remains a vexed question, with no distinct legal clarity. The policyholders have a vested interest in the accumulation of reserves through their premium income, to meet claims. But neither the policyholders nor the Sasria members (the short-term insurers) own Sasria in the legal sense since neither have any proprietary or other rights to Sasria assets.

But, though government has always been the ultimate underwriter, it has never col-



lected reinsurance premiums from Sasria and could have a claim on the fund. Could that providentially turn out to be R3bn?

Strydom stresses that Sasria's discussions with the Finance Department have been "amicable," and the board will listen to any suggestion "brought to the table." It seems reasonable to expect a compromise.

It also remains to be determined whether Sasria is still needed — or whether other reinsurers can take over its function, even though SA is not yet entirely stable.

So how did Tutu arrive at a reparations figure of R3bn? The TRC Reparations & Rehabilitation Committee's Dr Wendy Orr says the commission calculates that at least

22 000 people will be designated as victims deserving assistance for past violations of their human rights. Each such victim could receive about R21 700 each year for six years — a sum anchored on the assumption that a victim's household would comprise seven persons. The victim may or may not still be living. The TRC discussion document makes clear that reparations include the restoration of dignity and community involvement in symbolic remembrance.

Orr's committee has had to consider painful problems like the degree of physical, psychological and social pain endured by the victims.

"Do you penalise people for coping?" she

asks rhetorically. The answer, of course, is no, and so what might be termed degrees of victimhood have had to be eliminated. Of course, no payments can recompense sufficiently for the trauma of many victims, but payments do affirm government's seriousness and acceptance of a moral duty to improve lives scarred by the worst excesses of apartheid — and the struggle against it.

The process could be taken further this week if talks with Finance DG Maria Ramos materialise. If the Sasria fund is "available," it could ease the burden on the Treasury, and allay fears of a reparations levy. Business contributions would then be up to the individual company's conscience. Peter Wilhelm



# Guguletu 7 killings:

## Cape Times was right

ET 21/11/97

(2/2)

**ALMOST 12 YEARS** after the killing of the Guguletu Seven, the police version is revealed as a cover-up, and the Cape Times reports as true. **WILLEM STEENKAMP** reports.

**M**ARCH 3, 1986, was one of Cape Town's darkest days. It was the day police shot down seven young men — since named the Guguletu Seven — in a carefully planned ambush, claiming they were ANC guerrillas intending to attack a police bus.

The Cape Times ran a front-page lead story on the shootings the next day, with an accompanying report headlined "Man with hands in air shot — witness". The police denied any sinister actions on their part, but our reports began an astonishing unravelling of official cover-ups and covert operations.

They also heralded the start of a trying period for the newspaper, particularly crime reporter Chris Bateman and deputy news editor Tony Weaver, at police hands.

Now, almost 12 years later, revelations before the Truth and Reconciliation Commission are beginning to show that the Cape Times reported the true story of March 3 — and explain why the police reacted with such vigour.

In his front-page lead report

Bateman wrote that in "what appeared to be a carefully planned police operation" Peninsula Murder and Robbery detectives opened fire after one of the seven allegedly threw a grenade, after which back-up forces moved in and a five-minute gunbattle took place.

Bateman noted that two policemen had been lightly wounded in the exchange of fire, one when a grenade was thrown at him and the other by flying glass.

The two policemen, it has since emerged, were security branch men and are now commissioner of the Mitchells Plain police station, Senior Superintendent Johan Kleyn, and Viakplaas operative Sergeant Wilhelm Bellingan, respectively.

Bellingan is now applying for amnesty from the TRC for the incident.

Witnesses to the shooting told Bateman — a fluent Zulu/Xhosa linguist — that at least one of the men was shot dead while trying to give himself up and that another was "finished off" as he lay wound-

ed on the ground.

The Cape Times held back one paragraph from its reportage pending a police reply to questions. In it Ms Tsepiso Moya, whose son Jabulani was one of the dead, denied her son was a guerrilla and said "The police must have put rifles on them, it was not his things."

Police commissioner General Johan Coetzee's said the police could not respond to the questions because the incident was sub-judice.

Police liaison in Pretoria said it was "strange" that police would shoot people and plant arms on them "in front of a hostel full of people to further the aims of the police."

But now it is evident that introducing weapons into the group of seven was exactly what they did — and got away with it for more than a decade.

Police banished Bateman from their daily crime conferences, refused to speak to him, and then extended the news blackout to all Cape Times reporters. The blackout was rescinded after intervention by the Newspaper Press Union.

Two inquiries into the ambush, the first disallowing any verbal evidence, failed to show any police



**SHOOT-OUT FLASHBACK:** Police inspect some of the weapons allegedly used in the shoot-out in which the Guguletu Seven were killed on March 3, 1986. This file picture was published on the Cape Times front page the next day. The policeman on the right is Johan Kleyn, now a director and station commissioner of the Mitchells Plain police station, who was subpoenaed by the TRC over his role in the operation. **PICTURE: IVOR MARKHAM**

culpability for the deaths.

A month after the shootings, police launched investigations under the Police Act into reports written by Bateman and Weaver as well as an interview Weaver had given to the BBC on the shoot-out.

The charges were in terms of Section 27 (b) of the Police Act, which prohibited the publication

of untrue matter about security forces without having "reasonable grounds". Bateman and Weaver were also served with Section 205 subpoenas — a Criminal Procedure Act provision which forces the recipient to reveal his or her sources under threat of indefinite imprisonment.

Both reporters refused and a

scramble between their lawyers and the police to find Bateman's witnesses ensued. Police got to at least one, interrogating him about why he spoke "such nonsense to the reporter", but the Cape Times legal team found all three and offered them full legal protection in the ensuing legal process.

In January 1987 Weaver was charged with four counts of contravening Section 27 (b) of the Police Act. His trial lasted until September of that year, when he was acquitted on all four counts by magistrate Mr J M Lemmer.

Lemmer found that medical evidence proved the seven could not have been killed as testified by the police, and that even if Weaver

had published false information he had had reasonable grounds for believing it to be true.

In April last year, slightly over 10 years after the killings, the TRC began holding emotionally charged hearings to establish what really happened.

Out of the woodwork came numerous witnesses, many of whom had actually been those quoted in 1986 by the Cape Times. They said they saw policemen shooting down at least one man with his hands up, and saw bullets fired into prostrate bodies.

This evidence has since been admitted by policemen involved, with Sergeant Thapelo Mbelo, an askari or "turned" former MK guerrilla who had infiltrated the group, now confessing to having shot, on orders from a senior, the man trying to give himself up.

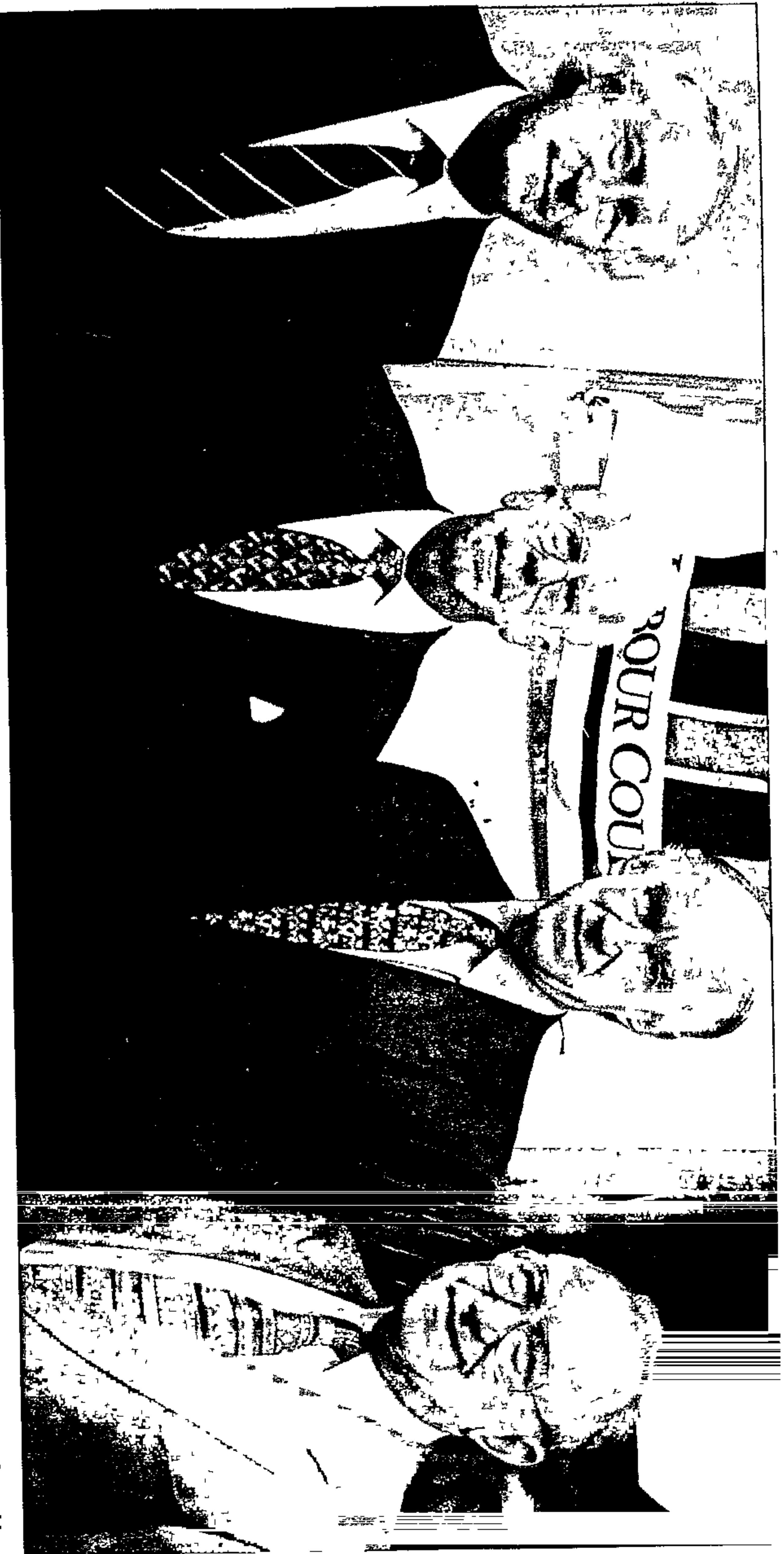
Bateman's eyewitness story almost precisely matches Mbelo's version — right down to the senior officer telling Mbelo to finish the suspect off after pulling a pistol from the man's belt.

Mbelo has also testified that the police's mission that day had been to go out and kill the seven — testimony that Bellingan, who was involved in planning and executing the ambush, has strenuously denied.

What has not been entirely cleared up yet is whether or not weapons were actually planted on the bodies of the deceased, but Bellingan has admitted that he supplied Mbelo and fellow askari Jimmy Mbarne with two AK-47 rifles and a Tokarev pistol to back up their infiltration cover story.

The amnesty hearings have been adjourned until February next year, when Mbarne is expected to testify.





**NEW ERA:** Present at the opening of the new Labour Court in Cape Town yesterday were (from the left): Mr Justice E L King; Mr Justice Gerald Friedman, Judge President of the Cape; Mr Justice John Myburgh, Judge President of the Labour Court and Constitutional Court judge, Mr Justice Richard Goldstone.

PICTURE: THEMINKOSI DWAYISA

# Short tenure threat to independence — labour judges

**RONALD MORRIS**  
JUSTICE WRITER

THE independence of the Labour Courts required that its judges be given lifelong tenure, similar to High Court judges, and not be appointed on the present fixed term of 10 years.

Mr Justice John Myburgh, Judge President of the Labour Court, made this point at the opening of the Labour Court in Cape Town yesterday.

While Labour Court judges had the same powers, and were appointed on the same terms and conditions as High Court judges, the president appointed them for a fixed term.

The judges have recommended that the Labour Relations Act be amended to give them lifelong tenure, Judge Myburgh said.

He also recommended that the Cape Town Labour Court adopt a system whereby law graduates are appointed as judges' clerks for a

year before moving on to do their articles.

The idea originated in the Transvaal Provincial Division of the High Court where judges' clerks were generally found to be underqualified and undertanned while there were a large number of law graduates unable to find work.

A solution suggested was to upgrade the post of judges' clerk in the Labour Court to that of judge's associate with a minimum qualification of an LLB degree that would

carry a salary almost double that of a judge's clerk. Training would be provided.

Three large law firms in Johannesburg were approached to participate in the scheme. When the firm had chosen its short list of candidate attorneys, judges wanting an associate appointed the following year, would participate in the selection process. Graduates would serve a year as judges' associates and then do their articles with the participating law firms.

The advantage to the Labour Court would be the appointment of high-quality associates committed to legal careers while the law graduates are guaranteed articles at the end of the year. The law firm gets a better qualified article clerk, someone who will have learnt about labour law, law of evidence and civil procedure.

Judge Myburgh said there was no reason why a similar arrangement could not be made with law firms in Cape Town.



# PW gives

# TRC the

# finger

(292)

**THE WILDERNESS:** The Truth and Reconciliation Commission is locked in a battle to reel in the man known as the Groot Krokocil Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

**T**HE Truth and Reconciliation Commission appealed yesterday to the "law-abiding citizen" in Mr P W Botha after the defendant declined to personally accept a subpoena served on him at his retirement home here.

The commission officials who flew to George to serve the subpoena were not invited into Botha's home, Die Anker, and eventually handed the papers to one of his guards after a brief discussion in his garage.

Should Botha ignore the subpoena to appear before the commission in Cape Town on December 5, as he said he would do, he could face arrest and a hefty fine, or up to two years in jail.

The commission has been accused in the past of treating Botha with kid gloves, and will be under enormous public pressure to take legal steps against him should his stubborn attitude prevail.

Ordering Botha to appear in Cape Town could in itself be viewed as a harden-



**DEFENDANT:** P W Botha refuses to accept subpoena.

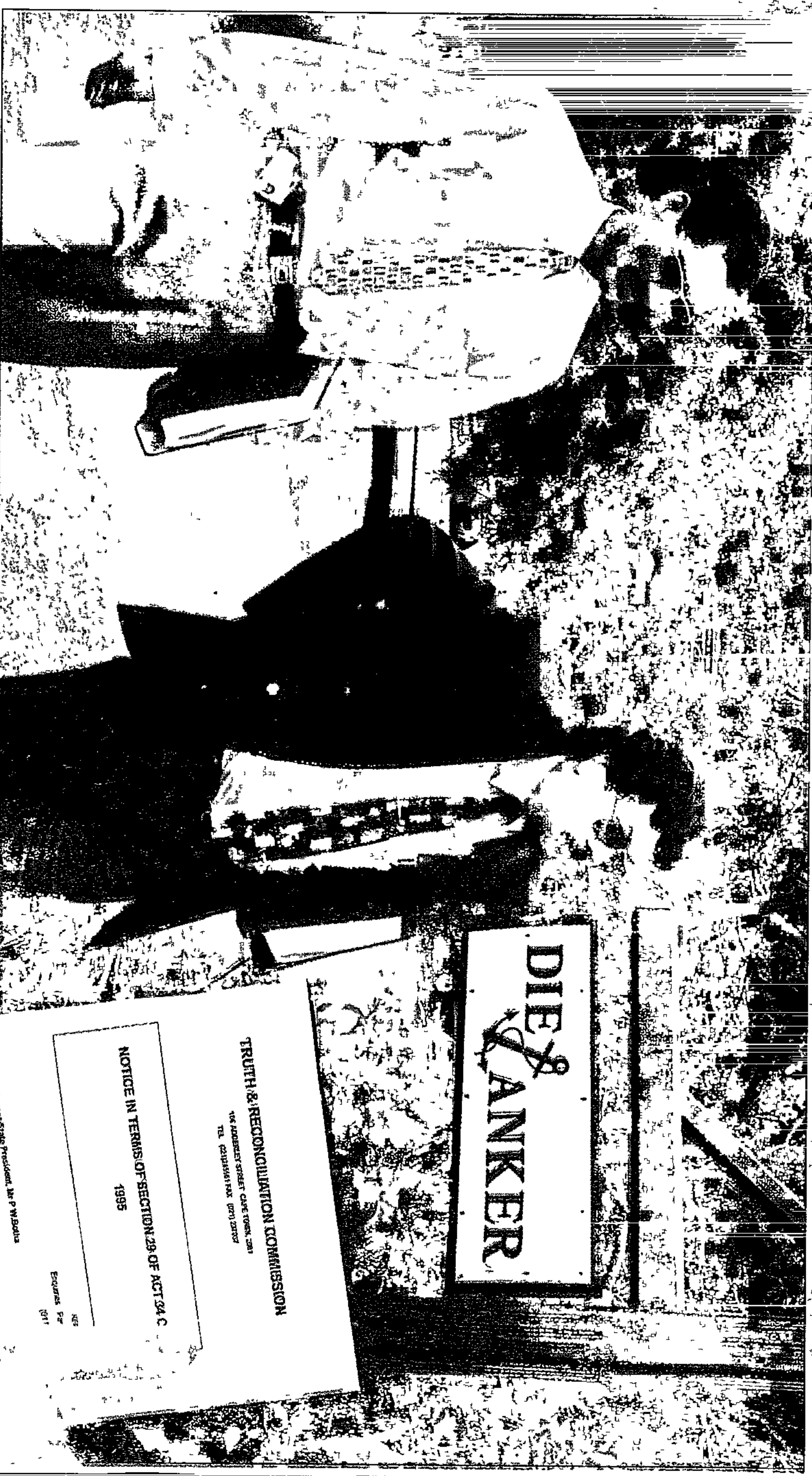
ing in the commission's attitude. The organisation previously indicated it would consider hearing Botha in his hometown, George, so as not to inconvenience him.

Deputy-chairperson of the commission Dr Alex Borame said it was the TRC's "very deep hope" that Botha would appear at the second round of special hearings focusing on the role of the State Security Council.

"Notwithstanding his refusal so far to co-operate with the TRC by appearing, it is our sincere hope he will change his mind, attend the hearing and assist the commission to fulfil its mandate."

Mr Botha, as a former minister of defence, prime minister and state president, has invaluable information concerning the period under the TRC's review and without his input, the commission's report will be that much poorer. I am convinced that as a law-abiding citizen, he will have a change of heart," Borame said.

The recalcitrant apartheid-era strongman was excused from honouring a sub-



**HELLO, HELLO:** TRC representatives Cheslan America (left) and Mike Barnardo arrive at Die Anker yesterday to serve a subpoena on former state president P W Botha

poena to appear before the commission last month on medical grounds after undergoing hip-replacement surgery, but appears to have bounced back to health with the announcement of his engagement to a Graaff-Reinet widow 35-years his junior last week.

There was no sign of Mrs Renette Te Water Naudé, at Die Anker yesterday. The 81-year-old Botha was walking with relative ease, albeit with the help of a walking-stick, when he escorted his former deputy police minister Mr Roelf Meyer to Die Anker's gate, about half-an-hour before the commission officials arrived.

Botha seemed relaxed as he greeted journalists outside the property, and Meyer, now leader of the United Democratic Movement, explained that he was paying his old boss a private courtesy visit. But it was a far from relaxed Botha who was quoted in the Afrikaans Sunday press

this week as saying that the Afrikaner went on his knees only before God, and would not plead for forgiveness before the commission.

He earlier told President Nelson Mandela he had no plans to repent or appear before the commission, warning him not to "awaken the tiger in the Afrikaner". He told Archbishop Desmond Tutu he had nothing to apologise for.

The subpoena served at Botha's home yesterday was to have been delivered to the offices of his lawyer Mr Ernst Penzhorn in Pretoria on Wednesday, but Penzhorn was on his way to Zambia and other people in his office would not accept it.

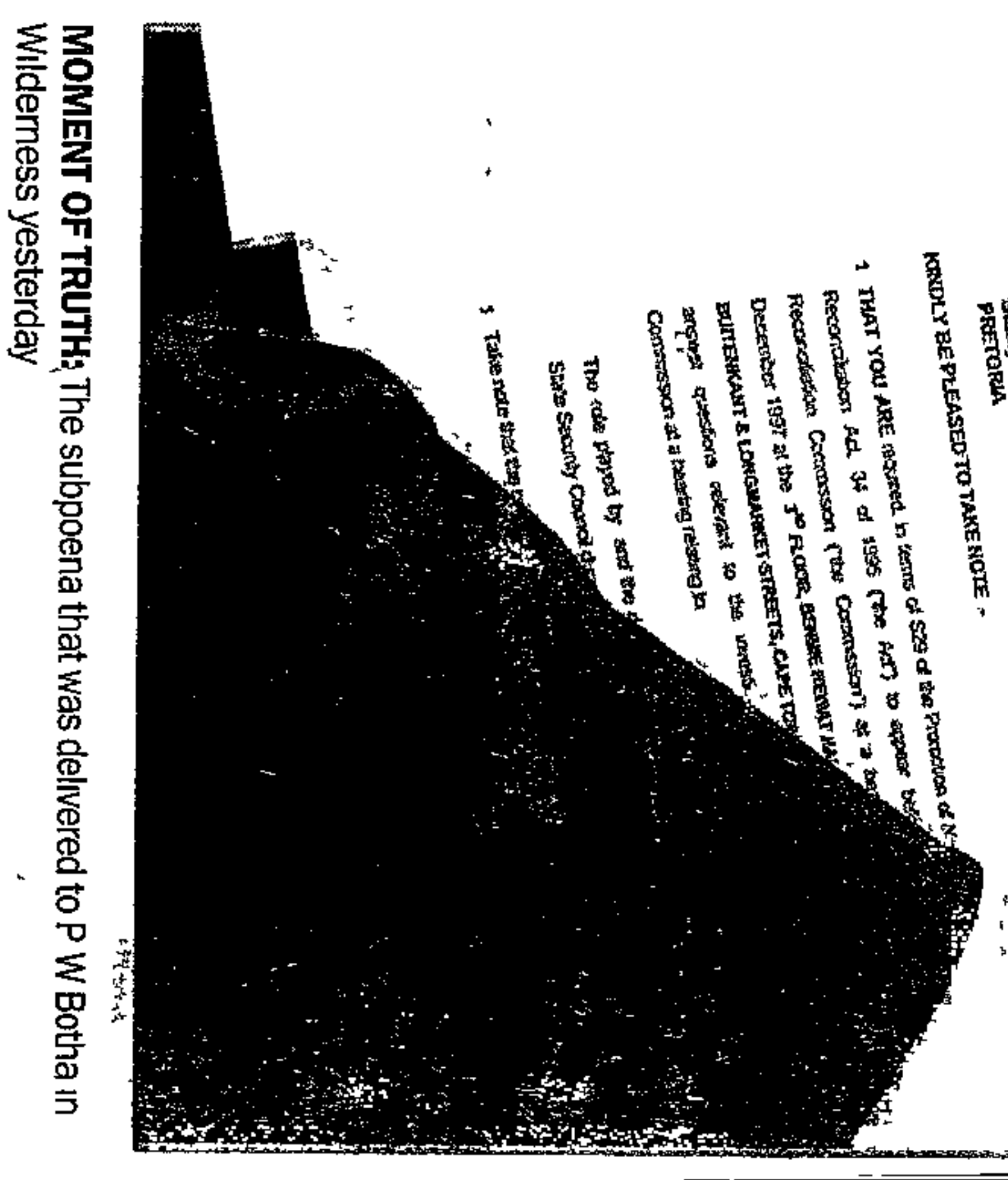
The three-page subpoena and 700 pages of supporting documents had to be ferried to Cape Town from Johannesburg by the commission's executive secretary Mr Paul van Zyl on Wednesday night.

Captain Mike Barnardo of the witness

protection programme and Mr Cheslan America of the investigative unit flew to George Airport yesterday (formerly P W Botha Airport) on their way to the Wilderness to serve them on Botha.

Barnardo said afterwards it was legally acceptable for Botha's guard to accept the papers on his behalf. After the two officials left the house, a large media contingent requested an audience with Botha. A second guard disappeared into the house, returning a minute later to report "Mi Botha has no comment."

Meyer said on television last night that Botha's relationship with the commission had been discussed at their meeting. He had offered to act as a facilitator, saying he believed that people should cooperate with the commission, and that Botha had valuable information to contribute.



**MOMENT OF TRUTH:** The subpoena that was delivered to P W Botha in Wilderness yesterday



## TRUTH COMMISSION

# 'Give apartheid victims govt jobs'

Business Day Reporter

for a REFERENCE should be given to victims of apartheid by giving them jobs in the public service, Psychological Society of SA president Dr Saths Cooper said at a mental health workshop in Johannesburg yesterday.

Leading psychologists, psychiatrists and mental health workers met at the truth commission's offices to discuss ways to transform the society's perceived negative image, making it accessible and sensitive to the needs of the majority of people.

The workshop was held in response to submissions to the truth commission earlier this year regarding the role played by mental health professionals Cooper, a psychologist and former activist who for many years was banned from entering any mental institution as a professional, said it was not difficult to understand why this body of professionals was viewed in a bad light. Some of these institutions had colluded with the state by conducting tests that abused human rights and had contributed to the belief that some races were inferior to others.

Sapa reports Cooper said relatives of victims of gross human rights violations should receive mental health treatment as part of reparations. He said relatives were usually affected by violations against family members, and suggested the commission give a two-month window period for victims who did not testify.

He suggested that victims and relatives be given preference in the employment of public servants.

Eda 11/97

2527

Henkwe Mkhize, a rehabilitation and reparations committee member, said the workshop aimed to address mental health institutions committed gross human rights violations and that they were instrumental in devising methods of torture.

Submissions had been received from various bodies in the health care sector, Mkhize said.

The workshop would discuss the use of psychiatry as an instrument of political oppression, the role of psychologists in the treatment and detention of political prisoners and detainees, and psychiatry in government hospitals.

The workshop continues today.

# Truth commission investigator hand-delivers PW's subpoena

BD 21/11/97 (252)

**WILDERNESS** — Former state president PW Botha was served with a subpoena yesterday to appear before a Truth and Reconciliation Commission hearing in Cape Town on December 5.

Commission investigator Cheslan America, together with Mike Barnardo, a member of the commission's witness protection programme, flew from Cape Town to George and then drove to Wilderness yesterday to deliver the subpoena to Botha at his home.

This follows Botha's statement earlier this week that he would not attend the hearing, and his lawyer's refusal to accept the subpoena in Pretoria.

America and Barnardo arrived at Botha's house, Die Anker, on the Wilderness lagoon shortly after midday. Botha was at home but did not come out, and two security guards met the men at the gate.

One guard said Botha had instructed him to accept the subpoena on his behalf.

Barnardo asked if he could

hear this instruction from Botha himself, or deliver the subpoena to him personally. The guard went inside the house to get further instructions. He reappeared after a few minutes saying Botha was speaking on the telephone.

Later, America and Barnardo were allowed on the property, but only as far as the garage where they spent about 10 minutes talking to the guards.

They then left the property and Barnardo told reporters at the gate that he had not seen Botha, but the subpoena had been handed to one of his security staff.

In terms of the law this was acceptable, he said.

The five-page subpoena instructs Botha to appear at a hearing on the former State Security Council in the Benny Hewat Hall in Cape Town on December 5. More than 700 pages of documentation related to the security council hearing were also handed over.

Reporters outside Botha's house yesterday asked if he would speak to them. The guard went in-

side again and reappeared saying only: "Mr Botha has no comment."

One reporter said he saw Botha with United Democratic Movement co-leader Roelf Meyer at Botha's home earlier in the day.

Following the delivery of the subpoena yesterday, commission deputy chairman Alex Boraine said that it was the commission's "very deep hope" that Botha would appear at the hearing.

"Notwithstanding his refusal so far to co-operate with the commission by appearing, it is our sincere hope that he will change his mind, attend the hearing and assist the commission to fulfil its mandate. Mr Botha — as a former minister of defence, prime minister and state president — has invaluable information concerning the period under the commission's review and without his input, the commission's final report will be that much poorer.

"I am convinced that, as a law-abiding citizen, he will have a change of heart," Boraine said — Sapa



CAPE TOWN — Legal steps may not be the solution to deal with the relations between former state president PW Botha and the truth commission under the circumstances, United Democratic Movement (UDM) co-leader Roelf Meyer said yesterday. Meyer said that the

## Legal steps 'no solution' to Botha, truth body issue

(252)  
UDM would seek to play a role in breaking the present impasse between Botha and the truth commission. Following what he

20 21/11/97  
termed a private visit to Botha at his Wilderness home yesterday morning, Meyer said Botha undoubtedly possessed information "of infinite value for the commission to be able to fill in its picture of the past".

Meyer is a former senior National Party Cabinet minister.

The challenge would now be to determine the best possible way in which interaction between Botha and the truth commission could be accomplished.

"Legal steps, under the circumstances, may not be the ideal solution, resulting only in further alienation," Meyer said.

It should be noted that he and UDM co-leader Bantu Holomisa had always been of the opinion that co-operation with the truth commission was imperative to uncover the full perspective of the past.

"With this in mind, the UDM will seek to play a role, if possible, to find a solution to the present impasse between Botha and the commission," Meyer said.

He said his visit to Botha had been a private one, arranged two months ago to coincide with Meyer's visit to the southern Cape, as well as Botha's availability.

"The visit had no connection with Mr Botha's present relations with the truth commission, although the issue did come up during our discussions." — Sapa

## Mufamadi and Fivaz agree to help truth body

(272) BD 21/11/97  
CAPE TOWN — Safety and Security Minister Sydney Mufamadi and police commissioner George Fivaz met truth commission officials on Wednesday night to discuss the possibility of police helping the commission find former security police members.

This was ahead of the start of hearings on Monday into the activities of the Mandela United Football Club during the 1980s. Commission deputy chairman Alex Boraine said among the matters discussed at the meeting were the agenda for hearings and the possibility of assistance from Fivaz's office in finding a number of former members of the security police that the commission had had difficulty locating.

Mufamadi and Fivaz agreed to assist the commission "in every way" so that as many as possible of the key actors during the period of operation of the football club would be available to testify at the hearings.

It is alleged that the so-called football club — which reportedly never played a soccer game — was responsible for at least 18 human rights violations in the 1980s. The club apparently operated as a bodyguard unit for Winnie Madikizela-Mandela, who has been called to appear before the truth commission.

Its members have been linked to the murders of child activist Stompie Seipei and Abu-Baker Asvat.

Boraine, investigative unit head Dumisa Ntsebeza, human rights violations committee deputy chairman Yasmin Sooka, legal adviser Hanif Vally and executive secretary Paul van Zyl represented the commission at the meeting with Mufamadi, Fivaz and a number of police detectives.

Thirty-three people, including Fivaz, are scheduled to appear at the five-day hearing. These include African National Congress MP Albertina Sisulu, who managed Asvat's office, Deputy Minister of Education Smangaliso Mkhatswa, Bishop Paul Verryn, who was a Methodist minister in Soweto at the time; and the Rev Peter Storey, the Methodist leader to whom Verryn reported — Sapa.





Calm before the storm P W Botha with former Cabinet colleague Roelf Meyer in the garden of his Wilderness home yesterday, before TRC officials arrived with a subpoena. Enigma behind PW's smile, page 1

# It's make or break for Winnie at TRC

JOSEPH ARANES  
STAFF REPORTER

The Truth Commission has sought the help of Commissioner George Fivaz to track down former members of the security police as Winnie Madikizela-Mandela faces her week of reckoning

Mrs Madikizela-Mandela and 20 others, including Commissioner Fivaz, Xoliswa Falati - her co-accused in the Stompie Seipei kidnapping trial - and Katiza Cebekhulu, the

witness who disappeared during the trial and surfaced in Britain this year, have been subpoenaed to face a panel of inquisitors

Mr Cebekhulu made a number of allegations about Mrs Madikizela-Mandela's role in the death of Stompie. He claimed he saw the activist being assaulted before he died.

Meanwhile the commission is having difficulty finding the former security police for the special five-day hearing, starting on Monday, on the activities of the Mandela United Football Club, Mrs Madikizela

Mandela's former bodyguards

At a meeting on Wednesday, Safety and Security Minister Sydney Mufamadi and Commissioner Fivaz agreed to help the commission so that as many as possible of the key figures during the time the football club operated would be available to give information at the hearings.

Mrs Madikizela-Mandela, who is embroiled in a war of words with top African National Congress officials while she campaigns for the deputy leadership of

the party, can expect a difficult week at the TRC as she tries to clear her name

If she succeeds, her prospects of landing the deputy presidency of the ANC at its conference in Mafikeng next month will be boosted, if not, her political career will be shattered.

The hearing is being held in an attempt to get to the bottom of at least 18 gross human rights abuses, including the disappearance

To

P. T. c

# Winnie's old struggle comrades may testify

From page 1

(252) ARC 21/11/97

and death of eight activists, among them Stompie Sepei and Soweto doctor Abu-Bakr Asvat.

All the allegations have been levelled at members of the football club, who acted as Mrs Madikizela-Mandela's bodyguards in the latter struggle years.

Club members and convicted murderers Thulani Dlamini, Cyril Mbatsha and team coach Jerry Richardson have been subpoenaed to appear before the hearing.

Several of Mrs Madikizela-Mandela's comrades during the struggle days have been invited to testify.

They include Albertma Sisulu, who managed the office of Dr Asvat, and Murphy Morobe, publicity secretary of the Mass Democratic Movement, who issued a public statement after Stompie's death distancing the MDM from Mrs Madikizela-Mandela.

Members of the Mandela Crisis

Committee - Frank Chikane, Azchar Cachalia, Manas Buthelezzi, Nthato Motlana, and Otto Mbangula - have also been invited to give evidence.

The committee was established in the 1980s to investigate the disappearance of Stompie and other activists and the activities of the football club.

Truth Commission spokesman John Allen said 34 people were due to appear, and a further 10 witnesses, including Mr Mufamadi, had been identified to testify but would be called only if necessary.

Mrs Madikizela-Mandela appeared before a closed hearing of the TRC last month and asked for a public hearing on the matter.

Aspects of the hearing will centre on the kidnapping of young activists from the Soweto house of Methodist minister Paul Verryn and the subsequent killing of Stompie, the mysterious murder of Dr Asvat in his surgery and the disappearance of football club member Mr Cebekhulu.



# TRC investigator admits removing documents

The investigator who found a statement alleging Truth Commissioner Dumisa Ntsebeza was involved in the Heidelberg Tavern massacre has admitted removing original documents about the incident "for safekeeping", after resigning from the commission.

John Lubbe, now a captain in the SA Police Service, today told the Goldstone Commission he had taken the documents because he believed they could "possibly disappear" and that he was protecting the witness who had made the statement.

He confirmed that after reading Mr Sibaya's original statement to the police and interviewing him, he had believed his version and that Mr Ntsebeza had been involved in the Heidelberg Tavern incident.

Assigned by the Truth Commission to investigate the Heidelberg Tavern shootings, was sharply criticised for his handling of the matter.

"I couldn't proceed any further than that," he said. Christine Quinla, for Mr Ntsebeza, told Captain Lubbe her client would say the allegations were part of a dirty tricks campaign against him because of his record as a human rights lawyer, and also possibly against the Truth Commission itself.

Asked by Judge Goldstone about why he had removed the original documents, Captain Lubbe said the issue had been "extremely sensitive".

He also claimed to have been protecting the Truth Commission, which he said had been plagued by leaks and the loss of documents, and the public. Pressed by Judge Richard Goldstone, who heads the one-person commission appointed to probe the full circumstances of the incident, about who he was protecting, Captain Lubbe said he believed Mr Ntsebeza could have posed a danger to Mr Sibaya "Possibly not directly, but by someone he had contact with".

Earlier this month, after testifying at a Truth Commission amnesty hearing for three Apla cadres convicted of the Heidelberg attack, Mr Sibaya retracted his statement, claiming he had been forced to sign it after torture by police.

Lawyers representing Mr Ntsebeza and other parties involved suggested he had ignored "very serious contradictions" in Mr Sibaya's evidence and had not bothered to corroborate some of his claims.

Captain Lubbe responded that he believed he had carried out a proper investigation and had recommended that the Truth Commission appoint an independent investigator.

Mr Sibaya's statement after being interviewed by police and that Mr Ntsebeza had been involved in the Heidelberg Tavern incident.

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252

AR 21/11/97

# 'Untruthful' Nieuwoudt's amnesty bid turned down

ARG 21/11/97 (252)

Notorious former security policeman Gideon Nieuwoudt has been denied amnesty by the Truth and Reconciliation Commission's amnesty committee for the 1985 assault on a Port Elizabeth activist, Mkhuseh Jack

Nieuwoudt, sentenced to 20 years in jail for the Motherwell bombings, is out on bail pending appeal. He has applied for amnesty for a host of other gross human rights violations.

The TRC said in a statement today

that the amnesty committee had not found Nieuwoudt a credible or truthful witness. His application was rejected for failing to make a full disclosure, which is one of the requirements in terms of the Promotion of National Unity and Reconciliation Act for amnesty to be granted.

Nieuwoudt was seeking amnesty in respect of an assault upon Mr Jack at the security branch offices in Port Elizabeth on August 12, 1985. - Sapa



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who had made the statement - Guguletu gardener Bennett Sibaya

He also claimed to have been protecting the Truth Commission, which he said had been plagued by leaks and the loss of documents, and the public

Pressed by Judge Richard Goldstone, who heads the one-person commission appointed to probe the full circumstances of the incident, about who he was protecting,

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Captain Lubbe, who came across Mr Sibaya's statement after being

assigned by the Truth Commission to investigate the Heidelberg Tavern shootings, was sharply criticised for his handling of the matter.

Lawyers representing Mr Ntsebeza and other parties involved suggested he had ignored "very serious contradictions" in Mr Sibaya's evidence and had not bothered to corroborate some of his claims.

Captain Lubbe responded that he believed he had carried out a proper investigation and had recommended that the Truth Commission appoint an independent investigator

"I couldn't proceed any further than that," he said

Christine Quin, for Mr Ntsebeza, told Captain Lubbe her client would say the allegations were part of a dirty tricks campaign against him because of his record as a human rights lawyer and also possibly against the Truth Commission itself

Captain Lubbe responded "I don't believe so." Asked by Judge Goldstone about why he had removed the original documents, Captain Lubbe said the issue had been "extremely sensitive"



# Enigma behind smile on the face of the crocodile

## Town's tale of a PW lost in Wilderness

ARG 21/11/97

(252)

Wilderness - Like the town of which he is now (arguably) the most famous citizen, former state president P W Botha is a mass of contradictions

Despite being removed from the hurly-burly of political life for several years now, the mere mention of his name is still enough for many people to conjure up the archetypal bully-boy image he projected so regularly in SABC-TV finger-wagging, threatening, overbearing, hectoring, stubborn, irascible

It is the image he presented yet again in an interview with an Afrikaans newspaper at the weekend, when he hit out at the Truth and Reconciliation Commission, decrying it as "a circus" at which he had no intention of "performing".

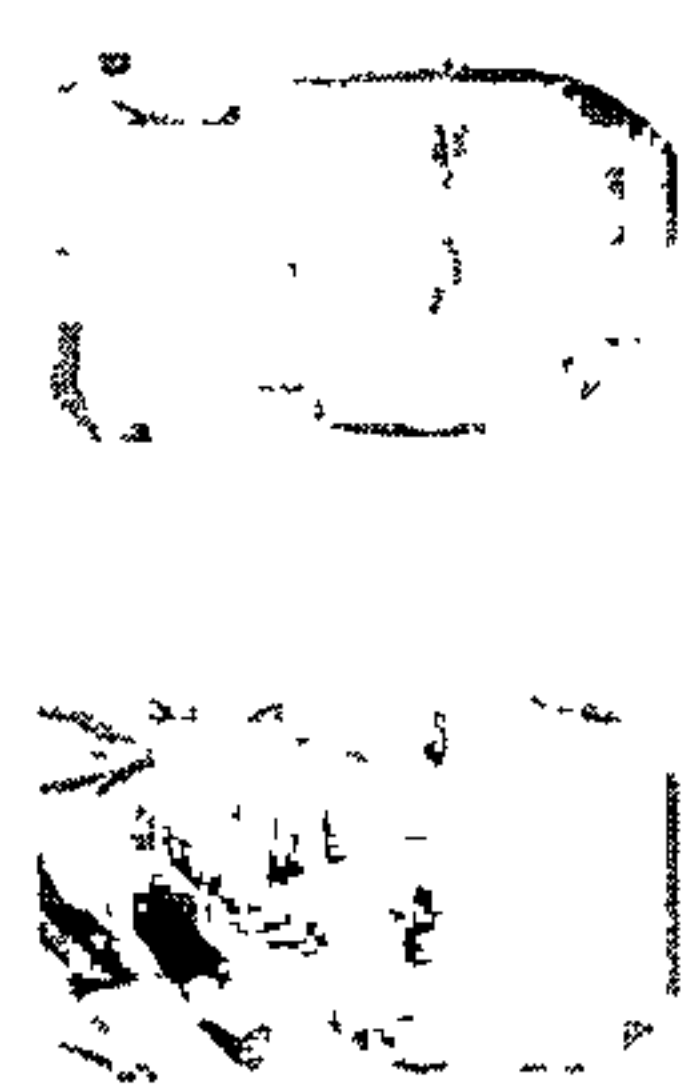
Yet yesterday the man widely feared as the "Groot Krokodil" presented his other persona to journalists outside his home, Die Anker, on the banks of the Poutw River, waiting for Truth Commission officials to arrive to serve a subpoena

Escorting former cabinet colleague Roelf Meyer to the gate, Mr Botha was charming itself

Although quite frail and making use of his stick - he recently had a hip replacement operation - he took the trouble to greet each of the half-dozen journalists individually, shaking their hands and doffing his panama hat with old-fashioned courtesy to the women among them

Pretending that Mr Meyer's visit was the subject of the journalists' attention - he clearly knew otherwise - Mr Botha joked "I get lots of letters" It's not news when he arrives

But some residents of the town -



### REPORT

WORDS: JOHN YELD  
PICTURES: OBED ZILWA

Who not surprisingly don't want to be identified - tell a different story

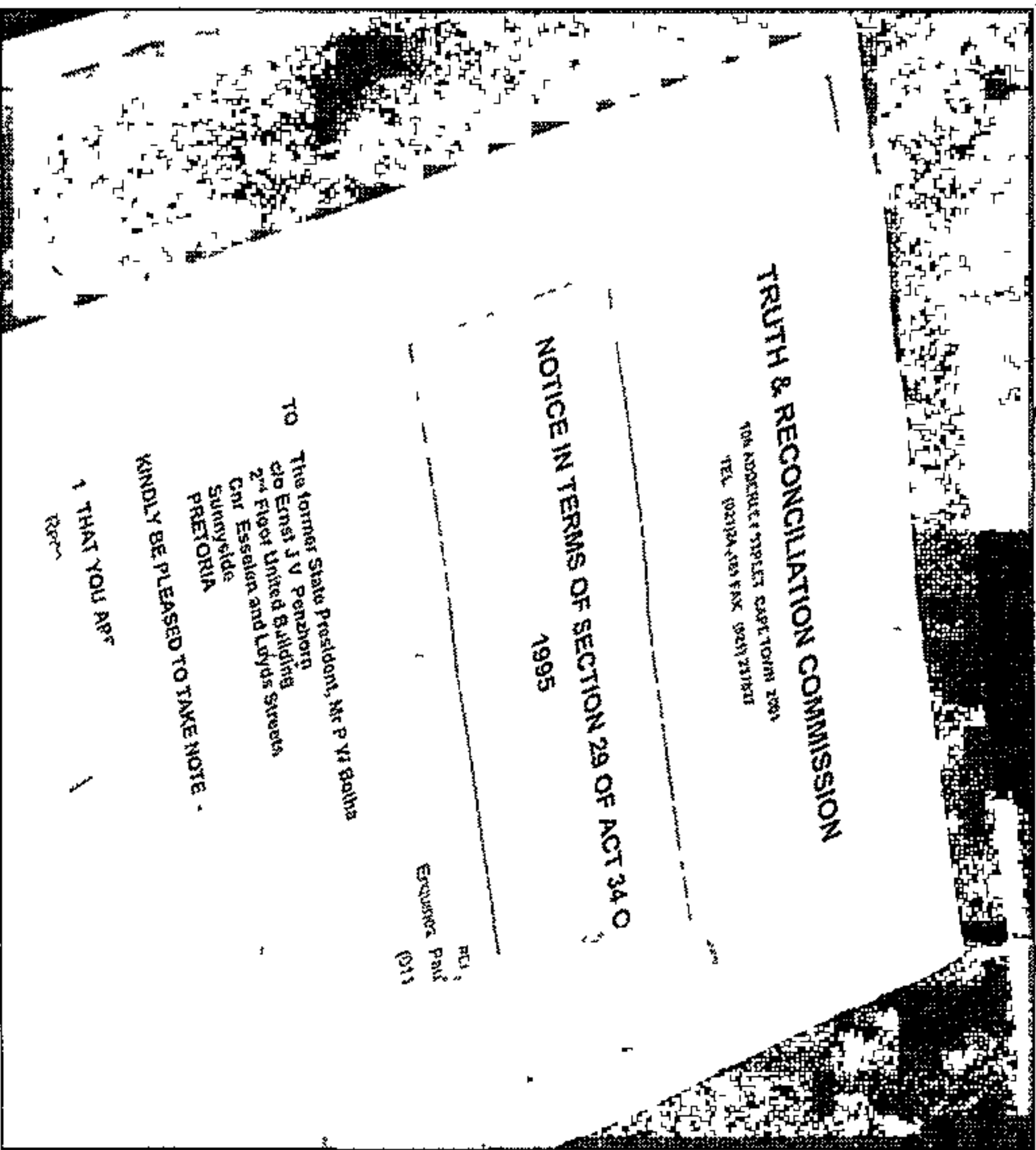
They suggest the former president has become increasingly isolated and lonely in recent years and are therefore not surprised at the news that the 81-year-old has got engaged to Renette Te Water Naude, 35 years his junior

One of Mr Botha's immediate neighbours is Gunther Jackel, who moved in a few months ago after falling in love with a guesthouse proprietor

"We're delighted for him (Mr Botha)

"We got married only a fortnight ago ourselves, and the Wilderness is a honeymoon venue," he said

Asked what he thought of the Truth Commission serving the subpoena on Mr Botha, Mr Jackel replied "As a European, I find it right that he should appear. We had a similar experience in Germany - it's the normal thing to do"



We'll see you in Cape Town: the subpoena served on Mr Botha at his home yesterday

Elizabeth Steenkamp, who has lived in the Garden Route town since 1972, says some residents feel sorry for Mr Botha

"Because he's obviously all his life been arrogant and the boss, and for him now to humble himself at his age is well-nigh impossible. His personality counts against him"

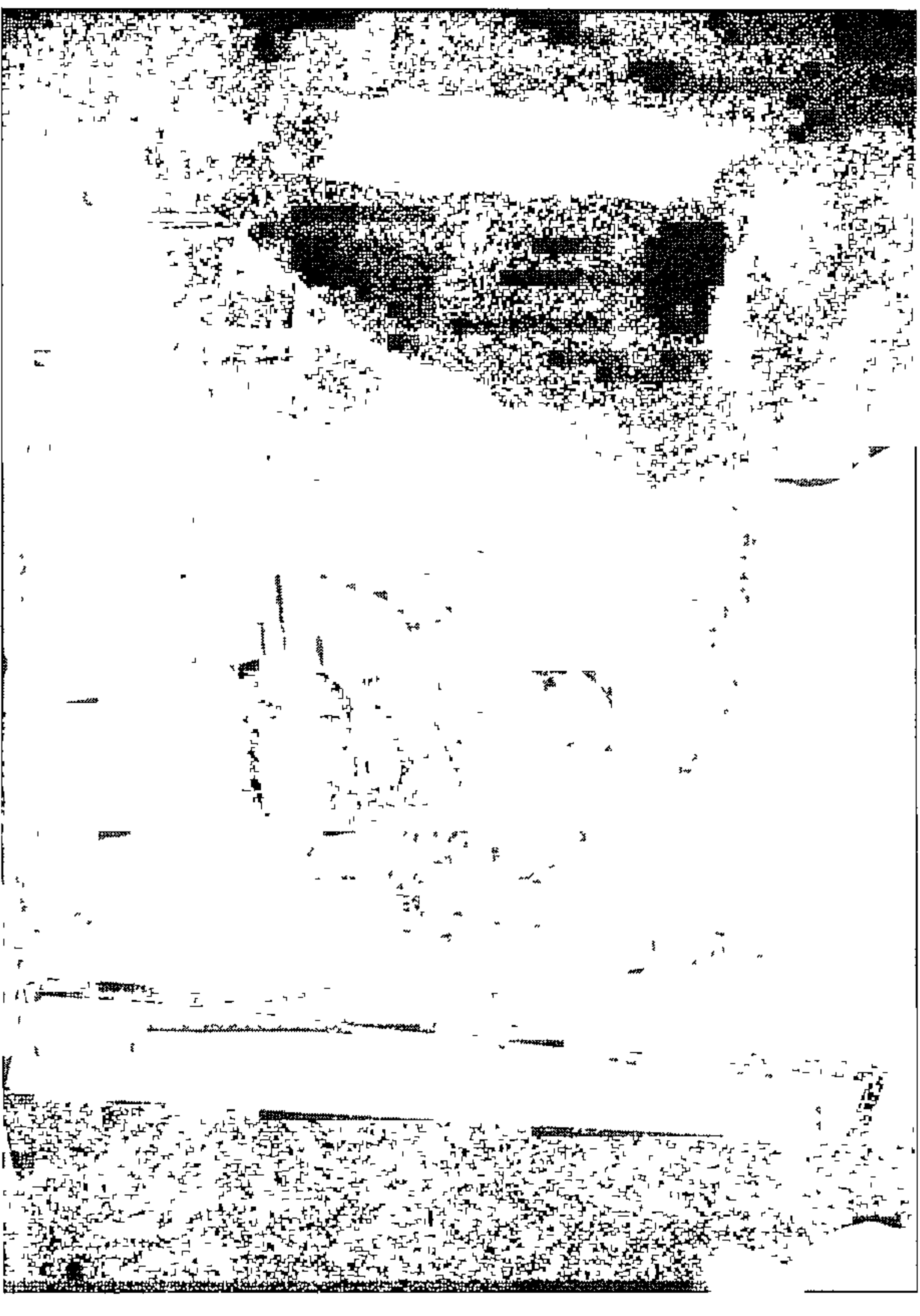
Asked her opinion of Mr Botha's engagement, Mrs Steenkamp said "It's a personal and private matter. If he can still have a few happy years, he's entitled to it, I guess"

Mncedisi Ntsetle of George, who

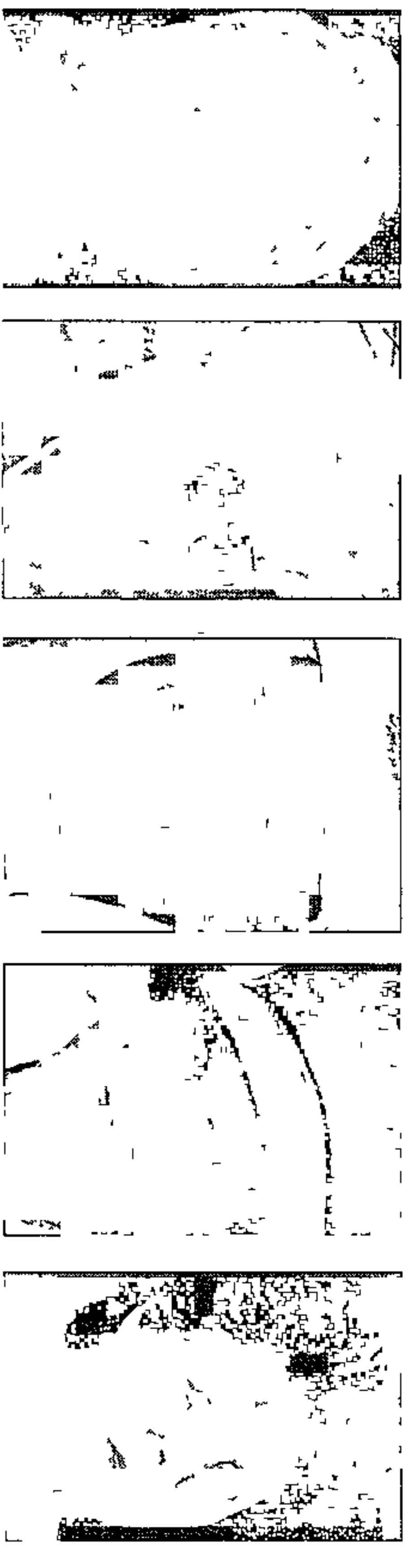
had brought a school group for a braai at the lagoon, described serving the subpoena on Mr Botha as "really a good step"

"It was right, because if he is hiding something it would be better for him to tell the world through the Truth Commission and to clear his conscience about the apartheid time," he said

His colleague, Priscilla Magqeba of Mossel Bay, confessed that it was the first she'd heard of the subpoena "I wasn't listening to the news, so I don't know about it"



Weighty matter: a police guard at P W Botha's Wilderness home is framed by the Truth Commission's hefty subpoena files



Gunther Jackel: 'He should go to the TRC'

Paula Kruger: 'I hope he'll be happily married'

Mncedisi Ntsetle: 'subpoena a really good step'

Priscilla Magqeba: 'I'm in the dark'

Elizabeth Steenkamp: 'his arrogant personality'

A Wilderness resident who declined to be named approved of Mr Botha being subpoenaed

"The Truth Commission is an easy solution for the alternative of Nuremberg trials," he said

But Piet Erasmus of George, who was walking on Wilderness beach, said he didn't think the Truth Commission was necessary at all, nor did he believe Mr Botha should be forced to appear

"I feel nothing for it - it's all lies," he said

Paula Kruger, who works at the Wilderness national park, did not want to comment about Mr Botha's subpoena, but said she thought his engagement was "wonderful"

Revealing that she had recently got engaged after being alone for 13 years, she remarked "I hope he will be very happy"

And the contradictions of the town Wilderness?

And they still call it the Wilderness?

# World media in scramble for TRC seats

(252)  
JOHN YELD

ARC 21/11/97

About 200 journalists representing 98 organisations in 16 countries - including some of America's top television news programmes - are expected to cover the Mandela United Football Club special hearing of the Truth Commission in Johannesburg next week.

"I wouldn't call it a nightmare, but logistically it is going to be very difficult," Truth Commission media director John Allen conceded today.

"There has been more international media interest in this than in any other single Truth Commission story, including the Biko hearing."

Apart from space for the commissioners and staff, seats had to be allocated to alleged victims, alleged perpetrators - some serving jail terms accompanied by guards - witnesses, interested parties, and lawyers.

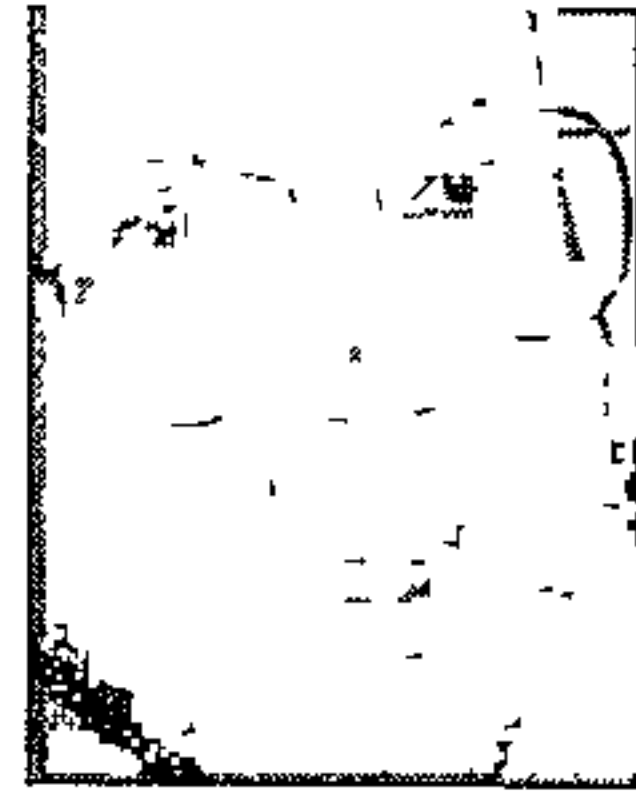


# Academics must admit their guilt

The higher education sector that laid the basis for a racially discriminatory curriculum inexplicably fails to appear before the Truth and Reconciliation Commission to right its past wrongs. **William Makgoba** comments...

(272) ~~272~~

*Sowetan 21/11/97*



A WIDE cross-section of South African society has witnessed and made submissions to the Truth and Reconciliation Commission (TRC). Some have been shocking and others posed more questions than answers.

Whether they constitute the truth or are a simple catharsis of our past, only history will judge. However, there can be no doubt that the TRC for many years to come will remain a voice of conscience to our society.

It has made a seminal contribution to understanding our society, its past and its transformation dilemmas in a dispassionate manner. As a nation we should take pride in it.

Many have graced the TRC stage – from senior politicians, media owners, the judiciary, the medical profession, business and churches to individual citizens who suffered, participated consciously or witnessed the tortures of our past.

**Our curriculum has produced racists**

Major sectors of civil society made their submissions largely to contribute to a better understanding of our past, to apologise or to say they did not do enough to oppose the brutal institutionalised racism of our society.

But one major sector that is critical has remained totally silent and this is worrying. This is the sector that constitutes the common thread and foundation of all our civil institutions.

It is the one piece that completes the jigsaw puzzle: this is the education sector, particularly the higher education sector as represented by universities, technikons and colleges of education.

This is the sector that laid the foundations of a racially discriminatory or apartheid curriculum.

What is common between a judge, a doctor, a politician, a policeman, a priest, a journalist and the ordinary citizen is the type of education they received or the curriculum that provided the foundations of their education.

Why is the curriculum such a critical issue? The curriculum of a nation is a statement and fingerprint of its values, its cultural orientation, its patterns of behaviour and it trains its citizenry.

The curriculum systematically guides the transmission of information and knowledge, reinforces the desire to learn/know and, most importantly, encourages the internalisation of certain types of behaviour or attitudes.

Any distortion, falsehood or misrepresentation of these three principles will lead to the desired product.

If, for example, the curriculum is centred on Africa, the internalisation and adoption of behaviour and attitudes will be that of Africans. If it is centred on Europe, the respective adoption of behaviour or attitudes will ensue.

More significantly, if the assumptions underlying the curriculum are false or distorted in terms of race, gender or power relationships, the citizens who are the products of the system will

mirror these distortions.

In a country where the citizen mistrusts and lacks confidence in the judiciary, churches, police, the media, academics and the medical profession, there must be a common structural factor that cuts across all of these.

That common thread is our curriculum. Our curriculum has produced a society of racist, gender-insensitive, educated crooks and criminals.

That is why education remains such a critical and contested issue in any society for the invisible effects on the minds of people are profound by their visibility later on and the sort of choices, biases and ethics they practice.

The seeds of the racially discriminatory curriculum were laid by the British and their missionaries. The Afrikaners, through Dr Hendrik Verwoerd, not only refined the curriculum later but also implemented it openly and ruthlessly under the apartheid regime.

A historian summarised the history of 200 years of British imported ideas in education: "Schools for Africans were founded throughout South Africa by English-speaking missionaries."

"These schools sought to mould black Christian communities along European lines, in the process often alienating them from their own people."

"In English-language schools, the emphasis on British values inhibited the growth of a common South African culture. Dutch, and later Afrikaans, was scorned and African languages were ignored."

"The private and more elite government schools tended to foster both a class and a race consciousness." These are the assumptions that have guided the curriculum and education of our citizens for over 344 years.

While the British and their descendants did not constitutionalise this curriculum, they nevertheless continued to practise it quietly. Because it was practised quietly, it was often confused with "liberal" education.

**Is it not time that this sector makes a submission to the TRC**

This is known as quiet diplomacy or the British way. An honest historical analysis of most English-speaking institutions would confirm the rampant racism and sexism that is still prevalent.

It will also often show how some of these institutions were even more advanced than the apartheid regime itself in seeking discriminatory practices.

The seeds of all our woes were sown in the curriculum of the last three centuries. All that the new dispensation has done is provide the fertile environment for the phenotype to flourish.

The historical function of our curriculum was to mould the African psyche along European lines, to ensure that the educated African was alienated

from his roots.

Through this education an African could compete from a position of weakness. This was meant first to discriminate, then produce unequal power relationships that became the basis of apartheid.

As products of colonial powers and later apartheid, our institutions of learning continued to refine, promote and support white supremacy to varying degrees. This is consistent with one fundamental characteristic of primate behaviour: hierarchical dominance.

Education under the British and recently Christian education under the National Party shared these features. The British used civilisation, the Afrikaner Christianity as slogans to disguise the real intentions or assumptions of the curriculum.

**The curriculum of a nation is a statement**

The most important sector that drove these ideas and theories of our curriculum were academics and intellectuals who ruled universities, technikons and colleges. They are in the business of knowledge/information production and dissemination. The order of the day relied on these experts to arrive at our curriculum.

They laid down the foundations of race relations, accorded privileges to certain sectors while confining the majority to the dustbins of history.

They provided the theoretical assumptions and moral justifications that became the basis of our education in all spheres.

They trained teachers, other academics and the professional class. And, directly or indirectly, their teachings and actions contributed significantly to human rights abuses that arose from these abnormal behavioural patterns.

Their choices are what determined the content of our curriculum. They were the gatekeepers of what is good or wrong in our education.

In short their decisions and subsequent education determined to a large extent the internalised behaviour of our citizens.

Is it not time that this sector now makes a submission to the TRC and spells out its role during what can only be described as the dark days of our country?

The Committee of University Principals and Committee of Technikon Principals were responsible for guiding our higher education during this period.

Some of our universities even defended the standards of this pernicious education. Many academics used pseudo-science and pseudo-religion to support racial discrimination.

This sector owes the nation a full disclosure of how their shortsighted activities and curriculum contributed, directly or indirectly, to gross human violations against the oppressed members of our society.

*(The writer is a professor of molecular immunology at Wits University.)*



# 'I will tell TRC of Winnie's atrocities'

Sowetan 21/11/97 (262)

By Themba Molefe

**M**RS Winnie Madikizela-Mandela's former confidante Ms Xoliswa Falati yesterday dropped a bombshell when she pointed out a disused mineshaft where bodies of youths murdered in the late 1980s were allegedly dumped

This comes on the eve of an expected showdown which will include the two women and the elusive Katiza Cebekhulu, a young man who mysteriously disappeared from the doorstep of the Rand Supreme Court in 1991

Madikizela-Mandela and Falati face the Truth and Reconciliation Commission in a week-long hearing in Johannesburg from Monday

Cebekhulu, who lives in London with controversial former British member of parliament Baroness Emma Nicholson is expected to testify because he has been subpoenaed, TRC spokesman Mr Mdu Lembede told *Sowetan*

He said that the TRC had so far no indication that Cebekhulu would not appear before the TRC on Monday

However, both Madikizela-Mandela and Falati, who lived together for four years, have clearly indicated that they will be facing the TRC from opposite sides

## Evils and atrocities

Falati told *Sowetan* "I will tell the TRC about the evils and atrocities Winnie has committed and why she will never be this country's deputy president"

Madikizela-Mandela has, meanwhile, reportedly said she had nothing to hide and that her testimony would demonstrate how she had been made a victim by "certain powerful elements".

Falati's testimony chronicles 20 incidents which occurred between



Ms Xoliswa Falati, Mrs Winnie Madikizela-Mandela's erstwhile supporter and confidante, points out at a disused mineshaft where she claims bodies of youths were dumped in the late 1980s. The two women will appear before the Truth and Reconciliation Commission next week. PIC VELI NHLAPO

1987 and 1991. The list includes murders, abductions and the formation of the notorious Mandela Football Club

Testimony will also be heard particularly about the 1988 abduction and murder of child activist Stompie Seipei, the 1989 murder of Dr Abu-Baker Asvat, the disappearance and

murder of Kuki Zwane in 1989 and most significantly, the abduction and disappearance of Cebekhulu

Yesterday she took *Sowetan* to a disused mineshaft near a squatter camp on the outskirts of Soweto, where she said bodies of "more than four youths" were dumped at dead of night after they were allegedly

assaulted on Madikizela-Mandela's orders in the late 1980s

This claim is contained in Falati's submission which has also prompted an investigation by the TRC

The TRC head of investigations Mr Dumisa Ntsebeza confirmed yesterday that the TRC's investigations unit had visited the site but said he

was not certain whether Falati's allegations would be presented before the TRC next week

He said "All I can say at this stage is that I have not yet received a report around these claims but that investigations are going on and may continue after next week's hearing"

● See page 5



Star 21/11/97

# New death claims as Winnie faces TRC

(252)

Fresh evidence emerges which is said to link Madikizela-Mandela to assassination in 1988 of 18-year-old Soweto student activist Sicelo Dlomo

## POLITICAL STAFF

All the accusations and allegations against Winnie Madikizela-Mandela come to a head next week when she goes before the Truth and Reconciliation Commission

And in a new shock development, reported in the Mail and Guardian today, alleged fresh evidence linking her to, among others, the assassination in 1988 of 18-year-old Soweto student activist Sicelo Dlomo. These allegations come on the eve of her possibly facing disciplinary action over her statements critical of the ANC leadership

The TRC is also expected to hear evidence of the involvement of her daughter Zinzi Mandela-Hlongwane's boyfriend, Sizwe Sithole, in a string of murders

Sithole died while being detained for being in possession of firearms allegedly supplied to him by Madikizela-Mandela. He was said to have hanged himself with his shoelaces

Members of the "Mandela United Football Club" have claimed that Sithole was used

as a "killing machine by Winnie".

The TRC would not comment on the new allegations. Spokesman John ... said no member of the Dlomo family was among the witness list for next week's hearing, but he did not rule out the possibility that another witness may provide new information about Sicelo Dlomo's death

Dlomo's mother, Sylvia Dlomo, testified at a TRC hearing last year that she believed police were responsible for her son's death

But she said he had also been on the run from people she believed were members of Azapo, and a number of unknown black men had come to her house threatening to kill Sicelo shortly before his death

The TRC hearings could make or break Madikizela-Mandela. If she clears her name, her prospects of landing the deputy presidency of the ANC at its national conference in Mafikeng next month will be boosted. If she fails, her career could be at an end

The Star understands

Madikizela-Mandela will not testify before the end of the week.

The hearing has aroused unprecedented interest from local and foreign media.

More than 200 journalists have applied for accreditation, and the hearing is expected to make headlines around the world

No other TRC event, including the first hearing in April last year, has generated as much media interest

On Monday, Madikizela-Mandela faces 34 high-profile witnesses who will come before the TRC to give their version of the events of the late 1980s and the activities of the notorious football club, whose members served as her bodyguards

She will be questioned about 20 atrocities, among them the disappearance and death of teenage activist Stompie Seipei. Madikizela-Mandela was found guilty of kidnapping Stompie and sentenced to a six-year jail term or a fine of R15 000, which she paid.

Among the issues Madikizela-Mandela will be questioned about are murders of Dr

Abubaker Asvat, Finkie Msomi, Kuki Zwane, Dlomo, Morgan Bambisa, Susan Maripe, Xola Makhaula and Maxwell Madondo.

She is also to be questioned about the disappearance of Lolo Sono and Siboniso Tshabalala, the kidnapping and torture of brothers Peter and Philip Makhanda, the attempted murder of Ikaneng Lerothodi, the circumstances leading to the death of Siswe Sithole and an assault on Phumzile Dlamini

One indication of how seriously the hearings are being taken emerged in a statement issued yesterday by TRC deputy chairman Alex Boraine, who disclosed that Safety and Security Minister Sydney Mufamadi, Police Commissioner George Fivaz and several police detectives met TRC officials on Wednesday night ahead of the TRC hearing

Meanwhile, Sapa reports that Madikizela-Mandela's lawyers said yesterday she would not meet the police to discuss her alleged knowledge of the R17-million Bronkhorstspuit highway robbery





Higher educational institutions are the only major bodies that have submitted to the Truth and Reconciliation Commission, but they have much to answer for.

# Academia should also be made to face the music

Star 21/11/97

A wide cross section of South African society has witnessed and made submissions to the Truth and Reconciliation Commission (TRC). Some of the submissions have been shocking, others illuminating, others posing more questions than answers and others even questioning the truth itself.

Whether the submissions constitute the truth or are a simple catharsis of our past, only history will judge. However, there can be no doubt that the TRC will for many years remain a voice of conscience for our society. It will become the archive from which a better history and future of our society will emanate. The TRC has made a seminal contribution to understanding our society, its past and its transformation dilemmas in a dispassionate manner. As a nation we should take pride in it and its process.

It has been educating to see the characters and personalities that have graced the TRC. From senior politicians, media owners, journalists, the judiciary, the medical profession, business, churches and individual citizens who suffered, participated consciously or unintentionally or witnessed the tortures of our past.

These major sectors of civil society made their submission largely to contribute to a better understanding of our past, to apologise completely, or to say they did not do enough to oppose the brutal institutionalised discrimination and racism of our society.

The TRC has demonstrated that no one in South Africa today is above the law. We are a very transparent society where the rule of law, rather than of

men, is paramount. This is reassuring to all of us.

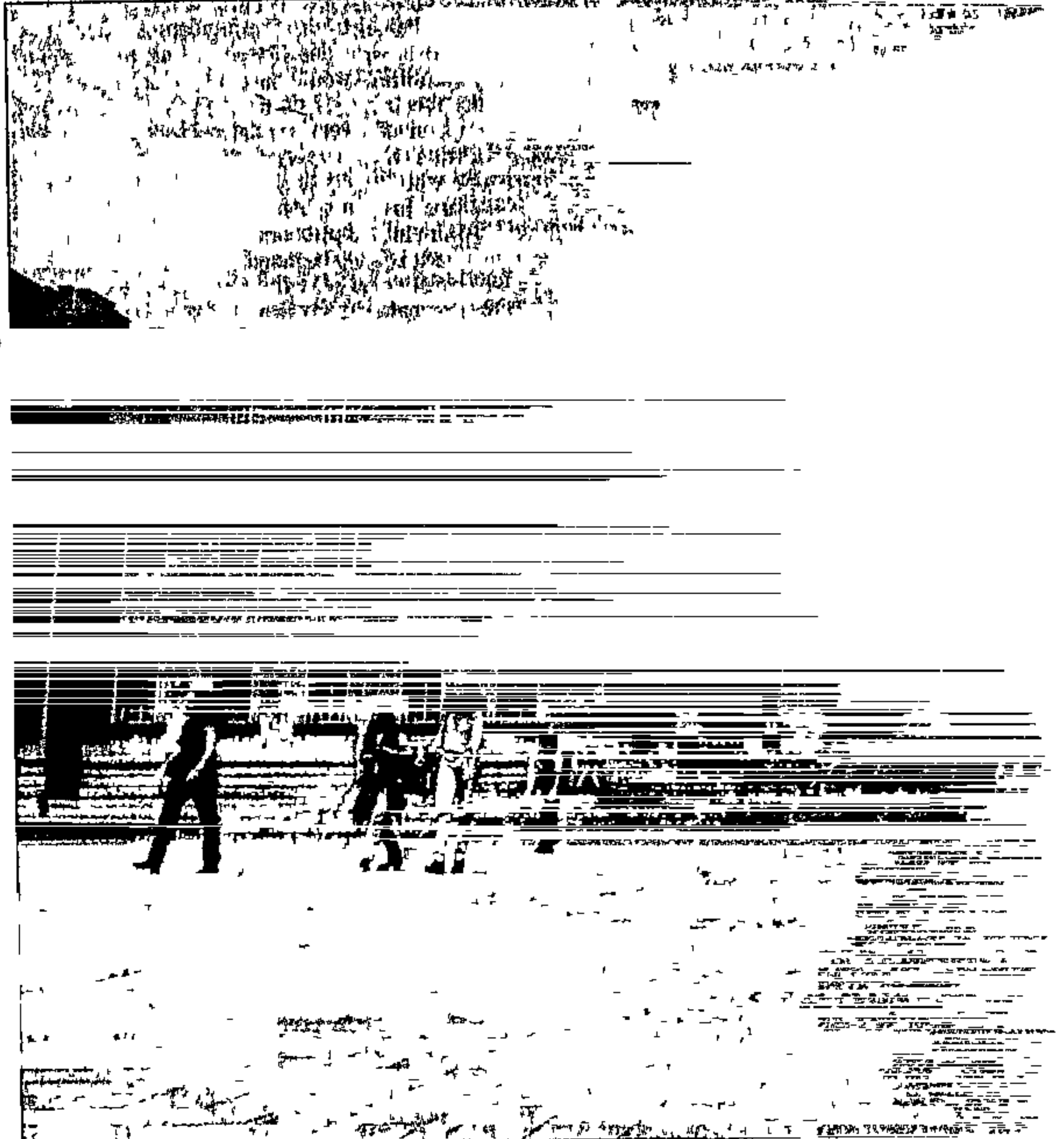
One critical sector has remained silent and its silence is worrying. This is the sector that constitutes the common thread and foundation of all our civil institutions.

This is the education sector, particularly higher education institutions as represented by universities, technikons and colleges of education. This is the sector that laid the foundation for a racially discriminatory, or apartheid, curriculum.

What is common between a judge, a doctor, a politician, a policeman, a priest, a journalist or editor and the ordinary citizen is the type of education they received or the curriculum that provided the foundations of their education.

Why is the curriculum such a critical issue? The curriculum of a nation is a statement and fingerprint of its values, its cultural orientation and its pattern of behaviour. The curriculum systematically guides the transmission of information and knowledge, reinforces the desire to learn/know; and, most importantly, encourages the internalisation of certain types of behaviour and or attitudes consistent with the knowledge learnt.

Any distortion, falsehood or misrepresentation of these three principles will lead to the desired product. If, for example, the curriculum is centred on Africa, the internalisation and adoption of behaviour and attitudes will be that of Africans. If it is centred on Europe or China, the respective adoption of behaviour or attitude will ensue. More significantly, if the assumptions underlying the curriculum are false or dis-



Coming clean ... educationists provided a theoretical basis to the dark days of the past, says to the Truth Commission.

torted in terms of race, gender, power relationships, the citizens who are the products of the system will mirror these distortions.

In a country where the citizen mistrusts and lacks confidence in the judiciary, the churches, the police, the media, academics or the medical profession, then there must be a common structural factor that cuts across all of these. That common thread is our curriculum. Our curriculum has produced a society of intelligent, educated crooks and criminals.

That is why education remains such a critical and contested issue in any society, for its invisible effects at the level of people's minds are profound by their visibility later on in their behavioural patterns and the sort of choices and ethics they practice. Excellent bad education breeds excellent bad citizens. The seeds of racially discriminatory curriculum were laid by the British and their missionaries, and not the Dutch settlers as is often be-

lieved. The Afrikaners, through Dr Hendrik Verwoerd not only refined the curriculum later, but also implemented it openly and ruthlessly under the apartheid regime.

The historian Lambert made the following salient comments "Schools for Africans were founded throughout South Africa by English-speaking missionaries. These schools sought to mould black Christ-

ian communities along European lines, in the process often alienating them from their own people in English language schools, the emphasis on British values inhibited the growth of a common South African culture. Dutch, and later Afrikaans, was scorned and African languages were ignored. The private and more elite government schools tended to foster both a class and a race consciousness."

These are the assumptions that have guided the curriculum and education of our citizens for more than 344 years. A detailed and honest historical analysis of most English-speaking institutions would not only confirm the rampant racism and sexism still prevalent, but would often show how some of these institutions were even more advanced than the apartheid regime itself in seeking discriminatory practices. This can

## Seeds of racially discriminatory curriculum laid by British missionaries, not the Afrikaners

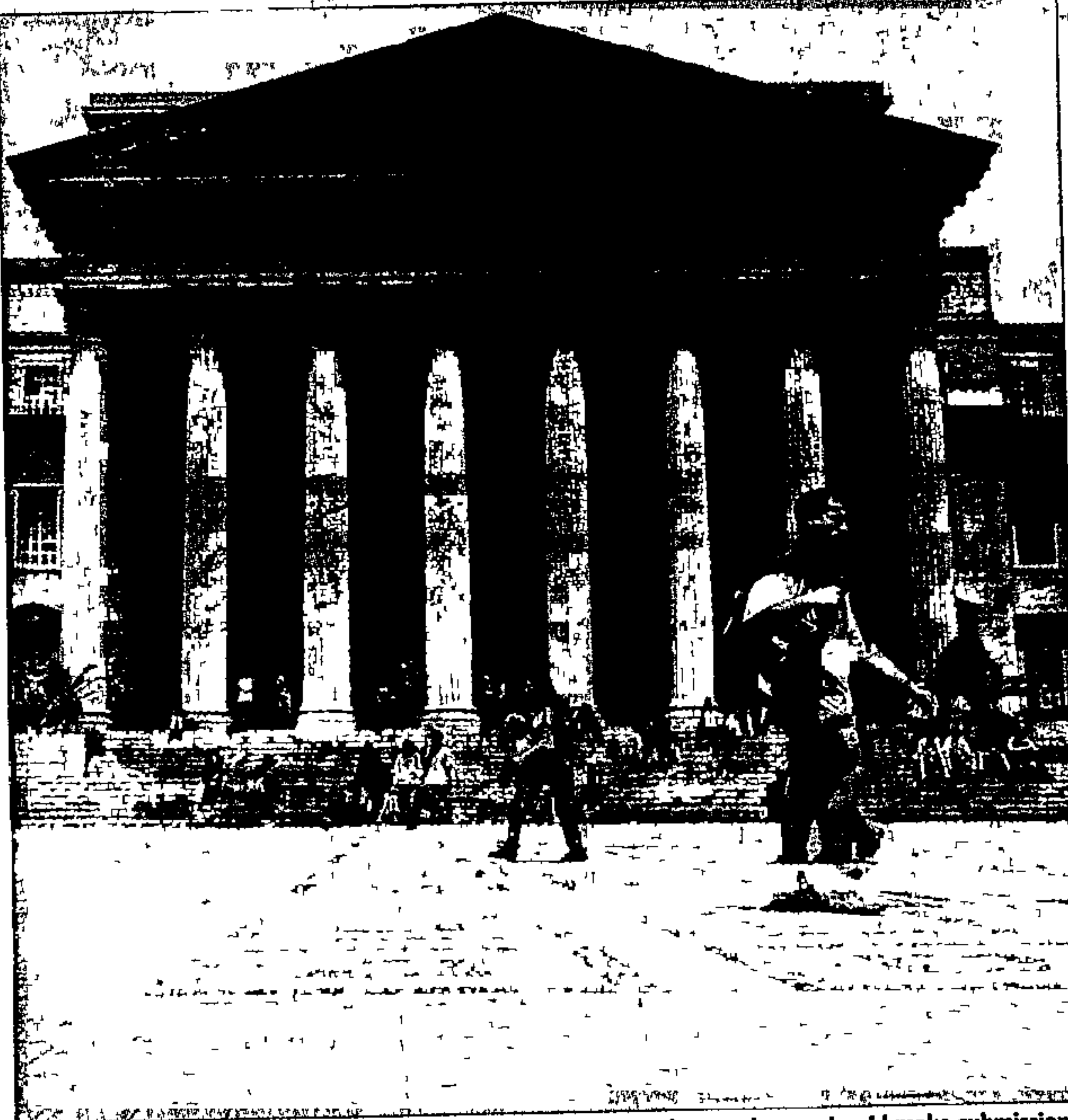
only come as a shock to those who were under the illusion that they were receiving "liberal" education. What escaped them is that there can be no liberal education in an illiberal society, and South Africa has been such an illiberal society for over three centuries.

However, what our curriculum has proven with singular success, is how easy and possible it is through "education" to produce national psychosis, madness, laziness or even corruption. The seeds of all our



the only major bodies that have not given evidence before the  
 n, but they have much to answer for, writes William Makgoba

THEMBA HADEBE



asis to the dark days of the past, says Makgoba, who believes that academics should make submissions

havioural patterns Their choices determined the content of our curriculum They were the gatekeepers of what was good, wrong or morally correct in our education In short their decisions and subsequent education determined to a large extent the internalised behaviour of our citizens They educated our lawyers, politicians, journalists and business gurus These are the people who shaped and produced the minds of South Africa's citizens (black and white)

Is it not time that this sector made a submission to the TRC to spell out its role during what can only be described as the dark days of our country? The Committee of University Principals, the Committee of Technikon Principals and several leading universities in our country should prepare their submissions to the TRC

This sector owes the nation full disclosure of how its shortsighted activities and curriculum contributed directly or indirectly to gross human rights violations against the oppressed. This is the only responsible way forward to understand the litany of human rights abuses that took place at universities, technikons, colleges, the business sector, the judiciary and medical profession. Many talented and gifted members of the oppressed suffered, were denied opportunities and could not develop their full potential as a result of this discriminatory curriculum Our academics and intellectuals provided the theoretical basis and support for discrimination and apartheid

It is now obvious that their assumptions were wrong and the citizens they produced are nothing to be proud of. Educated we are, but educated with poison, educated to abuse and discriminate against others Perhaps out of this may be born intellectual honesty and good ethics that seem to have escaped the South African educationalist for over 340 years  
 ■ William Makgoba is professor of Molecular Immunology at Wits/SAIMR

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lum and education of our citizens for more than 344 years A detailed and honest historical analysis of most English-speaking institutions would not only confirm the rampant racism and sexism still prevalent, but would often show how some of these institutions were even more advanced than the apartheid regime itself in seeking discriminatory practices This can

woes were sown in the curriculum of the past three centuries All that the new dispensation has done is provide the fertile environment for the phenotype to flourish

The historical function of our curriculum was to mould the African psyche along European lines, to ensure the educated African was alienated from his roots. Through this education an African could only compete from a position of weakness This was meant first to discriminate, then produce unequal power relationships

that became the basis of apartheid - the "baas boy" or "madam-girl" relationships. As products of colonial powers, and later apartheid, our institutions of learning continued to refine, promote and support white supremacy of varying degrees. This is consistent with one fundamental characteristic of primate behaviour - hierarchical dominance and a tendency to imitate.

Education under the British and recently Christian national education under the National

Party shared these features The British (English speaking) used civilisation, the Afrikaner Christianity, as slogans both to disguise the real intentions or assumptions of the curriculum The Afrikaner was overt about his discrimination while the English were covert.

Those who drove the ideas and theories of our curriculum were the academics and intellectuals who ruled our universities, technikons and colleges They are in the business of knowledge/information production and dissemination The order of the day relied on these experts to arrive at our curriculum They provided the theoretical assumptions and moral justifications that became the basis of our education in all spheres of our lives. They had the authority to interpret and filter all incoming forms of information/knowledge and other influences in order to decide what constituted knowledge and information for education for the nation

Directly or indirectly their teachings, their actions, their practices, their role modelling have contributed significantly to human rights abuses that arose from these abnormal be-

## discriminatory education missionaries, not the Dutch

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 However, what our curriculum has proven with singular success, is how easy and possible it is through "education" to produce national psychosis, madness, laziness or even corruption The seeds of all our

## Keeping you in the picture

Every Friday, The Star will produce a news feature to keep you up to date with the Truth and Reconciliation Commission. The feature, produced by our team of specialist TRC reporters, will provide all the background, the news and the insights you need to keep you in the picture as the dramatic story of our past unfolds

# PW keeps low profile as subpoena is served

(252)

## Roelf Meyer suggests mediation as defiant Botha orders bodyguards to accept TRC's summons to hearing

By Robert Brand

Former state president P W Botha kept Truth and Reconciliation Commission officials, serving him with a subpoena, at arm's length yesterday but he may run foul of the law if he ignores the order to appear at an inquiry in two weeks' time.

Botha was subpoenaed to testify at a hearing where he will be questioned about the State Security Council, a body he created to co-ordinate strategies against the "total onslaught".

He would not personally accept the subpoena at his retirement home in the Wilderness, Western Cape.

Botha said earlier he would not appear before the TRC, which he regarded as a "circus". His lawyer refused to accept a subpoena on his behalf, saying he was going to Zambia on business.

Botha was first subpoenaed to attend the initial round of hearings in Johannesburg earlier this month but his testimony was postponed on grounds of ill health.

TRC chairman Archbishop Desmond Tutu said then that the next round could take place at George, near Botha's home. However, Botha again indicated his unwillingness to attend.

In terms of TRC legislation,

Botha could face two years in jail or a R2 000 fine if he ignores the subpoena.

TRC deputy chairman Dr Alex Boraine said the commission hoped Botha would change his attitude.

"Mr Botha, as a former minister of defence, prime minister and state president, has invaluable information concerning the period under the TRC's review, and without his input the commission's final report will be that much poorer," Boraine said.

"I am convinced that, as a law-abiding citizen, he will have a change of heart."

Sapa reports that TRC investigator Cheslan America - together with Mike Barnardo, a member of the TRC's witness protection programme - delivered the subpoena yesterday.

America and Barnardo arrived at Botha's house, Die Anker (The Anchor), next to the Wilderness lagoon shortly after midday.

Botha was at home but did not come out, and two security guards clad in jeans and blue T-shirts met the TRC men at the gate. One guard, who declined to be named, said Botha had instructed him to accept the subpoena on his behalf.

Barnardo told reporters waiting outside the gate that he had not seen Botha, but the subpoena had been handed to one

of his security staff. In terms of the law, this was acceptable, he said.

The five-page subpoena instructs Botha to appear at a TRC hearing on the former State Security council in the Benny Hewat hall in Cape Town on December 5.

More than 700 pages of documentation related to the security council hearing, to which Botha is legally entitled, were also handed over.

■ Xolisa Vapi reports that United Democratic Movement co-leader Roelf Meyer said yesterday the party would offer to mediate between the TRC and Botha to break the current impasse.

Meyer, who paid Botha a visit at his home yesterday, said he and UDM co-leader Bantu Holomisa had always believed that co-operation with the TRC was imperative so that a full perspective of the past could be uncovered.

"The challenge now is to determine the best possible way on which this transaction can be accomplished," Meyer said.

He warned that legal steps were not the ideal solution, but would only result in further alienation.

Meyer also made it clear that his visit was private and had been arranged two months ago.

Star 21/11/97



# South Africa's churches all admit to falling short of 'God's glory'

SPECIAL CORRESPONDENT

Churches who appeared before the Truth and Reconciliation Commission this week for their role during apartheid, underscored the point that politics and religion were inextricably linked during National Party rule and that religious communities continue to have a major role to play in reconciling the country's divided peoples.

TRC chairman Archbishop Desmond Tutu, for long one of the most audible voices against apartheid and spiritual leader of one of the country's important churches, set the tone when he opened the hearing in East London on Monday.

"We are here to say to God, and the world, that we have fallen short of your glory. There is no church I know of that will not have something to confess to shortcomings."

In his wake, a number of faith groupings - Christian, Muslim and Hindu - tendered their apologies for supporting or not doing enough to oppose apartheid, and promised to contribute to reconciliation.

The Anglican Church apologised for its failure to support Tutu in the face of harsh criticism over his call for economic sanctions in the 1980s. Bishop Michael Nuttall ad-

mitted the Anglican church had been complicit in challenging apartheid policies.

"Our church acknowledges that there were occasions when, through the silence of its leadership or its parishes, or their actions in acquiescing with apartheid laws where they believed it to be in the interests of the church, deep wrong was done to those who bore the brunt of the onslaught of apartheid."

White Anglicans owed the Afrikaner community an apology for their attitude of moral superiority, Nuttall said. However, the chief apology had to be to its black congregants, who comprised the overwhelming majority of members.

The evangelical Church of England said it allowed itself to be misled by the former NP government into accepting a cruel and oppressive system.

Bishop Frank Reibel said the government used the bible to support its policies and to give the impression it was a Christian government.

"Many members of the Church of England in South Africa generally and honestly believed the government's propaganda about the communist threat," Reibel said.

that was cruel and oppressive" The church's insistence on remaining a neutral party in the apartheid conflict was, in hindsight, a major error.

The Catholic Church's record as a staunch opponent and vocal critic of apartheid was sketched by Bishop Kevin Dowling, who told of the church's teachings condemning the system, its financial support for the alternative newspaper New Nation, and its role in helping to establish a culture of human rights.

"The complicity of the Catholic Church in the past is found in acts of omission rather than commission."

Members of the Muslim, Jewish and Hindu faiths had their turn on Tuesday.

South Africa's chief rabbi, Cyril Harris, tendered a collective apology on behalf of South Africa's Jews for their failure to protest more loudly. However, many Jews had played a key role in the struggle, and had been outspoken in their outright condemnation of the system, he said.

Ashwin Trikanjee of the Hindu Maha Sabha, the national body of Hindus in South Africa, said Indians had neither supported nor condoned the actions of the apartheid government.

"When the Tricameral Sys-

## TRC DIARY

### NEXT WEEK

A five-day hearing into the activities of Winnie Madikizela-Mandela's bodyguards, known as the Mandela United Football Club, starts in Johannesburg on Monday. Thirty-four people are scheduled to testify, including Madikizela-Mandela, who requested a public hearing after

### COMING UP

being subpoenaed to a closed questioning session in September. Strict security measures will apply at the hearing, to be held at an as-yet undisclosed venue.

The amnesty hearing for Clive Derby-Lewis and Janusz Walus, the killers of SACP leader Chris Han, resumes in Pretoria on Monday. It is expected to continue

for two weeks. The hearing will be held in the Pretoria City Hall.

tem was established they did not offer any support to those who took up positions in that Parliament," he said.

Trikanjee admitted that "so-called" leaders of the Hindu community failed to protest against apartheid.

Muslim theologian Dr Faried Esack launched a

scathing attack on Muslim leaders on Tuesday, accusing them of betraying and marginalising the struggle.

Between 1961 and 1964 the Muslim Judicial Council issued just five statements condemning acts of apartheid and held only one public meeting.

The leadership also re-

sation in South Africa to do so. Solomon admitted that the death in detention of Imam Haron led to a polarisation between conservatives and other members of the MJC.

"The MJC could and should have done more. We regret and sincerely apologise for this shortcoming."

The Dutch Reformed Church acknowledged that it had been "part of the problem" in the past, but now wanted to make a strong contribution to reconciliation.

DRC Moderator Freek Swanepoel said he could not claim to speak on behalf of the whole DRC, but could do so for those committed to reconciliation. "When I speak about reconciliation I am speaking on behalf of the greater portion of the church."

Swanepoel was questioned by TRC commissioner Bongani Finca on the frequency with which security force amnesty applicants mentioned the teachings of the church as part of justification for the offences they committed in defence of apartheid.

He answered: "We have indeed taught our people wrongly with regard to apartheid as a biblical instruction. In this regard, certainly, the church must confess that it is guilty."

The Apostolic Faith Mission

of South Africa admitted that its members, many of them state employees, had helped to sustain the apartheid system.

AFM president Dr Izak Burger said: "Should we not have been more critical of what we were told? Should we not have challenged and resisted more? The questions are many."

The answer to them all is yes. We all failed terribly."

Most white charismatic and Pentecostal church followers in South Africa had to confess that they sometimes urged on the "ruthless security force machine" to crush those fighting for their freedom, the International Federation of Christian Churches president Ray McCauley said.

"When we should have been comforting and praying for those in desperate need we sometimes joined the cheering crowds and urged on the gladiators," he said.

"We must confess that many of us allowed ourselves to be swayed and manipulated by a government propaganda machine that tried to portray freedom fighters as the enemies of the church and of Christianity in particular."

He admitted that the black members of his church were ostracised and rebuked when they had spoken out against apartheid.

(252) *Howell/97*



# EX-SECURITY COP'S AMNESTY BID

(252) *rew ee 11/97*

Cape Town - Notorious former security policeman Gideon Nieuwoudt has been denied amnesty by the Truth and Reconciliation Commission's amnesty committee for the 1985 assault on Port Elizabeth activist Mkhuseh Jack.

Nieuwoudt, who was sentenced to 20 years' jail for the so-called Motherwell bombings, is out on bail pending appeal.

He has applied for amnesty for a host of other gross human rights violations. The commission said in a state-

ment yesterday that the amnesty committee had not found Nieuwoudt a credible or truthful witness. His application was denied for failing to make a full disclosure, which is one of the requirements in terms of the Promotion of National Unity and Reconciliation Act for amnesty to be granted.

Nieuwoudt was seeking amnesty in respect of an assault on Jack, now a wealthy businessman, at the security branch offices in Port Elizabeth on August 12 1985.

Both Nieuwoudt and Jack were

represented by counsel at the hearing. It was common cause between them that the assault occurred while Jack was being detained in terms of emergency regulations.

However, their versions differed materially on the facts and circumstances surrounding the assault, the statement said.

According to Nieuwoudt, Jack had been brought to his office for interrogation on the day in question. He was alone with Jack during the interview, which concerned the

boycott. According to Nieuwoudt, Jack was heavily involved in this and other unlawful activity during the unrest at the time.

Jack had become obstreperous and recalcitrant when he was confronted with certain facts about his involvement.

"Applicant then grabbed a black plastic sjambok and struck Mr Jack several times on his body and legs," the statement said.

Jack calmed down, and Nieuwoudt noticed that he was experiencing considerable pain and stopped the

interrogation. However, Jack testified that he was subjected to prolonged torture and assaults on the occasion in question.

Nieuwoudt and several other policemen, including Warrant Officers Coetzee and Bezuidenhout, participated, Jack testified.

He said he was tortured by means of the so-called helicopter method, which entailed being handcuffed and suspended between two tables with a broomstick inserted below the knees and above the forearms.

While suspended in this helpless position, he was struck with a sjambok and an object resembling a hosepipe.

After being released from this position, and while lying on the floor unable to get up, he was assaulted with a sjambok, Jack testified.

He was then dragged to a toilet and instructed to strip naked, whereafter dirty water was thrown over him.

Nieuwoudt had shouted at him and hit him several times with a sjambok. He then warned Jack not to lay any charges of assault against the

police, and threatened that he would disappear like the Pebco Three or that his body would be burnt like the Cradock Four.

According to Jack's version, the applicant had failed to make a full disclosure, the amnesty committee found.

"In evaluating the two versions, we have no hesitation in accepting the version of Mr Jack as true.

Mr Jack impressed us as a credible witness whose version was coherent and accords with the probabilities" - Sapa

turned down



# Policeman hid notes on Tavern massacre 'to

**JOHN YELD**  
ON THE TRUTH COMMISSION

The investigator who found a statement alleging Truth Commissioner Dumisa Ntsebeza was involved in the Heidelberg Tavern massacre has admitted removing original documents about the incident "for safekeeping" after resigning from the commission.

John Lubbe, now a captain in the SA Police Service, told the Goldstone Commission yesterday he had taken the documents because he believed they could "possibly disappear" and that he was protecting the witness who had made the statement - Guguletu gardener Bennett Sibaya.

He also claimed to have been protecting the Truth Commission, which he said had been plagued by leaks and

the loss of documents, and the public pressed about who he was protecting by Judge Richard Goldstone, appointed to investigate the full circumstances of the incident, Captain Lubbe said he believed Mr Ntsebeza could have posed a danger to Mr Sibaya.

"Possibly not directly, but by someone he had contact with," He confirmed that after reading Mr Sibaya's original statement to the

police and interviewing him, he had believed his version and that Mr Ntsebeza had been involved in the Heidelberg Tavern incident.

Earlier this month, after testifying at a Truth Commission amnesty hearing for three Apla cadres convicted of the Heidelberg attack, Mr Sibaya retracted his statement, claiming he had been forced to sign it after torture by police Captain Lubbe, who came across

ARG 22/11/97

(252)

Mr Sibaya's statement after being assigned by the Truth Commission to investigate the Heidelberg Tavern shootings, was sharply criticised for his handling of the matter.

Lawyers representing Mr Ntsebeza and other parties involved suggested he had ignored "very serious contradictions" in Mr Sibaya's evidence and had not bothered to corroborate some of his claims. Captain Lubbe responded that he

believed he had made a proper investigation and had recommended that the Truth Commission appoint an independent investigator.

"I couldn't proceed any further than that," he said.

Christine Qunta, for Mr Ntsebeza, told Captain Lubbe her client would say the allegations were part of a dirty-tricks campaign against him because of his record as a human rights lawyer, and also possibly

against the Truth Commission itself.

He responded "I don't believe so." Questioned by Judge Goldstone about why he had removed the original documents, Captain Lubbe said the issue had been "extremely sensitive".

"The TRC consists of people from all walks of life. There's a whole dynamic of people and I couldn't trust anyone in this environment with this documentation."

**Protect witnesses!**



# Seeking truth while the living dead look on

ANTHONY HOLLIDAY

I have news for those who still follow the dongs of the Truth and Reconciliation Commission and the various efforts of jurists and journalists to expose the sordid tales of atrocity which are our common history

Eugene De Kock, the man nicknamed, "Prime Evil," by the psychopaths in the apartheid regime's security sources, who admired and feared him, is dead

I do not mean, of course, that he is physically dead. Indeed I saw more of him than I liked during this week's TRC hearings in Cape Town and can testify that, although he may have lost some weight, he seems, medically speaking, to be in good health

What I mean is that there is about the man none of that resonance we sense (and usually take for granted) when we are in the presence of another, who is like us in being, for better or for worse, morally, spiritually alive. It is a resonance, subtle but unmistakable, which allows us to feel the difference between confronting a human presence and not, say, an animal, a machine or an inert object

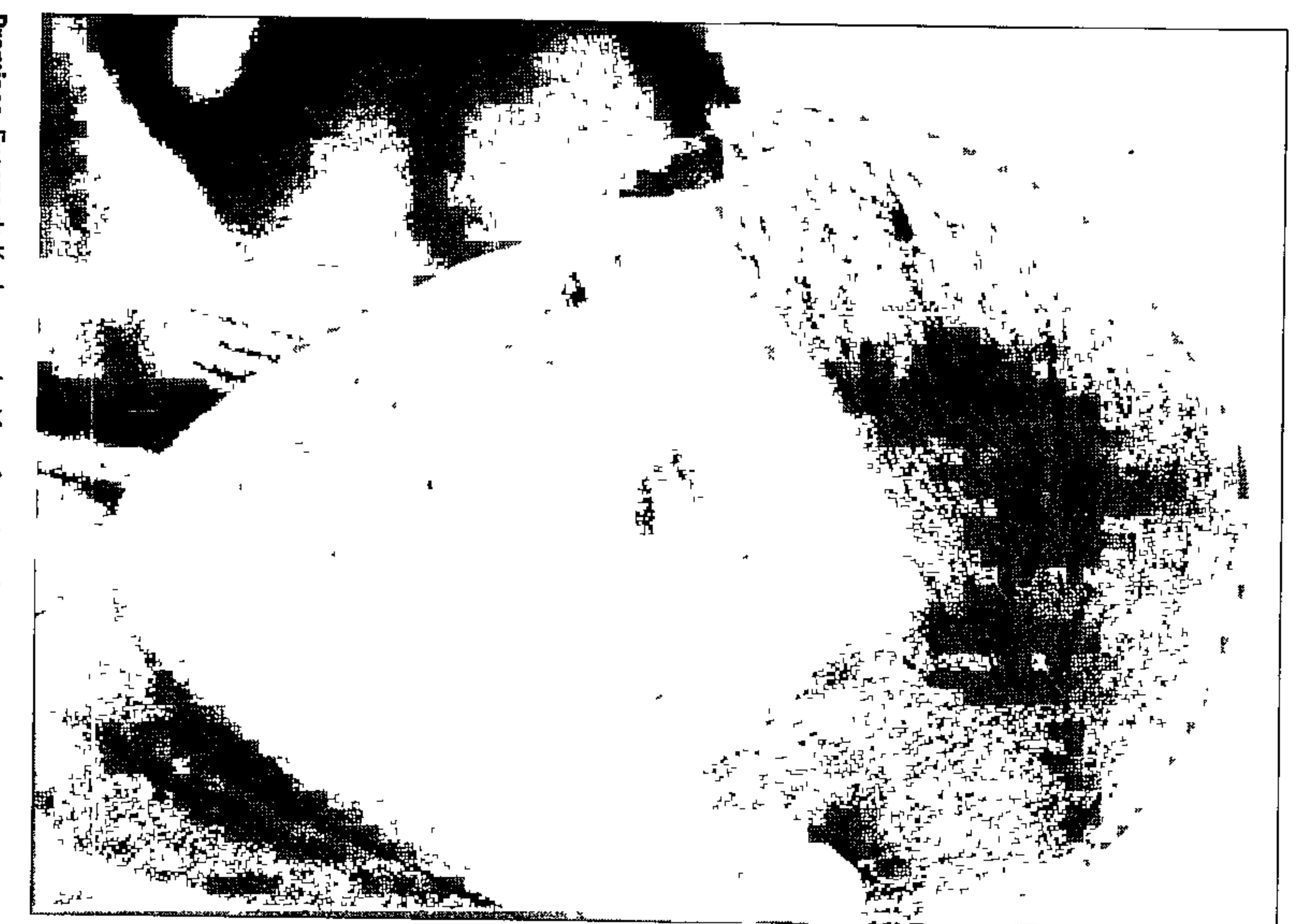
I have never seen De Kock in the flesh before. He and his kind — the likes of Trevor Baker, Craig Williamson and Dirk Coetzee — hunted me and my comrades during the dark decades of clandestinity, spying on us as we spied on them, torturing for information and confession, taunting, terrorising and assassinating. So, naturally, I expect to feel some emotion when I come within spitting distance of him

He comes within an inch of me. I must move my legs to let him pass. Yet I feel nothing, not loathing nor anger, not even contempt

Pretty Jann Turner, who once turned to me suddenly and asked, "Tony, why did they kill my Dad?" approaches De Kock, who smiles politely and takes her hand. Jann Turner, who as a little girl watched her father, Rick, the philosopher and legend of the then New Left, die of gunshot wounds at her feet, wants De Kock to tell her who was responsible for this particular murder. De Kock promises to be as helpful as he can. Dressed in his green prison uni-



LEON MULLER



Promises Eugene de Kock was asked for information about Rick Turner's assassination

**Shoot to kill** applicants Wilhelm Bellingan, back, and Thapelo Mbelo at this week's TRC hearings into the deaths of seven ANC guerrillas in Gugulethu in 1986

form, eyes hidden behind the thick glass of his spectacles, De Kock goes through all the motions which, if performed by another man, would be evidence of his presence among the quick, not the dead. He consults with his advocate, listens attentively to the evidence. Yet, watching him, I cannot bring myself to believe that he truly lives; that something essential has not died in him and that, in committing one or another of the murders for which he must serve the rest of his days in prison, he did not also murder his soul.

De Kock's purpose in coming to this particular session of the TRC's amnesty hearings is to listen to the evidence of two of his former subordinates at that home to apartheid's dealers in death, called Vlakplaas

Wilhelm Bellingan and Thapelo Mbelo have different versions of how seven ANC guerrillas met their deaths in Gugulethu on March 3, 1986. Bellingan, who headed the police unit hunting the guerrillas, says they were shot by police firing in self-defence. Mbelo maintains that the men were shot while trying to surrender.

Bellingan tells the amnesty committee he shot one of the guerrillas while confronting him from a distance of a few metres. Brent Williams, the young lawyer representing the families of the dead men, points out that this particular victim had wounds, consistent with his having been shot in the back of the head. Bellingan says he cannot account for this. It all happened more than ten years ago. It all happened so fast. At the time he himself was bleeding from a shrapnel wound. Really, he cannot say with certainty now precisely what occurred.

De Kock listens. De Kock whispers to his lawyer. De Kock watches Bellingan, watches Mbelo. The hearing continues

There is talk of a missing Makarov pistol. A police video is shown to establish that such a pistol was somewhere at the scene. But the video appears to have been re-spliced after it was filmed, so that one cannot tell if it reflects the actual sequence of events. Once again, Bellingan is unable to assist on this point. He did not make the video. He cannot be expected to say what may or may not have been done with it afterwards. He does not want to speculate.

Now it is Mbelo's turn. He gives evidence in his native Tswana. He says the police task force were not instructed to arrest the guerrillas but to "take them out". He says the statement he wrote after the shooting had been deemed unacceptable by Bellingan, who had redrafted it. He asks the families of the dead men to forgive him and offers to meet them one by one to apologise.

The hearing is over for the day. An old woman is led from the room, sobbing brokenly. She weeps for one or other of the dead men, who was dear to her, perhaps the dearest thing in her life. No apology from Mbelo, no amount of searching hopelessly for the "truth" about exactly how he died can restore him to her.

De Kock leaves with his escorts and murders, while we, the living, file out and take the lift from the tenth floor to the afternoon ambience of Adderley Street, with its traffic noises, its bawling hawkers and newsvendors and all the blessed bustle of the world which the shadow of death seems to have left untouched.

Dr Holiday teaches philosophy at the University of the Western Cape



## Winnie TRC witness Cebekulu granted immunity from arrest

Katiza Cebekulu has been granted immunity from arrest and is expected to testify at next week's Truth and Reconciliation Commission hearings on the Mandela United Football Club, TRC spokesman John Allen said yesterday.

The youth would travel from the UK to South Africa accompanied by his ward, British Labour MP Emma Nicholson.

Allen said Cebekulu had accepted witness protection and that South African justice authorities had been in touch with Nicholson to assure her Cebekulu would not be detained over the kidnap and assault of child anti-apartheid activist Stompie Seipei.

Cebekulu, a former Mandela United Football Club member, was one of Winnie Madikizela-Mandela's co-accused in her trial on charges of kidnapping and assaulting Seipei and three other youths in 1992.

Cebekulu failed to attend the trial and later surfaced in Zambia, claiming he was spirited out of the country by the ANC.

Allen said the arrest warrant for Cebekulu would not be withdrawn but would not be put into effect either.

Asked when Cebekulu would arrive, Allen said the TRC would not discuss his movements "for security reasons" - Sapa.

SEE PAGE 8

Stav 22/11/97

(252)

# State has a duty to entrench human rights

ST (PT) 22/11/97  
Labour Department director-general SIPHO PITYANA responds to Stephen Mulholland's comments on the new labour legislation

**S**TEPHEN Mulholland's column in the Sunday Times of November 9 1997 seems to be "another voice" from Mars or outer space

Where has he been all these months that the Basic Conditions of Employment Bill have been negotiated at Nedlac and in Parliament?

He implies that the government is pushing for a 40-hour week, six months paid maternity leave and levels of job protection unknown in many developed countries

Yes, the government may like to see a 40-hour week or that level of paid maternity, but we are not pushing for these at this stage because we realise that it would be inappropriate for South Africa's level of development

The Basic Conditions of Employment Bill which was passed in the House of Assembly on November 6 this year and is now before the National Council of Provinces, stipulates a maximum working week of 45 hours and four months maternity leave, during which a woman is protected against dismissal

Mulholland argues that behind the government's ceaseless interference in the labour

market lies the assumption that employers are evil blood-suckers who will exploit their staff in every possible way unless curbed by a watchful government and militant trade unions. He has a view that all employers are like Bill Gates and believe in modern management techniques which recognise that the success of a firm relies on a satisfied, reasonably paid workforce where there is a constant investment in training

If all employers were like Bill Gates, Mulholland would be correct — there would be no need for a Basic Conditions of Employment Bill and, for that matter a Skills Development Bill. The fact of the matter is that not all employers are like Bill Gates. Let me relate to you some of the complaints that cross my desk on a daily basis from workers who are not as fortunate as he imagines. A group of security guards wrote complaining about hard conditions. They said their employers threatened "that even if we report them nothing will happen to them, as they don't care about Mandela's government. They show us their firearms to frighten us"

A group of workers from Daveyton wrote requesting



REMEMBER THE PAST . . . Siphosiso Pityana says fair working conditions for all is the aim

help from the department because "no person must work as a slave in the new South Africa"

And a domestic worker's employer wrote complaining about another employer who had left her worker with no money and no home

When you hear stories like these you doubt Mulholland's contention that the majority of employers treat their domestic workers reasonably

But even if the majority were treated reasonably, this law, like others in relation to crime, is not there to police everyone, but to ensure that the minority does not step out of line

We regard the Basic Conditions of Employment Bill as providing a minimum level of rights that all workers should be entitled to

We should not forget the apartheid legacy that the Basic Conditions of Employment Bill

is trying to address. The laws — or the lack thereof — inherited from the apartheid government actively assisted employers to exploit their staff in every possible way

Primarily it has been through the struggles of workers and their trade unions that employers have been forced to consider the rights of workers. Remember the early days of the industrial revolution — the sweat shops, the long hours and the use of child labour. It has only been through fierce struggles by workers that this has changed

In fact, all the Basic Conditions of Employment Bill intends to do is to ensure that firms do give workers those basic human rights so that they can be satisfied. A worker working long hours without job security, inadequate leave and low wages is hardly going to be interested in the success

of the firm. It is only with such a foundation in place that one can begin to involve workers in modern participatory human resource strategies

Mulholland alleges that the government thinks it is in charge of some advanced society with long, stable, democratic traditions and an educated and skilled labour force with a strong work ethic

This government does not think so. If we did, we would have introduced legislation that would have given far more flexibility to employers and workers to arrange their own conditions of employment. It is precisely because too many of our workplaces are characterised by racist and undemocratic traditions that the government needs to play an interventionist, or as I would prefer, developmental role in setting and shaping the basic conditions of employment



# Walus faces a grilling by Hani family lawyers

By JIMMY SEEPE

(252) CP 23/11/97  
Hani

The ANC legal team, headed by Mpumalanga premier Mathews Phosa and South Africa's celebrated advocate George Bizos, plan to provide further proof during cross examination at the amnesty hearing of the killers of SA Communist Party leader, Chris Hani, that their actions were criminal when the hearings resume tomorrow.

The amnesty hearing of the rightwingers, which had drawn attention of the international media, will find it hard to draw publicity as the focus shifts to the hearings into

the activities of the Mandela United Football Club, formed under the auspices of Winnie Madikizela-Mandela, which terrorised Soweto residents in the late 1980s.

The amnesty hearing of the two rightwingers - Polish assassin Janusz Walus and Clive Derby-Lewis - which was adjourned

two months ago - will resume with the Hani family lawyers beginning their cross-examination of Walus.

The lawyers are expected to point to inconsistencies and contradictions of both amnesty applicants during their first hearings.

ANC legal head Mathews Phosa told City Press that their cross-examination would lay bare that the actions of the two right-wingers were purely criminal and intended to stop the advent of a new democracy.

Phosa said the two amnesty applicants have still not reached the brink of telling the truth and disclosing the conspiracy to assassinate

Derby-Lewis, a former Conservative Party MP, has testified that he plotted Hani's murder on behalf of the party. The Conservative Party has since distanced itself from the killing.

At the last hearing, Walus contradicted Derby-Lewis' testimony about the version of the planning and execution of the 1993 Hani assassination, although he stuck closely to Derby-Lewis's version of events leading up to the attack.

Walus recounted in chilling detail the last moments of Hani's life before he gunned him down outside his Dawn Park home on the East

Rand. Derby-Lewis had testified that he did not fix a date for the assassination because he wanted to give the matter further thought before giving Walus the go-ahead.

He also told of a bad dream in which he saw himself being cashiered from the army and sentenced to jail.

This he interpreted as a bad omen, which gave him second

thoughts about continuing with the operation.

"I decided to delay the whole process as I was determined to give a matter as important and significant as this one further thought."

When Walus carried out the assassination on the Easter weekend, "I was taken by surprise", he said.

Contradicting Derby-Lewis, Walus agreed a specific date had not been set but said his co-plotter indicated the murder should be executed before Easter.

He said Poles celebrated Easter from breakfast on Easter Sunday. Hani was killed on the Saturday.



SLAIN LEADER... Hani's family lawyers will cross-examine Walus tomorrow

## Chief judge

# warns of safety threat

(292)  
CT 24.11.97  
RONALD MORRIS  
JUSTICE WRITER

THE security of judges, advocates and the public can no longer be guaranteed at the Cape High Court, the Judge-President of the Cape has warned.

The warning was contained in a letter Mr Justice Gerald Friedman wrote last week to Minister of Safety and Security Mr Sydney Mufamadi.

This came after a judge reported to Judge Friedman that three armed men were in his court where a gang leader was being sentenced.

Court security staff have confirmed to the Cape Times that the metal detectors at all the entrances are no longer working.

Last week Inspector M Feyt, in charge of the court orderlies, warned his superior officer in a letter and sent a copy to Director Raymond Dowd, commissioner of Cape Town central police station and Judge Friedman.

Feyt complained that it happens regularly that too few court orderlies are available.

He said that on November 19, eight criminal courts were in session with only six court orderlies available. This shortage had regularly been brought to the attention of his supervisor, a Captain Kroukamp.

In Court 1 the trial of Mr Dawid "Doggie Dog" Ruiters and four other suspects are under way. While three are presently serving prison sentences, police are responsible for the remaining two as awaiting-trial prisoners.

It is public knowledge that Mr Laston Chavulla, the first accused, fears for his life and two policemen must perform guard duties.

Ms Thembi Mboisa, deputy director communication of the secretariat for safety and security, said she was unable to comment.



# Club members prepare to 'tell all'

Pearl Sebolao

THREE former members of the Mandela United Football Club sat together in a house in Orlando West as they recounted the reign of terror they had subjected township residents to during the 1980s in the name of the struggle. They had a lot in common.

Besides growing up in the same neighbourhood, Orlando West, and being members of the club, they have, either through omission or commission, attempted to kill each other.

Each one of them knows this and has accepted it as something of the past, and is not apologising for it. There is a sort of unspoken acceptance that, under the same circumstances, they would not hesitate to betray each other again.

One said that his reasons for joining the club had nothing to do with political ambition or strong convictions. He had been in trouble with a gang of car thieves and joined Mandela United for protection. He ended up working as a driver.

He told of how the men sitting in the same room with him had, on separate occasions, beat him within an inch of his life. One had beaten him up because he believed he was part of the group that had attacked his house and were out to kill him. The other had beaten him because it was an accepted way of disciplining "loose cannons" within the club.

The second man, a former member of the ANC's military wing Umkhonto we Sizwe, recounted matter of factly how he had killed at least three people while a member of the club.

"I would still like to know what happened to their bodies because I never heard anything about their

bodies being found," he said. He was sorry about what he had done, but he had only been following orders, he said.

He had fallen out with the team when he refused to accompany some of his colleagues to assault, and possibly kill, the man sitting to his right (the third man), who had been accused of being a dangerous and loose cannon.

He did not warn the victim because his movements had been restricted. Club members living in the yard (Winnie Madikizela-Mandela's backyard) had to sign a register to account for their movements.

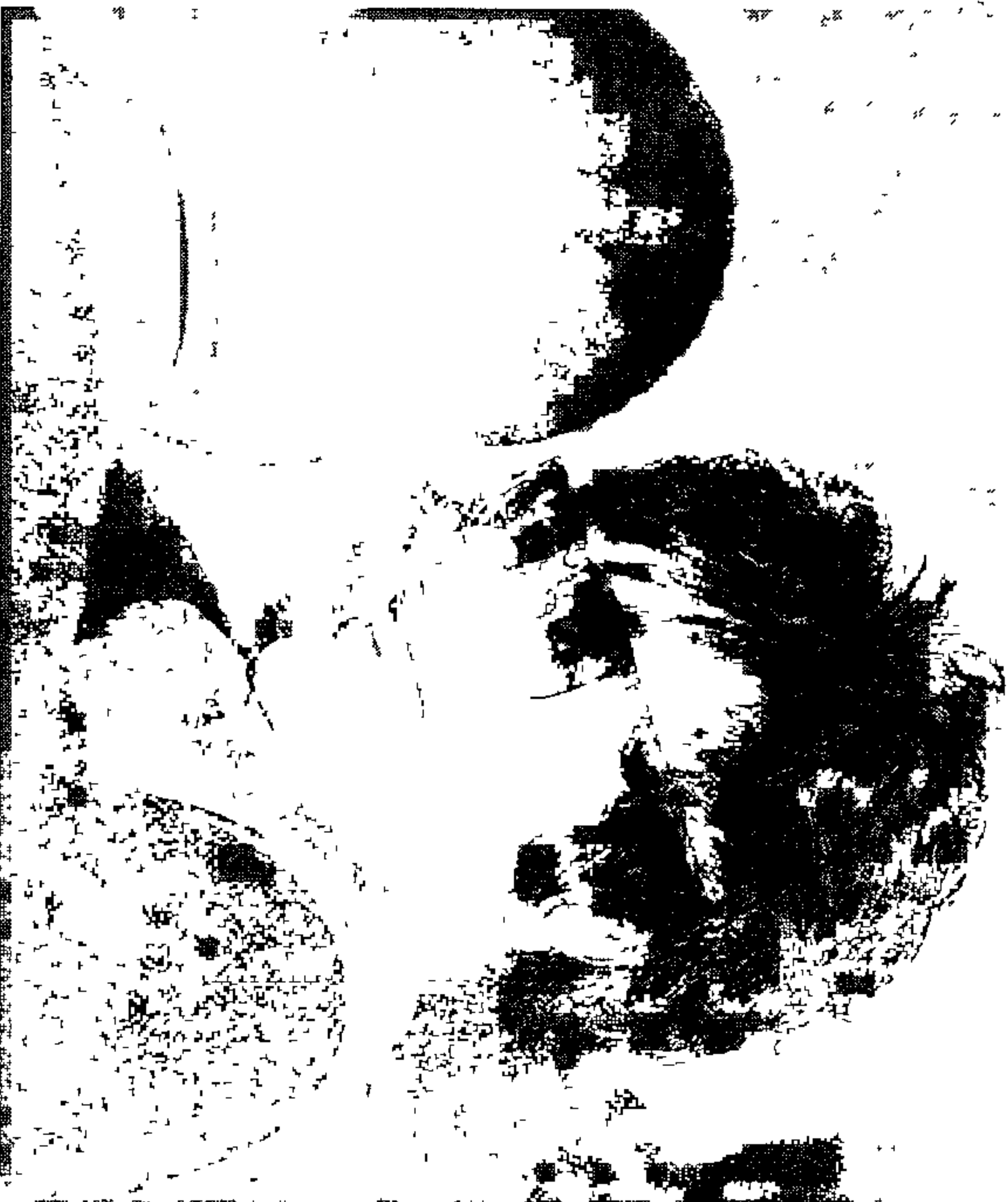
He decided to leave the club when he realised that he could be the next victim. "Increasingly, the people I was asked to assault or kill were people I had worked with. Some were my friends," he said.

In his appearance before the truth commission next week, the question uppermost in his mind would be why some of his colleagues had been killed and why at least five attempts had been made on his own life, he said.

The third man, who said he was still affected by the acts he committed, including murder, would simply tell all he knew, and would not rest until everything came out. But he said he would do anything to protect himself, even if it meant killing again.

The three young men are unemployed and have no skills. It is not clear what they expect from the truth commission besides their desire to confront Madikizela-Mandela. Yet, at the same time, they are dead scared of her.

The decision to appear before the commission next week was one of the hardest they had made, except for leaving Mandela United, they said.



MADIKIZELA-MANDELA

## Spotlight falls on Madikizela-Mandela

Stephen Laufer  
and Nomavenda Mathiane

WINNIE Madikizela-Mandela's future role in SA politics may be determined this week as the truth commission probes alleged gross human rights violations within her sphere of influence during the 1980s.

One of her main accusers, former Mandela United Football Club member, Katiza Cebekhulu, flew into Johannesburg from the UK yesterday af-

ter being granted immunity from prosecution. Accompanied by Labour Party MP Emma Nicolson, who has been protecting him, Cebekhulu was whisked past journalists to be placed in the commission's witness protection programme before he gives evidence on Tuesday.

A number of observers said they would be looking for signs of African National Congress attempts to weaken

Continued on Page 2

## Commission

(252)

Continued from Page 1

BD 24/11/97  
Madikizela-Mandela's standing within the party in the run-up to next month's party conference in Mafikeng

The commission and the ANC said the timing of the hearings and the party conference was coincidental

Madikizela-Mandela is a candidate for deputy president of the party. The ANC leadership has gone to considerable lengths to ensure that she is opposed by a single endorsed candidate in an effort to avoid splitting the vote against her.

But senior ANC leaders said there was no agreed party strategy towards the hearings or Madikizela-Mandela.

Former Mandela crisis committee and Mass Democratic Movement members who denounced her activities in February 1989 said they had deliberately not met to fine-tune their testimony. This was to avoid any suggestion the commission was being manipulated for party political purposes.

Those involved in blowing the whistle on the Mandela United Football Club would speak for themselves in an effort to improve the commission's understanding of the events and times, and not with the intention of giving evidence against anyone.

The commission hoped the parents

of children missing since they were last seen in Madikizela-Mandela's custody after allegedly being brutally beaten would continue to be forthright. The same applied to Albertina Sisulu, believed to have witnessed a hefty altercation between Madikizela-Mandela and Dr Abubaker Asvat, later found murdered in his surgery

One senior TRC source said the most interesting new information could come from the SA Police Service. It is understood that Commissioner George Fivaz, due to testify on Wednesday, could make information about police infiltration of the football club and on the role of the security branch's Winnie Mandela desk, understood to have been based in Soweto, public

Sapa reports that commission investigative unit head Dumisa Ntsebeza said yesterday that the truth commission sent two investigators to France last Wednesday to investigate the assassination of ANC activist Dulcie September in the 1980s.

This follows reports in the French media that French security police were involved in September's assassination, which the French government denied.

Ntsebeza said he authorised head of special investigations Wilson Magadla and Swedish investigator Jan Ake Kjellberg to represent the commission

See Page 10



# Ex-Mandela club members describe their reign of terror

24/11/97  
(292)  
Nomavenda Mathiane

PRIOR to their appearance before the truth commission this week, former members of the Mandela Football Club described the reign of terror to which they subjected Soweto residents.

Speaking about "missions" and "firing squads", the four youths, one of whom is now in the SA National Defence Force, said they would make a clean breast of everything.

"In retrospect, I am sorry about some of the things I did but you have to understand that we thought we were fighting the boers," said one who claimed to have joined the club when he was 16.

He said he was one of the five instructed to plant mines at Daluwonga High School after students had set Winnie Madikizela-Mandela's house on fire. He said the mines were to be placed from the main gate up to the school square where students held their morning prayers. If the mine closest to the gate was set off, it would trigger the rest.

When the late Umkhonto we Sizwe commander Chris Hanu, who was based in Zambia and was the main source of their weapons, heard of the plan, he stopped the mission. But that did not stop the club members from planting a mine at the home of one of the student leaders.

The same person said he was also present when Oupa Seheri, who is serving a life sentence in jail for murder, went to Zola to retrieve his gun which had been stolen at a shebeen there.

The next day, Seheri, accompanied by 15 members of the club, went back to Zola in Soweto. After he had identified the youths who had taken his gun, he assembled them in a room and opened fire on them. The youth said that when they left they blew up the room with a hand grenade.

One of the other members recalled how a youth teased the club members, saying their tracksuits were pyjamas because they slept in them — inferring that club members did not have clothes. When the club heard about it, they fetched the youth from his house and he was "beaten to a pulp".

Another club member interjected and told of an incident of a youth who was beaten because it had been alleged that he stole Madikizela-Mandela's ring and bracelet.

One member, who claimed to have been the longest-serving member of the club, spoke of how he witnessed Sizwe Sithole — who died in detention a week before President Nelson Mandela was released from prison in 1991 — change from an ordinary person to the leader of the club.

He spoke of people who were brought to the Madikizela-Mandela house and beaten up, kicked and stamped upon.

The same man also mentioned Stompie Moeketsi Seipei — the youth who was abducted from the Methodist Church manse and who later died. He described Seipei as an intelligent boy who was politically miles ahead of other members of the club. He also said Seipei was argumentative and defiant, and there were people at the house who did not want to be challenged, let alone questioned.

The boys — who are now men — no longer see eye to eye with Madikizela-Mandela and her daughter Zinzi. However, they said they want to meet her face to face and clear their names.

# Mother of slain activist Sicele Dhlomo

(252) BD 24/11/98

SYLVIA Dhlomo, the mother of slain student activist Sicele Dhlomo, claimed on Friday that she had received threats after media reports that evidence will be led at the truth commission hearings on the activities of the Mandela United Football Club this week, linking Winnie Madikizela-Mandela to her son's death in 1988.

However, when contacted on Saturday, Dhlomo retracted her statement, saying she had been advised by her attorney not to say anything.

Sylvia Dhlomo said she was deeply disturbed by the threatening calls she had been getting from Winnie Madikizela-Mandela will face the Truth and Reconciliation Commission this week. Pearl Sebolao examine some of the issues which will be raised

people who wanted to know what she was going to say to the truth commission about Madikizela-Mandela. "Already people are pressuring me and some have been calling to make threats and even asking me if I know that she (Madikizela-Mandela) is their mother," she said.

She had only become aware of the new allegations linking Madikizela-Mandela to her son's death, when she read it in the Mail & Guardian newspaper on Friday.

"I don't want to comment on it. What I'm waiting for is just to face the person who killed my child," she said.

The Mail & Guardian reported that new evidence had emerged linking Madikizela-Mandela to Sicele Dhlomo's death, previously blamed on the security forces.

Truth commissioner Yasmin Sooka said she was shocked by the reports linking Madikizela-Mandela to the incident.

One of the witnesses due to testify this week had mentioned Madikizela-Mandela's name in connection with the death, "but only in passing". The commission had received an amnesty application for Dhlomo's death, but as far as she knew it had not mentioned Madikizela-Mandela, she said.

The commission is expected to hear allegations of at least 20 incidents of murder, kidnapping and torture involving the Mandela United football club and Madikizela-Mandela. Among the cases lined up for today's session is that of Lolo Sono and Siboniso Tshabalala (presumed dead) who disappeared in November 1988, after allegedly being questioned and assaulted by Madikizela-Mandela.

Circumstances surrounding the abduction and murder of activist Stompie Seipei in 1989 are also expected to surface. Key witnesses — Xoliswa Falethi, Madikizela-Mandela's co-accused in the trial in which Madikizela-Mandela was convicted of kidnapping

threatened

Seipei, and witnesses John Morgan and Pelo Mekgwe — are scheduled to give evidence today.

The commission will also hear evidence of how Thob Dlamini, an Orlando West youth, was allegedly killed by Zanzi Mandela's boyfriend, Sizwe Sithole, after being accused of selling out.

Evidence would also be presented on the murder of Mandela United Football Club member Maxwell Madondo, killed when allegedly trying to kidnap another youth on Madikizela-Mandela's instructions, and that of Dr Abu Baker Asvat, who was shot outside his surgery in January 1989.



# Politicians to testify at truth body's hearings into Mandela United Football Club

Bonnie Ngqiyaza

MORE than 40 witnesses, including high-profile political leaders, are expected to give evidence to the truth commission's hearing into the Mandela United Football Club hearings which begin in Johannesburg today.

The list of 42 witnesses, expected to give what some sources say will be "crushing evidence" on Winnie Madikizela-

Mandela, includes 20 subpoenaed witnesses and 13 others who were invited.

The witnesses include policemen, former members of the football club, convicted murderers — some of whom claim they were instructed to commit their crimes — business and political personalities, and former allies of Madikizela-Mandela.

Top of the list of those invited to testify are African National Congress MP Albertina Sisulu, who worked for murdered

doctor, Abu-Baker Asvat; Finance and Fiscal Commission chairman Murphy Morobe, the director-general in the deputy president's office, Frank Chikane, and Safety and Security secretary Azhar Cachalia.

There are three witnesses who sources said might present devastating evidence.

□ Pelo Mkgwe, who was kidnapped from the Methodist manse and recently formed part of a group of witnesses Madikizela-

BO 84/11/97 (252)

Mandela showed to the media, expressing the hope that they would help clear her name. Mkgwe was a witness at the Stompie Seipei trial.

□ Xoliswa Falati, a former confidante of Madikizela-Mandela, who has had numerous public spats with her and is scheduled to appear today; and

□ Katiza Cebekhulu, a witness at the Seipei trial who disappeared before he could give evidence. He was granted

immunity from prosecution to enable him to appear at the hearings and is expected to testify tomorrow.

Also testifying tomorrow are Methodist priests Peter Storey and Paul Verrya; Soweto doctor Abu-baker Asvat's two murderers, Thulam Dlamini and Cyril Mbatia appear on Wednesday, the same day, as Asvat's brother Ebrahim, police commissioner George Fivaz and three investigating officers.

252

# Killers, rapists, hijackers now face 25-year terms

## Stringent bail conditions also on cards

Minimum sentences of life imprisonment for murderers, rapists, car hijackers, police killers and robbers and tough provisions for granting bail to people facing these charges are contained in imminent legislation.

Uncertainty about what a life sentence is will come to an end as the law will also ensure that convicts sentenced to life will serve at least 25 years before being considered for parole, which can be granted only at the discretion of the court which sentenced them.

In terms of the new Criminal Law Amendment Bill, harsh sentences will also be meted out to corrupt law enforcement officials convicted of drug trafficking or fraud-related charges.

The bill has been passed by Parliament and requires only President Mandela's signature to become law.

Cape Attorney-General Frank Kahn welcomed the legislation on

### SPECIAL REPORT

DENNIS CAVERNELIS



minimum sentences, saying his office had found "that since the abolition of the death sentence, sentences for serious cases have varied widely".

These new measures will be in effect for just two years but may be extended by the president and Parliament for a year at a time.

"The attorney-general's office welcomes Parliament's strong message to the courts that it wants less bail granted and heavier sentences imposed," said Mr Kahn.

"Serious crimes will be dealt with at the bail stage and during the trial. We hope there will be a follow through at the prison stage, when it

comes to parole. "There must be harmony between the Justice Department and the Department of Correctional Services, which we hope will be able to deliver

"In the interests of consistency and uniformity, minimum sentences are welcome as they underpin heavier sentences for serious offences and that is always welcome in these times."

The new bail law "cures practical defects we have experienced in the system; we can now, for example, apply for a person's bail to be cancelled if new evidence comes to light after the bail hearing".

The law would also allow the State not to provide the accused with the police docket, "which prevents witness intimidation at an early stage".

And because technology prevented the State from obtaining an accused person's record of previous convictions quickly, an onus now rested on the accused to tell the court

what these previous convictions were - and if it was later found that the accused had lied, he or she would face a fine or up to two years' imprisonment.

The new law provides for a court to cancel bail and commit an accused person to jail if it is in the interests of justice to do so.

Bail may also be cancelled if a person tries to abscond, interferes or tries to interfere with witnesses or defeats the ends of justice or tries to do so.

It also provides for the record of bail applications to be admitted during trials and for accused persons' testimony at the bail hearings to be used as trial evidence.

The chief of the regional Department of Justice, Hismodien Mohammed, said there had been an "outcry" for legislation determining the duration of sentences of life imprisonment.

Editorial comment, page 11

## Do the crime, do the time: bill lays down law

The new provisions for minimum sentencing will allow High Court judges to sentence criminals to life imprisonment for:

- premeditated murder;
- the murder of a law enforcement officer, including Correctional Services officials and members of the National Intelligence Agency and the South African Secret Service;
- the murder of a witness in a criminal trial;
- murder with rape or robbery;
- murder by conspiracy or by a group with common purpose;
- rape of a victim more than once;

- gang rape;
- rape by a person with two or more previous convictions for rape but not yet sentenced for those convictions;

- rape by a person aware they have AIDS or HIV;
- rape of a person younger than 16 or especially vulnerable because of physical disability or mental illness; and
- rape involving grievous bodily harm.

The bill does make provision for lighter sentences for these crimes if the court is satisfied that "substantial and compelling circumstances exist".

Harsh sentences will also be

imposed by judges and regional court magistrates for:

- murder with less serious circumstances; and
- robbery with aggravating circumstances, car hijacking and drug trafficking, depending on the value of the drugs involved;
- arms dealers or people convicted of possession of automatic or semi-automatic weapons, explosives or armament, and,
- criminals convicted of any offence relating to exchange control, corruption, extortion, fraud, forgery, uttering or theft involving more than R500 000 or involving more than R100 000 if committed by a syndicate or group with a common

purpose; or if a law enforcement officer is convicted of these charges;

Convictions on these charges will carry sentences of a minimum of 15 years imprisonment for first offenders, 20 years for second offenders and 25 years for third or subsequent offenders.

Rape in "less serious" circumstances, indecent assault of children younger than 16 with intent to do grievous bodily harm, assault with intent to do grievous bodily harm and any offence in contravention of the Arms and Ammunition Act will carry sentences of a minimum of 10 years for first offenders, 15 years for second offenders and 20 years for third or subsequent offenders.



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## Stringent bail conditions also on cards

ARG 24/11/97

(252) (203)

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**SPECIAL REPORT**



**DENNIS CAVERNELIS**

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- robbery with aggravating circumstances, car hijacking and drug trafficking, depending on the value of the drugs involved;
- arms dealers or people convicted of possession of automatic or semi-automatic weapons, explosives or armament; and,
- criminals convicted of any offence relating to exchange control, corruption, extortion, fraud, forgery, uttering or theft involving more than R500 000 or involving more than R100 000 if committed by a syndicate or group with a common

purpose; or if a law enforcement officer is convicted of these charges;

Convictions on these charges will carry sentences of a minimum of 15 years imprisonment for first offenders, 20 years for second offenders and 25 years for third or subsequent offenders

Rape in "less serious" circumstances, indecent assault of children younger than 16 with intent to do grievous bodily harm, assault with intent to do grievous bodily harm and any offence in contravention of the Arms and Ammunition Act will carry sentences of a minimum of 10 years for first offenders, 15 years for second offenders and 20 years for third or subsequent offenders

previous convictions were  
it was later found that the  
had lied, he or she would face  
up to two years' imprison-



CAPE ARGUS, MONDAY, NOVEMBER 24, 1997

# Winnie hearing: TRC told of hit-run mystery

(252)  
From page 1

ARG 24/11/97

at the hearing, which could make or break Mrs Madikizela's career

Xoliswa Falati, Mrs Madikizela-Mandela's former friend and co-accused in her trial for the kidnapping and murder of teenage activist Stompie Seipei, was first to arrive today. Falati served a two-year jail sentence for her part in Stompie's death. Star witness Katiza Cebekhulu - who has alleged he saw Mrs Madikizela-Mandela stabbing Stompie - arrived with former Conservative Party MP Emma Nicholson. They were accompanied by policemen and security officers.

When he arrived from London earlier, Cebekhulu was whisked away from Johannesburg airport by officials of the TRC's witness protection programme. He is believed to be staying at a Johannesburg hotel. The commission is facing an acid test of its credibility as it responds to Mrs Madikizela-Mandela's challenge by hosting a public hearing into the activities of her notorious bodyguards, whose reign of terror in the late 1980s included murder, assault and kidnapping. Some 34 people,

including Mrs Madikizela-Mandela and other leading figures in the ANC - have been invited and/or subpoenaed to testify.

Earlier today, many of the more than 200 journalists who have arrived from all parts of the world to cover this week's hearing were sent outside and police sealed off the building for 25 minutes while two sniffer dogs were taken through to check for explosives.

Several of the commissioners who will be officiating at the hearing arrived carrying bulky files but they were also made to wait. Archbishop Tutu and his deputy, Alex Boraine, arrived well ahead of the hearing.

Commissioner Alison Sook said they were aware the hearing was just ahead of the ANC's congress at which Mrs Madikizela-Mandela is making a bid for the deputy president's position. She said the timing was "unfortunate" but that there had been no other opportunity. She also rejected claims by Mrs Madikizela-Mandela earlier this week that the ANC had influenced the commission to have the hearing. "There have been no dealings at all on a political level with the ANC."

THE STAR  
Wellwishers outside the Johannesburg Institute for Social Studies before the TRC hearing today



# Winnie and the dead MK man

## First witness claims 'cover-up' in activist's killings

JOHN YELD  
ON THE TRUTH COMMISSION

Johannesburg - Winnie Madikizela-Mandela began the fight for her political life today as the Truth Commission heard the first of what is likely to be a series of explosive allegations of her involvement in township deaths.

As the "special events" hearing into her controversial past began, the commission was told that an MK commander who died in suspicious circumstances in a hit-and-run car accident in Soweto in October 1987 was, at the time of his death, involved in a feud with Mrs Madikizela-Mandela over the command of the unit.

The claim was made by Thami Hlatswayo, the first witness at the hearing into the activities of the so-called Mandela United Football Club.

The club was actually a front for Mrs Madikizela-Mandela's bodyguards, who were responsible for a reign of terror in Soweto in the late 1980s.

Mr Hlatswayo said the dead man, Vincent Sefako, had been his MK commander. He also testified that Susan Maripa, a woman who phoned for an ambulance for Sefako after he had been struck by the car, had later been shot dead with an AK-47 by another MK cadre working for Mrs Madikizela-Mandela, Peter Dlamini.

Mr Hlatswayo described the two deaths as a "cover-up". He said he had been forced to accompany Mr Dlamini to kill Mrs Maripa but denied shooting her with a Makarov pistol which he claimed had been forced on him by Mr Dlamini.

He said he had managed to escape after the shooting and had gone into exile soon afterwards as he was also scared of being killed.

Mrs Madikizela-Mandela, flanked by her



Former friend: Xoliswa Falah is set to testify

two lawyers, listened impassively to his testimony, occasionally shaking or nodding her head in response to a whispered question by one of her legal team. She was dressed in an elegant skirt and jacket outfit with a blue and white rose motif, and a pearl necklace. She was accompanied by her daughter Zinzi and other supporters.

Opening proceedings, Truth Commission chairman Archbishop Desmond Tutu stressed several times that the week-long hearing was not a trial and that the commission would not be making a "guilty or not guilty" verdict at its conclusion.

"We are gathered to ascertain as much of the truth as we can. Our focus is not on a particular individual or group against whom the allegations have been made. We are here, as always, principally for the vic-

tims/survivors," he said.

Archbishop Tutu sharply rebuked a group of about 15 women dressed in the colours of the ANC's Women's League, of which Mrs Madikizela-Mandela is president.

"If you want to demonstrate, go outside please. Not in here," he said firmly.

In his testimony and statements to the Truth Commission - described by Mrs Madikizela-Mandela's advocate Ismail Semanya as "incoherent" - Hlatswayo said there had been a feud between Mrs Madikizela-Mandela and Mr Sefako over the command of his MK unit at the time of his death. Two of his members had already "deserted" him to work for her.

The tension between the two had been fuelled when Mr Sefako slept with Zinzi Mandela-Hlongwane and left a Scorpion machine pistol in her bedroom.

This had later been found by police. Mrs Madikizela-Mandela had learned about Mrs Maripa - the woman who had called the ambulance - and had said she wanted to see "this woman who knows too much".

She had sent Mr Dlamini to fetch Mrs Maripa but she had not been home at the time. Mr Hlatswayo said he had later been forced to go with Mr Dlamini to kill her.

Hanief Vally, leading evidence for the Truth Commission, told Mr Hlatswayo that during her closed Section 29 inquiry by Truth Commission investigators Mrs Madikizela-Mandela had denied knowing him and Mr Sefako.

He grinned broadly and answered "she knows me".

Mrs Madikizela-Mandela attracted unprecedented media attention today as the international press gathered in unprecedented numbers to photograph her and the 43 witnesses expected to testify



(252) ART 24/11/97



(257) (297)  
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Including Mrs Madikizela-Mandela and other leading figures in the ANC - have been invited and/or subpoenaed to testify.

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ESTAR  
wellwishers outside the Johannesburg Institute for Social Studies before the TRC hearing today



Argus  
24/11/97 (252)

# Her fate in their hands...

## ARGUS CORRESPONDENT

Johannesburg - Key witnesses streamed in for the Winnie Madikizela-Mandela TRC hearing today - including Jerry Richardson, convicted murderer of Stompie Seipei and coach of the Mandela United Football Club, who turned up in leg irons and posed for photographers with a miniature soccer ball.

Richardson arrived with Charles Zwane convicted and serving a sentence for several crimes. Earlier, Thulani Dlamini, who has applied for amnesty for the murder of Soweto doctor Abu-Baker Asvat, also arrived in leg irons.

ANC Women's League members danced and sang "She has suffered for more than 27 years," shouted one.

An unexpected arrival was Bantu

Holomisa, ejected from the ANC and now co-leader of the United Democratic Movement "I have come to listen and to support the TRC process," he said.

One of Mrs Madikizela-Mandela's daughters, Zinzi, also arrived.

ANC stalwart Walter Sisulu appeared later. His wife, Albertina Sisulu, who managed Dr Asvat's office before his murder, is expected to testify.

Among the first of the 48 witnesses scheduled to speak at the hearing are the parents of two teenagers who disappeared after allegedly being questioned and assaulted by Mrs Madikizela-Mandela's associates.

Other witnesses on the schedule today were Xoliswa Falati, a former friend who was convicted and jailed over the kidnap and assault of Stompie, and John Morgan, Mrs Madikizela-Mandela's former driver and co-accused in the Stompie case.



Witness: Katiza Cebekhulu, centre, with British politician Emma Nicholson, arrives at the hearing today.

# Face-off for Winnie, Katiza

252)  
Sowetan 24/11/97

By Simon Zwane  
Political Reporter

**T**HE embattled Mrs Winnie Madikizela-Mandela and the controversial Mr Katiza Cebekhulu square up before the Truth and Reconciliation Commission (TRC) in Johannesburg amid tight security from today

The week-long hearing will feature high-profile politicians including the adviser to Deputy President Thabo Mbeki, the Reverend Frank Chikane, and fiscal commission chairman Mr Murphy Morobe

It has attracted huge media attention

Journalists covering the event were required to obtain prior accreditation from the TRC and a heavy police presence is expected in and around the Jiss Centre in Mayfair

Chikane and Morobe were leading figures in the United Democratic Front at the time of the killing of child activist Stompie Seipei in 1988

They were also part of the UDF leadership which publicly distanced itself from Madikizela-Mandela as allegations of her involvement in human rights violations were made

Other Mass Democratic Movement leaders of the time, Safety and Security Minister Mr Sydney Mufamadi, Mr Cyril Ramaphosa and outgoing Gauteng Premier Tokyo Sexwale, are on standby to testify if required

Mrs Albertina Sisulu, who was working for Dr Abu-Baker Asvat when he was murdered in 1989, may also testify

Stompie's murderer Jerry Richardson has also been subpoenaed to give evidence

Richardson stated in a televised interview that Madikizela-Mandela ordered Stompie's killing

Cebekhulu arrived from Britain yesterday accompanied by British Labour Party MP Baroness Emma Nicholson, with whom he has been staying in London

Journalists who had waited for his arrival at Johannesburg International Airport were disappointed when Cebekhulu was whisked away through a concealed exit

Author of the controversial book *Katiza's Journey* Fred Bridgland arrived on the same flight yesterday

He told *Sowetan* that Cebekhulu was in a witness protection programme and had been taken by the police to an undisclosed venue



Katiza Cebekhulu



Winnie Madikizela-Mandela

**Other killings on the list include Dr Asvat, Sergeant Pretorius, Kokie Zwane and Maxwell Madondo**

TRC chief media liaison officer Mr John Allen confirmed that Cebekhulu had been indemnified from prosecution in connection with the abduction and killing of Stompie Seipei in return for his testimony

Cebekhulu disappeared in 1992 when he was scheduled to stand trial with Madikizela-Mandela for Stompie's murder

Madikizela-Mandela was found guilty of being an accessory to kidnapping and sentenced to six years jail

The sentence was reduced to a R15 000 fine on appeal. She paid the fine

#### Kidnapping

Ms Xoliswa Falati was also sentenced to six years' imprisonment for kidnapping, which was reduced to two years. She only served part of it

Last week Falati, who has also been subpoenaed to testify at the hearing, showed *Sowetan* a

disused mineshaft where she claimed bodies of youths allegedly murdered by members of the notorious Mandela United Football Club in the late 1980s were dumped

She is expected to answer questions about 20 incidents of human rights violations which include 17 murders and abductions

The murders include the killing of student activist Sicelo Dlomo in 1988 soon after he appeared on a British Broadcasting Corporation documentary on apartheid in South Africa

Other killings on the list are of those of Abu-Baker Asvat, a Sergeant Pretorius, Kokie Zwane and a member of the Mandela Football Club Maxwell Madondo

The hearing is a sequel to Madikizela-Mandela's repeated request for a public hearing on allegations against her

She appeared before the TRC's in-camera section 29 investigative hearing last month to answer questions relating to the allegations

● The hearing coincides with the resumption of the amnesty hearing of Chris Hani's murderers, Polish immigrant Janus Walusz and former Conservative Party leader Clive Derby-Lewis, at Vista University in Mamelodi

The two were sentenced to death for killing the popular South African Communist Party general secretary in 1993

The hearing has been set down for two weeks



INVITED TO TESTIFY

**George Fvaz,** Commissioner of Police

**Koliswa Falati,** an accused in the trial arising out of the death of Stormie Seipel

**John Morgan,** Winnie's neighbour

**Jerry Richardson,** convicted murderer of Seipel and former coach of the Mandela United Football Club

**Katiza Cebekhulu,** witness who disappeared before he could give evidence

**Thabiso Mono and Palo Makgwe,** witnesses in the Seipel trial and kidnapped from a Methodist manse in Soweto

**Thamni Hatswayo,** testified in Seipel trial

**Gift Mabelane,** accused in the Seipel trial

**Purnsile Dlamini,** sister of Thole now deceased

**Thulani Dlamini,** convicted of murder and applying for amnesty for Dr Abu Baker-Asvat

**Cyril Mbatha,** convicted murderer of Dr Asvat

**Snr Supt Fred Dempsey,** member of the Soweto murder and robbery unit, investigating officer in cases in which members of the Mandela United Football Club were implicated

**Snr Supt HT Moodley,** SAP investigating officer

**Lerato Ikaneng,** an accused in the trial of Maxwell Madondo's death

**Sibusiso Chil,** convicted murderer of Madondo

**Dudu Chil,** Sibusiso's mother

**Barbara Chil,** Dudu's cousin

**Charles Zwane,** convicted and serving a sentence for several crimes, including bombing Dudu Chil's house

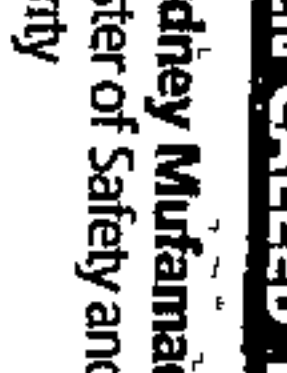
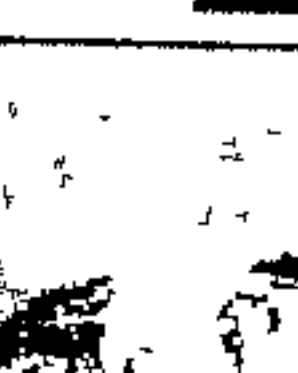
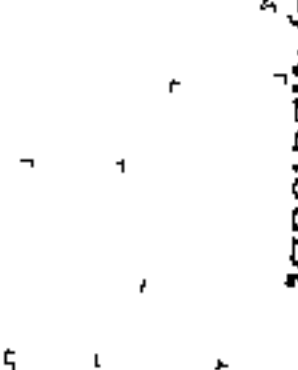
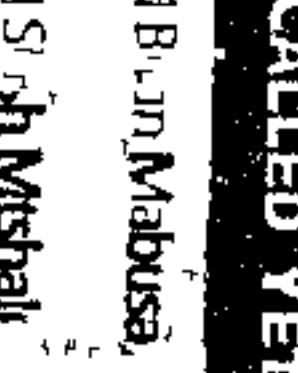
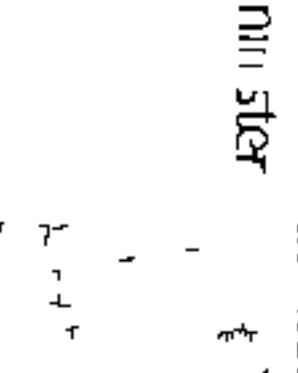
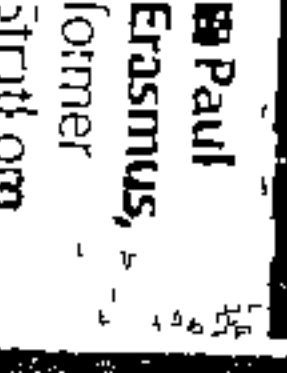
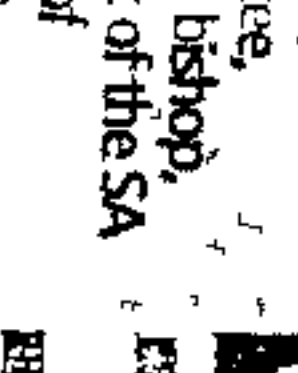
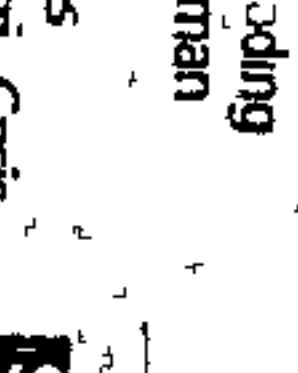
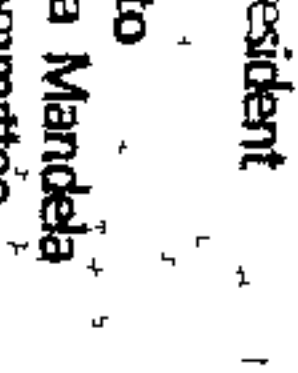
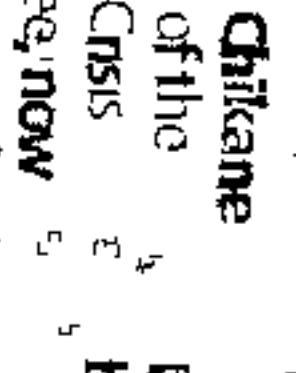
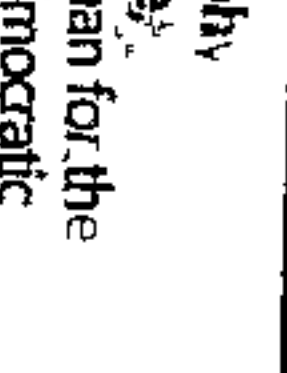
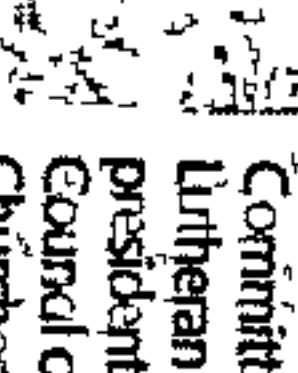
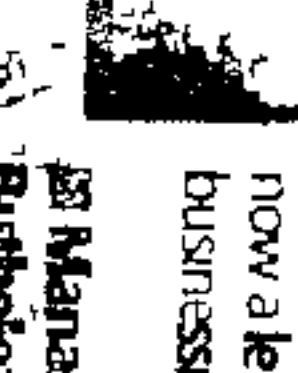
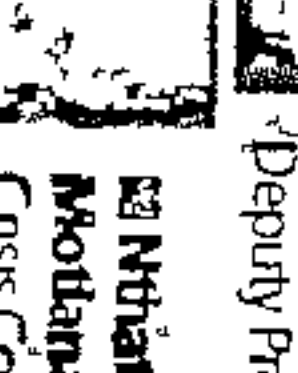
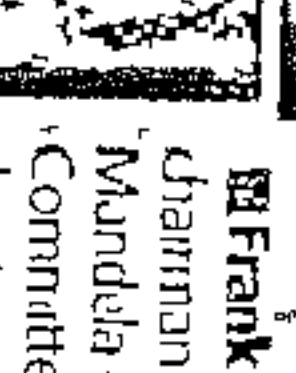
**Albertina Sisulu,** managed Dr Asvat's office

**Nicodemus Solo,** father of Lolo who disappeared in 1988

**Smangaliso Mkhatswa,** church and community leader, now Deputy Minister of Education

**Paul Verryn,** Methodist minister in Soweto, now Methodist bishop in Johannesburg

**Peter Storey,** Methodist Church leader to whom Verryn reported



INVITED TO TESTIFY BUT HAVE NOT BEEN CALLED YET

**Sydney Mufamadi,** Minister of Safety and Security

**Sister Bernard Mabey,** ANC MP

**Dr Byers Naude,** former general secretary of the SA Council of Churches

**Cyril Ramaphosa,** former secretary-general of the ANC, now a businessman

**Tokyo Sexwale,** outgoing Premier of Gauteng

**Zhora Asvat,** Asvat's wife

**Mrs Sono,** Lolo Solo's mother

**Paul Erasmus,** former street com operative in the SAP

**Dr Ebrahim Asvat,** Asvat's brother

**Otto Mbangula,** Mandela in his Committee, Methodist minister

**Frank Grikane,** Chairman of the Mandela Crisis Committee, now director-general in the Office of the Deputy President

**Mthato Motlana,** Mandela Crisis Committee, now a leading businessman

**Manas Buthekezi,** Crisis Committee, Lutheran bishop, president of the SA Council of Churches

**Azhar Cachalia,** Mandela Crisis Committee, now Secretary of Safety and Security

**Snr Supt Henk Hessinga**

**Bunt Mabusa**

**Sir Supt Henk Hessinga**

**Sydney Mufamadi**

**Cyril Ramaphosa**

**Tokyo Sexwale**

**Zhora Asvat**

**Mrs Sono**

# Hugs for Winnie as she faces her test

The world's press lines up and mobs cars outside Fordsbury building as witnesses arrive at the TRC hearing

BY ROBERT BRAND AND CECILIA FUSSELL

Neither the apartheid state nor her own political comrades could crush Winnie Madikizela-Mandela - but from today she faces her sternest test as the Truth and Reconciliation Commission attempts to get to the bottom of allegations implicating her in several murders, kidnappings and assaults.

Madikizela-Mandela attracted unprecedented media attention today as photographers and cameramen from the world's press lined up to get photographs of her and the 43 witnesses expected to testify. Her blue BMW was flanked by supporters as she arrived at the Johannesburg Institute of Social Science building in Fordsbury, western Johannesburg, 15 minutes before the hearing began. In an emotional scene she emerged from the car and hugged old friends.

Supporters carrying placards saying "Winnie for president" and at least 50 photographers descended on the car, but she declined to make any comment to questions about whether she felt she was on trial today. She was elegantly dressed in a blue-and-white floral outfit and bodyguards pushed photographers aside as she entered through the front door.

Koliswa Falati, Madikizela-Mandela's former friend and co-accused in her trial, was first to arrive today wearing a traditional dress with the SACP colours embroidered on it. Falati served a two-year jail sentence for her part in Stormie Seipel's murder and has since applied for amnesty.

Johannesburg Metro police sniffer dogs were sent into the building as an added security measure in this high-profile hearing before media or witnesses were allowed to enter. Alex Boraine, TRC deputy chairman, and Archbishop Desmond Tutu both arrived well ahead of the hearing scheduled for 9am. Katiza Cebekhulu and Tory MP Dame Emma Nickols were accompanied by police and security officers. Cebekhulu, Madikizela-Mandela's chief accuser, arrived in South Africa yesterday after a six-year exile. He was immediately whisked away to an unknown location by officials of the TRC's witness protection programme. Cebekhulu, a co-accused in the Seipel murder trial who skipped bail, spent time in a Zambian jail and eventually surfaced in Britain under the protection of Nicholson. He is expected to testify in the early part of the hearing. He has accused Madikizela-Mandela of complicity in the murder of Seipel and for being behind a spate of other criminal activities perpetrated by her bodyguards, the "Mandela United Football Club", during the late 1980s. Madikizela-Mandela (63), who insisted on the public hearing to "clear her name", will testify towards the end of the week, officials said. The hearing comes after a week of high political drama in which Madikizela-Mandela fought doggedly for her political survival while the ANC leadership started marshalling its forces against her. In an article published in The Star last week, Madikizela-Mandela accused the ANC of reneging on election promises, being soft on crime, and ignoring the voice of its grassroots members. The ANC responded with an attack in an article written by Sports Minister Steve Tshwete and published in The Star two days later. He called Madikizela-Mandela a "charlatan" and an "armchair populist". The bitter exchange is widely seen as a showdown between Madikizela-Mandela, who is seeking election to the deputy presidency of the ANC at its congress next month, and the party leadership, which prefers ANC Kwazulu Natal leader Jacob Zuma. She is one of the ultimate survivors of South African politics. After the Stormie scandal in 1989, the leadership of the Mass Democratic Movement distanced itself from her, but she came back to hold her husband's hand as he walked to freedom from Victor Verster prison in 1990. In 1992 she was forced out of all executive positions in the ANC following allegations of corruption in the social welfare department she headed. Soon afterwards, Mandela and his wife separated amid allegations that she was having an affair with a young lawyer. They divorced in March 1995. In President Mandela's first post-apartheid cabinet, Madikizela-Mandela was given the position of deputy minister of arts, culture, science and technology. She was fired from the cabinet a year later following allegations of misuse of government vehicles and an unauthorised overseas trip at the taxpayer's expense. Her grassroots support, however, never dwindled, and she remained a member of Parliament. She survived strong challenges to retain her presidency of the ANC Women's League, which earlier this year nominated her for the deputy presidency of the party. The ANC leadership, observers say, is hoping the hearing will end Madikizela-Mandela's political career once and for all. However, should she emerge unscathed, her position could be even stronger than before.

(552) Star 24/11/97



# Parents of two missing teenagers among first due to testify

By ROBERT BRAND

Among the first witnesses scheduled to testify at the Truth and Reconciliation Commission hearing into the activities of Winnie Madikizela Mandela's "football club" today are the parents of two teenagers who disappeared after allegedly being questioned and assaulted by Madikizela-Mandela's associates

Lolo Sono and Sibosino Tshabalala were allegedly last seen in Madikizela-Mandela's minibus before they disappeared in 1983

Nicodemus Sono Lolo's father, and Nomsa Tshabalala, Sibosino's mother testified at previous TRC hearings that the boys had been assaulted at Madikizela-Mandela's house on suspicion of having "sold out" to MK guerrillas

Other witnesses on the schedule today were Xoliswa Falati, a former confidant of Madikizela-Mandela who was imprisoned for participating in the kidnap and assault of Stompie Seipei, and John Morgan, Madikizela-Mandela's former driver who was a co-accused in the Seipei trial

Other witnesses include Thami Hlatswayo, who testified at the Seipei trial, Phumzile Dlamini - a woman who was allegedly assaulted by football club members and Pelo Mekgwe, a youth who was abducted from the Methodist manse in Soweto by members of the football club

Madikizela-Mandela will be given an opportunity to state her case on Thursday

Forty-three witnesses will give evidence this week, including Jerry Richardson, the leader of the club, who was convicted of Seipei's murder. Also expected to testify is Thulam Dlamini, one of the murderers of Soweto doctor Abu-Baker Asvat. Dlamini is expected to claim he had personally met Madikizela-Mandela to discuss payment for the murder



Early arrival ... Xoliswa Falati, Winnie Madikizela-Mandela's former friend and co-accused in her trial, arrives at the TRC hearing this morning.

Also on the list of expected witnesses are deputy presidential aide Dr Frank Chikane, finance and fiscal committee chairman Murphy Morobe, Safety and Security Minister Sydney Mufamadi, former ANC secretary-general Cyril Ramaphosa and Gauteng Premier Tokyo Sexwale, all mem-

bers of the "crisis committee" which investigated Madikizela-Mandela's conduct in the wake of the Stompie affair in 1989

Key evidence is expected from priests Peter Storey and Paul Verryn. Katiza Cebekhulu claimed Madikizela-Mandela had accused Verryn of sodomising young boys. Seipei was

allegedly beaten and murdered because of his association with Verryn

The most damaging testimony may come from Albertina Sisulu, who is believed to have intimate knowledge about Madikizela-Mandela's movements during the time of Seipei's death

THEMBA HADEBE

Star 24/11/97 (252)



# Asvat truly exceptional?

(252) CT 28/11/97

(815) (575)

**HEALTH WORKERS** in conflicts are cherished. When Dr Abu-Baker Asvat was gunned down it shocked the nation, including Managing Editor **KANTHAN PILLAY**.

**T**HE first time I saw him was through a haze of red-and-purple fog as I struggled to retain consciousness while being wheeled through the casualty ward of Johannesburg's Coronation Hospital. White coats and anonymous voices whipped about me in dizzying slow motion. And then, through the haze, a face appeared, smiled. A hand appeared, and clasped mine.

"Hello, Kanthan," the voice said. "I'm Abu Asvat."

I'd met him before, though never in person. As a black political journalist in South Africa, my beat — like that of many of my colleagues — was never as clearly defined as those of our more-famous international counterparts.

And it had been while researching emergency medical facilities available to victims of police brutality in the township that I had come across the name of this strangely anonymous hero of Soweto. In telephone conversations, Dr Abu-Baker Asvat turned out to be rather uncomfortable in attempting to define his personal involvement, and it took glowing testimonials from his more overtly-political friends and acquaintances before the picture began to emerge.

Asvat was chairperson of the health secretariat of the Azanian People's Organisation, a body formed to carry on the ideas and initiatives first proposed by Steve Biko, murdered in police custody in 1977.

Living in the township of Lenasia near Johannesburg, he commuted daily to neighbouring Soweto, where he ran his practice, dispensing free care frequently and providing comfort and cheer to victims of apartheid's brutality, be it the direct brutality of gunshot wounds, or the more subtle brutality of legislated poverty.

Asvat coordinated teams of volunteers, and frequently led mobile clinics into the more isolated sections of black South Africa. They provided medical facilities in areas where such treatment was otherwise unobtainable, and the nearest hospital inaccessible to those without private transport.

Now, as his voice shook me out of my anaesthetised stupor, I heard myself responding in a voice that sounded much too normal to be my own. "Hi Abu. I told you we'd be meeting sometime soon. You guys have to get me out of here. I'm supposed to be swimming this weekend."

He chuckled, a warm hearty chuckle, and said "I'm just visiting, but it looks like you're not



**ANGEL OF MERCY** Abu Baker Asvat attends to a tiny Sowetan, while another awaits. Asvat was shot dead in his surgery in 1989.

going to be swimming this weekend. Maybe the week after?"

It was six weeks later that I saw him again. As I lay propped up in bed with traction pins and pulleys stretching my rather messily broken right femur into some semblance of normality, he wandered over to my bedside, dressed in one of those badly-fitting hospital robes. "I didn't get to go swimming yet," I told him.

"Neither did I," he said. "I'm a patient here right now."

We spoke only briefly of the small kidney stone that was bothering him, before launching into an animated discussion on the state of the nation.

Over a month in the crowded public ward of Coronation with a short wave radio as my only real source of information, had left me starving, and I greedily lapped up every scrap, every tidbit relating to the world of politics outside.

I badgered him for news about the formation of the United Democratic Front, a body that was to be launched that evening in Cape Town. The UDF's politics were significantly different from Asvat's own beliefs, but he was rather optimistic about the formation of the anti-apartheid body.

"It will give them (the government) another headache," he said. He smiled as the newsreader announced that Mrs Albertina

Sisulu had been named as one of the organisation's three presidents. Sisulu, as wife of the imprisoned secretary general of the banned African National Congress, had been silenced for many years by the state.

The law prohibiting her from appearing in public places had prevented her from working in any public hospital as a nurse — her profession. Questions of political disagreement had not been on Asvat's mind when he employed Sisulu in his Soweto practice.

It was a similar attitude that led him to Brandfort in the Free State where Winnie Mandela, wife of the world's most famous political prisoner, had been banished by the state. The clinic, established by Asvat, soon gained international prominence as a glowing example of the selfless dedication of Mandela. Asvat, as usual, remained silent about his role.

He left the hospital soon after that August of 1983, fully recovered from the kidney stone. I followed some weeks later with plaster-encased leg and bruised ego back into the newsroom.

In the years that followed, up to the present, as the situation in the townships worsened, Asvat's role became even more important. The frequency of victims of teargas, whippings, and gunshots increased. Along with this came

new forms of trauma — "improved" rubber bullets that killed, as well as internal injuries from overt torture during incarceration, and more.

Asvat died last week. On Friday, two men entered his surgery in Soweto asking for treatment. Sisulu entered their names in the register, and one of the men signed his name, while the other affixed his thumbprint, saying he could not write. When they were admitted, one of the men drew a firearm. Asvat was shot twice through the heart. The men fled.

Living in South Africa has a numbing effect on a human being. One soon becomes almost unaware of the daily cycle of violence, destruction, and death. Reports of children being mowed down by gunfire wash away before one's eyes — they are numbers, statistics. Getting acclimatised to trauma is a very human way of ensuring that we do not go insane.

Yet, despite this numbness, some events are so startling in their sheer senselessness that they can awaken even the most hardened of hearts from that stupor.

Asvat's death was one of these. His murder was clearly an assassination, yet it would be pointless to ask "why" or "who". The men who killed him were not professionals — practiced killers would never have signed their names or left a thumb print, let alone kill in front of a witness and leave the witness unharmed.

Apartheid brutality twists the most innocent of human beings.

Many would pick up a gun and fire it at an unknown person in exchange for a paltry sum that would ensure their existence for another week, while the real killers will tuck away their wallets and go about their work with nothing to ever link them to their crime.

There is no justice that we may call for. No trial, prison sentence, execution will ever make up for the sheer waste of human potential, for in killing Asvat, they have also murdered countless others who will no longer have him to depend on to save their lives.

There is no immediate target upon which we can heap our anger, our grief, our frustration.

In the insanity that is today's world, there is not much that one can say in praise of people, who every day through sheer necessity, commit countless acts of heroism in a country that does not permit its population to aspire to much, one can hope, at best, to become a truly exceptional human being.

Asvat was a truly exceptional human being. No finer tribute can be paid to him. He would not have asked for more.

*Managing Editor Kanthan Pillay was a student at Princeton University at the time of Dr Abu Baker Asvat's murder. He wrote this tribute for the town's newspaper, the Daily Princetonian.*

## Winnie blamed for boy's disappearance

**OWN CORRESPONDENT**

**JOHANNESBURG** Ms Nomsa Shabalala believes Ms Winnie Madikizela-Mandela was responsible for her son Sibonisa's disappearance.

She told the Truth and Reconciliation Commission yesterday that young men had come looking for her son on November 13, 1988. They had Sibonisa's name and that of young neighbour Lolo Sono written on a matchbox.

When they came back later, they said they had been sent by

Madikizela-Mandela and wanted Sibonisa to go with them "across the border to outside countries".

When they left, Mr Shadrack Shabalala went next door and was told Sono had been beaten and taken away.

When Sibonisa got home, he said he would wait for the young men.

When she returned from work the next day, her son had gone, Shabalala said. He phoned the next day and said he had gone where Sono was, but then the phone was cut off.

In 1989, his mother heard Sibonisa and Sono were missing and that her son was a member of Mandela-Madikizela's football club. She had then heard that "Sibonisa and some members of the football club had died".

In 1994 her husband visited Dobsonville and was shot dead. After the funeral, police told her Sibonisa had died a long time ago.

"They said if I wanted to know more I should go to Pretoria, but I did not have the money," said Shabalala, weeping.

Asked by Madikizela-Mandela's

lawyer, Mr Ishmail Semanya, SC, if she believed his client had killed the boys, she said "Yes, she did kill them, just like she killed Stompie". Semanya said Madikizela-Mandela had said she did not know the two young men.

"Winnie knows Lolo and Sibonisa. Deep down she knows that," Shabalala replied.

"I am scared of her now. I want Sibonisa or his body and bones."

Former football club member Jerry Richardson has admitted killing Sibonisa and has applied for amnesty.



ANC SUPPORTS CALL FOR GRADUATES' SERVICE

## Lawyers face extra year

ET 25/11/97

(252) (208)

**COMMUNITY** service for lawyers — which is more complicated than that for doctors — is one of the issues to be debated by the justice portfolio committee next year.

**T**HE African National Congress was in favour of law students doing community service for a year after graduation, chief ANC justice spokesperson Mr Johnny de Lange said yesterday.

Many could serve in legal aid clinics and some could serve as prosecutors, judges' clerks, and in other under-staffed legal areas, he told a media briefing at Parliament.

De Lange, who is also chairperson of the National Assembly's justice portfolio committee, stressed that he was speaking as an ANC member and not as committee chairman. The issue had not yet come before his committee.

He said the idea had already been mooted by Constitutional Court president Judge Arthur Chaskalson and Justice Minister Dullah Omar, among others.

De Lange said implementing community service for law gradu-

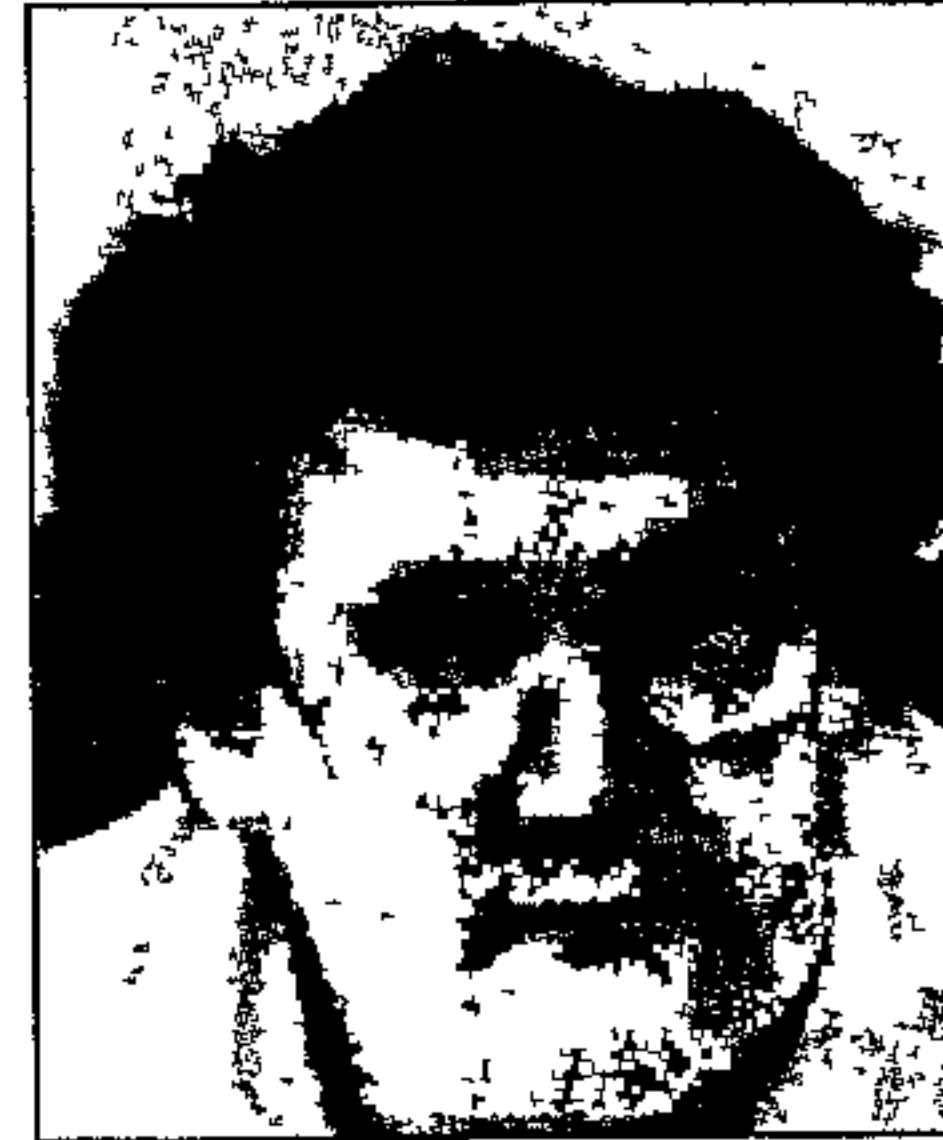
ates could take some time. The issue was more complicated than the service being introduced for newly qualified doctors.

It could have an impact on other aspects of the legal profession, such as the two-year period during which young lawyers had to do articles before they could become fully fledged practitioners.

The legal profession would have to have time to investigate this, as well as other implications, and the legislation would ultimately have to be passed by Parliament.

De Lange pointed out that Parliament had recently passed legislation enabling law students to obtain an LL B degree in four years, as opposed to the current five.

He said at the top of his committee's legal programme for next year would be the processing of legislation providing for a single national prosecuting authority, as



**CHAIRPERSON:** Johnny de Lange

stipulated by the Constitution.

This would bring prosecuting policy in South Africa under one central authority, as opposed to the current 12 fragmented ones, where policy could differ from region to region.

The national prosecuting authority would be responsible for hearing all grievances about decisions in the different areas. This would not be the function of a

politician, he stressed.

De Lange said public hearings would be held on the bill during the first two weeks of next year's parliamentary session, and legislation could be on the statute books in the second quarter of the session.

Other legislation in the pipeline for next year included:

- An Assessor's Bill, which would provide for members of the community to help magistrates as assessors (De Lange said this could be likened to a mini-jury system)

- Witness protection measures
- A Debt Collectors' Bill, which would regulate all debt collections

- A bill on sheriffs
- A measure to cluster magistrate's courts together to improve the management of courts.

- A measure to regulate grievance procedures against judicial officers

De Lange said moves were also afoot to place all sexual offences under one legal framework. A conference on this had been scheduled for mid-January — Sapa



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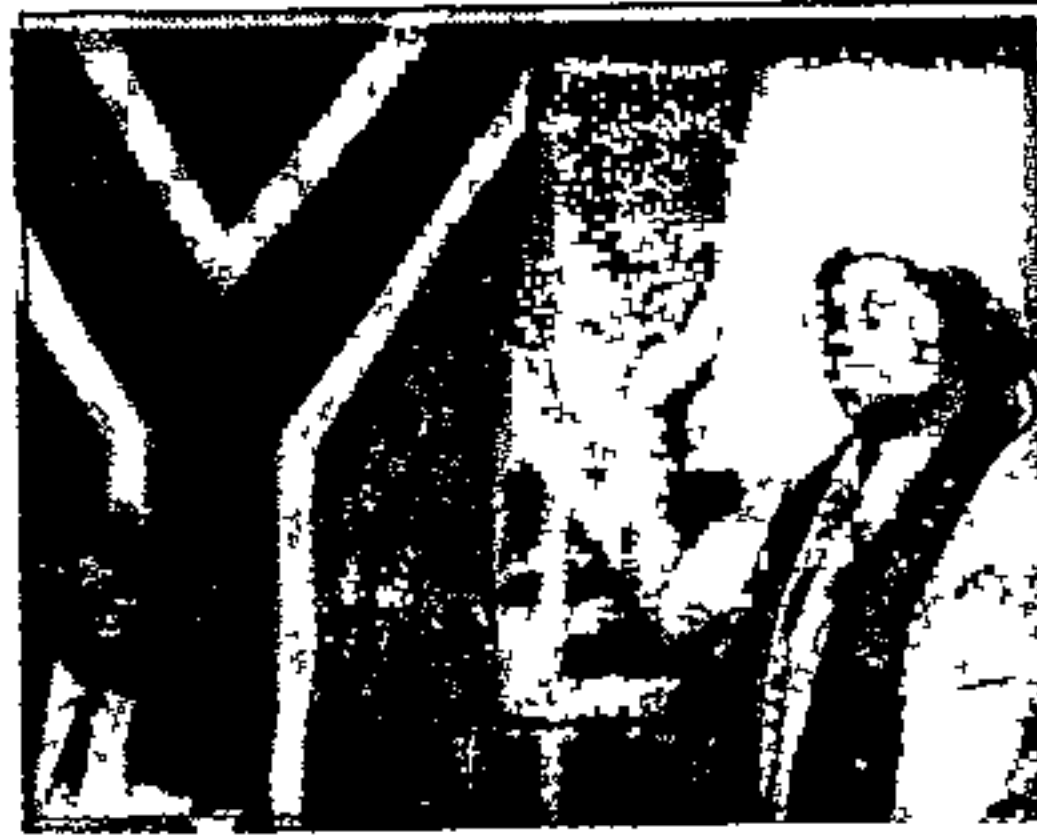
# Last sight of a beloved, beaten son

Johannesburg - Nomsa Tshabalala gave a deep, heart-rending sigh that might easily have ended in a sob but didn't. Nicodemus Sono wiped tears from his eyes with a tissue.

They had just finished testifying to the Truth Commission about the disappearance and probable murder of their sons, Siboniso Tshabalala and Lolo Sono

The two men, who were close friends and had connections with the Mandela United Football Club, disappeared in November 1988 - and their parents both lay the blame squarely at the door of Winnie Madikizela-Mandela

Allegations are that they were assaulted at Mrs Madikizela-Mandela's home and were murdered on suspicion of having "sold out" two



Mother: Nomsa Tshabalala takes oath

ARG 25/11/97  
Umkhonto weSizwe guerrillas

Mr Sono said he had last seen his son in a minibus in which Mrs Madikizela-Mandela was sitting "He was beaten up His head was thick as though someone had beaten him up and crushed his head against a wall He tried to speak

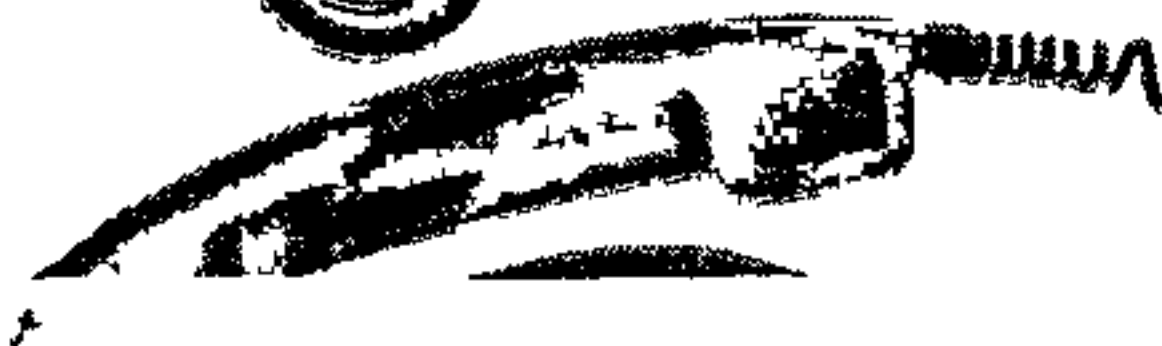
but Mrs Mandela said to Lolo to shut up .. When I looked at Lolo he was in a terrible state."

Mr Sono said he pleaded with Mrs Madikizela-Mandela to allow him to take Lolo home But she refused, saying: "This is a spy I'm taking this dog away The movement (ANC) will see what to do"

Mrs Tshabalala said that on the day Lolo disappeared, two men came looking for her son. Later she begged him to go away but he refused He disappeared the next day A day later she got a phone call from her son, who managed to say "I'm with Lolo" before the call was cut off

Mrs Tshabalala said she was scared of Mrs Madikizela-Mandela but believed she was responsible for her son's death. (252)

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(25)

# WINNIE had affair with Falati says officer went into room

JOHN YELD  
ON THE TRUTH COMMISSION

Johannesburg - Winnie Madikizela-Mandela had a relationship with a security branch officer, Paul Erasmus, who was seen going into her room "late at night".

This allegation was made to the Truth Commission by Mrs Madikizela-Mandela's one-time friend, Xoliswa Falati, who was jailed for two years for her part in the kidnapping and assault of teenage activist Stompie Seipei.

The allegation is contained in a summary

of the statement made by Mrs Falati to the commission, released today when she started her testimony at the "special event" hearing into the activities of the Mandela United Football Club - Mrs Madikizela-Mandela's bodyguards who conducted a reign of terror in Soweto in the late 1980s.

The summary reads "Winnie Mandela had a relationship with Paul Erasmus of the Security Branch Falati saw him going into Mrs Mandela's room late at night Falati believes Paul Erasmus and his group is somehow involved in the death of Sizwe Sithole about two days later Erasmus and other police officers frequented the house"

Mr Sithole, the father of a child by Mrs Madikizela-Mandela's daughter Zinzi, died in controversial circumstances in police custody in 1991. He allegedly hanged himself with a pair of shoelaces after being detained in connection with the possession of firearms and grenades. Mrs Falati did not refer to this evidence again today during her oral testimony to the commission.

Katiza Cebekhulu, who is due to testify at the hearing later today, has alleged that Mrs Madikizela-Mandela supplied the weapons to Mr Sithole and then instructed him (Cebekhulu) to tip off police.

In her oral testimony today, Mrs Falati confirmed she had worked at the Methodist mission in Soweto and had told Mrs Madikizela-Mandela that Mr Cebekhulu and others had allegedly been sodomised by the minister at the mission, Paul Verryn.

Also, a "caucus" at the mission had concluded that Stompie had been a police spy because he disappeared at times without explanation.

She testified that Mrs Madikizela-Mandela had been present at the assault of Stompie and three others who had been abducted from the mission, and that she had also taken part in the assault. "Then she started to hit Kenny, saying 'You're not fit to be

25/11/97

alive' That is why Kenny had his blue eye." After the assault Mrs Madikizela-Mandela had ordered the blood to be cleaned up, Mrs Falati said "Stompie was put in a bath naked while the others were cleaning up the blood. Katiza (Cebekhulu) hit him on the head and that's why his head was swollen." Mrs Falati confirmed she had tried to protect Mrs Madikizela-Mandela.

"That was our culture, to protect our leaders, and secondly I was scared. I've seen people being brutally assaulted. You had to do or die," she said.

See page 2

at night

(252) ARG



# ANC leaders shun hearing

25/11/97

(252)

ROGER FRIEDMAN

JOHANNESBURG The auditorium was packed to the rafters, but senior members of the African National Congress were notably absent from the first day of the Truth and Reconciliation Commission's special hearing on the activities of the Mandela United Football Club

The hearing had been requested by Ms Winnie Madikizela-Mandela "to clear her name". Although she is not on trial, it is perceived as a crossroads in her political career. She aspires to the ANC's deputy presidency, heads its Women's League and serves on its national executive and national working committees.

Only ANC stalwart Mr Walter Sisulu dropped in to listen to about an hour's evidence.

The names of most of the other personalities present appear on the witness lists for the week. One of the earliest arrivals was Ms Xoliswa Falati, Madikizela-Mandela's former close friend and co-accused in her trial for the kidnap and assault of Stompie Seipei.

Alleged accomplice in the Seipei matter Mr Katiza Cebekhulu arrived under heavy police guard. He agreed to return from England after being indemnified from prosecution. Jerry Richardson, jailed for life for Seipei's murder, arrived in manacles and surrounded by warders.

Also present was a group of relatives and friends of Dr Abu Baker Asvat, a friend of Madikizela-Mandela's who was shot dead in his surgery as the Seipei scandal broke. He apparently examined the dying Seipei. Cebekhulu has alleged the doctor was killed on Madikizela-Mandela's orders.

Tutu battled to prevent the battery of lawyers representing Madikizela-Mandela and implicated parties from being harsh with witnesses. After Mr Nicodemus Sono, who last saw his battered son Lolo in the company of Madikizela-Mandela, was vigorously cross-questioned, Tutu stepped in "to remind" the lawyers that Sono was testifying as a bereaved father.

"You have got to do your work as lawyers, but could we bear in mind that we are not talking about machines? We are talking to a father who is bearing the burden of having lost his son," Tutu said.



# Security police made me drunk — Walus <sup>(252)</sup>

ET 25/11/97

PRETORIA: Security police, reportedly pleased about the 1993 killing of SA Communist Party and ANC leader Chris Hanu, had persuaded him to confess to the murder, Polish immigrant Janusz Walus said yesterday

It was also at that stage he implicated former Conservative Party MP Clive Derby-Lewis in the murder, Walus testified in his amnesty application before the TRC here

He said he was interrogated for about 14 hours during the night of April 16, 1993, six days after his arrest

Captain Nic Deetleff, a security policeman, was reported to be part of the special police unit investigating terrorism. The unit was also responsible for infiltrating the security police

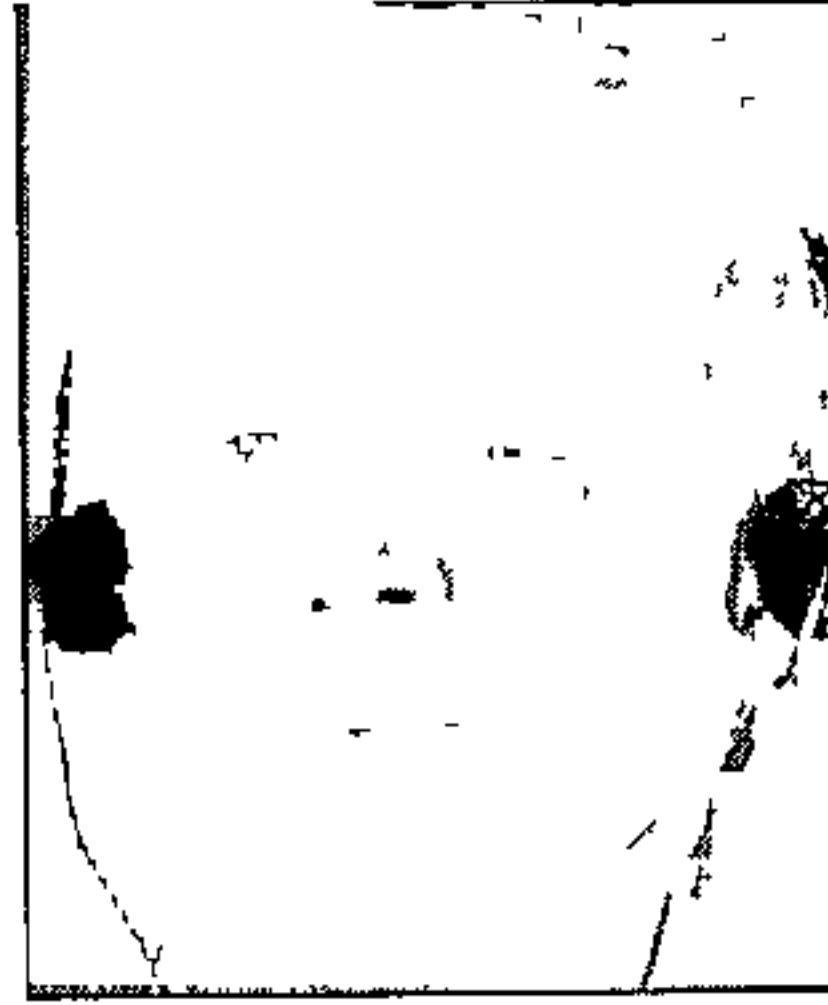
"Mr Deetleff several times underlined how happy he was that Mr Hanu was murdered," Walus said. "He said other policemen felt the same way"

Walus said Deetleff had tried to prove he was on his side. "I am ashamed that I was so naive and stupid"

Walus and Derby-Lewis are seeking amnesty for the 1993 murder of Hanu at his Boksburg home. They say he was a legitimate military target. They were sentenced to death, commuted to life imprisonment

Walus testified he was interrogated every day after his arrest. The interrogations were friendly

On the night of April 16 he



ASSASSIN Pole, Janusz Walus

drank beer with Deetleff and a Sergeant Beetge. Deetleff drank brandy and coke. Walus said his beer might have been mixed with other alcohol or even drugs. "This made me feel relaxed and even absent-minded, so that I believed the story of Mr Deetleff"

Walus testified that Deetleff informed him the East Rand murder and robbery unit already knew who else was involved in Hanu's murder, but that this information was not available to him. "Mr Deetleff said if I told him the name they will warn him before he can be arrested"

"I believe it was due to the whole week of intensive interrogation, lack of sleep, alcohol, and quite possibly drugs, that I was convinced and believed all the stories Mr Deetleff told me"

"It was then that I told him it was myself and Mr Derby-Lewis involved in the murder"

Walus claimed he was in "such a mental state" that he did not know how he had

found his way back to his cell at the Benoni police station that Friday morning

Later that day, he said, Deetleff and Beetge visited him. Deetleff was in a very good mood, and told him everything was under control "and I must not be worried"

Walus said he was then informed of his transfer to Pretoria Central Prison because some police officers at the station wanted to kill him

During the previous night's interrogation, Walus said, he pointed out to Beetge that he was wasting his time taking notes as he (Walus) would not sign anything

Asked about the statement quoting him as saying Hanu screamed and fell down after being shot, Walus said the police had made it up "to make their story more colourful, dramatic"

On an alleged hit list found in his Pretoria apartment after his arrest, Walus said he did not know if the names were listed in priority of elimination. He had not asked Derby-Lewis about this. The commission pointed out he had previously testified the names were listed in a rank of their enmity towards the CP

"It is possible that Clive told me something like this," Walus said. "Please forgive me if I momentarily forgot"

He said he had not surveyed President Nelson Mandela's home, first on the list

The hearing is expected to take two weeks — Sapa



# Law students may have to serve community

By 25/11/97 (252)

CAPE TOWN — The African National Congress (ANC) was strongly in favour of law students being forced to do some form of community service for a year when they graduated, chief ANC justice spokesman Johnny de Lange said yesterday.

A large number could serve in legal aid clinics, while others could serve as prosecutors or judges' clerks, he said.

De Lange, who is also chairman of the National Assembly's justice portfolio committee, said he was speaking as an ANC member and not as committee chair.

The issue had not yet come before his committee.

He pointed out that the idea had already been mooted by Constitutional Court president Judge Arthur Chaskalson and Justice Minister Dullah Omar, among others. He said the implementation of community service for law graduates could take some time.

The issue was more complicated than the services being introduced for newly qualified doctors by Health Minister Dr Nkosazana Zuma. It could have an effect on other aspects of the legal profession, such as the two-year period during which young lawyers had to do articles.

The legal profession would have to have time to investigate this, as well as other implications, and the legislation would have to be passed by Parliament.

De Lange said Parliament had recently passed legislation enabling law students to obtain an LLB degree in four years instead of the current five. At the top of his committee's legal programme for next year would be the processing of legislation providing for a single national prosecuting authority as stipulated by the constitution, he said. — Sapa.

# Walus believed interrogator was right-

Stephané Bothma

PRETORIA — Polish immigrant Janusz Walus confessed to assassinating SA Communist Party leader Chris Hami because he believed his security police interrogator was sympathetic to the right-wing cause and would help cover his tracks, the truth commission heard yesterday.

Testifying before the commission's amnesty committee, Walus said Capt Nic Deetlefs had convinced him during a 14-hour interrogation session on April 16 1993 that he was a friend of right-wing politician Gen Thiem Groenewald and had infiltrated the security police.

"I am ashamed that I was naive and stupid enough to believe him," Walus told the amnesty committee.

Walus and former Conservative Party (CP) MP Clive Derby-Lewis are seeking amnesty for the 1993 murder of Hami outside his Boksburg home, on the grounds that he was a legitimate military target.

BD 25 11 97 (252)

Walus told the committee that the night-long interrogation was conducted in a "friendly" atmosphere. He was given beer to drink, he said.

He claimed the beer must have been spiked with other alcohol or possibly drugs because it made him feel relaxed and absent-minded.

Walus claimed he was in "such a mental state" that he did not know how he had found his way back to his cell at the Benoni police station.

"Mr Deetlefs several times underlined how happy he was that Mr Hami was murdered," Walus said. "He said other policemen felt the same way."

Walus said Deetlefs had tried to prove that he was on his side. "He convinced me to tell him who else was involved in the Hami assassination so that he could warn the person before he was arrested."

"I believe it was due to the whole week of intensive interrogation, lack of sleep, alcohol, and quite possibly drugs, that I was

convinced and believed all the stories Mr Deetlefs told me," Walus said.

He testified that Deetlefs had informed him the East Rand murder and robbery unit already knew who else was involved in Hami's murder. However, this information had not been available to him.

"He went out of his way to belittle the Hami investigation officer, Mike Holmes, and eventually I gave him the name of Clive Derby-Lewis," Walus said.

Later that day, he said, Deetlefs and a Sgt Beetge visited him. Deetlefs appeared to be in a very good mood.

"He told me everything is under control and I must not be worried."

Walus said he was then informed that he was to be transferred to Pretoria Central Prison because members of the police force based at the station where he was being held wanted to kill him.

Sapa reports Walus said he had discovered Deetlefs had been lying to him only in May of that year when he pointed out to

Walus, who shot Hami four times — twice behind an ear — told the amnesty committee he believed he committed the act for the CP "to stop communists and radicals from gaining power in the country".

Walus, speaking through an interpreter, said if the order had been withdrawn he would not have proceeded with the assassination of Hami on April 10 1993.

Asked by Bizos whether he believed Hami's assassination had been a professional job, Walus replied: "The fact that I am here today, asking for amnesty, and that I have been convicted by a High Court for the murder, clearly proves it was not a professional operation."

Walus also testified that during the interrogation he pointed out to Beetge that he was wasting his time taking notes as he (Walus) would not sign anything.

Asked about the statement quoting him as saying Hami screamed and fell down after being shot, Walus said he had never signed such a document.

Deetlefs the place on a farm where he tested the pistol he used to kill Hami.

Walus again told the commission that the assassination of Hami had been done on the orders of Derby-Lewis.

"Because Clive was a policy-making member of the Conservative Party, I believed I was working under the instruction and in the interest of the CP," Walus said under cross-examination by George Bizos SC, representing the Hami family.

The family is opposing the amnesty application made by Walus and Derby-Lewis.

The two were originally sentenced to death for the assassination, but their sentences were later commuted to life imprisonment terms following the suspension of the death sentence.

"After Clive told me that Hami had been identified and selected as a target I accepted that the CP had changed its policy to one of violence," he testified.

"Of course this was not a policy change which would have been made public."

"It must be something the police made up to make their story more colourful and dramatic," he said.

When questioned about an alleged hit list found in Walus's Pretoria flat after his arrest, Walus said he did not know whether the names were listed in priority order of elimination. He said he had never asked Derby-Lewis about this.

The commission pointed out to Walus that he had previously testified that the hit list names were listed by rank of their enemy towards the CP.

"It is possible that Clive told me something like this," Walus said. "Please forgive me if I momentarily forgot about it."

He said he had never surveyed the house of President Nelson Mandela, whose name headed the list.

Walus's testimony will be followed by that of about eight witnesses, including Derby-Lewis's wife, Gave.

The hearing, which continues today, is expected to last two weeks.

# Wing sympathiser



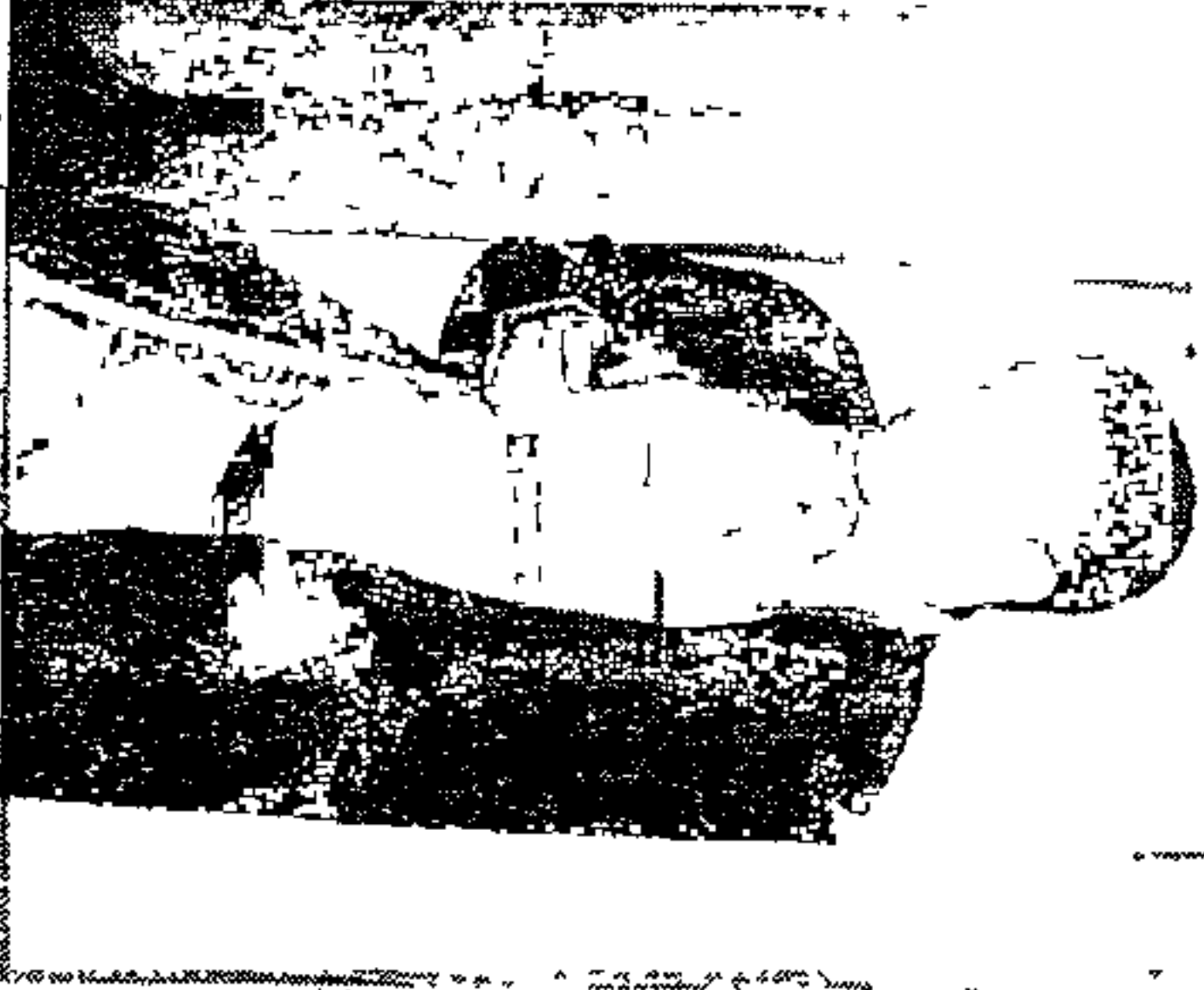
# Stompie's throat 'slit with shears'

BD 25/11/97 (252)

Stephen Laufer

THE coach of Winnie Madikizela-Mandela's 1980s football club, Jerry Richardson, and another man named Slash killed activist Stompie Seipei by slitting his throat with a pair of shears "as if slaughtering a sheep", the truth commission heard yesterday.

Richardson's lawyer Tony Richard said his client had also asked for amnesty for the killing of two other Soweto youths, Lolo Sono and Siboniso Shabalala. The two disappeared nine years ago, allegedly while in Madikizela-Mandela's custody.



Katiza Cebekhulu at the truth body hearing yesterday. Picture: TREVOR SAMSON

Richardson described how football club members had been sent to sing freedom songs to a depressed Madikizela-Mandela while he and Slash had taken the badly beaten Seipei to a piece of open land at Noordgesig along the Croesus railway line. Slash held Seipei down while Richardson slit his throat with the opened shears.

Thus latest description of Seipei's death sets three of Madikizela-Mandela's former close associates against each other as the commission struggles with the truth about what happened to Seipei after he was abducted from the Methodist mansion in Soweto by football club members Madikizela-Mandela was convicted of Seipei's abduction and paid a R50 000 fine after appealing a six-year jail sentence.

Major differences and inconsistencies in the three descriptions of Seipei's last days could be exploited by Madikizela-Mandela when she testifies at the end of the week. With at least one eye on the upcoming race for deputy president of the African National Congress, Madikizela-Mandela is expected to attempt to portray herself as a victim of a truth commission witch-hunt.

Richardson's version was contradicted yesterday by Madikizela-Mandela's former driver John Morgan, who said he had been told to remove Seipei's body from her house four days after the abduction and assault. It was told to "get rid of that dog", he said.

Seipei had initially been assaulted by a number of football club members who had thrown him into the air and allowed him to crash to the ground at

Continued on Page 2

## Stompie

(252)

Continued from Page 1

BD 25/11/97  
Madikizela-Mandela's house. Morgan said he had fed Seipei coffee and bread the next day as the 14-year-old had been unable to feed himself.

Morgan's version appears to tally with that of Katiza Cebekhulu, who fled SA to avoid giving evidence in Madikizela-Mandela's trial for the abduction. Cebekhulu was quoted in a recent book as saying that he witnessed Seipei's killing in Madikizela-Mandela's house, and that he had seen her participating in the murder.

Cebekhulu returned to SA at the weekend under temporary indemnity to testify at the commission hearing.

Madikizela-Mandela yesterday laid charges of crimen injuria against Cebekhulu at Johannesburg's central police station. The charges are under-

stood to relate to a book detailing Cebekhulu's claims.

The announcement of Richardson's amnesty application in respect of Sono and Shabalala was the first time their parents learned for sure about the fate of their sons. It came as Sono's father Nicodemus and Shabalala's mother Nomusa described the last time they had seen their sons alive.

Sono said his son had been brought to his house in a blue and white panel van by Madikizela-Mandela, who accused him of being a police spy. His badly beaten son had been pinned down by two young men.

"I pleaded for her to let him go; he obviously hoped I could get him released," Sono said. "But I failed."

Shabalala said her son had been collected from home by young men who said Madikizela-Mandela wanted to see him. She had never seen him again.

See Page 4





Winnie Madikizela-Mandela, left, receives a hug from an admirer as she arrives at the start of the truth commission hearing in Mayfair yesterday. Thulani Dlamini and Cyril Mbata, centre right, convicted of murdering Soweto doctor Abu-Baker Asvat, arrived at the hearings in chains



Pictures: TREVOR SAMSON

Stephen Lauffer

**ARCHBISHOP** Desmond Tutu warned participants in the truth commission's Mandela United Football Club hearings last night he would prolong the session into Saturday if lawyers continued taking undue advantage of the opportunity that had been afforded them to cross-examine witnesses.

Tutu was speaking at the end of an unusually long day, during which only four of seven scheduled witnesses were heard, despite the commission going into extratime on Friday, but the presence of 12 legal teams, including the commis-

## Tutu threatens to extend hearing

Desmond Tutu's lawyers has turned the questioning of each witness into a marathon.

Tutu repeatedly reminded legal representatives for Winnie Madikizela-Mandela and former members of her entourage that they had only a limited right to cross-examination under the law governing the commission's work.

Tutu's tough approach appeared to be an attempt to demonstrate evenhandedness by the commission, as a confrontation looms with former state president P.W. Botha over

his apparent refusal to respond to a subpoena. Botha has been called to testify at hearings into the state security council next week.

On several occasions, Tutu crossed swords with Madikizela-Mandela's lawyer, advocate Ismael Semanya, who was responsible for much of the more meandering cross-examination.

Commission sources said Semanya appeared ill prepared and had expressed the hope that the hearings would be over quickly so that he could return to the casino

licence hearings of the Gauteng gaming board, which he chairs.

Tutu on several occasions reminded the lawyers that the commission was not a court of law.

He said Madikizela-Mandela was not on trial and the commissioners present — deputy chairman Alex Boraine, investigations head Dumisa Ntsebeza, Yasmin Sooka, Fazel Randera, Hlangwe Mkhize and Rev Khoza Mogojo — would not deliver a verdict. The commission was not intent on ridiculing or humiliating anyone,

Tutu said. The objective was to find the truth in order to promote healing in SA.

The commission's primary concern was for the victims, he said. Tutu later admonished Semanya to be more gentle with parents who had lost children, allegedly while in Madikizela-Mandela's custody.

This comment provoked a remark from Semanya as he began cross-examination of Nomusa Shabalala, whose son Sibumiso was apparently murdered by one of Madikizela-Mandela's acolytes.

"Sorry about your tragedy," he said. "Unfortunately I must make sure this process does not produce victims of its own."



# Law students may have to serve community

ED 25/11/97  
(252)

CAPE TOWN — The African National Congress (ANC) was strongly in favour of law students being forced to do some form of community service for a year when they graduated, chief ANC justice spokesman Johnny de Lange said yesterday.

A large number could serve in legal aid clinics, while others could serve as prosecutors or judges' clerks, he said.

De Lange, who is also chair-

man of the National Assembly's justice portfolio committee, said he was speaking as an ANC member and not as committee chair.

He pointed out that the idea had already been mooted by Constitutional Court president Justice Arthur Chaskalson and Justice Minister Dullah Omar, among others. He said the implementation of community service for law

graduates could take some time. The issue was more complicated than the service being introduced for newly qualified doctors by Health Minister Dr Nkosazana Zuma. It could have an effect on other aspects of the legal profession, such as the two-year period during which young lawyers had to do articles.

The legal profession would have to have time to investigate this, as well as other implications,

and the legislation would have to be passed by Parliament.

De Lange said Parliament had recently passed legislation enabling law students to obtain an LLB degree in four years instead of the current five. At the top of his committee's legal programme for next year would be the processing of legislation providing for a single national prosecuting authority as stipulated by the constitution, he said. — Sapa.

# Govt looking at arm

Bonile Ngqiyaza

GOVERNMENT was considering stringent arms control measures which would increase penalties for negligence and loss of firearms among other things, SA Police Service (SAPS) legal services director Rac de Caris said yesterday.

At a Ceasefire Campaign and Gun Free SA-organised public seminar on arms control and disarmament in southern Africa, De Caris said government hoped to control the proliferation of firearms with a carrot-and-stick



## O'Hagan's Investment Holdings Limited

(Registration number 93/01719/06)  
(\*O'Hagan's\*)

### Announcement regarding a capital injection into the underlying subsidiary developing the Mabaleng Sports Taverns concept

HSBC Simpson McKie (Pty) Limited and Deloitte & Touche Corporate Finance (Pty) Limited are authorised to announce that O'Hagan's has concluded an agreement with Sanlam Asset Management whereby the Sanlam Development Fund will subscribe for 18% of the enlarged share capital of Lexshell 81 (Pty) Limited, a wholly owned subsidiary of

## DP to try to unveil the secrets of party funding by foreigners

Wyndham Hartley

ED 25/11/97

CAPE TOWN — The Democratic Party (DP) will attempt to use a private members' bill in Parliament next year to force transparency in foreign funding for SA political parties following President Nelson Mandela's public expression of gratitude to Indonesian President Mohamed Suharto for funding which allowed the ANC to win the 1994 election.

DP executive director James Selfe said yesterday secrecy surrounding foreign funding for domestic political parties raised the possibility that it was being used by foreign governments to influence SA policy decisions.

Without a law forcing transparency the voting public had no way of knowing to what extent their parties were bankrolled by foreign interests.

Early in 1998 the DP will introduce a private members' bill to regulate foreign funding of local political parties

and to make it transparent. The bill will seek also to ban parties from receiving funding from other governments. If this is not done the suspicion that SA's foreign policy is for sale to the highest bidder can never be laid to rest," Selfe said.

He said that the award of the Order of Good Hope by Mandela to Suharto last weekend "is tainted by just such suspicions, especially after Mandela acknowledged the Indonesian contribution to the 1994 election campaign".

On numerous occasions parliamentary questions, mainly from the DP, asking government whether money was raised for the ANC during numerous of Mandela's visits abroad have been answered that party finances, in the absence of legislation forcing transparency, were confidential.

To date the ANC majority in Parliament has not allowed a single private members' bill from opposition parties to proceed into law

on the proceedings.



# Winnie, daughters wilt as hearing wears on

BD 25/11/97 (252)

Stephen Laufer  
and Nomavenda Mathiane

WINNIE Madikizela-Mandela and her daughters Zinzi and Zenani are no strangers to celebrity.

But as the world's television crews and photographers jostled for better shots of them entering yesterday's truth commission hearings, one of them was heard to sigh: "It's true what Diana said about them," an apparent reference to the late Princess of Wales.

Madikizela-Mandela and her daughters were among a number of prominent people attending the first day's hearings into the Mandela United Football Club in Johannesburg's Mayfair. Among the others were African National Congress (ANC) veteran Walter Sisulu, whose wife Albertina is due to testify on Thursday.

United Democratic Movement co-leader Bantu Holomisa sat through several hours of testimony. Asked whether he had come in support of Madikizela-Mandela, Holomisa — who was often associated with her populist politics while he was still an ANC MP — said he was there "to listen".

Also there were Madikizela-Mandela's former aide Xoliswa Falati and celebrity refugee Katiza Cebekhulu with his mentor, Baroness Emma Nicholson.

A number of prisoners were also present, most of them former members of Madikizela-Mandela's former football club, including the group's former coach, Jerry Richardson, who is serving a sentence for the murder of Stompie Sepele.

If the matters being discussed were not of such a serious nature, a joking John Morgan, Madikizela-Mandela's

former driver, would have been the star of the day.

Answering in pedestrian Zulu, and using terms such as "baas" referring to Madikizela-Mandela, he said he did not know what kind of a club Mandela United Football was because he had never seen them play against any soccer club.

He described members of the club as "rough" boys who would drink and beat each other up.

Madikizela-Mandela sat diagonally opposite the witnesses called to testify against her.

The only time Madikizela-Mandela removed her spectacles was when one of the witnesses, Nomsa Shabalala — mother to Siboniso who disappeared in 1988 — demanded her son from her. For a brief moment, her face muscles seemed to tighten up as Shabalala said "Winnie must give me Siboniso back or his remains", looking straight at Madikizela-Mandela.

Initially helped to keep cool by a bodyguard who supplied drinks, Madikizela-Mandela demonstratively laughed at the circumstantial evidence of the first witness, Thami Hlatswayo. But the combination of intense heat from the strong television lights, the hot weather and the even more intense evidence which unfolded later saw Madikizela-Mandela and her daughters begin to wilt.

By afternoon, as she wiped perspiration from her brow, she appeared significantly less confident. Her exit in a Mercedes-Benz S-300 once again cocked a snook at her critics.

Outside the hall, members of the ANC Womens' League from Diepkloof sang songs in praise of Madikizela-Mandela.



# Planners apologise for apartheid past

(252) BD 26/11/97  
PROFESSIONAL town and regional planners must have been aware of the suffering caused by the Group Areas Act which allowed for black people to be removed from their own land during the apartheid years, the SA Council for Town and Regional Planners told the truth commission yesterday.

In a written submission to the commission the council apologised for its past, which was "characterised as inadequate and unconcerned in respect of the critical issue of justice for all sectors".

The council's submission highlighted certain major events which it said "could and should have been confronted" in the past, such as the Group Areas Act which allowed for forced removal and resettlement of communities, and the different approaches to planning for black and white populations.

Many in the profession had been actively opposed to the act, repealed in 1991, which led to enforced removal and resettlement of "defenceless communities", forcing them from land rightfully, and often legally, their own. "The uprooting of such communities and the separation of them from their land ... had great social, physical and emotional repercussions, which even today have not yet been redressed".

The council cited the removals of communities in District Six in Cape Town, Port Elizabeth's Fairview and Johannesburg's Pageview as manifestations of the policy. Planners "could not but have been aware of the extent of human suffering that occurred as a result of the act", but the council itself had not taken a direct stand against the legislation.

"The issue of land is central to the wellbeing of society and to be forcefully deprived of that central civil/human right brought extreme unhappiness to many of the black citizens of the country."

The act had also allowed Indian businesses to be removed from central business districts, which the council said was unacceptable in terms of both planning and economics. "The creation of an Asian bazaar in towns is in principle not necessarily wrong, but these should have been part of the natural economic and social development of a town."

The council also said the planning approach for white people had been essentially permissive, open and, to a degree, participatory — based on provincial ordinances and town planning schemes derived from British legislation. But the totally different "top-down" approach for black people had meant all planning had been carried out by government and imposed on black citizens, who were permitted no involvement or recourse to appeal. — Sapa.

# Winnie lays scrupulous charge against accusers

(252) 25/11/97  
Winnie Madikizela-Mandela laid a

crimes injuria charge against one of her accusers, Katiza Cebekhulu, and two others in Johannesburg yesterday.

The president of the African National Congress Women's League and former wife of President Nelson Mandela went to the station after spending the day listening to testimony at the truth commission hearing on the Mandela United Football Club.

Madikizela-Mandela had no comment when she emerged from the police station. Sources said that the charges were against Cebekhulu, the author of a book about him, Fred Bridgland, and Cebekhulu's patron, Tony MP Emma Nicholson.

Lawyers acting for Madikizela-Mandela asked police to remove reporters from the

police station charge office

Two Sapa reporters followed Madikizela-Mandela into the charge office after learning she intended laying the charges. They were allowed in by her bodyguards, but when other media representatives started taking pictures, lawyers asked police to remove the reporters.

Nomavenda Mathiane reports that Cebekhulu, Madikizela-Mandela's co-accused in the kidnapping trial of teenage activist Stompie Seipei, directly linked Madikizela-Mandela to Seipei's death.

Cebekhulu, who travelled from the UK with Nicholson to attend the hearing, was granted immunity from arrest. Upon his arrival at Johannesburg International Airport on Sunday, he was whisked away by

truth commission officials who took him in to a witness protection programme.

Bridgland, whose book detailed Cebekhulu's involvement in the Mandela United Football Club, arrived on the same flight from the UK as Cebekhulu on Sunday, but told journalists at Johannesburg International Airport that Nicholson had refused to allow him to speak to Cebekhulu. He said Nicholson had indicated that she did not want Cebekhulu to speak to any journalists.

She had said journalists "want to use him to make money".

Cebekhulu was scheduled to give evidence this afternoon, but was unlikely to be heard until later in the week because of the backlog of witnesses. — Sapa.



Winnie wits in hot seat at the TRC

'She hit me after abduction' I was kidnapped, assaulted with Stompie - witness

Johannesburg - It was a long, hot and often frustrating day as the Truth Commission tried to unravel fact from fiction in the tangled web of murder, abduction, assault and torture surrounding the Mandela United Football Club

The woman allegedly at the centre of the web, Winnie Madikizela Mandela, looked composed and confident when she arrived for the commission's "special event" hearing

She hugged old friends as she emerged from her car, before running the gauntlet of a frantic scrum of press photographers and television cameramen as her bodyguards battled to clear a path

But as the day progressed and TV lights heated up the hall, she appeared to wilt slightly and fanned herself with a set of documents

Her face was set in a slight smile as she listened to some of the accusations against her. She was supported by her daughters, Zuzi and Zenani, who sat just behind her, and supporters from the African National Congress Women's League

They were rebuked by commission chairman Desmond Tutu when they held up placards with slogans like "Cebekhulu - your propaganda to our mother will never change us", "Injury to Winnie is an injury to SA", and "Palah - shut up, Jar"

Johannesburg - Pele Mekgwe, who was abducted from the Soweto Methodist manse with teenage activist Stompie Sepele and three others by members of the Mandela United Football Club, confirmed to the Truth Commission today that he had later been assaulted by Winnie Madikizela-Mandela

Mr Mekgwe said the assault had taken place at Mrs Madikizela Mandela's Diepkloof home. He said she had struck him with an open hand

He was testifying on the second day of the Truth Commission's "special event" hearing into the activities of the Mandela United Football Club who conducted a reign of terror in Soweto during the late 1980s

He was challenged about several versions he had given of this December 1989 incident, including a statement during the murder trial of football club "coach" Jerry Richardson that Mrs Madikizela Mandela had used a spanner and fists on him

Mr Mekgwe said he had been lying at the trial, and in one of his statements to the Truth Commission, in which he had said that Mrs Madikizela Mandela was present during the assault but had not taken part

Pressed by Truth Commissioners Dusa Ntsebeza and Alev Boraine about which version was true, Mr Mekgwe said "The statement I'm giving here now. She was part of the assault"



JOHN YELD ON THE TRUTH COMMISSION

had been abducted because Stompie was accused of being a police informer and the other four were alleged to have allowed themselves to be sodomised by Paul Verryn, then minister at the Methodist manse and now a Methodist Church bishop

He denied this, saying in his statement "At no stage did Paul Verryn attempt to molest me at all. I was not aware that he ever tried anything like this with anybody else who was staying there, or anybody else"

Mr Mekgwe said in his statement that after the assault at Mrs Madikizela-Mandela's home, the five had been "bleeding and sore"

"Stompie was the worst. Stompie's head was soft and swollen. During the night Jerry came and took Stompie away. In the morning we were wondering where Stompie was. Somebody saw blood on Jerry's shoes. Nobody said anything about what had happened to Stompie"

Yesterday the commission heard two versions of Stompie's murder. John Morgan, who said he was Mrs Madikizela Mandela's neighbour and driver, claimed Stompie had died four days after being assaulted by Mrs Madikizela-Mandela and members of the football club

But lawyer Tony Richard, appearing for Jerry Richardson, said his client would testify that he and a comrade called "Slash" had taken Stompie to a secluded spot. Mr Richard



At the end of the day. A tired Winnie Madikizela-Mandela after the first day of TRC hearings into murder accusations against her

said Richardson would say "Let's do it. Slash had held Stompie down. Stompie screamed. I slit his throat with the shear. I slit his throat as if I was slaughtering a sheep"

Mr Morgan said he could not dispute this version and couldn't explain the difference. He also said he had lied to protect Mrs Madikizela-Mandela

Mr Semanya put it to Morgan that he had changed his story out of revenge because she had refused to pay for his appeal against his sentence. He denied this



Assault claim. Maggie Phumle Dlamini

Jealous Winnie beat me up,

says woman

Johannesburg - Assaults by a jealous Winnie Madikizela-Mandela and her bodyguards led to her son Tsepo, 9, being born prematurely, Maggie Phumle Dlamini has told the Truth Commission

Today Tsepo had learning and concentration problems, she said at the special event hearing yesterday on the Mandela United Football Club in Johannesburg in the 1980s

Ms Dlamini testified that her brother Thob joined the football club and she got involved when she went to fetch him one day and met "Shakes" - Johannes Tau, one of Mrs Madikizela-Mandela's drivers

"Soon after this Shakes approached me and we fell in love. We became a couple," she said

"Not long after we fell in love, Shakes told me that Winnie had come to him in the middle of the night and got under the blanket with him"

Ms Dlamini said that when she was three months pregnant with Tsepo, Mrs Madikizela-Mandela assaulted her after questioning her about the relationship

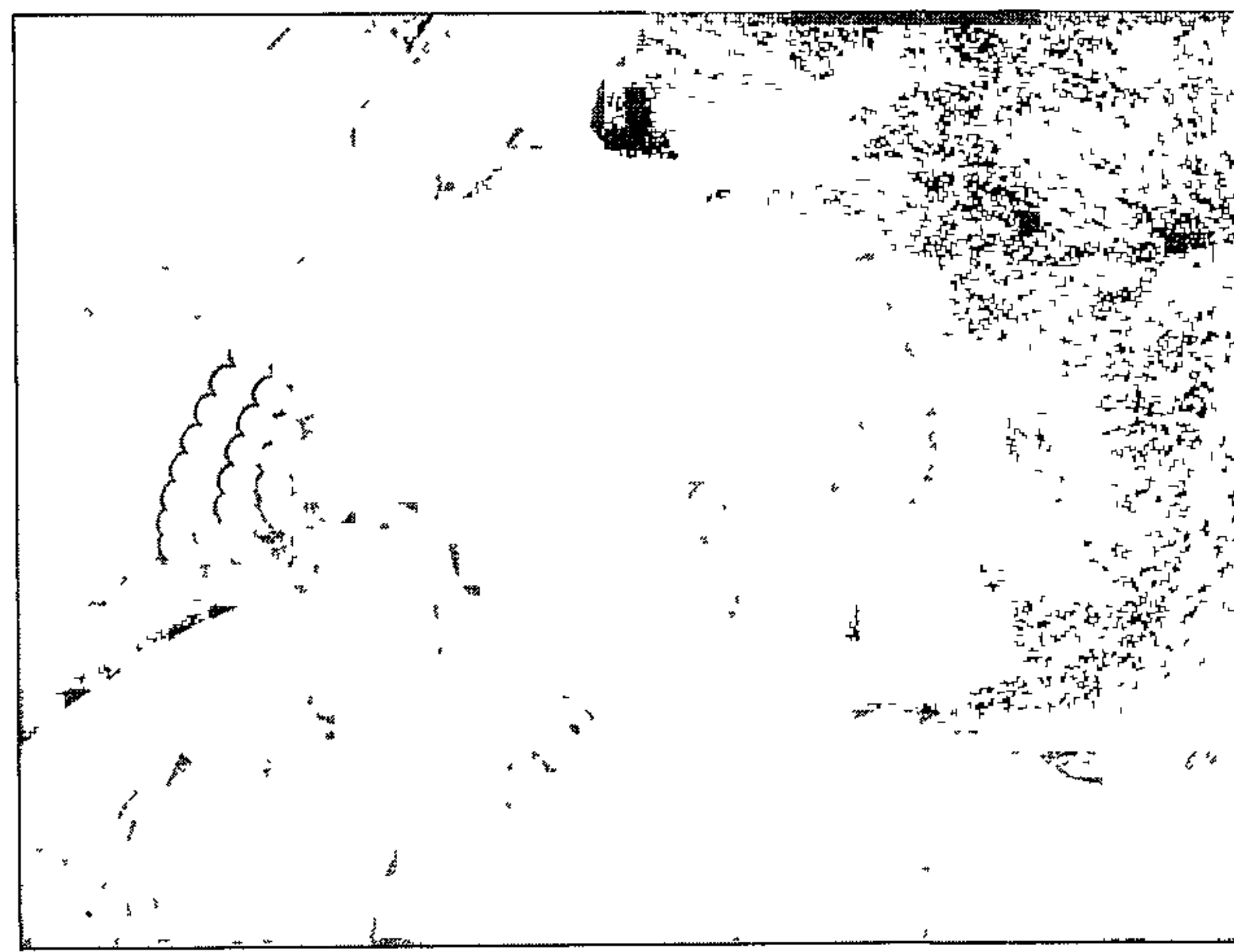
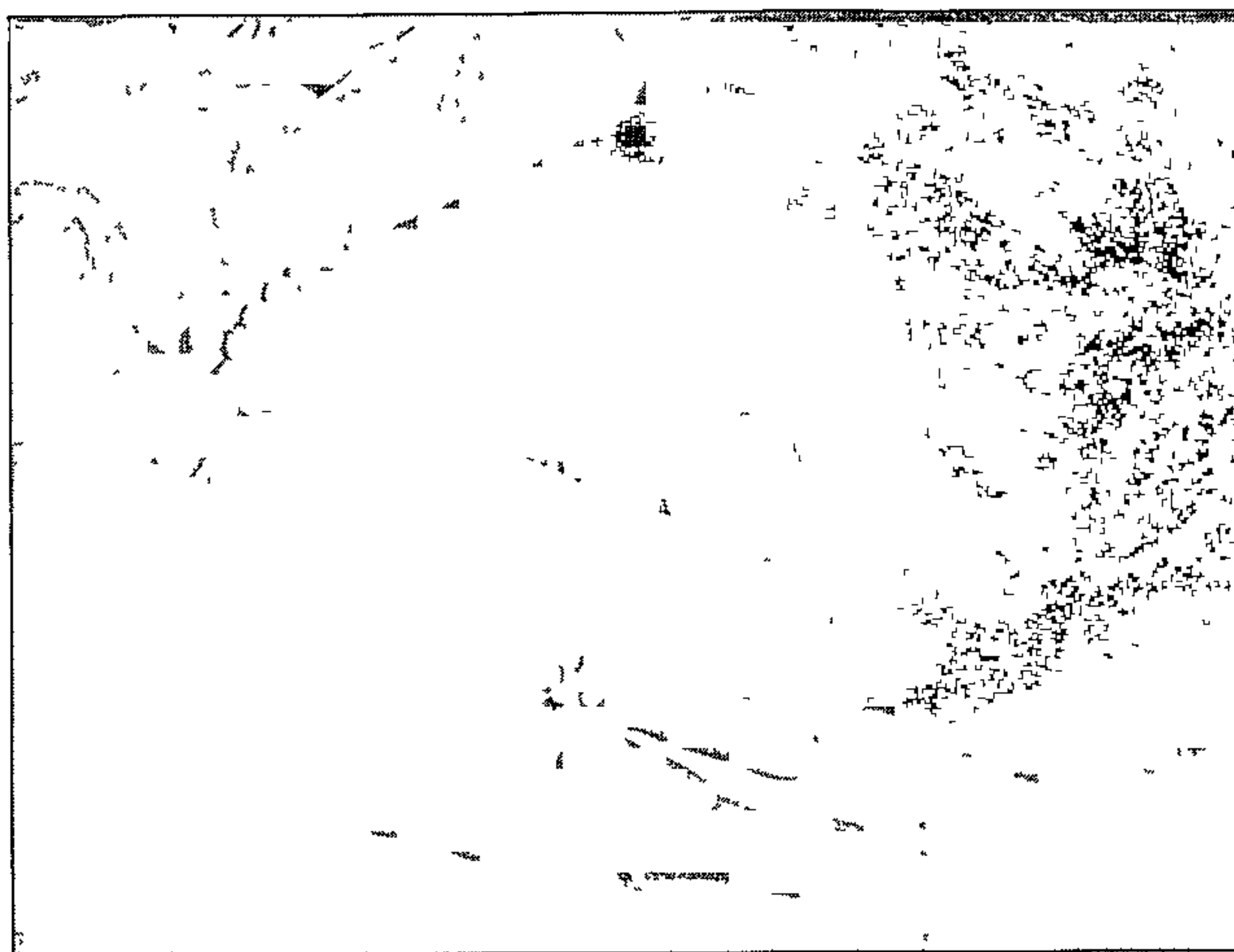
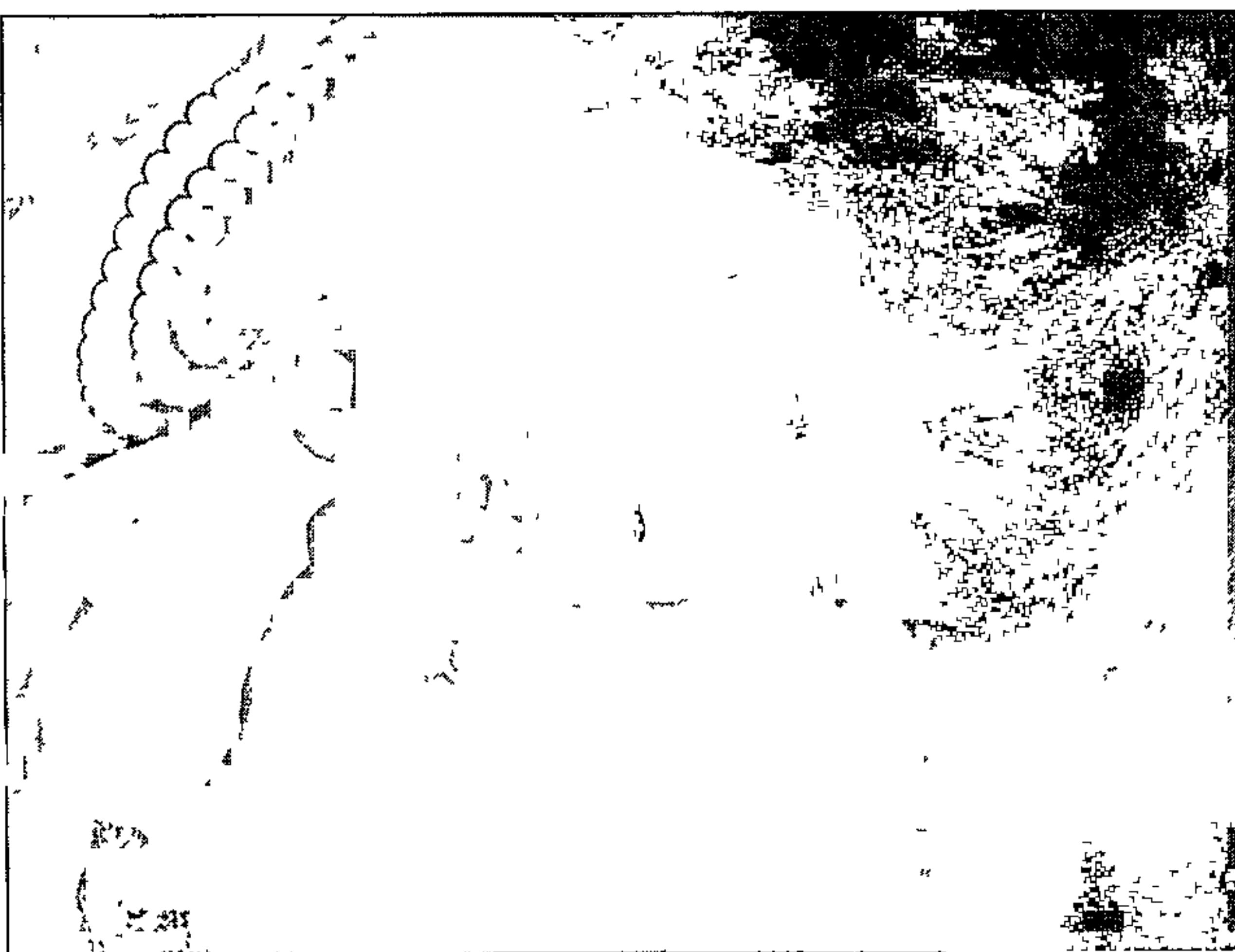
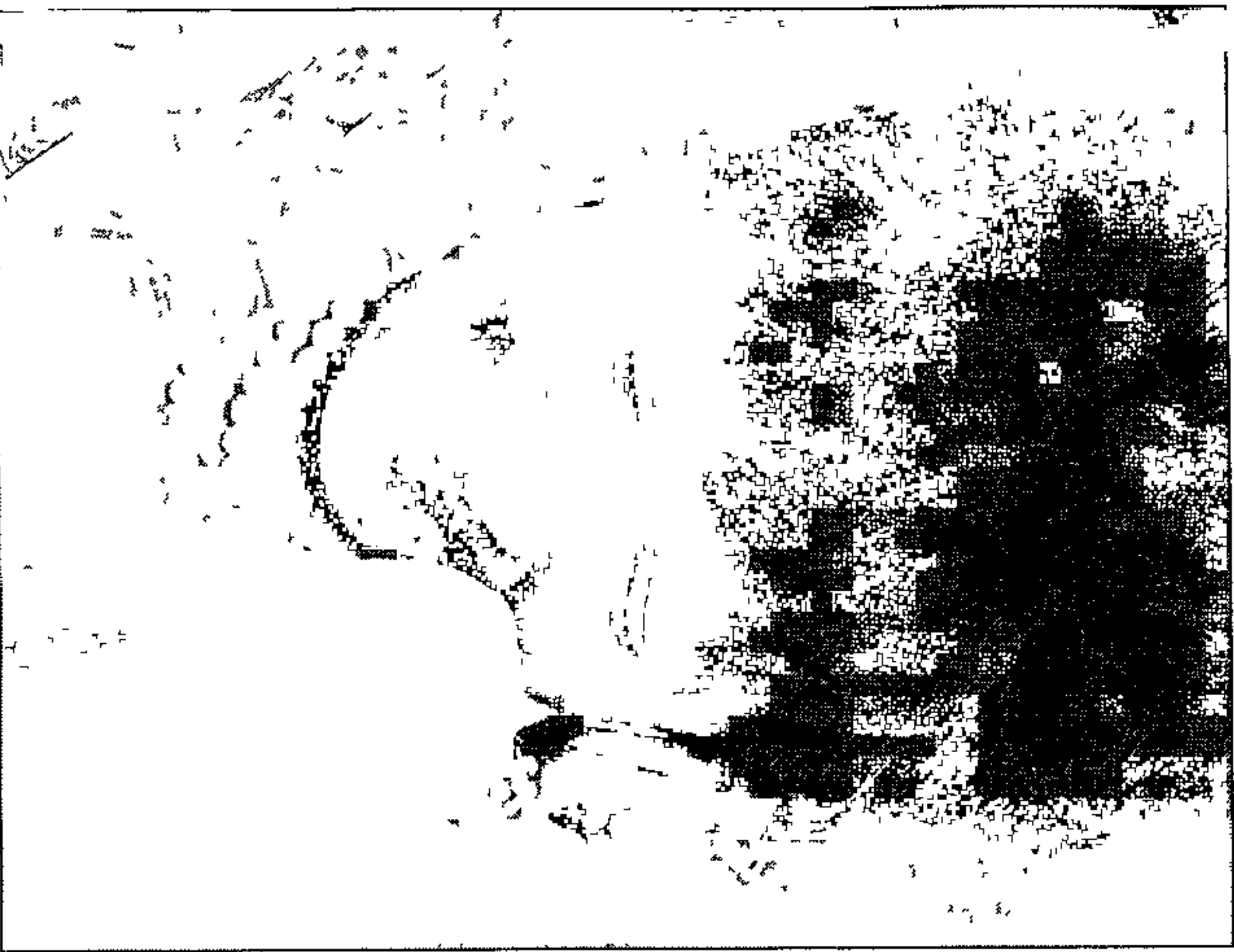


Consultation. Katiza Cebekhulu at the hearing with former British MP Emma Nicholson



# THE WINNIE HEARING

CAPE TIMES  
★ TUESDAY, NOVEMBER 25, 1997



**METAMORPHOSIS:** She looked upbeat and impervious at the beginning of the day, but by the end the litany of accusations and the stifling heat appeared to have taken their toll on Winnie Madikizela-Mandela

PICTURES BENNY GOOL





# Commission hears

## damming evidence

CT 25/11/97 (252)

From Page 1 Madikizela-Mandela conspired to cover-up the murder of his MK commander Vincent Vuyisile Setako, in November 1987. He further alleged that a member of the football club, Peter Dlamini, killed an alleged witness to Setako's murder, Susan Manpa. Madikizela-Mandela's advocate Mr Ishmael Semanya, put it to Hlatswayo that his client denied ever having met him.

Ms Maggie Phumhle Dlamini alleged that she was assaulted twice while she was pregnant, first by Madikizela-Mandela, and then on Madikizela-Mandela's instructions. Her son Tsepo Dlamini, 8, was born a month early, and had learning problems which she ascribed to the alleged assaults. Soon after the alleged assaults, Dlamini's brother Tholakele Dlamini was killed. Dlamini named the killer as club member Mr Sizwe Sithole. Semanya dismissed her evidence as a "figment of her imagination".

Mr Nicodemus Sono repeated the evidence he gave to the commission in Soweto in July 1996 about the loss of his son, Lolo. And Mrs Nomusa Shabalala repeated her testimony concerning her son, Sibonisa.

John Morgan, who said he was employed for about 10 years as Madikizela-Mandela's driver, told the commission about the football club, which he believed was established by his former employer. Morgan also said he saw Madikizela-Mandela slap Sepele. Morgan was convicted of kidnapping Sepele, as was Madikizela-Mandela.

Madikizela-Mandela denies ever having employed Morgan. Semanya complained that Morgan was making allegations against his client in a "hurtful", "flippant" and "very compromising" manner.

# PREGNANT SISTER 'BEATEN BY WINNIE'

## EX-bodyguard slain

CT 25/11/97 (252)

## after going to police

JOHANNESBURG: Maggie Dlamini says she loved Winnie Madikizela-Mandela as a mother, but when her brother was shot dead soon after leaving the Mandela United Football Club, her opinion changed.

ONE of the first witnesses at yesterday's special hearing into the activities of the Mandela United Football Club, Ms Maggie Phumhle Dlamini, alleged Ms Winnie Madikizela-Mandela had assaulted her after discovering that she was in love with one of her drivers.

Dlamini told the Truth and Reconciliation Commission that her brother Tholakele (Tholi), a former member of the football club — Madikizela-Mandela's team of bodyguards — had been shot dead when he left the club after two assaults on his sister.

During November 1987, Dlamini went to look for her brother at Madikizela-Mandela's house, where he was staying. She met one of Madikizela-Mandela's drivers, Mr Johannes "Shakes" Tau, and they fell in love.

"Shakes was staying at Winnie's place, but he was sleeping in the dining room. Not long after we fell in love, Shakes told me Winnie had come to him in the middle of the night and got under the blanket with him. Shakes advised me to deny to Winnie that we were in love," Dlamini said.

She was approached soon afterwards by Madikizela-Mandela, who told her she was looking for Tholi. "I went with (Mandela and Shakes)

to Winnie's house in a microbus. At this stage I was three months' pregnant with Shakes' child."

In the car, Madikizela-Mandela questioned her about her relationship with Shakes. Dlamini denied there was any.

"She told me not to lie to her. She beat me. She slapped me in the face and hit me with her fists all over my body and in my stomach. I tried to prevent it by shielding myself with my hands."

Afterwards, Dlamini went home. She did not consult a doctor because "I did not have enough money".

A few days later Shakes disappeared. Madikizela-Mandela and members of the Mandela United Football Club ordered Dlamini to take them to a shebeen. Shakes frequented.

"When Winnie told me to come with her, my mother pleaded with her not to kill me."

Dlamini claimed she was "slapped in the face" by members of the club and Madikizela-Mandela. When she and a friend said they did not know where Shakes was, Madikizela-Mandela allegedly told the club members to "see to it that I told the truth", Dlamini said.

"Many members beat us with their fists and slapped us. They also kicked me all over my body, including in my stomach. My nose was bleeding from punches in the face. They continued for about five hours until Zanzi (Madikizela-Mandela's daughter) came home and stopped the assault. She told me to wash my face before Jerry Richardson and John Morgan took me home."

Dlamini said she believed the assaults had affected her son, Tsepo, as he had learning problems.

"I never reported the assaults as I was afraid the Mandela United Football Club would set our house alight."

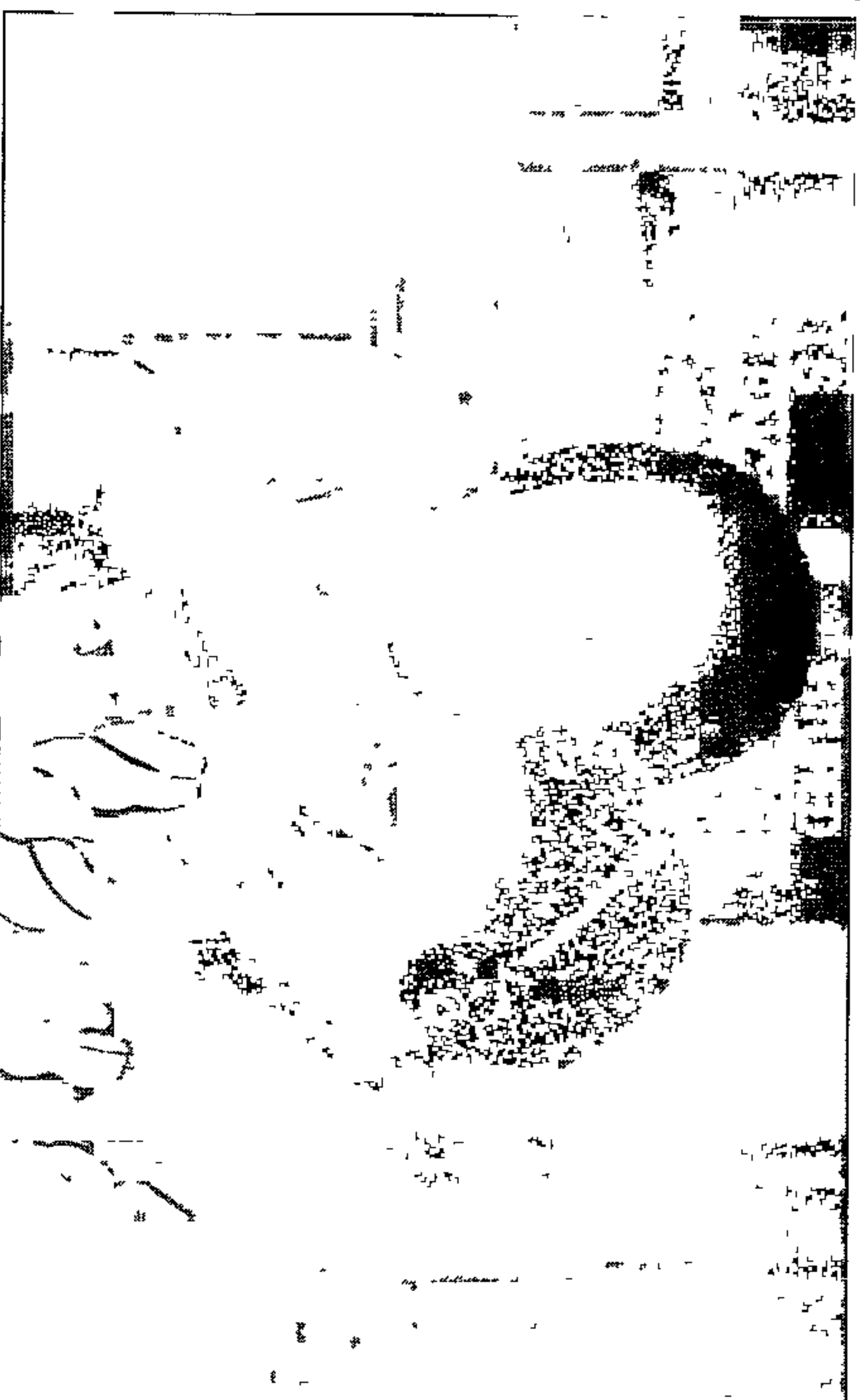
Dlamini's brother, Tholi, left the club a few months later. She said he had testified at the Protea police station about the club's activities.

In the same week, Dlamini found her brother's body in a pool of blood a few metres from their home. Weeping, she said she had rushed outside after hearing shots. Her brother had been shot in the head by a close friend and football club member, Mr Sizwe Sithole.

"I went home to fetch a blanket to cover the body. His eye and the side of his head were gone."

"I loved Winnie as a mother and trusted her, but my views changed."

Madikizela-Mandela's lawyer said Dlamini's testimony was a figment of her imagination. — Own Correspondent



**BREAKDOWN:** Maggie Phumhle Dlamini sobbed yesterday as she described the injuries inflicted on her brother Tholakele, whom she alleged was killed by a member of the Mandela United Football Club. She was comforted by a commission official.

## Bodyguards' did play football

CT 25/11/97 (252)

ROGER FRIEDMAN THE Mandela United Football Club, members of which allegedly acted as Ms Winnie Madikizela-Mandela's bodyguards, played some football, witnesses appearing before the Truth and Reconciliation Commission testified yesterday.

John Morgan, who has known Madikizela-Mandela since her student days at the Jubilee Centre in Johannesburg and has been convicted in the kidnapping of teen activist Stormpie Sepele, said he believed Madikizela-Mandela started the club.

"The boys in the club were rough. They used to go to shebeens and hit people. People used to

come to Winnie every day to complain, until one day they burnt her house."

"They were also comrades internally trained for MK. They were trained by a man called V, whose name was Vuyisile or Vincent, and a man called Sonwabo," Morgan wrote in his statement.

"Jerry Richardson trained the boys in football. After they were trained, they used to keep things like F1 hand-grenades, AK-47s and revolvers at the house," he said.

Ms Maggie Phumhle Dlamini said her late brother Tholakele Dlamini — allegedly murdered by members of the club — became a member when the club was established in the mid-1980s.

"They were playing football and Winnie Mandela attended a number of matches. Winnie Mandela spoke to the football players and she knew their real names and their nicknames."

"My brother told me that Winnie Mandela told the team when and where to play. He did not tell us about things other than football. Tholi said he was afraid to tell us about what they did in Winnie Mandela's yard because he was staying at her house."

"My brother left the club around October 1988 because the police wanted to question him (about the club)." Dlamini was arrested on a Wednesday, released on Thursday and killed on Saturday.

PICTURE BENNY GOOL



**Inside today**  
**Does Lesotho**  
**still need a**  
**king? Page 10**

# Sowetan

**Building the Nation**

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# 'Winnie beat me up over my boyfriend'

By Joe Mdhlela

**A** WITNESS described to the Truth and Reconciliation Commission how African National Congress Women's League president Mrs Winnie Madikizela-Mandela assaulted her after discovering they were sharing a boyfriend

Sitting at the Johannesburg Institute of Social Science centre in Mayfair, the commission heard Ms Phumle Dlamini of Soweto recount how she fell in love with Shakes Tau without realising that he was also seeing Madikizela-Mandela

Dlamini also told the TRC that when her brother Tholi fell out of favour with the Mandela Football Club he was killed by Sizwe Sithole, one of its members



*Sowetan 25/11/97 (252)*



...said her mother began to "act in a crazy manner and only came to terms with his death 10 days later"

Diamini said she met Tau at Madikizela-Mandela's home and they soon fell in love. Not long after that, Tau told her that Madikizela-Mandela came to his room at her house and got into his bed.

"Shakes told me that Winnie had come to him in the middle of the night and got under the blanket with him," she told the TRC.

However, once Diamini heard about the incident she felt unsafe, fearing that if Madikizela-Mandela got wind of the affair she would beat her up. But "someone" tipped off Madikizela-Mandela about the relationship.

"Shakes advised me to deny this if Winnie came to know about it"

Tearfully, Diamini said it was after Madikizela-Mandela's house was

burnt down in Orlando West that her real problems began.

Madikizela-Mandela approached her and inquired about her relationship with Tau.

"I told Winnie I always saw Shakes at the gate when I went to fetch my brother at her house. She was angry and told me not to lie to her. She then started beating me up, using fists and open hands," she said.

After assaulting her, she drove off with Tau in a minibus.

Diamini said a few months later in 1988, at the instigation of Madikizela-Mandela, she was assaulted by the members of the football club while she watched.

She also said her sister Lindwe was also beaten up by members of the club, also at the instigation of

Madikizela-Mandela

"I believed these assaults affected my son, Tshupo, who was born prematurely on December 31 1988." The child now has serious learning problems and "does not speak like a normal eight-year-old and is slow of understanding."

**Not employed**

"I have not taken him to a doctor because I am unemployed and afraid I will not be able to pay for his medical bills," she said.

Mr Nicodemus Sono told the commission about his missing son Lolo whom he last saw in 1989 after he was assaulted by young people in the company of Madikizela-Mandela.

Sono said he became concerned about the safety of his son when he

heard rumours surrounding child activist Stormie Seipei's death. "It was after I heard stories about my son's secret grave that I started getting concerned," Sono said.

Sono said that although Madikizela-Mandela had claimed that his son had been "dropped off" at his home, the truth is that he had been told by senior ANC members that they had no knowledge of his son. "And this was despite claims that he could have been in the ANC camps in Zambia," Sono said.

Yesterday evening Madikizela-Mandela went to Johannesburg Central Police Station to lay charges of crimes injuria against Katiza Cebekhulu, reports Sapa.

Cebekhulu, her co-accused in the kidnapping trial of teenage activist

Stormie Seipei, has claimed he had seen Madikizela-Mandela stab Seipei at her Soweto home.

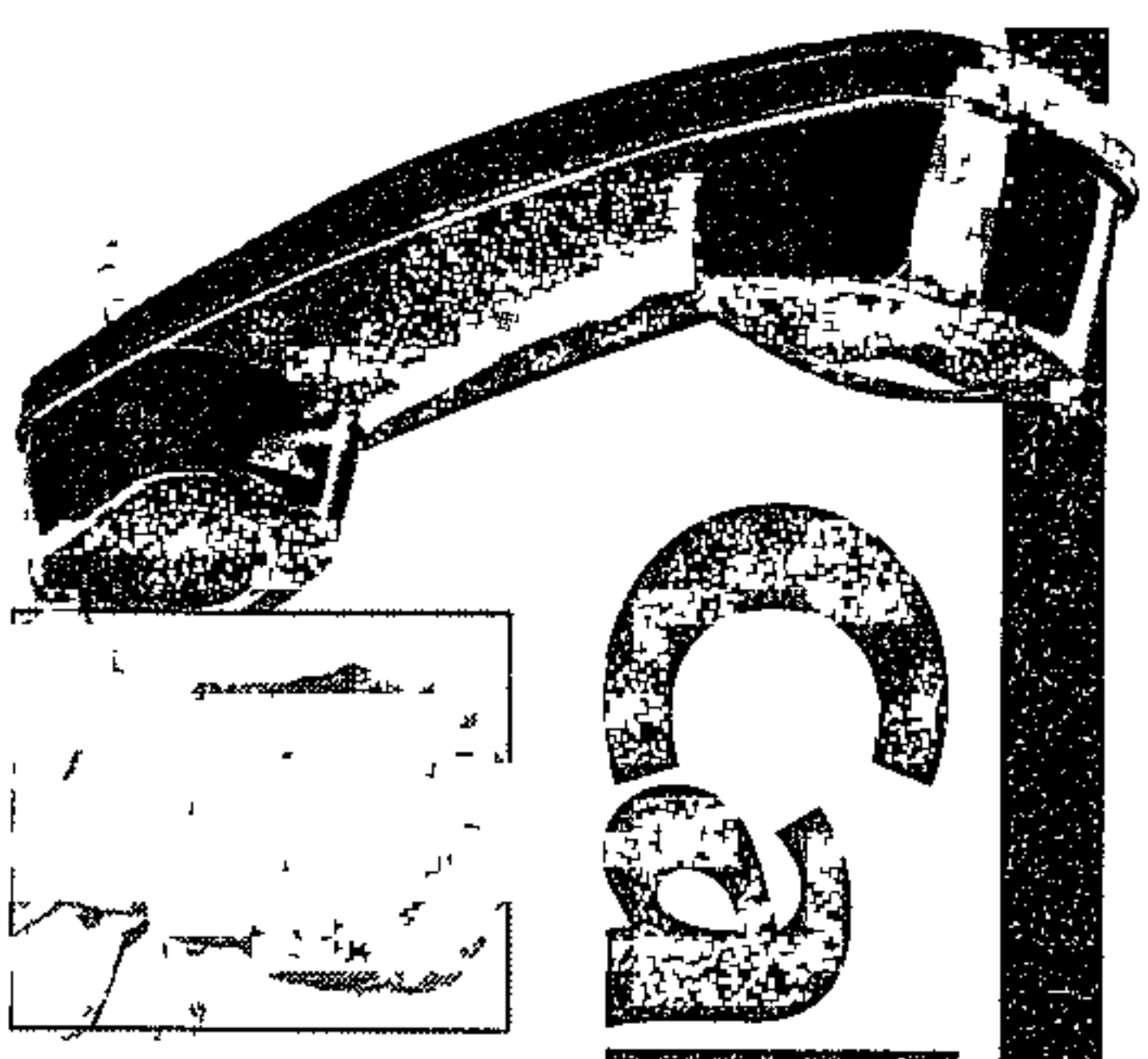
Cebekhulu, who travelled from Britain with his ward, British Conservative Party MP Emma Nicolson, to attend the TRC hearing, was granted immunity from arrest and is in a witness protection programme.

Jerry Richardson, who has been galled for Seipei's murder, has testified that Madikizela-Mandela had not physically stabbed Seipei, but had given the order for his death.

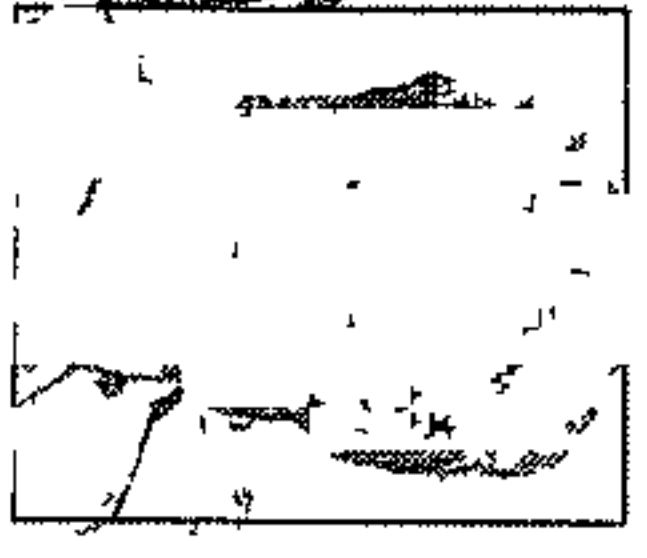
Lawyers acting for Madikizela-Mandela asked police to remove journalists from the charge office when she emerged from the police station she said nothing.

● See pages 2 and 11

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# New lawyers may fall into the state job net

STW 26/11/97 (252)

**POLITICAL STAFF**  
Cape Town - Hot on the heels of Health Minister Nkosazana Zuma's announcement that obligatory community service at rural hospitals for newly qualified doctors is to begin from July, the governing party has also announced that lawyers are set to follow the doctors' lead

National Assembly justice portfolio committee chairman Johnny de Lange confirmed yesterday that the Justice Department and the South African Law Commission were investigating the possibility of injecting newly trained lawyers into the overloaded state legal service

De Lange said it was quite clear that the Legal Aid Board was just not able to cope with the current demand for legal support in South Africa

He pointed out that advocates that appeared *pro deo* (those that were appointed by the state) were demanding fees of R1 000 a day and more, which in turn was placing a huge burden on the state in the form of the Legal Aid Board. It was expected to cost nearly R500-million this year.

Newly qualified lawyers, many of whom were already finding it almost impossible to enter either private law firms or government service, could serve at envisaged new legal aid clinics

The plan was to provide at least two legal-aid clinics in each of the nine provinces, which would serve both defender and civilian functions

De Lange said some could also serve as prosecutors and as judges' clerks, as well as in other understaffed legal areas

He also pointed out that Parliament had recently passed legislation which enabled law students to obtain an LLB degree in four years. It currently takes five years to reach that goal

De Lange added there was widespread support among ANC MPs for state service for lawyers

"When we put it to the (parliamentary) caucus, there was applause," he said

# Junior doctors get reprieve on extra year

STW 25/11/97

**Compulsory service starts only next year**

**By PRISCILLA SINGH**  
Health Reporter

Junior doctors completing their internship this year breathed a sigh of relief yesterday after the news that compulsory community service would be introduced only in July 1998, making the class of 1997 the last interns to be registered without additional training.

However, students who begin their internships at the beginning of next year, and students who failed their sixth-year exams last year and began their internships in July this year, will have to do a year of community service after their internships

The 1 400 interns practising at hospitals around the country finally received clarity on their futures yesterday when Health Minister Dr Nkosazana Zuma announced in Cape Town that compulsory community ser-

vice for interns would begin only on July 1 next year.

Dr Anna Sporaco, chairman of the National Interns Alliance (NIA), said the announcement lifted a tremendous weight off interns' shoulders.

66

**Tremendous**

**weight**

**lifted off**

**their**

**shoulders**

99

and they had already submitted their registration documents with the Interim National Medical and Dental Council

"As far as the registrations are concerned, the 1997 interns have been informed by the

council that we will be registered under the act of 1974, which means we get full and unconditional registration," Sporaco said

In almost a year of turmoil characterised by bitter debate, the NIA and the Junior Doctors Association of South Africa fought tooth and nail with Zuma to ensure that doctors completing their internship this year were not compelled to do an extra year of community service

Dr Mark Sonderup, vice-chairman of the Junior Doctors Association, said he was very pleased there had been some direction after months of uncertainty.

"While it is premature to accept the July 1998 date, the minister (Zuma) pulled me aside after the announcement and said she will be contacting us for further discussions. This is very positive for us," Sonderup said

MK commander comrade to be reburied in Soweto

**POLITICAL STAFF**

Legendary Umkhonto weSizwe commander Barney Frankoane, whose remains four weeks ago exhumed 12 years in a secret grave be reburied in Soweto weekend.

Molokoane and his comrade Vincent Sekete will be buried at a funeral which is expected to attract the former MK brass, many of whom are in the Government, the army and the police.

Molokoane was heard to be responsible for MK's special operations which were responsible for the attack on Sasol in Secunda in 1982, the Voortrekkerhul Army Base in Pretoria, the attempt on Sasol in the Moroka and Jab police stations in Soweto. Actions earned him legendary status, and he is regarded as the greatest commander of the army produced in a shootout with police army patrols in 1985 and in a secret grave. It was when six policemen applied amnesty earlier this year that the truth about the graves emerged.



# Times & Spirit

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**JOKERS WILD**  
 - PAGE 14



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# Winnie: Security beefed up

Former supporters tell Truth Commission of murders, abductions and assaults but Madikizela-Mandela hits back with slander charges

By **ROBERT BRAUD**  
 AND **CECILIA RUSSELL**

There was increased police presence at the start of the second day of the special Truth and Reconciliation Commission hearings into the Mandela United Football Club (MUFCl) held at the Johannesburg Institute for Social Services centre in Mayfair today.

Lawyers were the first to gather outside the conference centre and discussed yesterday's disclosures as sniffer dogs once again checked the building.

First to arrive was Xoliswa Palati, looking elegant in a blue suit. Winnie Madikizela-Mandela parked her blue BMW outside, accompanied by bodyguards in wrap-around sunglasses. There was little media hype as she walked quickly through the cordons towards the front door, dressed in a gold-and-black floral, calf-length suit.

She was followed by Nomsa Shabalala and Nicodemus Sono, the parents who gave testimony yesterday about their children - Siboniso Shabalala and Lono Sono - who disappeared in mysterious circumstances after being branded as police spies by Madikizela-Mandela.

Zinzi Hlongwane-Mandela smiled and chatted with Madikizela-Mandela's lawyer, Ishmail Semanya.

Crimson-clad Archbishop Desmond Tutu and his wife Leah arrived together.

There was a flurry of excitement from photographers as they rushed to get a picture

## Today's hearings

- To testify today were:
  - In Morgan, Winnie's driver
  - Tra Cetshili, a co-accused of Madikizela-Mandela
  - Stompie Sepele, appearing before the court
  - He stand
  - Lwisa Palati, Madikizela-Mandela's former attendant
  - Was jailed for the Stompie prison
  - O Mergwe, a witness from the trial who was
  - Appeared together with
  - She
  - In Stibole, accused in the trial
  - Il Verri, a Methodist church member
  - Her Storey, Methodist church

ders, an assault on a pregnant woman and of waging a reign of terror in Soweto through the MUFCl.

The woman once known as the "mother of the nation" sat quietly through the day's proceedings, glaring at witnesses, smiling at some of the claims and occasionally whispering to her lawyer. She is due to testify on Friday.

But Madikizela-Mandela has already started fighting back. Last night she laid charges of criminal slander against one of her chief accusers, Katiza Cebekhulu, and two others. She claims she was detained in a documentary on SABC television on September 15 which focused on the book *Katiza's Journey, Beneath the Surface of*



STAR 25/11/97 (258)

DEBBIE YAZBEK

Winnie Madikizela-Mandela at the TRC yesterday ... former "mother of the nation" glared at witnesses during the proceedings.

Dispute over whether Stompie's throat was cut with blade

By Robert Braud (MUFCl) who was the kidnapper of Siboniso Shabalala and Lono Sono.



# Winnie's trail of death and destruction

(252) Stan 25/11/97

BENNY GOOL / CAPE TIMES



WANNIE DAY 1

Weeping mother tells of her fruitless search for missing son, writes Ryan Cresswell

**N**omsa Shabalala sat at the TRC hearing in her Sunday best yesterday and said she believed Winnie Madikizela-Mandela was responsible for her son Sibonisa's disappearance in 1988.

She said she went to church on November 13 and when she got home her husband Shadrack told her that some young men had come looking for their son. He said they had his name written down on a matchbox, along with that of young Lolo Sono from next door.

Later the young men came back and were told to sit down so that the Shabalalas could find out what was happening.

The young men said they had been sent by Madikizela-Mandela and wanted Sibonisa to go with them "across the border to outside courts".

When the boys left, Mr Shabalala went next door to the Sonos' house to ask Nicodemus Sono if he had also seen the young men. He was told that Lolo had been beaten and taken away.

Mrs Shabalala said "I am scared of her now."



in so many years Cross-questioned by Madikizela-Mandela's advocate, Ish-

Mrs Shabalala added that in 1989 she heard, while she was travelling in a taxi, that the two young men were missing and that her son was a member of Winnie's "football club".

Then police came around again and the two fathers went to Diepkloof morgue to look for their sons, but they could not find them.

Mrs Shabalala said she then started hearing stories that "Sibonisa and some members of the football club had died".

In 1994 her husband visited Dobsorville and was shot dead. After the funeral, police again visited Mrs Shabalala and asked for her husband. She told them he was dead, and they apologised and said they had come to tell her that Sibonisa had died "a long time ago".

"They said that if I wanted to know more I should go to Pretoria, but I did not go because I did not have the money My husband was dead".

At this point Mrs Shabalala began to weep softly.

She said police again spoke to her and she wanted to know why nothing had happened



One-time cadre describes death of fellow MK member and shooting of woman, writes Ryan Cresswell

**A** former Umkhonto we-Sizwe soldier Thami Hlatswayo yesterday accused Winnie Madikizela-Mandela of ordering the death of fellow MK member Vincent Sefako and the assassination of Susan Marita, who witnessed that murder in October 1987.

Hlatswayo, who was also a witness in Madikizela-Mandela's 1992 kidnapping trial, said he last saw Sefako when Sefako went to fetch a car they were to use on an MK mission to attack a police station in Bophuthatswana.

He later heard that a man (Sefako) had been run over while he was on the pavement.

Hlatswayo said Sefako had told him before he died that he had fallen out with Madikizela-Mandela because he was having an affair with her daughter Zinzi.

"Vincent once mentioned that he was not on good terms with Winnie Mandela."

"He once left a gun on top of a wardrobe and police found it. It was at Winnie's place, in Zinzi's bedroom."

"He was sleeping with Zinzi the previous night," he said.



Thami Hlatswayo ... first of 34 scheduled to testify.

Hlatswayo said that on the fourth day after Sefako's death, he was asked by Dlamini and an unknown man to take him to the house of someone called Jimbo.

On the way they stopped at a house in Tladi, Soweto, and Dlamini told him to go to the house to ask the woman who saw the hit-and-run incident what she had seen.

When he refused to go in on the grounds that he would blow his MK cover, Dlamini gave him

a Makarov pistol and forced him to do so. Dlamini also took out his AK-47 from beneath his coat.

"He shoved me to the house with the barrel of the gun at my back. He forced me to open the gate which I did."

"The woman was standing outside the kitchen door with a friend. The father-in-law was standing at the door. Peter asked her what she knew about the incident. She said to her friend that she was trying to help when she called the ambulance, but that she had put herself in trouble."

"Peter was behind me. I then heard the first shot. The woman was hit in the chest by the first shot. Several shots were fired at the woman," he said.

Hlatswayo said he escaped through a neighbour's yard. He said that when he returned to South Africa in 1992, he went to Protea police station to find out what had happened to Sefako and was told he had been given a pauper's funeral.

Under cross-examination yesterday Hlatswayo also said he did not believe Sefako was shot at the collision site, but that a bullet was put in his head later. In a written statement, another witness, Catherine Matthe, said Madikizela-Mandela had visited her at her home and asked her about her relationship with Sefako.

She later returned and demanded to know where Sefako's clothes were and why the death was still being investigated.

Both Hlatswayo and Matthe said they fled the country because they were afraid of Madikizela-Mandela.

Macqie Phumile Dlamini claims a shared sexual relationship



TRC "co-in" and convicted killer of teenage activist Stompie Seipei, as he arrived in legions.

At yesterday's hearing, for her supporters turned on Madikizela-Mandela, accusing her of complicity in six mur-

## TRC could recommend prosecution - Tutu

By ROBERT BRAND

The Truth and Reconciliation Commission is not a court, but it could recommend prosecutions in its final report due to be presented to Parliament early next year, TRC chairman Archbishop Desmond Tutu said yesterday.

Opening the TRC's special hearing into the activities of Winnie Madikizela-Mandela's Mandela United Football Club, Tutu said the commission's purpose was not to reach a verdict of guilty or innocent.

"We are a commission, not a court of law - our focus is not an individual or a group against which allegations are made. We are here primarily for the victims and survivors," he said.

"We are not here to put anyone in the dock, or to pillory or humiliate anyone."

But Tutu said the commission could recommend that certain cases be referred to the attorney-general for prosecution, leaving open the possibility that allegations against Madikizela-Mandela could be

TRC "co-in" and convicted killer of teenage activist Stompie Seipei, as he arrived in legions.

At yesterday's hearing, for her supporters turned on Madikizela-Mandela, accusing her of complicity in six mur-

Teenage activist Stompie Seipei's throat was slashed with a den-shaars blade by a group of men, according to testimony before the Truth Commission yesterday.

Jerry Richardson, former "coach" of the Mandela United

be the "slaughterer" in the incident read to the TRC by the former attorney-general, Tony Richard Morgan, yesterday by John Madikizela-Mandela's former associate who was convicted of being an accessory in

Madikizela's was also convicted of being an accessory to the kidnapping but was acquitted on a charge of assault. She was fined R15 000.

Morgan claims Stompie died after being assaulted for three days by MUFC members at

Morgan's ver- on-llies' v. a. Katiza Cebekhulu. But Richardson told the TRC that Morgan's version would be disputed by Richardson, who would testify that he and another man took Stompie to open ground outside Johannesburg, where they killed him.

John Morgan . . . discrepancy.



Shaw 25/11/97 (2nd) DEBBIE YAZBEK

Evidence to be weighed ... one of the accusers, Katiza Cebekhulu, with Emma Nicholson, the former British MP who has taken him under her wing, at the hearing yesterday.

tested in court.

Madikizela-Mandela has not applied for amnesty.

"When our final report is drawn up, we can make recommendations whether cases of gross human rights violations where the perpetrators have not applied for amnesty should

be referred to the attorney-general," Tutu said.

The commission will weigh the evidence given at this hearing - by accusers and by Madikizela-Mandela herself - together with evidence gathered in its own investigations before making a finding

not undermine it.

Mahara said any ANC members giving evidence would be doing so as individuals within the context of the role they played in the ANC and the Mass Democratic Movement.

He added that the TRC hearing should also be treated separately from the debate between Madikizela-Mandela and Sports Minister Steve Tshwete.

## Septuplets doing well despite all but the heaviest still on ventilators

Des Moines - The youngest of the McCaughey septuplets has been put back on a ventilator in what their doctor called a "very typical" precaution.

Joel Steven was strong enough to breathe on his own for a few hours on Sunday, but soon grew tired and was placed back on the ventilator for the night. His condition, which had been upgraded to fair, returned to serious.

"He's getting some needed rest and responding very well to that," said Dr Robert Shaw, who is overseeing the septuplets' care at Blank Children's Hospital.

"It's not unusual for a baby this size and this age to give

every indication he's ready for a try, and then show us after a while he's tired," Shaw said.

The heaviest child, Kenneth Robert, continued to breathe on his own and remained in fair condition. The other five siblings were in serious condition and on ventilators.

At least two show indications they might be ready to be taken off their ventilators soon.

"They're doing everything that we would expect them to be doing," Shaw said.

Once the babies start breathing on their own, the next milestone will be feeding by mouth, which Kenneth began last week. - Sapa-AP

## Deaf and dumb 14-year-old tied to a tree every day for the past four years

Mpumalanga social workers have rescued a 14-year-old deaf and dumb boy who had been chained to a tree every day for the past four years.

Skhumbuzo Mkhonto was tied up by his grandmother Evelynah Sibanyoni (67), who alleged she was acting on instructions from local police after the youngster smashed a neighbour's window and broke into several cars.

"The police said my grandson, who is wild and violent, was a troublemaker and asked me to chain him," Sibanyoni said at her Kanyamazane home near Nelspruit.

She said Mkhonto was also chained to stop him from run-

ning into the streets where he risked being run over.

"In 1993 he was hit by a car after he broke the rope I tied him up with," she said.

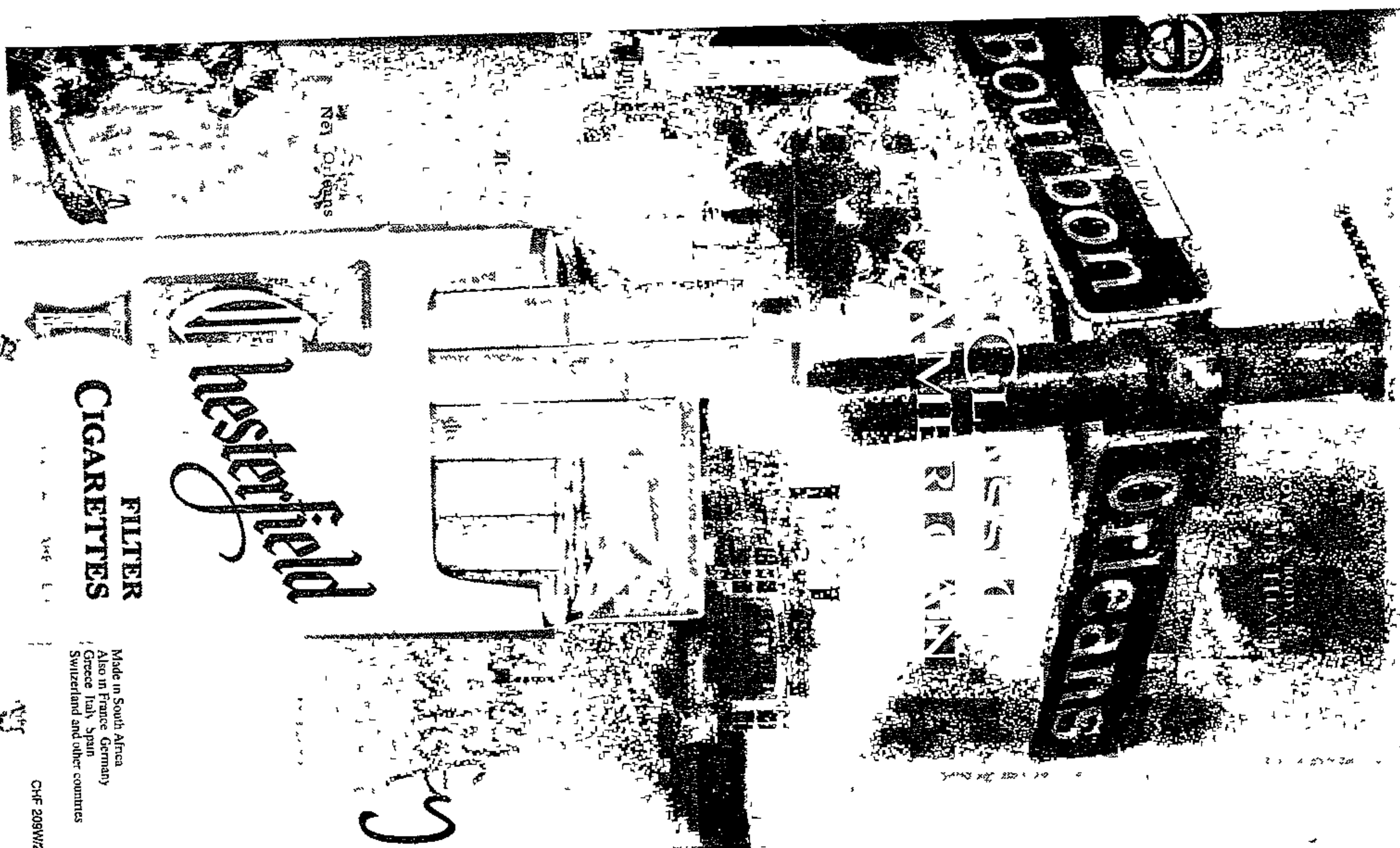
Sibanyoni said the boy's mother and her boyfriend had left the child at her house when he was five months old after they discovered he was mentally retarded.

Regional director for the health and welfare department, McFaida Kumalo, said negotiations for him to be temporarily housed at the Sihindokhule school for the mentally disabled in Mangweni were underway.

She said the teenager qualified for a R490 monthly care dependency grant - Sapa

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explained to him and she suggested he go somewhere else. But he said he would wait for the young visitors.

She then went to work on November 14 and left her son in the house, but when she came back he was gone and she noticed he had taken only one pair of shoes.

He phoned the next day to say he had gone where Lolo was but then the phone was cut off.

Then a search started that lasted nine years. Mrs Shabalala reported the matter to the police. They visited the Shabalala house and wanted to know if the family were political.

"We said we are not a politically aware family but that Sibonisa

then she believed his client had killed the boys, she replied. "Yes, she did kill them, just like she killed Stompie."

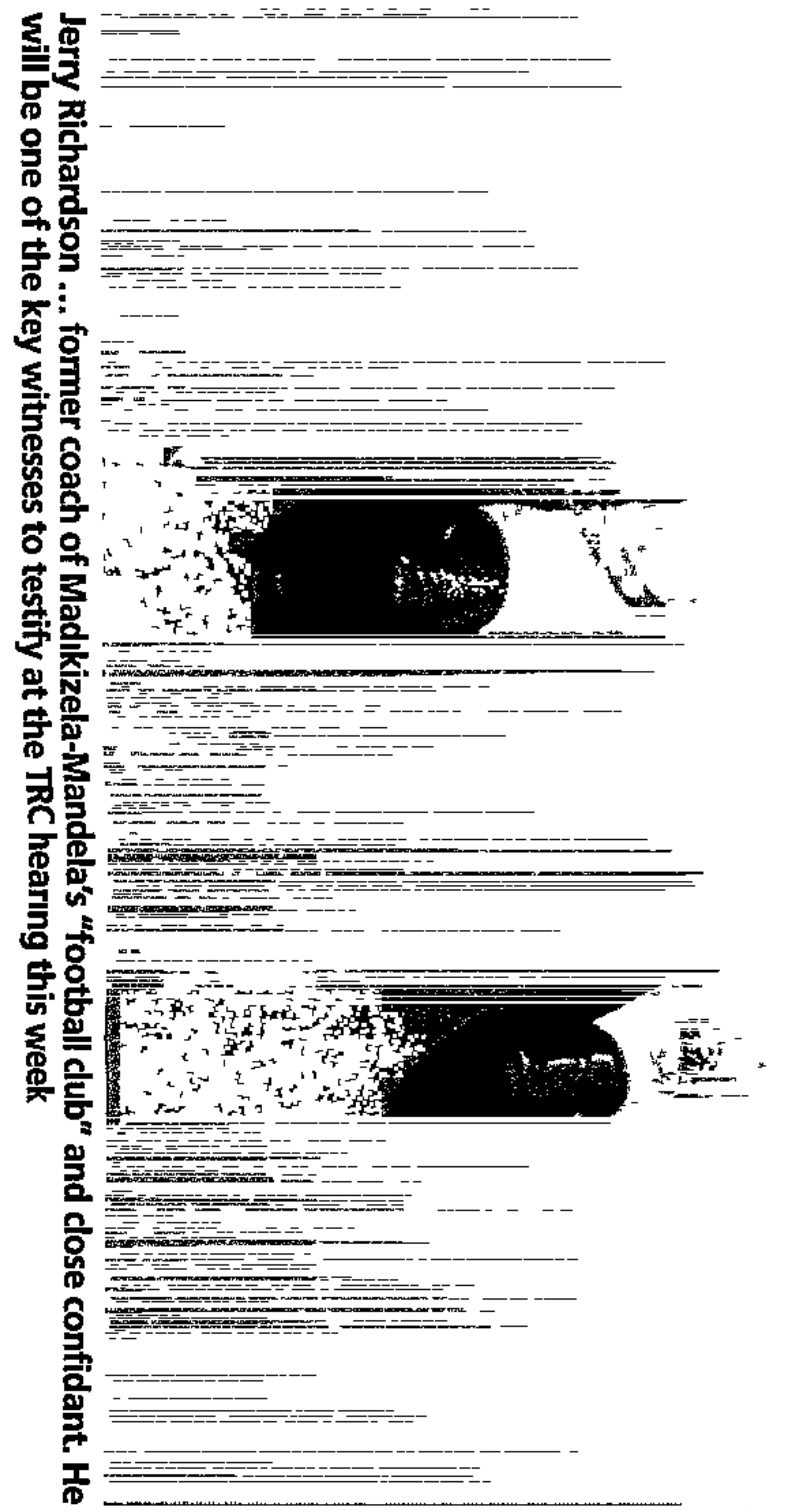
Semenya said Madikizela-Mandela had said she did not know the two young men.

"Winnie knows Lolo and Sibonisa, deep down she knows that," replied Mrs Shabalala.

She said she had never complained to Madikizela-Mandela because of the "bodyguards".

"I am scared of her now," she said Mrs Shabalala added "I want Sibonisa or his body and bones".

Another witness, Jerry Richardson, who has applied for amnesty, has admitted he killed



**Jerry Richardson ... former coach of Madikizela-Mandela's "football club" and close confidant. He will be one of the key witnesses to testify at the TRC hearing this week.**

**Father says that he pleaded in vain for life of his 'police spy' son, writes Anso Thom**



**Nicodemus Sono ... believes that he failed his son Lolo.**

Nicodemus Sono told the TRC he last saw his son, Lolo, in the presence of Winnie Madikizela-Mandela who accused Lolo of being a police spy.

November 13 1988 in the back of Madikizela-Mandela's minibus in front of his house, Lolo has been missing ever since.

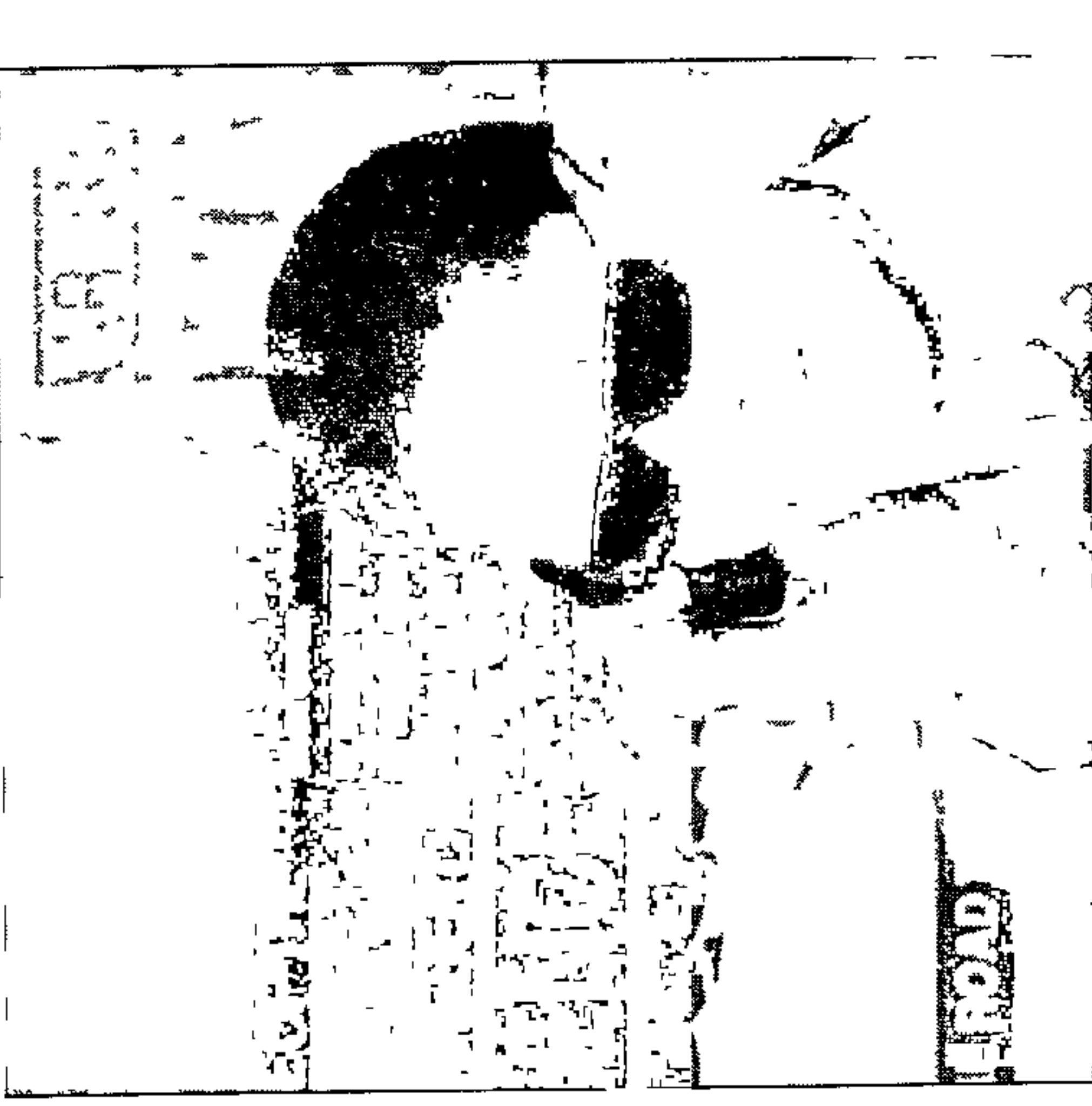
Mrs Mandela was in the passenger seat Lolo was being restrained by two men in the back seat and I was in the middle seat Lolo's face was bruised and puffed and he was shaking.

Mrs Mandela turned to me and told me Lolo was a police spy. "When Lolo tried to say something he was told to shut up by Mrs Mandela. She said the two MK comrades, who were killed earlier that week at Jerry Richardson's house by the security police, had been sold by Lolo I started pleading with her I understood he had to be punished, but Mrs Mandela raised her voice saying 'I can't leave him with you, he's a spy'."

"I asked her if I could get a full statement 'but I never heard from them'". Madikizela-Mandela told the TRC Sono had never raised the issue of his son's disappearance with her. She said she had employed Lolo as a courier and the last time she saw him was when she picked him up at his house and dropped him off somewhere with a friend.

"I got out and pleaded again, but she ordered the driver to pull off. That was the last time I saw my son."

Sono said he continued to confront Madikizela-Mandela, but that she failed to give him clear answers. He reported his son's disappearance to police, giving them a full statement "but I never heard from them".



DEBBIE YAZBEK



THEMBA HADEBE



THEMBA HADEBE

**led to her being beaten and kicked, reports Anso Thom**

One of the first witnesses, Maggie Phumhle Dlamini, accused Winnie Madikizela-Mandela of assaulting her after discovering they were having a sexual relationship with the same man.



**Dlamini ... assault continued for five hours.**

Dlamini told the TRC that her brother Tholakele (Tholi), a former member of the Mandela United Football Club (MUFCC) was shot dead when he left the club after two assaults on his sister.

During November 1987, Dlamini went to look for her brother at Madikizela-Mandela's house. There, she met one of Madikizela-Mandela's drivers, Johannes "Shakes" Tau, and the couple fell in love.

"Shakes was staying at Winnie's place, but he was sleeping in the dining room. Not long after we fell in love, Shakes told me that Winnie had come to him in the middle of the night and got under the blanket with him. Shakes advised me to deny Dlamini told the commission.

Dlamini claimed she was "slapped in the face" by members of the MUFCC and Madikizela-Mandela. When Dlamini and a friend said they didn't know where Shakes was, Madikizela-Mandela allegedly told the MUFCC members to "see to it that I told the truth".

"Many members beat us with their fists and slapped us. They continued for about five hours until Zuzi (Madikizela-Mandela's daughter) came home and stopped the assault. "She told me to wash my face before Jerry Richardson and John Morgan took me home."

Dlamini's brother Tholi, left the club a few months later. She said he testified on activities of the MUFCC at Protea police station, but in the same week, Dlamini found her brother's body in a pool of blood, a few metres from their home.

Breaking down as she described the events, Dlamini said she rushed to the scene after hearing shots nearby. She said he had been shot in the head by a close friend and MUFCC member Szwie Sithole.

"I loved Winnie as a mother and trusted her, but my views changed," she said. Madikizela-Mandela's lawyer said that Dlamini's testimony was a figment of her imagination.





**WATCHFUL:** Winnie Madikizela-Mandela listens to Katiza Cebekhulu, who told the TRC he had seen her killing Stompie Seipei. **PICTURE: BENNY GOOL**

**ACCUSER:** Katiza Cebekhulu came face to face with Winnie Madikizela-Mandela when he testified as one of her major accusers. **PICTURE: BENNY GOOL**

# Katiza's Journey 'incorrect'

CT 26/11/97 (252)

**ROGER FRIEDMAN**

**JOHANNESBURG:** In another twist to Ms Winnie Madikizela-Mandela's saga, Mr Katiza Cebekhulu yesterday admitted to the Truth and Reconciliation Commission that some information in the recently published book, *Katiza's Journey*, was incorrect.

While Cebekhulu initially stuck to his guns that he saw Madikizela-Mandela stab to death an already brutally assaulted teenager, Stompie Seipei, he acknowledged during cross-examination that it was dark and he could not see whether it was Seipei being stabbed, or where in the body Madikizela-Mandela was alleged to have twice plunged her knife.

Tackled by counsel for Madikizela-Mandela, Mr Ismael Semanye, on his vivid description in the book of being driven to a meeting with Madikizela-Mandela in 1991 at the Shell House headquarters of the African National Congress,

Cebekhulu admitted that he did not know which building he was taken to when it was pointed out that the ANC had not yet moved into Shell House.

Cebekhulu conceded that there were passages in *Katiza's Journey* by British journalist Fred Bridgland, in which he was incorrectly quoted. But asked to identify the passages, he said the book was "very big" and he "cannot answer about the whole book".

Earlier, led through his evidence-in-chief by his counsel, Mr S L Joseph, Cebekhulu listed a range of gross human rights violations he alleged to have seen Madikizela-Mandela committing.

These included watching Madikizela-Mandela sjambok Seipei and teenager Lolo Sono, who subsequently disappeared.

He also claims to have heard

local doctor, Abu Baker Asvat, question Madikizela-Mandela on Seipei's condition. Asvat was murdered shortly after Seipei.

His testimony to the TRC's special inquiry into the Mandela United Football Club was brought forward at his request, said TRC chairperson Archbishop Desmond Tutu, after Cebekhulu had wanted to return last night to Britain. He was fearful he could be arrested in the light of the defamation charges laid against him by Madikizela-Mandela on Monday night.

Yesterday was possibly the trickiest the commission has ever faced. There was another stream of serious allegations against Madikizela-Mandela, more stifling heat, several witnesses readily admitting having lied under oath, and a particularly vitriolic witness in Ms Xoliswa Falati.

**'I saw her kill Stompie Seipei'**

She served a short prison sentence for the kidnap and assault of Seipei — which she now claims she endured to cover-up Madikizela-Mandela's role in the crime.

Falati linked her erstwhile friend to a number of grisly crimes, and strongly urged the commission to search for the bodies of four alleged victims of the football club she had heard were thrown down a mine-shaft.

Falati directed a string of allegations against Madikizela-Mandela.

She said she was made to sing to drown out the cries of football club victims, and then flown to Durban to fabricate a story to protect Madikizela-Mandela, that Madikizela-Mandela had a "relationship" with security policeman Mr Paul Erasmus, whom she saw "going into Madikizela-Mandela's bedroom late at night", and that she had heard of Madikizela-Mandela's involvement in several murders.

☐ Turn to Page 7





DAMNING TALES: A fiery outburst from Xoliswa Falati yesterday

PICTURE: BENNY GOOL

# Angry Falati lashes out at Winnie

□ From Page 1

CT 26/11/97

(252)

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She dehumanises a person. She reduces a person to nothing. She regards herself as a demigod."

Her convoluted answers came closer than any past witness to driving the usually affable and generous Tutu to distraction

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At the end of her evidence, Tutu, who usually has a kind word for departing witnesses, admitted he did not know what to say.

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(252)

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# Falati testifies on Dlomo killing

AP/03

of 5/27  
**Nomavenda Mathiane  
and Stephen Laufer**

WINNIE Madikizela-Mandela told her associate Xoliswa Falati that she had "wiped" out Soweto student activist Sicelo Dlomo because he was supplying information on her to the SA Council of Churches, the truth commission heard yesterday.

Falati told the commission that Madikizela-Mandela had been excitedly preparing for her first rally in KwaThema on the East Rand when she had related Dlomo's fate. Asked if she had carried out the killing herself, Madikizela-Mandela had replied that "Sizwe is doing the disciplinaries", a reference to Sizwe Sithole, who died in police custody in early 1990.

Sithole was the father of one of Madikizela-Mandela's daughters, Zinzi Mandela-Hlongwane.

Dlomo, who was released from detention shortly before being found shot dead, was long believed to have been a victim of the security forces.

Testifying in a marathon four-hour session which saw emotions rise and tempers fray Falati said she had parted ways with Madikizela-Mandela after a scuffle during a late night confrontation after an engagement party for Madikizela-Mandela's daughter Zinzi.

(252) P20 26/11/97  
"She tried to open the zip of her bag. I knew there was a pistol there and knew I had served my purpose to her by protecting her from prosecution in the murder of Stompie Seipei."

Falati said she had perjured herself and taken the blame for Madikizela-Mandela because it was an African custom to lie to protect one's leaders.

When Mandela's lawyer Ishmail Semanya told her that she had changed her story about Mandela because Mandela had refused to pay for her appeal, Falati said she would have told that story to the African National Congress government, not the ex-regime.

Almost screaming, she said her hands were not dripping with the blood of her comrades, that she had never compromised her comrades, and she had also not compromised Mandela.

Falati said Mandela owed her an apology and that she should be grateful to her because "I served a jail sentence for her".

Challenged by commission council Hamf Vally, Falati apologised to Methodist Bishop Paul Verryn, saying she was sorry for the fact that he had been accused of sexually abusing young boys in his care while a priest in Soweto in the 1980s.

"I want to ask for his forgive-

ness. He harboured us as destitute and displaced comrades without wanting anything in return, unlike her," she said in a reference to Madikizela-Mandela.

Falati said she had reported complaints from Katiza Cebekhulu and other residents of the Methodist manse to Madikizela-Mandela because "I thought she would intervene in a leadership way, not in a brutal way" It had not been her intention that the young men should be assaulted.

But lawyers for other parties at the hearings said their clients had reported Falati participating in the assaults on the youths abducted from the manse.

Falati denied taking part in the assaults, saying Madikizela-Mandela had ordered her to sing to drown screams of the victims.

Falati claimed Madikizela-Mandela "dehumanised" people and saw herself as a demi-god.

Falati also claimed she had been to a mine shaft with Madikizela-Mandela's driver John Morgan, who had claimed to have dumped the bodies of young men who were killed.

Falati asked the commission to exhume the bodies. She had a diagram of the shaft's location, she said. Commission chairman Archbishop Desmond Tutu replied this process was already under way.



## Witness claims he was assaulted by Winnie

BD 26/11/97  
Stephen Laufer

(252)

ONE of the young men presented as a witness who would back her version of events by Winnie Madikizela-Mandela at a media conference last month yesterday told the truth commission she had participated in an assault on him, Stompie Seipei, and two other young men abducted from the Methodist manse in Soweto in December 1988.

Pelo Mekingwe, now an SA National Defence Force soldier, said the four young men had been accused of having sexual relations with a white priest, Methodist churchman Paul Verryn.

After hitting him and the others in the face with her bare hand, Madikizela-Mandela had left the room where the youths were then further assaulted. Other witnesses have claimed she participated in the entire beating which ultimately led to Seipei's death.

Mekingwe said he had left SA with the assistance of the African National Congress (ANC) Youth League before he was due to give evidence in Madikizela-Mandela's abduction trial.

He had not feared giving evidence, and his decision to leave SA had not been related to the trial. He had been trained in Zambia as an Umkhonto we Sizwe guerrilla and had attended the ANC's Solomon Mahlangu Freedom College in Tanzania.

Mekingwe said he had been in regular contact with Madikizela-Mandela since his return to SA. She had given him financial assistance, and her office had arranged his plane ticket to Johannesburg to participate in the October news conference.

Mekingwe and other young men presented at the news conference were not allowed to speak and reporters were not allowed to question them. Asked why he had appeared at the conference, Mekingwe said he wanted to counter reports he had been kidnapped and murdered on Madikizela-Mandela's orders.

Mekingwe admitted yesterday he had been involved, with the coach of Madikizela-Mandela's football club, Jerry Richardson, in an attempt to kill club member Lerotodi Ikaneng. Richardson had slit his throat and ordered him thrown over a bridge.



Advocate Ishmael Semanya seated next to her client Winnie Madikizela-Mandela, right, while Xoliswa Falati, below, gives evidence to the commission.

Picture Trevor Samson

## Parents' long wait ends at hearing

Nomavenda Mathiane

MOTHERS of the victims of the Mandela United Football Club's reign of terror sat quietly, listening as witnesses described the brutal events that might link Winnie Madikizela-Mandela to the club's activities.

Caroline Sono, mother to Lolo, who disappeared after Madikizela-Mandela took him away, allegedly to join the liberation movement, heard how the bodies of her son and two others were thrown into a mine shaft.

"I have waited so long to hear what happened to my son. Now that I know, I feel helpless," said the woman who yesterday had been a tower of strength, giving support to her husband Nicodemus, who gave testimony on how he had begged Madikizela-Mandela to give him back his son.

After testimony by Xoliswa Falati, Sono said the knowledge that her son was thrown into a mine shaft made her feel weak.

"Winnie can never know the pain she has caused us," Sono said.

Seated behind Seipei was Zora Asvat, the widow of Soweto doctor Abu-Baker Asvat, who was murdered at his surgery. She heard how her husband visited Madikizela-Mandela's house, and of the row that had ensued between Madikizela-Mandela and Asvat.

She sat quietly next to her son Sulliman, who was 12 when his father was murdered. He is now 20.

Next to the window sat Joyce Seipei, mother of Stompie — the Tumahole youth who was abducted from the Orlando West Methodist church and taken to Madikizela-Mandela's house, from where he disappeared.

After Falati's testimony, Seipei said she was disappointed in the truth commission for not uncovering the truth. She said she wanted to know who the people were who said her son was an informer.

She said if the truth commission was about discovering the truth, then it should reveal the

names of those people.

Seipei said she also hoped the commission would make it possible for her to talk to Madikizela-Mandela, because since her son died, Madikizela-Mandela had not once spoken to her.

She said soon after her son's burial, Madikizela-Mandela sent her — through "certain" members of the African National Congress — a sheep. The members told her that the sheep was atonement for what had happened. She accepted the sheep not because she was starving, but because she wanted to show Madikizela-Mandela that she did not hate her and wanted to "open the door" for her to come and tell her what happened to her son.

She said as a mother, Madikizela-Mandela owed her an explanation.

"I would like to know how she would feel if I kept quiet about a bad thing which I had done to her son," said Seipei.

Throughout the day Madikizela-Mandela smiled.

## Falati gets on Tutu's wrong side

(252)

Stephen Laufer  
BD 26/11/97  
INCREASINGLY irritated by Xoliswa Falati's continual emotional diatribes against Winnie Madikizela-Mandela, Archbishop Desmond Tutu yesterday threatened to invoke the commission's disciplinary powers.

Falati was "in contempt" of the commission, Tutu said, as Madikizela-Mandela's former close associate ignored pleas to stick to the facts rather than making increasingly wild accusations.

Falati had the audience laughing when she accused Madikizela-Mandela's lawyer, advocate Ishmael Semanya, of denying a particular version of events "because you are a typical Xhosa".

Minutes earlier, she claimed train massacres prior to the 1994 election had been started by Madikizela-Mandela's football club.

Tutu responded by appealing to Falati to "please refrain from this extraordinary stuff". Later, Tutu took a sterner line, telling Falati not to "make a circus" of the proceedings.

Falati appeared intent on wringing an acknowledgement from Madikizela-Mandela that she had saved her former patron from jail by herself taking the rap for the kidnapping of Stompie Seipei. "She should be grateful I served her sentence for her," Falati said when asked whether she loved Madikizela-Mandela.

The tense exchanges between Tutu and Falati came as the commission chairman battled to keep the proceedings on schedule. The commission sat for close to 12 hours yesterday.

But Falati would not be persuaded until Tutu turned to her and said "Hey, wena, sissi! If you do this again, you are going to be in trouble. You have overstepped. You want to see us angry. I'm giving you a very last chance. Rather keep quiet, if you cannot control your emotions."

Tutu later told Falati he appreciated that she was under considerable strain and carried "a burden of pain".





# Walus's truth commission evidence

PD sb 11197

(252)

**PRETORIA** — Convicted assassin Janusz Walus yesterday contradicted earlier evidence by accomplice Clive Derby-Lewis about the 1993 murder of SA Communist Party leader Chris Hani.

Walus told the truth commission in Pretoria Derby-Lewis had given him a Z88 9mm pistol with a silencer and three rounds of ammunition before the killing, but Derby-Lewis said in August that he had not yet given Walus the ammunition when the murder was committed on April 10 1993.

He also testified that he intended

giving Hani's assassination more thought before it was carried out.

Walus said Derby-Lewis had never expressed doubts to him about the plot to kill Hani. Walus had believed Derby-Lewis wanted to hasten the murder. "But I believe he had doubts inside, and I accept that as the truth," Walus said.

Walus, a Polish immigrant, and Derby-Lewis, a former Conservative Party MP, were convicted in 1993 of the slaying of Hani outside his Boksburg home. Both were sentenced to death, but the sentences were later commuted to life imprisonment.

They are seeking amnesty for the crime on the grounds that Hani was a legitimate military target.

Under cross-examination by George Bizos, acting for the Hani family, Walus said Derby-Lewis had proposed that Hani be killed before the Easter weekend.

"I saw that as a suggestion of speeding up the process. He did not say it must not be done." Uncertainty arose during the hearing over whether the wording of Derby-Lewis's statement meant that he had actually voiced his doubts about the plot to Walus.

1993 that more liberation leaders were in line for assassination

"They are all bastards. The one is only more dangerous than the other. Clive is a guy with balls. He will know what to do," he said in a statement read by Bizos.

Walus contested the correctness of the statement, and claimed police had inserted paragraphs for their own purpose.

He admitted that he once drove past Mandela's Johannesburg home, saying this was at about noon at the end of 1992 or in early 1993.

Disputing Walus's version, Bizos

Walus was extensively questioned about an amendment to his initial amnesty application, saying he murdered Hani on Derby-Lewis's instructions.

In the first version, Walus stated that he had acted alone. Derby-Lewis had helped him compile that statement, Walus said.

He said he had amended his statement on the advice of his lawyer, who said the initial application had not fully disclose the facts.

Bizos contended that the changes were made after Walus saw a television programme suggesting he was

said neighbours saw him from their driveway on the evening of July 12 1992. He submitted that Walus was alarmed and sped off when the neighbours turned around to enter their house. Walus's vehicle stopped at traffic lights in Central Street, Bizos said.

"They had a good look at you and at the bakkie with bullet holes," Bizos said. The neighbours later recognised Walus from photographs after his arrest.

Walus reacted by saying he had been driving a red Ford Laser and denying that he stopped. — Sapa

more likely to be granted amnesty if he said that he was ordered to assassinate Hani.

Walus also denied evidence submitted by Derby-Lewis's wife Gaye during the criminal trial, that he accidentally took a hit list from the Derby-Lewis home. The list contained the names of senior African National Congress politicians, including Hani, Nelson Mandela and Joe Slovo. "The list was given to me by Clive," he said.

In earlier evidence, the amnesty committee heard that Walus allegedly told police interrogators in April

# contradicts Derby-Lewis



# Law on sodomy 'unconstitutional'

Taryn Lambert

THE National Commission for Gay and Lesbian Equality and the SA Human Rights Commission yesterday asked the Johannesburg High Court to declare the unconstitutional the criminalisation of same-sex activity between consenting adult males.

The coalition claimed in court papers that the common law of sodomy and unnatural carnal acts and the Sexual Offences Act, which criminalised same-sex activity between consenting adults, was not in line with the constitution.

The respondents in the matter, Justice Minister Dullah Omar and Safety and Security Minister Sidney Mufamadi, have not opposed the application, but the coalition's application must be approved by the High Court before it can be referred to the Constitutional Court.

Beginning the coalition yesterday, senior advocate Gilbert Marcus

BD 26/11/97 (252)  
said the inclusion of sodomy as a schedule one offence in the Criminal Procedure Act and the schedule to the Security Officers Act had a "severely negative effect" on his clients' lives.

Marcus said the inclusion of sodomy in the Criminal Procedure Act as a schedule one offence meant a police officer without a warrant could arrest a person he reasonably suspected of having committed sodomy. The act gave the police officer power to pursue the person if he resisted arrest and to use "force" if necessary, which demonstrated the "malicious consequences of the criminalisation of sodomy", Marcus said.

He said the law forced gay people to hide their sexual orientation and relegated them to life as "second-class citizens". He said in terms of the constitution gay people were entitled to be treated in a manner which did not impair their dignity.

The case continues before Judge JA Heher today.

## ANC suspension of De Lille slated by opposition parties

Wyndham Hartley

CAPE TOWN — The African National Congress (ANC) yesterday used its parliamentary muscle to force through the suspension of Pan Africanist Congress (PAC) MP Patricia de Lille for alleging that senior ANC members were apartheid spies.

The vote came amid opposition charges that Parliament was being turned into a kangaroo court and that it was an ominous day for freedom of speech. De Lille vowed that she would use the courts to protect her constitutional rights to natural justice.

De Lille is the first MP to be punished for remarks in the house regardless of her subsequent withdrawal. The ANC justified the ruling on grounds of the seriousness of her allegations.

The National Assembly ruled that De Lille should be punished for having named senior members of the ANC as apartheid spies in an assembly debate last month. It approved the recommendation made by the ad hoc committee set up to investigate her conduct that she should apologise in writing to those named as spies and also be suspended for 15 parliamentary working days.

Earlier in the day, a marathon session of the committee rejected a suggestion from Douglas Gibson of the Democratic Party (DP) that De Lille

BD 26/11/97  
simply apologise after her earlier withdrawal of her remarks.

All opposition parties in the debate on the report of the committee opposed the sanctions against de Lille.

Douglas Gibson (DP) said the ANC had to be careful about setting a precedent. When Mineral and Energy Affairs Minister Penuell Maduna's attack on the auditor-general came up for debate next year, the DP would insist that he be treated like De Lille.

Gibson said he would be happy to see the matter end in the Constitutional Court. He said the committee hearings had been a "farce" and a "kangaroo court", with the chairman arriving at the first meeting with a finding and a sentence already worked out.

PAC MP Mike Muendane said the decision flowed from majoritarian arrogance. The entire proceedings had failed the test of natural justice since the ANC as the aggrieved party had, through its parliamentary majority, also been judge and executioner.

The Inkatha Freedom Party and the Freedom Front, rejected the committee's report.

The ANC stand-in chairman of the ad hoc committee, Moses Chikane, told the National Assembly De Lille had been given a severe sentence because she had shown no remorse and had questioned the committee's legality.

# Confusion Over

# Winnie's Assault

**JOHANNESBURG:** A TRC investigator denied yesterday that she had made any attempt to influence a witness in his evidence at the Winnie Madikizela-Mandela hearing. **ROGER FRIEDMAN** reports

THE Mandela United Football Club inquiry found itself becalmed in mid-morning yesterday when it emerged that the Truth and Reconciliation Commission had provided Ms Winnie Madikizela-Mandela's legal team with two versions of a witness' statement, one specifically implicating her in an assault on him and the other clearing her of involvement.



Asked to explain the discrepancy, Mr Gabriel Pelio Mekgwe said he had changed his mind about his story after being warned by a commission investigator that if his statement differed from that given in the Stompie Seipei murder trial he could end up in prison.

Mekgwe was one of four people, including Seipei, allegedly abducted from the Methodist Manse in Orlando West by members of the Football Club, and taken to Madikizela-Mandela's house in Diepkloof for a beating. They were apparently accused of homosexual activities with the resident priest, the Rev Paul Verryn.

After that Mekgwe's story becomes confused. In his evidence at the Seipei murder trial, he said Madikizela-Mandela started the assault, using a sjambok and her fists.

In the version of the statement handed to the media yesterday, he said Madikizela-Mandela took part in questioning them, but did not speak in an aggressive manner. "Winnie left at some stage, but she was there when I was assaulted."

Asked by the commission's Mr Hanif Vally if Madikizela-Mandela had started the assault, he replied that she had not.

But when Mr Ismail Semanya, for Madikizela-Mandela, cross-examined Mekgwe he produced two different versions of Page 18 of Mekgwe's statement to the commission and demanded an explanation.

Vally tried to clear up the problem, explaining that the

typed statement was produced by the commission from an original hand-written statement taken by investigator Ms Luela Groenewald.

The problem was that the original statement was contradictory, he said, and Groenewald had merely tried to iron out the contradiction, after checking with Mekgwe.

The original statement said "Winnie Mandela arrived before the accusations. She was brought a chair to sit down. Winnie left at some stage. I'm not sure she was part of the assault."

Then it appeared to contradict itself. "The story I told in court was true. Winnie Mandela was there while I was assaulted."

Archbishop Desmond Tutu was as confused as anyone. "Are you able to make your client tell us what we should believe?" he appealed to Mekgwe's lawyer, Mr Sanjay Makanjee.

Commissioner Mr Dumisa Ntsebeza tried to intervene

"I'm trying to find out how to establish when you are telling the truth, and when not" — but, quickly gave up.

Tutu called Groenewald to the stand. She denied Mekgwe's accusation that she had warned him: he would be in trouble if he changed his story from that told at the trial.

"There was no attempt at manipulation. I did not influence him in any way. I believed I was helping him when I pointed out that he could be committing a criminal offence if he lied," she said.

Mekgwe initially indicated that he could not remember if Madikizela-Mandela was present at the assaults, but finally concluded she had been, Groenewald said. She had tried to accurately reflect his story in the final statement.

"What explains the differences in the two Page 18s?" Semanya demanded. "Mekgwe changing his mind," Groenewald responded.



# Hani's killer parked near Mandela home — Bizos

(252) CT 26 11 97

PRETORIA Convicted assassin Janusz Walus was seen near President Nelson Mandela's Johannesburg home in 1992, the Truth and Reconciliation Commission heard yesterday

"I had some business in the vicinity and wanted to view Mr Mandela's house," Walus told the TRC's amnesty committee in Mamelodi

He and former Conservative Party MP Clive Derby-Lewis were convicted for the 1993 killing of South African Communist Party leader, Chris Hani, outside his Boksburg home. Both are seeking amnesty on the grounds that Hani was a legitimate military target

Mr George Bizos SC, acting for the Hani family, asked Walus if he had parked across the road from Mandela's Houghton home in a white bakkie with bullet holes

Walus replied that he had driven past the house once, at about noon on a day at the end of 1992 or early in 1993

He said he obtained the address from a hit list given to him by Derby-Lewis

Disputing Walus' version, Bizos said (Mandela's) neighbours saw him in the area on the evening of July 12, 1992

Bizos submitted that Walus became

alarmed and sped off when neighbours, who were standing in their driveway, turned around and went back into their house. The bakkie stopped at traffic lights in Central Street, said Bizos. "They had a good look at you and at the bakkie with the bullet holes"

The neighbours later recognised Walus from photographs after his arrest

Walus said he was driving a red Ford Laser and denied that he had stopped

Earlier, he had testified that he and Derby-Lewis started talking about an assassination target in early 1993, after Derby-Lewis showed him a hit list of some prominent African National Congress figures

Bizos: "Did you agree to eliminate a selected member?"

Walus: "I agreed to do what was necessary, according to Clive. We always spoke about one target"

Walus said they realised that improved security measures after Hani's killing would make further assassinations impossible

Between 70 and 100 people, including Hani's widow Limpho, attended the amnesty hearing at Vista University. — Sapa

# Madiba is cleared of any Katiza involvement

ART 26/11/97  
President Nelson Mandela has been cleared of any involvement in spirited out of South Africa his former wife's co-accused and now chief accuser, Katiza Cebekhulu.

After being taken by African National Congress members to Swaziland, Mozambique and Angola, Mr Cebekhulu was held in a Zambian jail for more than two years, supposedly for his own safety, before being released through the efforts of British human rights campaigner and former MP Emma Nicholson.

Responding to a question by Truth Commission member Dumisa Ntsebeza, Baroness Nicholson said she had originally been told by Zambian President Frederick Chiluba that his country's records appeared to show that the order to send Mr Cebekhulu from South Africa in 1991 had come from Mr Mandela, who was not then president. "I gave that point no rating at all," she said.

In a subsequent interview with former Zambian president Kenneth Kaunda, who had been president at the time of Mr Cebekhulu's detention in 1991, Baroness Nicholson was told the message asking that Mr Cebekhulu be detained had not come from Mr Mandela, but from then ANC president Oliver Tambo.

She said that even if Mr Mandela had given the order, she would have regarded it "a very good move" because it had saved his life.

Subsequently many countries, including the United States, Canada, Sweden, Denmark and Britain, had refused to accept Mr Cebekhulu as a refugee or even a visitor "on the grounds that the South African Government had indicated a level of disapproval that would harm inter-governmental relationships and they could not take that risk". He eventually went to Sierra Leone.



# Killing is not pleasant, Hani assassin tells TRC

ARL 26/11/97

(252)

Pretoria - Killing was not pleasant, convicted assassin Janusz Walus told the Truth and Reconciliation Commission today.

Testifying in Pretoria in his amnesty application for the 1993 murder of SA Communist Party leader Chris Hani, he said "Feelings of killing are not pleasant. Nothing positive comes from that."

Cross-examined by George Bizos for the Hani family, Walus declined to say whether anything had been achieved by Mr Hani's death. "History will show what happened," he said through an interpreter.

"I cannot foresee what would have happened if Mr Hani was still alive."

Mr Bizos: "I would have expected you would have shown some remorse, and not leave it to history to justify your acts."

Walus: "Why does Mr Bizos expect remorse from me?"

Walus today said he had expected a few hundred people to die in the chaos he and former MP Clive Derby-Lewis intended sparking through the assassination.

The victims would have been whites killed by angry Hani supporters, who would in turn have died as a result of counter measures by the security forces.

"Our main objective was to cause chaos in the country," said Walus.

That was to have united the rightwing and caused the army and police to intervene, preventing a takeover by the African National Congress.

Walus said he and Derby-Lewis had had only superficial discussions on the nature of the chaos they had hoped to create.

The number of deaths as a result would have been contained by swift action from the security forces - Sapa

# Stompie - bishops for Verryn tells Winnie: 'I want to forget TV deb

There were more than 30,000 children were being with the human agency virus - one in every 1000 children were born with the virus. More than 5.8 million people died last year at a rate

JOHN YELD:  
ON THE TRUTH COMMISSION

Johannesburg - An emotional Methodist bishop Paul Verryn - the man Stompie Seipel was staying with when he was allegedly abducted on the orders of Winnie Madikizela-Mandela - today apologised to the mother of the murdered teenage activist.

Bishop Verryn was speaking with what truth and Reconciliation Commission chairman Archbishop Desmond Tutu

described as "a broken heart"

Close to tears and speaking with a breaking voice, Bishop Verryn told Joyce Seipel that he still agonised over his part in the chain of events which had started with the abduction of 14-year-old Stompie and three other young men from his Soweto house.

The four were abducted on December 29, 1988 by members of the Mandela United Football Club.

They were taken to Winnie Madikizela-Mandela's home and brutally assaulted, and Stompie was murdered some days later.

The alleged motivation for the abduction was that Stompie had been a police informer while the other three had engaged in sexual activities with "the white priest" - Bishop Verryn, then resident minister of the Orlando section of the Methodist Church.

"The thing that has been most difficult for me is that having heard the allegations, I did not remove him (Stompie) from the mission house and get him to a place where he could be safe - and if I had acted in another way he could still be alive today," he said.

He then turned to Mrs Madikizela-Man-

del, who is at the centre of the commission's "special event" hearing into the activities of the Mandela United Football Club during the late 1980s.

Addressing her directly, Bishop Verryn said "My feelings about you have taken me in many directions. I long now for our reconciliation."

"I have been very profoundly affected by some of the things you have said about me. You have hurt me and cut me to the quick."

To page 6

turned over, the mother calling the 29th week of

## Stompie: bishop's torment

From page 1

Bishop Verryn said he struggled with ways to forgive her - even if she didn't want his forgiveness - and to find a way in which they could be reconciled "for the sake of this nation which God loves so deeply".

"And so I sit before you and want to say that to you," he told her.

Mrs Madikizela-Mandela looked at him impassively.

Lawyer Ishmail Semanya, representing Mrs Madikizela-Mandela, said his client wanted to communicate with Bishop Verryn but would do so "outside this camera scenario".

Archbishop Tutu said "I'm speaking now as a pastor. I'm hoping that this engagement between you will happen as soon as possible so that the burden you have been carrying for so

(252) 26/11/97 ARG

long will be lifted"

Answering questions by his legal representative, Bishop Verryn said, his mission house had been a refuge to between 10 and 20 young men at the time.

These were people who were escaping security police harassment and detention.

He denied any form of sexual contact with any of those using his house, and explained that there were only three beds in the house and that beds - including his own double bed - had been shared.

"This was not an unusual thing in the townships. I think it would have been intolerable (not to have shared the bed)," he said.

Bishop Verryn was given a standing ovation when he finished his testimony.



AKU 06/11/97

# 'I saw Winnie stab Stompie to death'

## 'Mother of the Nation' faces her accuser at TRC hearing

(APR)



ON THE TRUTH COMMISSION

Johannesburg - Katza Cebekhulu's "journey" ended when he told the Truth Commission he saw Winnie Madikizela-Mandela stab teenage activist Mooketsi "Stompie" Seiper to death in 1988.

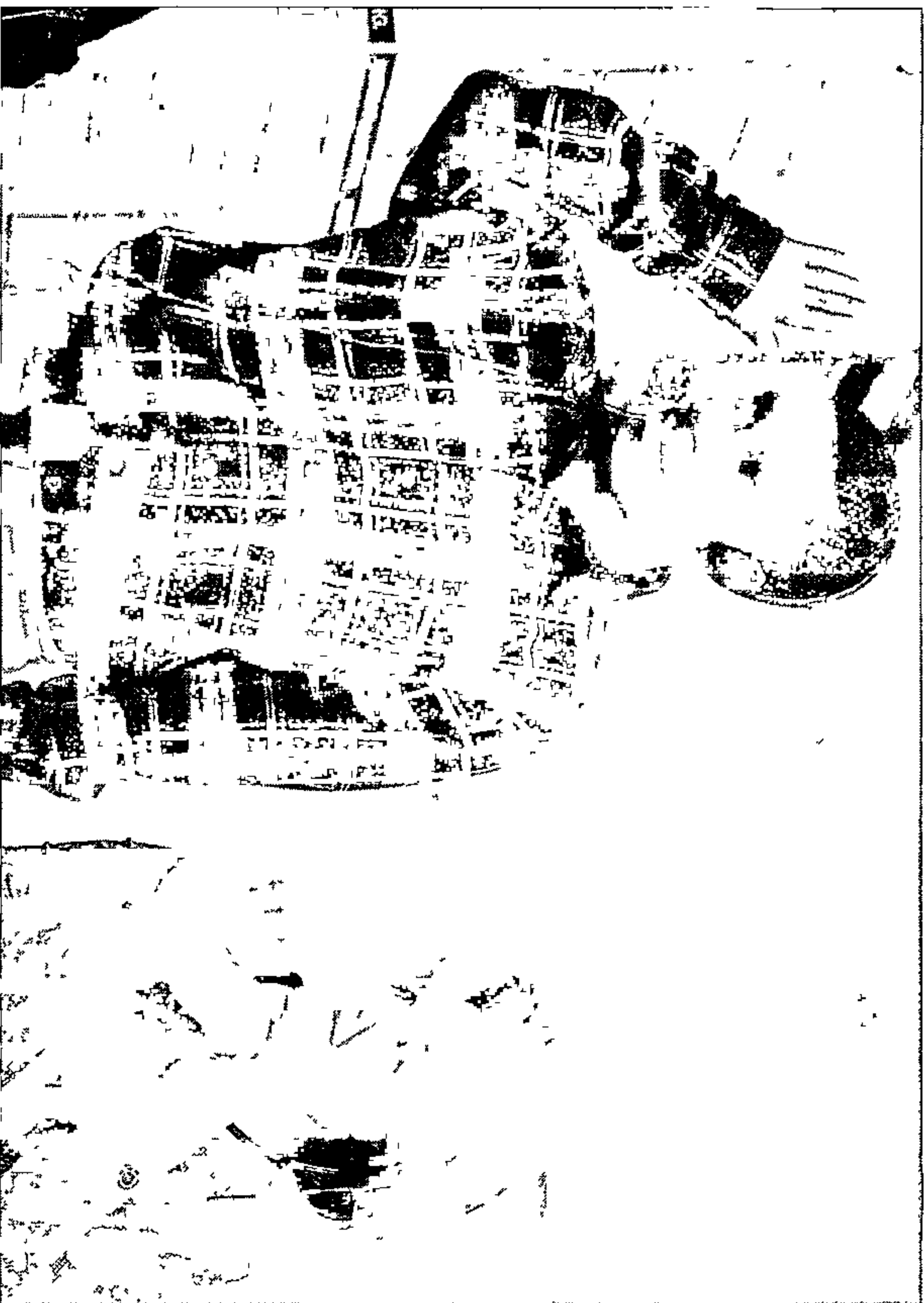
"I saw her killing Stompie - I'm referring to Winnie," he said at the hearing into the activities of the Mandela United Football Club yesterday.

It was the first time in a South African forum that a witness testified to seeing the woman once dubbed the "Mother of the Nation" personally involved in a murder, although Mr Cebekhulu's allegation was made in a book by British journalist Fred Bridgeland, *Katza's Journey*, published in September.

The hearing was told that Mrs Madikizela-Mandela dismissed Mr Cebekhulu's claims as "a lunacy" during her closed, Section 29 inquiry by Truth Commission investigators earlier this year.

Mr Cebekhulu, who jumped bail in 1991 while on trial with Mrs Madikizela-Mandela for the kidnapping and assault of Stompie and three other young men at her Diepkloof home in 1989, also testified that he saw her viciously assault Lolo Sono - since missing, presumed dead - with a sjambok in her garage.

"Mrs Mandela was crouched close beside him with her back half to me. She was beating him savagely," he said in an affidavit handed to the commission. "She had a heavy whip in her right hand (a sjambok), which she



I swear: Katza Cebekhulu is watched by former British MP Emma Nicholson as he takes the oath before beginning his evidence

and bring it down on his body violently again."

Dressed in a red check shirt and blue jeans, and seated at the witness table between former British MP Emma Nicholson, who rescued him from a Zambian jail, and Mike Barnardo of the Truth Commission's witness protection programme, Mr Cebekhulu gave his testimony in a mixture of Zulu and English.

He confirmed evidence by Lolo's father, Nicodemus Sono, who told the hearing Mrs Madikizela-Mandela

Mr Cebekhulu said he, too, was in the vehicle and heard Mr Sono pleading with Mrs Madikizela-Mandela for his son to be left with him, but she refused.

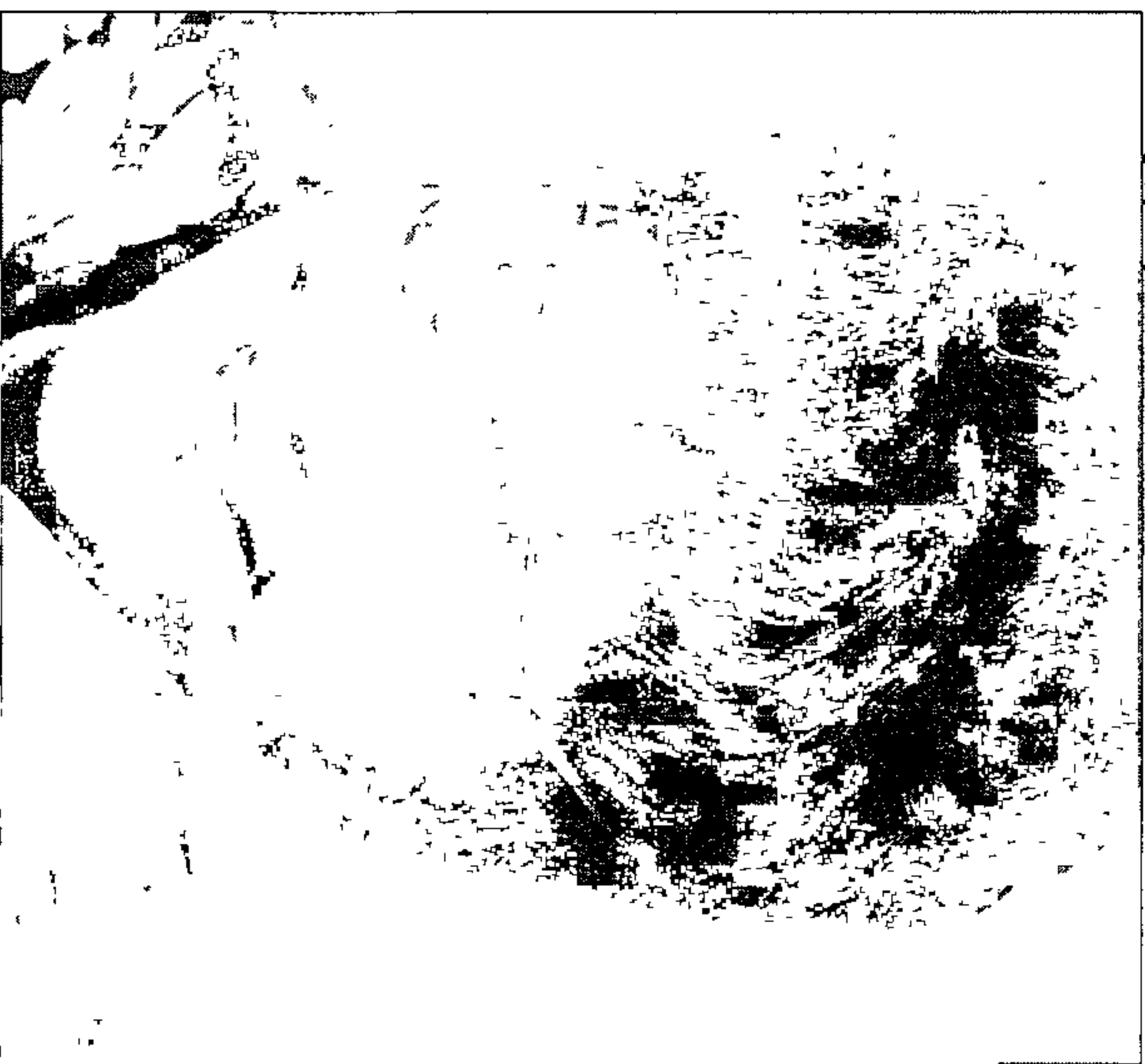
"His father then ran to find something to cover him as he looked so cold. She refused to release him, saying 'the movement will deal with him'," Mr Cebekhulu said.

"We drove back to her house. I left the car and she remained inside the car. The car was driven away with Lolo Sono still inside and silent. I

which had lasted about 45 minutes, described seeing Mrs Madikizela-Mandela stabbing him.

He said Mrs Madikizela-Mandela had something "shining" in her hand. "She was stabbing, she stabbed twice, and I left immediately (to go into my bedroom). I was scared as to what I was seeing, as to whether it was a nightmare or what."

He said he heard "a small voice, like that of a child" during the stabbing. When he awoke the following day, he noticed that there was no



Smiling through: Winnie Madikizela-Mandela listens to evidence at yesterday's hearing

where Stompie was and they told me (football club coach Jerry) Richardson had taken Stompie the previous night."

Asked whether he had seen Stompie alive again, he replied "No."

Mr Cebekhulu also testified that in 1991, during their trial, Mrs Madikizela-Mandela had given him a choice he had to go into exile in Swaziland, or "she would do with me as she pleased."

"She promised me that if I went to Swaziland, she would help me further

Mr Cebekhulu said he was spirited out of South Africa by the African National Congress and spent time in Mozambique and Angola before being taken to Zambia, where he was jailed for two years and eight months.

Then he was declared a United Nations refugee and sent to Sterre Leone. Later he was taken to Britain by Baroness Nicholson.

She said she was alerted to Mr Cebekhulu's incarceration by a British journalist and had taken it up with Zambian president Frederick



# Mandela club 'sang while beating us'

(252)

**Johannesburg - Testimony**  
implicating Winnie Madikizela-Mandela in human rights abuses mounted today as one of four youths kidnapped from a manse took the witness stand before the Truth Commission at a hearing on the reign of terror by her entourage during the 1980s.

Thabiso Mono, a young activist when the kidnapping happened in December 1988, told the TRC that Mrs Madikizela-Mandela had accused all four of sexual intercourse with a Methodist minister, Paul Verryn, who is now a bishop.

He said that at her Soweto home she had initiated the assault on them before her Mandela United Football Club joined in the beatings and whippings.

One of the four boys was Stompie Seipei, a 14-year-old whose battered body was found in a ditch a few days later, in January 1989.

"Mummy (Mrs Madikizela-Mandela) said that I was not fit to be alive. She started beating us. Then the whole group joined. We did not fight because they were too many," said Mr Mono.

"Winnie Mandela at first beat us with her fists. The rest joined and lifted us up and dropped us on the ground. We started screaming and they were singing. I am willing to state this under oath, as it is the truth."

Mrs Madikizela-Mandela has denied complicity in Stompie's death. She was convicted of the kidnapping in 1992 and her six-year prison sen-

tence was converted to a fine on appeal. The leader of her football team, Jerry Richardson, was jailed for the murder.

Mr Mono said Stompie had been given the worst beatings after Mrs Madikizela-Mandela had accused him of being a police spy.

After a few days at her home, the teenager was taken away in the night by Richardson.

"His head was very swollen, his face was swollen and his eyes were very small. I never saw him again," said Mr Mono.

While he and the two others were given ointment for their injuries, Stompie was given nothing.

"Jerry said he would not give Stompie anything for his scars as he was planning to dump him," said Mr

Mono.

He added he had believed in his friend's innocence. "I do not believe that Stompie was ever an informer because he was very young at that time."

Appealing to Mrs Madikizela-Mandela and the others involved in the assault, Mr Mono said "I just want to know why these things happened."

"I do not believe that what they did to us was justifiable."

Mr Mono also denied Mrs Madikizela-Mandela's accusations against Bishop Verryn who had taken him in when he was homeless.

"It is not true that Paul approached, molested or touched suggestively any of the boys staying in his house," he said - Reuters



**Warm work:** Archbishop Desmond Tutu wipes his brow during yesterday's testimony.



**Inside today**

**Parliament must stay in Cape Town, writes Mike Siluma**  
**Page 13**

# Sowetan

**Building the Nation**

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# Falati says she lied to protect Winnie

**By Joe Mdhlela and Pamela Dube**

**F**ORMER confidante and friend of Mrs Winnie Madikizela-Mandela Ms Xoliswa Falati yesterday gave an unconditional apology to the Methodist priest she had accused of sodomising young boys at the church's Soweto manse in the late 1980s

Falati, who alleged during the Madikizela-Mandela Stompie Sepele abduction trial in 1992 that Father Paul Verryn had abused the boys, yesterday told the Truth and Reconciliation Commission hearing in Mayfair, Johannesburg, that the allegations were factually incorrect

"I am sorry to Father Paul Verryn for having testified he had abused



**Katiza Cebekhulu**

suggested that the boys be removed from the manse where they were

alluded to the fact that Mpofo had asked her to change "some of her evidence" during the Madikizela-Mandela trial. Thus, she told the TRC, was done in order "to protect Winnie."

The star witness at the hearing, Katiza Cebekhulu, seemed to collapse under interrogation as he contradicted some of his recorded statements

After saying he had seen Madikizela-Mandela personally stabbing Stompie Sepele, Cebekhulu could not say with certainty, under cross-examination, whether it was Madikizela-Mandela who had carried the act

The confusion arose when Cebekhulu said he saw convicted murderer and former coach of the Mandela Football Club Jerry

*Sowetan 26/11/97*

*(252)*



ness He is a man who, when you ask for a nile, he generously gives you two niles," Falati said

She admitted that she maintained "that he" for many years as "there was no choice because I had to defend Winnie, my leader"

### Source of false theory

Falati also accepted the assertion that she was the only source of the false theory about sexual abuse involving Verryn

However, Falati admitted it was Mr Katiza Cebekhulu who fed her with the information that Verryn had sexually molested young boys

Told that a lie about Verryn had accounted for the death of a 14-year-old activist Stompie Seipei and other young people, Falati said this should be blamed on Madikizela-Mandela who "caused the death of Stompie" and was determined to defame Verryn

She said Madikizela-Mandela had

could not countenance the idea of them submitting to homosexual tendencies of "a white man".

"When I heard about the homosexual activities at the Methodist Church in Soweto I had to pass the information to my leader, Winnie," she said

Falati also admitted to the commission that she had lied in the Madikizela-Mandela trial of 1992 "for the sake of protecting my leader - that was our culture"

Relating to the death of Dr Abu-Baker Asvat in 1989, Falati told the TRC that there had been "a big fight between Asvat and Winnie" at her home "During the same night, Dr Asvat died," she said

Towards the end of her testimony, Falati appeared emotionally-charged while being cross examined by Advocate Dali Mpofu, who told the TRC he was representing his own interests at the hearing

Earlier in her testimony, Falati

he dumped next to where Madikizela-Mandela was standing.

### Lifting a shiny object

But he could not say with certainty whether the person he saw being carried by Richardson was Stompie

He, however, alleged that after the person was dumped next to Madikizela-Mandela, he saw Madikizela-Mandela lifting a shiny object in her hand and "stabbed the person twice"

To the suggestion by Madikizela-Mandela's attorney Mr Ismael Semanya that Cebekhulu could not have seen the people he alleged had carried out the act as it was dark, Cebekhulu insisted he was telling the truth as "there was bit of a moon"

Cebekhulu also insisted that Madikizela-Mandela had personally participated in Stompie's assault on December 29 1988 She had also participated in the assaults on others, including Lolo Sono, he said



Convicted murderers Jerry Richardson (in front) and Thulani Dlamini at the Truth and Reconciliation Commission hearing in Mayfair, Johannesburg, yesterday PIC LEN KUMALO

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By Martin Schonteich

AT THE beginning of the year Minister of Justice Dullah Omar announced that "we need to promote legislation which will compel courts to refuse bail under certain circumstances"

Eleven months later, on November 6, the Criminal Procedure Second Amendment Bill was passed by the National Assembly to tighten and further regulate the existing bail law

Due to the consistent lobbying efforts of several organisations throughout the year, the new bail law is not as draconian as initially intended

The South African Institute of Race Relations has been at the forefront of such lobbying efforts

By and large the SAIRR has been successful in its endeavours to persuade Omar's ministry, and the parliamentary portfolio committee on justice, to limit the negative impact of the new law on judicial independence and people's civil liberties

### Blanket denial

A law which imposes a blanket denial of bail to all persons accused of certain crimes would detrimentally affect judicial independence. The discretion of courts to decide on each bail application on the basis of the evidence before them will be taken away by such legislative action

The notion of the separation of power between the executive, legislative and judicial branches of the state will be seriously impaired

While the bail bill places hurdles in the way of certain accused to obtain bail, no blanket prohibition is provided for. Rather, an accused has to satisfy the court that "exceptional circumstances" exist which, in the interests of justice, permit his release on bail

This will be exceedingly difficult for an accused to do

Nevertheless, the courts have retained the right to release an accused

# New bail laws will not reduce crime

*Savefarj 26/11/98 252*

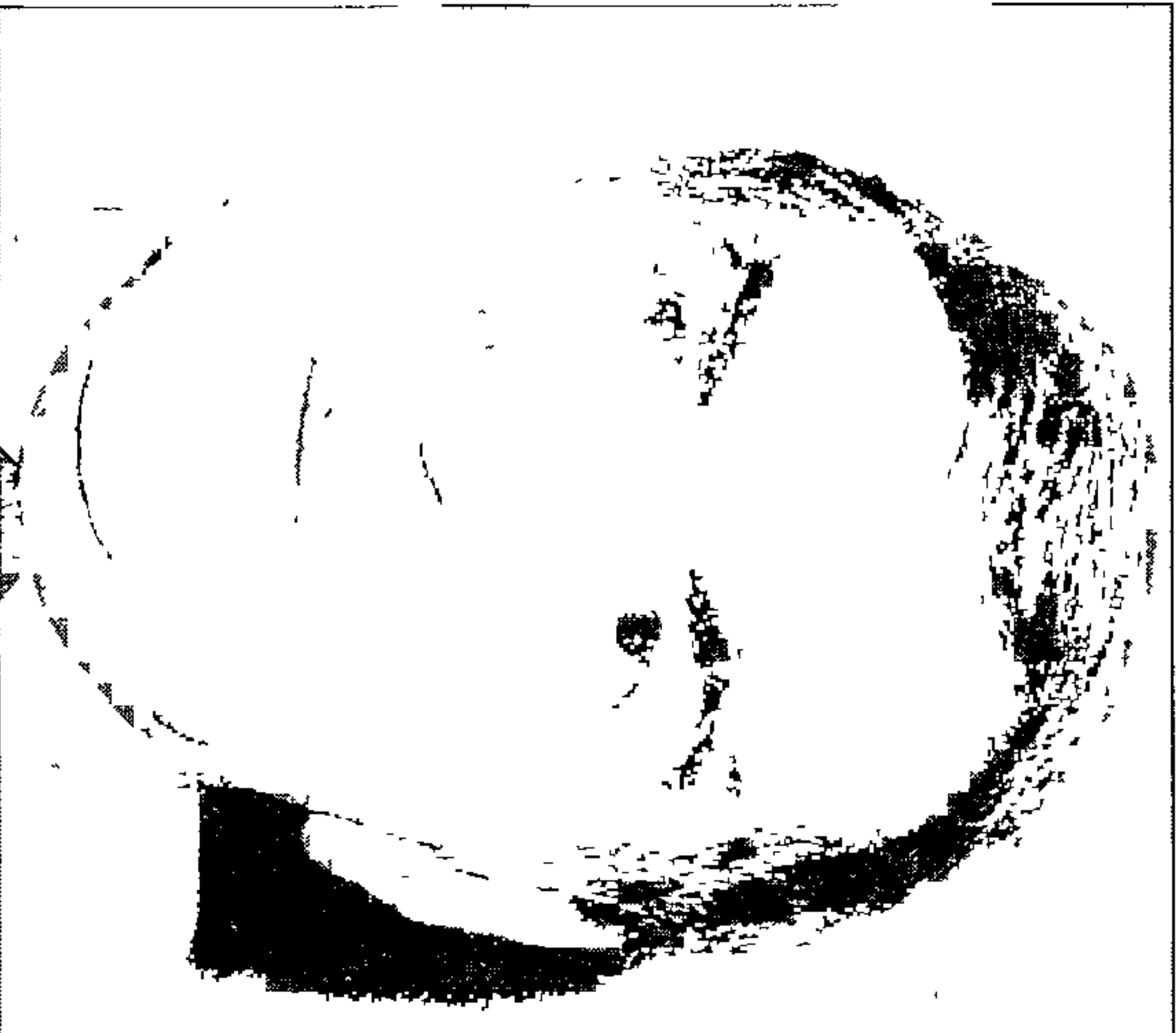
## Arresting criminals and bringing them to book will help

on bail, albeit only under exceptional circumstances

Moreover these stringent limitations on bail only apply to persons charged with a restricted category of serious violent crimes, such as murder, rape, robbery or the indecent assault of a child, which have been committed with aggravating circumstances (For example, gang rape or the murder of a police officer performing his duties)

An objectionable clause holds that the refusal to grant bail shall be in the interests of justice "where there is the likelihood that the release of the accused will disturb the public order or undermine the public peace or security"

Bail should not be granted or refused on the basis of mob rule, or the potential emotional response of the public to the alleged crime in question. In a country where violence and vigilantism is wide-



Justice Minister Dullah Omar ... he wants to tighten the bail law.

spread, such a provision is open to abuse

During the final days of its deliberations on the Bill, the portfolio committee on justice added a proviso to

this clause limiting its potential harmful ramifications

Courts will be permitted to utilise the public disorder clause only in "exceptional circumstances" The likelihood that this provision will be misused by people prepared to undermine public peace is consequently limited

The Bill removes the right an accused had to demand to be brought before a court outside of ordinary working hours for a bail hearing

This is an unfortunate restriction on accused's rights, based as it is on the state's alleged lack of administrative capacity to hold bail applications at night or on weekends

Fundamental rights should never be limited due to administrative difficulties experienced by the state, especially when the person whose rights are to be limited carries no blame for this

Fortunately, the Bill restricts the number of persons who could be adversely affected by this provision

The category of offences for which a prosecutor, in consultation with the investigating officer of the case, has the authority to release an accused on bail without the consent of a presiding officer has been expanded

This should permit the release on bail of most categories of accused (barring those who have been charged with the most serious offences, or where the prosecution opposes the granting of bail) outside ordinary court hours

During the second reading debate on the Bill, chairman of the portfolio committee on justice Mr Johnny de Lange conceded that many of the provisions contained in the bill are "drastic measures"

### Tighten bail laws

"The bail laws do not only infringe the rights of criminals, but the rights of all of us," De Lange said

Indeed

It is vital that the problems surrounding the bail system, which moved Omar to tighten the law, be addressed

SAIRR research revealed that the problems less not with the law, but with its implementation by an underfunded and understaffed criminal justice system

The new bail Bill will have little impact on crime

The reason criminals are not deterred in South Africa has very little to do with bail - they are not apprehended in the first place

On average, the police solve fewer than a quarter of all crimes, and only five to 10 percent of crimes committed result in the conviction and punishment of the perpetrator

The Government needs to address the deficiencies in the criminal justice system which allow criminals to believe that crime pays

Tightening the bail law - which will infringe the rights of all of us - is not the answer

*(The writer is parliamentary affairs manager of the South African Institute of Race Relations)*



# Police tricked me into confessing, says Walus

Star 26/11/97

(252)

Investigators pretended to be happy over Hani assassination, extracted Derby-Lewis' name under false pretences, TRC told

By Rodney Victor,  
Reuters and Sapa

The Polish assassin of South African Communist Party leader Chris Hani says he was tricked into confessing to Hani's murder by the friendliness of his police interrogator, who had plied him with alcohol and professed to share his right-wing beliefs.

Janusz Walus is applying for amnesty from the Truth and Reconciliation Commission for killing Hani in 1993. Also applying for amnesty is his co-conspirator, former Conservative Party politician Clive Derby-Lewis.

Walus told the TRC yesterday that he drank beer with his interrogator during a 14-hour session after he was arrested.

"It was an interrogation that was rather unusual because it was in the form of a friendly chat," Walus said.

Captain Nic Deetleff, a security policeman, was reported to be part of the special police unit investigating terrorism.

"Mr Deetleff several times undermined how happy he was that Mr Hani was murdered," Walus said. "He said other policemen felt the same way."

Walus said Deetleff had tried to prove he was on his side.

"I am ashamed that I was so naive and stupid," he told the commission.

Walus testified he was interrogated every day after his arrest. On the night of April 16 he drank beer with Deetleff and a Sergeant Beege. Deetleff drank brandy and Coke. Walus said his beer might have been mixed with other alcohol "or even drugs."

"This made me feel relaxed and even absent-minded, so that I believed the story of Mr Deetleff," he said.

Walus testified that Deetleff had informed him that the East Rand murder and robbery unit already knew who else was involved in Hani's murder, but that this information was not available to him.

"Mr Deetleff said if I told him the name of this person,



GARY BERNARD

Close counsel ... Janusz Walus, who killed ANC leader Chris Hani in 1993, discusses a point with his lawyer, Louisa van der Walt, during his amnesty application before the Truth and Reconciliation Commission in Pretoria yesterday.

they would warn him before he could be arrested.

"I believe it was due to the whole week of intensive interrogation, lack of sleep, alcohol, and quite possibly drugs, that I was convinced and believed all the stories Mr Deetleff told me.

"It was then that I told him the name of Mr Clive Derby-Lewis, and that it was myself

and Mr Derby-Lewis involved in the murder."

He told the TRC he had assassinated Hani "under instructions of Clive and the CP."

"I agreed to take this task on because I believed it could stop the takeover of power by the ANC and the Communist Party of South Africa."

The Hani family's advocate,

George Bizos, suggested Walus' testimony yesterday differed from his earlier evidence. Previously, Walus had indicated that he and Derby-Lewis had been co-conspirators. Bizos said:

"Do you agree there is a difference between you and Derby-Lewis planning something together and you receiving orders to do something?" Bizos asked.

"I think that, at a certain stage, some suggestions can be treated as an order," Walus replied.

Walus admitted to watching a television programme in May in which journalist Max du Preez had discussed Derby-Lewis' evidence to the TRC and his prospects for amnesty. Bizos then put it to Walus that he had

changed his story because Du Preez had said he (Walus) would be in a better position to get amnesty if he had been ordered by Derby-Lewis to kill Hani.

Walus denied he had changed his evidence. "I would like to hear what I changed because I don't see any change in the testimonies," he said.

The hearing continues today.



# THE MADIKIZELA-MANDELA HEARING

Two old friends – the erstwhile 'mother of the nation' and Xoliswa Falati – have travelled a long and winding road from respect to hate. Ryan Cresswell reports on their journey



# The fury of a woman scorned

*Xoliswa Falati*  
(259)

DEBBIE VAZBEC

**X**oliswa Falati came out with guns blazing at the Truth and Reconciliation Commission hearing yesterday firing several accusations at Winnie Madikizela-Mandela, saying she orchestrated the brutal beating of four young friends, ordered train massacres and slept with a security policeman.

The enmity between the two smartly dressed, strong women was almost palpable at the hearing in Mayfair, Johannesburg.

Falati wore a suit of blue, red and white and entered in dark glasses, while Madikizela-Mandela was her usual resplendent self in a suit of white, gold and black, set off by matching glasses.

Falati often looked emotional and burst into long, damning speeches in spite of repeatedly being warned to show restraint, while Madikizela-Mandela glared and on one occasion twirled her finger near her head in the age-old sign of madness.

The story of the two women who were once almost bosom friends, but now stare balefully at each other across a great divide, started in 1986, when they met at a June 16 rally at Orlando stadium.

Later, Falati's East Rand home was burnt down and she turned to the "mother of the nation", who was known far and wide for helping out those in trouble. Madikizela-Mandela took Falati's daughter Nompumelelo into her Diepkloof home. Falati moved into the Rev Paul Verryn's mission house in nearby Orlando West.

Falati, an Umkhonto we Sizwe member, was arrested in 1987.



Making a point ... Xoliswa Falati launches yet another accusation at Madikizela-Mandela during a heated session at the Truth Commission hearing in Johannesburg yesterday.



...the officers...  
commanders faithfully con-  
sidered Madikizela-Mandela  
to be a caring heroine in those  
days. Now she calls her a dan-  
gerous, ungrateful megalomaniac who thinks she is a  
"demigod".

In December 1988 Falati  
found Katiza Cebekhulu sit-  
ting on the steps of the Meib-  
odist manse in a dejected state.  
When she asked him what the  
trouble was, he said Verryn  
had sexually abused him.

Again she turned to  
Madikizela-Mandela as a  
guide. Falati said she knew of  
other young men who had  
also been abused, and an en-  
raged Madikizela-Mandela or-  
dered that they be taken from  
the manse to her house.

Later almost everybody  
involved, including Falati,  
would admit that Verryn was  
totally innocent and apolo-  
gic, but at that time, tensions  
were high and almost any-  
thing could trigger a reaction.

Falati told the commission  
yesterday that on December 28  
1988, teenage activist Stompie  
Seipei, Cebekhulu, Thabiso  
Mono and Kenny Kgaso were  
taken to a changeroom be-  
hind Madikizela-Mandela's  
home and a brutal "discipli-  
nary hearing" started.

Falati said Madikizela-  
Mandela started to hit Kgaso  
and asked him why he had  
submitted to a white man.  
Several members of the noto-  
rious Mandela United Foot-  
ball Club were apparently also  
there.

"You are not fit to be alive,"  
Falati claimed Madikizela-

Mandela had screamed.

She said Madikizela-Man-  
dela then hit the others. "After  
that, all hell broke out and  
they were beaten."

Falati said Stompie had  
passed out during the hearing  
and was revived with a bucket  
of water. She said he tried to  
escape, but was caught.

Falati said she was ordered  
to sing to drown out the  
screams of the injured men  
and Stompie.

Falati also claimed the re-  
port that this occurred on De-  
cember 29 1988 was a "cover-  
up." This evidence files in the  
face of Madikizela-Mandela's  
claim that she was not in  
Diepkloof at the time of the  
beating.

Falati said she later re-  
turned to Madikizela-Man-  
dela's home and found boys  
cleaning bloody clothes. She  
said Stompie had a "swollen  
head."

Falati also said Dr. Abu-  
Baker Asvat visited the house  
and spoke to the injured  
young men before leaving  
without saying goodbye.

Asvat was murdered in his  
clinic not long after this.  
In 1990 Falati moved into  
Madikizela-Mandela's man-  
sion in Diepkloof. In her writ-  
ten statement, she said  
Madikizela-Mandela had a re-  
lationship with Paul Erasmus  
of the security branch during  
her stay at the mansion.

Falati went further and  
claimed Erasmus and his  
group were somehow involved  
in the death of Sizwe Sithole.  
"Erasmus and other police  
officers frequented the house  
(of Madikizela Mandela)," she  
said.

Falati said she saw the  
security policeman go into  
Madikizela-Mandela's room



Trying time ... Madikizela-Mandela at the TRC hearing.

Later Erasmus almost  
branded Falati a spy when he  
said a woman very close to  
Madikizela-Mandela had been  
an agent. Falati vehemently  
denied this. She also appar-  
ently had to flee her home-  
town in KwaThema in the late  
1980s after she was accused of  
being a spy and her home was  
burnt down.

Falati claims that during

the two years she stayed at the  
mansion, and afterwards  
while talking to acquaint-  
ances, she found out "many  
terrible things" about Madik-  
zela-Mandela.

She claims Madikizela-  
Mandela was involved in the  
dumping of bodies in a mine-  
shaft, ordered convicted killer  
Jerry Richardson and Slash  
Mishali to kill people on  
trains who were singing rude  
songs about her, had a man  
called Madondo beaten be-  
cause he would not bomb a  
home, and ordered the killing  
of Leratodi Khameng and later  
of Lolo Sono and Kuku Zwane.

Falati also said Madik-  
zela-Mandela had admitted to  
at least one murder.

While Falati stayed at  
Madikizela-Mandela's home,  
things were "not always great."  
Between the two women and  
there were sometimes stern  
silences and tears. But when  
Falati was thrown out of her  
room at the mansion and sen-  
tenced in 1992 to two years for  
kidnapping Stompie and  
other youths, "things really  
cooled" between them.

Madikizela-Mandela had  
her six-year sentence for ab-  
duction changed to a R15 000  
fine on appeal.

By this time Falati felt  
scorned and abandoned, and  
at a press conference in June  
1993 she warned people not to  
worship their leadership.

She also said Madikizela-  
Mandela was unfit for public  
office, but would not elabo-  
rate, either out of fear or the  
vestiges of love and respect  
for the "mother of the na-  
tion".

But at the TRC hearing she  
could hardly contain her  
anger, and the usually patient  
chairman, Archbishop Des-  
mond Tutu, eventually warned  
her about being held in con-  
tempt.

Falati said she had gone to  
jail for her "comrade and  
leader".

She said Madikizela-Man-  
dela was ungrateful even  
though she had tried to protect  
her during the kidnapping  
trial.

"When dealing with Mrs  
Mandela, yours not to reason  
why, yours but to do and die,"  
she said.

Falati testified that Mad-  
kizela-Mandela would brook  
no opposition from anyone,  
and could be aggressive.  
"She thinks she is a dem-  
igod, a superhuman," Falati  
spluttered.

She also said people should  
not make leaders into cult  
figures.

All that Madikizela-Man-  
dela, the "demigod", could do  
in reply was shake her head  
in almost dramatic amaz-  
ement and glare at her enraged  
accuser through her custom-  
designed dark glasses.

# 'We were bleeding, Stompie's head was soft and swollen'

By Aneko Thon

Pelo Mekgwe, one of the  
teenage activists kid-  
napped together with  
Stompie Seipei and two other  
boys, told the TRC special  
hearing yesterday that Winnie  
Madikizela-Mandela was pre-  
sent during the severe assault  
of the four boys.

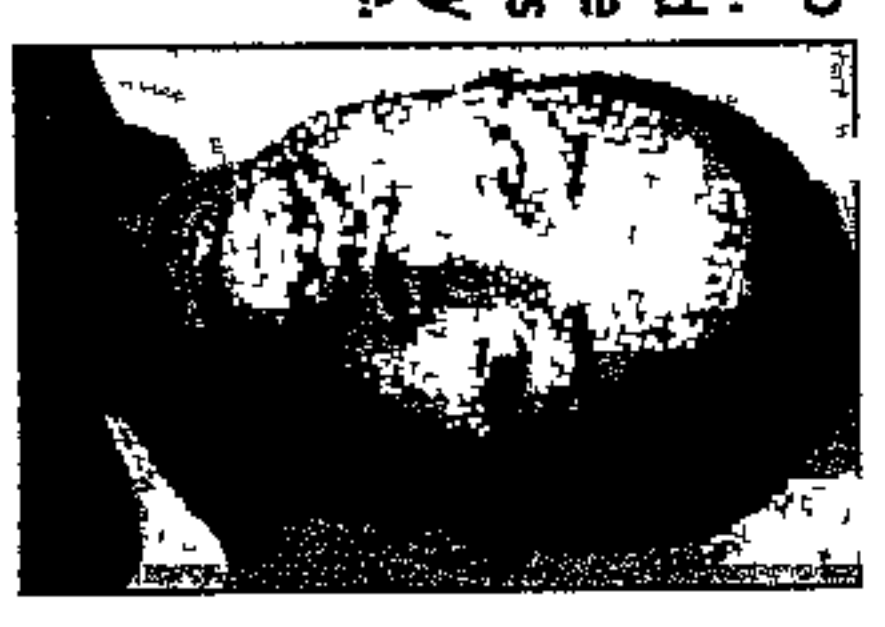
Mekgwe told the hearings  
into the activities of the Man-  
dela United Football Club  
(MUF) that Madikizela-Man-  
dela had been present and not  
in Brandfort as she had  
claimed earlier.

Mekgwe was one of the  
teenagers presented last  
month at a press conference

by Madikizela-Mandela. She  
said he was proof that she had  
not kidnapped any of the writ-  
nesses that were scheduled to  
testify at the Seipei trial.

Mekgwe said, however, he  
had attended the press confer-  
ence to disprove allegations  
against Madikizela-Mandela,  
who assisted him financially.

"We were playing cards  
one day when a group of boys  
(MUF) came into the house  
There were more than 10 of  
them. They forced us to go  
with them. They took myself,  
Thabiso Mono, Kenneth Kgase  
and Stompie Seipei to a house  
in Diepkloof. There Xoliswa  
(Falati) said we were being  
sexually abused by a white



Paulo Verryn... recalled how he was slapped by Winnie.

priest (Paul Verryn),"  
Mekgwe said.

He said Stompie was ac-  
cused of working with the po-  
lice in Parrys. Mekgwe said  
yesterday that at no time did  
Verryn attempt to molest him.  
"Winnie Mandela arrived

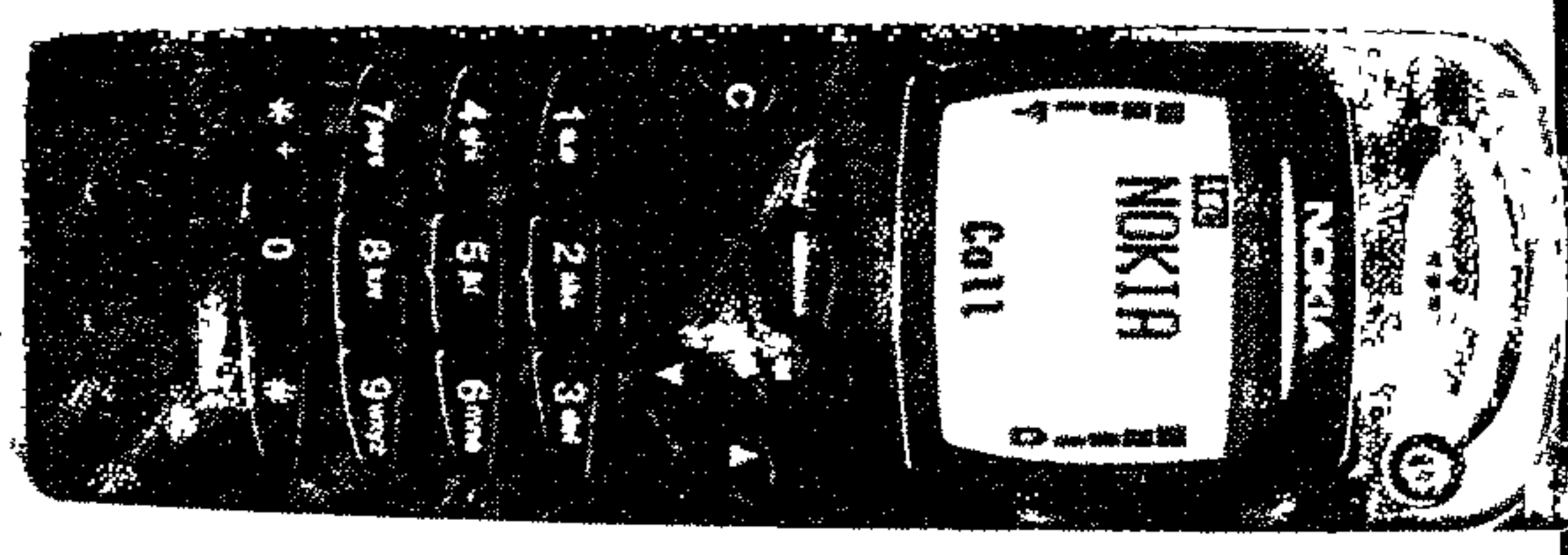
# 'Winnie Mandela was soft and swollen'

before the accusations. She  
brought a chair to sit down.  
She took part in questioning  
us, but she did not speak in an  
aggressive manner. She  
'knaped' (slapped) me as well.  
Winnie left at some stage, but  
she was there when I was as-  
saulted," he said.

Mekgwe said the as-  
sault went on for a long time  
"I am not sure how long. I can-  
not remember all of the  
names of the people who as-  
saulted me. Katiza (Ce-  
bekhulu), Jerry (Richardson),  
Jabu (Sithole), Xoliswa  
(Falati), Slash and Killer were  
among them, but there were

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# Walus accused of about-turn in amnesty bid

Star 26/11/97

(252)

By Rodney Victor

The man who killed South African Communist Party leader Chris Hani was accused yesterday of changing his story about the assassination to improve his chances of receiving amnesty

Polish immigrant Janusz Walus is applying to the Truth and Reconciliation Commission for amnesty for the 1993 murder of Hani, along with his co-conspirator, former Conservative Party politician Clive Derby-Lewis.

The two were sentenced to death for the killing, but the sentence was later commuted to life imprisonment

At their amnesty hearing in Mamelodi, Pretoria, yesterday, it was pointed out that Walus' original amnesty application had said he had acted alone in planning and executing the murder

Walus had since changed his story to say he had acted "on instructions", said advocate George Bizos, who is representing the Hani family

Asked to explain the discrepancy, Walus said his original application had been completed with Derby-Lewis' assistance.

He said his lawyer had later told him that "full disclosure" was required, and on the advice of his lawyer, he

had added the new words

He said he had not been aware that Derby-Lewis had apparently wanted to delay the murder

Walus admitted driving past the home of Nelson Mandela in Houghton, Johannesburg, in early 1993, before Mandela became president.

He had been in the vicinity because he had been trying to sell crystal glassware that had been manufactured at his father's factory to a shop in Houghton, he said. He could not remember the name of the shop

He denied he had ever reconnoitred Mandela's house at night, despite testimony,

expected later, that a neighbour saw Walus watching Mandela's house during the evening of April 12 1992 - a year before Hani's assassination

Bizos referred to a statement Walus had made to the police after his arrest in which he said "all the other reconnoitring of the house of Mr Mandela and Chris Hani was done at night".

"I don't remember I said anything like that," Walus replied.

Walus appeared to be suffering from frequent lapses of memory, Bizos said

The hearing continues today

# 'Mama' looks confident as she listens to her accusers

Star 26/11/97  
 BY CECILIA RUSSELL (252)

Mama (as Winnie Madikizela-Mandela was called by witnesses bearing damning allegations against her) has behaved like a woman confident of the outcome of the special public hearings of the Truth and Reconciliation Commission during the past two days

Her blue BMW pulled up outside the Johannesburg Institute of Social Services in Mayfair at 8.30am today. After her bodyguards alighted from the car, she climbed out wearing a cream suit with black-and-fawn embroidered lapels.

She smiled confidently, ignoring a journalist who asked her why she had felt good about yesterday's hearing.

Her daughter, Zinzi Hlongwane-Mandela, who has provided valuable support to her mother during the last two days, made an appearance soon after.

For most of the time yesterday Madikizela-Mandela sat close to her lawyer Ishmail Semanya, scribbling notes and highlighting the witnesses' statements with a green marking pen.

She occasionally smiled at Semanya and made a few whispered comments.

During the day, allegations were made that she sjambokked, assaulted and disposed of victims and that her "football club" had a direct hand in initiating train massacres.

Only when former ANC guerrilla Pelo Mekgwe accused her of assaulting him after she accused him of having a homosexual relationship with churchman Paul Verryn, did she shift uncomfortably.

Her agitation grew as Semanya tried to tie the young witness in knots over discrepancies in his statement but failed to move Mekgwe from his position.

During the testimony by her former confidante Xoliswa Falati, Madikizela-Mandela appeared even to be having fun.



Nervous ... Katiza Cebekhulu at Johannesburg International airport shortly before returning to Britain last night after testifying before the TRC.

## Today's hearings

Due to testify today:  
 ■ Paul Verryn, a minister in Soweto, now a bishop  
 ■ Peter Storey, a Methodist church

leader to whom Verryn reported  
 ■ Thabiso Mono, one of the men kidnapped from the Methodist manse in Soweto



# Cracks start appearing in testimony

(252)

Star 26 11/97

Lawyers start countering damaging allegations over Stompie murder by extracting different version from chief accuser

By ROBERT BRAND  
AND ANSO THOM

Winnie Madikizela-Mandela's two chief accusers, Katiza Cebekhulu and Xoliswa Falati, took the stand before the Truth and Reconciliation Commission yesterday. But cracks started appearing in their testimony, under searching cross-examination by legal teams representing Madikizela-Mandela and other parties.

Madikizela-Mandela's lawyer, Ishmail Semanya, revealed part of his strategy to counter damaging allegations of her complicity in murder and assault by portraying Falati as vengeful and mentally unstable, and by portraying Cebekhulu as a pathological liar.

Cebekhulu, who returned to South Africa at the weekend after a six-year exile, finally came face to face with the woman he has accused of murdering 14-year-old activist Stompie Seipei.

His testimony was moved forward after his "protector", former British MP Emma Nicholson, expressed concern that they could be arrested because Madikizela-Mandela has laid charges of crimen injuria against them. Cebekhulu returned to the UK last night.

Dressed in a red and blue check shirt, Cebekhulu, flanked by Nicholson and TRC witness-protection official Dave Bernardo, continuously wrung

his hands, looking down when asked a question. He hardly glanced at Madikizela-Mandela, who sat to his left, facing him.

But he caused a stir when he pointed his finger at Madikizela-Mandela and said: "I saw her kill Stompie."

However, Cebekhulu's version of the killing differs in important respects from those of other witnesses.

It is common cause that Stompie was taken, with three others, from the Methodist mis-



*Fury of a woman scorned* - Page 21

sion in Soweto to Madikizela-Mandela's house after Falati had complained to Madikizela-Mandela that Methodist minister the Rev Paul Verryn had sodomised them. Falati had also accused Stompie of being a police informer. The allegation against Verryn, Falati admitted yesterday, was false.

Semanya suggested Falati's accusations against Madikizela-Mandela were driven by revenge because Madikizela-Mandela had refused to finance his appeal against a conviction for kidnapping Stompie. He also said Falati had fabricated alle-

gations of sodomy against Verryn because he had "admonished" her for calling Stompie an informer. Falati denied it.

Stompie and the three men were assaulted at Madikizela-Mandela's house on December 28 1988. Stompie, who had been most severely injured, was murdered three days later.

Cebekhulu, however, said yesterday that he had personally seen Madikizela-Mandela after midnight in the backyard of her home plunging a "shiny object" into the body of a boy he later learnt was Stompie. Three days before that, he said, Madikizela-Mandela had personally assaulted the boy with a sjambok.

While Falati agrees that Madikizela-Mandela participated in the assault, she has insisted it occurred on December 28 and not on December 29. She did not witness the murder.

More damaging to Madikizela-Mandela is Cebekhulu's testimony about the death of Lolo Sono. His testimony appears to tally with the account given to the TRC on Monday by Lolo's father, Nicodemus Sono. The TRC took a tough stance on photographers and cameramen today, threatening that if they did not stay behind the red-and-white striped cordons they would have their press accreditation removed.

► More reports, opinion  
.. Pages 3 and 20

# Nicholson astonished at charges

By **STUART KELLY**

Emma Nicholson, a former British MP and Katiza Cebekhulu's guardian, said last night she was astonished at the charges of criminal slander laid against her by Winnie Madikizela-Mandela

Madikizela-Mandela also laid similar charges against Cebekhulu and Fred Bridgland, the author of the controversial book that outlines Cebekhulu's allegations of Madikizela-Mandela's involvement in the killing of Stompie Seipei.

Cebekhulu was whisked away to an awaiting flight to London before Nicholson agreed to speak to the media at Johannesburg international airport last night.

None of the security contingent who accompanied them on their arrival earlier this week were present

Nicholson said she did not wish to speak on behalf of Cebekhulu about his appearance at yesterday's TRC hearing, but said she felt his appearance had gone well.

She said Cebekhulu was "dying to speak to the press" after he gave evidence at the hearing but was prevented from doing so by his legal counsel because of Madikizela-Mandela's charge against him

She said Cebekhulu would not return until Justice Minister Dullah Omar and Safety and Security Minister Sydney Mufamadi had assured him that he would not be arrested

Cebekhulu was granted temporary amnesty only for the duration of the TRC hearing

# DP bid to prevent Winnie holding top posts

By **JOVIAL RANTAO**  
Political Correspondent

Cape Town - The Democratic Party yesterday tabled a motion in the National Assembly designed to stop Winnie Madikizela-Mandela from succeeding Deputy President Thabo Mbeki DP chief whip Douglas Gibson moved that "In any future election for the presidency or deputy presidency of South Africa, Parliament will refuse to support any candidate for either of those offices who has been convicted after February 2 1990 of a serious criminal offence, irrespective of the position which the candidate concerned may hold in her or his

political party"

In a statement issued outside Parliament, Gibson said the DP was concerned that Madikizela-Mandela was being touted as a possible future deputy president of the ANC and of South Africa

"Should this ever happen, our country's image will suffer enormous harm and the moral foundations of democracy would be undermined," he said

The ANC Women's League has nominated Madikizela-Mandela for the deputy presidency. Her name has also featured in nominations from regions in North West, Northern Province and Eastern Cape Gibson also called for

Madikizela-Mandela to be charged.

"Madikizela-Mandela has chosen, despite the many crimes in which she is alleged to have been involved, not to apply for amnesty

"In the light of this failure, the Democratic Party cannot understand why she has not been prosecuted for any of these alleged crimes

"If it transpires at the TRC hearings this week that there is a prima facie case against her on any count, we call on the Government to prosecute her without delay

"It is very important to demonstrate that nobody is above the law," Gibson said

# Madiba denies he helped Cebekhulu to escape before trial

President Mandela reiterated yesterday that he had not arranged for Katiza Cebekhulu to be spirited out of SA and incarcerated in Zambia, as claimed in British journalist Fred Bridgland's book *Katiza's Journey*

Cebekhulu claims he had been sent to Zambia, where he was jailed, to prevent him from testifying at the Stompie Seipei kidnapping trial

He also said Mandela had

visited him in Zambia

"The president did not meet Mr Cebekhulu in Zambia and does not have any recollection of ever having met him," said presidential spokesman Joel Netshitenzhe Mandela's office also released an earlier statement by former Zambian president Kenneth Kaunda

Kaunda said: "I must clarify that in fact I did not receive a direct communication from Mr

Oliver Tambo himself on this matter It was government officials who informed me that they had received such a request from officials of Mr Tambo.

"I had then, in good faith, made the assumption that Mr Mandela had supported this initiative or action The truth is that I have never received a direct or indirect message from Mr Mandela on this matter."

- Staff Reporter

# ANC ganging up on Madikizela-Mandela, claims Holomisa

By **XOLISA VAPI**  
Political Staff

United Democratic Movement co-leader Bantu Holomisa yesterday attacked the ANC for "ganging up" against Winnie Madikizela-Mandela in order to run her chances in the deputy presidency race.

Holomisa, a former ally of Madikizela-Mandela before he

was expelled from the party, said the ANC leadership should have taken collective responsibility for the activities of the Mandela United Football Club, in the same way that it had for executions carried out by MK cadres in exile

"We are seeing a selective collectivity on the part of the ANC," he said.

"What steps did they take

when some Soweto residents reported her activities to the ANC, or have they also jumped on to the bandwagon of the National Party to continue where (FW) De Klerk left off in discrediting Winnie?"

He said the ANC was acting as if it did not know that she had been a target of the apartheid security forces, which had infiltrated the "football club".



# Walus denies initiating idea of killing Hani

(252) CT 27/11/97

PRETORIA· Convicted murderer Janusz Walus denied yesterday initiating the killing of SA Communist Party leader Chris Hani in April 1993

He told the Truth and Reconciliation Commission here that he and accomplice Clive Derby-Lewis often discussed the need for something to be done to prevent what they regarded as a communist takeover in South Africa

"But I did not make a solid suggestion," he said

"I never went to Clive with the suggestion "

Walus, a Polish immigrant, and Derby-Lewis, a former Conservative Party MP, were convicted in 1993 of the murder of Hani outside his Boksburg home

Both were sentenced to death, but their sentences were later commuted to life imprisonment

They are seeking amnesty for the crime on the grounds that it had been politically motivated.

Mr George Bizos SC, for the Hani family, quoted yesterday a 1993 statement by Derby-Lewis' wife, Gaye, while she was in detention shortly after the assassination

She claimed that the idea of liquidating a liberation leader originated with Walus

Walus said he and Derby-Lewis decided late in February or early March 1993 to kill Hani

At the time, Derby-Lewis also handed him a hit-list of "enemies of South Africa"

It contained the names of prominent African National Congress and SACP figures, including now President Nelson

Mandela, Mr Chris Hani and now Transport Minister Mr Mac Maharaj

"From the moment Clive handed me the list, I was under his instruction," Walus said

"He held a high position in the Conservative Party and he had a military background

"He was my superior," he said

Walus said earlier he had not expected to be rewarded by the CP for killing Hani, but he was certain that the party would approve of his actions.

CP leader Dr Ferdi Hartzenberg's reputation of the murder came as a shock, he said

"I could not understand what was happening "

He had not yet confronted Derby-Lewis about this issue, Walus said "I am still waiting for an explanation on the CP's stand "

Questioned by Mr John Brand, for the police, Walus said his interrogators had given him beer on two occasions in 1993.

Brand contended that 21 video tapes of the interrogation only once showed Walus having a glass of beer

Walus agreed with Brand that his interrogators had been friendly. They only displayed some aggression at times by raising their voices

Walus said he got the impression, two days after his arrest, that security policeman Mr Nic Deetlefs, one of his interrogators, was sympathetic to his cause

Asked by Brand if this approach could be regarded as a humane way to conduct an interrogation, Walus said "I will agree".

— Sapa



FOOTBALL CLUB 'WASN'T VIOLENT'

# 'Mystery witness' upsets commission

**JOHANNESBURG:** The "mystery witness" Winnie Madikizela-Mandela said would clear her name said yesterday the only instruction he heard her issue was to buy bread at a corner shop. Special Assignments Writer **ROGER FRIEDMAN** reports

**WANTED** man, who left the country after being charged with the 1988 kidnapping, assault and murder of teenage activist Stompie Seipei, seemed surprised yesterday that the Truth and Reconciliation Commission should ask if the police knew he was back in the country.

While his fellow-fugitive Mr Katiza Cebekhulu took the precaution of insisting on being indemnified from prosecution before agreeing to address the commission this week, Mr Jabu Sithole apparently stropped back into the country in 1994 and has never been re-arrested. Appearing as a witness at the commission's special inquiry into the activities of the Mandela United Football Club — which is said to have operated as Ms Winnie Madikizela-Mandela's private army in the 1980s — Sithole testified that he crossed the border into Botswana in 1990, after Madikizela-Mandela had paid his bail.

On his return in 1994 he was immediately absorbed into the National Peacekeeping Force.

In his absence, Madikizela-Mandela was convicted on the kidnapping charge and given a light sentence, her former friend Ms Xoliswa Falati served a short prison sentence, and the so-called

(A17A)

ET 27/11/97

coach of the Football Club, Mr Jerry Richardson, is serving a life-sentence for the murder of Sithole and Richardson were arrested together, at Madikizela-Mandela's house.

Sithole is at present employed as a "protection officer" by the Airports Company, he said yesterday. He was recently paraded before the media by Madikizela-Mandela as a mystery witness who would assist to clear her name.

Sithole, 25, confirmed that he had skipped bail and that the police knew he was back. In response to questions posed yesterday by an incredulous head of the commission's investigative unit, Mr Dumisa Ntsebeza.

Minister of Safety and Security Mr Sydney Mtshali was in the audience. It emerged that Sithole refused to make a written statement when tracked down recently by the investigative unit, but agreed to appear at this week's public hearing. He wanted to give his evidence on Tuesday, but was persuaded by the commission to first speak to a lawyer.

Yesterday, the lawyer produced an unsigned, one-page, hand-written statement, in which Sithole claimed "The Mandela United Football Club was not used for violent purposes," and, "I never wit-



TRUTH & RECONCILIATION COMMISSION

nessed Winnie committing any violent act."

"I know nothing about any of the changes such as kidnapping or death of Stompie, death of Lolo Sono or Asvat, or the burning of (illegible) house," the statement read.

Under cross-examination, Sithole denied ever having been a member of the Football Club, although he did sometimes wear the club's tracksuit.

He was to prove a particularly obstreperous witness.

"What I want the commission to tell me is why did they call me here, because I have never heard of Lolo Sono before."

"In fact, before I can be cross-questioned, there are some things that really disturb me. Like for instance my presence before the commission. I find it irrelevant."

Sithole said he lived with Madikizela-Mandela in her Orlando-West home from about mid-1987 until the home was burnt down about a year later. He did not know whether the home was gutted in revenge against alleged Football Club atrocities.

He fled the country because the charges against him "meant nothing", helped by people he said he "could not specify".

Counsel for the commission Mr Hanif Vally wanted Sithole that if he persisted in refusing to answer questions "we will seriously consider charges against him."

Chairperson Archbishop Desmond Tutu warned that the commission had powers to act against those "endeavouring to put obstacles" in its way.



**INQUIRY ON ICE:** The National Special Investigations Unit is awaiting instructions from the Truth and Reconciliation Commission before resuming investigations into Xoliswa Falati's claims that Winnie Madikizela-Mandela had bodies dumped down an abandoned mineshaft in Soweto. Head of the unit, Commissioner Karel "Suker" Britz, said investigations had been put on hold until the end of this week's hearing.

"This is not a game, as some people think it is. We are dealing with very serious matters. I'm very patient, but when people try to make buffoons of us I hope they will realise there are limitations to my patience," Tutu said.

Sithole denied the allegation in the book *Katiza's Journey*, that he poured boiling water over Cebekhulu a few weeks before the Seipei trial.

And he denied assaulting Mr Thabiso Mono and Mr Pelo Meko, who were kidnapped from the Methodist manse in Orlando West with Seipei. The only instruction he ever saw Madikizela-Mandela issue was when she sent someone to buy bread from the corner store, he said.

Baroness to start private prosecution

**JOHANNESBURG:** British politician Baroness Emma Nicholson, patron of a man who says Ms Winnie Madikizela-Mandela killed teenager Stompie Seipei, said yesterday she would help bring a private legal action against her.

Nicholson, who came to South Africa with Mr Katiza Cebekhulu so that he could testify against Madikizela-Mandela on Tuesday, said she had agreed to the move with Seipei's mother Ms Joyce Seipei.

"I'm acting on her behalf. The TRC is not a court of law and murder demands courts of law," Nicholson told an impromptu press conference.

Nicholson said she had delayed her return to London after a private meeting with Seipei.

Asked whether the charge would be murder, Nicholson said "I am consulting the lawyers on that."

Ms Winnie Madikizela-Mandela yesterday laid a criminal injury charge against TV political commentator Max du Preez for comments he made during his weekly television roundup on the TRC. — Sapa-Reuter

## Church leaders testify at Mandela Club probe

**ROGER FRIEDMAN**

**JOHANNESBURG:** The inquiry into the Mandela United Football Club by the Truth and Reconciliation Commission changed gears here yesterday, with testimony by respected church leaders and politicians seeming to take the wind out of Mrs Winnie Madikizela-Mandela's sails.

While several witnesses heard over the first two days admitted to having lied on the subject in the past, and could therefore be considered of dubious quality, few peo-

ple in the crowded Johannesburg Institute of Social Studies auditorium yesterday would have questioned the integrity of such people as Bishop Peter Storey, Dr Frank Chikane, Safety and Security Minister Mr Sydney Mtshali, and others.

There was less theatre, less joking between Madikizela-Mandela and her counsel Mr Ismail Semanya — the atmosphere was palpably heavier.

The venue was stunned into silence and a flood of tears by the testimony of Methodist Bishop

ing political wind to dispel this suffocating fog of silence and lies is very important to the future of this country."

The members of the Mandela Crisis Committee will resume their evidence today, a day which will also feature testimony from Mrs Alberta Sisulu, and by the police officers who investigated the criminal activities of the football club.

Madikizela-Mandela is scheduled to be the last witness tomorrow, immediately after club coach and convicted Seipei murderer Jerry Richardson has had his say.





**FULL OF CHEER:** Winnie Madikizela-Mandela passes through a metal-detector as she arrives for the third day of a special TRC hearing in Johannesburg yesterday into 18 alleged crimes committed by her bodyguards

PICTURE: AP

# Winnie held boys hostage — cleric

*(252) ET 27/11/97*  
**JOHANNESBURG:** There is no way Winnie Madikizela-Mandela could have been ignorant of the fate of 14-year-old Stompie Seipei, a prominent Methodist cleric told the TRC yesterday

**M** was dealt one of her first significant blows yesterday when Methodist cleric Bishop Peter Storey accused her of holding three teenage boys hostage at her Diepkloof house after assaulting them. Storey also said Madikizela-Mandela must have known that Stompie Seipei, 14, had been killed.

He told the Truth and Reconciliation Commission how the church and the Mandela Crisis Committee tried to negotiate with Mandela to secure the release of Kenny Kgase, Pelo Mekgwe and Thabiso Mono, who were kidnapped together with Seipei from Bishop (his new title) Paul Verryn's Soweto manse.

"Actually we were in a hostage negotiation. We had to find ways to have the boys released. We were trying to avoid a situation where they were acted against in the same manner as Stompie," Storey said.

Asked by TRC investigator Mr Hanif Vally who he saw as the hostage taker, Storey said "There is no doubt in my mind we were negotiating with Madikizela-Mandela. She was deciding what would happen."

"I believe Madikizela-Mandela knew what happened to Stompie. She knew he was killed. If Stompie was killed or brought close to death at her house she would have known," Storey said.

Storey said he had been told by Verryn at the end of October 1988 of rumours that he (Verryn) was engaging in homosexual activities with boys at the manse.

In mid-November Verryn told him Xoliswa Falati and her daughter had moved into the manse. A month later Storey recalled Seipei moving into the manse, followed by Katiza Cebekhulu.

Witnesses have said that Madikizela-Mandela's bodyguards then snatched the four boys from Verryn's home and ordered them to say they had been sexually abused.

On January 4 Mr Aubrey Mokoena, head of the Release Mandela Campaign, was sent to the Mandela household to ask about the abduction of the boys. "He is told that he is misinformed and that the children are not there," Storey said.

Two days later Dr Nthatho Motlana was also sent to Madikizela-Mandela's house.

## 27/11/97 'She shows utter contempt'

**ROGER FRIEDMAN**

**JOHANNESBURG** Minister of Safety and Security Mr Sydney Mufamadi and his fellow members of the now-defunct Mandela Crisis Committee learned yesterday that Ms Winnie Madikizela-Mandela viewed their report on the activities of the Mandela United Football Club to then-ANC president Oliver Tambo as an "obvious Stratcom".

Stratcom refers to the strategic communication (disinformation) policy of the apartheid regime.

Committee members Mufamadi, the Rev Frank Chikane, Mr Aubrey Mokoena, Sister Bernard Ncube and Dr Beyers Naudé were appearing before the Truth and Reconciliation Commission at its special inquiry into the activities of the football club. The committee heard of Madikizela-Mandela's comment from the TRC counsel, Mr Hanif Vally.

there, but refused to let him see them.

The following day Verryn was told that Kgase had arrived at the Central Methodist Mission in a "bad physical state".

"Kenny's first question to Verryn was — 'Where is Stompie?' " Kgase then told Verryn they were being "trained to kill".

On January 11 the Rev Frank Chikane, Mokoena, Sister Bernard Ncube and Mr Sydney Mufamadi visited Madikizela-Mandela, who told them she was protecting the boys, who were there of their own accord.

Despite an initial agreement, the committee was denied access to the boys and told to return later in the day. On their return Ms Zinzi Mandela said one of the boys (Kenny) had "escaped".

"They noted that Pelo and Thabiso had fresh wounds on their bodies — Katiza (Cebekhulu) did not," Storey claimed.

Cebekhulu later broke down and told the committee he was being held against his will and he had been told to tell the story of the sexual advances.

Storey said Madikizela-Mandela refused to release the boys on January 14, despite an order from Mr Nelson Mandela, who was in prison.

Next day, according to Storey, Falati and Jerry Richardson brought three children to lawyer Mr Ismail Ayob. Ayob failed to secure their release after he refused to "discuss certain matters and conditions".

The following morning the three children (Mekgwe, Mono and Cebekhulu) were handed over to Motlana.

The boys later related the full story at a community meeting. Cebekhulu, however, continued the allegation against Verryn.

Asked by the meeting for a description of Seipei's injuries, Cebekhulu said he was "soft on the one side of his head and had been beaten so that he could not see out of his eyes". Asked whether he thought Stompie was dead he said "yes".

Ten days later Verryn received a death threat shortly before Madikizela-Mandela launched an attack on the church, linking it to the murder of Dr Abu-Baker Asvat on the grounds that he was her only "expert witness" regarding the sexual abuse case — Own Correspondent.

Their testimony will resume today.

Chikane said the committee was established after Madikizela-Mandela's house in Orlando West was burnt down in July 1988. It subsequently found itself delving into other issues, including the Stompie Seipei scandal.

The commission heard that the committee had later reported to Tambo that a community meeting had been held which resolved that Madikizela-Mandela should be approached to produce Seipei, that all progressive organisations should no longer give her a platform, that the football club should be dismantled, and that "she must desist from creating an impression that she speaks on behalf of the people".

When this was related to Madikizela-Mandela, they wrote to Tambo, her immediate response was to demand a list of people who attended the meeting. "She shows utter contempt for the Crisis Committee and the community," they reported.



# Tutu warns evasive witness in football club truth hearing

Stephen Laufer

ARCHBISHOP Desmond Tutu yesterday warned a reluctant witness at the truth commission's hearings into the affairs of Winnie Madikizela-Mandela's football club that serious consideration would be given to charging him if he continued to give evasive answers to questions.

Jabu Sithole, who said he had lived in the Madikizela-Mandela household off and on over a lengthy period, had initially refused to make a statement or to testify.

After being provided with legal council, he made a second appearance yesterday, but gave dissembling answers to almost all questions put to him. He said he had no idea why he had been subpoenaed by the commission.

Sithole denied being a member of Madikizela-Mandela's football club. When pressed by commission counsel Hanif Vally, he admitted wearing the club tracksuit on occasion and accompanying members to various functions including matches, funerals and a birthday visit to anti-apartheid activist the late Helen Joseph.

In a brief written statement taken by his lawyer, Adv Mike Miller, Sithole said the football club "was not used for violent purposes". Challenged by advocate David Unterhalter, Sithole said he had never seen any violence. But Unterhalter said his statement "suggests knowledge of the club and that you are trying to exonerate them from any wrongdoing".

Commissioner Yasmin Sooka said two of the four young men abducted by football club members from the Methodist manse in Soweto had said they had been beaten by Sithole and others.

Tutu warned Sithole and his lawyer that there were limits to the commission's patience "when people try to make buffoons of us". Sithole would be called again for further questioning.

Asked about being arrested with Madikizela-Mandela, the football club's coach Jerry Richardson, and others following the abduction of four young men from the manse in late 1988, Sithole initially said he could neither remember the charges nor who his co-accused had been.

He had not applied for amnesty despite having been charged with the abduction of Stompie Seipei and three others.

He had fled SA after jumping bail paid by Madikizela-Mandela because it was not opportune to stay and face charges in an apartheid court, he said. On his return he had been a member of the National Peacekeeping Force before becoming a security guard at Johannesburg International Airport.

Vally said Madikizela-Mandela had denied knowing Sithole during a closed section 29 hearing prior to this week's public session of the commission. But Madikizela-Mandela's lawyer, Ishmail Semanya, said later that his client knew Sithole under his nickname of "Javas".

(252)

# Verryn 'longs for reconciliation' with Winnie

Stephen Lafer 00 27/11/97 (252)

METHODIST bishop Paul Verryn used his truth commission appearance yesterday to cast out many of the ghosts of his past.

He apologised to murdered activist Stompie Seipei's mother for his inability to save her son's life and told Winnie Madikizela-Mandela that he "longed for reconciliation" with her.

But Madikizela-Mandela, who had previously wrongly accused Verryn of sodomising young men who had sought refuge in his Soweto manse, refused to respond to Verryn's offer. This was despite prompting by commission chairman Archbishop Desmond Tutu.

Madikizela-Mandela has man-

tained that Seipei, who was killed while in the custody of her supporters, and three other young men who were beaten while at her house, were removed from Verryn's manse for their own safety. Verryn was in tears as he addressed Seipei's mother from the witness stand, and Tutu cried as the Methodist bishop spoke.

Verryn said the most difficult thing for him to deal with in the years since Seipei's death at the end of 1988 had been his failure to remove the teenage activist to safety earlier from the manse, when Madikizela-Mandela's associate, Xoliswa Falati, had accused him of being a police spy.

"If I had acted in another way, he could still be here. I want to apologise to Mrs Seipei for my failure."

Verryn then said to Madikizela-Mandela: "I do not know you really, we only met once, briefly, at the manse. My feelings about you have taken me in many directions, but I long for reconciliation."

Verryn said he had been profoundly affected by things Madikizela-Mandela had said about him since the abduction of the young men from the manse in late December 1988. "I have struggled to forgive you even if you don't want forgiveness or even if you think I don't deserve to offer you forgiveness. I am struggling for the sake of this nation and the people whom I believe God loves deeply."

Following further answers by Verryn to commission questions, Tutu called on her to respond to his reconciliation offer. "He has spoken from a broken heart," Tutu said. "Maintaining the silence she has kept since the beginning of the commission's hearings on Monday, Madikizela-Mandela told her advocate, Ishmail Semanya, to respond. He said that his instructions were that Madikizela-Mandela did not want to communicate with Verryn. "He could have tried to make contact earlier," Semanya said. "It was not appropriate that an encounter take place under the eyes of television cameras," he said.

Tutu said he felt the situation between Madikizela-Mandela and Verryn was not just a private matter. "I would hope that the engagement between the two would be as quick as possible so that Verryn can have the burden lifted from him. Verryn's family must have gone through years of hell," Tutu said. Responding to commission questions, Verryn said his manse in Soweto had been a refuge for young people from around SA who were being hounded by the police for their political activities. There were three beds in the house, often shared by 10 or 20 people.

Verryn said he had felt, under the circumstances he could not in good conscience have a bed to himself. He informed his bishop immediately when he became aware of rumours he was involved in sexual activity with young men at the manse.



## Vindicated bishop 'relives past'

Nomavenda Mathiane

DESPITE an "agonising and humiliating" seven years since Stompie Moeketsi Seipei's death, Bishop Paul Verryn said yesterday he had found solace in the love of his friends, family and ordinary people.

Verryn, the Orlando West Methodist Church minister from whom four youths — including the murdered Seipei — were abducted, appeared before the truth commission yesterday.

After making his submission, Verryn said he felt guilty about Seipei, saying he had often thought he could have averted the youngster's death.

Still clearly overcome by the emotion he showed during his testimony, Verryn said his appearance at the commission had given him the opportunity to speak about the events which began

(252)  
in December 1988 and the pain caused by claims that he had slept with the boys at the Methodist manse.

Yet he would keep the door open for reconciliation between himself and Winnie Madikizela-Mandela. He had not abandoned the idea that they could jointly bury the past.

Verryn said he was concerned about Xoliswa Falati and often prayed for her. He described her as an emotionally-damaged person and said he felt sorry for her. Falati, Madikizela-Mandela's accomplice in abducting the children, told the commission on Tuesday that she had lied about Verryn and asked for his forgiveness.

Describing the experience of being vindicated at this week's hearings, he said "It has been as if somebody had killed me and given me back my life and forced me to live it again."

BD 27/11/97

# Winnie snubbed Mandela's secret appeal to free youths, says bishop

Stephen Lauffer

WINNIE Madikizela-Mandela's attempts to limit the damage from the truth commission's heard damning testimony about the bloody activities of her commissioners heard yesterday as she dealt with the bloody activities of her 1980s football club money about the bloody activities of her Methodists Bishop Peter Storey said secret messages had been sent to President Nelson Mandela in jail and African National Congress (ANC) president Oliver Tambo, asking them to

intervene to secure the release of four young men abducted from the Methodist manse in Soweto by the foot ball club. But Madikizela-Mandela, who was clearly in charge of the situation, had refused to respond to messages from both men — including a telephone call from Mandela via his lawyer, Ismael Ayob. One of the abducted boys, Mono, as well as Storey and members of the Mandela Crisis Committee, said

Madikizela-Mandela had participated in gross human rights violations. Mono said that she had assaulted him with a sjambok after the young man was brought to her house from the manse. A commissioner remarked during a break that yesterday's testimony was given extra weight by the serious atmosphere of the hearing, when Desmond Tutu's contrast with Archbishop Desmond Tutu's struggle to control emotional outbursts by witnesses

SA Council of Churches general secretary, Minister Sydney Mufamadi, the director general in the deputy president's office, Frank Chikane, former SA Council of Churches general secretary, Bernard Ncube, Mokoena and Sisters. Storey's detailed submission based on diaries and notes made during the abduction crisis of late 1988 and early 1989 was particularly devastating. The abduction of the four young men and their detention on Madikizela-Mandela's property, where they had been beaten, said the crisis committee and churchmen found their situation and political leaders found themselves trying to obtain their release without them being harmed. The efforts gained urgency because of suspicions — which proved correct — that one of the abducted boys, Stompe Seipei, had been killed.

See pages 4, 5 and 16



# Omar to phase in 4 000 new posts

27/11/97 (252)

Kevin O'Grady

A GOVERNMENT study group had recommended the creation of an additional 4 000 justice department posts so the justice system could function effectively and speedily, Justice Minister Dullah Omar said yesterday.

Omar said the posts were needed in several areas of the justice system, including prosecutors and the Office for Serious Economic Offences.

The group, which fell under the public service and administration ministry and which studied the needs of the office and other parts of the department, had presented its findings to cabinet, which had asked for a "phased approach" to the appointments, Omar said.

Although there were budget constraints, Omar said, "money will have to be found to create those posts. We are hoping re-

sources will be made available to alleviate the pressure."

Government was looking at recommendations by the truth commission's reparation and rehabilitation committee and was taking urgent steps, ahead of the commission's final report in June next year, to ensure interim relief was provided "on an urgent basis" to people recommended by the commission.

Omar said the justice department had passed and tabled more legislation each year since 1994 than any other government department. This year 15 pieces of legislation had been successfully promoted.

These included legislation dealing with minimum sentences, bail, the rights of natural fathers of children born out of wedlock, divorce courts, states of emergency and criminal appeal.

The legislative programme for

next year would include the National Prosecuting Authority Bill, which provides for a national attorney-general, the Witness Protection Bill and the Lay Assessors Bill, which provides for lay assessors to assist magistrates in the lower courts

Omar said he would have liked to have seen greater progress in the transformation of the magistrate's courts since 1994. The courts needed greater representativeness and a change of attitude, but this was difficult to enforce without government being seen to undermine the courts

He would have liked also to have seen more effective case and court management — attorneys-general had reported that as many as 60% of regional court case dockets never made it to court — and greater sensitivity to crimes against women, children and other "vulnerable people".

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# For some crimes 'life' will now mean exactly that

BD 27/11/97

(252)  
~~253~~

IN THE past week, Parliament has passed three tough anticrime laws which signal a renewed commitment by government to take drastic action to fight crime

While these laws will not be a quick fix for the very serious problem of criminal activity, they will significantly strengthen the state in the fight against crime.

A notable feature of the laws is that those accused of serious, and especially violent, crime, will be dealt with much more harshly in all parts of the criminal justice system

These criminals will, in the words of Cape attorney-general Frank Kahn, "carry the mark of Cain" throughout the whole system. They will

- Find it difficult to get bail,
- Receive heavy minimum sentences which cannot be suspended; and
- Qualify for parole only after serving a much longer part of their sentences

The bail law is the first of the new measures.

It creates a new schedule six of "super crimes" for which it will be extremely difficult to get bail — the accused will have to prove that "exceptional circumstances" exist to get bail

The schedule six super crimes include

- Murder: deliberate or premeditated murder, or murder during rape or robbery, as well as murder of a witness, and murders by a gang or a syndicate. Special protection is given to law enforcement officers, who are covered even off-duty;
- Rapes where serious injury is inflicted, where the victim is raped more than once, or is under 16 or is particularly vulnerable due to disability. Also targeted are gang rapes and rapists who are facing more than one charge. An innovation is the addition of those who rape knowing that they are HIV-positive;
- Serious robberies, for instance where the robber is armed with a gun, or inflicts serious injury. All car hijackings are covered because of the seriousness of the problem,
- Previous offenders those who previously committed any of the

Government's commitment to get tough on crime has been demonstrated by recent legislation, says African National Congress MP Willie Hofmeyr

wider group of serious crimes listed in schedule five (see below).

These bail applications must be heard in the regional courts to ensure that the most experienced magistrates and prosecutors deal with them

Even if prosecutors agree to bail, they will have to provide reasons that allow the magistrates to make a proper decision

The bail law creates also a larger category of serious crimes in schedule five.

For these offences, it will be more difficult than normal to get bail, because the onus is on the accused to prove that he or she should get bail.

Schedule five targets a number of serious offences for more harsh treatment:

- Serious violent crimes not in the super category;
- Drug or arms smuggling,
- Mere possession of automatic firearms or large amounts of ammunition,
- Economic crimes involving more than R500 000; and
- Certain offences committed against children.

Furthermore, crimes committed by law enforcement officials or by crime syndicates will be regarded as more serious

The bail law also contains measures to make our bail system more effective, but I will not deal with them here

The second new anticrime measure is the imposition of drastic minimum sentences for these serious crimes. The court may deviate from these minimum sentences only if "substantial and compelling circumstances" exist, and the courts cannot suspend the sentence

For the super crimes in schedule six, life imprisonment must be imposed, except in the case of serious robberies.

For serious robberies and the other serious crimes in schedule five, the minimum sentence is 15 years for a first offence, 20 years for a second and 25 years for a

third. (For a few crimes, it is 10, 15 and 20 years respectively)

To add to its strong anti-violence message, the law states that a five-year, minimum sentence must be imposed for any less serious crime where a firearm is used.

The third new measure is a radical reform of the old parole system which meant that even very serious criminals could be released after serving only a third of their sentences

The new parole system now provides that prisoners serving life can be released on parole only if the court agrees, and they must serve at least 25 years before they can apply to court.

This will mean in serious cases that life imprisonment will mean life.

For prisoners serving the above minimum sentences, the change is equally drastic. They must now serve at least 80% of their sentence before qualifying for parole, although the court may reduce this to 67%.

All other prisoners must serve at least 50% of their sentence, but the court can increase this to 67%.

These laws are an indication that government will not hesitate to take drastic measures to fight the scourge of crime. They attempt to deal also with many of the valid public concerns about problems in the old systems of bail, sentencing and parole.

But, more important, these laws aim to send a clear message to those who commit serious violent crimes

If they use violence or commit very serious crimes, they will be treated as harshly as possible in a democratic society

We will not allow a bunch of criminals to undermine the democracy that has been built with so much sacrifice in our country.

Hofmeyr is a member of the justice committee in the National Assembly



# The diversity of SA's business sector was lost at

BD 27/11/97 (252)

THE truth commission hearings on business were a strange affair. Business was frequently put in the position of "when last did you beat your wife" — whatever was said implicated you in the definition of a situation and allocation of guilt and responsibility that allowed no room for alternative views of the choices that faced individuals and companies in apartheid SA.

Conversely, listening to many business people it was hard to understand who had actually voted for or funded the National Party for so many years, or why Helen Suzman was the lone representative of the Progressive Party from 1961-1974.

And all this took place in a situation where some South Africans questioned other South Africans about their role and complicity with or opposition to, apartheid, while many of the questioners could also be asked similar questions.

Many people conceive of business as an entity akin to government or a political party hierarchically organised, responsible for a common policy platform and accountable to an identifiable leadership. Yet business is

something very different. The term "business" is used very loosely in public discourse and often pejoratively. It can mean at least three things: all individuals who share the activity of producing goods and services for profit (which embraces the CEO of a multinational corporation and the owners of a corner grocery), organisations whose purpose it is to protect and promote the interests of business as they see them, and a vaguely defined collective of "tycoons", owners and executives of the largest business groups.

Business is first and foremost a category of activity. As a sector it is highly individualistic, fragmented, constantly changing and operates within a strong (ruthless) competitive ethic. Leadership is generally diffuse and has a very different meaning from say leadership within a political party or trade union.

Business people are not unanimous in what strategy or tactics are required to protect and sustain their own long- or short-term interests. In-

The term 'business' is often used in a collective sense — and pejoratively, whereas the sector is individualistic and

terests themselves change over time. Nor is there always a common vision or commitment to the most desirable future. So in discussing "capital and its interests" one needs to be careful to clarify which parts of business one is referring to and whose definition of their interests is being put forward.

For anyone trying to understand business and its role in apartheid SA, it is important to understand the realities and constraints involved.

One of these is that corporations are not established for moral purposes. They are functional institutions created to perform an economic task. This does not absolve individuals within companies from moral choices or responsibilities. Some companies operate with a greater concern for ethics and values than others. Some companies consciously attempt to make profits in a way that directly benefits the society in which they operate, some do not. Different companies in apartheid SA — as they do today — behaved very differently. We need to look beyond the collective

notion of "business" and see the diversity of businesses in the country.

Successful companies are adaptable and will find ways to make money under almost any political regime. This might be morally uncomfortable (and at times distasteful) but the ability of companies to adapt is a great strength. The durability of economic enterprise — often requiring considerable steadiness of nerve in the midst of turbulence — has resulted in one of democratic SA's greatest assets. We emerge after decades of authoritarian rule with a large, energetic and reasonably competitive business sector which puts us at a considerable advantage compared to many other societies.

For those who argued for business leaders to play a larger and more strategic role in changing apartheid SA this had to be done within the context of hard realities. How could the sector perform its economic functions and simultaneously contribute significantly to the process of political change? (Of course they were op-

erating within assumptions about change — the validity of incremental versus revolutionary change and opposition to the view that "the end justifies the means". It is instructive that none of these important philosophical and strategic questions were raised at the hearing.)

The role of business in SA during the apartheid era is a complex and mixed one. In general most companies accommodated themselves to the prevailing politics and it was only in the 1980s when the immediate interests of many corporations were affected that some business leaders started loudly and systematically to speak out against the government and act in ways that were directly counter to core apartheid policies. Throughout the earlier period, business (organisations and people) would by and large indicate their opposition to policies as these affected the workplace and economic issues, and then get back to business.

And yet, this is only a part of the story. From the late 1970s a number

# Truth Commission

of companies funded and supported a large and diverse number of non-government organisations — small community groups, large educational projects, health, welfare and other service organisations and research institutes. The strength and diversity of SA's civil society is a product of three forces: the spirit of thousands of individuals, international resources and SA business support.

Key components of the SA business sector played an active role "beyond the factory gate". These companies were subject to criticism in the business sector for going beyond traditional corporate activities as understood by the phrase "the business of business is business".

Few people give up everything (or anything) for their beliefs and ideas. This is an unfortunate reality of human nature. Under apartheid, most individuals went on with their education, went to soccer matches, professors taught, journalists wrote, clerics preached, people got married and had families. If the criterion now

(for the truth commission or any other critic) is did you do enough to oppose apartheid — then very few South Africans would be blameless.

Like the majority of South Africans, business people could have done much more to oppose the policies, ideas, philosophy and assumptions behind a system of racial discrimination, oppression and denial of black South Africans' humanity. There were sins of omission and commission that need to be reflected on and their lessons learnt. It is insufficient to apologise profusely and then go back to "business as usual" or establish a relationship with the new government as uncritical as with the last one. The success of democracy and nonracialism will depend on all South Africans — particularly those with more power than others — actively working to build a different society. Business has an important role to play. Let us focus on that.

□ Bernstein, executive director of the Centre for Development and Enterprise, was called as an independent expert witness to testify at the truth commission hearings on business.



## TRUTH COMMISSION

### Television reporter faces Winnie charge

WINNIE Madikizela-Mandela on Tuesday laid a crimen injuria charge against television political commentator Max du Preez for comments he made during his weekly television roundup on the truth commission's activities.

Du Preez yesterday told Sapa, about the charge.

The commission is probing human rights abuses that were allegedly committed by Madikizela-Mandela and her bodyguards, the so-called Mandela United Football Club, in Soweto in the late 1980s.

These accusations range from murder to torture and kidnapping.

Du Preez said he was told by the police in Brixton, Johannesburg, the charge had been laid by Madikizela-Mandela.

It was not yet clear to which specific remark the charge referred, Du Preez said — Sapa

# Walus denies Hani killing was his idea

PRETORIA — Convicted murderer Janusz Walus yesterday denied initiating the slaying of SA Communist Party leader Chris Hani in April 1993.

He told the truth commission in Pretoria that he and accomplice Clive Derby-Lewis often discussed the need for something to be done to prevent what they regarded as a communist takeover in SA. "But I did not make a solid suggestion," he said "I never went to Clive with the suggestion."

Walus, a Polish immigrant, and Derby-Lewis, a former Conservative Party (CP) MP, were convicted in 1993 of killing Hani outside his Boksburg home. Both were sentenced to death, but their sentences were commuted to life imprisonment. They are seeking amnesty for the crime on the grounds that it was politically motivated.

George Bizos, for the Hani family, yesterday quoted a 1993 statement by Derby-Lewis' wife, Gaye, while she was in detention shortly after the assassination. She claimed that the idea of liquidating a liberation leader originated from Walus.

Walus said he and Derby-Lewis decided late in February or early March 1993 to kill Hani. At the time Derby-

Lewis also handed him a hit list of "enemies of SA".

It contained the names of prominent African National Congress and SACP figures, including Nelson Mandela, Chris Hani and Mac Maharaj.

"From the moment Clive handed me the list, I was under his instruction," Walus said. "He held a high position in the CP and he had a military background. He was my superior."

Walus earlier said he had not expected to be rewarded by the CP for killing Hani, but he was certain that the party would approve of his actions. CP leader Ferdi Hartzenberg's repudiation of the murder came as a shock, he told the commission.

Examined by John Brand, for the police, Walus said his interrogators gave him beer on two occasions in 1993. Brand contended that of 21 video tapes of the interrogation only one showed Walus having a glass of beer.

Walus agreed that his interrogators had been friendly. They displayed some aggression at times by raising their voices. He got the impression that security policeman Nic Deetlefs, one of his interrogators, was sympathetic to his cause, he said. — Sapa.

BD 27/11/97

(252)

BD 27/11/97 (252)



# Mandela 'sorry for accusation'

DN 27/11/97 (252)

Stephen Lauffer

PRESIDENT Nelson Mandela had apologised to the Methodist church for the behaviour of his then wife Winnie Madikizela-Mandela in accusing pastor Paul Verryn of sodomising young men in his care, and had suggested ordering her to make a public apology, Bishop Peter Storey told the truth commission yesterday.

Mandela had made his remarks during a conversation with Methodist Bishop Stanley Mogoba during the latter's pastoral visit to him in prison. Storey said the conversation had come at the end of a trying period of negotiations for the release of young men abducted by members of Madikizela-Mandela's football club from Verryn's manse in Soweto.

The efforts to get the men released had been complicated by the growing fear that one of them — Stompie Seipei — had been murdered. Madikizela-Mandela had initially ignored appeals from exiled ANC president Oliver Tambo and Mandela to free them.

Storey said he had had "no doubt" that negotiations for the release of the abductees and to establish Seipei's whereabouts, had "been with Madikizela-Mandela."

Negotiations had involved lawyers, community leaders, and members of the Mandela crisis committee. The committee had been in a dilemma which Storey found deeply frustrating.

Fearing fallout from the abduction crisis for Mass Democratic Movement (MDM) efforts in the battle against apartheid, committee members had been torn between their deep concern for Seipei on the one hand and their efforts at damage control on the other.

Storey said he later saw "deep moral and political integrity and courage come together" when MDM leaders had distanced the movement from Madikizela-Mandela. Nobody would ever know what it had cost those who had taken the action, he said.

Attempting to challenge Storey's assertion that Madikizela-Mandela had been in charge of the situation during the periods of the abduction and

Seipei's murder, her lawyer Ishmail Semanya said she had been surrounded by police agents. The coach of her football club, Jerry Richardson, who has applied for amnesty for Seipei's and other deaths, had admitted to being a police agent.

Storey said he nevertheless had reason to believe that Madikizela-Mandela knew what had happened to Seipei, that she knew the circumstances of his death.

# Nicholson to pursue revival of charges

Stephen Laufer

THE attorney-general would be asked to revive murder charges against Winnie Madikizela-Mandela in connection with the death of Stompie Seipei and to bring a new prosecution against her for the death of Lolo Sono, Baroness Emma Nicholson announced yesterday.

The former UK Conservative Party MP and "guardian" of Katiza Cebekhulu, who on Tuesday accused Madikizela-Mandela of stabbing Seipei to death, said she had the support of Seipei's mother and Sono's father. She said she planned to write to the attorney-general immediately.

Sono's father told the truth commission on Monday he had last seen his badly beaten son in Madikizela-Mandela's custody.

Cebekhulu testified on Tuesday that he had witnessed Madikizela-Mandela beating Lolo Sono, whom she had accused of being a police spy. After she was driven to Sono's house, Madikizela-Mandela had ordered that he be dealt with.

Nicholson, who accompanied Cebekhulu to SA for his appearance before the commission, said she would help Seipei and Sono to pursue private murder prosecutions against Madikizela-Mandela if the attorney-general declined to prosecute.

Madikizela-Mandela lawyer Ishmail Semanya said this was Nicholson's "right" if it was what she wanted to do. Madikizela-Mandela refused to comment on Nicholson's intentions.

A lawyer for the Sono family said he believed there were possible grounds from this week's

testimony to the commission to revive the charges. A civil claim would have been preferable because of the lesser burden of proof, but statutory time limits made its success unlikely.

Explaining her motives for bringing the prosecution, Nicholson said: "Stompie's mother does not seem to have behalf, and I saw her sitting quietly crying inside. I wanted to be her voice."

Asked whether a murder investigation would not run counter to the commission's brief to seek reconciliation through truth, she said the commission was not a court of law. "And murder belongs in a court. There are also laws in SA relating to murder."

Testifying to the commission on Tuesday, Nicholson said she

had founded six charities in Britain, one of them a large one dealing with refugees. After years as a Tory MP, she had switched to the Liberal Democrats in the UK and was given a life peerage.

Her initial meeting with Seipei yesterday took place in a small garden in full view of the media, and the two were soon surrounded by television cameras and photographers.

Nicholson bounced Seipei's young child on her arm throughout the encounter and an ensuing impromptu press conference.

Responding to a question on why she had not left for the UK on Tuesday night with Cebekhulu as planned, she asked "Don't you love me?" before explaining that the plane had been full.



A shackled Jerry Richardson, convicted for the murder of teenage activist Stompie Seipei, arrives in a police van for the second day of a truth commission hearing in Johannesburg yesterday. Picture AP



# Close friend of Stompie describes beatings and whippings by 'Mummy' and others

Star 27/11/97



Thabiso Mono... supported earlier allegations

By ANSO THOM

One of Stompie Seipei's close friends, Thabiso Mono, supported allegations at this week's Truth and Reconciliation Commission special hearing that Winnie Madikizela-Mandela participated in the assaults against youths taken from the Soweto Methodist manse in 1988.

Mono said he was taken together with Stompie to a room at the back of the Diepkloof house where Madikizela-Mandela beat them with her fists before assaulting them with a sjambok.

"She and others accused Stompie of being a police informer. Both of us denied this. Mrs Mandela was not present while Stompie was being questioned. I was accused of sleeping with a white priest (Paul Verryn)," Mono said. The two boys were then taken to another room where Pelo Mekgwe and Kenny Kgase were sitting. Mono said members of the Mandela United Football Club (MUFCL) were present.

"Jerry (Richardson) told someone to bring in a chair for Mummy (Madikizela-Mandela). She then arrived and sat in the chair. Mrs Mandela questioned us as to why we allowed a white priest to sleep with us. She asked Stompie why he was selling people. She then started hitting us one by one with fists. "The rest then joined in. They kicked us and lifted us up before dropping us to the ground," Mono said.

Mono said: "I saw her. She was the person who assaulted us. I don't know which Mrs Mandela was in Brandfort."

Mono also spoke about a tall and heavily built man he identified as Guybon, who arrived at the house two days after the assault.

"Stompie's face was still very swollen. Guybon asked Jerry who these people (the boys) were. Jerry said the three of us (Pelo, Kenny and Thabiso) were not supposed to be assaulted any further, but that Stompie should Guybon started hitting him and threw him against the wall. "During the night Jerry came in and gave Stompie a piece of paper to write his address on because he wanted to take him home (to Parys) in the morning. "His face was still very swollen, his forehead and the top of his head. His eyes were very small," Mono said. "After a while Stompie went away with Jerry. I could not see whether they went in a car, as I was at the back of the house. It was the last time we saw Stompie. Jerry did not sleep with us in the room that night, as he had been doing," Mono said. The next morning Richardson asked the boys to join the MUFCL team. "We agreed, because we didn't have any option," said Mono.

at the back of the Diepkloof house where Madikizela-Mandela beat them with her fists before assaulting them with a sjambok.

"She and others accused Stompie of being a police informer. Both of us denied this.

"Mrs Mandela was not present while Stompie was being questioned. I was accused of sleeping with a white priest (Paul Verryn)," Mono said.

The two boys were then taken to another room where Pelo Mekgwe and Kenny Kgase were sitting.

Mono said: "I saw her. She was the person who assaulted us. I don't know which Mrs Mandela was in Brandfort."

Mono also spoke about a tall and heavily built man he identified as Guybon, who arrived at the house two days after the assault.

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# Postmortem report could be key evidence

Star 27/11/97

Pathologist's findings appear to tally with assertion that Stompie was stabbed

By ROBERT BRAND

The state pathologist who did the postmortem examination on Stompie Serper's body may hold the key to the teenage activist's death

Evidence contained in Dr Patricia Klepp's postmortem report appears to back up Katiza Cebekhulu's claim that Stompie was stabbed - and seems to contradict conflicting evidence by Winnie Madikizela-Mandela's associate Jerry Richardson that the boy's throat was cut

Cebekhulu claimed he saw Madikizela-Mandela stab Stompie twice with a "shiny object",

## Unlikely death was caused by slit throat as claimed

presumably a knife. However, Richardson, who was convicted of murdering Stompie, claims he slit the boy's throat with a garden shears blade, "like slaughtering a sheep".

Klepp, who might be called to testify before the Truth and Reconciliation Commission's hearing into the activities of Madikizela-Mandela's "football club", told The Star last night it was unlikely Stompie's death was caused by a slit throat.

The badly decomposing body which she examined - it was found buried three days after he had been killed - had two stab wounds which could have been the cause of death: one

behind the right ear and one above the left collarbone

"It didn't look like a slit throat," Klepp said. "I found two separate, penetrating, incised wounds. But I must add that the decomposed state of the body had made the examination very difficult."

TRC investigators trying to piece together the sequence of events which led to Stompie's death are now wondering why Richardson, who has applied for amnesty for the killing, has made a statement which seems to contradict the physical evidence

Suspicion has been voiced that Richardson, who is serving a jail sentence for Stompie's murder, may still be covering up the true story of his death.

Klepp's postmortem report states that the stab wounds on Stompie's body had been made with a double-edged weapon like a dagger, not a single-edged weapon like a garden shears blade

TRC lawyer Hanif Vally, who is leading testimony at the hearing, said the commission might call Klepp to testify about her postmortem findings. Richardson is due to testify tomorrow or on Saturday.

Richardson has also applied for amnesty for the murder of Lolo Sono and Sibomso Shabalala, two youths who were allegedly accused by members of the Mandela United Football Club of "selling out" two MK cadres who were killed in a shootout with police.

It was claimed yesterday by Madikizela-Mandela's lawyer, Ishmail Semanya, that Richardson was a police informer during the time he was leader of the "football club".



27/11/99

### *The changing faces of Winnie*

The world according to Winnie ... The Star's chief photographer DEBBIE VAZBEK, attending the TRC hearing into the activities of the Mandela United Football Club, catches Madikizela-Mandela squaring up to her accusers. Although she appeared amused by Xoliswa Falati's evidence, Madikizela-Mandela retained her composure and often looked pensive and introspective as she listened to the witnesses' testimony.



# The tale of two bishnors



## Storey tells of 'hostage negotiations' to release boys

By ANSO THOM

**W**innie Madikizela-Mandela was dealt one of her first significant blows yesterday when Methodist Bishop Peter Storey accused her of holding three teenage boys hostage at her Diepkloof house after assaulting them.

Storey also said Madikizela-Mandela must have been aware that Stompie Seipei had been killed.

He described to the Truth and Reconciliation Commission special hearing how the church and the Mandela Crisis Committee had tried to negotiate with Madikizela-Mandela to secure the release of Kenny Kgase, Pelo Mekgwe and Thabiso Mono, who were kidnapped together with Stompie from Bishop (then the Rev) Paul Verryn's Soweto manse.

"Actually we were in a hostage negotiation. We had to find ways to have the boys released. We were trying to avoid a situation where they were acted against in the same manner as Stompie," Storey revealed.

Asked by TRC investigator Hanif Vally who he thought had been the hostage-taker, Storey said "There is no doubt in my mind that we were negotiating with Mrs Mandela. She was deciding what would happen."

He went on to say that Madikizela-Mandela might have approved of the behaviour of Jerry Richardson (sentenced for murder of Stompie) at the time.

"I believe she knew what happened to Stompie. She knew he was killed. If Stompie was killed or brought close to death at her house, she would have known," Storey said.

He had first been informed by Verryn at the end of October 1988 of rumours that Verryn was engaging in homosexual activities with residents at the manse.

In mid-November Verryn indicated that Xoliswa Falati and her daughter had moved into the manse, leading to an improvement in discipline and cleanliness.

Storey recalled Stompie moving into the manse a month later, followed shortly afterwards by Katiza Cebekhulu.

On January 4 1989 Aubrey Mokoena, head of the Release



**Damning allegations .. Bishop Peter Storey described how he tried unsuccessfully to secure the release of the boys and also revealed (the then jailed) Nelson Mandela's concerns.**

Mandela Campaign, was sent to the Mandela home to inquire about the abduction of four boys. "He was told that he was misinformed and that the children were not there," Storey said.

Two days later Dr Nthato Motlana was also sent to Madikizela-Mandela's house, where she admitted that the children were there, but refused to grant him access to examine them.

The following day Verryn was informed that Kgase had arrived at the Central Metho-

dist Mission in a "bad physical state". His first question to Verryn was "Where is Stompie?"

Kgase then told Verryn they were being "trained to kill".

On January 11, Frank Chikane, Mokoena, Sister Bernard Ncube and Sydney Mufamadi visited Madikizela-Mandela, who informed them that she was protecting the boys, and that they had not been abducted and were there on their own accord.

Despite an initial agreement, members of the crisis

committee were denied access to the boys and told to return later in the day, which they did.

On their return, Zinzi Mandela indicated that one of the boys (Kenny) had "escaped".

"They noted that Pelo and Thabiso had fresh wounds on their bodies - Katiza did not," Storey claimed.

Storey went on to claim that Madikizela-Mandela refused to release the boys on January 14 despite an order from Nelson Mandela, who was imprisoned at the time.



Silent sorrow ... Joyce Seipei, Stompie's mother, with Dame Emma Nicholson, the former British MP who is sheltering Katiza Cebekhulu, at yesterday's TRC hearing into the activities of the Mandela United Football Club.

# Crisis committee was formed in effort to curb Winnie

By Cecilia Russell

In 1988, against the backdrop of the state of emergency, police brutality and fear, the then-banned ANC had to deal with the crisis caused by the wife of Nelson Mandela and her self-styled football team.

Rumours of brutality and a reign of terror reached the ears of the ANC leadership in exile in Lusaka weeks before Stompie Seipei and three other youths were abducted from the Methodist Church manse run

by the Rev (now bishop) Paul Verryn. Their solution was to form the Mandela Crisis Committee to investigate the claims.

The committee drew heavy weights from the internal anti-apartheid struggle.

It included leaders of the Mass Democratic Movement, the trade unions and the religious community. Members included SA Council of Churches leader Frank Chikane (now director-general in the office of the

deputy president), Cyril Ramaphosa (unionist-turned-businessman), Murphy Morobe (head of the Financial and Fiscal Commission), Albertina Sisulu (MP), Sydney Mufamadi (now Minister of Safety and Security), the Rev Beyers Naudé (former general secretary of the SACC), Nthato Motlana (businessman), Manas Buthelezi (SACC president) and Azhar Cachalia (now Secretary of Safety and Security). After Stompie and three other youths were kidnapped

from Verryn's home, the crisis committee sent a top-secret document to the ANC leadership in Lusaka.

In the document they disclosed how they had had various confrontations with Winnie Madikizela-Mandela when they had demanded she release the kidnapped boys.

The committee tried to break the powerful hold Madikizela-Mandela had on the community by attempting to deny her the right to public platforms.

After Stompie's body was found, Nelson Mandela intervened from prison and demanded that Madikizela-Mandela disband the "football club" and remove the remaining members from her home.

The crisis committee remained a thorn in Madikizela-Mandela's side for many years.

At her trial for the kidnapping of Stompie she bitterly accused the committee of betraying her and falsely accusing her of murder and the assaults.

Spa 27/11/97

(2/2)



252  
27/11/97



# TRC to exhume more <sup>(252)</sup> bodies

By Russel Molefe

TRUTH and Reconciliation Commission (TRC) investigators will exhume the remains of six Umkhonto we Sizwe guerrillas killed and secretly buried near Piet Retief and Barbeton in Mpumalanga.

The six graves in Mpumalanga are among the 195 graves of guerrillas and anti-apartheid activists found by TRC investigators. Other graves are believed to be between Louis Trichardt and Messina in Northern Province.

Today the investigation team, which will be joined by Mpumalanga Premier Mathews Phosa, will exhume the remains of four MK guerrillas in Thandukukhanya, Piet Retief.

The remains of Mzwandile Radebe of Soweto, Victor Mngadi of Inanda, Durban, Thuluso Matima of Klerksdorp and Titus Dladla of Atteridgeville, Pretoria, have been lying in unmarked graves at Thandukukhanya Cemetery for almost 11 years.

The four were ambushed while on their way to carry out a military operation in Durban in 1986.

The remains of two more MK guerrillas, Matthew Nkosi of Soweto and Ndlela Sibiyi, will also be exhumed at Emjindini Cemetery near Barbeton, Mpumalanga, tomorrow.

Their exhumations follow that of MK special operations unit commander Barney Molokoane and his two comrades, Vincent Sekete and Victor Khayiyane.

*Sowetan 27/11/97*

# Winnie defied direct order from Madiba

Shaw 27/11/97 (252)

## TRC told how anti-apartheid leaders battled to rescue four youths from Madikizela-Mandela's home

By Robert Braund  
and Cecilia Russell

The arrival of ANC MP Bernard Neube, a member of the Mandela Crisis Committee formed in the late 80s to deal with tensions between Winnie Madikizela-Mandela and the Soweto community, caused a ripple of excitement today at the fourth day of Truth and Reconciliation Commission hearings into the activities of the Mandela United Football Club.

Madikizela-Mandela and her daughters arrived seconds before the proceedings were due to start. Once again Madikizela-Mandela looked elegant and confident in a black and white spotted outfit.

Yesterday, leading anti-apartheid campaigners in the ANC cabinet minutes including an ANC cabinet minister and several top-ranking ANC leaders - described to the TRC how they had struggled for more than two weeks to wrest four kidnapped youths from

Madikizela-Mandela's clutches. She ignored a direct order from her then husband, Nelson Mandela, to free the youths.

When she finally let them go, Stompie Sepele (14) had been murdered, the TRC heard on the third day of its hearing.

Methodist bishop Peter Storey and members of the crisis committee described how they had negotiated with a defiant Madikizela-Mandela to release the youths.

This followed dramatic testimony by Bishop Paul Verryn, the Methodist minister falsely accused of sexually molesting the youths at his Soweto mission before they were abducted by football club members.

Thabiso Mono, Kenny Kgase, Pelo Mekoewe and Stompie were abducted on December 29 1988, following allegations by Madikizela-Mandela's friend Xoliswa Palati that Verryn had molested some of them.

They were assaulted at Madikizela-Mandela's home for three days before Stompie dis-

appeared. Kgase escaped, but the other two were held until January 16 and then released into Storey's care.

In those 19 days, Madikizela-Mandela stonewalled all attempts to procure their release and refused to inform the crisis committee of Stompie's whereabouts, the TRC heard.

Among those who visited her to ask for the release of the youths were crisis committee members Sydney Mufamadi, now minister of Safety and Security; Audrey Mokoena, now an ANC MP; Dr Frank Chikane, then general secretary of the South African Council of Churches and now director of deputy president Thabo Mbeki's office; and Neube. She was also visited twice by Dr Nthabho Muthiqa.

The crisis committee sent a letter to then ANC president Oliver Tambo recommending that Madikizela-Mandela should be ostracised by the Mass Democratic Movement.

This letter, Madikizela-Man-



Comrades in arms .. former NGK minister and anti-apartheid activist Beyers Naude embraces Winnie Madikizela-Mandela at the TRC hearings in Mayfair yesterday.

The TRC investigators in a telephone interview in September were told the security police's disinformation arm. But Mufamadi, who testified yesterday, said, "The document was written by us."

Other committee members who faced the TRC panel were

retired cleric Dr Beyers Naude, Neube, Chikane and Mokoena.

The Mandela family lawyer Ismail Ayob, the TRC heard, delivered an order from Nelson Mandela to Madikizela-Mandela on January 14 to release the youths - but she refused.

The two remaining youths were finally released on Monday January 16.

But the full story about Stompie's death has yet to come out, Storey said.

Tefo Mothibeli reports that this hearing has spawned several legal proceedings.

Yesterday former British



Row 27/12/97 (252)

# Order Madiba

1 leaders battled to rescue four Mandela's home

Mandela's clutches were a direct order from his husband, Nelson Mandela, to free the youths, finally let them go, the TRC heard on 14 of its hearing. St bishop Peter members of the committee described how gotated with a de- zela-Mandela to re- utts owed dramatic tes- bishop Paul Verryn, ist minister falsely sexually molesting at his Soweto mis- they were abducted club members Momo, Kenny, Mekgwe and Stom- uced on December wing allegations by Mandela's friend at that Verryn had ne of them ere assaulted at Mandela's home for before Stompe dis-

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Nthato Motlana. The crisis committee sent a letter to then ANC president Oliver Tambo recommending that Madikizela-Mandela should be ostracised by the Mass Democratic Movement. This letter, Madikizela-Man-



Comrades in arms ... former NGK minister and anti-apartheid activist Beyers Naude embraces Winnie Madikizela-Mandela at the TRC hearings in Mayfair yesterday.

Mandela told TRC investigators in September 1997 that she was sexually abused by Stompe, the security police's disinformation arm. But Mufamadi, who testified yesterday, said: "The document was written by us."

Other committee members who faced the TRC panel were

## Today's Hearings

- ANC MP Bernard Neube
- Dr Mthato Motlana - UJ
- Okto Mbungula - UJ
- Murphy Mombela - UJ
- Azhar Cudjoe - UJ
- Gert Mshelanga - UJ
- George Fivaz - National
- Smanguliso Mkhatswa - church and community leader
- Sen Supt Fred Dempsey - investigating officer, Soweto and robbery unit

MP Emma Nicholson, Katiza Cebekulu's guardian, said she had decided to institute a private prosecution against Madikizela-Mandela for the death of Stompe.

Madikizela-Mandela shouted "I don't give a damn," when asked what she thought about the private prosecution, as she left the hearing.

She has laid a crimen injuria charge against television journalist Max du Preez for comments he made in a weekly television roundup on the commission's activities, and also against Cebekulu.

Maggie Phumfihle Dlamini has indicated she was considering a civil claim against Madikizela-Mandela for allegedly assaulting her after disclosing they were both having a sex relationship with Johannes "Shakes" Tau.

The names of two bishops who faced the TRC panel were



# I want to reconcile with Winnie - Verryn

(252) Sowetan 27/11/97

By Joe Mdhlela

**E**VEN though he had been profoundly affected by the things Mrs Winnie Madikizela-Mandela said about him, Methodist Bishop Paul Verryn yesterday said he longed to reconcile with her.

Verryn also told the Truth and Reconciliation Commission hearing in Mayfair, Johannesburg, that he believed he owed Ms Joyce Seipei an apology for failing to "act in a different way" to protect her son.

Throughout yesterday's hearing, Seipei sat quietly in the audience and declined to answer journalists' questions.

Verryn said he believed that had he stood his ground, and not relented to pressure to remove 14-year-old Stompie Seipei from his care at the Methodist manse in Soweto in 1988, he might still be alive.

## 'Stompie no informer'

Verryn said he had always refused to accept allegations that Stompie was an informer.

He saw him as "a child" in whose body resided "an adult." He told the hearing he remonstrated with Ms Xoliswa-Falati, and all those who regarded Seipei as an informer.

Verryn related how, when he arrived home at 7pm, he found a group of people interrogating Seipei.

"I was upset and told them I did not think it was necessary to repeat what was happening at the police stations in the mission," he said.

Verryn said Stompie had been brought to the manse by Mr Matthew Chaskhalson so that he could be taken care of by the church.

"I am not sure whether it was the community or Matthew's idea to



Right: Winnie Madikizela-Mandela's supporters cheer their leader at the TRC hearing in Mayfair yesterday.

Above: Reverend Paul Verryn. PIC LEN KUMALO



bring Stompie to me to be safe as Matthew was going on holiday."

He denied that he had ever sexually abused the boys when they lived at the mission, but admitted that he had shared a room and bed with some of them.

Verryn said the three-bedroomed manse accommodated between 10 and 20 people at one stage, and he would have been uncomfortable to sleep in a double bed while others he shared the room with slept on the floor.

He said the boys, including Pelo Mekgwe and Thabiso Mono, were abducted and taken to Madikizela-Mandela's house under the pretext that they were being subjected to sexual abuse.

He later heard that Kenny Gase had escaped from Madikizela-Mandela's home after being badly assaulted.

"Seeing Kenny in Johannesburg I

realised that he had a black and blood red eye and had marks consistent with a person who had been sjambokked," he said.

As Verryn was asking pardon from the late Stompie's mother, he broke into tears and had to be comforted by a TRC aide.

## Touched by reconciliation

Touched by the reconciliation Verryn extended to Madikizela-Mandela, TRC chairman Archbishop Desmond Tutu asked her lawyer Advocate Ishmael Semenya if his client would reciprocate the gesture.

Semenya said Madikizela-Mandela would prefer to respond to the gesture privately, and she would communicate in time with Verryn.

"I would hope that the engagement between Paul Verryn and Mrs Madikizela-Mandela would happen soon," said Tutu.

He said he appreciated the anguish Verryn went through as a result of the sexual slur on his character, but was glad that "the witness given to the commission vindicated Paul, and would help to heal the pain your family has had to go through for so many years."

Bishop Peter Storey, who was Verryn's bishop in the 1980s, told the TRC he had no doubt in his mind that Madikizela-Mandela had a hand in the assault on the boys, and that the information at his disposal seemed to point to that.

Storey also said Madikizela-Mandela sought to discredit the church, the South African Council of Churches and certain members of the Mass Democratic Movement.

Yesterday British Baroness Emma Nicholson said she would institute a private prosecution on behalf of Seipei's mother against Madikizela-

Mandela.

She said she had made the decision in principle and would meet her lawyer, Mr Stephen Joseph, to discuss the matter.

"If the lawyers advise us this is the sensible way, this is what will happen," she said.

## Legal action

A decision would be known and made available shortly, she said.

Nicholson, who on Tuesday morning said she was leaving the country with Mr Katiza Cebekhulu for his safety, told reporters she had stayed to pursue the legal action.

Madikizela-Mandela has heretofore laid *crimen injuria* charges in Johannesburg against Nicholson and Cebekhulu regarding a book in which she and the Mandela United Football Club are linked to several atrocities.

● See Page 2



# TRC hears of stolen money used for Hani killers

Star 27/12/97 (252)

Walus was used as a source by National Intelligence Service, commission is told

By SAPA AND RODNEY VICTOR

Hints of the use of stolen money to pay the legal costs of former SA Communist Party leader Chris Hani's killers surfaced before the Truth and Reconciliation Commission yesterday.

This possibility was raised by George Bizos, acting for the Hani family, in Janusz Walus' application for amnesty for killing Hani in 1993.

The TRC also heard that until 1991 Walus was used as a source by a National Intelligence Service agent in Pretoria, and that a German newspaper allegedly published information about the planned assassination of "a high-profile ANC person" just days before Hani was shot dead outside his home in Dawn Park, Boksburg in 1993.

Referring to money used for Walus' and his accomplice Clive Derby-Lewis' defence, Bizos asked Walus whether he knew that Edwin Clark, described as an intelligence official in the Afrikaner Volksfront, had taken steps to use any portion of approximately R12-million stolen from various firms in Johannesburg to pay for their legal costs.

Walus, a Polish immigrant, said he was not aware of this, and said he had met Clark only three or four times.

Walus and former Conservative Party MP Clive Derby-Lewis were sentenced to death for Hani's murder, but their sentences were later commuted to life in jail. They are seeking amnesty for the crime on the grounds that it was politically motivated.

Bizos yesterday suggested there was a link between Clark and a Johannes Nicholaas Visser, who was seeking amnesty for the theft of R369 000 from a company pension fund.

"Do you know whether any of this money was originally intended for two-way radios for the Volksfront, but Mr Clark decided to use this money for the legal costs of Mr Clive Derby-Lewis?" he asked Walus.

Walus denied any knowledge of that, but said he had heard something about Visser giving money for the defence of Derby-Lewis.

The TRC also heard that Walus was used as a source by National Intelligence Service agent Johan Fourie until 1991. Walus was providing Fourie with information on members of the South African Polish community who had links with intelligence agents in Poland, but said he never took money for the information he provided.

He conceded that he might have called Fourie about a month before Hani's assassination, but said he never told the agent of his murder plans.

Responding to questions from TRC lawyer Mokotedi Mpshe relating to a wider conspiracy to murder Hani and to the alleged report in a German newspaper, Walus said he did not know "anything about such a thing". "I don't recall such an excerpt from newspapers or anything about it," Walus said.

Bizos continued his cross-examination of Walus yesterday, trying to establish whether there had been others involved in planning the murder.

If he succeeds, he will argue that Derby-Lewis and Walus did not make a full disclosure of the conspiracy to murder Hani and must therefore be denied amnesty.

The amnesty hearings were postponed to Monday as committee member Bernard Ngoepe had to leave for Pietersburg to attend the funeral of his father.

# Mandela enemy of SA, says Hani's killer

Source: 27/11/97

(252)

By Simon Zwane

PRESIDENT Nelson Mandela was an enemy of South Africa, the convicted assassin of Communist Party leader Chris Hani told the inquiry committee of the Truth and Reconciliation Commission (TRC) in Mamelodi yesterday.

On the third day of cross-examination, Polish immigrant Janusz Walus, Hani's hit man, and the late Joe Slovo, whose name appeared on the hit list found in his possession at time of his arrest in 1993 - were also enemies of the country.

Mandela topped the list followed by Slovo and Hani with Botha at No.

5. Walus said he did not know other people on the list such as Judge Richard Goldstone, ANC cabinet member Mr Mac Maharaj, former *Sunday Times* Editor Ken Owen and *World* political editor Tim Du Plessis.

His partner in crime, Clive Derby-Lewis, who is also serving a life sentence, told the committee in August that some names on the list were included to create confusion and that Walus was unaware of this.

Cross-examining on behalf of the Hani family and the SACP, Mr George Bizos tried to show that Hani's killing was not proportionate to Walus and Derby-Lewis' stated aim of creating a climate of chaos which would allow the right wing to

seize power.

Walus initially tried to evade the issue, saying he had no idea of how many deaths were anticipated.

Under pressure from an obviously irritated Judge Bernard Ngoepe, however, he said he expected a few hundred people to die but deaths would have been kept to a minimum by the intervention of the police and the army.

He said he expected the Conservative Party to approve of his action. He was shocked when he heard that CP leader Ferdi Hartzenberg had disassociated the party from killings.

The hearing adjourned until Monday.



# Minister accuses Winnie of lying

252  
ROGER FRIEDMAN

ET 28/11/97

JOHANNESBURG Safety and Security Minister Mr Sydney Mufamadi accused Ms Winnie Madikizela-Mandela yesterday of lying to the TRC

Mufamadi, a member of the defunct Mandela Crisis Committee, was testifying yesterday at the TRC's special inquiry into the activities of the Mandela United Football Club, which the committee believed was riddled with police informers and engaging in criminal activities

The committee was established in mid-1988 after Madikizela-Mandela's home in Orlando-West was burnt down, apparently due to community unhappiness with the alleged lawlessness of the club.

It subsequently found itself embroiled in trying to secure the release of four young men and a boy, Stompie Seipei, who were allegedly abducted from the Methodist manse in Orlando-West in December 1988 and assaulted at Madikizela-Mandela's home. Seipei was later murdered.

According to Madikizela-Mandela's evidence to the TRC at her in-camera cross-examination last month, members of the committee never questioned her about the whereabouts or well-being of the abducted youths.

Her evidence was in stark contrast to that contained in the committee's report on the matter to then-president of the ANC, Mr Oliver Tambo, early in 1989. The report was compiled by Mufamadi, MP Sister Bernard Ncube and MP Mr Aubrey Mokoena. Other members of the committee were Mr Cyril Ramaphosa and Dr Beyers Naude.

"We approached Winnie who promised to give us access to the kids. She said they came to her house voluntarily because they were tired of being sodomised by the priest. She promised the kids would confirm that when we saw them," the committee reported.

Under cross-examination by Mr S Joseph, appearing for Mr Katiza Cebekhulu and Baroness Emma Nicholson, Mufamadi was told that Madikizela-Mandela denied at her in-camera inquiry having been questioned about the abducted youths by members of the committee. "I put it to you that it's a lie," Joseph said.

"That is correct," Mufamadi responded.

Joseph had not yet finished. Madikizela-Mandela also told her in-camera inquiry that the committee report to Tambo bore the hallmarks of a Stratcom document. And, she said, she had discussed the issue with Mufamadi and Mokoena, whom she alleged knew nothing of the report.

Joseph asked Mufamadi whether this, too, had been a lie. Mufamadi responded in the affirmative.



He had no recollection of any discussion with Madikizela-Mandela about the report sent to Tambo, and neither did he recall ever having discussed Stratcom with her.

Mufamadi was not the only politician to aver that Madikizela-Mandela was less than truthful at her inquiry. She evidently told the inquiry that she knew nothing about the committee having been established in response to tension between members of followers of the club and pupils at Dalwonga High School.

"Chair, I think she knew we existed and that the burning of the house was the result of this group coming together," said committee convenor Dr Frank Chikane.

Chikane also contradicted her evidence at the inquiry that members of the club did not act as her bodyguards. "We stand by our submission that some of the youths were seen as part of the protection, that is what we were told when we wanted to remove them all," he said.

Asked by counsel for the TRC if the committee should not have contemplated "more drastic action" to secure the release of the abducted youth, Mufamadi said it was difficult to take firm action because of the contrasting stories being told about their presence at the Mandela house.

# Mum told only weeks later at court of Stompie's death

(252)

ET 28/11/97

## OWN CORRESPONDENT

JOHANNESBURG: Ms Joyce Mananki Sepei, whose son Stompie's death in 1988 has become the focus of the Truth and Reconciliation Commission's (TRC) probe into the activities of the Mandela United Football Club, only heard of her son's death the day he was due to appear in court on a charge of inciting public violence several weeks after the death.

Sepei said in an interview yesterday that a lawyer, known to her only as Du Toit, was the first to break the news that Stompie had died as she waited for him to turn up in court on January 12, 1989.

He was due to appear in court on charges of public violence following the stoning of police cars and advocating a boycott of municipal elections the previous year.

James Mokgethi Sepei, known as Stompie, was allegedly abducted from the Soweto Methodist manse by members of the club in December 1988. His badly decomposed body was found between Soweto's New Canada railway station and the neighbouring Noordgesig on January 7 after an anonymous tip-off.

Ms Winnie Madikizela-Mandela was convicted in 1992 of the abductions of Stompie and other youths



**PREPARED TO FORGIVE:** Joyce Sepei

PICTURE: BENNY GOOL

and there have been persistent allegations that she took part in the beatings that led to his death.

Speaking during the TRC hearings in Mayfair yesterday, Stompie's mother said that after Du Toit first broke the news to her, she did not believe that "something terrible" could have happened to her son.

"At first I dismissed that as a sheer rumour. Even after Stompie failed to make it to court, I could not believe it. There was no sign whatsoever in me

that alerted me about my son's death. You know, as a mother there are signs that tell you that something sinister has happened, but in that instance I was not suspicious.

"I became suspicious that something terrible happened to him when his peers also told me he had died," she said.

Accompanied by her three-year-old daughter Elizabeth, Sepei, whose 14-year-old son led a group of hundreds called the Under 14s in the Free State township of Tumahole before coming to Johannesburg, said she would forgive whoever was responsible for Stompie's death after hearing details, of how he died, during this week's hearing.

"I am prepared to forgive, but I can't forget. This child should have been the one who looked after me. His dream was to become a lawyer."

Although she could not say whether she thought Madikizela-Mandela took part in the killing, she said she should take responsibility because the alleged beating took place in her house.

"I really wanted to speak to her (Winnie) before, but she is difficult to reach due to her political status. Even if she comes to me now I won't be satisfied, bearing in mind I want to open a case against her," she said.



# No-win, no-pay bill (252) terms being debated

OCT 28/11/97

**DONWALD PRESSLY**  
PARLIAMENTARY BUREAU

IMPLEMENTATION of legislation which will ensure that lawyers are paid only if they win their cases for their clients has been delayed temporarily because professional legal bodies must be consulted about its provisions

African National Congress MP Mr Willie Hofmeyr was reacting to concerns expressed by a prominent Cape Town businessman Mr Richard

Benson, who said that he was being prevented from seeking damages against Justice Minister Mr Dullah Omar because he was unable to afford the legal fees

The Contingency Fees Bill, passed recently by both houses of Parliament, will not be promulgated until professional legal bodies - including law societies - are consulted. The so-called "no-win no-pay" bill ensures that lawyers can't demand fees before they have completed their cases - and only then if they have won them.

The delay means people like Benson will not enjoy the benefit of the legislation until the process has been completed.

Hofmeyr, however, pointed out that the wording of the legislation was "after" consultation, rather than in consultation which would have allowed lawyers to delay implementation of the bill.

Benson, who welcomed the bill because it would allow the ordinary person access to the courts without facing the threat of



**SAFEGUARD:** Willie Hofmeyr

bankruptcy (because of the high costs involved), wishes to sue the minister for loss of interest on money sought in a successful action against the registrar of the High Court

He says he is unable to gain legal aid and access to a lawyer was imperative

Hofmeyr agreed that the aim of the bill was to provide the middle class access to the judicial process

The rich could afford legal fees and the poor had better access to legal aid

He said Omar had to work on the details of the "standard contract" that would apply between lawyers and their prospective clients

"It has to be filled in in plain language so that clients can understand what they are signing," he said

The idea is that the model contract will specify what the "success fee" will be beyond normal fees. The bill allows a success fee charge up to 100% of normal payment, but this would be subject to negotiation with the client

Hofmeyr said the legislation provided another important safeguard for the contract deal. The lawyer can't charge more than 25% of the settlement. It also allowed clients to appeal to the law society if a lawyer claimed fees for a complicated case which, in fact, turned out to be less complicated

# Former UDF leaders attack Winnie over Football Club

CT 28/11/97 (262)

## ROGER FRIEDMAN

**JOHANNESBURG** Two of the most senior members of the United Democratic Front, who now occupy top positions in the government, launched an unprecedented public attack yesterday on Ms Winnie Madikizela-Mandela for her role in the criminal activities of the Mandela United Football Club.

Several witnesses who have appeared before the Truth and Reconciliation Commission this week have given the impression that they were protecting Madikizela-Mandela, but when Mr Murphy Morobe and Mr Azhar Cachalia took the witness stand around 6.30 last night it quickly became apparent that they planned to hold nothing back.

Morobe heads the government's Finance and Fiscal Commission, and Cachalia chairs the national Secretariat

for Safety and Security. Their statements to the commission yesterday attempted to explain the context for the Mass Democratic Movement's call on progressive organisations in February 1989 to distance themselves from Madikizela-Mandela, the so-called "Mother of the Nation" and wife of the then-imprisoned anti-apartheid icon, Mr Nelson Mandela.

Counsel for Madikizela-Mandela, Mr Ismail Semanya, tried to prevent Cachalia from giving evidence on the grounds that his knowledge was based on hearsay, but was overruled by commission chairperson Archbishop Desmond Tutu.

Morobe testified that he first began to hear reports about the activities of the Football Club while detained in Diepkloof Prison in 1988.

A few weeks after escaping from prison, he and Mr Mohammed Valli

Moosa — now Minister of Constitutional Affairs — travelled overseas; but continued to receive reports of Football Club "goings-on."

"By that time the major story was about the abductions and brutal assaults on some youths at the Mandela homestead."

They returned towards the end of January 1989.

"Apart from the moral repugnance with which some of us recoiled at the activities of what people in the township generally regarded as 'Winnie's boys' one of our major concerns at a political level was the extent to which the activities of these 'boys' were beginning to detract everyone from our urgent and primary task of fighting the regime," Morobe said.

"Our agitation increased with each report from the (Mandela) Crisis Com-

Turn to Page 7



UNDER FIRE: Winnie Madikizela-Mandela at yesterday's TRC hearing. PICTURE: AP

## 'Children vanished'

CT 28/11/97 (252)

From Page 1  
mittee which suggested growing recalcitrance on the part of Mrs Madikizela-Mandela and disdainful treatment of the Crisis Committee she refused to heed even advice from Comrade Oliver Tambo and Comrade Nelson Mandela."

Cachalia's statement was even more damning. He quoted an unnamed political commentator as saying that by mid-1985 thousands of unaffiliated youths saw themselves as soldiers in the liberation struggle. They formed groups of street patrols hunting down other troublemakers, hooligans and vandals. Gang control replaced people's courts.

Cachalia said "This was the climate in which Mrs Mandela created her own personal vigilante gang, the Mandela United Football Club. Children had disappeared from the Mandela home. It was unclear whether they were killed by the club, the police, or had left the country."

The Football Club was infiltrated and some of its members actually worked for the police. Some people held the view that Mrs Mandela was herself working with the police, because just about everyone seemed to be aware there were guerrillas and arms in the Mandela home.

When two youths were taken to the Mandela home and accused of being informers one had the letter "M" sliced into his chest with a penknife and the words "Viva ANC" were carved down his thigh. Battery acid was then poured over his wounds. The second youth also had the words "Viva ANC" carved on his back.

Cachalia appealed to the commission to recommend to the government that no one convicted of a criminal offence amounting to a gross violation of human rights should be regarded fit to hold public office.

Today police chief Commissioner George Fivaz will testify. The hearing has been extended to next week.



# Political winds cloud TRC

CT 28/11/97 (252)

**JOHANNESBURG:** For too long the truth about Winnie Madikizela-Mandela's club has been thrown to the prevailing political winds, says Bishop Peter Storey. **ROBERT BRAND** comments.

Although the winds of change have blown across South Africa since Stompie Seipei was kidnapped and murdered, the prevailing politics still tugged at the TRC's hearing into the activities of the Mandela United Football Club (MUFC) this week

After listening to more than a dozen witnesses in four days — and the hearing is not over yet — the commission seems to be no closer to the truth than it was before

It heard several different versions of the kidnapping of four youths from the Methodist manse in Soweto, the assault and murder of teenage activist Stompie Seipei, the assault and murder of Lolo Sono and Sibonisa Shabalala, and a number of other unlawful acts allegedly carried out by the MUFC

The most important questions — were these acts committed with the knowledge and blessing of Madikizela-Mandela, and did she herself participate in them — have not yet been answered

Getting to the bottom of the allegations is, of course, not the only purpose of the hearing.

For the first time, alleged victims of the MUFC have had the opportunity to state their accusations against Madikizela-Mandela on a public, official forum

The allegations made against Madikizela-Mandela were not new. The setting was unlike anything before

Several witnesses gave accounts of the circumstances leading to Stompie's death

But even after cross-examination by half-a-dozen lawyers, there is still no definitive account

It is common cause that Stompie and three others were taken against their will from the manse to Madikizela-Mandela's house in Diepkloof on December 29, 1988

The kidnapping, following an allegation by Xoliswa Falati that the Methodist minister, the then Reverend (now Bishop) Paul Verryn, had sexually abused some of the four young men

It is common cause that they were assaulted, and that they remained at Madikizela-Mandela's house until January 16, with the exception of Stompie

He died on January 3

One other young man, Kenny Kgase, had escaped

It is also common cause that a group of community leaders, dubbed by the media as the Mandela Crisis

Committee, were concerned about the youths

What is still not known is whether Madikizela-Mandela personally assaulted the youths, how Stompie was murdered, and whether Madikizela-Mandela was a party to his murder

Two of the four abductees said Madikizela-Mandela assaulted them personally

She denies it

Katiza Cebekhulu, who allegedly participated in the assaults, said she had personally stabbed Stompie

No one has confirmed this

Jerry Richardson, jailed for Stompie's murder, has applied for amnesty, and says in a written statement he had slit Stompie's throat "like slaughtering a sheep"

The post-mortem record does not appear to back him. Stompie died of a stab wound to the neck

Richardson is expected to testify tomorrow, and his explanation will be crucial. He arrived at the hearing this week, however, dressed in a MUFC tracksuit, indicating that the winds of change may have passed him by

The one body that may be able to shed light on Madikizela-Mandela's personal role in the Stompie saga is the Mandela Crisis Committee. But when members of this now-defunct committee testified, it seemed as if Madikizela-Mandela's by no means insignificant political influence still pervaded the atmosphere

The way some members of the committee squirmed to avoid having to say anything which could reflect badly on her was, to put it mildly, pathetic.

The committee was a loose assortment of individuals who attempted to mediate between the Orlando West community and Madikizela-Mandela in July 1988 after her house was burnt down by youths who had become fed-up with the MUFC's bullying

The house was rebuilt, but the crisis did not disappear. The committee was still in operation when the four youths were kidnapped. They negotiated for more than two weeks with Madikizela-Mandela for the release of the youths. When she finally consented, Stompie was already dead

The question arises why this committee took so long to procure the release of the youths, especially after

learning that they had been assaulted and that Stompie, who had been beaten to within an inch of his life, had disappeared

The committee, apart from its responsibility towards the youths, also had a political responsibility. In the political milieu of the time, they were faced with an extremely difficult situation. They could not act decisively without damaging the Mandela name and causing division in the liberation movement, which would play into the hands of the apartheid government. They had to practise damage control. But it appeared as if some of them were still practising damage control this week

Asked a relatively simple question — did the committee inform Madikizela-Mandela about the allegations against the football club and the way the community felt about it — Dr Frank Chikane (now director general in Deputy President Thabo Mbeki's office) and Mr Aubrey Mokoena (now an ANC MP) spoke for about half-an-hour between them without coming close to an answer

Chikane said the "anger of the people" which the committee referred to in its written statement to the TRC was directed at the burning of the house rather than the MUFC

Mokoena came out with the bizarre statement that Madikizela-Mandela, or "Mama", as he calls her, was a trained social worker and had been "overcome by altruism", which prevented her from recognising the harm her gang was causing

One member, Mr Sydney Mufamadi (now Minister of Safety and Security), had no such compunction. "The people were angry that the Mandela house had been burnt, but they were also expressing anger about what they described as the bullying actions by members of the MUFC. We did give her a full report of the allegations that were made"

That was about the only straight answer given by any member of the crisis committee in seven hours of questioning, and perhaps it is not a coincidence that Mufamadi bore the brunt of Madikizela-Mandela's attack on the ANC leadership

Earlier in the week, the commission heard "evidence" from one Jabu Sithole, a young man implicated in several of the criminal actions of the MUFC. The word "evidence" belongs in quotation marks because Sithole, who had lived at Madikizela-Mandela's house for long periods, appears to have gone through life blindfolded. Not only had he never seen or participated in any

criminal activity by the MUFC, he claimed that he was not even aware of any allegations made about the gang

Sithole is a fugitive from justice, having skipped bail while on trial in 1990 for the kidnapping, assault and murder of Stompie Seipei.

Yet he sat in the presence of the Minister of Safety and Security, blithely testifying that he had no reason to fear prosecution and adding, as a cherry on the top, that he was not employed in the protection services of South African Airways. His job is to secure passengers' luggage from thieves and criminals

That he has not yet been arrested and prosecuted is a scandal, a member of the TRC remarked in private, especially in view of the fact that the commission had to go to great lengths to procure temporary indemnity for Cebekhulu, another of the Stompie accused who had jumped bail, to return to SA to testify

It may be a coincidence that Cebekhulu has made damaging allegations against Madikizela-Mandela, while Sithole said he had no knowledge of any criminal activity whatsoever perpetrated by her or the MUFC

To say her influence stretches as far as the criminal justice system may be stretching the point

What is certain however, is that "fog of silence and lies" which clouded Madikizela-Mandela's activities during the last years of apartheid has not yet dissipated completely

*'(Winnie's) by no means insignificant political influence still pervaded the atmosphere.'*

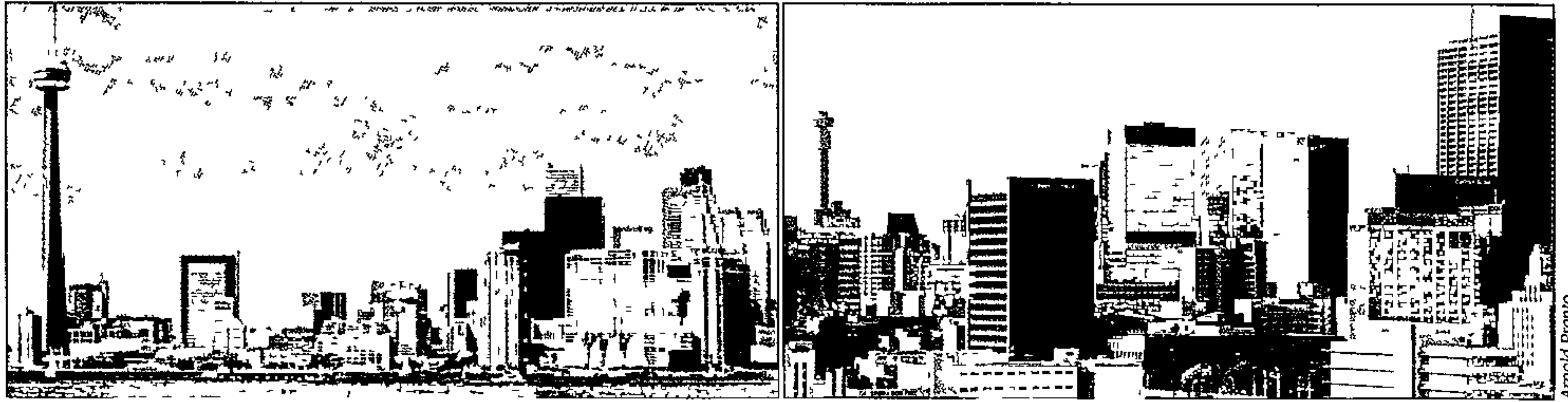
28/11/97



**EMBRACES ALL ROUND:** TRC chairperson Desmond Tutu (right) embraces anti-apartheid veteran Walter Sisulu while Winnie Madikizela-Mandela (back, left) is hugged by Limpho, widow of slain Communist Party leader Chris Hani during a break in the proceedings yesterday

PICTURE AP





Double act Toronto (left) and Johannesburg skylines trouble on the horizon

## THE MEGACITY DEBATE

# A tale of two cities

Toronto was a model of metropolitan government for SA. Now Canada's largest city has ditched its model in a political storm

While Johannesburg debates scrapping its two-tier metropolitan system and forming a single megacity government, northward across the Atlantic, Canada's largest city stands poised in a froth of controversy to take the megacity plunge

Toronto — probably the single most influential model for SA's metropolitan cities — has had its six constituent city councils dissolved by the provincial government, and this month elected a mayor and 56 councillors to take charge of the entire 2,3m-person city from January 1 next year

The city on Lake Ontario has been divided into 28 wards, with two councillors each, and has started setting up "community councils" with advisory and other powers to be delegated by the metro council for local area interests. The structure is similar to that proposed for Johannesburg by Gauteng premier-to-be Mathole Motshekga (*Current Affairs* September 12)

Proponents of megacity metros in SA see political capital in Toronto's move, as if it proved the single-tier metro system's superiority over the two-tier structure. After all, why would Toronto — a two-tier city since 1953, which has spurned major restructuring for 30 years — suddenly ditch that system for a single-tier of government if it wasn't advantageous to do so?

But the reasons may have more to do with Canadian politics than the craft of

municipal governance

"The motivation for amalgamation of Toronto is a little obscure, but it seems to lie in the hearts and minds of the provincial government," says Toronto-based urban issues consultant Richard Gilbert

Toronto is located in Ontario which, like all Canadian provinces, has far greater powers than any SA province. It can levy taxes and command the form of municipal government — as it did by statute with Toronto this year. Ontario has been able to press ahead with amalgamation against strident opposition from city residents: a non-binding referendum in March run by Toronto's constituent metro councils brought a 76% vote against amalgamation.

Gauteng provincial legislator and Democratic Party spokesman on local government Ian Davidson has twice visited Toronto in multiparty delegations to study municipal systems, and says he is dismayed by the structural shift. If it can teach SA cities anything, says Davidson, it is that "powers and functions of the tiers of metropolitan government must be clearly defined and distinguished." The failure to do so is a major reason for the metro system's failure in Johannesburg — and probably in Toronto, he adds.

Gilbert, a former Toronto city councillor, favours single-tier municipal government in principle, because he says it has greater coherence. But he disapproves of the mo-

tivation, haste and manner in which Ontario's Conservative government is pushing through Toronto's amalgamation.

Anti-megacity campaigner John Sewell, a former Toronto mayor, says the megacity move is part of a sweeping austerity programme unleashed by the Conservatives, with cutbacks in health, education, transport and other social services. "It's like being hit by a tornado, only the buildings are still standing," he says. "The social problems are going to be staggering."

Megacity proponents say the system is more efficient. Accounting firm KPMG last year predicted gross savings for a megacity Toronto of up to C\$865m over the first three years and \$300m annually thereafter. But the findings have become clouded in dispute. Anti-amalgamation groups have unearthed evidence that large city conglomerates are more expensive to govern.

Gilbert and other independent observers see two crass motives behind the Toronto amalgamation: political revenge and a desire by provincial government to turn the city into a globally competitive monolith.

Author John Ibbitson, who has written a book about the rise of the Conservative government in Ontario, maintains that provincial premier Mike Harris, who had never travelled before taking office in mid-1995, had his eyes opened by visits with trade missions to other countries. Ibbitson quotes Harris's former principal secretary David Lindsay as saying that "for Toronto to compete on the world stage — maybe what we needed was to make it bigger, stronger and bolder."

There was also, says Ibbitson, a clear drive by the Conservatives to squash the Liberal Party opposition which was running Toronto's upmarket inner-city council. Harris had never forgiven City of Toronto mayor Barbara Hall for backing a political protest against him last year. This month Harris got his revenge when Hall was defeated by a Conservative candidate in the megacity mayoral election.

Peter Honey



ADMINISTRATION OF JUSTICE

## New AG czar to oversee the principalities

Parliament's Justice committee sets forth a vigorous programme to transform the system of justice in SA

Parliament's Justice portfolio committee is proving to be a powerful agent for change, presiding over legislation as transformative as that in Labour. This, at least, is the view of Johnny de Lange, ANC chairman of the committee.

De Lange — who is tough-minded but not doctrinaire — feels there is misunderstanding about the overall intent of the effected and proposed changes presided over by Justice Minister Dullah Omar. He placed considerable emphasis on the work to be done next year on the National Prosecuting Authority Bill, which aims to fulfil the constitutional mandate of a single justice system with a national Attorney-General.

Some have found the legislation controversial (see *Current Affairs* September 12). De Lange argues that the current existence of 12 prosecuting regimes makes for differential justice, the approach to different crimes can vary markedly from one province to another. A national AG will be empowered to query decisions, working with the Minister to create a uniform justice system, but with certain types of offence — like taxi violence, syndicate and trans-border crimes — dealt with by his office.

Prosecuting authorities will be reduced to nine — one per province — or 10, depending on whether Gauteng needs two, and different regional approaches to cat-



Omar exhorted daily to "do something about crime"

egories of crime will be taken into account. Grievance procedures against all judicial officers will concomitantly be introduced.

The overall intention is that "everyone must be treated the same," but within a system that seeks to remedy differential access to legal aid, to highlight the rights of victims, and eliminating inherited distinctions between advocates and attorneys, judges and magistrates. There should be a fair balance between centralised and decentralised administration.

Among practical measures that De Lange foresees are

- A mandatory year of community service for law graduates. The LLB degree has been reduced from five to four years. The year's service is not intended as an imposition, but as a way to help induct graduates into the justice system. They would have the choice of serving as prosecutors, public defenders, and so on. There are also a number of unemployed black law graduates who would benefit from such a system.
- Extending witness protection beyond merely sheltering a person until the trial has ended. In some cases — involving syndicates, for example — it may be necessary to give witnesses an entirely new identity, as in the US, since they could be in danger for the remainder of their lives.
- Increasing the use of assessors who may act as a mini-jury and may also have an equal say with the judicial officer on the facts of a given case.
- Overhauling the legal aid system, taking account of a suggestion by Constitutional Court Judge Arthur Chaskalson that legal aid clinics be established throughout the country, and holding a forum in January to investigate "how we best use our package of legal aid money." The clinics could serve as entry points for legal community service.
- Greater emphasis on victims' rights and

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# Killer Says

## Madikizela-Mandela

### paid him R20 000 to murder Asvat

Stephen Lauffer

ONE of two men convicted of the murder of two men convicted of the murder of Stephen Lauffer

Baker of Soweto "people's doctor" paid him R20,000 for the killing, it was alleged yesterday. She has come under increasing pressure as the week's hearings into the activities of her football club in the late 1980s have progressed.

They included an accusation by a cabinet minister that she had led to the commission of an accusation by a she had known of and an assertion that the activities of her football club directed by a former United Soccer Club (USC) member in November 1989, convicted of Asvat's murder in November 1989, and is expected to testify on Saturday.

Zakhele Mbatha, former United Soccer Club (USC) member in November 1989, convicted of Asvat's murder in November 1989, and is expected to testify on Saturday.

The statement of her football club director, Azhar Cachalia, told the hearing that Madikizela-Mandela had created the football club as "her own personal venture".

Heante gang killed Asvat's family. They have argued that he was not seen in conjunction with his death in court at Madikizela-Mandela's house. Seiper was later found with his examination immediately be taken to hospital, and that he had said the murder was near death.

The coach of Madikizela-Mandela's football club, Jerry Richardson, has applied for amnesty for Seiper's murder, claiming he carried it out under instructions for Seiper's murder.

Safety and Security Minister Sydney Mufamadi said that Madikizela-Mandela had led when she told an in-camera hearing that the Madikizela-Mandela had not spoken to her about four young men abducted to her house from Soweto's Methodist Church. Mufamadi also denied that Madikizela-Mandela had discussed with him the origins of a letter to then African National Congress president Oliver Tambo from the Mandela Crisis Committee.

Mufamadi said that Madikizela-Mandela had not spoken to her about four young men abducted to her house from Soweto's Methodist Church. Mufamadi also denied that Madikizela-Mandela had discussed with him the origins of a letter to then African National Congress president Oliver Tambo from the Mandela Crisis Committee.

Madikizela-Mandela's lawyer, Sisonke Msimang, said that the commission's in-camera statement was a blow to Madikizela-Mandela's lawyer's position between her and the committee.

Madikizela-Mandela's lawyer, Sisonke Msimang, said that the commission's in-camera statement was a blow to Madikizela-Mandela's lawyer's position between her and the committee.

# Committee 'could not involve police'

(252) BD 28 11/97

Stephen Laufer

THE Mandela crisis committee had not supported legal action to secure the release of youths abducted from the Methodist manse in Soweto by members of Winnie Madikizela-Mandela's football club because it did not want to involve SA government structures, the committee's convenor, Frank Chikane, told the truth commission yesterday.

The committee had not supported a suggestion by the Methodist church that a writ of habeas corpus be sought because "there was no way we could call that police force to solve this problem", said Chikane, now director-general in the deputy president's office.

Chikane's evidence came as crisis committee members attempted to explain to the commission the tightrope they felt they were walking during nego-

tiations with Madikizela-Mandela for the release of the young men. Madikizela-Mandela had been unwilling to discuss the issue and had accused the committee of "acting like the system", Chikane said.

The committee had shared the church's concern for the safety of the youths, but had differed on the best course of action, Safety and Security Minister Sydney Mufamadi said. The committee had not sought to place obstacles in the way of the church, but believed that its preferred route of involving African National Congress president Oliver Tambo from Lusaka and Nelson Mandela from prison was more likely to ensure the safety and ultimate release of the young men.

In response to a question from commission council Hanif Vally, the committee confirmed it had written a damning

secret letter to Tambo detailing the assault and fears that Stompie Seipei had been murdered. Vally said Madikizela-Mandela had claimed in a closed hearing that the letter was a fictitious document produced in a police operation.

Other committee members did not appear to be co-operative. After testimony from Aubrey Mokoena in which he often appeared to sidestep questions, the legal counsel for former football club coach Jerry Richardson, Tony Richard, said he wanted his belief recorded that "the witness is being evasive and obstructive".

Asked about the remark at a press conference later, Mokoena said: "Lawyers have points to score. If you do not fall into their groove, they get frustrated." When told that reporters covering the hearing had also found him evasive, Mokoena

said "great minds think alike". He also denied he had been Madikizela-Mandela's lover, although he had earlier told the commission he had been a close friend of hers and a frequent visitor before the abductions.

The commission also appeared to be battling with former Soweto doctor Nthato Motlana, Methodist churchman Otto Mbangula, and Father Smangaliso Mkhathshwa, now deputy education minister. The men had been involved in a separate set of interactions with Madikizela-Mandela at the time of the abduction crisis.

In answer to several questions, Motlana said he could not remember what had been said.

After Mkhathshwa's evidence, commission chairman Desmond Tutu said he was "obviously concerned that the answers are sometimes not as straight as we had hoped they would be".



# Truth body hearings on Winnie fascinate world

Nomavenda Mathiane

THE outside world was fascinated by the truth commission hearings on Winnie Madikizela-Mandela because she had been an icon of the SA struggle who seemed to have fallen from grace, foreign journalists covering the hearings said yesterday.

They said interest had been heightened by the possibility that she might become the next deputy president of the African National Congress.

About 100 foreign journalists from many countries are covering the hearings. Australian Broadcasting Corporation journalist Ben Wilson said he had heard comments there was a foreign media conspiracy to discredit Madikizela-Mandela. Rejecting this, Wilson said the foreign media did not set the agenda for news, but that Madikizela-Mandela was an icon and people all over the world knew her and knew what she had stood for in the past.

He said Australians were fascinated by stories about important people falling from grace, and heroes or heroines with feet of clay.

American National Public Radio journalist Charleyne Hunter-Goult said US interest in the story was heightened by the possibility that Madikizela-Mandela could become ANC deputy president. People wanted to know what would happen to her after this week's revelations at the truth commission.

Even in the US, the public was divided on Madikizela-Mandela and the division was partly racial. While some whites focused on her endorsement of the practice of necklacing, blacks saw her as a victim who had suffered personally, and whose family and nation had suffered under apartheid.

Many blacks had had no experience of an inequitable justice system. Without knowing the details of the evidence against her, she was seen as the victim of persecution.

Kirsi Crowley of Finland Television and Radio said Finns continued to remember the good side of Madikizela-Mandela, and had difficulty coming to terms with the truth about their heroine.

British Broadcasting Television journalist Robin Denselow, who has been reporting on Africa for the past 20 years, said British viewers were interested in the court drama created by the Madikizela-Mandela hearings. The implications of the hearings were also an issue, and in particular whether she would become ANC deputy president.

Denselow said in the UK such court procedures were not televised. SA had to be commended for creating a structure which openly probed issues, something which even established democracies such as Britain did not do. He hoped the rest of Africa would deal with human rights violations in a similarly open way.

# Cachalia lambasts football club

Stephen Laufer

WINNIE Madikizela-Mandela's football club had dispensed a "frightening brand of justice which included vicious assaults in cases ranging from domestic disputes to those who crossed their paths and were branded informers", the head of the safety and security secretariat, Azhar Cachalia, told the truth commission yesterday.

Cachalia, who figured prominently in the United Democratic Front's (UDF's) decision to distance itself from Madikizela-Mandela in February 1989, said that all reasonable efforts — by the church, community leaders, lawyers, exiled African National Congress president Oliver Tambo and jailed Nelson Mandela — to get the group disbanded had failed.

Following the release of the abducted youths in January 1989, the UDF had decided to distance itself from Madikizela-Mandela because "we were at the end of our tether". The Mandela crisis committee had become ineffectual "in the face of Mrs Mandela's obstinance", Stormpe Seiper's body had been identified, confirming the movement's worst fears, and "community anger

was at boiling point". Cachalia said the national UDF leadership knew it had to "do something bold and imaginative".

Finance and Fiscal Commission chairman Murphy Morobe, who in 1989 announced the UDF decision, said the statement had had a profound effect on him as an individual and on his relationships with Madikizela-Mandela and others who took sides in the dispute.

Cachalia said that at best, Madikizela-Mandela had been aware of and encouraged the football club's criminal activity. "At worst, she directed it and actively participated in the assaults."

At the start of Cachalia's testimony late yesterday afternoon, Madikizela-Mandela's lawyer, Ishmail Semanya, attempted to have him silenced. Semanya said Cachalia had no first-hand knowledge of the events he was to testify on, and should therefore not be allowed to participate.

However, commission chairman Archbishop Desmond Tutu ruled that Cachalia should proceed because he had represented Methodist minister Paul Verryn, who had been accused by Madikizela-Mandela of

sodomising the young men abducted from his manse. Cachalia's role as a UDF leader also made him an important witness.

Cachalia said many rumours had circulated about the football club's activities, and it had been hard to separate fact from fiction. But common themes emerged, including the abuse and disappearance of children from Madikizela-Mandela's home, and the infiltration of the club by the police.

Some had believed that Madikizela-Mandela herself was collaborating with the police, Cachalia said. Despite a general awareness of the presence of arms and guerrillas in her home, and the involvement of some of the Umkhonto weSizwe cadres in shootouts, she had never been charged or called as a witness.

Cachalia's testimony appeared to lend credence to a statement to the commission by Madikizela-Mandela's former close associate Xoliswa Falati that Madikizela-Mandela had been involved in a personal relationship with security policeman Paul Erasmus.

Falati said Erasmus had frequented the house and she had often seen him going into Madikizela-Mandela's room late at night.



African National Congress stalwart Walter Sisulu and his wife Albertina, who worked for murdered doctor Abu-Baker Asvat, arrive at the hearings in Johannesburg yesterday.

Picture: TREVOR SAMSON



## Winnie support group at truth body hearing

28/11/97  
Nomavenda Mathiane  
(252)

WINNIE Madikizela-Mandela can take a little solace from a tiny group of women doing placard duty outside the truth commission hearings in Mayfair, Johannesburg.

Dressed in the African National Congress women's uniform, the mainly elderly women express undaunted faith in Madikizela-Mandela's past and future leadership. One placard reads "Winnie where do you stay? Of course, with your people in Soweto — other leaders?" Another proclaims: "She was divorced by Madiba and the world, but we the illiterates still love you." And another: "A she-president — obvious, Yebo."

The placards argue for understanding for her alleged role in the death of Stompie Seipei and others: "Gave orders or not, she was fighting for our Madiba — let's forgive her," read one. The women also clearly see her as a victim. "SABC report fairly, stop suppressing us," read another placard.

The women arrive early and usher Madikizela-Mandela into the community centre where the hearings are taking place. They take a break from singing when the proceedings begin and occupy the stage immediately at the break, particularly when witnesses emerge after making their submissions.

On the first day, as the first witness took the stand, the women stood up at the back of the hall with placards reading: "Impimpi (sell-out)". Other placards attacked Xoliswa Falati, Madikizela-Mandela's former confidante in the Football Club days.

Commission chairman Bishop Desmond Tutu instructed them to protest outside the hall. Since then, they have confined their toy-toying to songs in praise of Madikizela-Mandela in the yard outside.

# Bail clamp 'won't solve the problem'

ARL 28/11/97

*Crime blamed on flaws in system*  
(252)

## INSIDE STORY

After much controversy the new bail bill has been passed by Parliament, but it is not a panacea for the crime wave, warns



**MARTIN SCHÖNTEICH,**  
Parliamentary Affairs Manager of the South African Institute of Race Relations



New court: Minister of Justice Dullah Omar at the opening of the new sexual offences court in Wynberg

At the beginning of the year, Minister of Justice Dullah Omar announced that we needed to promote legislation which would compel courts to refuse bail under certain circumstances

This will probably mean that the relevant provisions of our Bill of Rights will have to be amended

Eleven months later, on November 6, the Criminal Procedure Second Amendment Bill to tighten and further regulate the existing bail law was passed by the National Assembly

Because of the consistent lobbying efforts of several organisations throughout the year, the new bail law is not as draconian as initially intended by Mr Omar

The South African Institute of Race Relations has been at the forefront of such lobbying efforts

By and large, the institute has been successful in its endeavours to persuade Mr Omar's department, and the parliamentary Portfolio Committee on Justice, to limit the negative impact the new law will have on judicial independence and people's civil liberties

A law which imposes a blanket denial of bail to all people accused of certain crimes would detrimentally affect judicial independence

The discretion that courts should have to decide on each bail application on the basis of the evidence before them would be taken away by such legislative action.

The notion of the separation of power between the executive, legislative and judicial branches of the State would be seriously impaired

While the bail bill places hurdles in the way of certain accused to obtain bail, no blanket prohibition is provided for

Rather, an accused person has to satisfy the court that "exceptional circumstances" exist which, in the interests of justice, permit his or her release on bail.

This will be exceedingly difficult for an accused to do

Nevertheless, the courts have retained the right to release an accused on bail, albeit only under exceptional circumstances

Moreover, these stringent limitations on bail apply only to people charged with a restricted category of serious violent crimes such as murder, rape, robbery or the indecent assault of a child, which have been com-

mitted with aggravating circumstances (for example, gang rape or the murder of a police officer performing his duties)

An objectionable clause contained in the bill holds that the refusal to grant bail shall be in the interests of justice "where there is the likelihood that the release of the accused will disturb the public order or undermine the public peace or security"

Bail should not be granted or refused on the basis of mob rule or the potential emotional response of the public at large to the alleged crime in question.

In a country where violence and vigilantism is widespread, such a provision is open to abuse

During the final days of its deliberations on the bill, the Portfolio Committee on Justice added a proviso to this clause limiting its potentially harmful ramifications

Courts will be permitted to use the public disorder clause only in "exceptional circumstances"

The likelihood that this provision of the bill will be misused by people prepared to undermine the public peace is consequently limited

The bill removes the right an accused had to demand to be brought before a court outside of ordinary court hours for a bail hearing

This is an unfortunate restriction on an accused's rights, based as it is

on the State's alleged lack of administrative capacity to hold bail applications at night or over weekends

Fundamental rights should never be limited because of administrative difficulties experienced by the State - especially when the person whose rights are to be limited carries no blame for those difficulties

Fortunately, the measure as passed by the National Assembly restricts the number of people who could be adversely affected by

this provision in the new legislation

The category of offences for which a prosecutor, in consultation with the investigating officer of the case, has the authority to release an accused on bail without the consent of a presiding officer has been expanded by the new bail bill

This should permit the release on bail of most categories of accused (barring those who have been charged with the most serious offences or where the prosecution opposes the granting of bail) outside ordinary court hours.

Speaking during the second reading debate on the bail bill, the chairman of the Portfolio Committee on Justice, Johnny de Lange, conceded that many of the provisions contained in the bill were "drastic measures"

He said "The bail laws do not only infringe the rights of criminals, but the rights of all of us" Indeed.

It is vital that the problems surrounding the bail system, which moved Mr Omar to tighten the law, be addressed

Research undertaken by the institute showed that the problems lie not with the law, but with its implementation by an underfunded and understaffed criminal justice system.

The new bail bill will have little impact on crime

The reason that criminals are not deterred in South Africa has very little to do with bail they are not apprehended in the first place

On average, the police solve less than a quarter of all crimes

Only 5% to 10% of crimes committed result in the conviction and punishment of the perpetrator

The Government needs to address the deficiencies in the criminal justice system which allow criminals to believe that crime pays.

Tampering with and tightening the bail law - which will infringe the rights of all of us - is not the answer

**'On average the police solve less than a quarter of all crimes committed in South Africa'**

## MEDITATIONS

Blessed be the name of G d, from this time and forever  
Torah, Psalms 113

It is high time to awake out of sleep for now is our salvation nearer than we believed.  
Holy Bible, Romans 13 11

Act as you speak, speak as you feel.  
Sathya Sai Baba

A kind word with forgiveness is better than charity followed by injury  
Qur'an 2:263





**Hands on:** Winnie Madikizela-Mandela shakes hands with Archbishop Tutu during a break in the TRC's hearing yesterday

## Hearing interrupted by ANC supporters

ARG 28/11/97

**JOHN YELD**  
ON THE TRUTH COMMISSION

Johannesburg - (252)  
Proceedings of the Truth Commission's "special event" hearing into the activities of the Mandela United Football Club were interrupted briefly today by three members of the Gauteng branch of the African National Congress Veterans' organisation.

The interruption came during the cross-examination of the two leaders of the former Mass Democratic Movement (MDM), Murphy Morobe and Azhar Cachalia.

The three elderly women attempted to hand two letters to a surprised commission chairman, Archbishop Desmond Tutu, who asked them in Sotho if they knew they were in a "court".

"If you come to the court

when it is in process, how do you just come in and disturb it? Why do you just bring this note now? Can you please leave?" he said firmly. The women then turned and walked out slowly.

Outside they told journalists they had come to support Winnie Madikizela-Mandela whom they had worked with since the 1950s.

At the completion of Mr Cachalia's testimony he asked to address Mrs Madikizela-Mandela directly. He said he "deeply admired and respected" her. His testimony had caused him "deep conflict".

"One part of me wants to go over and hug you. It's a bad nightmare. But another part of me says we cannot go forward unless there's some level of accountability."

He appealed to her to take the TRC into her confidence "for the sake of your own inner tranquillity".

# Motlana's anguish over Stompie

JOHN YELD

Johannesburg – Nthato Motlana told the Truth Commission he believed he had persuaded Winnie Madikizela-Mandela to release four youths being held against their will, but admitted that only three were freed into his care 10 days later.

Dr Motlana, a businessman and senior Soweto community leader, also confirmed that he had not asked what had happened to the fourth, 14-year-old Moeketsi "Stompie" Seipei. "I regret one of the things I did not do was raise the issue of where Stompie was. I can't explain. I did not," Dr Motlana said.

He was one of several prominent Soweto leaders who testified



I didn't ask: Nthato Motlana

yesterday at the commission's hearing into the activities of the Mandela United Football Club – in reality Mrs Madikizela-Mandela's

(202) ARLT 28/11/97  
bodyguards

The leaders said they had not been intimidated by Mrs Madikizela-Mandela, that they had acted decisively to secure the release of the abducted youths and that political considerations had not taken precedence over the moral issue

One of them – Aubrey Mokoena, now an MP and then a national executive committee member of the United Democratic Front – was described as "evasive and obstructive" by lawyer Tony Richard, appearing for "coach" Jerry Richardson

Catholic priest and now Deputy Education Minister Smangaliso Mkhathshwa and Methodist Church minister Otto Mbangula also testified



# 'Please come clean Winnie'

## Cachalia's emotional plea

ARGUS 28/11/97 (2/2)

ARGUS CORRESPONDENT

Johannesburg - Former United Democratic Front leader Azar Cachalia, who yesterday accused Winnie Madikizela-Mandela of directing a reign of terror by her "football club", today reached out to her in an emotional appeal to come clean.

"I want to say to Winnie Mandela, whom I've known for many years and deeply respected as I sit here, there is one part of me which wants to walk over to you and embrace you and say let's walk away from all of this, it's like a bad dream

"But we cannot go forward unless there is some measure of accountability I think it would be helpful if you are able to bring it into your heart to take the commission into your confidence when you testify"

Mrs Madikizela-Mandela listened to the appeal in silence

Mr Cachalia was concluding his testimony at the Truth and Reconciliation Commission's special hearing into the activities of her "football club", which he described yesterday as her "personal vigilante gang"

Closely questioned by Mrs Madikizela-Mandela's advocate, Ishmail Semanya, about the factual basis for his statement, Mr Cachalia said although he had no personal knowledge of the events surrounding Stompie Sepele's death, he had gained a good understanding due to his leadership position in the Mass Democratic Movement

Mr Cachalia testified together with Murphy Morobe, his former United Democratic Front colleague They had made a public statement on behalf of the MDM in 1989 distancing the movement from

Mrs Madikizela-Mandela

At the end, TRC chairman Archbishop Desmond Tutu paid tribute to them

"We are deeply grateful to you for your testimony There are many people who would say the role you people have played was a very significant one in the struggle"

Proceedings were briefly interrupted today (11am) when three women claiming to support the Gauteng branch of the ANC Veterans organisations approached Archbishop Desmond Tutu to hand over two letters

"Why did you not wait for the break? Please leave," Tutu told the elderly women dressed in green and yellow

Afterwards a spokesman for the group said they were merely supporting Mrs Madikizela-Mandela "We

are offering her our support just because other people, only a handful, are trying to influence the world against her

Asked how they felt about the claims against Madikizela-Mandela, Ms Khoza said "We believe it was war If there is war, you killed if a person was violating the principles"

Mr Cachalia testified yesterday that after the release of Nelson Mandela in 1990, Mrs Madikizela-Mandela had taken the opportunity to "settle old scores" against those who had publicly spoken out against the activities of her "football club"

Mr Cachalia and Mr Morobe yesterday described

the events which led to a decision by the Mass Democratic Movement (MDM) to publicly distance itself from Madikizela-Mandela in 1989

Mr Cachalia (now secretary of the safety and security ministry) said he had received a threatening phone call from Mrs Madikizela-Mandela while Morobe (now chairman of the Financial and Fiscal Commission) said the decision had to this day had "a profound effect" on his political relationships

ships

Mr Cachalia called on the commission to recommend that anyone found guilty of crimes constituting a gross violation of human rights not be allowed to hold public office This would affect Mrs Madikizela-Mandela, convicted of being an accessory to the kidnapping of Stompie Sepele



Like a bad dream: Azar Cachalia

He gave details of vicious assaults by Mandela United Football Club members on Soweto youths He described a case in which two youths were mutilated by MUFC members for being informers "On one of them the letter 'M' was sliced into his chest with a penknife and the words 'Viva ANC' were carved on his thigh Battery acid was then poured over the wounds"

"You were either on the right side of Comrade Winnie, or you were on the wrong side of Comrade Winnie. It was lonely at times Some of the people were out for us," said Cachalia



# Winnie's week of reckoning

MTG 28/11 - 4/12/97 (252)

Mail & Guardian reporters

**S**outh Africa's Truth and Reconciliation Commission appeared to be administering the last rites to the political career of Winnie Madikizela-Mandela this week as a procession of witnesses savaged her with accounts of crimes she allegedly committed in the name of the liberation struggle

For the first time, the woman who has made something of an art out of survival in the face of overwhelming scandal began to look beaten as former acolytes, friends, comrades and others in the anti-apartheid community tore at her with the gusto of hounds which have cornered a fox

Hundreds of people crowded into the Johannesburg Institute of Social Science on the outskirts of the city for the hearings into allegations against President Nelson Mandela's ex-wife

But notable for their absence were the crowds of fans who used to roar their support for her in the days when she was worshipped as the champion of the anti-apartheid cause

Instead, her legal team looked helpless to defend her as witnesses attacked her alibi in the murder of Stompie Seipei — the killing which first shattered the myth of the "Mother of the Nation" — and, even more damaging, began to build a picture of a woman seemingly corrupted by power to the point of depravity

The rot set in for Madikizela-Mandela early on the first day of the hearings with the story of an alleged crime which ranks comparatively low in the ranks of atrocity — a common assault

Maggie Phumzile Dlamini took the stand to recount how she had allegedly been beaten up by Madikizela-Mandela personally, as well as by members of her notorious Mandela United Football Club

Dlamini said the incident happened after she had fallen pregnant by one of Madikizela-Mandela's drivers, "Shakes"

She said that shortly after she and Shakes had fallen in love, he "told me that Winnie had come to him in the middle of the night and got under the blanket with him" He had warned her that if Madikizela-Mandela found out about their relationship she could be in trouble

She was three-months pregnant when Madikizela-Mandela came and fetched her from her home in a minibus and questioned her about the relationship Dlamini said she denied there was one, but Madikizela-Mandela told her not to tell lies and

began hitting her "She slapped me in the face and hit me with her fists all over my body and in my stomach."

Some days later she was taken to Madikizela-Mandela's house in Soweto and accused of lying again

This time Madikizela-Mandela set members of the football club on to her They beat her badly — hitting her with their fists and kicking her in the stomach — over a five-hour period.

Weeping, Dlamini told the commission she was convinced that her child Tsepo, who was born a month prematurely, had suffered mental injuries from the assaults

Dlamini was followed on the witness stand by Soweto businessman Nichodemus Sono and widow Nomsa Shabalala, who accused Madikizela-Mandela of being behind the disappearance of their two sons. They told the commission that the two youths vanished after two African National Congress guerrillas had been killed in a shoot-out with the police in Soweto

Sono, a huge man in a dark suit, recounted how he used to help ANC guerrillas, providing them with safe houses and transport He said that after the shoot-out in which the guerrillas were killed — one of them his cousin — his son, Lolo, was accused of betraying them. Madikizela-Mandela and members of the football club came around to his house with Lolo in the back of a minibus

The boy, who had been badly beaten, tried to speak to him, but was told

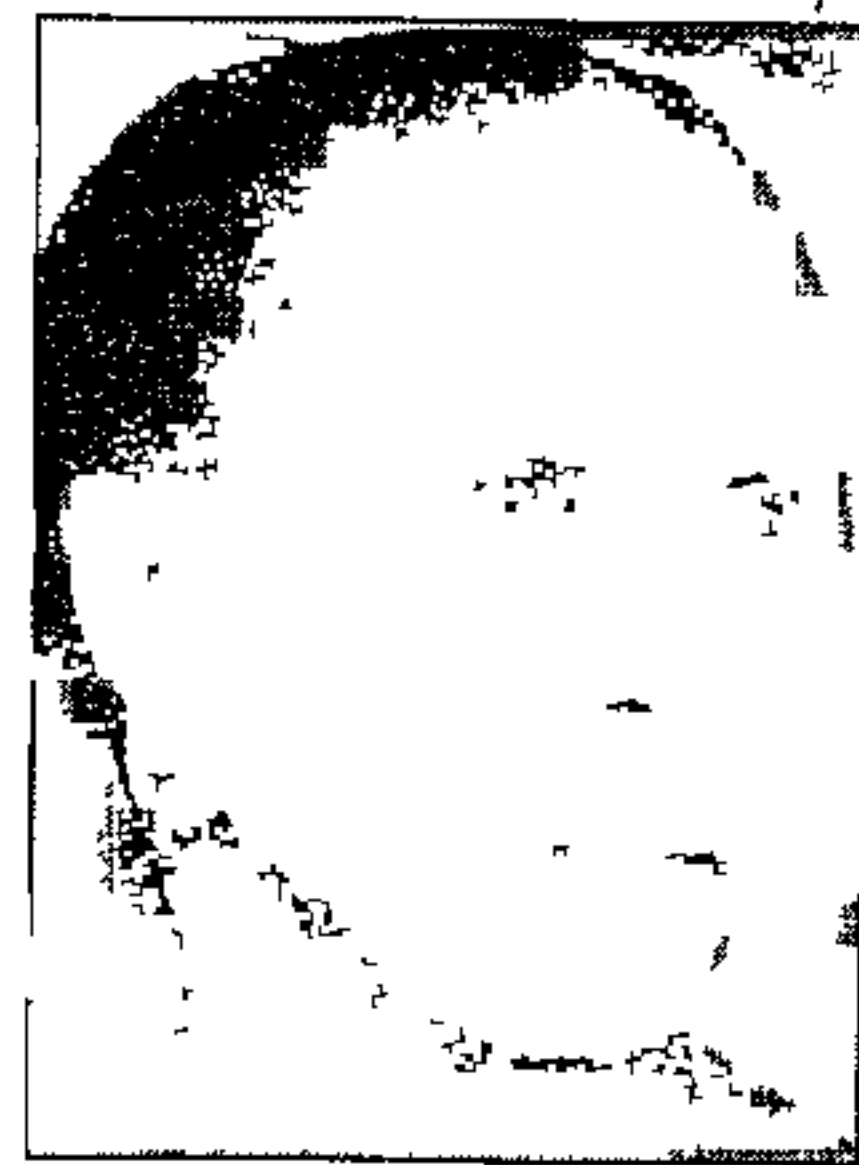
by Madikizela-Mandela to "shut up" He had pleaded with Madikizela-Mandela to let him go, insisting that Lolo was a loyal supporter of the ANC She refused, saying he was a "spy" and she was taking him away to be dealt with by "the movement"

Asked by Madikizela-Mandela's counsel why she would have brought his son around to his house in the first place, Nichodemus Sono said he could only imagine that the boy had told them they

could find something at his house in the hope that his father would intervene and save him

The story of Stompie Seipei's death was the centrepiece of the testimony by John Morgan, Madikizela-Mandela's former driver

Morgan told the truth commission that he had driven members of the football club to the Methodist manse, on Madikizela-Mandela's personal instructions, to collect Seipei and three other youths He had been present when the youths were taken into a room "next to the jacuzzi" at the beach



**'My hands are not dripping with the blood of the African children,' said Xoliswa Falati**





**Smile of derision: Despite some damning testimonies, Winnie Madikizela-Mandela has managed to keep up appearances. PHOTOGRAPH: RUTH MOTAU**

of Madikizela-Mandela's house and attacked in her presence

Morgan said Madikizela-Mandela had led the assault, delivering the first blow to Seipei. Members of the football club had then joined in, throwing the boys into the air and letting them "bounce" on the floor.

The next day Seipei's face was "as round as a football. I tried to feed him coffee and some bread as he was not in a position to help himself." Morgan said that on the third day the teenager was "in a critical condition"

**A** Sowetan doctor, Dr Abu Baker Asvat, was brought to the house to treat the boy. "Asvat refused and said the boy should be sent to hospital." Madikizela-Mandela has been accused of subsequently having killed Asvat.

On the fourth day, Madikizela-Mandela told Morgan to "take the dog and go and dump it." Seipei was later found in the veld with his throat slit.

Morgan confirmed that the football club had a disciplinary committee which would hand out punishments. "They would undress the young men and squeeze their scrotum and she [Madikizela-Mandela] would peep and go away," he said.

Madikizela-Mandela appeared to recover her spirits on the second day of the hearings when the steady build-up of the case against her seemed to falter, first with a shaky performance by one of the four youths abducted on her orders.

Pelo Mkgwe was badly discredited when it emerged that he had made a series of conflicting statements over the years, including contradictions in his statement to the truth commission itself.

Looking glamorous in gold necklaces and an elegant silk suit, Madikizela-Mandela smiled her derision at Mkgwe's faltering testimony.

Later she was making screwball motions to her head, signalling to her former friend, now her most bitter enemy, Xoliswa Falati, that she was a lunatic.

"My hands are not dripping with the blood of the African children," raged Falati, accusing Madikizela-Mandela not only of individual murders, but of having orchestrated the commuter massacres on South Africa's trains which nearly wrecked the transition to majority rule in 1994.

Falati drew roars of laughter from the public gallery and had truth commission chair Desmond Tutu threaten her with contempt proceedings several times as she re-

peatedly let her indignation with Madikizela-Mandela boil over.

Falati was followed by Katiza Cebekhulu, who was spirited out of South Africa to prevent his testifying against Madikizela-Mandela in her 1991 trial and has taken refuge in Britain, in the care of the former Tory MP, Baroness Emma Nicholson.

Cebekhulu, who was sworn in as a witness together with Nicholson, told the inquiry that he had seen Madikizela-Mandela murder Seipei.

But, in cross-examination, a number of contradictions were pointed out between Cebekhulu's testimony and statements attributed to him in a recently published book on the "Winnie scandal", *Katiza's Journey*.

One of the commissioners, Yasmin Sooka, drew applause from the public gallery and Madikizela-Mandela when she observed that the book was filled with inaccuracies.

But day three of the hearings saw Madikizela-Mandela's defence being ripped to pieces by testimony from two bishops of the Methodist church.

The demolition began when Bishop Paul Verryn — the Methodist minister whom Madikizela-Mandela originally blamed for her woes, accusing him of sodomising black children in his care — took the witness stand to recall events surrounding the abduction of the four youths which led to Stompie's death.

Verryn began to weep as he told the commission. "The thing that has been most difficult for me is that, having heard the allegations [that Stompie was a spy], I did not remove him from the mission and get him to a place where he could be safe. I think if I had acted another way he could be alive today."

Addressing Madikizela-Mandela directly, Verryn said "My feelings about you have taken me in many directions, as you can imagine. I long for reconciliation. I have been profoundly, profoundly affected by some of the things that you have said about me, that have hurt me and cut me to the quick."

He had battled to find the understanding to forgive her. "I struggle to find a way in which we can be reconciled for the sake of this nation and for the people I believe God loves so deeply."

Tutu invited Madikizela-Mandela to reply to Verryn, but her lawyer, advocate Ismail Semanya, SC, declined on her behalf, saying she

would want to do it in private.

Verryn was followed by Bishop Peter Storey who had been directly involved in efforts to secure the release of the four kidnapped youths.

Storey presented the commission with a devastatingly detailed account of the kidnapping, based on his contemporary diary entries and notes.

He described how Madikizela-Mandela had allegedly lied about the whereabouts of the youths, the circumstances in which they had been held and detailed efforts by a variety of community and political leaders — including the then president of the ANC, Oliver Tambo, from exile in Zambia — to secure their release.

He also recalled a succession of statements by Madikizela-Mandela accusing Verryn of sodomising children and the church of having organised the murder of Asvat to cover up the homosexual scandal.

On Thursday, the commission heard members of the Winnie Mandela Crisis Committee — Sydney Mufamadi, Aubrey Mokoena, Frank Chikane and Sister Bernadette Ntshona — squirming as they tried to explain why they failed to take more drastic action when the seriousness of the situation at Madikizela-Mandela's house became apparent.

The crisis committee was established by the Mass Democratic Movement to investigate the abduction of the youths.

Hanief Vally, for the commission, pointed out that according to Storey's notes he had wanted to go for a court interdict to protect the youths kidnapped by Madikizela-

Mandela, but members of the crisis committee, in particular Mokoena, had opposed such action on the grounds that they had "no mandate".

Vally pointed out that by this stage the football club was known to be engaged in criminal activity. Madikizela-Mandela's home had been burned down to revenge the rape of a local schoolgirl, Seipei was missing, feared dead, they had firm evidence that others were being held against their will and were displaying injuries. Mokoena protested that Storey's diaries could not be relied on.

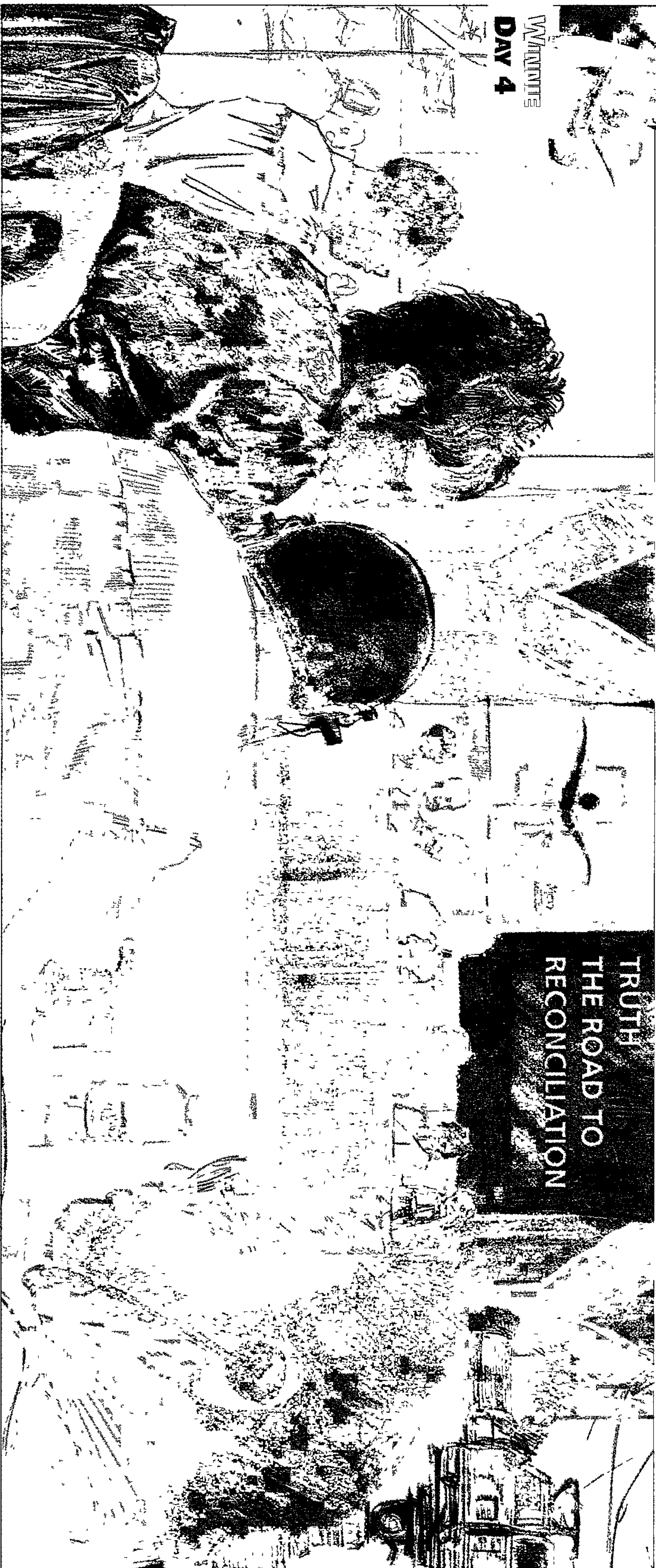
Mufamadi said the boys claimed they had been injured falling out of trees and it was conceivable that they, members of the crisis committee, could have been charged with kidnapping themselves if they had tried to take them away forcibly.

**On the fourth day, Madikizela-Mandela told Morgan to 'take the dog [Seipei] and go and dump it'**



# THE MADIKIZELA-MANDELA HEARING

JASON ASKEW



WINNIE  
DAY 4

At the hearing .. Moses Mavundla, Winnie Mandela, Ishmael Semanya, Hlangiwe Mkhize, Dr Fazel Randerera, Dumisa Ntsebeza, Dr Alex Boraine, Archbishop Desmond Tutu, Yasmin Sooka, Khoza Mgojo and Hanif Vally.





# Sto

Robert Brand reflects on the hearings so far, and finds that, in spite of the thousands victims and those in high and low places, the truth remains frustratingly elusive

# mpioie's ghost haunts

*Jan 28 11 07*

of words expended by a clutch of lawyers,

# the TRC

*2002*  
DEBBIE YAZBEK

I can  
— forgive  
but not  
forget  
— mother

That was about the only straight answer given by any member of the crisis committee in seven hours of questioning, and perhaps it is not a coincidence that Mufamadi bore the brunt of Madikizela-Mandela's recent attack on the ANC leadership.

Earlier in the week, the commission heard "evidence" from one Jabu Sithole.

The word "evidence" belongs in quotation marks because Sithole, who had lived at Madikizela-Mandela's house for long periods, appears to have gone through life blindfolded.

Not only had he never seen or participated in any criminal activity by the MUFC, he claimed that he was not even aware of any allegations made about the gang.

Sithole is a fugitive from justice, having skipped bail while on trial in 1990 for the kidnapping, assault and murder of Stompie

Joyce Mananki Seipei, whose son Stompie's death in 1989 has become the focus of the TRC's probe into the activities of the Mandela United Football Club (MUFC), heard of his death several weeks after he had died, on the day he was due to appear in court on a charge of inciting public violence.

Stompie's mother told The Star yesterday that a certain lawyer, known to her only as Du Toit, was the first to break the news to her that Stompie had died as she was waiting for him to appear in court on January 12 1989.

The charge against him flowed out of the stoning of police cars and the advocating of a boycott of municipal elections the previous year.

James Mokgethi Seipei, known as Stompie, was allegedly abducted from the Soweto Methodist manse by members of the MUFC in December 1988.

His badly decomposed body was found between Soweto's New Canada railway station and the neighbouring Noordsig on January 7 after an anonymous tipoff.

Winnie Madikizela-Mandela was convicted of the abduction of Stompie in 1992 and there

Yet he sat in the presence of the minister of safety and security blithely testifying that he had no reason to fear prosecution and adding, as a cherry on the top, that he was now employed in the protection services of South African Airways. His job is to secure passengers' luggage from thieves and criminals.

That he has not yet been arrested and prosecuted is a scandal, a member of the Truth Commission remarked in private — especially in view of the fact that the commission had to go to great lengths to procure indemnity for Cebekhulu, another of the Stompie accused who had jumped bail, to return to testify.

It may be a coincidence that Cebekhulu has made damaging allegations against Madikizela-Mandela, while Sithole said he had no knowledge of any criminal activity whatsoever perpetrated by her or the MUFC.

To say that Madikizela-Mandela's influence stretches as far as the criminal justice system may be stretching the point.

What is certain however, is that the "fog of silence and lies" which clouded Madikizela-Mandela's activities during the last years of apartheid has not yet dissipated completely.

have been persistent allegations that she took part in the beatings that led to his death.

At the TRC hearings in Mayfair yesterday, Stompie's mother said that, after Du Toit broke the news to her, she at first dismissed it as a rumour.

The 14-year-old Stompie had led an army of hundreds, called the Under-14s, in the Free State township of Tumahole before coming to Johannesburg.

Seipei said she would forgive whoever was responsible for Stompie's death after hearing details of how he died during this week's hearing.

"I am prepared to forgive, but I can't forget. This child should have been the one to look after me.

"His dream was to become a lawyer," she said.

Although she could not say whether she thought Madikizela-Mandela took part in the killing, she said Madikizela-Mandela should take responsibility because the alleged beating took place in her house.

"I really wanted to speak to her (Winnie) before, but she is difficult to reach due to her political status.

"Even if she comes to me now I won't be satisfied, bearing in mind I want to open a case against her," she said.



known, as the Mandela Crisis Committee were extremely concerned, about the youths, and had attempted in vain to persuade Madikizela-Mandela to release them.

What we still do not know is whether Madikizela-Mandela personally assaulted the youths, how Seipei was murdered, and if Madikizela-Mandela was a party to his murder? Two of the four abductees said Madikizela-Mandela assaulted them personally. She denies it. Katiza Cebekhulu, who participated in the assaults, said she had personally stabbed Stompie; no one else has confirmed this.

Jerry Richardson, who was jailed for the murder and has applied for amnesty, says in a written statement he slit Stompie's throat "like slaughtering a sheep"; but the postmortem record does not appear to back

him up. Stompie died of a stab wound to the neck.

The one body that may be able to shed light on Madikizela-Mandela's personal role in the Stompie saga is the Mandela Crisis Committee. But when members of this now-defunct committee testified, it seemed as if Madikizela-Mandela's

assortment of individuals which tried to mediate between the Orlando West community and Madikizela-Mandela in 1988 after her house was torched by youths who had become fed-up with the football club.

The house was rebuilt, but the crisis did not disappear.

committee took so long to procure the release of the youths, especially after learning that they had been assaulted and that Seipei, who had been beaten to within an inch of his life, had disappeared.

In the political milieu of the time, they were faced with an extremely difficult situation

## He 'slit the boy's throat like slaughtering a sheep', but the postmortem says otherwise

dela's by no means insignificant political influence still pervaded the atmosphere.

The way some members of the committee squirmed to avoid having to say anything which could reflect badly on her was, put mildly, pathetic. The committee was a loose

The committee was still in operation when the four youths were kidnapped. They negotiated for two weeks with Madikizela-Mandela for the release of the youths. When Madikizela-Mandela finally consented, Seipei was already dead.

The question arises why this

They could not act decisively without damaging the Mandela name and causing division in the liberation movement.

They had to practise damage control. But it appeared as if some of them were still practising it this week.

Asked a relatively simple

question - did the committee inform Madikizela-Mandela about the allegations against the football club and the way the community felt about it? - Dr Frank Chikane (now director general in deputy president Thabo Mbeki's office) and Aubrey Mokoena (now an ANC MP) spoke for about half-an-hour between them without coming close to an answer.

Chikane said the "anger of the people", which the committee referred to in its written statement to the TRC, was directed at the burning of the house rather than the MUFIC

Mokoena came out with the bizarre statement that Madikizela-Mandela, or "Mama", as he calls her, was a trained social worker and had been "overcome by altruism", which prevented her from recognising the harm her gang caused.

One member, Sydney

For too long, Bishop Peter Storey told the Truth and Reconciliation Commission this week, the truth about Winnie Madikizela-Mandela's "football club" had been thrown to the prevailing political winds.

And, although the winds of change have blown across South Africa since Stompie Seipei was kidnapped and murdered, the prevailing politics still tugged at the truth probe's hearing into the activities of the Mandela United Football Club (MUFC) this week.

After listening to more than a dozen witnesses in four days — and the hearing is not over yet — the commission seems to be no closer to the truth than before.

It heard several different versions of the kidnapping of four youths from the Methodist manse in Soweto, the assault and murder of teenage activist Stompie; the assault and murder of Lolo Sono and Siboniso Shabalala, and a number of other acts allegedly carried out by the MUFC.

The most important questions — were these acts committed with the knowledge and blessing of Madikizela-Mandela, and did she herself participate in them? — have not yet been answered.

Getting to the bottom of the allegations is, of course, not the only purpose of the hearing. For the first time, alleged victims of the MUFC have had the opportunity to state their accusations against Madikizela-Mandela in a public forum.

The allegations made against Madikizela-Mandela were not new, however the setting in which they were made was unlike anything South Africa has seen before.

Several witnesses gave accounts of the circumstances leading to Stompie's death. But even after cross-examination by six different lawyers, there is still no definitive account.

It is common cause that Seipei and three others were taken from the manse to Madikizela-Mandela's house in Diepkloof on December 29 1997, following a false allegation by Xoliswa Falati that the Methodist minister, Paul Verryn, had sexually abused some of them.

It is common cause that they were assaulted, and that they remained at Madikizela's house until January 16, with the exception of Seipei, who had died on January 3, and one other young man, Kenny Kgase, who had escaped.

It is also common cause that a group of community leaders





Looking back ... Joyce Mananki Seipel, Stompie's mother, said she feels Winnie Madikizela-Mandela should accept responsibility for beatings that allegedly took place at her house. In 1992 Madikizela-Mandela was found guilty of abducting Stompie.

# Winnie lied under oath, Mufamadi tells TRC

Star 28/11/97 (252)

Crisis committee ordered Madikizela-Mandela to disband football club, says Safety and Security Minister

BY ROBERT BRAND  
AND ANSO THOM

Safety and Security Minister Sydney Mufamadi, a former member of the Mandela Crisis Committee, confirmed yesterday that Winnie Madikizela-Mandela had lied under oath to Truth and Reconciliation Commission investigators during a closed inquiry earlier this year.

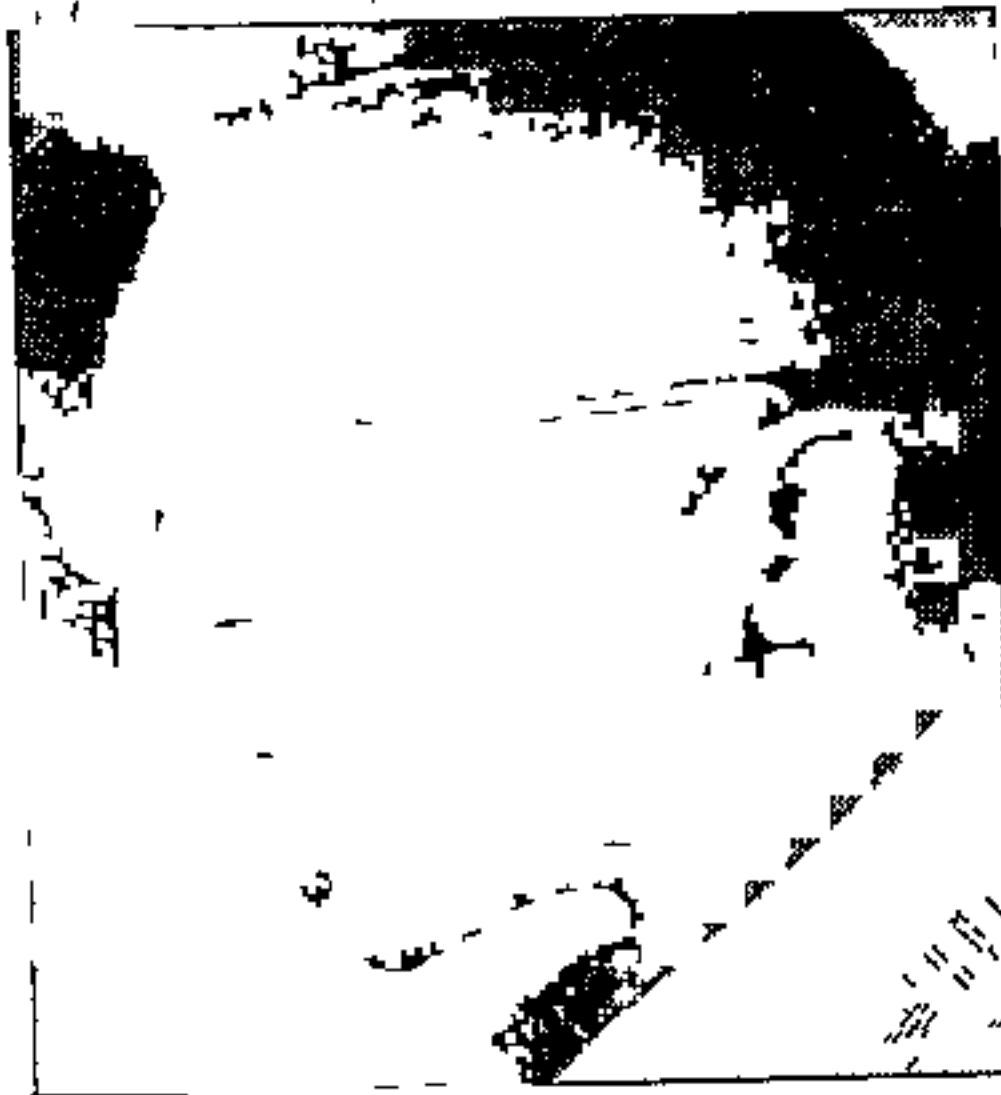
During that inquiry, Madikizela-Mandela denied that the crisis committee, formed in July 1988 to defuse tensions between Madikizela-Mandela and the Soweto community, had ever visited her to discuss the abduction of four youths from the Methodist mission in the township.

"I put it to you that this was a lie," S L Joseph, an advocate representing Katiza Cebekhulu, said to Mufamadi during questioning of members of the crisis committee.

"Yes, that is correct," Mufamadi answered.

Madikizela-Mandela had also told investigators that a document compiled by the committee to inform then ANC president Oliver Tambo about the crisis surrounding her "football club" was a "Stratcom fabrication", and that Mufamadi had told her so.

Mufamadi also agreed that this was "not a correct state-



Sydney Mufamadi

ment" He denied ever having discussed the document with Madikizela-Mandela and said the document had been authored by the crisis committee Stratcom, the former security police's disinformation arm, had nothing to do with it, Mufamadi said.

His attitude before the TRC's special hearing on the activities of the Mandela United Football Club was markedly different from that of his former crisis committee colleagues Frank Chikane and Aubrey Mokoena.

Referring to the allegation that the letter to Tambo was a "Stratcom fabrication", Mokoena, who described himself as a close friend of Madikizela-Mandela, said: "Mama (Madikizela-Man-

dela) may have been referring to a different document."

Mufamadi's short answer to the question whether Madikizela-Mandela had lied at the closed inquiry elicited applause from the 300-strong audience.

After more than seven hours of questioning, the commission established from the committee members that Madikizela-Mandela had been informed in July 1988 - six months before the kidnappings - that there were serious allegations of criminal activities by her "football club".

The committee ordered her to disband the club, but she refused. The committee also confirmed that Madikizela-Mandela appeared to be in charge in their dealings with her household to procure the release of four kidnapped youths.

Mufamadi also faced questions on why Jabu Sithole, who skipped bail and left the country while standing trial for the kidnapping, assault and murder of Stompie seipei, had not been prosecuted on his return to SA. Sithole now works for the Airports Company.

Mufamadi said he found the treatment of Sithole "puzzling" and promised that his department would co-operate if the TRC recommended that Sithole should be prosecuted.



# Winnie defied Mandela's <sup>(252)</sup> instructions

Sowetan 28/11/97

Crisis committee has regrets over their failure to act faster to save youths

By Pamela Dube  
Political Reporter

**A**FRICAN National Congress leaders who became known as the Mandela Crisis Committee told the Truth and Reconciliation Commission yesterday that they regretted not having been informed in time to save the life of child activist Stompie Moeketsi Seipei

The four leaders - Safety and Security Minister Mr Sydney Mufamadi, Deputy President Thabo Mbeki's director-general Reverend Frank Chikane, parliamentarians Sister Bernard Ncube and Mr Aubrey Mokoena - believe that had they intervened in time, they would have secured an early release of the five youths allegedly abducted by Mrs Winnie Madikizela-Mandela

Several witnesses, with contradicting accounts, have spoken before the TRC in Johannesburg since Monday on Madikizela-Mandela's role in the abduction, assault and murder of young activists in the 1980s in Soweto

The youths allegedly abducted from the care of Methodist minister, now Bishop, Paul Verryn by Madikizela-Mandela and her former bodyguards, known as the "Mandela United Football Club" (MUFC), were Seipei, Kenneth Kgase, Thabiso Mono, Pelo Mekgwe and Katiza Cebekhulu

After over eight hours of interrogation by the lawyers, commissioners and finally journalists, the four dignitaries, who at times seemed dodgy and uncomfortable with questions posed to them on their role in trying to rescue the youngsters, conveyed their condolences to the youths' families for the tragedies resulting from the incident

Chikane - who admitted that he was responsible for putting together the crisis committee - said the Methodist Church and

United Democratic Front members in

only informed them about the alleged abductions somewhere between January and February 1989

Mufamadi stated that "by the time we intervened, Stompie was already dead. We therefore could not save his life and that we regret." Chikane, however, believed when they finally intervened in the abduction, they managed to "save the lives of the other young people"

"We did the ultimate (in trying to rescue the youngsters from Mrs Mandela's house), short of organising a militia of our own to break in." The committee disputed Bishop Peter Storey's suggestion that they blocked the church from obtaining a court order to force Madikizela-Mandela to release the youths

Chikane said at the time they did not trust the police. They sought the intervention of President Nelson Mandela (who was in prison) and ANC president at the time Mr Oliver Tambo in Lusaka, Zambia

## Disband the club

Both leaders sent messages to Madikizela-Mandela to heed the community's call and disband the football club. Madikizela-Mandela refused

The four-page letter - in which the committee stated that they did not believe Madikizela-Mandela's version that the five youths ran away from Verryn, and that she did not assault them - had been questioned by the ANC Women's League president as a "Stratcom document"

Mufamadi denied he ever told Madikizela-Mandela that he disowned the letter and agreed that she "lied" when she said the committee never discussed the disbanding of the MUFC with her

However, Mokoena, on his part, refused to say Madikizela-Mandela "lied" but only said there was a misunderstanding of the document under discussion when she spoke

While being known as a friend...

# 'Football club' was Winnie's vigilante gang

262  
Soulstan 28/11/97

By Joe Mdhlela

IN ITS fourth day of sitting yesterday, the Truth and Reconciliation Commission was told how African National Congress Women's League president Mrs Winnie Madikizela-Mandela created her own personal vigilante group known as the Mandela United Football Club

The submission was made by the national Safety and Security Secretary Mr Azhar Cachalia at the TRC hearing in Mayfair, Johannesburg

Also, clergymen Father Smangaliso Mkhathshwa and Reverend Otto Mbangula described the role they had played in trying to secure the release of four youngsters, who had allegedly been abducted from the Methodist Church manse in Orlando West, Soweto, by members of the MUFC

They were apparently abducted because they had been sodomised by the then Methodist parish minister, Reverend Paul Verryn

Testifying with another former United Democratic Front leader, Mr Murphy Morobe, Cachalia told the commission it had been his under-

standing that the formation of the football club had come about as a result of the political climate that existed during the 1980s

Providing context regarding the MUFC, Cachalia told the TRC that by mid-1985 thousands of youths, who were not affiliated to properly constituted structures, were seeing themselves "as soldiers in the liberation struggle"

It was these young people who had formed themselves into groups and started "hunting down other trouble-makers, hooligans and vandals"

"The effects of these gangs on the community, particularly in Soweto, was extraordinarily destabilising," he said

Cachalia submitted that the MUFC was eventually infiltrated, with some of its members being recruited into the police force "This was the climate in which Mrs Mandela created her own personal vigilante gang," he said

At the time and on-hearing about the formation of the MUFC, Cachalia became apprehensive and felt that "it was inappropriate to use the revered Mandela name in this way"

"The football club often dispensed their frightening brand of justice which included vicious assaults," he told the commission

"At best Mrs Mandela was aware of and encouraged this criminal activity. At worst she directed it and actively participated in the assaults"

All reasonable efforts by the church, community leaders, lawyers, her husband Nelson Mandela and ANC president in exile Mr Oliver Tambo to disband "the gang of thugs" by trying to secure Madikizela-Mandela's cooperation had failed

Morobe shared Cachalia's view, saying it was while he was at Johannesburg Prison in 1987 that he heard about the activities of the football club

His anxiety about the club was confirmed when he heard reports about the revenge attack on Madikizela-Mandela's home

"One of our major concerns at a political level was the extent to which the activities of these boys were detracting everyone from our urgent task of fighting the regime," Morobe said



She gave  
me gun to  
kill Asvat  
— murderer

# 'We suffered the wrath of Winnie'

(252) Star 28/11/97

Cyril Zakhele Mbatha, the man convicted of killing Soweto doctor Abu-Baker Asvat, said in a television interview broadcast late yesterday that the gun he used in the 1989 murder had come from Winnie Madikizela-Mandela

The dramatic interview with Mbatha was recorded in prison by the BBC; extracts were broadcast on the SABC late night current affairs programme, *News Hour*.

Asked by the interviewer where he got the gun he used to kill the political-activist doctor, Mbatha said it "came from" Madikizela-Mandela

Mbatha was convicted with another man, Thulam Dlamini, of gunning down Asvat in his surgery in Soweto in February 1989. Asvat was health secretary of Azapo at the time of his murder.

Both Mbatha and Dlamini are due in the next day or two to testify at the Truth and Reconciliation Commission hearing into the activities of the Mandela United Football Club in the late 1980s - AFP

Commission told how football club members mutilated youths and poured acid into their open wounds

By ROBERT BRAND  
AND ANSO THOM

After the release of Nelson Mandela in 1990, Winnie Madikizela-Mandela took the opportunity to "settle old scores" against those who had publicly spoken out against the activities of her "football club", the Truth and Reconciliation Commission has heard

Former United Democratic Front treasurer Azar Cachalia and publicity secretary Murphy Morobe yesterday described the events which led to a decision by the Mass Democratic Movement (MDM) to publicly distance itself from Madikizela-Mandela in 1989.

Cachalia (now secretary of the safety and security ministry) said he had received a threatening phone call from Madikizela-Mandela after Mandela's release, while Morobe (now chairman of the Financial and Fiscal Commission) said the decision had to this day had "a profound effect" on his political relationships.

Cachalia called on the commission to recommend that anyone found guilty of crimes constituting a gross violation of human rights not be allowed to hold public office. This would affect Madikizela-Mandela, who was convicted of being an accessory to the kidnapping of Stompie Seipei.

Before Cachalia and Morobe testified, Madikizela-Mandela's

lawyer, Ishmail Semanya, argued strongly that their statements should not be heard because they were not "relevant". He was overruled by TRC chairman Archbishop Desmond Tutu.

In a hard-hitting statement, Cachalia gave details of vicious assaults - some of them previously not known about - by Mandela United Football Club members on Soweto youths. He said the activities of the MUFC - which he called a "gang of thugs" and "(Madikizela-Mandela's) own personal vigilante gang" - were "often directed by

two youths were mutilated by MUFC members for being informers. "On one of them the letter 'M' was sliced into his chest with a penknife and the words 'Viva ANC' were carved on his thigh. Battery acid was then poured over the wounds."

After allegations surfaced that four youths had been abducted from the Methodist mission in Soweto and assaulted at Madikizela-Mandela's house, the MDM reached the conclusion that she had either participated in, or encouraged, "this criminal activity".

"You were either on the right side of Comrade Winnie, or you were on the wrong side of Comrade Winnie. It was lonely at times. Some of the people were out for us," said Cachalia.

Morobe said the MDM leadership had viewed the actions of the MUFC with "moral repugnance". They had no choice but to take a stand against Madikizela-Mandela as conflict between the club and the community was "at boiling point".

In earlier testimony, former Mandela Crisis Committee member Sydney Mufamadi agreed Madikizela-Mandela had lied under oath to TRC investigators during a closed inquiry in September. She had claimed a report about the kidnapped youths, sent to then ANC president Oliver Tambo, was a "security police fabrication" and that Mufamadi had told her so. He denied this.

► Comment  
Page 18

► Reports, pictures  
Page 17 and 19

Mrs Mandela herself

"The football club often dispensed their frightening brand of justice, which included vicious assaults in cases ranging from domestic disputes to those who crossed their paths and were branded as informers."

Cachalia said there was widespread suspicion that Madikizela-Mandela was a police agent because she seemed to escape prosecution although it was common knowledge that she was harbouring MK guerrillas and storing arms.

He described a case in which



# The week that made Winnie

# They looked her in the eye and spoke out

(252) ARG 29/11/97

### CHARLES SMITH

Johannesburg - "No one will ever know how hard it was for the Mandela crisis committee to speak up about the activities of Winnie Mandela in 1989 - and if only their courage was upheld by other members of the movement, we would not be here today," said Bishop Peter Storey in evidence before the Truth Commission this week.

But courage failed the Mandela crisis committee (MCC) this time, when Frank Chikane led a joking, blustering submission to the Truth and Reconciliation Commission that failed to give simple, direct answers to questions posed.

In 1997 the committee - but for flashes of anger and frankness from Safety and Security Minister Sidney Mabuza - was too busy playing politics to realise they had fallen into the trap they accused Winnie Madikizela Mandela of in 1989 in a secret memo

randum to then African National Congress president Oliver Tambo

In that memorandum detailing the "ghostly" kidnap drama after Mrs Madikizela-Mandela had taken five boys from the Soweto manse of then Methodist minister (now bishop) Paul Verryn, the MCC wrote "She seems to think she is above the community! She shows utter contempt for both the Crisis Committee and the community"

Earlier in the morning witness Bishop Verryn, who Mrs Madikizela Mandela accused of sodomy, broke down and wept as he apologized to the mother of Stompie Sepele for not doing more to place her child in a safe haven. Then turning to look at Mrs Madikizela Mandela, he said "My feelings about you have taken me in many directions I long for our

*'The weight of pain and anger was emotionally exhausting'*

reconciliation I have been profoundly affected by some things you have said about me that have cut me to the quick. I have had to struggle to forgive, even if you don't want forgiveness I struggle to find a way in which we can be reconciled for the sake of this nation and the people God loves so deeply"

A visibly moved Archbishop Desmond Tutu, chairman of the commission, said to Bishop Verryn "You made us proud. I am sure God is going to use you powerfully - God uses the wounded healer. You have plunged the depths of anguish and you will be able to help others." In a display of approval rare for the TRC, Archbishop Tutu and members of the audience stood and applauded Bishop Verryn.

The Crisis Committee also had no powerfully - said Mr Maseko

Mr Maseko referred to evidence given to the TRC by Azhar Cachalia, chairman of the national Secretariat for Safety and Security, and specifically to his recommendation that people guilty of human rights abuses should not be allowed to hold public office

"I am worried about the ANC's role in the TRC hearings. If Mr Cachalia's testimony is a reflection of ANC thinking, then I have to say that when the ANC first thought of the TRC, it had to decide how to deal with the excesses which its members committed while in exile - Quatro Camp, for example"

## 'There is a great deal she knows that could damage the ANC'

### JEAN LE MAY

Winnie Madikizela-Mandela could sail unscathed through the Truth and Reconciliation Commission hearings, Sipho Maseko, senior lecturer in political science at the University of the Western Cape, has said.

"Far from sustaining irreparable political damage herself, Mrs Madikizela Mandela could do the African National Congress a great deal of harm if, at some stage, she thinks things are going against her and decides to spit the beans," he said.

"There is a great deal she knows about the ANC which could do much damage," said Mr Maseko

Some needed the shelter of TRC witness protection programmes to speak out, but still they did



Played for both sides: Mandela Football Club coach Jerry Richardson arrives in leg irons

## 'Coach' Richardson was police informer

ARKS 29/11/97  
JOHN YELD (252)

The "coach" of the Mandela United Football Club, Jerry Richardson, was a registered police informer who was paid R10 000 for information in 1995 while serving a life sentence in jail for the murder of teenage activist "Stompie" Sepele. This was confirmed to the Truth and Reconciliation Commission's "special event" hearing into the activities of the football club yesterday by national police commissioner George Fiyaz.

Commissioner Fiyaz told the hearing that the date on which Richardson had become a police informer would have been recorded in his informer file, but that searches in all police divisions around the country revealed that all such files had been destroyed. He believed it would be "extremely impossible" to find the date on which Richardson had been registered as an informer.

Commissioner Fiyaz also confirmed that he had considered the payment to Richardson while he was in jail to have been irregular and had called for an explanation from the investigating officers concerned when he had learned about it only three weeks ago.

These officers had convinced him that the payment had been legitimate and that information from Richardson had been "indeed useful". Members of the football club acted as Winnie Madikizela-Mandela's bodyguards and, as "coach", Richardson was effectively in charge



# Madikizela-Mandela weep

# Zinzi Mandela-Hlongwane - a

# mirror image of her mother?

CHARLENE SMITH

(252)

ARG 29/11/97

Zinzi Mandela-Hlongwane is almost a mirror image of her mother, Winnie Madikizela-Mandela. The two have always been exceptionally close, but what has never been adequately revealed is the role Zinzi played in the activities of the Mandela United Football Club.

Sitting behind their mother this week at the Truth Commission hearings, Zinzi and her sister, Zenani, were impeccably dressed. The two rose during a break on Thursday to embrace Walter Sisulu and his wife, Albertina, who is expected to testify during the hearing.

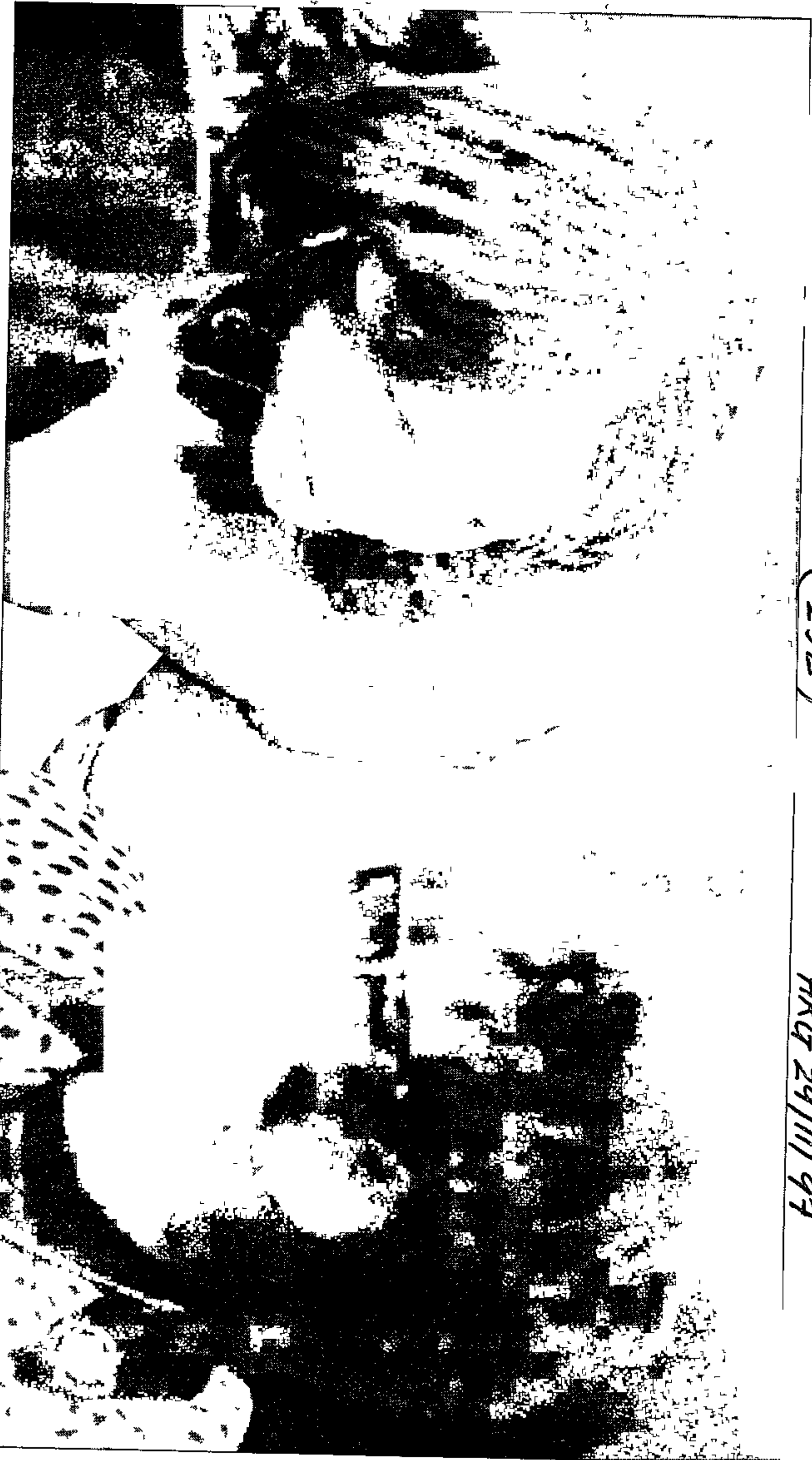
Zinzi lived with her mother during the days of the so-called football club. Some of her lovers - and the father of one of her children - were active club members.

Phumlile Dlamini, who was allegedly severely assaulted while pregnant by Mrs Madikizela-Mandela and members of the football club, said it was Zinzi who intervened to halt the assault.

However, Ms Dlamini claimed she was told that it was Sizwe Sithole, Zinzi's boyfriend and the father of her son, who murdered her brother, Tholi. Mr Sithole later died in detention after being arrested in connection with Tholi Dlamini's death.

Another purported lover of Zinzi, Oupa Seheri, also a member of the football club, was sentenced to death for killing two people who removed his weapon at a party. His sentence has since been committed to life in prison.

Vincent Sefako, yet another alleged lover of Zinzi - according to evidence given by a former Umkhonto weSizwe (MK) member, Thami Hlatswayo - was allegedly murdered after being hit by a vehicle Mr Sefako



Mother and daughter: Winnie Madikizela-Mandela, during the TRC hearings this week

was also shot in the back of the head. Mr Hlatswayo claimed the killings were at the behest of Mrs Madikizela-Mandela, whom he claimed did not like Mr Sefako because he refused to surrender his command of an MK unit to her.

Nor did Mrs Madikizela-Mandela believe he was suitable for her daughter Mr Sefako, in turn, was said to be angry with Mrs Madikizela-Mandela because a Scorpion pistol - left on top

of a cupboard in Zinzi's room after he had spent a night there - was later found by police.

Diphuto Motshadi, who saw Mr Sefako's killing and who had called an ambulance, was allegedly killed that night by club member Peter Dlamini, accompanied by Mr Hlatswayo, who claimed Mrs Madikizela-Mandela gave the order.

When the Soweto Crisis Committee - which included the Minister of

Safety and Security, Sidney Mufamadi, and the Reverend Frank Chikane - was investigating the abduction of five boys from the Methodist manse of the Reverend Paul Verryn, the committee became alarmed when Zinzi said one of the boys had "escaped". This contradicted her mother's claim that the boys were staying with Mrs Madikizela-Mandela of their own free will.

A few days later Reverend

Chikane went to the two women on the direct instruction of then African National Congress president Oliver Tambo to tell Mrs Madikizela-Mandela to release the boys.

Instead, Mr Chikane endured a "difficult five-hour" quizzing from the women on a memorandum sent to Mr Tambo by the committee expressing its alarm at the situation at the home of Mrs Madikizela-Mandela. A few days after that, three

churchmen, Father Smangaliso Mkatshwa, Bishop Manas Buthelezi and a Reverend Mbangula questioned Mrs Madikizela-Mandela about the whereabouts of Stompie Sepele, according to the diary of Methodist Bishop Peter Storey.

Yesterday, Giff Ntombeni, who had close links with the youths who lived at Mrs Madikizela-Mandela's home, said he was not a club member. He claimed that after Zinzi alleged he was a police spy he was hunted down by Mrs Madikizela-Mandela and her club and was told that she wanted to kill him.

He said that in 1988 he was summoned to Mrs Madikizela-Mandela's office, where she accused him of being a police spy. She instructed two youths, Shoes and Sipho, to take her home. At the house two other boys, Biza and Tolo, were being beaten and accused of being informers. "I was also assaulted very severely," Mr Ntombeni said.

"We spent about four days inside the house. We were not allowed to go out so that our condition would improve," Mr Ntombeni said.

He claims that, at a later stage, he was approached by club members to kill Sibusiso Chih on orders from Mrs Madikizela-Mandela. He also says that on November 23 this year he was taken to Mrs Madikizela-Mandela's house by one of her bodyguards. Her lawyer, Jabu Sithole, was at the house.

Mr Ntombeni told the hearing "She asked me if I was going to appear at this (TRC) hearing and when I agreed she asked me with whom. Not long after that, Mr Ntombeni left her house.

Neither Zinzi nor Zenani were prepared to comment, and Mrs Madikizela-Mandela's lawyer, Ishmael Semenge, refused journalists access to the women.

Gauteng businessmen asked to cough up

CHARLENE SMITH

Winnie Madikizela-Mandela has been visiting black businessmen, sometimes with a phalanx of up to a dozen bodyguards all wearing dark glasses, to canvass for money for her campaign for the deputy presidency.

The businessmen are all prominent leaders of major emerging companies.

Many were political activists in the United Democratic Front, the Pan Africanist Congress or the Black Consciousness Movement.

However, leading black businessman and long-time associate of the Mandelas, Dr Nthatho Motlana, who heads New Africa Investments Limited, said he had not been approached. "Winnie Madikizela-Mandela is a friend of mine. If she had come to me, my company is listed and I would have had to have asked my directors, but if she approached me as an individual I would give her a donation."

Another businessman, who asked not to be named, said "Some of us knew her in the old days and supported her as the wife of the president. We also supported her as a close comrade and someone of whom many of us were fond. But times have changed and she has become isolated from the movement - but if she does become deputy president and we spurned her now, we could find ourselves in a very difficult position in the future."

Another businessman said there was a widespread belief in black business circles that Mrs Madikizela-Mandela had enough strength politically to be elected deputy president.

One businessman said he believed Mrs Madikizela-Mandela had been victimised in no small part by the media and people had forgotten her positive contribution to political democracy in South Africa. "I see no reason why we should not help her now. People have short memories."



# Trevor Tutu gets amnesty

*ARLT 29/11/97 (252)*  
*Outrage over 'nepotistic' deal*

**PIETER MALAN**

**The Truth Commission has granted amnesty to Trevor Tutu, son of the commission's chairman Desmond Tutu, for making a bomb threat on an SA Airways aircraft.**

Political parties across the spectrum have expressed outrage at the commission's decision and said it smacked of nepotism

Trevor Tutu was yesterday given amnesty in Cape Town by the commission's amnesty committee. Prison authorities confirmed he was released from Goodwood Prison yesterday

His father, while chairman of the commission, is not a member of the amnesty committee.

Democratic Party leader Tony Leon, speaking from Oxford in England, said the decision smacked of favouritism, while Pan African Congress spokesman Mike Muendane called it a "travesty of justice"

Trevor Tutu received amnesty for contravening the Civil Aviation Act in 1989 when he told airline officials on a SA Airways flight in East London there was a bomb on board

His actions caused a three-hour delay as police and airways officials searched the plane

In 1991 he was sentenced to three and a

half years in prison, but he skipped bail of R10 000 and was only arrested earlier this year after a newspaper published pictures of him freely going about his business

Yesterday 37 ANC members, including Deputy President Thabo Mbeki, Defence Minister Joe Modise, Justice Minister Dullah Omar, Foreign Affairs Minister Alfred Nzo and Environmental Affairs Minister Pallo Jordan also received amnesty for their actions during the armed struggle

Five former security policemen also received amnesty for breaking into the ANC offices in Pietersburg

In terms of the TRC Commission Act, the amnesty committee can grant amnesty without a public hearing and without the applicant being present if the offence does not constitute a gross violation of human rights

Mr Leon described Tutu's amnesty as an "extraordinary case" and a "serious undermining of the process" and asked why, given the seriousness of the charges against Tutu, there had been no public hearing

The PAC's Mike Muendane castigated the decision saying more deserving cases were being overlooked

Mr Muendane said granting amnesty to Trevor Tutu was a travesty of justice

"Trevor made an application recently for something that does not look political at all

and he got an urgent hearing"

"We have boys at APLA who sacrificed their lives to liberate this country who have not even been given dates to appear before the TRC. Do we have to be sons of TRC chairmen to get preferential treatment?" Mr Muendane asked

In his application, Tutu said the political objective of his actions were "to prevent the SAA and its flight crews from treating blacks as inferior beings".

Asked for justification for the acts he said "I have been the subject of wrongful arrest, detention, withdrawal of my passport and too many other slights to be mentioned here. My action was associated with a political objective in that it showed those who had claimed the right to treat me as their vassal or serf, that I was . . . neither vassal nor serf, but a proper citizen of this country and should be treated as such"

He said he was not executing a specific order, but was acting under a "general overarching intent to render the country ungovernable"

"It is in terms of that that my action should be considered as acting on behalf of the liberation movement"

Mr Leon said Tutu could not be regarded as a "political operative" and that the case smacks of a "degree of favourable treatment"



# Row looms over Kriel bic

## for poll on death penalty

*(252)*  
*Neither lawful nor feasible, says DP*

*ARL 29/11/97*

ANDREA WEISS

A fresh political bunfight is looming over a plan to use Cape municipalities to carry out Western Cape Premier Hennus Kriel's controversial proposed referendum on the death penalty.

Municipalities in the Cape Town metropolitan area were recently asked by local government minister Peter Marais whether they would be willing to run the referendum.

But there are question marks over how the referendum would be funded and what would happen if a local authority refused a request from the provincial government to carry it out.

According to his press secretary, Chris Kooole, Mr Kriel has said that any way of reducing crime would be money well spent.

The constitutionality of a province running its own referendum is also unclear.

Western Cape Democratic Party leader Hennie Bester said it would be "neither lawful nor politically feasible to use ratepayers' money for such a matter which has nothing to do with the powers and functions of the local sphere of government".

He said there was no prospect of using provincial money - "It's just not in our budget".

Mr Bester added that referendums were supposed to be a reliable gauge



Hennus Kriel: death penalty referendum

of public opinion, but this could happen only after an extensive and informed debate.

"You could just as well commission an opinion poll. It would be more accurate."

Indications are that ways of sidestepping the African National Congress-controlled local authorities to carry out the referendum have already been explored.

In the Cape metropolitan area it has been suggested that the NP-controlled Cape Metropolitan Council should carry out the referendum in Cape Town's area of jurisdiction if the ANC-controlled Cape Town municipality refuses to do the job.

In the rural areas the district councils, all of which are NP-con-



Hennie Bester: unlawful

trolled, are being mooted for the job, effectively sidestepping the large towns of Paarl, Worcester, Knysna and George which are controlled by the ANC.

Worcester's mayor, Riyahd Williams, a leading member of the ANC's rural constituency, said he felt it was "irresponsible" for the provincial government to saddle local authorities with a controversial referendum which had nothing to do with their core business.

Local government had "much more pressing issues to deal with than running referendums on constitutional issues", he said.

He said running elections, a function expected of local authorities, was a different matter because these were

part and parcel of their business. "The reintroduction of the death penalty is something quite different," he said.

Meantime, the NP has signalled that it intends making the death penalty a major issue in the run-up to the 1999 election.

The NP has called for a national summit to debate the "moral, ethical and legal implications of the possible reinstatement of the death penalty".

The NP said all role players in South African civil society should be involved in the summit and international experts should be involved in an advisory capacity.

"The arrangements for the summit must take place at multiparty level. The composition, speakers and presentation of the programme for the national summit must not be based on promoting either a 'for' or an 'against' viewpoint," an NP statement said.

"It must not, like many other commissions and summits, be teeming with ANC-inclined activists and front organisations."

The NP said that since the death penalty had disappeared as a deterrent, the number of murders had increased by 61%, armed robberies by 119% and rapes by 80%.

"Given this serious situation, the national summit should take place within the next three months," the NP said.



ADIL BRADLOW, Reuters

**Crumbling:** Winnie Madikizela-Mandela breaks down in tears yesterday after a week of damning allegations at the TRC hearings in Johannesburg

## Winnie's 'affair' with Ball a dirty trick, says cop

**CHARLENE SMITH AND JOHN YELD**

**Johannesburg – The Truth and Reconciliation Commission wants to subpoena six former Soweto police security-branch officers to testify on allegations that Winnie Madikizela-Mandela was an apartheid police spy**

During this week's hearings here on the activities of Mrs Madikizela-Mandela's football club, witnesses denied knowledge that she was an informer

Included among them was former security-branch officer Paul Erasmus who, as a member of Stratcom, a secret police disinformation unit, had a number of dealings with Mrs Madikizela-Mandela over the years

Mr Erasmus said the apartheid government's "dirty tricks" department in the security police spread the false rumour that Mrs Madikizela-Mandela and the then Barclays Bank managing director, Chris Ball were involved in a sexual relationship in the mid-1980s

"I and other members of the Security Police spread the story very widely that the friendship was in fact an affair, and went to considerable lengths to put pressure on both Mrs Mandela and Mr Chris Ball and the bank.

This type of operation was one of many in which we used accurate intelligence as well as fabrication to discredit the targeted person" Mr Erasmus said

More reports on pages 2 and 3

(252) ARG 29/11/97



# There are a few skeletons she could haul out of the struggle cupboard

By JEAN LE MAY

Winnie Madikizela-Mandela could sail unscathed through the Truth and Reconciliation Commission hearings, says Sipho Maseko, senior lecturer in political science at the University of the Western Cape

"Far from sustaining irreparable political damage herself, Mrs Madikizela-Mandela could do the African National Congress a great deal of harm if, at some stage, she thinks things are going against her and she decides to spill the beans," says Maseko

"There is a great deal she knows about the ANC which could do much damage"

Senior members of the former liberation movement, who now hold important government positions, this week gave evidence to the TRC in hearings on the activities of the Mandela

United Football Club in Soweto in the late 1980s

Evidence given to the commission has linked Madikizela-Mandela to the club's alleged criminal activities, including abducting four youths and holding them "captive" in her Soweto house

Madikizela-Mandela is "possibly the most demonised person in South Africa at the moment", says Maseko

"She is not one of my heroes, but she is certainly to be counted among the people who fought for human rights"

Maseko refers to evidence given to the TRC by Azar Cachalia, Secretary of the Safety and Security Ministry, and specifically to his recommendation that people guilty of human rights abuses should not be allowed to hold public office

"I am worried about the ANC's role in the TRC hearings,"

says Maseko "If Mr Cachalia's testimony is a reflection of ANC thinking, then I have to say that when the ANC first thought of the TRC, it had to decide how to deal with the excesses which its members committed while in exile - the Quatro camp, for example

"It decided then on a policy of collective responsibility. But the ANC never considered the question of excesses committed internally, within the country"

"Has the ANC now decided to dispose of Mrs Madikizela-Mandela because she is making noises they do not like? If the people who committed excesses in exile have been exonerated, does Mr Cachalia's testimony now suggest that people who committed excesses internally will not be exonerated?"

Up to now, very little that is new has come out of the hearings, Maseko says

"Mrs Madikizela-Mandela enjoys huge popular support and it will take a great deal to swing it away from her," he says

People who lived in Soweto knew about the goings on in the football club at the time, he says, but it is too early to judge what effect the disclosures made by members of the Mandela Crisis Committee to the TRC will have on the electorate

This committee was formed in 1988 to probe allegations of the football club's activities, and included prominent personalities including Frank Chikane, now director-general in Deputy President Thabo Mbeki's office,

Winnie could do the ANC a great deal of harm if things go against her and she decides to spill the beans

and Aubrey Mokoena, now an ANC member of Parliament

"I suspect that the impact of the hearings is not going to be that big at grassroots level, in spite of the eminent persons who have given evidence to the commission," says Maseko

"The question arises: What was the intention of the Mandela Crisis Committee at the time? Was it to free the boys from 'captivity', or was it to establish some measure of control over Mrs Madikizela-Mandela?"

"Was it the aim of the committee to investigate the allegations made about her and about

the football club, or was it primarily to find a way of protecting the image of the Mass Democratic Movement?"

"If the object was to free the boys from 'captivity', the answers given by members of the committee at the TRC hearings were unconvincing. Some of them were very vague

"My impression is that they were trying to protect the image of the MDM," he says

Another reservation about the way in which the TRC works is that it does not test evidence, says Maseko

"There have been times when a witness has replied to a ques-

tion by saying that he or she did not remember, and the chairman, Archbishop Tutu, has accepted that. The matter is then a fait accompli. The witness does not remember and the issue is dropped.

"The implication is that the commission will not be able to make a finding on such issues.

"I believe that Mrs Madikizela-Mandela will take advantage of this, failing in the commission," says Maseko

"She will say, 'can't remember', and the point will drop out of sight. Another problem, in his view, is that the commission is

Star 29/11/92



AZAR CACHALIA: Says a human rights abuser should not hold public office

950

"divided within itself" because it is composed of people who hold very different views on how its mandate should be carried out.

"You only have to listen to the questions from individual members and you can discern where they're coming from," he says.

"The archbishop, of course, always takes a neutral line, but you can't say that about some of the other members.

"The Madikizela-Mandela hearings this week were not about discovering the truth they were about discovering the truth according to somebody's viewpoint.

"The people who take different positions are not talking about the same truth.

"What we have seen is a war of positions

"To my mind, this could lead to the TRC losing sight of its mandate," he says

# TRC hampered by loss of Wit Wolf docket

BY ELLIOTT SYLVESTER

Police have lost the docket on mass murderer Barend Strydom - hampering Truth and Reconciliation Commission investigators in their probe into Strydom's bloody 1988 massacre through Pretoria's Strydom Square

"We do not know where it is," Pretoria police spokesman Morné van Wyk told the *Saturday Star* yesterday.

The SAPS's startling admission came on the eve of the launch of Strydom's auto-

biographical book, *Barend Strydom Die Wit Wolf, 'n Belydenis* (a confession).

Van Wyk said the file containing information about Strydom's case as well as details of the victims could not be traced in the records department where it had been stored.

Martin Coetzee, the TRC's executive secretary of amnesty, said. "We are still working on that case and now it is going to be even more difficult to find the victims"

Coetzee said the survivors and the families of the seven

people killed in the shooting spree had not received any compensation yet because their cases were still to be heard by the TRC "All we have are their names Our investigators will have to go into the field and find them because many of their addresses have changed," he added.

Vinodh Jaichand of Lawyers for Human Rights said he was not surprised at the error He said the only way to access information concerning the case would be to check court records

*Star 29/11/97*

252



Gunman recounts how Winnie Madikizela-Mandela told him that Asvat 'stood against her political structures'

# HOW I KILLED FOR WINNIE

Convicted killer Cyril Zakele Mbatha says that when he was hired by Winnie Madikizela-Mandela to murder Abu-Baker Asvat, he had 'nothing against' the prominent Soweto doctor. In this statement to his lawyer Peter Soller this week, Mbatha says he thought the murder would aid the freedom struggle and that if he did not carry out the deed, he would end up dead too.

leave me and go and fetch another gun. Dlamini and I tested the gun which Dlamini brought to me, and it was obvious that it was not going to work.

Later that day Dlamini came back to me with a Mr Shwala and we all drove to Mrs Mandela's house in Pleteni (Orlando West), and we met Mrs Mandela at her house and she told me that I personally was asked to make the booking and get the appointment so that I could have the opportunity of getting entry into Dr Asvat's rooms to kill him.

Mrs Mandela said if we killed Dr Asvat we would be paid R20 000 and maybe even more, and not only would we get money for the job but we would be doing it for the cause of the country.

I was not happy about being used, but I was young and I looked up to the freedom struggle and its leaders, and I was very scared that if I did not do what was expected of me I would myself be killed by Mrs Mandela, and in any event I had already involved myself by giving my fingerprints to Mrs Albertina Sisulu, so there was no way I could escape my involvement. But in any event I still believed I was acting to help change the system in South Africa. Mrs Mandela told me and I had heard it before from Dlamini that Dr Asvat was not part of the system and was disliked by Mrs Mandela and her political comrades.

It was thus decided that whereas in the beginning Dlamini was going to kill Dr Asvat, seeing as though I was the patient who had made the booking I would be caught out in any event, so it was decided that instead of what had been arranged, namely that Mr Dlamini did the killing, that I would do so myself.

It had never been anticipated that when I made my booking I

would have to give my fingerprints, but in any event I wanted to help the cause and if another opportunity arose I guess I would have done so in some other passion.

We were then driven in the maroon BMW and were dropped nearby Mrs Mandela's house. This was for the purpose of changing guns. The driver was a Mr Schwama, who I have known from Natal. The driver did not go inside Mrs Mandela's house.

After Mrs Mandela had replaced the guns, we went back to Dr Asvat's rooms. Dlamini sat waiting for me in the reception room. I went into Dr Asvat's rooms and I shot him twice in the chest. Dlamini panicked and tried to climb out of the window, but I shouted to Mrs Sisulu that if she did not open the security doors I

would kill her. All of a sudden the doors opened and I ran out together with Dlamini. I was arrested thereafter by the South African police.

I just might mention here that before we left the room Mr Dlamini had come inside to confirm whether Dr Asvat was dead and had noticed that he was obviously dying and seemed to be satisfied that I had done my job, and we then escaped.

I was tried in the Supreme Court and convicted and sentenced to death by Mr Justice Solomons.

I am indeed responsible for having murdered Dr Asvat. It was under the circumstances described above and I am sincerely sorry and regret what I did, but believed I was doing it for the cause and to help people such as Mrs Mandela and our other leaders to change the political order in South Africa.

Span 29/11/97

(273)

*I was young and very sensitive to the views of a lady who we thought was a leader of the freedom struggle under which we could all obtain equality.*

DR ABU-BAKER ASVAT: "I had nothing against him"



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Dlamini, who was accused number 2 in the murder trial, came to me on January 26 1989.

We were going together with his girlfriend and his child (girlfriend's name is Sontko). They slept at my house.

We went to White City together. Accused number 2 (Thulani Dlamini) left me with his friends (I do not know their names). There were two. He left me with his friends, who I met at the bottlestore in White City. He (Thulani) took his wife and the child home.

He then told me that he had to go organise a gun which can be used properly, since he wanted to use a gun I never asked him any questions because he was then in a hurry and we had to part our ways.

Dlamini said he would then

me a gun which does not function properly."

I believed from the indications that were given to me that the gun was being provided by Mrs Winnie Mandela. I was very young at the time and very sensitive to the views of a lady who we thought was a leader of people in South Africa and the head of the freedom struggle under which we could all obtain equality.

He then told me that he had to go organise a gun which can be used properly, since he wanted to use a gun I never asked him any questions because he was then in a hurry and we had to part our ways.

Dlamini said he would then

me a gun which does not function properly."

I believed from the indications that were given to me that the gun was being provided by Mrs Winnie Mandela. I was very young at the time and very sensitive to the views of a lady who we thought was a leader of people in South Africa and the head of the freedom struggle under which we could all obtain equality.



He came back after a while, when he came back, we sat down, another guy who was driving a car (I don't know his name) We sat down for a while. A maroon BMW 5 series then arrived. It was driven by a man whose name I am not sure of.

Thulam then went away with the guy who was driving the car, a 5 series BMW. They came back after 30 minutes and he told me that I must do him a favour by going inside a doctor's room to book for him because he did not want to wait. I did not know what was happening. I went inside and booked for him. He gave me the name of Mandla Mkwanyana.

I gave my name to the person who was handling the booking. I did not know then that the person was Mrs Albertina Sisulu. She demanded my thumb print. This all happened on January 27 1989.

When I made the booking, I did so through Mrs Sisulu, who seemed very scared and asked me to give a thumb print. I gave her my thumb print and then she gave me a card for a booking the same day.

The name of the patient was described as Mandla Mkwanyana in the handwriting of Albertina Sisulu.

I then left the surgery and went to Thulani Dlamini. I gave him the card I got from Albertina Sisulu so that he could see the doctor.

The two of us went back home (Dlamini and myself). We then sat at the park not too far from the Moroka police station. He took out a 9mm gun, he checked it first and he said it had some problems. He then said to me that "that lady gave

I repeat that I was told by Mrs Mandela that Dr Asvat stood against Mrs Mandela's political structure and this was told to me by Mrs Mandela herself when I went there to change guns.

Nobody ever told me in full details about amnesty and explained that I could be given amnesty. The first person who told me about such a thing in detail was Mr Soller (Mbatia's lawyer) who spoke to me on Monday at the TRC hearing and asked me if I could apply for amnesty, but Mr Soller indicated that he thought that it was now too late, but he would do his best for me.

I cannot see I should be in prison for the rest of my life when all I was was a young man who was being abused by people of the same race, and why those people should remain free and walking on the streets and I must spend the rest of my life in a prison. If the state president did not stop hanging I would not be around today to tell my story.

I wish to publicly apologise to the Asvat family so that the whole world can know what I did and how sorry I am.

I might conclude by saying that Mrs Mandela never paid me the money she promised me.

I received no money whatsoever for what I did, but in any event I believed that what I was doing at the time was the politically correct thing and that I was helping with the liberation struggle.

This document has been explained to me





**"I AM SINCERELY SORRY":** Cyril Mbatha at the Truth and Reconciliation Commission hearing into the activities of the Mandela United Football Club

PHOTOGRAPH DEBBIE YAZBEK

# In the arms of apartheid ... (2/2)

By CHARLENE SMITH  
and JOHN YELD

The Truth and Reconciliation Commission wants to subpoena six former Soweto police security branch officers to testify on allegations that Winnie Madikizela-Mandela was an apartheid police spy.

It is believed that the commission wants to know whether Madikizela-Mandela was a paid informer of the Soweto security branch.

Only one of the six is still a serving police officer.

During this week's hearings in Johannesburg on the activities of Madikizela-Mandela's so-called football club, witnesses denied knowledge that she was an informer. Included among them was former security branch officer Paul Erasmus who, as a member of Stratcom, a secret-police disinformation unit, had a number of dealings with Madikizela-Mandela over the years.

Erasmus, Vic MacPherson, who headed Stratcom; and current SAPS national commissioner George Fivaz all told the TRC this week that it was against SAPS policy to reveal the names of informers to other police officers. They said that only the Soweto security branch would have knowledge on whether Madikizela-Mandela was an informer.

The TRC subpoenas could be issued within the next three days.

Evidence before the commission this week showed the Mandela United Football Club (MUFC) was "riddled" with security-police informers. At least two, Jerry Richardson and Katiza Cebekhulu, have confessed to having been police informers.

Also during the hearings yesterday, a confidential National Intelligence Agency report was handed in indicating that former MUFC members were told to join the SA National Defence Force and told to keep quiet about the killings.

It was Erasmus' evidence about the Stratcom operations that helped to bolster Madikizela-Mandela's claims that she was set up.

Erasmus said the apartheid government's "dirty tricks" department in the security police had spread the false rumour that Winnie Madikizela-Mandela and then-Barclays Bank managing director Chris Ball were involved in a sexual relationship in the mid-1980s.

"I and other members of the security police spread the story very widely that the friendship was in fact an affair, and went to considerable lengths to put pressure on both Mrs Mandela and Mr Chris Ball and the bank - the idea being to create the perception among Mrs Mandela's power base (the radical

black youth) that she had sold out to white capitalism and was having a sexual relationship with a man who epitomised white capitalism.

"This type of operation was one of many in which we used accurate intelligence as well as fabrication to discredit the targeted person."

Erasmus added he had relied on intelligence reports, including surveillance reports, telephone taps, postal interceptions, hearsay, rumour and the media, as the basis for his disinformation.

After his release, President Mandela had been an obvious target, but because of his "impeccable integrity", had been a difficult Stratcom target.

Erasmus said the Mandelas' home had been under intense 24-hour surveillance by the security police, and that the house had been bugged and the phone tapped.

"Our reports were incredibly accurate. We knew literally what time the president got up and what he had for breakfast."

Erasmus also testified that he had received intelligence reports from colleagues in Soweto to the effect that the Mandelas were not sharing a bed and argued continuously. "When a report, for example, stated that Mrs Mandela had guests around for drinks, I turned out information that she was an alcoholic."

"When I heard rumours and received information about her association with activist lawyer Dali Mpfu, I put out the word she was a nymphomaniac, and for good measure, her daughter Zinzi was also a nymphomaniac and also had a relationship with Dali Mpfu."

On the fifth day of the hearing yesterday, Madikizela-Mandela's silent and often stony facade finally cracked.

After watching witness after witness implicate her in murders, kidnappings and torture, she broke down and wept. Her tears appeared to have been in sympathy with

Charles Zwane, who began sobbing as he spoke about his experiences at the hands of police torturers - an experience she knows well.

Zwane, who is serving a life sentence for nine murders and 22 attempted murders, recalled his electric torture by security police, which he said had led to him making a false confession.

Next week, Madikizela-Mandela faces more anguish as Zakhele Mbatha, who murdered Dr Abu-Baker Asvat, and has been jailed for the crime, will allege, according to an unsigned statement from him, that Madikizela-Mandela personally handed him a gun with the instruction to kill Asvat in return for R20 000.



**ADMISSION:** Jerry Richardson has confessed to being a police spy.

**HOW I KILLED FOR WINNIE ... SEE PAGE 9**  
**WINNIE STILL TOP OF THE POPS SEE PAGE 10**



Jan 29/11/97

# ... AND WINNIE WEPT



**CROCODILE TEARS?:** Or were they the real thing? Madikizela-Mandela cried as she heard stories of police torture

PHOTOGRAPH: AFP

# TRC is one-sided, says De Klerk

By TYRONE SEALE

London — Former National Party leader F W de Klerk says the Truth and Reconciliation Commission is one-sided in its investigation of the conflict of the past.

But, as he told British television viewers on Thursday, he was pleased to see the appearance before the commission of senior ANC figures, such as Winnie Madikizela-Mandela. De Klerk was a guest on the BBC's late-night light entertainment chat show *All Talk*.

Asked if he was pleased with the TRC, he said: "Not exactly. We have strong criticism against what can be described as one-sidedness in the energy and resources that they allocate in investigating the truth. We want to see a somewhat more even-handed handling of the matter."

De Klerk said he had his own dealings with the TRC. He said: "I didn't know everything that was going on. I didn't know that which was specifically kept from me. You must understand there were also people, a relatively small number, who were against the reform. I led as they were against the ANC."

He said he had referred to the commission "every scrap of evidence" that implicated members of the security forces in serious crimes.

Asked about South Africa's prospects once President Mandela stepped down, he said that while "red lights are flashing", South Africa was "more normal than anything we've had before. I'm quite sure we've laid a very good foundation. We have a good constitution in place, a multiparty democracy, a strong private

sector and a strong civil society."

On criminal violence, he said that while the rate was unacceptably high, there was a deeper problem. "Two generations of people have been schooled in the revolutionary concept that said you should have no respect for the law."

Asked if he feared for his own safety, given his status as an apartheid-era leader, he said there had been times when serious threats had been issued, but he never allowed himself to live in fear.

"I'm not fatalistic about it; I co-operate with the security people, but it's wonderful now to have much more of a private life again." He said he was working on his golf handicap and hoped his autobiography would be in the shops by October — Independent Foreign Service



Star 29/11/97  
**Amnesty for 37  
ANC members**

(252)  
Cape Town - The Truth and Reconciliation Commission announced yesterday it had granted amnesty to 37 ANC members, including Deputy President Thabo Mbeki and five cabinet ministers.

The son of TRC chairman Archbishop Desmond Tutu, Trevor Tutu, who was sentenced to jail for a bomb threat at East London airport, was also granted amnesty, as were five rightwingers.

The ministers given amnesty are Defence Minister Joe Modise, Foreign Affairs Minister Alfred Nzo, Transport Minister Mac Maharaj, Environment Minister Dr. Pallo Jordan, and Justice Minister Dullah Omar. Deputy Environment Minister Peter Mokaba was also granted amnesty - Sapa

# The people deserve the truth

*'Mother of the nation' Madikizela-Mandela must give her version*

(252)

CP 30/11/97

THE BROODING presence at the TRC hearing of one-time Mandela United Football Club (MUFC) coach Jerry Richardson, dressed in the soccer team's bright yellow track suit and clutching a red ball was a sharp reminder of the club's reign of fear in Soweto during the late 1980s.

This week's TRC hearings for the first time tore open the veil of secrecy and fear which has surrounded the activities of the club and its patron, Winnie Madikizela-Mandela. As the week progressed, the case against Madikizela-Mandela unfolded - leaving her away often clutching at straws.

Putting aside the evidence of self-confessed rars such as Xoliswa Falati and driver John Morgan as well as any uncorroborated claim by the controversial "key witness", Katiza Cebekhulu, there remains an avalanche of testimony implicating her.

Time constraints mean the TRC has to hurry through the testimony, which often involves hearsay. Some witnesses harbour bitterness towards Madikizela-Mandela, others are at pains to avoid implicating her.

But there can be little doubt that the MUFC was involved in a long list of murders, rape and assault. The TRC is probing claims that many of these bloody deeds were done at the instruction of Madikizela-Mandela.

As the adult head of the Mandela household and the MUFC's patron, Madikizela-Mandela cannot disassociate herself from the club's activities. Disaffected, brutalised young men armed to the

Sono pleaded with Madikizela-Mandela to hand over his badly assaulted son, who has never been seen again.

There can also be little doubt that Xoliswa Falati and Katiza Cebekhulu played a key role in falsely accusing Methodist minister Paul Verryn of sexually molesting young boys and sparking off the kidnapping of Stormie Seipei and three other youths from the Methodist manse. Falati was also the one who first claimed Seipei was an informer.

However, although Madikizela-Mandela has claimed to have been in Brandfort at the time, various accounts indicate she ordered the abduction and participated in the assault. Subsequent negotiations for the release of the boys were conducted with Madikizela-Mandela, who it follows was the one who was keeping them captive. At the very least then, she must have been aware that the youths were badly injured and that Seipei had vanished.

The accounts to the TRC and documents submitted - which include a report sent to Tambo at the time - reveal that Madikizela-Mandela treated the Mandela Crisis Committee (MCC) as well as other community

... fires with disdain



Katiza Cebekhulu

**Madikizela-Mandela's call for a public hearing may prove to be a miscalculation for the leader of the dispossessed . . .**

likelihood that the Asvat investigation will be reopened.

The ANC faces a dilemma - the nightmare of what to do with Winnie is unlikely to disappear. But at the end of the day it is not the political considerations that matter but the moral ones. Madikizela-Mandela owes it to the ordinary people of Soweto and the country as a whole to tell the truth and explain what happened.

Her silence would mean an observation made in the report sent by the MCC to Tambo remains appropriate that Madikizela-Mandela thinks she is above the community.

That would be a damning indictment for someone whose platform for leadership remains that she represents the poor and dispossessed.



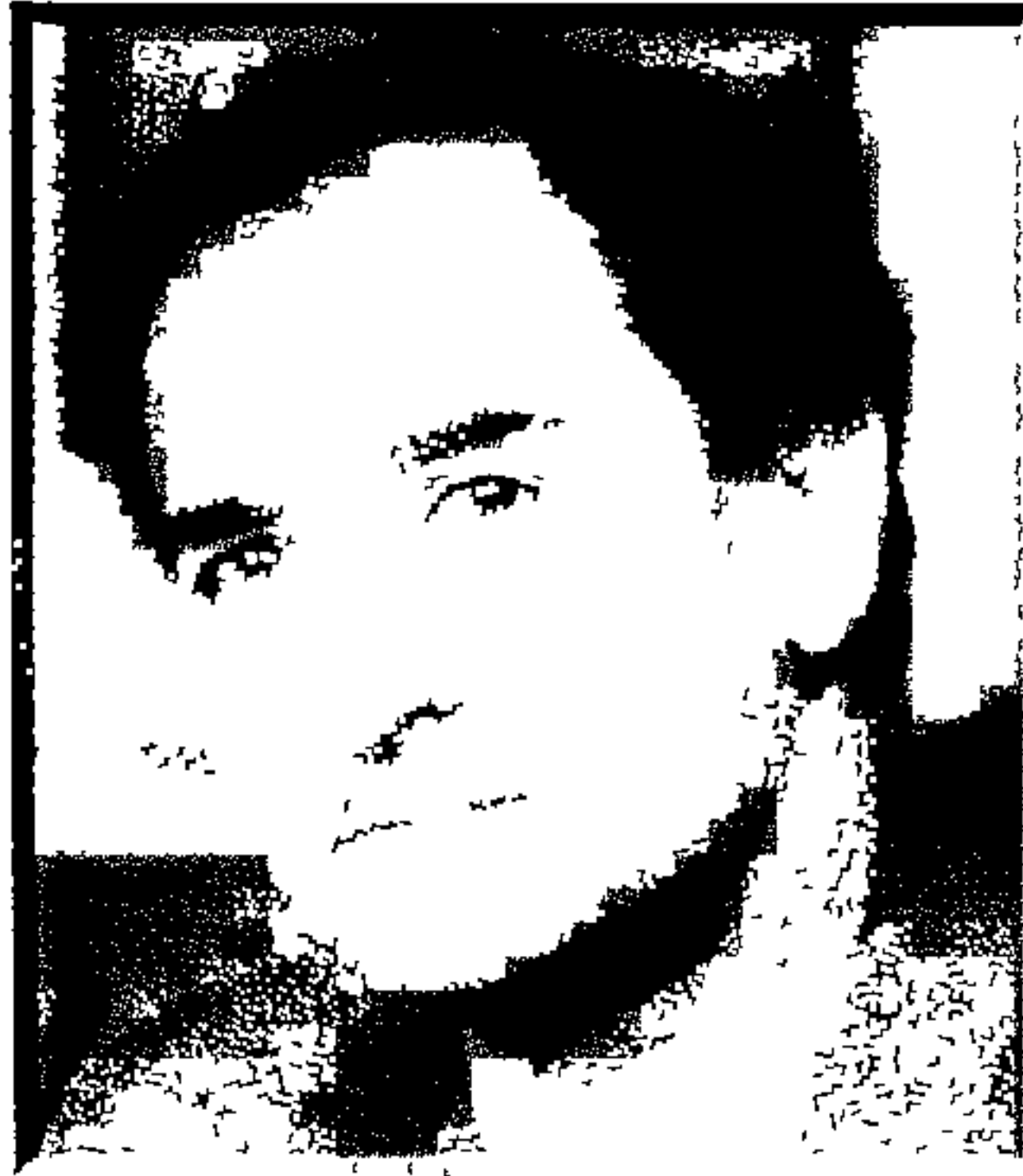
Paul Verryn has heard no apology for false accusations



Nichodemus Sono, the father of Lolo Sono, who disappeared and whose whereabouts remain unknown



## 'Let's walk away from all this . . .'



AZAR CACHALLA made a moving plea to Winnie Madikizela-Mandela at the end of her testimony on Friday.

I want to go over and let you all walk away from all of this.

We cannot go for 200 miles, there is a level of accountability.

I don't know you, but use the level of responsibility.

For the sake of your own inner tranquility and relationship with the community, it will be helpful if you could find it in your heart to take the commission into your confidence.

teeth were the backbone of the MUCF while claiming allegiance to the struggle and often posing as MK cadres, they fell under no movement discipline and owed loyalty to Madikizela-Mandela alone. The team was little more than an over-armed group of thugs who so terrorised the community that the Mass Democratic Movement (MDM) leadership feared a backlash of counterviolence.

There was an atmosphere of random violence, with murder often motivated by no more than a quarrel over money or lovers. This, coupled with paranoia, seems to have poisoned the Mandela household, with people assaulted and killed on the mere hunch of being sell-outs.

One case before the TRC deals with a woman, gunned down with an AK-47 because she called an ambulance when a MUCF member was knocked down by a car.

Key community leaders have told the TRC that they warned Madikizela-Mandela that the MUCF was not only a danger to the community but was riddled with informers used to discredit her and the struggle.

She ignored this advice as well as that of ANC president Oliver Tambo and her husband at the time, Nelson Mandela.

□ The TRC has heard strong evidence that Madikizela-Mandela was directly involved in the abduction, assault and disappearance of several youngsters.

The evidence of Nichodemus Sono, father of Lolo Sono who disappeared a day before his friend, Siboniso Tshabalala, was compelling

and launched astonishing attacks on the church.

She is yet to apologise to Verryn and church leaders.

□ The TRC is probing claims that Madikizela-Mandela and the MUCF were behind the murder of Dr Abu-Baker Asvat. So far it is not clear whether Asvat saw the injured Seipei.

It seems he did not treat the other injured youths.

He did, however, see Cebekhulu, whom he examined for signs of sexual assault but mysteriously did not tell this to the MCC who subsequently visited him.

□ The TRC is also hearing evidence that personal differences led Madikizela-Mandela to assault her rivals.

Unless Madikizela-Mandela talks openly and gives people like Nichodemus Sono the truth, there will always be room for doubt.

The truth probably lies somewhere between the lurid accounts of Falati and Cebekhulu and the blanket denials Madikizela-Mandela has previously issued.

Taken on their own, many of the cases examined this week, had parallels around the country.

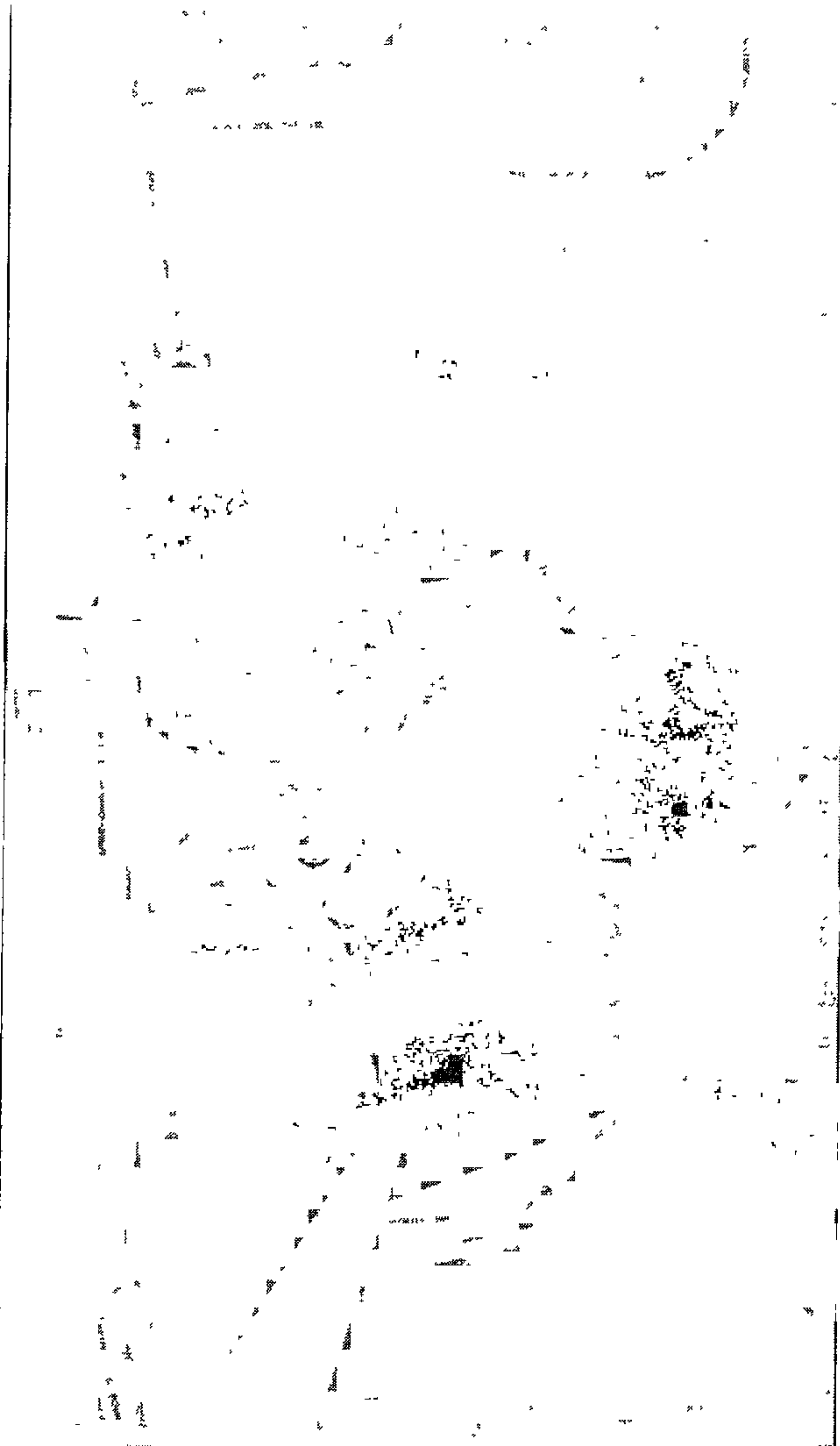
Innocent people were attacked for being informers, youngsters died gruesome deaths, self-proclaimed comrades were often nothing more than gangsters.

What makes this hearing different is not only the large number of cases, but the involvement of someone once called the "mother of the nation" who was this week depicted by many as a virtual "warlord", falling outside the liberation movement's discipline.

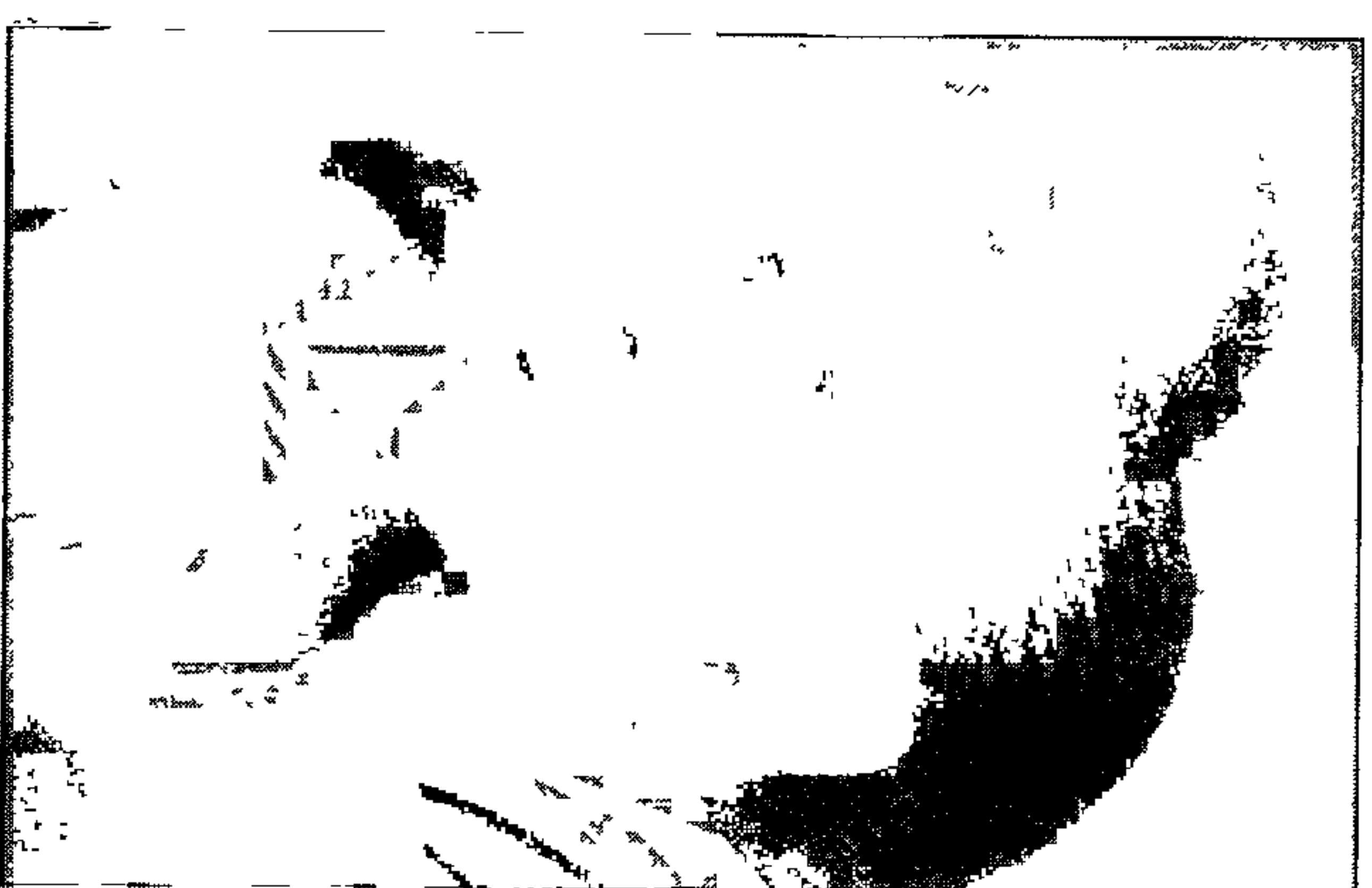
Her stonewalling has led to this week's parade of the high and low before the TRC in the public hearing - which she called for, but which might well turn out to have been a grave miscalculation.

The hearing is unlikely to be the end of the saga, with threats of a civil suit for the murder of Seipei and the

After 18, 20, 22 years, it's the longest time you've...  
The year...



WENT TEAR... Winnie Madikizela-Mandela, with attorneys Ismail Semanya and Moses Mavundla, cries at the probe into the activities of the MUFC



ACCUSER... Xoliswa Falati



ACCUSER... Katiza Cebekhulu

AP Photo

# Was this enough to nail Winnie?



CP 30/11/97 (252)







BACK TO CRISIS DAYS... Mandela Crisis Committee members Audrey Mokoena, Sister Bernard Ncube, Reverend Frank Chikane and Safety and Security Minister Sydney Mufamadi give evidence at the TRC hearings. ■ Pic. AP.

# Lonely days for the still silent Winnie

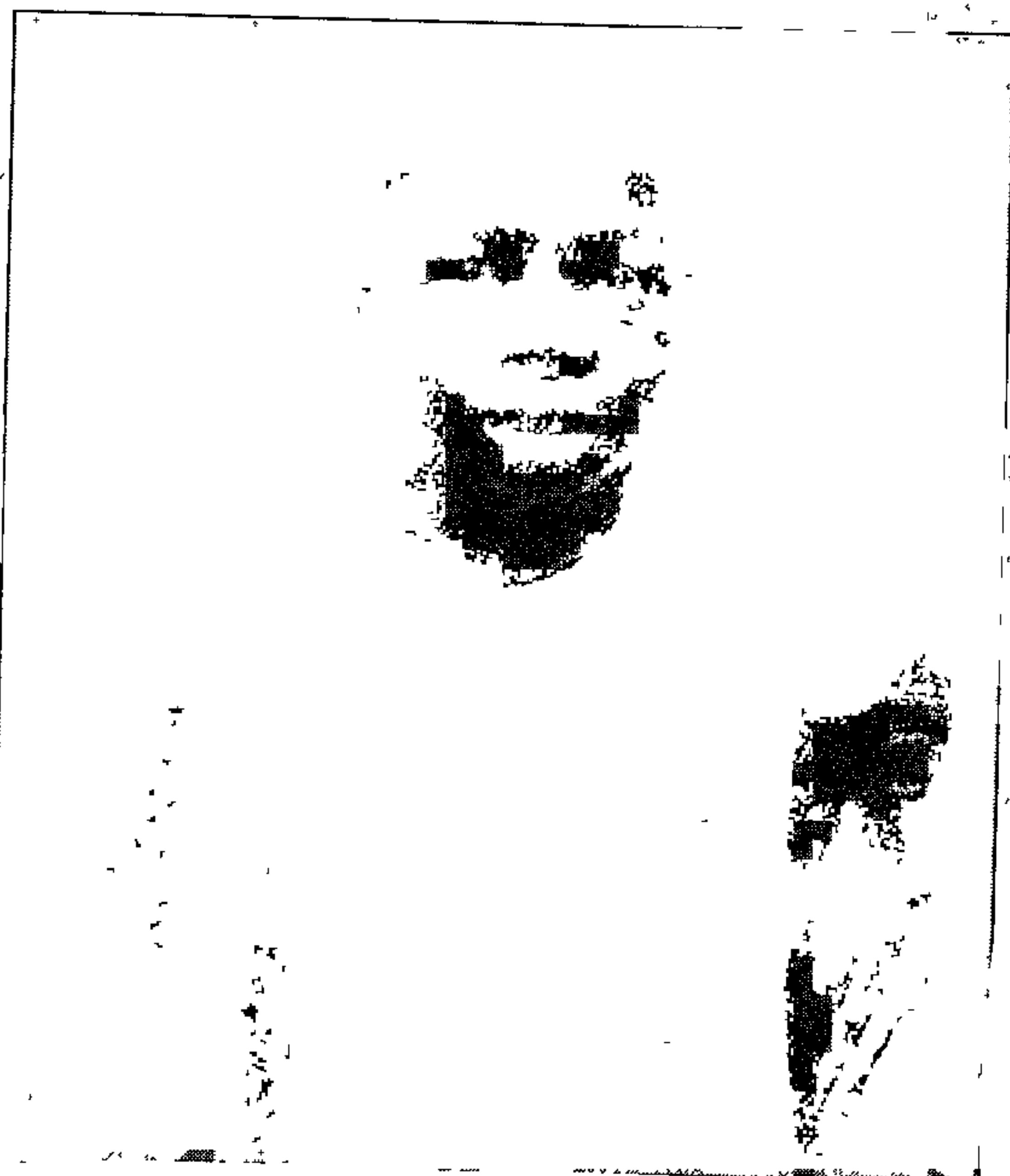
WEARING smart suits and dripping golden jewellery, Winnie Madikizela-Mandela cut an enigmatic and at times lonely figure for much of this week's hearing. Her usual crowd of supporters was reduced to a small group of demonstrators. Inside she was flanked by her legal team, attorney Moses Mavundla and advocate Ishmail Semanya, and backed by her

daughters, Zinzi and Zenani who sat behind her. Alongside the families and friends of victims and prison warders guarding convicts who are to testify, sat many of the country's most famous figures. Some, like the Minister of Safety and Security Sydney Mufamadi, Police Commissioner George Fivaz and businessman Nhatho Motlana, gave evidence. Others came to listen. They

included Walter Sisulu and his wife Albertina, Bantu Holomisa, Peter Mokaba, Limphe Ham, Patekile Holomisa, Baleka Mbete-Kgositsile, Mandla Langa and Amma Cachalia. Then there were the hordes of journalists representing more than 90 different local and foreign news media. Madikizela-Mandela's one time lover, Dalu Mpofo, was there too, representing his own interests



**SILENT GRIEF** ... Joyce Seipei, mother of murdered teenager Stompie Seipei (below), listens as Mandela Crisis Committee members fail to explain why they did not press Winnie Madikizela-Mandela on his whereabouts





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quietly to the witness box and unlike  
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alati was exuberant, he was calm  
ade, her entry, the sense of  
was palpable. But it was Katiza's  
aded electricity to the atmosphere  
is which was attended by a phalanx of  
eign journalists and a host of public



Deputy Editor

Whether Xoliswa Falati  
and Katiza Cebekhulu  
delivered the goods as  
'star witnesses' against  
Winnie Madikizela-Man-  
dela remains to be seen.

She claimed Madikizela-  
Mandela had told her she  
had "wiped out" activist  
Sicelo Dhlomo, who was  
killed soon after his release  
from detention. It was  
widely believed his killing  
was the work of the police.  
Falati said an excited  
Madikizela-Mandela had  
told her how Sizwe Sithole,  
who died in police custody  
in 1990, did the  
"disciplinaryes", implying it  
was he who killed Dhlomo.  
Sithole has a child with  
Madikizela-Mandela's  
daughter, Zinzi.

As the litany of  
allegations against  
Madikizela-Mandela piled  
up, Falati said she had  
unwittingly helped frame  
Methodist priest, then  
Reverend Paul Verryn, as a  
sodomiser of boys staying at  
the church's manse in  
Orlando West, Soweto.  
When Falati found a  
seemingly hurt,  
downhearted and brooding Katiza on the stoep  
of the manse, she believed his story hook, line  
and sinker when he said Verryn had sodomised  
him.

Unbeknown to her, she said, this was a plot  
hatched to discredit and destroy the priest. The  
man conspirator was Madikizela-Mandela.  
In all the turbulent years of the existence of  
the football club Falati was, according to the  
image she projected, an innocent victim who  
was used and manipulated by the one-time  
Mother of the Nation.

Like the night on December 28, 1988 when  
child activist Stompie Sepele, Kenny Kgase and  
Thabiso Mono were brutally assaulted by  
football club "coach" Jerry Richardson,  
Madikizela-Mandela and others at the Mandela  
home in Diepkloof Soweto.

Her role was merely that of a singer who was  
told by Madikizela-Mandela to sing loudly to  
drawn the voices of those who were pleading for  
their lives.

In her words, her hands (unlike those of  
Madikizela-Mandela) are not dripping with the  
blood of fellow comrades and she never did  
anything to compromise comrades.

Katiza's testimony at the hearing comes after  
the publication and much-hyped launch of a  
book by a British journalist which purportedly  
exposed the brutality of Madikizela-Mandela. It  
is a testimony by Katiza of what he witnessed  
during his stay at the Mandela home.

So far, the hearing has revealed  
contradictions and inaccuracies in the book. In



REIGN OF TERROR . Jerry Richardson, former  
coach of the Mandela United Football Club

the book Katiza attended the funeral of Soweto  
musician, Sipho "Hot Stix" Mabuse, who is very  
much alive. He now says he meant the singer's  
father.

Before his escape through Mozambique,  
Angola and eventually Zambia, he was taken to  
Madikizela-Mandela at the ANC's "modern,  
skyscraper-like building at Shell House"  
Madikizela-Mandela's defence lawyer Ishmail  
Semanya pointed out that at the time of his  
escape from South Africa, the ANC were not yet  
based at Shell House.

Katiza acknowledged some of the  
inconsistencies in the book. Later he admitted  
that the book was not always factually correct.  
If the book was intended as a damning  
indictment against Madikizela-Mandela, then  
Katiza's admission that some of the claims  
attributed to him in the book are not correct  
leaves little to conjecture whether it will achieve  
its objectives.

But against Falati's testimony, which  
contained much emotion and little substance,  
Katiza's was, comparatively, more credible.

and Katiza had one mission in  
they were going to present to the  
evidence that would finally nail  
Mandela. This woman was once  
idante and had taken Katiza under  
hen he came to Johannesburg to  
ing poverty and internecine political  
KwaZulu-Natal  
er was that, among other things, she  
e rap on behalf of Madikizela-  
use it is our culture. I had to  
fer," she said.  
e other hand, has been living  
Africa for six years - in fear of his  
scape from South Africa, he has  
ted in a Zambian jail and has lived  
ria Leone  
he also blames his life as a wanderer  
Director  
not attempt to disguise her deep  
adikizela-Mandela. She accused her  
e "Gem-god, a super human,  
duced others to nothings



# Life for Winnie

## CRUNCH

### 'Mother' to answer accusers <sup>(252)</sup>

By CHIARA CARTER

WINNIE Madikizela-Mandela faces the crunch this week as the TRC special hearing draws to a close

The next three days will hear crucial testimony from several key witnesses expected to implicate Madikizela-Mandela still further in murder and abduction, but the most dramatic moment will come when the ANC Women's League president takes the stand to answer her accusers

It will be the moment Madikizela-Mandela asked for when she demanded a public hearing, and she is expected to go on the counter-attack by depicting many of her accusers as state agents and liars

Her evidence and replies to cross-examination will be the "make or break" moment for Madikizela-Mandela, who has not claimed amnesty and has steadfastly maintained her innocence.

The avalanche of testimony depicting her as presiding over kidnappings, assaults and murders heard by the TRC, means Madikizela-Mandela will be fighting not only for her reputation, but also for her political life

So much more so because her recent attack on the ANC's track record in government has left her with few allies in the party's senior leadership.

At stake is Madikizela-Mandela's bid to become deputy-president of the ANC, as well as her future career in politics - which would be untenable if charges are brought against her in connection with any of the cases being probed by the TRC

The next two days will hear former Mandela United Football Club coach Jerry Richardson claim that Madikizela-Mandela ordered the murder of Stompie Seipei and that she is responsible for several other cases of assault and murder

Former MUFC member, Gift Ntombeni, will testify about the club. He has made a statement to the TRC claiming Madikizela-Mandela knew about and, on occasion, ordered assaults on youths

He has also provided information about an abortive plan to attack the home of community activist Dudu Chili, whose young niece died when her home was subsequently attacked, allegedly by MUFC members.

Ntombeni has also alleged that Madikizela-Mandela approached him and her former driver-turned-accuser, John Morgan, a day before the hearing began.

He has told the TRC that Jabu Sithole, a witness found to be uncooperative at this week's hearing, met with Madikizela-Mandela last Sunday

The murderers of Dr Abubaker Asvat, Cyril Mbatha and Thulani Dlamini, will tell the TRC that they were offered R20 000 by Madikizela-Mandela to murder Asvat. Dlamini made this claim at the time of his ar-

rest, but it was never presented in court. Now however, Mbatha is claiming that Madikizela-Mandela actually provided him with a gun to commit the murder

The TRC will also hear testimony from Asvat's receptionist at the time, Albertina Sisulu, as well as from police who probed the murder

Then Madikizela-Mandela will take the stand

Her lawyer, Ishmael Semanya, refused to disclose what his client intends telling the TRC

However, her line of defence began to emerge during cross-examination of witnesses this week

Madikizela-Mandela is expected to attack the credibility of several witnesses, dismiss other evidence as hearsay and fabrication, and flatly deny the allegations

She is likely to argue that she was not aware of many of the incidents, and place much of the blame at the door of Richardson and Xoliswa Falati, the former housekeeper at the Methodist manse where four youths were abducted.

Madikizela-Mandela will depict several witnesses, including Richardson, Falati, and fugitive Katiza Cebekhulu, as police informers, and attack the evidence of driver John

Turn to Page 2



CP 30/11/97





**PAINFUL FIND** ... The family of Mathews Nkosi struggle to hold back tears as they see the remains of the MK cadre exhumed in Barberton on Friday. Pic: ANDRIES MCINEKA

# TRC digs up grisly truth

By PERCY MAKHARAMEDZHA

Reconciliation Commission investigation officers led by Fanie Molapo lifted out the decade old remains from the graves.

TWO OF THE 80 secret graves of murdered Umkhonto we Sizwe guerillas buried under false names in Barberton were exhumed this week.

The grief-stricken families of Mathews "Mthakathi" Nkosi of Zondi, Soweto and Ndlela Sibiya of Bufulspruit, trembled in shock as Mpumalanga Premier Mathews Phosa, and the Truth and Recon-



Molapo told City Press that the two guerillas were "sold out" to the security forces by a man known to the TRC.

"Nkosi and Sibiya were ambushed after a Komatipoort sangoma, who gave them a room to sleep in overnight, sold them out. They came from Swaziland on bicycles on May 13, 1986 on an operation to bomb Malelame Power Station.

■ Turn to Page 2

EP 30/11/97

By JIMMY SEELY

CP 30/11/97 (252)

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# Why, Oh Why, Oh Why?

## Security cops hold the key to questions about Winnie



POLICE might hold the key to many of the unanswered questions in the Winnie Madikizela Mandela hearing.

Former Stratcom operation head Paul Erasmus told the TRC this week that the Mandela household had been under 24 hour surveillance by security police.

The TRC has also heard claims that the MUFIC was riddled with informers, including Katiza Cebekehulu and MUFIC coach Jerry Richardson, who are applying for amnesty for several of the cases being probed.

The police should therefore have key information about what happened in cases such as the murder of Stompie Seipei and the disappearance of Lolo Sono and Siboniso Tshabalala.

Five former Security policemen thought to include General E Coetzee, Brigadier Nienaber and Major Jan Potgieter - are to be subpoenaed by the TRC to appear at a later date, when they will be grilled on their sources and information about these and other cases.

They will also be asked about starting claims that Madikizela-Mandela herself was an informer, and questioned about why police seem not to have acted against cadres and MUFIC members living in the house and engaged in illegal activities.

The five have refused to appear without a subpoena.

Another group of policemen

scheduled to testify at the TRC this week will face close questioning about mysterious aspects of the murder of Dr Abubaker-Asvat, as well as other cases.

The policemen include Superintendent Ht Woodley, who spearheaded the Asvat investigation.

The TRC wants to know why convicted murderer, MUFIC coach Jerry Richardson, was paid R10 000 in 1995.

SAPS Commissioner George Fiyaz told the TRC this week that the payment was unusual. It was said to be for damage caused to Richardson's house in 1988 during a police-shootout when two policemen and a cadre died. However, he had been told that it was really a payment for information about murders committed by the MUFIC.

Former Stratcom operation head Paul Erasmus told the hearing that one of the policemen killed in the shootout, Sgt Stephanus Pretorius, was Richardson's handler.

Police will be questioned about why the claims of Katiza Cebekehulu, who was interviewed by Moolah in 1995, and that of Diamond, convicted for the Asvat murder, were not pursued.

The TRC also wants to find out why the case of Lolo Sono did not go to court, and is unsatisfied with Fiyaz's explanation that the reason was because Sono's body was not discovered.

They also want to know why there was no follow up on tracking



UNDER INVESTIGATION... The TRC wants to know if Jerry Richardson was paid R10 000 by the police for information regarding murders committed by the MUFIC.

down members of the MUFIC.

Erasmus this week told the TRC about how Stratcom used the media to create an anti-Winnie feeling.

He said Madikizela Mandela and other radicals like Tony Yengeni, Chris Hanl, Peter Mokaba, Joe Slovo and Steve Fishwele were the targets of Stratcom operations, even after the ANC was unbanned.

The unit used facts which it distorted and exaggerated, at times entirely making things up.

After 1990, these included making the most of the Seipei case and spreading claims that Madikizela-Mandela was having an affair with Archbishop Desmond Tutu, that she was an alcoholic and that, together with her daughter, Zinzi, she

took marijuana, and also that the two were nymphomaniacs.

Erasmus used a Glasgow based agent to spread this disinformation in the international press, whose reports were picked up by local papers, as well as to members of the Conservative Party government.

The head of Stratcom in 1989 and 1990, Colonel Vic Macpherson, told the TRC that part of an operation called "Romulus" involved spreading propaganda about Winnie Mandela abroad to discredit the ANC.

This included feeding the media information about the Dali Mpothu affair, with a story run in the London Sunday Times in mid-June 1991 being carried by several local news papers, including City Press.

According to a document in the possession of the TRC, the following week Source JHB 825 contacted City Press with further information resulting in a broader article on the matter.

The document says that it was of great importance that the information was thought to have been leaked by elements in the ANC, resulting in suspicion and conflict in the ANC NEC.

Stratcom operatives then created a perception at City Press that some of the information came from the legal firm Cheadle Thompson and Hayson. The document said this was intended to discredit Sheila Weinberg, a SACP member who worked at the firm.

■ Pic Beeld

# Politics keep popping up at TRC

By CHIARA CARTER

**T**AKE A POLITICIAN bidding for deputy presidency of the ruling party, astonishing allegations linking her with a string of human rights abuses, a public hearing on the eve of party elections it all adds up to a heady brew of political dynamics.

No matter how much the JRC attempts objectivity, politics past and present is a strong strand at the Winnie Mandela hearing.

The political dynamics were placed openly on the table by Commissioner Dumisa Ntsebeza after testimony by former UDF treasurer Azhar Cachalia, who called for the JRC to recommend that those convicted of serious human rights abuses and not granted amnesty should be prevented from holding office.

Ntsebeza said the hearing had been interpreted as "make or break" for Madikizela-Mandela's political fortunes. It would inevitably be used to further one or other political agenda.

Some of the submissions the TRC had received about spies in the ANC

suggested that within the ANC powerful contending forces were struggling for dominance. Madikizela-Mandela had been identified as Africanist - as opposed to groupings identified as "white liberal cabal" and "Indian cabal".

Cachalia said his statement was not motivated by a political agenda but was a moral call made out of concern for the future.

Cachalia, who now heads the Safety and Security Secretariat, and former UDF publicity secretary Murphy Morobe were the first prominent political figures to hit out at Madikizela-Mandela during this week's hearing.

They described how they had no option but to distance the MDM from Madikizela-Mandela after the kidnapping affair.

Their testimony sharply criticised Madikizela-Mandela's attitude towards the Mandela Crisis Committee and community organisations, and described her football club as violent and out of control.

Both indicated that they had suffered personally from the results of the statement distancing the

MDM from her, but said not only did they have no option at that time, but they were proud of it. Cachalia spoke emotionally about the need for the struggle to take a stand on the abuse of human rights.

He said the MDM had been campaigning for the release of children, and yet children were allegedly suffering at the hands of the Mandela United Football Club.

The tone of their testimony was in sharp contrast to the largely evasive earlier evidence by members of the Mandela Crisis Committee (MCC) and various community and church leaders.

These included Crisis Committee members Aubrey Mokoena, Sister Bernard Ncube, Sydney Mufamadi and Frank Chikane, former community leader turned businessman Nthato Motlana and father Smangaliso Mkatshwa.

They were at pains to point out the sensitivity of the situation they were faced with after the youths were abducted from the Methodist manse.

All were careful not to directly accuse Madikizela-Mandela but all struggled to explain delays in

securing the release of the kidnapped youths.

The hearing heard about protracted negotiations - in the case of Motlana it took 10 days from his first visit to the date he secured the release of the remaining boys.

They could not provide a satisfactory explanation about why they did not press Madikizela-Mandela on the whereabouts of Stompie Seipei, whom they had heard was badly injured.

The old tensions in the crisis committee were again apparent with Mokoena assuming a soft line on Madikizela-Mandela, Ncube staying largely silent, Chikane attempting diplomacy, and Mufamadi answering bluntly.

At the end of grueling cross-examination, the politicians agreed that Madikizela-Mandela was the figure who held the key to the youth's freedom.

All disputed claims she had made at a previous in-camera hearing that documents issued by the committee, the MDM, and community organisations, in which Madikizela-Mandela and the MUFIC were criticised, were the work of Stratcom.



# Outcry as Trevor Tutu is granted amnesty

CRAIG DOONAN

A STORM has burst over the Truth and Reconciliation Commission's decision to grant amnesty to Trevor Tutu, the son of its chairman, Archbishop Desmond Tutu.

The archbishop has refused to comment on the decision. "He doesn't want to be drawn into the debate about how the amnesty committee handles it," his spokesman, John Allen, said. "He accepts there will be criticism and is happy to face it. He was not involved in the amnesty decision."

Tutu, 41, was sentenced to three-

and-a-half years in jail in 1991 after he made a bomb threat at East London airport in 1989.

Although sentenced six years ago for the incident, he avoided going to jail until August, when the Sunday Times tracked him down despite claims by the police that they were unable to find him.

In his amnesty application, Tutu said his aims had been in line with the ANC's strategy to "render the country ungovernable."

Opposition parties are fuming over the amnesty decision, saying Tutu failed to meet the necessary criteria. Among the questions they are asking are

● Why was Tutu's application

rushed through ahead of others on the waiting list? Allen says his application was processed with the same speed as others, but the PAC has accused the TRC of giving Tutu a speedy hearing while its members have been forced to wait.

● Was Tutu an ANC member, as he claims? ANC spokesman Ronnie Mamoepa could not confirm Tutu's membership yesterday.

Asked why Tutu had not been subjected to a public amnesty hearing, and reacting to criticism that his case had been handled quicker than others, Allen said Tutu's offence did not fall within the definition of a gross human rights abuse. This had made it easier to process.

"All these (types of) cases are dealt with in chambers, compared with the PAC cases which mostly require public hearings," he said.

But opposition parties have described Tutu's act as "purely criminal" and have questioned whether his relationship to the archbishop eased his amnesty application.

The PAC's Michael Mwendane said there were 200 PAC cadres "anguishing in jail for helping this country's liberation, but here is Trevor Tutu and what he did had no political motives at all."

Democratic Party leader Tony Leon said "This reflects badly on the commission and makes a mockery of the whole amnesty process."

ST 30/11/97

(252)

**A**FTER three days of relentless cross-examination, defence advocate George Bizos SC has been unable to breach more than a chunk in Polish immigrant and convicted assassin Janusz Walus's armour.

The man who is seeking amnesty for the April 10 1993 murder of SA Communist Party leader Chris Hanu is sticking firmly to his story that he and former Conservative Party parliamentarian Clive Derby-Lewis were the only people involved in the Hanu assassination, and that their sole motive was to "cause chaos" in South Africa so that the right wing could seize power.

Expectations that the amnesty hearings, which began in August, would finally reveal that a broader conspiracy hatched by state agents lay behind the killing have not materialised.

But Bizos has shown that Walus, a craftsman in the glass-cutting industry who fled his native land to escape communism, dabbled on the fringes of the intelligence community, acting as an informer for National Intelligence Service agent Johan Fourie until 1991.

Fourie says in a statement that Walus was never registered as a source, but "occasionally" supplied him with information about members of the Polish community involved in "suspicious" or security-related activities.

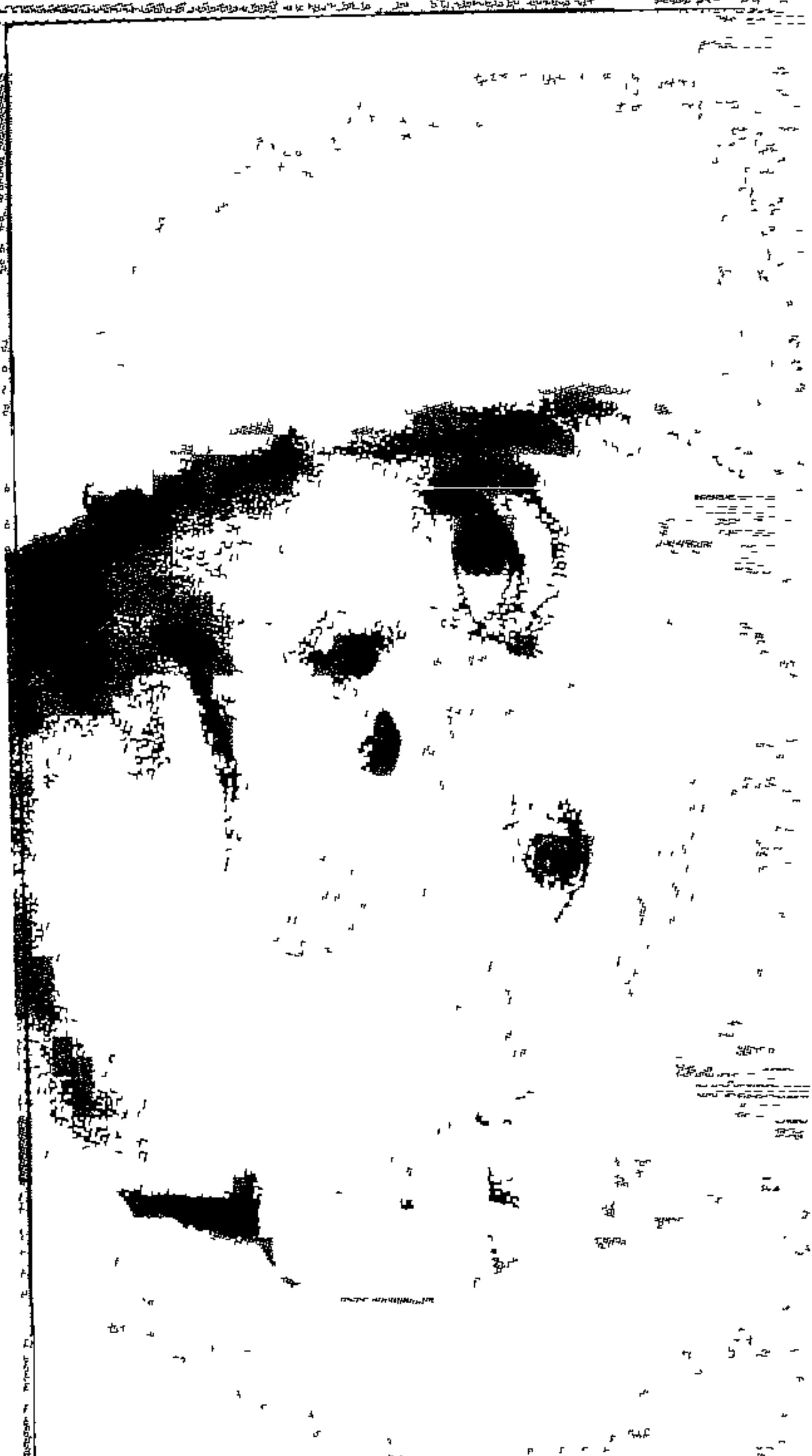
Walus also admits knowing Edwin Clark, described by Derby-Lewis and his wife, Gaye, as a "man who fixed our computers", but who has now emerged as a senior intelligence officer for the right-wing Afrikaner Volksfront, headed by former military intelligence officer General Tieme Groenewald.

This week, the truth commission's amnesty committee, sitting in Pretoria, was told it had not been possible to subpoena Clark to testify as he could not be found at the address he gave police investigating the Hanu murder.

The committee also heard that Walus confessed to murdering Hanu after being "convinced" by one of his interrogators, Captain Nic Deetlefs, that he was "one of Groenewald's men who had infiltrated the security police."

During a 14-hour interrogation session five days after his arrest, Walus — drinking beer which he claims was laced with "other alcohol or maybe drugs" — finally broke down at 4.30am with the words, "So f\*\*\* them Well, guys, what would you like to know?"

Clark, who was at the Derby-Lewis home on the day Walus took possession of the unlicensed 9mm Z88 pistol with which he shot Hanu, is one of eight witnesses Bizos intends calling to show that Walus and Derby-Lewis have not made full disclosure and should thus



**STRAIGHT TALKING:** Janusz Walus, who acted as an informer for an NIS agent until 1991

Picture: ELIZABETH SEJAKE

# The truth about Hanu is still not free

*The assassin is sticking to his guns, reports MARLENE BURGER*

Gaye Derby-Lewis, acquitted of being party to the conspiracy, will also be called Bizos hopes to show she played a larger role in the plot to kill Hanu than the amnesty applications or her own evidence at the 1993 trial indicate.

Former security policeman Johannes Venter will testify about the alleged theft of more than R300 000 from the JCI pension fund, for which he is seeking amnesty. The money allegedly formed part of a R12-million war chest stolen by rightwingers from various businesses in the run-up to the 1994 elections.

According to Venter, part of the JCI money was later expropriated by Clark to pay for Walus's defence at his trial. Walus denies any knowledge of this, and says he has never met Venter.

He also denies knowing Abe Fourie, a former security guard at the Johannesburg International airport Holiday Inn, where an internal ANC investigation allegedly claims Hanu spent the night

before the murder with a former air hostess, Cooke Ndungane. According to media reports some months ago, Fourie reported Hanu's departure from the hotel on that Easter Saturday morning to an unidentified source.

The ANC report has not been tabled at the amnesty hearings, and the commission's own investigation into the assassination is not yet complete. The commission heard this week that investigative unit deputy head Wilson Magadla needed "at least another month" to finalise his probe.

Adding credence to convictions that elements of the South African security forces were involved in the Hanu assassination, either directly or by dint of ignoring advance intelligence reports that it was planned, was evidence that a German newspaper reported just days before he died that a "high-profile ANC person" was marked for murder. Copies of this report are expected to

be brought to the hearings when they resume tomorrow.

Bizos will also call Rooodepoort estate agent Faan Venter, who supplied Derby-Lewis with the murder weapon, Cape-based rightwinger Keith Darroll, who made a silencer for the pistol, and former Zimbabwean businessman Peter Jackson, for whom Walus worked as a long-distance truck driver at the time.

The red Ford Laser in which he drove to Hanu's home in Dawn Park, Boksburg, on the day of the murder belonged to Jackson, though it was still registered in the previous owner's name.

With the spotlight firmly on the truth commission's Winnie Madikizela-Mandela hearings since last Monday, only a handful of people trekked to the Vista University campus in Mamelodi to hear Walus testify. Among those in the hall were Nobel laureate Nadine Gordimer, Justice Minister Dullah Omar's wife, Farieda, and Hanu's widow, Lumpho



# Face to face with her accusers

Some hated her, some protected her, some wept before her, but witness after witness was affected by Winnie Madikizela-Mandela's presence at the Truth and Reconciliation Commission this week. **CYRIL MADLALA** assesses their testimonies **(252)** **ST 30 (11/97)**

## THE VINDICATED

FOR some witnesses, this week's Truth and Reconciliation Commission hearing lifted from their shoulders unbearable burdens of many years. Most prominent among them is Methodist Bishop Paul Verryn, who for almost a decade suffered the painful degradation of having the media say he was a homosexual who sodomised young men seeking sanctuary at his Soweto manse.

It was the allegation that he was abusing the youths that led to the kidnapping of four of them by members of the Mandela United Football Club. Among them was 14-year-old Stompie Seipei, who was also accused of being a police agent.

This week, the boys took turns apologising to Verryn for falsely accusing him. One of them was Katiza Cebekhulu, who in 1989 told a community meeting in Soweto, called to deal with the football club crisis, that Verryn had "lain on top of him on one occasion". Verryn, who was not married at the time, had admitted sharing his double bed with the boys, but said he had not abused them.

This week he told the commission of the trauma of living for nine years with the stigma of a horrendous lie. And to Madikizela-Mandela he said "I long for reconciliation. I have been profoundly hurt by the things you have said about me. I was cut to the quick. I struggled to learn to find forgiveness for you, even if you do not want it or think I do not deserve to give it." She undertook to respond to Verryn privately.

For his part, he apologised to Seipei's mother, saying he had had to live with the guilt that if he had acted earlier, her son may have been saved.



THE EYES OF THE STORM: Winnie Madikizela-Mandela listens to damning evidence of the death, fear and pain she allegedly wrought

Picture: RAYMOND PRESTON

seat and despite Tutu's pleas for restraint, could not be contained.

Falati, a former close friend who was convicted with Madikizela-Mandela for kidnapping Seipei, was sentenced to two years imprisonment while Madikizela-Mandela's six-year sentence was changed to a R15 000 fine.

Falati said "When dealing with Mrs Mandela yours is not to reason why, yours is to do and die. She thinks she is a dem-god, a superhuman."

The string of allegations she levelled against Madikizela-Mandela included that she had had a relationship

with Paul Erasmus, a security branch policeman Falati claimed to have seen him going into Madikizela-Mandela's room late at night.

She told of scuffling for a handbag in which she said Madikizela-Mandela had a pistol, and said her former friend had assaulted the young men who were abducted from the manse.

Falati said Madikizela-Mandela was ungrateful that she had gone to prison to protect her, but Semanya suggested Falati was bitter because Madikizela-Mandela had not financed her appeal.

Another witness, Phumle Dlamini, 46, said as she

described how Madikizela-Mandela had assaulted her when she discovered she was in love with one of Madikizela-Mandela's drivers.

Dlamini said the assault during her pregnancy had led to her son's premature birth and subsequent learning and concentration problems.

Another embittered witness was Charles Zwane, who is serving a life sentence after being convicted of nine counts of murder. He cried as he told the commission how he had been tortured by the police to extract a confession that implicated him in more murders. Zwane had actually committed





MORAL HIGH GROUND: Azhar Cachalia

## E BOLD

back in 1989, at the height of the football club vinties, community leaders were wary about dis- lining Madikizela-Mandela because she was a pow- 4 leader in her own right and was married to the ed Nelson Mandela

rphy Morobe, who was the spokesman for the Democratic Movement, and Azhar Cachalia, the al treasurer of the United Democratic Front, had a six hours drafting a statement distancing the vement from Madikizela-Mandela. This week they k the stand to explain why they had taken such a astic measure when all around them trembled at the ere mention of Madikizela-Mandela's name

The UDF had campaigned consistently for the re- ease of children in detention, and against their abuse n townships. According to Cachalia, immediate action had to be taken when a prominent leader of the move- ment was alleged to be involved in violating children's rights

He told the commission "The football club often dispensed their frightening brand of justice, which included vicious assaults in cases ranging from do- mestic disputes to those who crossed their paths and were branded as informers. It was widely spoken about in the community that Mrs Mandela often directed these operations

"The football club was infiltrated and some of its members actually worked for the police. Some mem- bers of the community held the view that Mrs Mandela was herself working with the police."

Realising the Mandela crisis committee had become ineffective in the face of Madikizela-Mandela's obsti- nacy, "as national leadership of the UDF we knew we had to do something bold and imaginative. We decided to publicly distance ourselves from Mrs Mandela's ac- tions," Cachalia told the commission

Explaining how their action had cost them polit- ically, Morobe said: "For me personally, this is im- portant because this statement has had a profound effect on me as an individual, on my relationship with Mrs Madikizela-Mandela (though always coming to me in undercurrents), with many others inside and out- side the movement who, given the benefit of proximity or otherwise to the intensity of the events being in- vestigated by the TRC, would have taken positions one or the other. This was an issue of principle that my organisation had to confront."

Cachalia summed up "It was one of the most difficult decisions I have ever made. But, it is also one of the proudest moments that I can remember. As time went on, I have often had cause to reflect on that decision. I hope that if I am ever confronted with having to make a similar decision that I will have the moral courage to do it again."

dela's involvement with young people who behaved like thugs, Mokoena was so eager to protect her that he told the commission how "Mama" had been so driven by altruism that sometimes it had blinded her and she had not seen the wood for the trees

He questioned the accuracy of Bishop Peter Storey's diary account of how the Madikizela-Mandela saga had evolved, suggesting Storey had not been well informed because he did not live in Soweto

While the members of the crisis committee indi- vidualy told the commission they did not fear Madik- izela-Mandela, it was clear they were as uncomfortable about testifying against her this week as they had been about confronting her in 1989

At times there seemed to be disagreement among committee members, particularly Mokoena and Mufamadi, about how to respond to questions that put Madikizela-Mandela in a negative light

At least the minister was bold enough to say on several occasions that some information she had fur- nished to the commission during her earlier closed hearing was a lie

Dr Nthato Motlana, who was also a community lead- er in Soweto and a family doctor, insisted he had not asked for access to the kidnapped boys because his mission had been only to have them released. He did not know why it had taken more than a week for Madik- izela-Mandela to have them released, and said it had not occurred to him to insist that they be released immediately

Father Smangalis Mkhathshwa, the Deputy Minister of Education, and the Rev Otto Mbangula, who was the superintendent minister in charge of the circuit under which the manse fell, had also gone to see Madikizela- Mandela about the kidnapping, but shifted uneasily when the commission could not understand why more was not done to secure the youths' release rather than accept Madikizela-Mandela's word that they were "safe and sound." In fact, they had been beaten up and one was dead

Joining these eminent persons in tendering uncon- vincing answers was Jabu Sithole, who was charged in connection with the Seipei affair but jumped bail be- fore the trial commenced. He was cagey when asked how he had left the country, and would not tell the commission how exactly he, like Cebekhulu, had end- ed up in Zambia

He was warned that he could be charged if he con- tinued with his evasive answers





FACT OR FICTION: Katiza Cebekhulu

## THE DISCREDITED

CEBEKHULU's testimony had been expected to be the decisive blow against Madikizela-Mandela. His story is the subject of a book by Fred Bridgland, *Katiza's Journey*, and a television documentary, and he flew in from London to testify.

He dramatically pointed at Madikizela-Mandela, identifying her as the person who killed the young activist, but was shaky during cross-examination, confirming he had no personal knowledge of many things attributed to him in the book.

In it he said that before he was spirited out of the country he was taken to Madikizela-Mandela at ANC headquarters, Shell House, where he was given the option of leaving the country. As Madikizela-Mandela's lawyer, Ismael Semenya, pointed out, the ANC had not yet moved to Shell House when Cebekhulu left South Africa.

But crucially, Jerry Richardson, the Mandela football club coach, has applied for amnesty for killing Sepei, which means either he or Cebekhulu is lying.

It was clear that most of the evidence that was expected from Cebekhulu as reflected in the book was not his personal knowledge. He ended up admitting he had not known alleged informer Lolo Sono, although in the book he goes on at some length about Sono's murder.

Emma Nicholson, the former British MP who took up Cebekhulu's cause while he was imprisoned in Zambia, also did not fare well at the hearing. She admitted the contents of Bridgland's book had not been vetted by Cebekhulu.

## THE EMBITTERED

ALTHOUGH she described herself as a bottle of champagne waiting to be corked open, Xoliswa Falati erupted more like a volcano when she finally got the platform to pour out her feelings about Madikizela-Mandela. With eyes darting like those of a snake about to strike, Falati spat venom the moment she took her

## THE INDECISIVE

IT HAD been hoped that members of the now defunct crisis committee would this week break the silence of almost a decade on how the Soweto community leaders had viewed the crisis around Madikizela-Mandela and her football club.

And it was a formidable line-up that appeared before Archbishop Desmond Tutu and his panel. There was the Rev Frank Chikane, director general in the office of the deputy president, who is also former general secretary of the South African Council of Churches and former vice-president of the UDF and the Soweto Civic Association. There was Aubrey Mokoena, who was the national co-ordinator of the Release Mandela Campaign and member of the national executive committee of the UDF, and is now chairman of committees in the National Assembly. Next to Chikane sat Sister Bernard Ncube, former president of the Federation of Transvaal Women's Organisation and an MP.

There was also Sydney Mufamadi, the Minister of Safety and Security, who is a former deputy secretary general of Cosatu.

This was the committee that intervened on behalf of the Soweto community after Madikizela-Mandela's house was burnt in July 1988 by students who were in conflict with football club members.

The committee later tried to secure the release of the four kidnapped youths. They went to see Madikizela-Mandela on January 13 1989 and were told the young men had not been kidnapped but had in fact been rescued from Verryn and were happy to be at the Mandela residence.

Asked about possible reasons for Madikizela-Man-